

MIDA

Military Installation Development Authority



Military Recreation Facility Project Area



Development Standards & Guidelines

Recommended for Approval by the MRF DRC on August 19, 2019

Adopted by the MIDA Board on October 1, 2019

TABLE OF CONTENTS

INTRODUCTION

CHAPTER 1 DEFENITIONS

SECTION 1.01..... TERMS, TENSES, AND DISPUTES OF DEFINITIONS

CHAPTER 2 REVIEW PROCEDURES

SECTION 2.01..... MASTER DEVELOPMENT PLAN
SECTION 2.02..... SUBDIVISION PLAT
SECTION 2.03..... SITE PLAN
SECTION 2.04..... CONDITIONAL USE
SECTION 2.05..... BUILDING PERMIT
SECTION 2.06..... GRADING PERMIT
SECTION 2.07..... INFRASTRUCTURE IMPROVEMENT PERMIT
SECTION 2.08..... SKI FACILITIES
SECTION 2.09..... PROCEDURAL MATTERS
SECTION 2.10..... VARIANCES
SECTION 2.11..... APPROVAL OF NON-COMPLYING APPLICATIONS

CHAPTER 3 LAND USE REGULATIONS

SECTION 3.01..... PURPOSE
SECTION 3.02..... PERMITTED USES
SECTION 3.03..... CONDITIONAL USES
SECTION 3.04..... PROHIBITED USES
SECTION 3.05..... BUILDINGS/IMPROVEMENTS
SECTION 3.06..... NUISANCE FACTORS AND HAZARDS
SECTION 3.07..... ENFORCEMENT
SECTION 3.08..... LANDSCAPING AND INFRASTRUCTURE IMPROVEMENTS

CHAPTER 4 STANDARDS AND GUIDELINES

SECTION 4.01..... PURPOSE AND INTENT
SECTION 4.02..... GENERAL DESIGN STANDARDS
SECTION 4.03..... ARCHITECTURAL DESIGN STANDARDS
SECTION 4.04..... LANDSCAPE DESIGN STANDARDS
SECTION 4.05..... PARKING DESIGN STANDARDS
SECTION 4.06..... LIGHTING DESIGN STANDARDS
SECTION 4.07..... SIGNAGE DESIGN STANDARDS
SECTION 4.08..... INFRASTRUCTURE IMPROVEMENTS DESIGN STANDARDS
SECTION 4.09..... OTHER DESIGN STANDARDS

CHAPTER 5 MOUNTAIN VILLAGE AND MWR HOTEL SITE

SECTION 5.01..... DEFINITIONS
SECTION 5.02..... PURPOSE AND INTENT
SECTION 5.03..... SUBDIVISION BY METES AND BOUNDS – MWR HOTEL SITE AND BLXM MOUNTAIN RESORT
SECTION 5.04..... BLXM MOUNTAIN RESORT MASTER PLAN, DENSITY DETERMINATION AND PHYSICAL CONSTRAINTS ANALYSIS – BLXM DEVELOPMENT AGREEMENT
SECTION 5.05..... WEST SIDE ROADWAY AND STORM WATER INFRASTRUCTURE STANDARDS

	AND GUIDELINES
SECTION 5.06	WASATCH COUNTY'S PRIOR LAND USE DECISIONS AND MUNICIPAL SERVICES LAWS
SECTION 5.07	INTERPRETATION AND CLARIFICATION

CHAPTER 1 DEFINITIONS

1.01 Terms, Tenses, and Disputes of Definitions

For the purpose of these MIDA Development Standards, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not discretionary. For any term or use not defined herein, the APA publication entitled *Planner's Dictionary* and *Webster's Dictionary* (latest editions) shall be consulted and the definition used will be determined by the Executive Director.

Administrative Approval - a written approval granted by the Executive Director pursuant to the MIDA Development Standards. Unless otherwise set forth in the MIDA Development Standards, Administrative Approvals shall expire one hundred eighty (180) days after such approval is given unless acted upon during such one hundred eighty (180) day period. The Executive Director may grant one extension of up to one hundred eighty (180) days on a finding of good cause by the Executive Director.

Applicant – any Person, who is an owner (or authorized agent thereof) of property in the MIDA Control Area who has submitted an Application for Development Activity contemplated by the MIDA Development Standards, including but not limited to MDP approval, Subdivision approval, Site Plan approval, Conditional Use approval, building permit approval, grading permit approval, and infrastructure permit approval.

Application – a submission form required by MIDA in connection with an Applicant's request to engage in Development Activity contemplated by the MIDA Development Standards in the MIDA Control Area, including but not limited to MDP approval, Subdivision approval, Site Plan approval, Conditional Use approval, building permit approval, grading permit approval, and infrastructure improvement permit approval.

Boundary Line Agreement - a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary in accordance with Section 57-1-45, Utah Code Annotated.

Building Envelope – the designated area on a lot or parcel within which a building or accessory structure must be located. A Building Envelope is exclusive of undevelopable, setback, easement, and buffer areas.

Certificate of Occupancy – the document issued by MIDA certifying that, after appropriate review and inspection, a premises complies with the provisions of

these MIDA Development Standards and with applicable building codes. Includes temporary Certificates of Occupancy.

Completion Assurance - a surety bond, letter of credit, cash, or other equivalent security acceptable to MIDA in its sole discretion and required by MIDA to guarantee the proper completion of an Infrastructure Improvement (an “**Improvement Completion Assurance**”) or in connection with the granting of a Grading Permit (a “**Grading Completion Assurance**”) as a condition precedent to:

1. Recording a Subdivision Plat; or
2. Beginning Development Activity.

Conditional Use – a Land Use that, because of its unique characteristics or potential impact on the MIDA Control Area, surrounding neighbors, or adjacent Land Uses, may not be compatible in some areas or may be compatible only if certain conditions are met that mitigate or eliminate the detrimental impacts of the Land Use.

Conference Center – specialized and dedicated area(s) within or adjacent to a Hotel, or as a stand-alone facility, that is designed and built to host events including but not limited to conferences, exhibitions, large meetings, public and private receptions, and training sessions. Conference Centers may include office and leisure facilities as an Accessory Use.

Condominium Unit – a single unit in a Condominium Project, together with the undivided interest in the common areas and facilities of the Condominium Project appertaining to that unit.

Condominium Project – a project made subject to the Utah Condominium Ownership Act containing two or more Condominium Units, including, without limitation, all Condominium Units and common areas and facilities located within such Condominium Project.

Construction – any site demolition, preparation, assembly, erection, substantial repair, alteration or similar action, for or of rights-of-way, structures, utilities or similar property.

Developer – any person proposing to subdivide land for the purposes of selling smaller parcels, or any Person proposing to undertake a Development Activity in the MIDA Control Area.

Development Activity – (a) any Construction or expansion of a building, structure or use that creates additional demand and need for public facilities; (b) any change in use of a building or structure that creates additional demand and need for public facilities; or (c) any change in the use of land that creates additional demand and need for public facilities.

Development Agreement – an agreement negotiated and entered into between MIDA and a property owner/Developer that sets forth the obligations and rights regarding development of the subject property. The Development Agreement shall run with the subject land and be binding on all successors and assigns.

Development Review Committee (“DRC”) – a review board established by MIDA to review an Application pursuant to the procedures set forth in these Standards, and grant Conditional Use permits and to make other recommendations to the MIDA Board for approval, approval with conditions, or denial pursuant to the MIDA Development Standards. The MIDA Executive Director shall chair the DRC.

Driveway – a Hard Surface vehicle access way extending from a Public or Private Road to a building or structure, Parking Facility, delivery area, or pedestrian drop-off point on a lot or parcel, or between such areas on a lot or parcel.

Dwelling – a building or portion thereof designed or used for residential occupancy, including one-family, two-family, multi-family and apartment structures and Condominium Units; but shall not include Hotels, boarding, rooming or lodging houses, tents, trailers, mobile home parks, motels, motor courts, recreational vehicle courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

Dwelling Unit – a single Dwelling providing complete, independent living facilities for one or more Persons, including provisions for living, sleeping, eating, cooking and sanitation.

East Side Interlocal Cooperation Agreement – that certain Interlocal Cooperation Agreement, *East Side*, between MIDA and Wasatch County, having an Effective Date of December 4, 2018, as modified, replaced, superseded or amended from time to time.

Employee Housing– private housing provided by an employer to house employee(s) on or near a place of employment.

Equivalent Residential Unit (“ERU”) – A unit size, determined as follows:

1. As ERU may be defined in Development Agreements and/or MDP’s which are in place for certain properties on July 3, 2019;
2. notwithstanding the foregoing, for all water and sewer calculations, an ERU is as defined by the Jordanelle Special Service District;
3. for all other purposes, ERU is defined as set forth in the chart below:

RESIDENTIAL USE	NOTES	ERU'S
One (1) Bedroom Unit	not to exceed seven hundred (700) sq. ft. including bathroom areas but not corridors outside of rooms	.33
One (1) or Two (2) Bedroom Unit	not to exceed one thousand (1,000) sq. ft. and not to exceed one and one-half (1 ½) baths	.50
Other Unit under 1,501 sq.ft.	not to exceed fifteen hundred (1,500) sq. ft.	.75
All other residential uses**	up to five thousand (5,000) sq. ft., plus an incremental increase	1.00

** Incremental increase will be one-tenth (.10) ERU per five hundred (500) square feet.

4. Except for the water and sewer calculations described in subsection 2 above, ERU does not include Hotel, commercial uses or affordable, moderate or Employee Housing, but will include any Residential Condominium Units located within a Mixed-Use Hotel.

Executive Director – MIDA’s Executive Director or Acting Executive Director, or his or her designee.

Fence – a structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals.

Fire District – Wasatch County Fire District.

Garage, Private – an attached or detached building accessory to a single-family Dwelling designed or used for the storage of private passenger automobiles used by the occupants of the Dwelling to which it is accessory.

Governmental Infrastructure Improvements – has the meaning set forth in the definition of “Infrastructure Improvements”.

Grading Completion Assurance – has the meaning set forth in the definition of “Completion Assurance”.

Grading Plan – a topographic development plan prepared by a registered civil engineer showing contours for before and after grading.

Grocery Stores and Convenience Stores – stores selling food and other sundries for off-site preparation and consumption.

Hard Surface - an impermeable, dust free surface, such as concrete or asphalt. Road base is not, for purposes of this definition, Hard Surface.

Hotel – a building containing guestrooms in which lodging is provided for compensation to transient guests, and in which commercial services may be provided for guests.

Improvement Completion Assurance – has the meaning set forth in the definition of “Completion Assurance”.

Improvement Warranty –an Applicant’s unconditional warranty that an accepted Infrastructure Improvement:

1. Complies with MIDA’s or the applicable governmental entity’s written standards for design, materials, and workmanship in effect when the Application for Infrastructure Improvements was approved; and
2. Will not fail in any material respect, as a result of poor workmanship or materials, within the Improvement Warranty Period.

Improvement Warranty Period – means a period commencing upon acceptance of the required Infrastructure Improvements by MIDA or the applicable governmental entity and terminating on the one-year anniversary thereof, unless the Executive Director, or in the case of JSSD, the JSSD General Manager:

1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
2. Has substantial evidence, on record:
 - a. Of prior poor performance by the Applicant; or
 - b. That the area upon which the Infrastructure Improvements will be constructed contains Suspect Soil and MIDA has not otherwise required the Applicant to mitigate the Suspect Soil.

Such determination must be made no later than MIDA’s acceptance of the Infrastructure Improvements and shall include notice to Applicant of the term of MIDA’s proposed longer Improvement Warranty Period. If the Applicant disputes Executive Director’s determination and the proposed term of the Improvement Warranty Period, Applicant may appeal such determination to the MIDA Board. If the Applicant disputes the JSSD General Manager’s determination of the proposed term of the Improvement Warranty Period, the Applicant may appeal such determination to the JSSD Board.

Infrastructure Improvements – facilities, improvements, and amenities that will be constructed, installed, operated, serviced, maintained and repaired by or for MIDA (“**MIDA Infrastructure Improvements**”), or other governmental entities, special service districts, or public utilities (“**Governmental Infrastructure Improvements**”) that are essential to support the MIDA Control Area and its development. These facilities include, but are not limited to: roads, water, sewer (including tanks, wells, substations, pump stations, storm water facilities, water treatment plants, and drainage facilities), dry and wet utilities, emergency services, landscaping, parks, trails, Parking Facilities, etc., including any overhead electrical transmission lines that are an Approved Use.

ITE – Institute of Transportation Engineers.

JSSD - Jordanelle Special Service District.

JSPA – Jordanelle Specially Planned Area.

Lock-off Residential Units - a Dwelling Unit or Hotel room, including Dwelling Units or rooms located in Hotels, Mixed-Use Hotels or other Condominium Projects, that can be divided off into two or more distinct Dwelling Units or Hotel rooms. Lock-off Residential Units cannot be separately deeded.

Master Development Plan (“MDP”) – a graphic document submitted by an Applicant that is adopted by the MIDA Board consisting of general ideas/vision for the subject property located within the MIDA Control Area, specifically including a proposed utility master plan, and proposed land uses.

MIDA Act – 63H-1-101 et seq. Utah Code Annotated 1953, as amended.

MIDA Board – the governing body of MIDA created by the MIDA Act.

MIDA Control Area - that portion of the MIDA Recreation Facility (MRF) Project Area in which MIDA has retained exclusive land use jurisdiction pursuant to the West Side Interlocal Cooperation Agreement. The MIDA Development Standards only apply to the MIDA Control Area.

MIDA Development Standards (“Standards”)– these Military Installation Development Authority Development Standards and Guidelines including construction specifications.

MIDA Infrastructure Improvements – has the meaning set forth in the definition of “Infrastructure Improvements”.

Military Installation Development Authority (“MIDA”) – a state authority established by the State of Utah pursuant to the MIDA Act to govern the development of military land in Utah, including but not limited to the MIDA Control Area.

Mixed-Use Hotel – a Hotel that includes individual Dwelling Units with each Dwelling Unit identified as a separate Condominium Unit on the recorded condominium Plat for the Mixed-Use Hotel, which Condominium Unit is capable of being individually owned. To be considered a Mixed-Use Hotel, there must be a front desk on site, or on a commonly managed property in close proximity to the Mixed-Use Hotel, common hallways for room access, with professional hospitality management available to individual Condominium Unit owners. Mixed-Use Hotels may be in one or more large buildings and generally function and appear to operate as a Hotel. For purposes of planning density, hotel rooms within a Mixed-Use Hotel do not count as ERUs, and Condominium Units that can be purchased and sold are considered ERUs based on their size per the applicable approved MDP.

Mountain Resort Look – an established design standard for mountain resort development, emphasizing high-quality and harmonious relationship to the environment.

MWR – Morale Welfare and Recreation Facility, a military morale, welfare, and recreation facility and related amenities that will be constructed in the MIDA Control Area.

Outdoor Recreation – various outdoor participant sports and types of recreation, including but not limited to: Alpine and Nordic skiing (included all related activities), miniature golf; skateboard parks and water slides; Alpine/gravity-powered coasters; and other related uses.

Parking Facilities – Surface Parking, Parking Structures and other similar facilities, whether public or private in nature, used for the temporary parking of more than four (4) automobiles, whether without charge or for a fee, or as an accommodation for clients or customers of the owner or tenants of an associated building(s) or Resort Use.

Parking Structures – Parking garages and other similar facilities, whether free standing in nature or incorporated into another building, used for the temporary parking of more than four (4) automobiles, whether without charge or for a fee, or as an accommodation for clients or customers of the owner or tenants of an associated building(s) or Resort Use.

Parking, Surface – an open area, other than a Public or Private Road, used for the temporary parking of more than four (4) automobiles, whether without charge or for a fee, or as an accommodation for clients or customers of the owner or tenants of an associated building(s) or Resort Use.

Parking, Temporary Surface – Surface Parking that is used for a limited amount of time (no more than two (2) years, which time may be extended upon application of the Applicant) while Construction, phasing or other Development Activity is underway. Temporary Surface Parking may be moved, removed, or converted to non-temporary Surface Parking.

Permitted Use – a Land Use, as noted in Chapter 3.02.A, that is allowed to be constructed or otherwise conducted after approval of the Site Plan without further review by the DRC or MIDA Board.

Person – an individual or entity including, a corporation, LLC, partnership, or other legal entity.

Plat – a map or other geographical representation of lands being laid out and prepared in accordance with the MIDA Development Standards and Section 57-8-13, Utah Code Annotated.

Recreation Facilities – facilities for various indoor and outdoor participant sports and types of recreation, including but not limited to health and athletic clubs; indoor and outdoor tennis courts, and swim and tennis clubs. May also include

commercial facilities customarily associated with the Outdoor Recreation uses and Recreation Facilities, including but not limited to Restaurants and Bars, and other related uses.

Resort Feature – a facility or area which serves as a major attraction. In other words, it provides activities or reasons for visitors to travel to the MIDA Project Area. Resort Features include, but are not limited to, Ski Facilities, amphitheaters, distinctive pedestrian walks, trails, plazas, skating ponds or rinks, health or spa facilities, water sports areas, swimming pools, trail heads, rock climbing features, hot springs and other Outdoor Recreation and Recreation Facilities.

Resort Use – use of one or more Resort Features.

Resort Village – the planned community, as indicated on the MDP which was approved by MIDA on December 17, 2018, in which the focus of use is a four-season resident/tourist, commercial, ski-mountain recreational resort and related commercial activities, and which may also include a variety of residential uses.

Restaurants and Bars – restaurants, bars and other establishments selling prepared foods and drinks for on-premises consumption, as well as facilities for dancing and other entertainment that are Accessory Uses and subordinate to the Principal Use of the establishment as an eating and drinking place. Also includes lunch counters, brew pubs, outdoor eating areas, wine tasting rooms not on winery premises and refreshment stands selling prepared goods and drinks for either immediate or off-premises consumption. A restaurant may provide takeout service, provided such service is clearly not the principal business of the restaurant and the takeout function is totally conducted on foot. For the avoidance of doubt, drive-throughs are not deemed Restaurants and Bars. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators; includes catering services incidental to food preparation for on-site consumption.

Retaining Wall – a wall designed and constructed to resist the lateral displacement and erosion of soils or other material.

Reviewers – Staff and other outside agencies and special districts, as determined by the Executive Director.

Ridgeline – a ridge location that is visible from a private or public road that is seen as a distinct edge against a backdrop of sky or land. The Ridgeline shall be from existing natural grade not including vegetation or manmade alterations to the existing Ridgeline

Ridgeline, Primary/Significant – within the MIDA Control Area, the Ridgeline that surrounds or visually dominates the MIDA Control Area as viewed from the intersection at the end of southbound Exit 8 from U.S. Highway 40 (the Mayflower Exit), the crest of which forms the boundary between Wasatch and Summit

Counties. This definition of the Primary Ridgeline does not apply to the MDP approved by MIDA on December 17, 2018.

Road or Street, Private – a road that is on private property and maintained by the property owners or an association of property owners and not a public entity.

Road or Street, Public – a road that is dedicated to a public entity and maintained by a public or private entity.

Site Plan – a plan for a portion of land in the MDP showing all essential dimensions, phases, and other information in compliance with the MIDA Development Standards submitted for review by Staff, the DRC, and the MIDA Board.

Ski Facilities – Passenger Ropeways, Ski Runs and Trails and Accessory Ski Facilities, including:

1. **Passenger Ropeways** – devices, excluding an elevator, used to transport passengers along a level, inclined or declined path by means of a haul rope or other flexible elements that are driven by a power unit that remains essentially at a single location. Passenger Ropeways include the following:
 - a. Aerial tramways – ropeways on which passengers are transported in cable supported carriers and are not in contact with the ground or snow surface and that reciprocate between terminals;
 - b. Aerial lifts – ropeways on which passengers are transported in cable supported carriers and are not in contact with the ground or snow surface and that reciprocate between terminals; aerial lifts include detachable grip lifts and chair lifts;
 - c. Conveyors – devices used to transport skiers and snowboarders standing on a flexible moving element or belt;
 - d. Funiculars – ropeways on which carriers are supported and guided by a guideway and that are propelled by means of a haul rope system and that are operated as a single or double reversible system;
 - e. Surface lifts – ropeways on which passengers remain in contact with the ground or snow surface and are pulled in one direction only by a towing device attached to a circulating wire rope; surface lifts include J-bars, T-bars, or platter pulls; and
 - f. Rope tows – ropeways on which passengers remain in contact with the ground or snow surface and are pulled in one direction only by a towing device attached to a

circulating wire rope; rope tows include wire rope and fiber rope tows.

2. **Ski Runs and Trails** – slopes intended for downhill skiing, paths or trails for cross-country or Nordic skiing, and helicopter skiing runs.
3. **Accessory Ski Facilities** – snow making equipment and storage, instruction and mountain safety, backcountry ski access and training, maintenance and storage sheds, and related commercial facilities such as equipment rental and storage lockers, warming huts, Restaurant and Bars, Hotels and other overnight lodging accommodations, restrooms, and other Temporary Structures.

Snow Removal – removing snow from Public and Private Roads, Driveways, sidewalks, Parking Facilities, and paths.

Snow Removal Equipment – includes Snow Removal vehicles, snowplows and snow blowers.

Staff – MIDA’s staff and such design, engineering, planning, legal, and construction consultants contracted by MIDA to provide a thorough review of Applications for Development Activity in the MIDA Control Area, or such other items as determined by the Executive Director.

Story – that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above.

Subdivision – any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either.

Surface Drainage – water runoff caused as a result of precipitation or irrigation.

Suspect Soil – soil that has:

1. A high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
2. Bedrock units with high shrink or swell susceptibility; or
3. Gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Temporary Structures – structures that are used during the Construction or phasing period, including without limitation: port-o-potties, trailers, and storage shed/containers.

Townhome – a Dwelling Unit in a complex of similar type units typically separated by private open space or a common wall between units where each unit is the sole Dwelling Unit on a separate lot and each Dwelling Unit also includes an interest in common areas other than the lot upon which the Dwelling Unit is situated.

Use, Accessory – a use accessory to any Principal Use and customarily a part thereof, which is incidental and secondary to the Principal Use, is significantly smaller in area and/or scope than the Principal Use and does not change the character of the Principal Use.

Use, Approved or Permitted – a Land Use that is either:

1. Identified by the MIDA Development Standards as a Permitted Use, or approved as a Conditional Use, and established and maintained in a manner that is consistent with all applicable provisions of the MIDA Development Standards; or
2. Identified and thereby authorized by MIDA to be constructed and/or established through the approval of the Master Plan and Constraints Analysis/Density Determination for the Mayflower Mountain Resort project.

Use, Land – the purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

Use, Principal – the primary purpose for which a building, structure or lot or parcel is designed, arranged or intended, or for which they may be used, occupied or maintained under the MIDA Development Standards.

Voluntary Cleanup Program (VCP) – an investigation and cleanup of approved sites under the direction of the Utah Department of Environmental Quality (UDEQ), where there has been a suspected or confirmed contaminant release threatening public health and the environment.

VCP Activity – any and all investigation, characterization, cleanup, maintenance and monitoring done in conjunction with or for the approved VCP and any Environmental Protection Agency (EPA) or other State or federal environmental permitting or action; including but not limited to the Utah Pollutant Discharge Elimination System (UPDES) water quality permitting and water treatment plant. VCP Activity does not require a permit by MIDA or (except as explicitly set forth in the applicable VCP) any other agency.

West Side Interlocal Cooperation Agreement – that certain Interlocal Cooperation Agreement, between MIDA and Wasatch County, West Side, having an Effective Date of December 4, 2018, as modified, replaced, superseded or amended from time to time.

Wetland – delineated wetlands, pursuant to the Clean Water Act as defined by the Army Corps of Engineers.

Working Days – any day (other than Saturday, Sunday or legal holidays) on which legal business can be conducted.

CHAPTER 2 REVIEW PROCEDURES

- 2.01 Master Development Plan
- 2.02 Subdivision Plat
- 2.03 Site Plan
- 2.04 Conditional Use
- 2.05 Building Permit
- 2.06 Grading Permit
- 2.07 Infrastructure Improvement Permit
- 2.08 Ski Facilities
- 2.09 Procedural Matters
- 2.10 Variances
- 2.11 Approval of Non-Complying Applications

2.01 Master Development Plan (MDP)

- A. **MDP Application:** An MDP approval is required before any Site Plan approval, and before Construction may occur on property within the MIDA Control Area. The Applicant shall submit a MDP Application and fee, as established by resolution of MIDA, to the Executive Director. With respect to properties within the MIDA Control Area that are not the subject of a previously approved MDP or Development Agreement with MIDA, any MDP approval shall be consistent with the Interlocal Cooperation Agreement applicable to such property, and shall only approve an “ERU density” generally consistent with the “ERU density” that would have been allowed for such real property pursuant to the JSPA as of the date of the West Side Interlocal Cooperation Agreement.
- B. **MDP Submittal Requirements:** Unless otherwise authorized by the Executive Director, three copies of the MDP drawn accurately at a standard engineering scale of one hundred (100) feet to an inch, or larger, to produce an overall drawing measuring 24” x 36”. One, to scale, digital copy of the MDP shall be provided in PDF & DWG format.
 - 1. Existing Conditions Data:
 - a. Existing topography shall be shown on the same map as the proposed MDP. The portrayal of the topographic data shall be in accordance with the current National Mapping Standards and the American Society of Photogrammetry and Remote Sensing (ASPRS) standards.
 - b. All planimetric features shall be indicated on the MDP. These features include but are not limited to water wells, streams, canals, irrigation laterals, private ditches, washes, ponds, or other water features; direction of flow; location and extent of known areas subject to inundation and all existing utility main lines (size and owner).

- c. Location, widths, and names of all planned and existing streets, railroads, utilities, any and all easements, public areas, permanent structures to remain including water wells, taxing entity boundaries within or adjacent to the MDP area, and any other encumbrances or items of record.
 - d. By note, the acreage of the MDP.
 - e. Boundaries of the MDP with an exhibit title that includes the name of the development, phase names and/or numbers and the location of the development by number of section, township, range and county.
 - f. Any excepted parcels within the MDP boundaries shall show all bearings and distances, determined by a field survey as per national standards. All dimensions shall be expressed in feet, bearings, and degrees.
 - g. By note, names and addresses of adjoining property owners and municipalities within 300 feet of the exterior MDP boundary.
 - h. Scale, north arrow and date of the MDP submittal.
 - i. Slope data shown in 2' intervals (indicate slopes 30% and above), unless approved by Executive Director.
 - j. View sheds – analysis is required when proposing to construct a building/structure within 1,000 horizontal feet of a Primary Ridgeline.
2. Proposed Conditions Data:
- a. Street and transit layout.
 - b. Pedestrian ways (including connections to adjacent properties), trails, bicycle ways, ski runs, ski lift alignments on & off site.
 - c. Connections to adjoining properties.
 - d. Land Uses.
 - e. Designation of all land for dedication or reserved for public use with the land use indicated.
 - f. Utility locations.
 - g. Building Envelope (and footprint, if known), configuration, and location.
 - h. Approximate square feet of proposed building(s).
 - i. Parking schematic.
 - j. General building massing and footprints, and conceptual architectural design.
 - k. Breakdown of units and ERU's and product types.
 - l. Open space, landscaping, and plazas.
 - m. Conceptual renderings of common elements (streetlights, signs, street furniture etc.).
 - n. Impact Studies: Impact Studies, to be paid for by the Applicant, may be required by the Executive Director or the MIDA Board where reasonable because the proposed size and scope of a Development

Activity materially departs from the purpose and intent of the MIDA project area or where the subject property is characterized by specific conditions that reasonably implicate the need for such studies. The studies may include, but are not be limited to, transportation, transit, traffic, culinary water, geology, soils, environmental, sanitary sewer, drainage, economic and fiscal studies. If previous studies exist and the recommendations thereof have been specifically adopted by the MIDA Board, the Applicant must provide evidence indicating compliance with such adopted recommendations or provide evidence as to why such recommendations need not be complied with in connection with a specific Development Activity. The MIDA Board may require an updated impact study if the size and scope of a proposed Development Activity is materially enlarged or if additional adverse property conditions are discovered following completion of the prior impact study.

- o. feasibility letters from governmental entities providing services, such as, water, sewer and fire protection.

C. Certification: Upon receipt of the MDP Application with all required data as provided herein, the Executive Director shall certify the Application as complete and shall affix the date of Application acceptance thereon within ten (10) Working Days of receipt. The Executive Director shall provide notification to the Reviewers the same date that the Application is determined complete.

D. Reviewers Action:

1. The Executive Director shall transmit the MDP Application to Reviewers for their review and recommendations. Reviewers have fifteen (15) Working Days to review the MDP Application and submit the Reviewers report of findings to the Executive Director. All subsequent reviews shall be completed within ten (10) Working Days.
2. During this initial review period a written and dated letter from the Executive Director may be submitted to the Applicant requesting more information, data, illustrations or clarifications solely based on the requirements of Section 2.01.B. If additional information is requested and warranted by these Standards, the Executive Director may suspend the initial fifteen (15) working day review period until receipt of the additional information. If the Applicant does not comply with the request for additional information within six (6) months, the MDP Application shall become null and void.
 - a. If the Applicant believes that the request is unreasonable, it shall make a written appeal to the Executive Director for a determination as to the reasonableness of the request.

- b. The Executive Director shall make a written determination within ten (10) Working Days of the appeal. The Executive Director's determination is final unless it is appealed to the MIDA Board within ten (10) Working Days of the determination.
 - c. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
3. If a Reviewers report is not submitted within the review periods set forth in subsection 1 above (including any suspension of such period), the application will advance to DRC Action.

E. DRC Action:

- 1. The MDP Application and Reviewers report shall be given to the DRC for review and consideration.
 - a. The MDP Application shall be placed on the next DRC agenda.
 - b. The DRC shall make its recommendation during the initial meeting to consider the Application or within fifteen (15) Working Days after the DRC meeting, during which the Application was considered.
- 2. During this review a written and dated letter from the DRC may be submitted to the Applicant requesting more information, data, illustrations or clarifications solely based on the requirements of Section 2.01.B. The Executive Director shall determine within 5 working days if such request is warranted by these Standards. If the request is warranted and the Applicant does not comply with the request within six (6) months, the MDP Application shall become null and void. Until such additional information is received by the DRC, the fifteen (15) Working Days period set forth in subsection 1(b) above shall be suspended.
 - a. If the Applicant believes that the request is unreasonable, it shall make a written appeal to the MIDA Board for a determination as to the reasonableness of the request.
 - b. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
- 3. The DRC shall provide a recommendation of approval or denial of the MDP Application. The recommendation shall be stated in writing, a copy of which shall be attached to one copy of the MDP Application and returned to the Applicant. Upon receipt of the recommendation by the DRC, the MDP Application, together with a complete copy of the DRC's and Reviewer's findings and report, shall be transmitted to the MIDA Board. The recommendation shall specify:
 - a. The policies and standards used in evaluating the Application;
 - b. The recommendations for approval, conditional approval or denial; together with findings justifying the recommendations.

4. The recommendation shall be consistent with the Application. Any conditions or denial shall be based on requirements of the MIDA Development Standards with references to the section(s) in question.
5. The DRC recommendation will be placed on the next MIDA Board agenda.

F. MIDA Board Action:

1. Following recommendation by the DRC, the MDP Application shall be sent to the MIDA Board for review. The MIDA Board shall consider the MDP Application and any recommendations by the DRC and Reviewers.
2. The MIDA Board shall make its decision within forty (40) Working Days of the MIDA Board meeting, during which the Application was considered. The MIDA Board may extend the period for consideration by an additional ten (10) Working Days if it determines that more time is needed.
3. If the MIDA Board determines that the MDP Application conforms to the requirements of the MIDA Development Standards and is in accordance with the Project Area Plan including fulfilling the purposes and intent described therein as determined by the MIDA Board, the MIDA Board shall approve or approve with conditions the Application. If the MIDA Board determines that the MDP application does not conform to the requirements of the MIDA Development Standards or is not in accordance with the Project Area Plan and its purpose and intent, then the MIDA Board shall request revisions and re-submittal of the MDP Application or deny the MDP Application. Any requests for revisions, conditions or denial shall be based on requirements of the MIDA Development Standards with references to the section(s) in question.
4. If denied, the Applicant shall submit a new MDP Application with associated fees as adopted by the MIDA Board if the Applicant wishes to reapply.

G. MDP Approval: After the MDP Application has been approved by the MIDA Board, the Applicant can then move through the Site Plan and/or Subdivision process.

H. Vested Right: MDP approval vests in the Applicant the right to submit an Application that is consistent with the MDP approval and these MIDA Development Standards for future Site Plan and/or Subdivision approval.

1. Proof of the Applicant's ownership of all necessary water rights is not a requirement of MDP Application approval. Therefore, MDP Application approval does not guarantee that water will be available at the time the Applicant seeks Site Plan approvals.
2. A vested right does not create a contract and does not create any third-party beneficiaries.

I. Amendment of Approved MDP: An Application to amend an approved MDP shall be submitted to the Executive Director in accordance with the provisions of section 2.01 (A) and shall follow the process described in this section 2.01;

provided, however, that the Executive Director may waive any MDP Submittal Requirement set forth in section 2.01(B), if such requirement is not relevant to the proposed amendment. The Applicant shall also submit such fee as may be established by resolution of MIDA.

2.02 Subdivision Plat

A. Subdivision Plat Application: A Subdivision Plat approval is required before any Construction may occur on any property within the MIDA Control Area, except for the following: wetland mitigation, creation or maintenance of firebreaks, trails, rough grading for pilot roads as approved by the Executive Director, or VCP Activity. Provided, however, that MIDA shall be notified in writing prior to commencement of any VCP Activity. Additional exceptions may be granted by the Executive Director, upon recommendation of the MIDA engineer. At the time the Application to subdivide is made, the Applicant shall submit a Subdivision Plat Application and fee(s), as established by resolution of MIDA, to the Executive Director. Subdivision shall comply with approved MDP.

1. An Applicant may submit a Subdivision Plat Application at the same time it submits a Site Plan Application, but not concurrently with a MDP Application, for all or a portion of the area to be subdivided.
2. For any Subdivision Plat (i) containing any lots designated for use as single family detached Dwellings or (ii) that otherwise is not subject to a Site Plan review (but excluding any Subdivision Plats where the intended use is conservation or improvements for which no water is required), the Applicant will be required to dedicate all necessary water rights to JSSD for the area within the Subdivision Plat before Subdivision Plat approval will be granted.

B. Subdivision Plat Application Requirements: Three copies of the Subdivision Plat Application drawn accurately at a standard engineering scale of one hundred (100) feet to an inch, or larger, to produce an overall drawing measuring 24" x 36". One, eight and one-half inch by eleven inch (8¹/₂" x 11") reduced copy of the Plat for the Subdivision phase to be recorded. One, to scale, digital copy of the Subdivision Plat shall be provided in PDF & DWG format. The Plat shall contain all applicable information required by MIDA as determined by the MIDA Development Standards.

1. The Plat submittal shall include the following:
 - a. Subdivision Plat Application
 - b. Subdivision plans and documentation as follows:
 1. Vicinity map;
 2. Location map;
 3. Existing and proposed contour information per national mapping standards at 2 ft. contour intervals;
 4. Dimension, acreage and square footage of each lot;
 5. Dimension and survey boundary information for the Subdivision;
 6. Proposed phases of development, numbered with a timetable for development;

7. Existing & proposed lot lines with a legal description of each lot;
 8. Existing & proposed easements (specifically including all public utility easements);
 9. Verification of easement location and existing capacity of easements for utilities;
 10. Existing buildings;
 11. Show existing and proposed roads, channels, canals, ditches, springs, wells, Wetlands, culverts, and ponds, storm drains, manholes, inlet boxes, combination boxes, and cleanouts, sanitary sewer system, culinary water system, subsurface drains, gas lines, power lines, and communication lines.
 12. Proposed dedication of Infrastructure Improvement areas, Right of Ways
 13. Slope Map: areas of 30% or greater slopes, 25-30%, 20-25%, and 10-20%;
 14. Flood Plain Map: the existing FEMA 100-year flood plain zone;
 15. Drainage study;
 16. Indicate on the plans the location of the proposed project connection to the existing water and sanitary systems.
 17. "Will serve" letters from governmental entities providing services, such as, water, sewer and fire protection, and applicable public utilities. For any Subdivision Plat containing any lots designated for any use other than single family detached Dwellings, or that otherwise is subject to Site Plan review, the Applicant may submit a draft will serve letter from JSSD. Draft will serve letters will not be deemed a binding commitment from JSSD to provide water to the area within the Subdivision Plat.
- c. Utility Plan Requirements: All proposed utilities must meet the requirements of the utility provider. All utility lines, except for electrical transmission lines, shall be buried within the MIDA Control Area.
1. Existing and proposed horizontal site design layout.
 2. Utility Plan elements shall be drawn to scale.
 3. Locate all existing and proposed utilities. These include, but are not limited to, sanitary sewer, culinary water, water meters, service laterals, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, streetlights, etc.

4. Illustrate relationship of utilities to each other with dimensions.
 5. Descriptive Data Required:
 - (i) Name, right-of-way easement lines, courses, lengths, width of all streets, alleys, transit, pedestrian ways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys, and radii of all rounded street line intersections.
 - (ii) All drainage ways, utilities and facilities to be dedicated to service entities or to remain private shall be shown on the plan.
 - (iii) All existing and proposed easement usages shall be properly labeled.
 - d. Evidence of compliance with the State of Utah Division of Water Quality as may be required relative to the design and operation of any proposed storm water system. Also, the Applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP). A Notice of Intent (NOI) in compliance with the State of Utah Division of Water Quality requirements will be required prior to the disturbance of any portion of the site.
 - e. A current title report (dated within 30 days);
 - f. Property owner affidavit;
 - g. ALTA (or Land) Survey prepared by a registered engineer or land surveyor;
 - h. If applicable, tax clearance or the written obligation to assume and pay all taxes for any dedication.
 - i. Grading plan showing the limits of disturbance.
- C. Certification:** Upon receipt of the Subdivision Plat Application with all required data as provided herein, the Executive Director shall certify the Application as complete and shall affix the date of Application acceptance thereon within ten (10) Working Days of receipt. The Executive Director shall provide notification to the Reviewers the same date that the Application is determined complete.
- D. Reviewers Action:**
1. The Executive Director shall transmit the Application and Subdivision Plat to Reviewers for their review and recommendations. Reviewers have fifteen (15) Working Days to review the Subdivision Plat Application and submit the Reviewers report of findings to the Executive Director. Any subsequent reviews shall be completed within ten (10) Working Days.
 2. During this initial review period, a written and dated letter from the Executive Director may be submitted to the Applicant requesting more information, data, illustrations, or clarifications solely based on the

requirements of Section 2.02.B. If additional information is requested, the Executive Director may suspend the initial fifteen (15) Working Day review period until receipt of the additional information. If the Applicant does not comply with the request for additional information within six (6) months, the Subdivision Plat Application shall become null and void.

- a. If the Applicant believes that the request is unreasonable, it shall make a written appeal to the Executive Director for a determination as to the reasonableness of the request.
 - b. The Executive Director shall make a written determination within ten (10) Working Days of the appeal. The Executive Director's determination is final unless it is appealed to the MIDA Board within ten (10) Working Days of the determination.
 - c. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
3. If a Reviewers report is not submitted within the review periods set forth in subsection 1 above (including any suspension of such period as set forth above), the Application will advance to DRC Action.

E. DRC Action:

1. The Subdivision Plat and Reviewers report shall be given to the DRC for review and consideration.
 - a. Once the DRC receives the Subdivision Plat Application, the Application shall be placed on the next DRC agenda.
 - b. The DRC shall make its recommendation during the initial meeting or within fifteen (15) Working Days of the DRC meeting, during which the Application was considered.
2. During this review a written and dated letter from the DRC may be submitted to the Applicant requesting more information, data, illustrations or clarifications solely based on the requirements of Section 2.02.B. If the Applicant does not comply with the request for additional information within six (6) months, the Subdivision Plat Application shall become null and void. Until such information is received by the DRC, the fifteen (15) Working Days period set forth in subsection 1(b) above shall be suspended.
 - a. If the Applicant believes that the request is unreasonable, it shall make a written appeal to the MIDA Board for a determination as to the reasonableness of the request.
 - b. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
3. The DRC shall provide a recommendation of the Subdivision Plat. The recommendation shall be stated in writing, a copy of which shall be attached to one copy of the Subdivision Plat and returned to the Applicant. Upon receipt of the recommendation by the DRC, the Subdivision Plat, together with a complete copy of the DRC's and Reviewer's findings and

report, shall be transmitted to the MIDA Board. The recommendation shall specify:

- a. The policies and standards used in evaluating the Application;
 - b. The recommendations for approval, conditional approval denial; together with findings justifying the recommendations.
4. The recommendation shall be consistent with the Application. Any conditions or denial shall be based on requirements of the MIDA Development Standards with references to the section(s) in question.
 5. The DRC recommendation will be placed on the next MIDA Board agenda.

F. MIDA Board Action:

1. Following recommendation by the DRC, the Subdivision Plat Application shall be sent to the MIDA Board for review. The MIDA Board shall consider the Subdivision Plat Application and any recommendations by the DRC and Reviewers.
2. The MIDA Board shall make its decision within forty (40) Working Days of the MIDA Board meeting, during which the Application was considered. The MIDA Board may extend the time period for consideration by an additional ten (10) Working Days if it determines that more time is needed.
3. If the Subdivision Plat Application conforms to the requirements of the MIDA Development Standards and is in accordance with the Project Area Plan including fulfilling the purposes and intent described therein as determined by the MIDA Board, the MIDA Board shall approve or approve with conditions the Application. If the MIDA Board determines that the Subdivision Plat Application does not conform to the requirements of the MIDA Development Standards or is not in accordance with the Project Area Plan and its purpose and intent, the MIDA Board shall request revisions and re-submittal of the Subdivision Plat or deny the Subdivision Plat. Any requests for revisions, conditions or denial shall be based on requirements of the MIDA Development Standards with references to the section(s) in question.
4. If denied, the Applicant shall submit a new Subdivision Plat Application with associated fee(s) as adopted by the MIDA Board if the Applicant wishes to reapply.

G. Findings for Approval: A Subdivision Plat Application(s) shall be approved only if:

1. The proposed Plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the MIDA Development Standards;
2. The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient;
3. Public Facilities and services intended to serve the subject development, including, but not limited to, roadways, parks, recreational facilities, schools, police and fire protection, storm water drainage systems, water

supplies, wastewater, power and refuse collection are adequate to serve the site.

- H. Expiration of Subdivision Plat Approval:** An approved, unrecorded Subdivision Plat shall remain valid for two (2) years. Two 12-month extensions may be granted by the Executive Director if, upon written request by the Applicant or its designee, the Executive Director finds that the extension will not adversely affect the public health, safety or welfare of the MIDA Control Area.
- I. Amendment of Approved Subdivision Plat:**
1. Amendment of an approved Subdivision Plat shall follow the submittal requirements of section 2.02.B of this Chapter. An Application, including a copy of the proposed amended Plat, shall be submitted to MIDA. All Subdivision Plat amendments which are determined by MIDA to affect the current or future placement of water and/or sewer infrastructure or easements are also subject to the approval of JSSD.
 2. Notwithstanding the foregoing requirements of section 2.20(I)(1), the following amendments shall only require Administrative Approval and shall not be subject to the additional review and approval requirements of Section 2.02(B): Plat amendments that involve only combining two or more lots, all of which are owned by the same owner, and none of which have been dedicated for public use, common use, or a similar designation.
- J. Boundary Line Agreements:** Boundary Line Agreements may be made in accordance with Section 57-1-45, Utah Code Annotated, and do not need MIDA approval.
- K. Plat Recorded Prior to Issuance of Building Permits:** Recording of Plat: Following approval of a Subdivision Plat Application, filing of a Completion Assurance as required by Chapter 3.08 of these MIDA Development Standards, and signing of the Plat by the MIDA Board Chair, utility providers, service providers, etc., the Plat shall be presented to the appropriate county recorder for recordation. Lots shall not be transferred, sold or offered for sale, and a building permit shall not be issued for any structure on a lot, until a Subdivision has received final approval from MIDA, a performance bond has been filed, and the Plat has been recorded. Provided, however, that the lot created by metes and bounds as set forth in Section 5.03 of these Standards is exempt from this subsection K.
- L. Metes and Bound Subdivision:** Notwithstanding the foregoing, to the extent that such conveyances are in anticipation or in furtherance of future land use approvals, or a particular anticipated Development Activity therein, MIDA may permit the conveyance of real property by metes and bounds upon approval of the Executive Director. Upon such approval, the Executive Director shall execute such deeds of conveyance for the purpose of acknowledging only MIDA's consent to the conveyance by metes and bounds of the real property that is the subject of the applicable deed of conveyance. MIDA's execution of a deed conveying

property by metes and bounds shall not in any way be deemed a waiver of the requirement that the property transferred pursuant to such deed shall be subject to the approval process set forth in these MIDA Development Standards, including Subdivision and Site Plan approval requirements.

2.03 Site Plan

- A. Site Plan Application:** A Site Plan approval, along with MDP approval and the recording of a Subdivision Plat, is required before any vertical building Construction may occur on any property within the MIDA Control Area. Single family detached Dwellings shall not be subject to Site Plan approval and shall be subject to building permit review only. The Applicant shall submit a Site Plan Application and fee, as established by resolution of MIDA, to the Executive Director. An Applicant may submit a Subdivision Plat Application at the same time it submits a Site Plan Application for all or a portion of the area to be subdivided. Notwithstanding the foregoing, (i) building permits may be issued for vertical building Construction, before a Subdivision Plat is recorded, on parcels conveyed by metes and bounds as described in Section 2.02(L), and (ii) building permits may be issued for vertical building Construction associated with Infrastructure Improvements for which a Site Plan is not required. This subsection does not apply to the MWR Site Plan approved by MIDA on April 2, 2019.
1. If not already dedicated in connection with Subdivision Plat approval, the Applicant will be required to dedicate all necessary water rights to JSSD for the area within a Site Plan before the Site Plan approval will be granted.
- B. Site Plan Submittal Requirements:** Three copies of the Site Plan and other information, required as part of the Site Plan Application, shall be shown graphically and by note on plans. All sheets shall contain general identification data such as; a title that includes the name of the development, parcel name and/or number and its location by number of section, township, range and county; name, address and official seal of the registered professionals preparing the Plans; scale, north arrow and date of the Site Plan preparation; legend showing all symbols, line types, hatching and abbreviations; and the “Call Before You Dig” symbol and telephone number where appropriate. All mapped data for the same plan shall be drawn accurately at the same standard engineering scale, having no more than one hundred (100) feet to an inch. Whenever practical, scales shall be adjusted to produce an overall drawing measuring 24” x 36”. The Application, written documentation and data required herein shall be submitted in 8 ½” x 11” booklet form in three ring binders. One digital copy of the plan, to scale, shall be provided in PDF format.
1. Existing Conditions Data:
 - a. Existing topography 2’ intervals and slopes exceeding 30% shall be shown. The portrayal of the topographic data shall be in accordance with the current National Mapping Standards and the American Society of Photogrammetry and Remote Sensing (ASPRS) standards.
 - b. Location, widths, and names of all planned and existing streets (with grades and cut, fill and Retaining Walls shown), railroads, utilities, any and all easements, public areas, permanent structures

- to remain including water wells, taxing entity boundaries, municipal corporation lines and any and all existing features within or adjacent to the Site Plan area.
- c. By note, the acreage of the Site Plan area.
 - d. Boundaries of the Site Plan area shall show dimensions as found in a minimum standard ALTA/ACSM Land Title Survey. The survey for the subject property shall be prepared in accordance with the standard of practice for boundary surveys in the State of Utah.
 - e. By note, names and addresses of adjoining property owners, leaseholders, & buildings within 300 feet of the exterior site boundary.
 - f. Vicinity map legible with major street names and highlighted subject property.
 - g. Geotechnical report with an evaluation of the overall site, with Construction recommendations.
2. Proposed Conditions Data:
- a. Proposed Site Plan Layout:
 1. Street layout, right-of-way easement width(s), utilities, utility easements, street cross-sections, proposed names of streets, street numbers, alleys, pedestrian ways, easements, roads to be dedicated to the County and connections to adjoining properties.
 2. The identification of snow storage, garbage storage, access and screening, fire access/lanes around buildings.
 3. The identification of service areas including loading docks.
 4. Designation of all land to be dedicated or reserved for public use with the use indicated.
 5. Common Site elements: ski racks, bike racks, benches, trash receptacles, streetlights, street signs and other amenities.
 6. Materials: hardscapes, plazas, Retaining Walls and other site elements.
 7. Typical Site Plan area dimensions to scale; dimensions of all corner Site Plan areas and Site Plan sections of streets; each phase numbered individually; total number of phases;
 8. Location, width, and use of easements;
 - b. Demolition Plan: Indicate structures, vegetation, site elements and other facilities to be removed or abandoned. Illustrate area of impact.
 - c. Roadway Plan:
 1. Roadway Dedication Plan: This plan provides an instrument for right-of-way easement conveyance.
 - (a) Legal Description of area to be dedicated.
 - (b) Any and all easements and encumbrances of record.

- (c) Appropriate signature blocks for utility companies and easement conveyance.
 - (d) Descriptive Data Required:
 - (i) Name, right-of-way easement lines, courses, lengths, width of all streets, alleys, transit, pedestrian ways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys, and radii of all rounded street line intersections.
 - (ii) All drainage ways, utilities and facilities to be dedicated to service entities or to remain private shall be shown on the plan.
 - (iii) All existing and proposed easement usages shall be properly labeled.
2. Roadway Plan:
- (a) Existing and proposed horizontal road design layout.
 - (b) Applicable Existing Conditions Data typically shown.
 - (c) Scale shall be 1" =20' or 1"=40'.
 - (d) All existing and proposed utilities. These include but are not limited to sanitary sewer, culinary water, water meters, service laterals, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines and streetlights.
 - (e) Extend 100 feet each way showing existing improvements.
 - (f) Roadway Grading Plan including spot elevations at all curb returns, Driveways and grade changes points.
 - (g) Percentage of grade around curb returns at intersections with direction arrows.
 - (h) Street Monuments.
 - (i) Centerline Stationing.
 - (j) Existing edge of asphalt spot elevations.
 - (k) Key map for sheet orientation relative to overall project.
 - (l) Design benchmark.
3. Roadway Profile:
- (a) Appropriate vertical scale.
 - (b) Extend profile lines 100 feet each way showing existing improvements.
 - (c) Existing ground profile at proposed profile grade line.

- (d) Proposed profile grade line with grade information, slope, VPI, VPC, CPT, etc. Include elevations at points of interest.
 - (e) All necessary vertical curve information.
 - (f) Elevations at left and right side of sheet.
 - (g) Existing and proposed profile elevations at 50-foot intervals along the top or bottom of profile view.
 - (h) Existing and proposed culinary and or secondary water (if 12 inches or greater), storm drain and sanitary sewer. Include pipe length, material, and size. Include manhole size, rim elevation, and any grate elevations.
 - (i) Indicate pipe crossings and clearance between utilities pipe edge to pipe edge.
- d. Utility Plan Requirements: All proposed utilities must meet the requirements of the utility provider. All utility lines, except for high-powered transmission lines, shall be buried within the MIDA Control Area.
1. Existing and proposed horizontal site design layout.
 2. Utility Plan elements shall be drawn to scale.
 3. Locate all existing and proposed utilities. These include, but are not limited to, sanitary sewer, culinary water, water meters, service laterals, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, streetlights, etc.
 4. Illustrate relationship of utilities to each other with dimensions.
 5. Provide “will serve” letters from governmental entities providing services, such as, water, sewer and fire protection, and applicable public utilities.
 6. If not already dedicated in connection with Subdivision Plat approval, the Applicant will be required to dedicate all necessary water rights to JSSD for the area within a Site Plan before the Site Plan approval will be granted.
 7. Descriptive Data Required:
 - (a) Name, right-of-way easement lines, courses, lengths, width of all streets, alleys, transit, pedestrian ways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys, and radii of all rounded street line intersections.

- (b) All drainage ways, utilities and facilities to be dedicated to service entities or to remain private shall be shown on the plan.
 - (c) All existing and proposed easement usages shall be properly labeled.
8. Evidence of compliance with the State of Utah Division of Water Quality as may be required relative to the design and operation of any proposed storm water system. Also, the Applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP). A Notice of Intent (NOI) in compliance with the State of Utah Division of Water Quality requirements will be required prior to the disturbance of any portion of the site.
- e. Grading and Drainage Plan Requirements:
1. Existing and proposed contour information per national mapping standards at 2 ft. contour intervals.
 2. Existing and proposed storm drain facilities.
 3. Existing and proposed detention facilities and details.
 4. Hydrologic and hydraulic calculations shall be provided for the drainage collection system, detention facilities, and outlet works.
 5. Roadway and parking lot percentage of grade with directional arrows of surface flow.
 6. Percentage of grade around curb returns at intersections with directional arrows of surface flow.
 7. Retaining walls complete with spot elevations, type of wall, and cross section details. All Retaining Walls must be signed by a licensed structural engineer if greater than four feet in height.
 8. Indicated areas of 30% or greater slopes.
 9. Provide Flood Plain and Wetland information.
 10. Spot elevations at all curb returns, Driveways, grade changes and throughout all parking areas.
 11. Proposed and existing drainage easements, with dimensions, elevations and typical sections as needed;
 12. Design benchmark(s).
- f. Soil and Erosion Control Plan Requirements: Applicant shall provide the following:
1. Existing and proposed horizontal site design layout.
 2. Applicable existing conditions data typically shown.
 3. Existing and proposed storm drains.
 4. Existing and proposed detention facilities and details.
 5. Drainage patterns.

6. Indicate best management practices and details for each to be used as outlined in the SWPPP.
7. Limits of disturbance delineation and acreage.
- g. Traffic Signing and Striping Plan Requirements:
 1. Existing and proposed horizontal site design layout;
 2. Stop bars, cross walks, painted messages or arrows, stop signs, street signs and any additional signs as warranted by the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD).
 3. Traffic striping or tape for all lanes.
 4. Proposed signal loops if required.
 5. Proposed signal light if required.
- h. Lighting and Signage Plan:
 1. Streetlights and all outside lighting (compliant with the provisions of Section 4.06 of these Standards).
 2. Street signs, on-site advertising signs (attached and detached), directional signs, kiosks, etc.
- i. Landscape and Trails Plan:
 1. Landscape plan with species, sizes and quantities.
 2. Indicate screening of mechanical equipment.
 3. Trail cross sections showing materials and connectivity to the countywide trail plan and adjacent public trails
 4. Open space/plazas and associated materials.
- j. Irrigation Plan
 1. Head layout, and associated equipment locations.
 2. Evidence of compliance of the design and operation of any irrigation system that is proposed as part of the Site Plan area.
- k. Architectural Designs:
 1. Accurate front, rear and side elevations of all buildings, product types, and accessory structures, drawn to scale and showing dimensions.
 2. Specification of all exterior surfacing materials and colors shown on a color enhanced PDF. Show shingle color and type; exterior building color, type and material.
 3. Outdoor lighting, furnishings and architectural accents specification.
 4. Building elevations, footprint, occupancy, number of stories, construction type
 5. Dumpsters, utility boxes, Fences, and walls
 6. Proposed signage location and dimension of all signage proposed to be attached to the building or structure.
 - (i) Any other common elements identified in Chapter 4 that will be used throughout the project.

- C. Certification:** Upon receipt of the Site Plan Application with all required data as provided herein, the Executive Director shall certify the Application as complete and shall affix the date of Application acceptance thereon within ten (10) Working Days of receipt. The Executive Director shall provide notification to the Reviewers the same date that the Application is determined complete.
- D. Reviewers Action:**
1. The Executive Director shall transmit the Site Plan Application to Reviewers for their review and recommendations. Reviewers have twenty (20) Working Days to review the Site Plan Application and submit the Reviewers report of findings to the Executive Director. All subsequent reviews shall be completed within fifteen (15) Working Days.
 2. During this initial review period a written and dated letter from the Executive Director may be submitted to the Applicant requesting more information, data, illustrations, or clarifications solely based on the requirements of Section 2.03.B. If additional information is requested, the Executive Director may suspend the twenty (20) Working Day review period. If additional information is requested, the time for the review, the twenty (20) Working Day review period may be suspended at the time the information is requested and shall remain suspended until the additional information is received by MIDA. If the Applicant does not comply with the request for additional information within six (6) months, the Site Plan Application shall become null and void.
 - a. If the Applicant believes that the request is unreasonable, the Applicant shall make a written appeal to the Executive Director for a determination as to the reasonableness of the request.
 - b. The Executive Director shall make a written determination within ten (10) Working Days of the appeal. The Executive Director's determination is final unless it is appealed to the MIDA Board within ten (10) Working Days of the determination.
 - c. The MIDA Board shall make a final determination within forty (40) working days of receiving the appeal.
 3. If a Reviewers report is not submitted review periods set forth in subsection 1 above (including any suspension of such period as set forth above), the Application will advance to DRC Action.
- E. DRC Action:**
1. The Site Plan Application and Reviewers report shall be given to the DRC for review and consideration.
 - a. The Site Plan Application shall be placed on the next DRC agenda.
 - b. The DRC shall make its recommendation during the initial meeting or within fifteen (15) Working Days of the DRC meeting, during which the Application was considered.
 2. During this review a written and dated letter from the DRC may be submitted to the Applicant requesting more information, data,

illustrations or clarifications solely based on the requirements of Section 2.03.B. If the Applicant does not comply with the request for additional information within six (6) months, the Site Plan Application shall become null and void. Until such information is received by the DRC, the fifteen (15) Working Days period set forth in subsection 1(b) above shall be suspended

- a. If the Applicant believes that the request is unreasonable, the Applicant shall make a written appeal to the MIDA Board for a determination as to the reasonableness of the request.
 - b. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
3. The DRC shall provide a recommendation of the Site Plan Application. The recommendation shall be stated in writing, a copy of which shall be attached to one copy of the Site Plan and returned to the Applicant. Upon receipt of the recommendation by the DRC, the Site Plan Application, together with a complete copy of the DRC's and Reviewer's findings and report, shall be transmitted to the MIDA Board. The recommendation shall specify:
 - a. The policies and standards used in evaluating the Application;
 - b. The recommendations for approval, conditional approval or denial; together with findings justifying the recommendations.
 4. The recommendation shall be consistent with the Application. Any conditions or denial shall be based on requirements of the MIDA Development Standards with references to the section or sections in question.
 5. The DRC recommendation will be placed on the next MIDA Board agenda.

F. MIDA Board Action:

1. Following recommendation by the DRC, the Site Plan Application shall be sent to the MIDA Board for review. The MIDA Board shall consider the Site Plan Application and any recommendations by the DRC and Reviewers.
2. The MIDA Board shall make its decision within forty (40) Working Days of the MIDA Board meeting, during which the Application was considered. The MIDA Board may extend the time period for consideration if it determines that more time is needed.
3. If the Site Plan Application conforms to the requirements of the MIDA Development Standards and is in accordance with the Project Area Plan including fulfilling the purposes and intent described therein as determined by the MIDA Board, the MIDA Board shall approve or approve with conditions the Application. If the Site Plan does not conform to the requirements of the MIDA Development Standards or is not in accordance with the Project Area Plan and its purpose and intent, then the MIDA Board shall request revisions and re-submittal of the Site Plan Application or deny the Site Plan Application. Any requests for revisions, conditions or denial

shall be based on requirements of the MIDA Development Standards with references to the section(s) in question.

4. If denied, the Applicant shall submit a new Site Plan Application with associated fee as adopted by the MIDA Board if the Applicant wishes to reapply.

G. Site Plan Approval:

1. After the Site Plan Application has been approved by the MIDA Board, the Applicant may, at its option, record a Site Plan Development Agreement pursuant to Section 2.03(H), and shall move through the building permit process for Permitted Uses set forth in Section 2.05. Any Development Agreement entered into subsequent to an MDP Development Agreement (including any Site Plan Development Agreement) must comply with the standards of, and shall be subordinate to, the applicable MDP Development Agreement.
2. The Applicant must obtain a Conditional Use approval for any proposed Conditional Uses prior to receiving a building permit. A Conditional Use Permit can be processed concurrently with a Site Plan if desired by the Applicant. The provisions of Sections 2.07, 3.08, and 4.08 shall apply to the Construction of any Infrastructure Improvements.

H. Recordation: Upon receipt of the Site Plan approval, and prior to expiration thereof, the Applicant shall submit the Site Plan and all necessary final documents, bonds and/or Development Agreements, which have been signed and notarized by the owner, lienholder and surveyor, as necessary to the Staff for processing. The Site Plan boundary monuments must be placed and staked. The Applicant shall obtain any signatures necessary from any county department or special service district. The Applicant shall take the Plat, Development Agreement, and other documents to the county recorder for recording. All recording fees shall be paid by the Applicant. Any outstanding fees not yet paid by the Applicant must be paid prior to recording.

I. Site Plan Expiration: The Site Plan will expire two (2) years after approval, unless significant physical action on the site has occurred. Significant physical action will be determined by the Executive Director. Two 12-month extensions may be granted by the Executive Director if, upon written request by the Applicant or its designee, the Executive Director finds that the extension will not adversely affect the public health, safety or welfare of the MIDA Control Area.

2.04 Conditional Use

- A. Conditional Use Application:** A Conditional Use approval is required prior to the Construction of a Conditional Use within the MIDA Control Area. The Applicant shall submit the Conditional Use Application and fee, as established by resolution of MIDA to the Executive Director. Applications shall not be reviewed without the written consent of the property owner. The burden of proof for all Applications shall be the responsibility of the Applicant. Conditional Use Applications may be approved or denied by the DRC.
1. An Applicant may submit a Conditional Use Application at the same time it submits a Subdivision Plat and/or Site Plan Application.
- B. Conditional Use Submittal Requirements:** An Applicant seeking a Conditional Use approval shall submit an Application on the official form provided by MIDA with the required documentation specified in these Design Standards as provided by MIDA. Submittal requirements shall include, but not be limited to:
1. Legal description of the property;
 2. Written consent of property owner;
 3. The proposed use of the property; and a scaled diagram of the subject parcel and surrounding area.
- C. Certification:** Upon receipt of the Conditional Use Application with all required data as provided herein, the Executive Director shall certify the Application as complete and shall affix the date of Application acceptance thereon within ten (10) Working Days of receipt. The Executive Director shall provide notification to the Reviewers the same date that the Application is determined complete.
- D. Conditional Use Review Standard:**
1. A Conditional Use Application shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with these MIDA Development Standards. These conditions may include, but are not limited to:
 - a. Requirements for setbacks, open spaces, buffers, Fences or walls, and landscaping to mitigate conflicts from visual, noise, lighting and similar impacts associated with the use;
 - b. Dedication of street(s) or other public rights of way and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use;
 - c. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties;
 - d. Time limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental or

to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts to the surrounding area or the MRF Project Area as a whole.

2. The requirements described in subsection D(1) above to reasonably mitigate anticipated detrimental effects of the proposed Conditional Use do not require elimination of the detrimental effects. A Conditional Use Application may only be denied if the reasonably anticipated detrimental effects of the proposed Conditional Use cannot be reasonably mitigated by the proposal or imposition of reasonable conditions.

E. Reviewers Action:

1. The Executive Director shall transmit the Conditional Use Application to the Reviewers for their review and recommendations. Reviewers have fifteen (15) Working Days to review the Conditional Use Application and submit the Reviewers report of findings to the Executive Director. Any subsequent required submittals shall be reviewed within ten (10) Working Days.
2. During this initial review period a written and dated letter from the Executive Director may be submitted to the Applicant requesting more information, data, illustrations, or clarifications solely based on the requirements of Section 2.04.B. If additional information is requested, the Executive Director may suspend the initial fifteen (15) Working Day review period. If the Applicant does not comply with the request for additional information within six (6) months, the Conditional Use application shall become null and void. Until such information is received by the DRC, the review period set forth in subsection 1(b) above shall be suspended.
 - a. If the Applicant believes that the request is unreasonable, the Applicant shall make a written appeal to the Executive Director for a determination as to the reasonableness of the request.
 - b. The Executive Director shall make a written determination within ten (10) Working Days of the appeal. The Executive Director's determination is final unless it is appealed to the MIDA Board within ten (10) Working Days of the determination.
 - c. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
If a Reviewers report is not submitted within the review periods set forth in subsection 1 above (including any suspensions as set forth above), the Application will advance to DRC Action.

F. DRC Action:

1. The Conditional Use Application and Reviewers report shall be given to the DRC for review and consideration.
 - a. The Conditional Use Application shall be placed on the next DRC agenda.

- b. The DRC shall consider the Conditional Use Application and any recommendations by the Reviewers.
 2. During this review a written and dated letter from the DRC may be submitted to the Applicant requesting more information, data, illustrations or clarifications solely based on the requirements of Section 2.04.B. If the Applicant does not comply with the request for additional information within six (6) months, the Conditional Use application shall become null and void.
 - a. If the Applicant believes that the request is unreasonable, the Applicant shall make a written appeal to the MIDA Board for a determination as to the reasonableness of the request.
 - b. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
 3. The DRC shall make its decision within forty (40) Working Days of the DRC meeting, during which the Application was considered. The DRC may extend the time period for consideration if it determines that more time or additional information is needed.
 4. If the Conditional Use conforms to the requirements of the Conditional Use Review Standards and is in accordance with the Project Area Plan including fulfilling the purposes and intent described therein as determined by the DRC, the DRC shall approve or approve with conditions the Application. If the Conditional Use does not conform to the requirements of the Conditional Use Review Standards or is not in accordance with the Project Area Plan and its purpose and intent, then the DRC shall request revisions and re-submittal of the Conditional Use Application or deny the Conditional Use Application.
 5. Any Conditional Use decision by the DRC may be appealed, in writing, to the MIDA Board. The appeal must be received by MIDA within ten (10) Working Days of the date of the DRC decision.
 - a. The MIDA Board shall make a final determination on the appeal within forty (40) Working Days of the receipt of the appeal.'
 - b. Upon conclusion of any appeal, if the Conditional Use has not been approved, the Applicant shall submit a new Conditional Use Application with associated fee as adopted by the MIDA Board if the Applicant wishes to reapply.
- G. Conditional Use Approval:** After the Conditional Use Application has been approved by the DRC:
1. The approval of the Conditional Use Application by the DRC shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by MIDA,

including, but not limited to, a building permit, certificate of occupancy and Site Plan approval.

2. The approval of the Conditional Use Application by the DRC shall be final and effective ten (10) Working Days from the date of the decision, unless an appeal is filed to the MIDA Board.
3. Upon the expiration of the ten (10) Working Day appeal period, the Executive Director will provide the Applicant with a Conditional Use permit, unless an appeal has been filed to the MIDA Board.
4. The Conditional Use permit shall serve to authorize the preparation, filing and processing of Applications for additional permits or approvals required by MIDA, including but not limited to, building permits, certificates of occupancy and Site Plan approval.

H. Expiration: A Conditional Use permit shall be valid for one (1) year, unless (a) a building permit is issued and Construction has actually begun within that period and is thereafter diligently pursued to completion, or (b) a temporary or final Certificate of Occupancy is issued and a use commenced within that period, or (c) a longer time is requested and granted by the DRC. At such time that all conditions and requirements set forth for the Conditional Use Permit have been implemented and satisfied, the approved Conditional Use Permit shall be deemed exercised, and the Conditional Use Permit approval shall run with the land. The approval of a proposed Conditional Use by the DRC shall authorize only the particular use for which it was issued.

I. Revocation: A Conditional Use permit may be revoked by the MIDA Board Chair after review and recommendation by the MIDA Board. The MIDA Board shall hold a hearing prior to recommending the revocation of a Conditional Use permit. Any recommendation of the Reviewers and the DRC and any final decision by the MIDA Board to revoke a Conditional Use permit shall require a finding of one or more of the following:

1. The Conditional Use is a nuisance or is detrimental to the public health, safety or welfare and such detrimental effects cannot be reasonably mitigated;
2. The Conditional Use permit was obtained by fraud;
3. The Conditional Use for which the permit was granted has been materially altered;
4. The Conditional Use for which the permit was granted has ceased or has been suspended for six (6) months; or
5. The conditions of the Conditional Use permit have not been complied with, after notice to the Applicant by MIDA and the Applicant's failure to cure such lack of compliance within thirty (30) days (or the Applicant's failure to undertake such cure within such thirty (30) day period and thereafter diligently prosecute it to completion).

- J. Status of Conditional Use Permit:** A Conditional Use permit granted pursuant to provisions of this Section shall run with the land and continue to be valid regardless of ownership of the site or structure subject to the Conditional Use permit Application, so long as it operates within the conditions, stipulations and terms of the Conditional Use permit approval.
- K. Modification of Conditional Use Permit:** A request to modify, expand or otherwise change an approved Conditional Use permit, not in substantial conformance with the approved permit, shall be reviewed and processed according to provisions of this Section as a new Conditional Use permit Application.

2.05 Building Permit

- A. Building Permit and Footings and Foundation Only Permit Application:** A Subdivision Plat approval and Site Plan approval (and a Conditional Use permit, if applicable) shall be required for vertical building Construction before a building permit or Footings and Foundation Only Permit can be issued by MIDA. The Applicant shall submit a building permit or footings and foundations only permit Application and fee, as established by resolution of MIDA, to the Executive Director's designee. Notwithstanding the foregoing, (i) building permits may be issued for vertical building Construction, before a Subdivision Plat is recorded, on parcels conveyed by metes and bounds as described in Section 2.02(L), and (ii) building permits may be issued for vertical building Construction associated with Infrastructure Improvements for which a Site Plan is not required.
- B.** MIDA has designated a separate entity (the "Designated Entity") as MIDA's initial designee for all matters related to building permit and footing and foundation permit applications, plan review, inspections and the issuance of certificates of occupancy, except as may otherwise be set forth in these Standards. MIDA may, at its discretion, replace the Designated Entity and designate another entity to perform these function.
- C. Building Permit and Footing and Foundations Only Permit Application Submittal Requirements:** All building permit and footing and foundation only permit Applications shall be submitted directly to the on forms supplied by the Designated Entity and approved by the MIDA Executive Director. Fees shall be paid directly to the Designated Entity in accordance with the fee schedule adopted by MIDA. The materials required to be submitted with the Application shall be the same materials and in the same format as is required by the Designated Entity for building permits and footing and foundation only permits issued through the Designated Entity's normal permitting process.
- D. Certification:** Upon receipt of the building permit or footing and foundation only permit Application, with all required data as required by the Designated Entity, the Designated Entity shall within ten (10) Working Days of receipt: (i) certify the Application as complete; or (ii) provide Applicant with written notice that the building permit Application is incomplete and identifying in reasonable detail those items that the Designated Entity determines to be incomplete. The Designated Entity shall processes the building permit or footings and foundation only permit Application in accordance with its regular procedures for such permits, provided however, that the Designated Entity shall follow the review and inspection timelines set forth in Section 2.05E below.
- E. Reviewer's Action:** The Designated Entity shall transmit the building permit, or footing and foundation only permit (for structures in excess of 10,001 square

feet), Application to the Reviewer(s) for their review and recommendations within one (1) Working Day of certification of completion.

1. For Dwellings of less than or equal to 5,000 gross square feet the following process shall apply:
 - a. Reviewers have ten (10) Working Days to review the initial building permit Application and submit the Reviewers report of findings (the "Initial Report") to the Designated Entity. Reviewers must include all comments to the initial building permit Application in the Initial Report.
 - b. The Designated Entity will notify the Applicant if the building permit has been approved or if corrections are required, within one (1) Working Day of receipt of the Reviewer's report.
 - c. If required, the Applicant shall complete all corrections and re-submit plans and additional documentation to the Designated Entity. The Designated Entity shall then distribute this information to the Reviewers within one (1) Working Day of receipt.
 - d. Reviewers have five (5) Working Days for each subsequent review of the building permit Application, and shall upon completion of each such re-review, submit the Reviewer's report of findings to the Designated Entity, who shall then submit any comment to the Applicant within one (1) Working Day.
2. For Dwellings between 5,001 and 10,000 gross square feet, and all commercial structures of less than or equal to 10,000 gross square feet, the following process shall apply:
 - a. Reviewers have twenty (20) Working Days to review the initial building permit Application and submit the Reviewers Initial Report to the Designated Entity. Reviewers must include all comments to the initial building permit Application in the Initial Report.
 - b. The Designated Entity will notify the Applicant if the building permit has been approved or if corrections are required, within one (1) Working Day of receipt of the Reviewer's report.
 - c. If required, Applicant shall complete all corrections and re-submit plans and additional documentation to the Designated Entity. The Designated Entity Director shall then distribute this information to the Reviewers within one (1) Working Day of receipt.
 - d. Reviewers have ten (10) Working Days for each subsequent review of the building permit Application, and shall upon completion of each such re-review, submit the Reviewers report of findings to the Designated Entity, who shall then submit any comments to Applicant within one (1) Working Day.
3. For structures in excess of 10,001 gross square feet, the following process shall apply:
 - a. Reviewers have thirty (30) Working Days to review the initial building permit Application and submit the Reviewers Initial Report

to the Designated Entity. Reviewers must include all comments to the initial building permit Application in the Initial Report.

- b. The Designated Entity will notify the Applicant if the building permit has been approved or if corrections are required, within one (1) Working Day of receipt of the Reviewer's report.
 - c. If required, Applicant shall complete all corrections and re-submit plans and additional documentation to the Designated Entity. The Designated Entity shall then distribute this information to the Reviewers within one (1) Working Day of receipt.
 - d. Reviewers have fifteen (15) Working Days for each subsequent review of the building permit Application, and shall upon completion of each such re-review, submit the Reviewers report of findings to the Designated Entity, who shall then submit any comments to Applicant within one (1) Working Day.
- F. Building Permit Approval:** The Designated Entity shall issue a building permit to the Applicant within one (1) Working Day of receipt of the Reviewer's Approval. Upon receipt of an approved building permit, the Applicant may initiate Construction on the project approved in the building permit Application. The granting of a building permit does not presume to give authority to violate or cancel the provisions of any applicable state or local law regulating Construction or the performance of Construction, including but not limited to requirements for a Certificate of Occupancy. Structure use is unlawful without a Certificate of Occupancy (which may be a temporary Certificate of Occupancy).
- G. Expiration:** A building permit shall expire if Construction is not commenced within one hundred eighty (180) days from the date the building permit was issued, or if the work authorized by such building permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The MIDA Executive Director is authorized to grant, in writing, one or more extensions of the foregoing one hundred eighty (180) day periods, for periods of not more than one hundred eighty (180) additional days each. The extension shall be requested in writing and justifiable cause demonstrated. A building permit shall expire if Construction is not completed and a Certificate of Occupancy (which may be a temporary Certificate of Occupancy) is not obtained within five (5) years from the date the building permit was issued. The Executive Director may, for good cause shown, extend the building permit expiration date for a period of time not to exceed one (1) additional year.
- H. Grading Permit:** A Grading Permit may be issued by the Executive Director prior to the issuance of a building permit, in accordance with the provisions of Section 2.06.
- I. Footings and Foundations Only Permit Approval:** A "Footings and Foundation Only" permit may be approved prior to the issuance of a building permit. Footings

and Foundations Only permits are only available for commercial structures in excess of 10,001 square feet; for the avoidance of doubt, Footings and Foundations Only permits are not available for single family Dwellings or for duplexes or attached Townhomes. A Footings and Foundation Only permit allows underground site work, including but not limited to underground electrical, plumbing, storm water improvements and/or mechanical, and the placement of concrete foundations, on-grade slabs, and beams. No other structural work is permitted except as explicitly set forth in the Footings and Foundation Only permit. The issuance of a Footings and Foundation Only permit does not guarantee that the full building permit will be approved (in part or in whole) in a manner consistent with the “Footings and Foundation Only” permit. The Applicant proceeds under this Footings and Foundation Only permit at their own risk. The Application for a footings and foundations only permit shall be submitted, and fees paid, to the Designated Entity in accordance with process set forth in Section 2.05A through 2.05F above.

- J. Inspections, Certificates of Occupancy:** The Designated Entity shall schedule an inspection of a structure or a footing and foundation as soon as possible, but in any event not more than three (3) Working Days after the Applicant’s request, and shall issue a temporary or final Certificate of Occupancy, as the case may be, within one (1) Working Day of an approved final building inspection. Temporary Certificates of Occupancy may be renewed by the Applicant on an annual basis. A building permit shall be deemed filed and closed upon issuance of a final Certificate of Occupancy.
- K. Services Required Prior to Occupancy:** No building which will depend on public or quasi-public services, including water, sewer, gas, electricity or fire protection, shall be occupied until infrastructure for such services is constructed, inspected, accepted by the inspector, and until receipt of a Certificate of Occupancy (which may be a temporary Certificate of Occupancy).

2.06 Grading Permit

A. Permit Requirements:

1. Unless explicitly exempted under Section 2.06(B) hereof, a Grading Permit is required for any project in the MIDA Control Area that:
 - a. Grades, fills, excavates, stores or disposes of 350 cubic yards or more of soil or earth material; or
 - b. Clears and grades or performs any Construction activity with ground disturbance of a half-acre or more of land.
 - c. A Grading Permit may be issued with an approved metes and bounds subdivision, or an approved Subdivision and Site Plan, but does not require a building permit unless otherwise specified herein.

B. Exemptions: Unless otherwise required by MIDA Development Standards, the following grading may be done without obtaining a permit:

1. Minor projects without cuts or fills, each of which is less than five feet in vertical depth at its deepest point measured from the existing ground surface, and which meet all of the following criteria:
 - a. Less than three hundred fifty (350) cubic yards of graded material in a single area, within a two-year period. In calculating the graded material quantity, excavation material used as fill material will not be counted twice.
 - b. Does not create a non-permanent unstable or erodible slopes over 40% grade,
 - c. Does not encroach onto sewage disposal systems including leach field areas, and
 - d. Provides for completion of soil disturbing activities within a continuous period of forty-five (45) days;
2. Grading done by or under the supervision, assignment or construction control of a public agency (such as VCP remediation);
3. Excavations less than three hundred fifty (350) cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist. All excavation must be restored within 45 days;
4. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its approved condition;
5. Performance of emergency work necessary to protect life or property when an urgent necessity arises. The Person performing such emergency work shall notify MIDA promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing such work.

C. Concurrent Permits: A Grading Permit may be obtained prior to or concurrently with all other permits contemplated by the MIDA Development Standards, including but not limited to a Site Plan and Subdivision Plat. Any grading prior to

the approval of a Site Plan or Subdivision Plat, including grading with an approved Grading Permit, shall be done at the sole risk of the Applicant.

D. Application Contents: The Applicant shall submit a Grading Permit Application and fee, as established by resolution of MIDA, to the Executive Director. The Application shall include the following:

1. PDF file of Grading Permit Application Form
2. Signed Statement of Applicants responsibility
3. A fee, as established by resolution of MIDA
4. PDF copy of Grading plans (24" x 32" or 24" x 36" sheets). Plans shall be prepared by a licensed civil engineer in conformance with these Specifications and shall include the following:
 - a. A vicinity map indicating the site location;
 - b. A map indicating where within the approved MDP (and, if applicable, approved Site Plan and approved Subdivision) the site is located.
 - c. Existing topography shown in 1 ft contours;
 - d. All planimetric features including but not limited to: water wells, streams, canals, irrigation laterals, private ditches, washes, ponds, and all existing utility main lines (size and owner);
 - e. Location, widths, and names of all planned and existing streets, railroads, utilities, any and all easements, public areas, permanent structures to remain including water wells;
 - f. By note, the acreage of the area or lot;
 - g. Scale, north arrow and date of the submittal;
 - h. A delineation of the area to be cleared and grubbed;
 - i. A statement of the quantity of material to be excavated, the quantity of material to be filled, whether such excavation or fill is permanent or temporary, and the amount of such material to be imported to or exported from the site;
 - j. A statement of the estimated starting date, grading completion date, and when site improvements will be completed;
 - k. The location, implementation schedule, and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or after the proposed activity;
 - l. A description of measures designed to control dust and stabilize the Construction site road and entrance;
 - m. A description of the location and methods of storage and disposal of Construction materials; and
 - n. Geotechnical engineering or engineering geology reports used in the development of the above information.
 - o. Storm Water Pollution Prevention Plan (SWPPP) as required by the State of Utah.

5. PDF copy of on-site drainage shed map to scale with calculations.
6. PDF copy of off-site drainage shed map encompassing site to scale with calculations.

E. Security:

1. Prior to issuance of the permit, the Applicant (or the Applicant's designee) shall provide the Grading Completion Assurance in an amount estimated by the Applicant's Engineer and approved by the Executive Director to be the cost for stabilizing the activity site if the site is abandoned or work is stopped during the performance of the activity described in the permit.
2. The Grading Completion Assurance shall be released to the Applicant (or the Applicant's designee, as the case may be) upon either:
 - a. Issuance of a certificate of completion, provided no administrative or legal action against such Grading Completion Assurance has been commenced prior to that date and the permittee has complied with the applicable provisions of the MIDA Development Standards; or
 - b. Voluntary relinquishment of the permit by the holder thereof to MIDA, provided no administrative or legal action against such Grading Completion Assurance has been commenced prior to that date and the permittee has complied with the provisions of the Permit.

F. Review and Approval of Grading Permit.

1. **Certification.** Upon receipt of the Grading Permit Application with all required data as provided herein, the Executive Director shall within ten (10) Working Days of receipt:(i) certify the Application as complete; or (ii) provide the Applicant with written notice that the Grading Permit Application is incomplete and identifying in reasonable detail those items that the Executive Director determines to be incomplete.
2. **Reviewer's Action.** The Executive Director shall transmit the Grading Permit Application to the Reviewers for their review and recommendations within one (1) Working Day of certification of completion. Reviewers have fifteen (15) Working Days to review the initial Grading Permit Application and submit the Reviewers' Initial Report of findings for approval or a request for more information to the Executive Director. Reviewers must include all comments to the Grading Permit Application in the Initial Report.
 - a. The Executive Director shall notify Applicant if the Grading Permit has been approved or if corrections are required, within one (1) Working Day.
 - b. If required, the Applicant shall complete all corrections and re-submit plans and additional documentation to the Executive Director. The Executive Director shall then distribute the

information to the Reviewers within one (1) Working Day of receipt.

- c. Reviewers have ten (10) Working Days for each subsequent re-review of the Grading Permit Application and shall upon completion of each such re-review, submit the Reviewers' report of findings to the Executive Director, who shall then submit any comments to the Applicant within one (1) Working Day.
 3. **Approval.** Grading Permit approvals shall be deemed Administrative Approvals under the MIDA Development Standards. The Executive Director shall issue a Grading Permit to the Applicant within one (1) Working Day of receipt of the Reviewer's approval. Upon receipt of an approved Grading Permit, the Applicant may initiate the work permitted by the approved Grading Permit. The approved plans may not be changed or altered except in accordance with the provisions of Section 2.06(H)
 4. **Inspections.** The Executive Director shall schedule an inspection of completed grading work as soon as possible, but in any event not more than three (3) Working Days after Applicant's request. A Grading Permit shall be deemed filed and closed upon certification of an approved inspection.
- G. Term:** A Grading Permit shall be effective on the date of issuance, and shall remain in force for one year, unless suspended or revoked by the Executive Director for cause, or voluntarily relinquished by the permittee. Before the expiration of a permit, a permittee may apply for an extension of time in which to complete the activity. Two extensions of twelve months each may be granted by the Executive Director.
- H. Modification of Approved Plans.** Proposed modifications of an approved Grading Permit shall be submitted to the Executive Director for written approval. All necessary submittal information shall accompany any proposed modification. The modification shall be compatible with any approved Master Development Plan.
- I. Right of entry:** As a condition of the permit, the property owner shall grant MIDA a right of entry for the duration of the Grading Permit until after final inspection.
- J. Seasonal Requirements:** Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of Construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in Construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after initial plan approval.

2.07 Infrastructure Improvement Permits and Approvals

- A. Infrastructure Improvement Applications.** The Administrative Approval of MIDA is required in connection with Infrastructure Improvement work, including improvements which require a permit, or stamp and sign off, from a governmental agency, special service district or public utility, other than MIDA, with jurisdiction over such Infrastructure Improvement.
- B. Governmental Infrastructure Improvements Application and Submittal Requirements and Process.** Applications for Governmental Infrastructure Improvements shall be made directly to the applicable governmental authority or public utility along with the appropriate fee, if required. Applications will be processed, reviewed, inspected and approved in accordance with that entity's rules, regulations and requirements. For information purposes, a copy of the Application form shall be filed simultaneously with MIDA (less any supplemental information required by the governmental authority or utility),
- C. MIDA Infrastructure Improvement Permit Application Submittal Requirements.** Applicant shall submit a MIDA Infrastructure Improvement Permit Application and fee, as established by Resolution of MIDA to the Executive Director. The Applicant shall also submit:
1. Proposed or approved Plat (if applicable);
 2. Documentation showing the proposed MIDA Infrastructure Improvement is as contemplated by the approved MDP, Site Plan and/or Subdivision Plat;
- D. Certification.** Upon receipt of the MIDA Infrastructure Improvement Permit Application with all required data as provided herein, the Executive Director shall , within ten (10) Working Days of receipt, (i) certify the Application as complete, (ii) certify the Application as consistent with and as contemplated by an approved MDP, Site Plan and/or Subdivision Plat, as applicable and constituting a valid MIDA Infrastructure Improvement. If the Executive Director determines that he or she is unable to provide any of the foregoing certification, the Executive Director shall provide Applicant with written notice that the MIDA Infrastructure Improvement Permit Application is incomplete and identify in reasonable detail those items that the Executive Director determines to be incomplete or otherwise needed for the Executive Director to make the requisite certifications. The Executive Director shall provide notification to the Applicant the same date that the Application is deemed complete. The Executive Director shall provide notification to the Reviewers the same date that the Application is determined complete.
- E. Approval Process; Standard of Review.**
1. **Governmental Infrastructure Improvements:**
 - a. For Governmental Infrastructure Improvements, review and inspection of the Infrastructure Improvement Application shall be

made by the applicable governmental authority or public utility to which the Infrastructure Improvement shall be dedicated, in accordance with the review and inspection process of such entity.

- b. The Governmental Infrastructure Improvement Permit Application shall be deemed filed and closed upon receipt by the Executive Director of an approved final inspection by the applicable governmental authority or public utility.

2. **MIDA Infrastructure Improvements:**

- a. For MIDA Infrastructure Improvements, review of the MIDA Infrastructure Improvement Permit Application shall be made by MIDA Staff or by a third-party, selected by MIDA and reasonably satisfactory to Applicant, with sufficient expertise and professional qualifications to timely undertake such review. Such Reviewers have fifteen (15) Working Days to review the MIDA Infrastructure Improvement Permit Application and submit the Reviewers' Initial Report of findings for approval or a request for more information to the Executive Director. Reviewers must include all comments to the MIDA Infrastructure Improvement Permit Application in the Initial Report.

1. The Executive Director shall notify Applicant if the MIDA Infrastructure Improvement Permit has been approved or if corrections are required, within one (1) Working Day of receipt of the Reviewer's Initial Report.
2. If required, Applicant shall complete all corrections and re-submit plans and additional documentation to the Executive Director. The Executive Director shall then distribute the information to the Reviewers within one (1) Working Day of receipt.
3. Reviewers have ten (10) Working Days for each subsequent review of the MIDA Infrastructure Improvement Permit Application and shall upon completion of each such re-review, submit the Reviewers' report of findings to the Executive Director, who shall then submit any comments to Applicant within one (1) Working Day. Only those comments that are related to issues that Applicant responded to as a result of the Initial Report may be included in subsequent Reviewer reports. Reviewers may not include comments in subsequent reports that should have properly been included in the Initial Report.

- b. MIDA Infrastructure Improvements may include Governmental Infrastructure Improvements. For example, a MIDA roadway may contain wet and dry utilities. In such case, the included Governmental Infrastructure Improvements shall be approved by the appropriate entity as set forth above in this Section 2.07. The

MIDA Infrastructure Permit shall not be issued until approval for all included Governmental Infrastructure Improvements have been given to MIDA by the applicable entity. Infrastructure Improvement inspections shall and final approvals shall be provided by the appropriate entity as set forth in this Section 2.07.

- c. MIDA Infrastructure Improvement Permit approvals shall be deemed Administrative Approvals under the MIDA Development Standards. The Executive Director shall issue a MIDA Infrastructure Improvement Permit to the Applicant within one (1) Working Day of receipt of the Reviewers' approval and the approval of any Governmental Infrastructure Improvements that are included in, contained in or being built as a subpart of the MIDA Infrastructure Improvements. Upon receipt of an approved MIDA Infrastructure Improvement Permit, the Applicant may initiate the work permitted by the approved Infrastructure Improvement Permit.
- d. The Executive Director shall schedule an inspection of completed MIDA Infrastructure Improvement work as soon as possible, but in any event not more than three (3) Working Days after Applicant's request, or after MIDA has received final inspection approvals from Governmental Infrastructure Improvements included in the Permit, whichever occurs later. MIDA will not perform a final inspection until MIDA has received the final inspections and approvals for all Governmental Infrastructure Improvement included in the MIDA Infrastructure Permit, if any. A MIDA Infrastructure Improvement Permit shall be deemed filed and closed upon certification of an approved final inspection.

2.08 Ski Facilities

- A. Ski Facility Permits.** The Administrative Approval of MIDA shall be required in connection with certain Ski Facility work, as follows:
1. Approval of certain Accessory Ski Facilities that constitute Infrastructure Improvements, such as snow-making equipment, water lines and pumps, shall be subject to the permitting and approval process set forth in Section 2.07.
 2. Approval of certain Accessory Ski Facilities that do not constitute Infrastructure Improvements, such as Restaurants and Bars, Hotels and other commercial buildings, shall be subject to the building permit process set forth in Section 2.05, provided that no building permit shall be required (but other permits, such as electrical and plumbing, may be required) for single-story (without basement) Accessory Ski Facility buildings of less than 120 square feet.
 3. Passenger Ropeways subject to the jurisdiction of the State of Utah, and associated towers and terminals, and Ski runs and Trails, shall not require any additional approvals, permits or authorizations from MIDA.

2.09 Procedural Matters

- A. Proposed Rules.** The MIDA Executive Director shall have the authority to propose rules for the fair and efficient administration of MIDA business. These rules shall be approved by the MIDA Board before taking effect. Rules proposed by the MIDA Executive Director and approved by the MIDA Board shall become a part of the MIDA Development Standards.
- B. Notice of Public Hearings and Public Meetings**
1. MIDA shall give reasonable notice of any public hearing mandated by the MIDA Act or MIDA Development Standards, which notice shall be given in a manner consistent with the requirements of Title 63H-1 of the Utah Code, or such additional notice that may be deemed necessary by the Executive Director.
 2. Notice given pursuant to the provisions hereof shall be deemed adequate and proper if not timely challenged pursuant to State law.

2.10 Variances

- A. Applications:** Applications for variance shall be filed with the Executive Director. Variance Applications shall contain the following information:
1. A description of the requested variance, together with a designation of that section of the MIDA Development Standards from which relief is being requested and a written description of the reason the variance is being requested;
 2. An accurate plan to scale and shown on a legal survey prepared by a licensed surveyor, if appropriate, indicating the manner in which the variance will be applied and its effect upon adjacent properties; and
 3. A filing fee as established MIDA Board resolution.
- B. Public Hearing:** Upon receipt of a complete Application as determined by MIDA Staff, a public hearing shall be set with the MIDA Board for the next available meeting date.
- C. Requirements for Granting Variance:** The MIDA Board may grant a variance, by majority vote, only if all of the following conditions are met:
1. Literal enforcement of the MIDA Development Standards would cause an unreasonable hardship for Applicant that is not necessary to carry out the general purpose of the MIDA Development Standards;
 2. There are special circumstances attached to the property;
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the MIDA Control Area;
 4. The variance will not substantially affect the MIDA Control Area and will not be contrary to the public interest; and
 5. The spirit of the MIDA Development Standards is observed and substantial justice done.
- D. Unreasonable Hardship:**
1. In determining whether or not enforcement of the MIDA Development Standards would cause unreasonable hardship, the MIDA Board may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 2. In determining whether or not enforcement of the MIDA Development Standards would cause unreasonable hardship, the MIDA Board may not find an unreasonable hardship if the hardship is self-imposed.
 3. In determining whether there are special circumstances attached to the property, the MIDA Board may find that special circumstances exist only if the special circumstances:

- a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the MIDA Control Area.
- E. Burden of Proof:** The Applicant shall bear the burden of proving that the conditions justifying a variance have been met. The concurring vote of not less than a majority of the MIDA Board shall be required to grant a variance.
- F. Variance Applicability:** Variances run with the land.
- G. Use Variance:** The MIDA Board may not grant use variances.
- H. Additional Requirements:** In granting a variance, the MIDA Board may impose additional requirements on the Applicant that will:
- 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.

2.11 Approval of Non-Complying Applications

- A. MWR Site Plan.** Where there are differences between the previously approved MWR Site Plan and the Standards or the Materials and Design Guidelines, the MWR Site Plan Approval shall govern. The determination as to whether there is a difference shall be made by the Executive Director. If the Applicant disagrees with the determination of the Executive Director, the Applicant may appeal that decision to the MIDA Board within ten (10) days of the Executive Director's written determination. Nothing in the determination set forth above shall be construed to prohibit the Applicant from applying for a Variance from these Standards as set forth in Section 2.10 above.
- B. Requests for Wavier.** Upon request of an Applicant, and during the Master Development Plan approval process, Site Plan approval process, or the Plat Approval Process, the DRC and/or the MIDA Board may waive compliance with any specific requirement set forth in these Standards. Any such waivers shall be effective when included in the Master Plan, Site Plan or Plat approval and shall specify the requirement being waived.

CHAPTER 3 LAND USE REGULATIONS

- 3.01 Purpose**
- 3.02 Permitted Uses**
- 3.03 Conditional Uses**
- 3.04 Prohibited Uses**
- 3.05 Buildings/Improvements**
- 3.06 Nuisance Factors and Hazards**
- 3.07 Enforcement**
- 3.08 Landscaping and Infrastructure Improvements**

3.01 Purpose of Chapter

The purpose of these Land Use Regulations is to ensure that development within the MIDA Control Area is consistent with the creation of a four-season mountainside resort with features, facilities and activities that will provide an enhanced mountain resort experience. Properties within the MIDA Control Area must be complementary to the “Mountain Resort Look” with a high degree of architectural quality and services. Projects shall provide amenities that will further the goals of a four-season resort. Land uses with any significant adverse impacts (such as excessive noise levels, pollutants, hazards or nuisances not associated with the operation of a ski resort or four-season resort) shall be strictly prohibited. These Land Use Regulations will be administered to foster high-quality development.

3.02 Permitted Uses

A. Permitted uses in the MIDA Control Area are:

1. Hotel
2. Condominium
3. Conference Center
4. Employee Housing
5. Mixed-Use Hotel
6. Townhome
7. Time share, Fractional interest
8. Single-family and multi-family Dwellings and associated Private Garages
9. Retail and office commercial uses, including outdoor retail sales
10. Support uses appurtenant to Hotels, including but not limited to retail commercial uses, information technology, Restaurants and Bars, and spas
11. Recreation, fitness and community centers, including Recreation Facilities, and cultural centers including libraries, museums and houses of worship
12. Spa
13. Swimming Pool
14. Eating and/or drinking establishments, including Restaurants and Bars, and Grocery Stores and Convenience Stores (but excluding drive-through eating establishments)
15. Lock-off Residential Units
16. Parking Facilities
17. Outdoor amphitheaters
18. All season trails
19. Ski Facilities
20. Ski Patrol and medical facilities
21. Ski resort and ski resort uses including day ski lodge, skier services and ski lockers
22. Mountain/Snow Removal Equipment, Maintenance and Storage
23. Snowmaking
24. Other Outdoor Recreation components that are typical to ski resort and recreation Hotel operations, including but not limited to alpine and Nordic skiing, alpine coasters, tobogganing, ice skating, snow shoeing, hiking, wildlife tours, mountain biking, roller skating, miniature golf, zip lines and ropes courses, parks and outdoor events and concerts
25. Security gatehouse
26. Infrastructure Improvements
27. VCP Activity
28. Fuel Stations supporting Permitted Uses (but not gasoline service stations and car wash facilities).

3.03 Conditional Uses

A. Conditional Uses in the MIDA Control Area are:

1. Any use customarily incidental to the operation of a Permitted Use or a Conditional Use not otherwise designated a Permitted Use
2. Ossuaries, mausoleums and memorial gardens, located not less than ½ mile from a Dwelling
3. Radio, television, or wireless telecommunication towers that utilize stealth technologies to minimize their visual impact
4. Temporary Structures not otherwise designated a Permitted Use
5. Support and maintenance to support a Permitted Use or a Conditional Use not otherwise designated a Permitted Use
6. Off-premises signage, except for wayfinding
7. Helipads
8. Emergency heliport sites
9. Camping and campgrounds
10. Gasoline service stations and car wash facilities
11. Gravel pits and borrow sites in connection with approved Construction
12. Nightly Rentals of Condominiums or multi-unit Townhome structures only (no single-family homes).
13. Overhead electrical transmission lines.

3.04 Prohibited Uses

- A.** Any use not listed as a Permitted Use or Conditional Use is prohibited. For the avoidance of doubt, surface and subsurface (within the uppermost 200 feet) mining and reclamation (other than as expressly provided for in Section 3.03(A)(11) are Prohibited Uses.
- B.** The Executive Director may determine if a use requested is prohibited or fits as a Permitted Use or a Conditional Use. The Executive Director's determination that a use is prohibited is appealable as follows:

 - 1. The Applicant shall make a written appeal to the DRC within ten (10) Working Days of the determination.
 - 2. The DRC shall make a determination within forty (40) Working Days of receiving the appeal. If the DRC determines that the use is prohibited then that determination may be appealed to the MIDA Board within ten (10) Working Days of the determination.
 - 3. The MIDA Board shall make a final determination within forty (40) Working Days of receiving the appeal.
- C.** The DRC and MIDA are not bound by the Executive Director's determination that a use is a Permitted Use or a Conditional Use. The DRC and MIDA Board may reach a different conclusion as part of the Site Plan review. The MIDA's Board's decision shall be final.

3.05 Buildings/Improvements

- A. Any building erected or improvements on the premises shall be designed by a licensed professional in their area of expertise, as required by state law and shall conform to all applicable codes.
- B. All uses, buildings, and signage shall follow the Architectural Design Standards found in Chapter 4, “Design Standards” and the MIDA Development Standards.
- C. No building or structure shall be constructed, reconstructed, materially altered or moved, except after either the issuance of a Building Permit pursuant to Section 2.05 of the MIDA Development Standards or, if exempt by Utah Code Annotated Section 58-56-4, as currently amended, the signing of an agricultural building zoning conformance Application by the MIDA Executive Director.
- D. It shall be unlawful to use or occupy, or to permit the use or occupancy of, any buildings or premises until a Certificate of Occupancy (which may be a temporary Certificate of Occupancy) has been issued by MIDA. A new Certificate of Occupancy may be required, as reasonably determined by the Executive Director, with respect to any change in the Approved Use of building if such change in use requires any material alteration of the building or is such that the intensity of the use of the Building is materially increased.

3.06 Nuisance Factors and Hazards

- A.** MIDA may avail itself of all remedies available to abate any nuisance or public nuisance. Any act which constitutes a nuisance or a public nuisance under the Laws of the State of Utah may be addressed by MIDA. Activities that emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution or generate heavy truck traffic (other than approved Construction) are not permitted, except when said use and its associated activity is a Permitted Use or an approved Conditional Use. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.
- B.** Activities conducted on the premises shall comply with all applicable MIDA, state and federal laws, regulations and permits.
- C.** The noise level emanating from any use or operation shall not exceed the limits of the governing jurisdiction.
- D.** A use shall not be permitted which creates objectionable odor in such quantity as to be readily detectable at the property boundary.
- E.** Seasonal snow making activities, snow grooming (including snow-making and the use of snow-grooming equipment), Snow Removal activities and Snow Removal Equipment, helicopter and rescue equipment, and noises as may emit from Outdoor Recreation use and all such reasonably expected noises emitted from Permitted or approved Conditional Uses are not considered nuisance activities.

3.07 Enforcement

- A.** These Land Use Regulations may be enforced by MIDA. Violation of any of the Land Use Regulations shall give MIDA the right to bring a criminal and/or civil action against the party or parties violating or attempting to violate any of the Land Use Regulations, to enjoin them from so doing, to cause any such violation to be remedied, or to recover damages resulting from such violation, including attorney's fees.
- B.** Enforcement may include removing or fixing on-site changes or improvements which have been abandoned or which constitute a hazard or eyesore.
1. By applying for Site Plan approval, the landowner grants permission for MIDA or its contractor to enter onto the property to remedy the problem and place a lien on the property for MIDA to recover its costs.
 2. Prior to entering onto the property MIDA shall provide written notice to the landowner which shall provide the landowner with a reasonable time to remedy the problem.
- C. **Conflicting Provisions:**** The provisions of these Land Use Regulations set forth in the MIDA Development Standards are in addition to all other MIDA ordinances, Rules, adopted building codes and fire codes, the laws of the State of Utah, and the laws of the United States. These Land Use Regulations shall not supersede any private land use regulations in recorded deeds or covenants. Whenever a conflict exists between these Land Use Regulations (or, more generally, the MIDA Development Standards) and state or federal laws or private land use regulations in deeds or covenants, the more restrictive provision shall apply to the extent allowed by law. The more specific provisions of these Land Use Regulations, dealing with specific zones, Subdivision types and types of uses, shall prevail over general provisions.

3.08 Infrastructure Improvements

- A. Completion of Improvements:** Infrastructure Improvements shown on a Plat shall be completed prior to the Plat being recorded or prior to Development Activity on the land within the platted boundary shown on the Plat. Notwithstanding the foregoing, upon the Applicant's request MIDA shall allow the Applicant to record the Plat and post an Improvement Completion Assurance and, upon such posting and recording, the Applicant shall be permitted to engage in Development Activity within the platted boundary shown on the Plat. The Improvement Completion Assurance shall be posted with MIDA for all MIDA Infrastructure Improvements, or with the appropriate governmental entity or utility for Governmental Infrastructure Improvements. The MIDA Executive Director may waive the Completion Assurance requirements for any MIDA Infrastructure Improvements when the construction of such Infrastructure Improvements are being directly funded by MIDA. For MIDA Infrastructure Improvements, the Infrastructure Completion Assurance shall be in a principal amount of one hundred ten percent (110%) of the total estimated cost of the applicable MIDA Infrastructure Improvements and shall be in favor of MIDA or other governmental entity to which the improvements will be dedicated. For Governmental Infrastructure Improvements, the principal amount shall be determined by the appropriate governmental entity in accordance with their standard procedures. The Improvement Completion Assurance for MIDA Infrastructure Improvements shall provide for partial release thereof as portions of the required improvements are completed and accepted, in accordance with Section 3.08.E. For MIDA Infrastructure Improvements, the estimated cost shall be approved by MIDA taking into account some or all of the following factors when making the estimate:
1. The Applicant's engineering estimate;
 2. The estimate of any reviewing engineer for MIDA or the governmental entity that will accept the Infrastructure Improvements; and
 3. Any other relevant information.
- B. Required Time Period For Performance:** For all MIDA Infrastructure Improvements, the duration of the time to complete the installation of the Infrastructure Improvements under the Improvement Completion Assurance shall be determined by the Executive Director depending on the size of the project, the number of phases, the climatic conditions, the soil conditions, or any other consideration reasonably related to the public health, safety or welfare. All MIDA Infrastructure Improvements must be completed by the date set in the Improvement Completion Assurance unless the time for performance is extended as provided in subsection F.
- C. Inspection Standards:** Before any required Infrastructure Improvements are accepted by the governmental entity to which they will be dedicated, the Infrastructure Improvements shall be inspected. The inspection of the

Infrastructure Improvements shall be conducted by representatives of the entity to which they will be dedicated to ensure compliance with such entity's written standards for the particular improvements.

- D. Inspection Notice:** A representative of MIDA or the governmental entity that will be inspecting the Infrastructure Improvements may, from time to time, enter onto the property to inspect or cause to be inspected the Infrastructure Improvements. Such representative shall endeavor to provide the Applicant with advance notification and the opportunity to be present for such inspection. The Applicant shall provide at least twenty-four (24) hours prior to the desired inspection.
- E. Partial Release Of Improvement Completion Assurance:** For all MIDA Infrastructure Improvements, MIDA shall approve partial releases of the Improvement Completion Assurance prior to final release, if requested by the Applicant; provided, however, that such requests shall be made only with respect to fully completed components of the applicable MIDA Infrastructure Improvements (e.g. completed storm water system, curb, gutter and sidewalk, etc.). Each release must be approved by the Executive Director after receiving notice that a portion of the Infrastructure Improvements have been completed and accepted. The releases approved by MIDA shall not exceed the percentage of work completed and, at no time prior to final acceptance of the MIDA Infrastructure Improvements, may the total amount of the Improvement Completion Assurance be allowed to be reduced below one hundred ten percent (110%) of MIDA's estimate of the cost of the incomplete Infrastructure Improvements. The Applicant shall not request more than one release per every 30 days.
- F. Failure of Performance, Extension of Time:** For MIDA Infrastructure Improvements, in the event that any performance required by an Improvement Completion Assurance is not completed within the time period allowed for under the Improvement Completion Assurance, the Applicant may apply to MIDA for an extension of time in which to complete the required performance. A one year extension of time may be granted by the Executive Director upon Application and upon a showing of good cause and diligent effort by the Applicant to complete the required improvements within the required period, provided such Application is submitted at least sixty (60) days prior to the expiration of the Improvement Completion Assurance, and the issuer of the Improvement Completion Assurance is willing to extend the time. The Improvement Completion Assurance amount shall be increased ten percent (10%) for each year extension granted by MIDA. If at the end of the Improvement Completion Assurance term, the Executive Director determines that the required MIDA Infrastructure Improvements have not been completed according to inspection standards, MIDA in its sole discretion may draw upon any part of the MIDA Improvement Completion Assurance which is necessary to complete the promised performance or to repair any inadequate

performance and proceed with work to bring the performance up to the applicable standards.

G. Improvement Warranty Period: For MIDA Infrastructure Improvements, upon completion and acceptance of the required MIDA Infrastructure Improvements the Improvement Warranty Period shall begin to run.

1. Prior to the warranty period beginning the Applicant shall post a cash deposit, surety bond, letter of credit, or other similar security acceptable to MIDA, in the amount of 10% of the lesser of the:
 - a. Engineer's original estimated cost of completion; or
 - b. Applicant's reasonable proven cost of completion.
2. Such security shall be released to Applicant upon expiration of the Improvement Warranty Period. The Improvement Warranty Period shall be 1 year from date of initiation, unless there are special circumstances identified in writing 6 months prior to expiration by the Executive Director indicating a longer warranty period is warranted. In no case shall the warranty period be longer than 2 years.

H. No Third-Party Rights: Each Improvement Completion Assurance and Improvement Warranty for MIDA Infrastructure Improvements are between MIDA, the Applicant (together with its lenders, guarantors, and affiliates, as applicable), and the issuing financial institution, if applicable. No other party, including without limitation, owners of individual units or lots, shall be deemed a third-party beneficiary thereof, and shall not have any rights under this section or any Improvement Completion Assurance or Improvement Warranty and shall have no right to bring any action as a third-party beneficiary or otherwise. Notwithstanding the foregoing, the government entity or public utility to which the Infrastructure Improvement will be dedicated shall be a third-party beneficiary of any applicable Improvement Completion Assurance and Improvement Warranty and shall have all rights and remedies available to it thereunder.

CHAPTER 4 DESIGN STANDARDS

- 4.01 Purpose and Intent**
- 4.02 General Design Standards**
- 4.03 Architectural Design Standards**
- 4.04 Landscape Design Standards**
- 4.05 Parking Design Standards**
- 4.06 Lighting Design Standards**
- 4.07 Signage Design Standards**
- 4.08 Infrastructure Improvements Design Standards**
- 4.09 Other Design Standards**

4.01 Purpose and Intent

Purpose and Intent: The purpose of this Chapter is to expand upon the requirements identified in the other Chapters and provide mandatory standards and non-mandatory guidelines as a means of creating harmony and unity throughout the MIDA Control Area. While guidelines are not mandatory, unlike the mandatory standards, the intent of the guidelines is to direct the overall quality of the entire MIDA Control Area, as well as complement and maintain the Mountain Resort Look.

- A. Design Standards Verbiage:** In this Chapter, the Design Standards apply only to the MIDA Control Area. Guidelines are identified with words such as “should” or “may.” Standards are identified by mandatory language such as “shall” or “must.”
- B. Design Element Approval:** Design elements, consistent with the Materials and Design Handbook, will be approved through the Site Plan Application process described in Chapter 2.03.
- C. Modification of Design Standards:** It is the responsibility of the Reviewers, the DRC, and the MIDA Board to see that the use of these Design Standards are consistently applied throughout the development of the MIDA Control Area. Modifications to these Design Standards may only be approved by the MIDA Board during the appropriate Application process described in Chapter 2. Modification of Design Standards shall be on a very limited basis and only in cases of a hardship and shall not jeopardize the overall Mountain Resort Look. Any proposed amendment of the Design Standards shall be considered by the DRC, and the DRC shall make a recommendation to the MIDA Board to approve or deny such amendment. Notwithstanding anything herein to the contrary, in the event of a conflict between these Design Standards and the requirements of a VCP (or the requirements of any entity overseeing a VCP or VCP Activity), the requirements of the VCP shall prevail

4.02 General Design Standards

Objective: Generally, the Design Standards found in this Chapter, are intended to accommodate the development of a four season, high quality mountain resort incorporating the Mountain Resort Look, as established by these Design Standards, generally consistent with the JSPA and the surrounding environment.

A. Unifying Standard Design Elements: The following shall be compatible with the Mountain Resort Look and shall be consistent and uniform throughout the development:

1. Signage, maps and related design elements, including partnership displays;
2. Landscape and hardscape design features, including, but not limited to:
 - a. Street lighting;
 - b. Street furniture and benches;
 - c. Street cross sections including landscaping in the right-of-way;
 - d. Bike and ski racks;
 - e. Waste receptacles;
 - f. Bus shelters;
 - g. Drinking fountains;
 - h. Specific consistent landscape plantings;
 - i. Creative use of water features where possible as a design feature and as a sound attenuation technique;
 - j. Walls and Fences;
 - k. Bridges;
 - l. Wayfinding;
 - m. Street signs;
 - n. Common historical markers and interpretive signs;
 - o. Consistent use of color palettes and materials;
 - p. Boulder massing and monuments.
 - q. Trails, trail heads, information kiosks and cart path design elements.
 - r. Certain architectural features are specified in Section 4.03.

B. Setbacks/Yard Requirements: The following minimum setbacks are required unless modified by the MIDA Board, after a review and recommendation by the DRC:

1. Front yard – ten (10') feet (unless otherwise required by state law);
2. Side yard – eight (8') feet;
3. Rear yard – None, unless otherwise required by IBC or state law;
4. Adjacent to ski run – 20'.

4.03 Architectural Design Standards

- A. Objective:** The architectural design standards are intended to facilitate the creation of a four-season mountain resort that is reasonably integrated into and harmonious with the existing terrain and landscape, and that utilizes appropriate building materials consistent with the Mountain Resort Look.
- B. Unifying Standard Design Elements:** The intention of the unifying design elements is to help create a four-season mountain resort that is consistent with the Mountain Resort Look and the local environment. The Mountain Resort Look is to be accomplished using a consistent range of color palettes and materials, roof treatments, wall treatments, paving materials, landscaping, and building finishes and materials. To this end Applicants shall prepare and submit for review by the DRC, a Materials and Design Guidelines Handbook that addresses the topical areas set forth in this Chapter. The Materials and Design Guidelines Handbook shall be approved by the MIDA Board, after receiving a recommendation from the DRC. These Standards, supplemented by the Materials and Design Guidelines Handbook, once approved by MIDA (and as may be amended from time-to-time by MIDA), shall become the controlling documents for architectural, landscape, parking, lighting and signing standards for the applicable project area.
- C. Building Siting and Orientation Design Standards:**
1. **Natural Features and Vegetation:** Preservation of major natural site features and existing vegetation is strongly encouraged. Applicant shall define the area of disturbance on paper and in the field prior to Construction.
 2. **Encroachment:** Encroachment beyond the property lines is prohibited.
 3. **Adjacent Development:** Building siting should be responsive to the overall Master Development Plan, specific Site Plan, adjacent development, and the natural environment.
 4. **Master Development Plan:** Proposed projects shall comply with the Master Development Plan when designing buildings or residences.
 5. **Topography:** Buildings and residences should be sited to take full advantage of the topography in creating view corridors, pathways, plazas, gathering places and building orientation. This includes using grade changes as vertical pedestrian links and using buildings for retainage.
 6. **Geology/Soils Conditions:** Buildings and residences should be located to take advantage of extraordinary features related to the site. Existing rock outcroppings, landforms and water sources should be considered in the siting and orientation of buildings.

7. **Hydrology and Drainage:** Applicant shall position buildings to make provisions for drainages and avoid locating buildings across drain swells and small canyons leading to the Jordanelle Reservoir. In the event a building does cross a drainage system; the development shall enhance and accommodate for future drainage. Whenever appropriate, the Applicant should incorporate natural drainages into landscape features and utilize the natural flow of water to create annual stream beds or ponds (with state approval) with a wider variety of plants and plant associations.
 8. **Viewshed Guidelines:** Views are an important aspect of the MIDA Control Area. Views to the Jordanelle Reservoir and the Wasatch Mountains should be respected and maintained to the extent feasible. Buildings should be oriented to capture views of both mountainside and the Jordanelle Reservoir. Ridgelines should be protected to the extent feasible. Great care should be taken when building in these locations to protect these sensitive viewsheds.
 9. **Access and Circulation:** Clearly defined access to Hotels, other higher buildings and Parking Facilities will improve the experience of visitors to the MIDA Control Area. Providing clearly defined access and clear circulation is an opportunity to encourage people to walk and discover the resort on foot. Pedestrian links shall be provided through Parking Facilities and other areas for easy pedestrian access to buildings and other areas.
 10. **Access Grades:** Except when approved by the Fire District, the maximum grades for public and private roads are as allowed by the MIDA Development Standards to permit snowplows to clear roads easily and for standard passenger cars to use streets in storms and icy conditions. For private roads some circumstances may require steeper grades; the Executive Director, in consultation with the MIDA engineer, and subject to the approval of the Fire District, will review such circumstances on a case by case basis during the Site Plan review process for private roads.
 11. **Solar Orientation:** Buildings and residences should be sited to maximize solar orientation and the use of solar energy.
- D. Building Height and Building Massing Standards:** Where possible, the use of roof space (in attics) as habitable space is encouraged to minimize base building mass:
1. **Story Height:** As a general rule, commercial use stories should range from twelve (12') to eighteen feet (18') and in Hotels where meeting space is found it can range up to thirty feet (30'). Story heights beyond these recommendations may be permitted based upon design considerations for specific buildings.
 2. **Maximum Building Height Rule:** The maximum building height is 8 Stories or one-hundred twenty feet (120') allowed above grade, measured from the final grade

on four sides of the structure. Basement and below grade structures will not be counted as a Story. Chimneys, flagpoles, clock towers, church towers/spires and architectural design features on buildings (i.e. cornices, buttresses, cupolas, and similar design features) are excluded from the determination of building height.

3. Building Massing: Building massing should step with the natural variations in the topography to integrate the building into the natural landscape.

E. Building Design Standards: Building design shall be implemented in a manner consistent with the Mountain Resort Look.

1. Materials: The richness and character of the local natural environment must be recognized through the quality and variety of individual building materials. The use of a variety of wall materials like natural stone, wood or hard board siding etc. is recommended in order to add visual interest to the building. However, using too many can overpower adjacent buildings and surroundings.
2. Ground Floor: Substantial use of stone and/or timber construction is recommended on the building ground floor. The appearance of the stone, timber or other building materials must be in keeping in color and style to what is found in the local environment. Shop fronts integrated into a ground floor stonework plinth should be varied in treatment, ranging from stonework variations to individualized Utah themed treatments. Ground floor building materials include local stone, stonework stucco rendered surfaces, and/or distressed/stained concrete. Stone, timber, and metal or composite may be used in detailing. All stonework or other construction must have a capped finish at the parapet top. Storefront glazing systems shall be wood, recessed from the stonework (or outer) face, unless otherwise approved. Applicants are encouraged to use heavy timber and/or logs on lintels and rafters (applied or integral to structure).
3. Floors Two to Four: Buildings three and one-half (3+) Stories or less should be clad primarily in wood, hard board, stone or stucco (as a highlight). Stucco, stonework, approved composite or metal may be used as highlights. Buildings should show a variety of detailing from building to building.
4. Floors Five and above: Floors five (5) and above must employ materials that continue to convey a sense of human scale, warmth, and well-crafted construction. A combination of two (2) or three (3) materials is recommended. This variation in cladding is important for buildings over four (4) stories in height to visually minimize the building mass. Such buildings should incorporate heavy elements such as stonework onto the second floor in selected vertical elements to help the visual balance of the taller buildings.
5. Wood: Rough sawn sidings can be used with smooth and clear finishes for contrast. Wood may also be present as heavy timbered elements and for infill panels in non-wood frame buildings. Wood shingles and board and batten finishes

are also acceptable. Plywood or particle board is not acceptable as exterior cladding.

6. Fiber Cement Board: Concrete materials with appropriate finishes may be used.
7. Stucco: Must be acrylic based and not a paint finish. Stucco must incorporate heavy reveals and expansion joints. Applicant is encouraged to protect stucco facades from weather exposure by deep overhanging eaves. Wood trim, stone and other additional detailing is required in combination with stucco.
8. Roofs: Recommended roof materials include standing seam metal roof, Vail metal tile, and environmentally sensitive architectural composite shingles, such as a substantial forty (40) year approved wood-like shake or composition profile. Other material that may be acceptable includes concrete, slate tiles and cedar shake:
 - a. Roof Slopes: Roof slopes on the main roof shall range from a four: twelve (4:12) slope to a seven: twelve (7:12) slope. Flat roofs are permitted if integral to the design of the building and approved by the DRC.
 - b. Pitch and Style: The roof must be treated as an integral part of the building design, completing the overall composition. Roofs must be designed to reduce visual bulk by means of smaller articulated forms as opposed to a single monolithic roof shapes and by stepping down at building ends and corners. Upper floors must be partially or wholly integrated into the roof shape to assist in this visual articulation. Flat roofs must not form the greater part of the building roof but may be used to accompany pitched roofs if appropriate. All flat roof sections must have a parapet at the perimeter if appropriate to the design. The main roof form should be articulated with smaller hipped roof elements, related to building form or with shed dormers, or a combination of both. Full gable ends, as opposed to a hipped gable, can be used in combination with a hipped roof form. Gable ends should be grouped with smaller hipped roofs. Care must be taken to protect pedestrians from falling snow off roofs.
 - c. Roof Articulation: Cupolas, dormers, and skylights are recommended for roof articulation.
 - d. Lightning Rods: Lightning rods are acceptable.
 - e. Chimneys and Roof Stacks: Chimneys, roof stacks and other penetrations should be consolidated into a few chimney stacks, as opposed to many or consolidated in false chimneys. These stacks should be articulated as features on the roof with appropriate architectural detailing. Doghouse enclosures should be incorporated where appropriate.

- f. Overhangs: Timber, timber-like or substantial (i.e. steel) brackets are recommended for larger overhangs to add detail and visual appeal. Exposed rafters and eaves should be detailed with large timber sections or approved timber-like composite. Other material will be considered on a case by case basis by the MIDA Board.
 - g. Mechanical Equipment: Mechanical equipment (including air conditioning, fans, grease fans, etc.) and elevator rooms must be integrated into the roof form and/or screened from view corridors where possible. Solar collectors must lie flat on roofs, not angled against the roof pitch with supports. Large satellite dishes are not permitted. Small satellite dishes must be discreetly located, screened from view, and designed/colored in a manner to minimize visibility.
9. Windows: Window and doorframes should be constructed in wood, metal or other acceptable materials and should be painted to complement the colors used in the building. Standard white metal or vinyl window frames are generally not acceptable. Where mullions and/or muntins are used, they must be real and not applied. All windows and openings must have wood, stone, composite or stucco trim/articulation adjacent if integral to the design of the building. Where possible in habitable spaces, windows should be operable.
- a. Bay Windows: Bay windows are encouraged as a means of creating building articulation.
 - b. Vertical Proportion: Window modules should be broken down into smaller proportions. Emphasis on vertical proportions is recommended.
 - c. Colors: Custom colors integrated into the total palette of colors selected for the building are encouraged.
 - d. Variation: Variation in the window opening proportion and fenestration styles from floor to floor is encouraged.
 - e. Shop front Windows: Shop front windows should include large expanses of glazing broken up by real muntin bars. The recommended fenestration should provide interest and variety in pedestrian spaces as well as when viewed from a distance.
 - f. Glass Reflectivity: Glass reflectivity "coefficient" must not exceed ten percent (10%) unless otherwise approved for a specific Application by the MIDA Board. Mirror glass is not permitted.
 - g. Individuality: Generally, windows and doors should function as individual openings rather than continuous horizontal and vertical bands. In buildings

over four (4) floors, windows above four (4) floors should be grouped to promote over scaling. (The massing of a set of elements together to make a building or a wall appears smaller than it actually is.)

10. **Doors and Entries:** The building entry should be strongly defined with roofs, walls, accent paving and entry features. Care should be taken to avoid similarities in entrance details from building to building. In particular, retail openings and their window displays should avoid repetition. Doors at the ground floor should be expressed with broad timber, stone or approved composite architraves. Where applicable, door openings must be protected from wind and accumulating or drifting snow. A substantial lintel expression is desirable, especially at the ground level. Main entrances to buildings must have a clear identity and be accessible directly from the street. Ground floor entries should be designed to ensure a smooth street to Dwelling transition.
 11. **Colors:** The Utah landscape presents a vibrant and comprehensive color environment. The color palette to be used in the MIDA Control Area is based on the colors of the local natural landscape, including the muted tones of the native vegetation layered against the more saturated hues of the rock and ground.
 12. **Balconies:** Balcony elements must be detailed using large timber sections, metal framing or other approved materials consistent with the Mountain Resort Look. A subtle variation in approach is expected from building to building. Where applicable, balconies must be protected from wind and accumulating or drifting snow. Generally, recessed balconies with roof overhangs are recommended, but not required.
 13. **Other Building Details:** Details such as weathervanes and external wall mounted lighting are highly recommended.
- F. Servicing and Mechanical:** Any separate buildings for services must be constructed in materials and forms compatible with the main buildings and surroundings. Service bays are to be located within the building or Parking Structure.
1. **Service Bays:** All maneuvering of service vehicles for a specific building should be within property boundaries. If exterior service bays are necessary, locations visible to Hotel entries, general public or pedestrian plaza, or commercial businesses should be avoided when feasibly possible. Permanent visual screening for exterior service bays must be provided. Service bay design must be durable and should be designed to prevent ice and snow build-up to provide ease of access for winter garbage pickup.
 2. **Air Conditioning and Heating:** Air conditioning units installed in windows are prohibited. Air conditioning cooling units or chillers and related equipment are to

be located within the building, concealed in a separate building, concealed in the roof space, or designed as part of the roof form.

3. **Garbage Storage:** Enclosed garbage storage and recycling rooms or bays shall be provided for each building or for a group of buildings. All garbage containers shall be stored on grade, within the building or in a Parking Structure away from public view. Adequate ventilation must be provided (exhaust to exterior). Containers must be easily accessible to garbage trucks. On grade containers outside of underground/structure parking shall be housed in a permanent enclosure.
 4. **Utilities:** Each project should include an area for utility tanks, transformers, and gas meters. The area shall (to the extent allowed by utility providers and reasonably feasible) be fully screened from the view of the public and adjacent property owners, and screens should be incorporated into the grade and landscape design. The meters should (to the extent allowed by utility providers and reasonably feasible) be accessible but screened and protected and shall not run parallel to pedestrian plazas.
 5. **Fire/Life Safety:** All fire/life safety issues shall be coordinated and approved by the Fire District. Design shall incorporate fire hose connections, cache rooms and utility meters in the building design. Fire hydrants will be featured as stand-alone hydrants and as standpipes in accordance with the firefighting plan.
 6. **Transformer:** The transformer location shall be mutually agreed upon by the Applicant, the service provider and MIDA, preferably at the early stages of design process in order to minimize its visual impact, especially with reference to adjacent properties.
- G. Unloading and Porte-Cocheres:** Porte-cocheres shall be consistently integrated into the overall design of the building. Clearance shall be provided for emergency vehicles. Drive-through aisles shall be unobstructed at all times. Paving materials shall be consistent with subsection 4.04.C.1 of this Chapter and should be used to delineate pedestrian and vehicular areas where possible. Signage and lighting shall provide for simple and easy access. Build to lines should be reviewed when using a porte-cochere.
- H. Underground Parking:** Underground parking associated with buildings shall be clearly marked and entries shall be established to minimize pedestrian/auto conflicts. Parking clearances, to the extent feasible, shall be high enough to provide for large sport utility vehicles with consideration to luggage or ski racks on top of the vehicles. Access to underground parking shall be well marked, easy and simple to locate.
- I. Short-Term Surface Parking:** Small Surface Parking areas are permitted as shown on the Master Development Plan and in conjunction with porte-cocheres for Hotel check-in and check-out. These Parking Facilities are for short term parking of less

than one hour to enable the check in process. Parking in these areas should allow convenient access to front doors of the Hotels or other buildings. Clearance shall be provided for emergency vehicles and drive-through aisles shall be unobstructed at all times. Paving materials shall be consistent with subsection 4.04.C.1 of this Chapter. The screening and paving requirements set forth in this Section 4.03.I shall not apply to Temporary Surface Parking.

4.04 Landscape Design Standards

- A. Objective:** The landscape is to be reminiscent of the natural landscape found in the Jordanelle Basin maintaining the natural appearing landforms and flora. The landscape design should allow new vegetation to appear to be integrated with the existing landscape and utilize indigenous species wherever possible. It should assist in creating the streetscape and encourage a sense and scale of intimacy throughout the resort.
- B. Landscape Standard Design Elements:** All landscapes are intended to enhance the mountain character and designed to harmonize the resort with the planting and paving.
1. **Color Palette:** The color palette should reflect a similar range of hues as have been chosen for detailing architectural elements.
 2. **Boulder Massing:** Individual boulders placed alone in the landscape are discouraged. Instead, boulders should be grouped in clusters to create edges, direct circulation, create informal seating areas, Retaining Walls, or as physical elements for visually grounding buildings into the landscape. Manmade boulders or molded stones will be considered on a case by case basis during the Site Plan Application.
 3. **Walls:** Walls are to be utilized for grade change retainage, in building planting areas and for decorative purposes. The materials should relate to the building architecture. If stone is used, the stone should be split faced and randomly patterned. Walls exhibiting stone should be comprised of natural patterns.
 4. **Water Features:** Manmade, large scale water features should be designed as special feature elements only and should be located strategically for maximum visitor impact and for sound attenuation. They should be designed to provide visual interest and celebrate entrances and/or special areas. Water should be recirculated through the water feature to minimize water loss. Consideration should be given to water quality by incorporating filtration and/or purification systems where appropriate. The use of accent lighting in water features is encouraged; however, lighting level intensities should be kept to a minimum. Light sources, electrical cables and mechanical hardware should be hidden from view whenever possible and consideration should be given to treatment of pool bottoms by using such things as natural stone or material to give a finished elegant look. Water features should be designed to create four (4) season interest.
 5. **Bike, Ski and Snowboard Racks:** Ski/snowboard and bike storage will be provided near entries to commercial spaces for use by the public. Designs should be approved as part of the Materials and Design Standards Handbook and reflect materials used on the nearby building bases. Ski/snowboard and bike racks must be highly visible and accessible.

6. Waste Receptacles: Small trash cans and recycling bins should be approved as part of the Materials and Design Standards Handbook and be placed so that residents and guests have convenient access to disposal resources.

C. Hardscape Standard Design Elements: The hardscape includes such things as paving materials, stone walls, and curbs. Materials in the hardscape should be durable and non-skid. Pavers should be set with enough strength to prevent the pavers from slumping and cracking.

1. Paving Materials: Paving materials should be inspired by natural elements within the Utah landscape and be used to delineate spaces, direct pedestrians and create interest at the ground plane level. Design consideration should be given when terminating paving patterns with transitions to adjoining properties. Acceptable paving materials must be durable, frost proof and should have a high coefficient of friction (in excess of 0.8).
2. Plazas: Plazas should provide a variety of different size experiences and scaled spaces for the public. Views to storefronts and the physical amenities should be preserved.
3. Sidewalks: Sidewalks should be a minimum of five (5) feet in width depending on their location. Sidewalks should be durable Hard Surface materials that are consistent with the overall design theme of the resort. Sidewalks should have a high coefficient of friction (in excess of 0.8).

D. Vegetation:

1. Grade changes within the landscaped pedestrian areas should be made using Retaining Walls (maximum 5 feet in height). Wall heights greater than five feet (5') may be used outside of pedestrian areas, and when necessary to minimize disturbance to landform and to preserve the natural character of the area.
2. Planting:
 - a. Plant composition should help emphasize the sense that the mountain landscape extends through the MIDA Control Area. To mimic the natural landscape character, the use of native or native like plant massing (or plant groupings) and compositions that combine deciduous and evergreen trees with understory shrubs and ground covers reminiscent of the surrounding mountain slopes and native Utah landscape is required.
 - b. Plantings are to be incorporated into landscape design to create edges, frame views, soften building edges and extend the mountain landscape character into the resort core. Planting single shrubs and trees is discouraged. Mass planting of trees, shrubs and ground cover areas is necessary to create a stronger, more legible landscape character. A variety of plant sizes is recommended to ensure visual diversity. Planting should be strategically located to ensure views are framed, preserved and/or enhanced.

3. **Planting Beds:** All planting beds that abut roads, walkways and paved areas may, where appropriate, be surrounded with a minimum four inch (4") high curb of concrete or finished stone.
4. **Plant Materials:** Plant materials shall be tolerant to the Jordanelle Basin which is characterized by cold winters and hot summers with very little rainfall. When domestic plants are used, a seamless transition from the domestic plants to the native environment should be considered. Planting design shall follow the recommendations of the Wildland Urban Interface Code as adopted by the State of Utah and the Fire District.
5. **Native Plants/Native Like Plants:** Native landscape species consist primarily of drought tolerant plants. Plants in wet areas shall be consistent with native species in these types of plant associations. The plant materials should thrive with very little or no irrigation, except during the period of initial establishment. All native landscape plants should be carefully planted due to the high mortality rate for these species. Plants that are "native like" are species that may be indigenous but not endemic to the area. The use of the indigenous species or other more recent introduced species that mimic native plants is acceptable. Transplanting existing plants on the site is encouraged.
 - a. **Gambel Oaks:** Protection of native gambel oaks on building sites is imperative, since they do not transplant well. Prior to transplanting native plants, Applicant should consult an arborist to determine if native plants may be preserved. Stands of spruces, firs and junipers should also be protected as much as possible.
 - b. **Weed abatement:** (areas of soil disturbance should be re-vegetated and monitored for a period of time to ensure that invasive species do not establish in the disturbed areas.)
6. **Turf Meadow Grass and Wildflowers:** Where turf areas are necessary, a turf grass blend should be chosen that is durable to traffic and drought tolerant. It is required that irrigation accompanies turf areas, and it is mandatory for irrigation systems to be installed with turf that is laid over slab.
7. **Turf Use:** Grass lawn areas may be provided on a limited basis. Lawn areas should be kept to a minimum to help foster a landscape character and natural habitat appropriate to the local rugged mountain setting. The following guidelines are recommended:
 - a. **Minimize Lawn Areas:** Lawn areas should be kept to a minimum. An appropriate use of turf is to scale the lawn to the surrounding area and use. Maintenance considerations should be taken into account when locating lawn: simplify turf edges and areas; avoid difficult to mow situations like steep slopes and boulders; retain existing ground covers wherever possible; and, in wooded or vegetated areas, reduce potential lawn areas by retaining as much existing or native material on site as possible. Use alternatives to turf

wherever possible. Effective alternatives to turf, which will better maintain a natural setting, include wildflowers for season long color and interest and shrub massing for season long color. All season planting beds adjacent to paved areas will require adequate soil depth for plant materials. Planting depth requirements are critical to the health and maintenance considerations of the plant material. Exceptions for lawn areas shall be made for performance amphitheaters and play lawns or areas designated as soil/planted cap in the VCP.

- b. Maintenance: All projects are required to have qualified and certified maintenance contractors monitoring the plants in order to maintain the high aesthetic standards demanded by the MIDA Control Area. A maintenance guarantee is recommended for two (2) years after installation to ensure that plants are healthy and established and/or replaced if dead.

E. Hike/Bike Trails:

1. Objective: The design objective for the sidewalks, paths, and trails is to provide a safe, pleasant and "experiential" pedestrian system to link Resort Features, residential areas, community facilities, public amenities and other back country trails as part of trail system within the MIDA Control Area, as well as to areas outside of the MIDA Control Area.
2. Standard Design Elements: The Applicant shall submit a trail and cart path plan that will show the following:
 - a. Trail Construction and design standards;
 - b. Lighting standard design elements;
 - c. Security Bollards;
 - d. Paving materials (as described in Section 4.04.C.1);
 - e. Railing (consistent styles and sizes);
 - f. Materials and design for rest areas and viewpoints (including restrooms where appropriate);
 - g. Landscape planting and revegetation (as described in section 4.04.D);
 - h. Trail signs (as contemplated in Section 4.07 and should be consistent throughout the MIDA Control Area); and
 - i. Walls and wall treatments.
3. Comprehensive Trail System: The trail system should be designed to accommodate multiple user groups and to provide a series of recreational experiences in bicycle riding, hiking, cross country skiing, walking and running. Motorized use of trails is prohibited except for authorized emergency and maintenance vehicles. As trail alignments are set, coordination should take place between existing trails plans and MIDA.
4. Trail Types: The trail system is made up of non-motorized Hard Surface pedestrian and bicycle trails, compacted soft surface pedestrian trails, and

back country mountain trails. Each type should be designed to meet the needs of targeted users to maximize the trail experience.

- a. Hard Surface Pedestrian/Bicycle Trails (Ten Foot Width): Hard surface pedestrian trails shall be ten feet (10') wide and conform to the Trail Standards below. Shoulders on the uphill side of the trail should slope back to capture sediment from the hill and keep it from running over the trail system. Drainage swells should be provided on uphill sides of the trail with culverts in key locations to allow water to pass under the trail.
 - b. Compacted Soft Surface Pedestrian Trails (Six to Eight Foot Width): Compacted soft surface trails will require regular maintenance to keep the trail from overgrowing. The trail will also require compaction twice a year to maintain the trail surface. Soft surface trails shall be six (6) to eight (8) feet wide and conform to the Trail Design Standards below. Where necessary, shoulders on the uphill side of the trail should slope back to capture sediment from the hill and keep it from running over the trail system. Drainage swells should be provided on uphill sides of the trail with culverts in key locations to keep water off the trail.
 - c. Mountain Trails (Four Foot Width): Mountain trails are located in sensitive areas that require a minimal disturbance to land. These trails are primarily for hikers and some mountain bikes. Trails should conform to Trail Design Standards below.
 - d. Trails shall not be for equestrian use.
5. Trail Maintenance: Trails will be maintained in a coordinated effort with the appropriate entities and each individual property owner.
 6. Trail Design Standards:
 - a. Americans with Disabilities Act: As required by law, certain trails shall be designed to be ADA compliant to allow residents and guests to experience accessible areas of the development.
 - b. Grades will follow International Mountain Bicycling Association (IMBA) guidelines for backcountry trails and American Association of State Highway and Transportation Officials (AASHTO) guidelines for village trails.

4.05 Parking Design Standards

- A. Objective:** The objectives of the parking plan are ease and simplicity of access to help avoid pedestrian and vehicular conflicts, and conflicts with street traffic.
- B. Visual Screening of Surface Parking and Structures:** Surface Parking areas and Parking Structures (except for Temporary Surface Parking) shall be screened visually from the streets in the MIDA Control Area and from Highway 40 or other major view corridors by the use of plants and berms. This visual screening is contemplated to be partial, not a complete cover. Screen walls are not required. This will apply to the view from U.S. Highway 40 as well. In cases where screen walls are used, wall faces must be treated with stone in a manner that is consistent with the retaining and freestanding wall standards in the MIDA Control Area. Parking Facilities should be designed to fit in the natural landscape and minimize disturbances to the native vegetation.
- C. Parking Facilities Design:** Parking Facilities (including, to the extent reasonably feasible, Temporary Surface Parking) should be designed with the following in mind:
- a) Parking Facilities should be located to the rear or side of buildings whenever possible;
 - b) Parking Facilities should be designed in a manner such that any vehicle on the property is able to maneuver to exit from the property traveling in a forward direction.
 1. Design Parking Facilities so that a car within a parking area will not have to enter a street to move from one location to another within the same parking area.
 2. Provide a four (4) to six inch (6") continuous raised curb on all parking stalls (except parallel parking, and except in the case of Temporary Surface Parking) heading into a sidewalk, planting area, or setback area. Care must be taken to ensure that the height of the curb does not damage the vehicle. Rolled curbs may also be appropriate in some areas.
 3. Provide for a landscaped area, referred to as the landscape buffer, to help provide the visual screening. The width of the landscape buffer can vary but optimally should be approximately fifteen feet (15') in width. Use these landscape buffers, walkways, and plazas to reduce the visual impact of large surface parking areas. The design should employ the landscape and hardscape guidelines of section 4.04 C and D for these areas.
 4. Provide for vehicular circulation through parking areas in the outer edge of the parking area where there is less pedestrian traffic. Minimize situations where pedestrians cross parking aisles at right angles. 45-degree parking stalls in a structure are much more workable in a ski vehicle situation than perpendicular.
 5. Direct vehicular circulation away from fire lanes.
 6. Minimize the number of entrances and exits to reduce conflict at entries and lessen possible congestion at street intersections.
 7. Where possible, provide vehicle queuing within Parking Facilities according to the following standards measured from the ultimate public right of way.

- D. Surface Parking Design Standards:** All primary Surface Parking areas, including access areas (but excluding Temporary Surface Parking) must be paved with asphalt, concrete or pavers. Changes in paving materials between parking areas and access areas are encouraged to promote legibility to users. Parking designs and maintenance must provide for the following:
1. Directional markings and striping must be maintained in good condition at all times;
 2. Surface Parking pavement strength must be designed for the expected users of the lot;
 3. Areas should be reserved for future expansion, if possible; and
 4. Expansion and overflow areas should utilize turf block, be fully landscaped or leave natural landscape undisturbed.
- E. Parking Structure Design Standards:** Parking structure design and appearance is a major consideration for the visual quality of the resort. The design guidelines in this section are intended to assure that Parking Structures incorporate design features to make them more attractive. The MIDA Control Area guidelines for Parking Structures are as follows:
1. Partially conceal views of cars parked in Parking Structures through a combination of visual barriers, architectural design and plantings; open sided facilities, which allow complete views of parked vehicles, are not permitted.
 2. Where possible, Parking Structures should be sited and designed to minimize the view from U.S. Highway 40 or other major view corridors.
 3. Articulate the elevations of parking structure visible from resort village streets and U.S. Highway 40; such articulation may consist of indentations in the structure, changes in color, addition of applied elements to the surface of the facility, or other devices, including the provision of a landscape buffer.
 4. Construct Parking Structures of materials that are consistent with standard design elements described herein and that blend into the mountain landscape.
 5. In the landscape buffers, utilize earth berms on walls of the parking structure at ground level to minimize visual impact and provide landscape areas. Berms shall not exceed three to one (3:1) slopes.
 6. To implement screening in the landscape buffers, plant large trees adjacent to the structure to screen views from buildings, roads and pedestrian areas.
 7. Parking levels may be stepped or terraced to visually soften the overall mass of the structure. Strong consideration should be given to stepping back the parking structure on levels above the fourth level on elevations adjacent to public streets or visible from Highway 40.
 8. Parking structure facade articulation should:
 - a. Create a sense of order through play of light, shadow, and texture.

- b. Minimize horizontal or vertical banding by balancing both of the horizontal and vertical elements.
- c. Use opening, columns and beams to visually segment exterior surface and provide scale.
- d. Spandrels are to be level and uniform when possible.
- e. Differentiate and identify clearly pedestrian and vehicular entrances to enhance ease of access. Minimize conflicts between pedestrians and vehicles.
- f. Finishes should employ materials consistent with MIDA Control Area guidelines.

F. Parking Graphs and Charts: The following exhibits shall provide the required Standards, unless an alternative standard is approved as part of the Master Development Plan. For purposes of Section 4.05, the number of “units” is counted by including all lockout units in the hotel and condominiums in the total number of units so that each room or rooms where a separate guest can stay and which has its own keyed door, is a unit.

Minimum Parking Requirements for the Project	
Land Use	Parking Requirement
Mixed-Use Hotel, Time Share	1 parking space per unit and .5 parking space per 2,000 sq. ft. of commercial space.
Dwellings, single-family attached (townhouses)	.5 parking space located within a Parking Facility, underground or a structure, required per bedroom. Minimum 1 parking space per ERU. Structures with more than 3 attached Dwelling Units shall provide visitor parking at least .25 additional spaces per bedroom. Visitor parking may be located on a surface parking pads.
Dwellings, multifamily (condominiums)	.5 parking space located within a Parking Facility, underground or a structure, required per bedroom. Minimum 1 parking space per ERU. Structures with more than 4 attached Dwelling Units shall provide visitor parking at least .25 additional spaces per bedroom.
Hotel and Commercial	.5 parking space per unit and .25 parking space per 2,000 sq ft of commercial space. A minimum of 50% of the parking shall be provided as part of the Hotel structure, the other 50% can be surface parking located within one-quarter (1/4) mile of the structure.

Day Skier Parking (Blue Ledge Site Only)	If a Passenger Ropeway is approved and constructed on the Blue Ledge Site, the project shall provide a minimum of 150-day skier parking stalls on a surface parking lot adjacent to the Hotel with access via pedestrian bridge or other convenient walkway. The 150 surface stalls may count toward the Hotel required parking and are expected to support the Hotel use and the ski use. This parking shall be provided only if UDOT contributes the land back to the Project.
--	--

Stall dimensions may vary for delegated energy efficient vehicle parking areas (ITE standards apply).

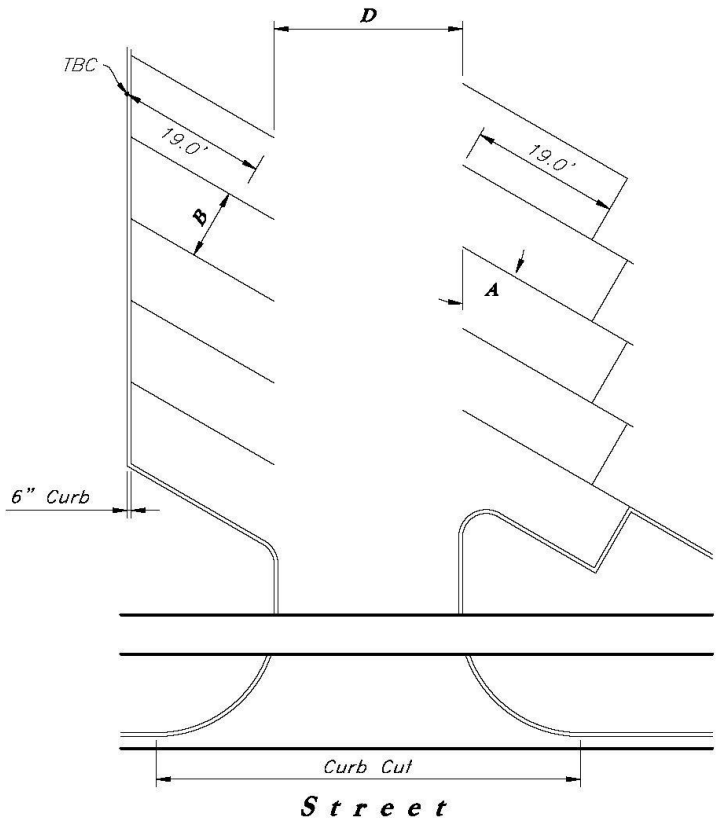
The following page contains an exhibit illustrating the parking stall standards:

Parking Stall Exhibit

Parking Angle <i>A</i>	Stall Width <i>B</i>	Stall Depth <i>C</i>	Aisle Width <i>D</i>
<i>Two-Way Aisle</i>			
90°	9.0'	–	24.0'
60°	9.0'	–	24.0'
0°	9.0'	22.0'	24.0'
<i>One-Way Aisle</i>			
60°	9.0'	–	15.0'
0°	9.0'	22.0'	12.0'



Parallel (0°) Parking



ADA Parking Requirements	
Total Parking Stalls in Lot	Minimum Handicapped Accessible Stalls
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of Total Stalls
Over 1000	20 Stalls plus 1 stall for every 100 stalls thereof over 1000

*Use applicable ADA Standards.

4.06 Lighting Design Standards

- A. **Objective:** Uniformity of lighting throughout the MIDA Control Area is desirable to achieve an overall objective of continuity, and to avoid objectionable glare. Street lighting should be approved as part of The Materials and Design Standards Handbook.
- B. **Lighting Selection and Use Process:** Lamps should use a minimum number of lumens and still provide a safe environment for pedestrian and vehicular traffic. Gathering spaces should be better lit to provide for night crowds; exterior lighting shall be dark sky compliant and provide full cutoff and downward lighting, including wall mounts on buildings or structures. Lighting fixtures should be consistent with the architecture of the building and the Mountain Resort Look.
- C. **Height of Luminaries:** The maximum height of luminaries shall be fourteen (14') feet unless the MIDA Board requires a lower height as part of its approvals. Depending on the location, the light should be low intensity, shielded from uses on adjoining lots, and directed away from adjacent properties in a manner consistent with the design standards set forth by the International Dark-Sky Association.
- D. **Parking Luminaries:** All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of 25% of the total luminaries used, unless the MIDA Board approves a higher percentage during the Site Plan Application or unless required by reasonable insurance providers. Surface Parking lot lights are permitted to be a maximum of twenty feet (20') tall.
- E. **Street Lighting, Security Cameras, Wifi Boosters, Banners, Clocks and Flags:** Street lighting illumination levels must be of sufficient intensity to provide security, but not overpower the nightscape. Lighting should be designed and placed in a manner consistent with the design standards set forth by the International Dark-Sky Association. Streetlights should not be more than fourteen feet (14') in height. Street lighting shall be a maximum 90 degree cut off. At a minimum, Street lighting shall be provided at intersections and in the vicinity of fire hydrants. Bollards and other low-level lighting will be provided for pedestrian pathways. Bollards shall not exceed forty-two inches (42") in height and shall have a light cutoff of no more than eighty (80) degrees. While banners, clocks, flags and other elements are strongly encouraged around buildings, they should not be dominated by commercial messages. Security cameras may be installed where reasonably necessary for safety and security. Wifi boosters may be attached to streetlights, street furniture, or where reasonably required to enhance wireless coverage. The MIDA Board will review proposed street furniture, lighting and commercial messages on a case by case basis during the Site Plan Application.

- F. Landscape Lighting Standards:** Landscape lighting, including decorative lighting in trees and vegetation, is permitted in plazas, walkways and public areas for safety and to enhance the patron's nighttime experience. Consideration should be given to the design standards set forth by the International Dark-Sky Association. Festoon lighting, shop lighting and special event lighting shall also be reasonably permitted.

4.07 Signage Design Standards

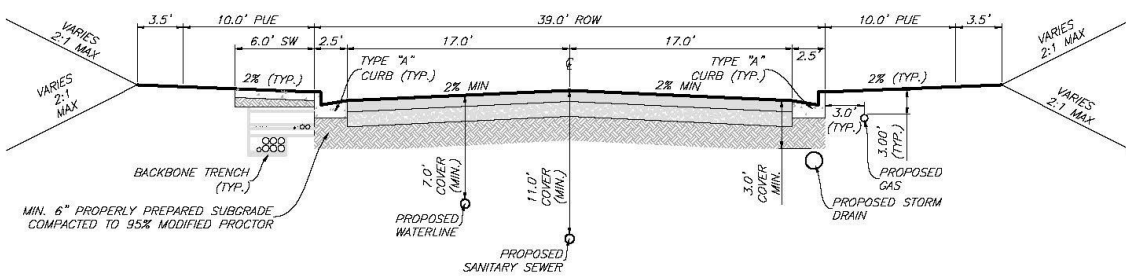
- A. Objective:** All exterior signage must be consistent with the Materials and Design Standards Handbook prepared for each development project and approved on a case by case basis by the Executive Director. Any modifications to or variances from these signage standards and regulations will be approved by the MIDA Board during the Site Plan Application. All signs shall incorporate and enhance the Mountain Resort look. Signs shall relate to the building architecture with exterior down-lighting.
- B. General Signage Design Standards:** The following are signage Design Standards for the MIDA Control Area. Additional details regarding signing shall be addressed in the Materials and Design Standards Handbook prepared for each development project. MIDA may amend or supplement these guidelines from time to time.
1. Entrance Signs: Each of these signs (or gateways) shall have consistent designs and be constructed of consistent materials.
 2. Directional Signs: These standard signs should also reflect the image of the MIDA Control Area, but at the same time should provide very clear way finding elements. Visitors should never feel lost or disoriented. The directional signage should be very clear and prominent in the entire MIDA Control Area.
 3. Trail Signs: Signage related to trails should be consistent in design and appearance to existing trail signage in the area.

4.08 Infrastructure Improvements Design Standards

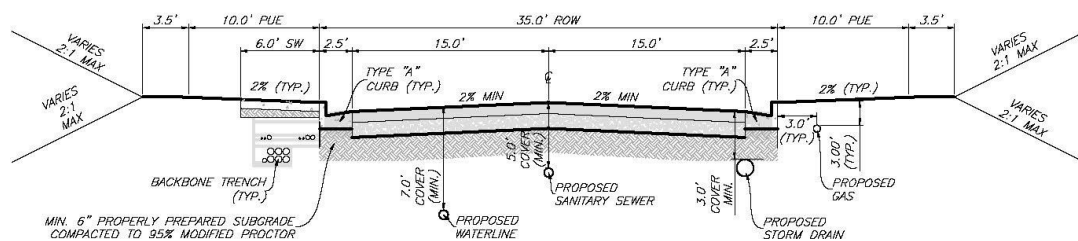
- A. Objective:** The purpose of Section 4.08 is to require that the Applicant construct the necessary Infrastructure Improvements according to the Design Standards of the governmental entity or utility to which they will be dedicated.
- B. Construction and Dedication of Infrastructure Improvements:** The Applicant shall be responsible to ensure that the Infrastructure Improvements are approved and constructed according to the applicable Design Standards of the governmental entity or utility to which they will be dedicated and provide the necessary documentation requested to properly dedicate the Infrastructure Improvements in a timely manner.
- C. Streets and Roadways**
1. All residential streets shall be designed for a minimum of 25 mile per hour speeds except that dead-end streets/cul-de-sacs which have a length of less than 1,500 feet may be designed to a 15 mile per hour speed standard. A minimum 25 mile per hour sight distance shall be maintained at every street intersection. The requirement of this subsection may be modified by the MIDA Executive Director upon recommendation of the MIDA Staff engineer at specific locations based on terrain and expected traffic volumes.
 2. The maximum length of streets and cul-de-sacs that do not have a second point of access will be determined by the Fire District in accordance with the Utah State Fire Code Act.
 3. Streets and roadways shall be designed in accordance with the American Association of State Highways and Transportation Officials design criteria and appropriate/applicable street cross-sections thereto as may be approved by the MIDA Board.
 4. Street and roadway materials shall follow the guidelines of the American Public Works Association 2017 Standards and Specifications.
 5. Sidewalks: Sidewalks shall be defined as:
 - a. A roadway easement right-of-way designed for pedestrian use; or
 - b. A pathway designed for the safe passage of pedestrians that provides a physical connection between key elements of a project.
 - c. Sidewalks and/or pathways shall be required in the following development areas:
 - (i) Along all public and private roadways serving the core Resort Village or internal to the core Resort Village if that connection is more desirable for pedestrians.
 - (ii) In proximity to the Employee Housing, and with physical connections to the Resort Village.

- (iii) Sidewalks, while not required, may (at the discretion of the Applicant) be constructed in other areas.
- 6. Designated fire/emergency vehicle access ways with no curb, gutter or sidewalk may be permitted, subject to the review and approval of the Fire District.
- 7. Roadways having average daily traffic (ADT) volumes of less than 2,000 vehicle trips may be designed with no concrete curb, gutter or sidewalk.
- 8. The following page contains cross sections illustrating the road and street standards:

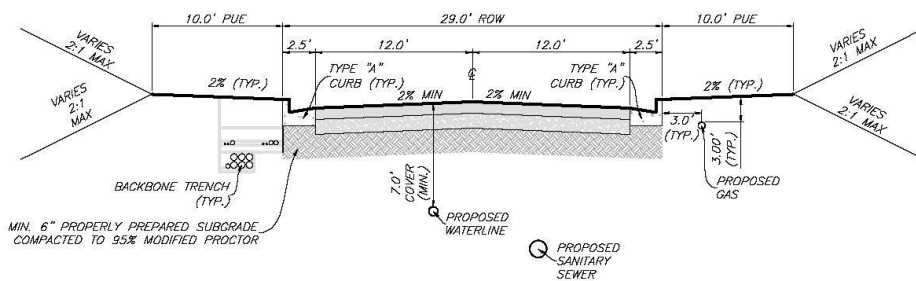
Typical Street Cross Sections



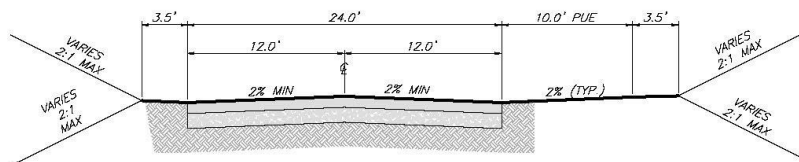
Village Collector



Village Local



Village Mountain



Fire/Emergency or Private Shared Driveway

9. A designated fire/emergency road with no curb and gutter or sidewalk may be used to provide emergency access in non-winter months. A fire/emergency road must have controlled access on each end point to prevent ordinary daily traffic. A twenty-foot-wide access may be provided as a non-winter season fire/emergency access within existing ski runs provided a 20' width is maintained in a drivable condition for emergency vehicle use.
10. Project Area roadway design standards:

Design Element	Village Collector (2,001 - 8,000) ADT [201 - 800] ERU	Village Local (0 - 2,000) ADT [151 - 200] ERU	Village Mountain (0 - 2,000) ADT [16 - 150/0 - 15] ERU	Fire/Emergency Shared Driveway (0 - 1,000) ADT [16 - 150/0 - 15] ERU
Minimum design speed (V)	Varies with terrain and volume			
Right of way width	65 feet (45 feet plus 20-foot public utility easement)	59 feet (39 feet plus 20-foot public utility easement)	49 feet (29 feet plus 20-foot public utility easement)	45 feet
Side cut/fill slopes	2H:1V			2H:1V
Cul-de-sac travel way turnaround diameter	Not allowed	As determined by Wasatch Fire District according to the applicable fire code.		
Minimum centerline grade	0.5%	0.5%	0.5%	0.5%
Maximum centerline grade ²	8%	10%	10%	12%
Maximum grade in cul-de-sac	Not allowed	5%	5%	5%
Maximum grade break without vertical curve	1%	1%		
Minimum crest vertical curve K value ²	Per geometric design of street	Per geometric design of street	19	Not Applicable

Minimum sag vertical curve K value ²	Per geometric design of street	Per geometric design of street	37	Not Applicable
Minimum angle of intersection	80°	80°	60°	50°
Minimum offset between intersections	Traffic study required	Traffic study required	150 feet	125 feet
Maximum centerline offset	0 feet	0 feet	5 feet	5 feet
Maximum centerline grade across intersections (unless otherwise approved as set forth in these Design Standards) (Length: 100' out/100' in)	5%	5%	5%	5%
Minimum curb return radius (edge of travel way) at intersections.	30 feet	25 Feet	25 Feet	20 feet
Asphaltic concrete	Per approved geotechnical report			
Road base	Per approved geotechnical report			
Subbase	Per approved geotechnical report			
Subgrade	Per approved geotechnical report			

Notes:

1. The length of a cul-de-sac is measured along the centerline from the intersection to the center of the turnaround.
2. Grade must extend at least 50 feet beyond the edge of the traveled way of the outside lane of the intersecting street. Road Grade of continuous street may be maintained at max allowed grade for that street type.
3. A geotechnical report including pavement design shall be submitted. The minimum road base and asphalt thicknesses shall be 9 inches and 3 inches, respectively. The thickness of 1 or more of the pavement components shall be increased as needed to achieve the required strength as specified in the geotechnical report.

D. Drainage

All Surface Drainage, water quality, and drainage detention basins, shall comply with the following standards:

1. Drainage Plan Submittal Requirements: Unless provided otherwise, the criteria and methods presented in the following references should be used in planning and design of the drainage system:
 - a. "Urban Drainage Design Manual", hydraulic engineering circular no. 22, November 1996, federal highway administration, FHWA-SA-96-078, <http://www.fhwa.dot.gov/bridge/hydpub.htm>.
 - b. "Urban Storm Drainage Criteria Manual", June 2001, urban drainage and flood control district, <http://www.udfcd.org/>.
 - c. "Design and Construction Of Urban Stormwater Management Systems", ASCE manuals and reports of engineering practice no. 77, 1992, <https://www.asce.org/bookstore/book.cfm?book=2800>.
The drainage plan should provide for control of erosion at the source, noneroding conveyance facilities, and water quality/detention basins.
2. Control of Erosion and Contaminants at The Source: The ability to control erosion and other pollutants at the source is the most important single mitigation factor. Every practical effort should be made to prevent erosion from occurring at the source. The objective should be to prevent erosion during construction and to reestablish vegetation as soon as possible after construction on all areas with exposed topsoil. Slope soil erosion, after revegetation, should be less than or equal to predevelopment rates and should be less than the topsoil development rate (generally assumed as 0.01 inch per year or 2 tons per acre per year).
3. Conveyance Facilities: The initial drainage system (i.e., curb and gutter, storm drains, culverts, ditches, realigned natural channels, etc.) should be designed to convey runoff from a minor storm event (10-year event, the storm event having a 10 percent chance of being equaled or exceeded in any given year) without nuisance flooding and without erosion. If tributary runoff flows (either peak or volume) are increased to a natural drainage, the drainage should be shown to be noneroding in a ten (10) year event. The drainage system should be capable of passing the storm runoff from a major storm (100-year event, the storm event having a 1 percent chance of being equaled or exceeded in any given year) without flooding buildings.
4. Water Quality/Detention Basin: The criteria for design of the water quality/detention basin should include both water quality mitigation and mitigation for downstream erosion and flooding effects. The effects of development (i.e., increased impervious area and decreased time of concentration) should be mitigated such as to prevent increased flooding of downstream properties (100-year design event) and to prevent increased erosion of downstream conveyance channels (10-year design event). The level of mitigation required is dependent upon the capacity of the downstream drainage system. A common practice is to provide for onsite detention, reducing storm runoff peaks from the development to at or below historic (predevelopment) levels. If downstream conveyance

capacities are severely limited, it may be necessary to reduce storm runoff peak flow rates from the developed property to much less than historic runoff flow rates to offset the impacts of the increased runoff volume.

- a. The basins should be designed to adequately capture and treat runoff from the water quality design storm. They are required to capture and contain the runoff volume from a two (2) year, twenty-four (24) hour storm (minimum). The water quality capture volume should be discharged at a rate such as to allow a minimum residence time of twelve (12) hours (defined as the time from the centroid of the inflowing hydrograph to the centroid of the outflowing hydrograph). The maximum allowable discharge rate for the water quality capture volume discharge orifice may be computed using the simplified equation:

$$Q_{wq} = (WQCV/30) * C$$

Q _{wq}	=	Maximum allowable water quality capture volume release rate (cfs)
WQCV	=	Water quality capture volume (acre-feet)
	=	2-year 24-hour runoff volume
C	=	Conversion from acre-feet/hour to cubic feet per second = 12.1

- b. The water quality pond should have sufficient additional storage below the lowest outlet to accommodate sediment accumulation. The minimum volume of provided sediment storage should be either computed from a slope erosion analysis for the three (3) year slope soil loss (revised universal soil loss equation reference: "Design Hydrology And Sedimentology For Small Catchments", C.T. Haan, B.J. Farfield, and J.C. Hayes, 1994, Academic Press, Inc., San Diego, California) or may be taken as equal to twenty percent (20%) of the water quality capture volume. If subsoils are such that water captured in the sediment storage area cannot infiltrate within a reasonable period of time (to avoid mosquitoes, etc.), then a subdrain system should be considered.
- c. The analysis for designing the required detention volume to mitigate downstream flooding and erosion effects should be performed assuming that the pond is full to the water quality

capture volume level prior to the start of the design storms (10-year and 100-year).

- d. An emergency spillway (preferably open channel type) is required with a one hundred (100) year flood event minimum design capacity, assuming that the primary outlets are plugged. The elevation of the top of the embankment should be a minimum of one foot (1') above the water surface elevation when the emergency spillway is conveying the maximum design or emergency flow. The design height of the embankment should be increased by roughly five percent (5%) to account for settlement.
5. Water Quality/Detention Basins Maintenance Requirements: Key components include nonplugging outlets design, maintenance access design, and pond side slope erosion protection design.
- a. Detention basin outlets should be designed to be nonplugging as much as possible. A possible option for the water quality capture volume discharge orifice is to provide an orifice (set with the orifice invert at the bottom of the water quality capture volume level) with a connected pipe inlet placed a minimum of six inches (6") below the water level at which water begins to discharge. Outlet pipes should be protected by inlet grates which are sized, spaced, and oriented such as to minimize plugging of the outlets.
 - b. Maintenance access to the ponds should be provided. Required access includes access with heavy equipment to the pond floor (generally 15 inches minimum width with 15 percent maximum slope) and all-weather access should be provided to the pond outlet facilities.
 - c. Interior pond side slopes should preferably be four horizontal to one vertical (4:1) or flatter and should not be steeper than three horizontal to one vertical (3:1). Pond side slopes (both interior and exterior) should meet the same criteria for slope erosion control stated above (2 tons per acre per year maximum mean annual slope soil erosion rate). Riprap protection (or the equivalent) may be necessary to protect pond side slopes from wave action, especially in ponds with a permanent pool.
 - d. Provisions for low maintenance landscaping and irrigation must be provided. Landscaping will be maintained by the property owner or homeowners' association.

E. Drainage, Sewer and Water Easements

1. Drainage conduits and improved channels when not located within a roadway or street right-of-way shall be located in a dedicated and recorded public drainage easement. A dedicated and recorded meandering drainage easement shall be provided for all existing natural drainage swales.

2. Water and sewer easements shall be designed in conformance with the *JSSD Design Standards, Construction Specifications and Standard Drawings*.

F. Erosion Control Erosion Control shall comply with Section 4.08(D) above and as set forth below. Erosion control measures shall be delineated on the plans and shall be reviewed by a MIDA engineer as to methods and types of vegetation.

1. Drainage/Snowmelt Plan: Surface water from rooftops shall not be allowed to drain directly onto adjacent lots, except after written agreement between the owners of such lots.
2. Detention/Stormwater Facilities: Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible. It is required that all such facilities are designed to fit naturally and attractively into the environment.
3. Design Requirements: Required stormwater runoff collection facilities shall be designed so as to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods except in areas where master storm drainage systems have been approved.
4. Divert Surface Water: Required stormwater runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
5. Pavement Designs with Curb and Gutter: All improvements shall prevent water on roadways from flowing off roadways, except at planned, approved areas.
6. Stabilization Below Discharge Point: Natural drainage shall be riprapped or otherwise stabilized to the satisfaction of the MIDA engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
7. Waste Material from Construction: Shall not be used as riprap to control stream bank and channel erosion. Soil and other solid materials shall not be deposited within a natural or manmade drainage course nor within irrigation channels.
8. Catchment Ponds: Sediment catchment ponds may be required to be constructed downstream from each development, unless sediment retention facilities are otherwise provided.
9. Grade of Exposed Slopes: No cut or fill slope that is created as part of the constructing of any roadway, whether public or privately owned, shall exceed the critical angle of repose.
10. Cuts and Fills: Cuts and fills shall be as minimal as possible. Any cuts and fills necessary to create a building pad shall be done to allow the building to fit more naturally into the slope. Where possible all cuts and fills shall be revegetated.

11. Limits of Disturbance: Limits of disturbance (LOD) for developments shall be established to show the specific area(s) of a site in which construction and development activity must be contained. In establishing LOD, the following criteria and standards shall be considered and applied:
 - a. Minimize visual impacts from the development, including, but not limited to, screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
 - b. Erosion prevention and control, including, but not limited to, protection of steep slopes and natural drainage channels.
 - c. Fire prevention and safety, including, but not limited to, location of trees and vegetation near structures.
 - d. Preservation of significant trees or vegetation, including native oak and maple.
 - e. Conservation of water, including, but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
 - f. Wildlife habitat protection, including, but not limited to, preservation of critical wildlife habitat and identified migration corridors and routes.
 - g. Endangered plant life.
 - h. Stream corridor and wetland protection and buffering.
 - i. Preservation of the maximum amount of natural topography, tree cover, and vegetation.
12. Limits of Disturbance May Be Noncontiguous: Limits of disturbance (LOD) necessary to accommodate proposed development may be noncontiguous in order to best meet the criteria and standards set forth in this section.

G. Water and Sewer Utility Guidelines: All water and sewer development within the MIDA Control Area shall comply with the *JSSD Design Standards, Construction Specifications, and Standard Drawings*.

H. Driveways

1. To the extent possible, especially within the Resort Village area, the use of shared Driveways shall be encouraged.
2. The minimum width for a commercial Driveway shall be 14-feet (one-way travel) or 25-feet (two-way travel), with a maximum width of 35 feet.
3. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a fire turn-out near the mid-point of the Driveway. Where the Driveway exceeds 800 feet, fire turnouts shall be provided no more than 400 feet apart. All Driveways exceeding 150 feet in length shall provide a turnaround or hammerhead at the end of the Driveway.
4. Roadway turnouts, where required, shall be a minimum of 10 feet wide and 30 feet in length with a minimum taper of 25 feet on each end.

5. A fire turn-around shall be provided at all building sites on Driveways over 150 feet in length and shall be within 50 feet of the building.
6. Required turnarounds and hammerhead designs shall require the approval of the Fire District.
7. Driveways shall have a minimum centerline radius of 50 feet and be capable of supporting a 80,000-pound load. Any Driveway with a grade greater than 10 percent requires the approval of the Fire District and the maximum allowable grade shall be 16 percent
8. A designated shared driveway with no concrete curb and gutter or sidewalk: A shared driveway shall only service up to three (3) lots provided the driveway is twenty feet (20') wide and shall incorporate the following criteria: A sixteen foot (16') wide asphalt surface course with two (2) 2-foot wide gravel shoulders. A minimum section width of four inches (4") of asphalt and nine inches (9") of road base. An additional section width may be required depending on the subgrade soils.

I. Snow Storage: Sufficient areas for snow storage for average yearly snowfall, within the Resort Village and on all streets and roadways serving the MIDA Control Area, shall be provided, subject to the review and approval of the MIDA engineer.

1. Retaining walls or cuts adjacent to roads shall have a ten-foot (10') minimum setback from the edge of asphalt. When the road section has a slope of one and one-half to one (1.5:1) or greater, the setback from the edge of asphalt shall be twenty feet (20'). Except for limited landscaping elements, any material or structure (temporary or permanent) that will hinder the removal of snow shall not be allowed in the snow storage area.
2. On downhill slopes adjacent to rights-of-way, there shall be a ten-foot (10') minimum clear area in appropriate locations (not within the Village Core). If determined by MIDA Staff that more than ten feet (10') is needed for a clear area, the decision will be made at Site Plan approval. Other areas within the Project Area appropriate for snow storage shall be determined and dedicated during the Site Plan process.
3. The snow storage area shall be shown on the submitted Plat as a recorded easement and shall remain open and unobstructed. Except for limited landscaping elements, any material or structure (temporary or permanent) that will hinder the removal of snow shall not be allowed in the easement area.

J. Gated Entries

1. Gated entries may be permitted within the MIDA Control Area.
2. Gated entries shall be at least two feet wider than the width of the traffic lanes serving the gate.
3. All gated entries providing access from a Road to a Driveway or Private Road shall be located a minimum of 30 feet from the serving Road and shall open to allow a vehicle to stop without obstructing traffic on that Road.

4. Every gated entrance shall be required to provide an electronic SOS system, or an alternative system acceptable to the Fire District that can be activated electronically or by emergency sirens.

4.09 Other Design Standards

- A. Objective:** The purpose of Section 4.09 is to provide Design Standards for various aspects of a quality development that are important but that do not fit into the other broad categories.
- B. Bridges:** There will be various sizes and uses for bridges in the MIDA Control Area, as described below. Bridges will have a series of standard design and materials that will embody the image of the MIDA Control Area and the Mountain Resort Look.
- C. Trail, Ski Bridges:**
1. Trail Bridges: Trail bridges are an important element in the MRF Project Area. Bridges should be a reflection of the environment where they are placed. The designs and materials will share some of the same elements as other bridges.
 2. Ski Bridges: Ski bridges shall reflect the Mountain Resort Look.
 3. Pedestrian Bridges: While these bridges must adhere to the Mountain Resort Look, the design must carefully be integrated into the form and pedestrian circulation pattern where they are built. Designers of pedestrian bridges that cross over plazas and sidewalks should consider runoff, Snow Removal and melting snow in deciding the exact location of the bridge. Bridge designs should also incorporate drain and gutters to prevent dripping on pedestrian areas below. Bridges in these areas may have a sculptural effect and in many instances be used to frame views. View areas of plazas may be incorporated into the pedestrian bridge where some of the spectacular views of the landscape are available. The design and materials will share some of the same design elements as other bridges.
- D. Water Quality Guidelines:** The MIDA Control Area property owners shall work together with Wasatch County, the JSSD, the Utah Department of Natural Resources, the Division of Water Quality, the Bureau of Reclamation, and other members of the Provo River Water Association, and MIDA to develop and adopt water quality guidelines for the specific area covered by the MIDA Control Area. This will include establishing its own baseline information for different areas within the MIDA Control Area.
- E. Erosion Control Guidelines:** The MIDA Control Area property owners shall work together with Wasatch County, the JSSD, the Utah Department of Natural Resources, the Division of Water Quality, the Bureau of Reclamation, and other members of the Provo River Water Association, the MIDA Control Area to design a regional erosion control system.
- F. Fences:** Fence heights shall be approved on a case by case basis during the Site Plan Application but in no case shall solid Fences (other than privacy Fences) be

higher than six feet (6'). The overall intent of fencing is to provide privacy (where needed) without walling of properties from adjoining properties. Within residential areas, fencing shall be minimized and used only in select areas to provide privacy. No perimeter fencing shall be allowed. The placement of walls and Fences should respect existing landforms, follow existing contours, and fit into existing land massing, rather than arbitrarily follow the property boundary lines. Fences and walls should harmonize with the site and buildings in scale, as well as appearance. Walls built adjacent to buildings should be designed as an element with the building and used to transition the built form back to the land. Fencing that is not attached to buildings should be low and unobtrusive. Unacceptable fencing materials include chain-link, plywood, painted materials, vinyl, and picket fencing.

- G. Project Access Guidelines:** Property landowners are expected to support road building through assessments and access easements. Cooperation with neighboring properties on access issues will be a vital part of the success of the MIDA Control Area. All road plans submitted will be compared with: 1) existing roads of neighboring properties; or 2) planned roads on the RSPA land use plan or approved property plans to determine that they are compatible. Cross easements will be provided by properties for all approved roads.
- H. Snowmobiles:** Snowmobile usage shall be prohibited, except as necessary in connection with ski operations, property maintenance and emergency services in or about the MIDA Control Area.
- I. Fire Protection:** All development within the MIDA Control Area shall comply with the Utah State Fire Code Act as adopted and amended by the Utah State Legislature and as implemented by the Fire District.
 1. Designation of Fire Code Official: Unless otherwise stated, the Chief of the Fire District or designee shall act in all respects as the Fire Code Official and administer the Utah State Fire Code Act.
 2. Wildland Urban Interface: The Wildland Urban Interface Code shall be administered by the Fire District.

CHAPTER 5 MOUNTAIN VILLAGE, MWR HOTEL, AND INTERLOCAL AGREEMENTS

5.01 Definitions

5.02 Purpose and Intent

5.03 Subdivision by Metes and Bounds--MWR Hotel Site and BLXM Mountain Resort

5.04 BLXM Mountain Resort Master Plan, Density Determination and Physical Constrains Analysis—BLXM Development Agreement

5.05 West Side Roadway and Storm Water Infrastructure Standards and Guidelines

5.06 Wasatch County's Prior Land Use Decisions and Municipal Services Laws

5.07 Interpretation and Clarification

5.01 Definitions

For purposes of this Chapter certain terms and words shall be defined as follows:

1. **BLXM** – BLX Mayflower, LLC, together with and as applicable its affiliated entities, and successors in interest, who are the owners of property located in the MRF Project Area.
2. **BLXM Mountain Resort** – the multi-use recreational village and resort that will be developed by BLXM located on the West Side. The MWR Hotel will be located in the BLXM Mountain Resort.
3. **BLXM Development Agreement** – a development agreement between BLXM and MIDA documenting MIDA's approval of BLXM's Master Plan and the Physical Constraints Analysis and Density Determination for the BLXM Mountain Resort and setting forth the rights and obligations of BLXM and MIDA with respect to the development of the BLXM Mountain Resort.
4. **East Side Interlocal Agreement** – the Interlocal Cooperation Agreement between MIDA and Wasatch County, dated as of December 17, 2018.
5. **MRF Project Area** – The MRF Project Area includes the Military Recreation Facility Project Area Plan – Part 2.
6. **MWR Hotel Site** – The location of the morale, welfare, and recreation hotel that will be constructed as part of the MRF in the BLXM Mountain Resort. The site will be donated to MIDA by BLXM and thereafter subdivided into two parcels and recorded at the Wasatch County Recorder's Office.
7. **West Side** – the portion of the MRF Project Area that is governed by the West Side Interlocal Agreement, located west of Highway 40, as more specifically identified in the West Side Interlocal Agreement.
8. **West Side Interlocal Agreement** – the Interlocal Cooperation Agreement between MIDA and Wasatch County, dated as of December 17, 2018.

5.02 Purpose and Intent

The purpose of the MRF Project Area is to facilitate the development of the MWR Hotel Site that is part of a four-season high- quality development in cooperation with Wasatch County. Subsequent to the adoption of Chapters 1 through 4, BLXM purchased property which includes the BLXM Mountain Resort. BLXM is willing to donate to MIDA and develop the MWR Hotel Site but needs the MWR Hotel Site legally subdivided; approval of the density and concept plan for the BLXM Mountain Resort; and, the Master Plan approval for the MRF. These approvals do not need a recommendation from the DRC and are being approved by the MIDA Board pursuant to its adoption of this Chapter 5. If there is any conflict between the provisions of this Chapter 5 and the other provisions of the Development Standards, this Chapter 5 shall prevail.

5.03 Subdivision by Metes and Bounds--MWR Hotel Site and BLXM Mountain Resort

Upon application from BLXM, MIDA staff may administratively approve subdividing the MWR Hotel Site from the balance of the BLXM Mountain Resort and into separate parcels by metes and bounds legal descriptions, as approved by the MIDA Board by resolution. Other portions of the BLXM Mountain Resort may be subdivided and conveyed by metes and bounds to the extent that such conveyances are in anticipation or furtherance of future land use approvals and

development of the BLXM Mountain Resort or a particular project therein, with the intent to be consistent with the provisions of Section 17-27a-103(62)(c)(vi) of the Utah Code. However, reference to Chapter 27A, Title 17 shall not be construed as adopting it as part of these Development Standards.

5.04 BLXM Mountain Resort Master Plan, Density Determination and Physical Constraints Analysis—BLXM Development Agreement

The BLXM Mountain Resort is within the West Side, and as provided in the West Side Interlocal Agreement and consistent with Wasatch County's prior approval of the same, BLXM's Master Plan, together with the Physical Constraints Analysis and Density Determination for the Mayflower Mountain Resort are hereby approved, which approval shall be more specifically set forth and documented in the BLXM Development Agreement, which shall be negotiated and approved by the Executive Director.

5.05 West Side Roadway and Storm Water Infrastructure Standards and Guidelines

Notwithstanding the provisions of Section 4.08 of the Development Standards, MIDA shall adopt roadway and storm drainage infrastructure standards and guidelines for the West Side that accommodate mountain development and are typical of those adopted in other mountainous communities. In addition, subject to the agreement of MIDA or any other public entity having jurisdiction over the West Side, public roadway and storm drainage systems on the West Side may be dedicated to MIDA or such other governmental entity as may have jurisdiction from time-to-time.

5.06 Wasatch County's Prior Land Use Decisions and Municipal Services Laws

1. As provided in the West Side Interlocal Agreement (Section 5(f)), MIDA approves of the land use decisions made by Wasatch County for real property within the boundaries of the MRF Project Area as of the date the Military Recreation Facility Project Area Plan – Part 2 becomes effective, as if MIDA had adopted those decisions pursuant to its land use authority provided under the MIDA Act. To this end, the Master Plan, the Physical Constraints Analysis and Density Determination for the Mayflower Mountain Resort (and all subsequent amendments thereto), as submitted by BLX Mayflower, LLC, and as reviewed and approved by the Wasatch County Council on August 29, 2018, are hereby approved, including the land use and building plans, roadway configurations, and proposed land uses set forth in the approved documents. Consistent with the West Side Interlocal Agreement, all future land use approvals pertaining to the West Side shall be processed by MIDA pursuant to the Development Standards and as more specifically set forth in the BLXM Development Agreement. If there is any conflict between the provisions of the BLXM Development Agreement and the provisions of the Development Standards, the Development Standards shall control. To the extent, if any, that the terms of the BLXM Development Agreement clarify or interpret the Development Standards, as determined by the Executive Director, then the terms of the Development Agreement shall control.
2. As provided in the East Side Interlocal Agreement (Section 8(a)), MIDA hereby adopts, ratifies, and authorizes all of the County's land use decisions made on the East Side prior to December 17, 2018, as if they had been made by MIDA.
3. As provided in both the West Side Interlocal Agreement and the East Side Interlocal Agreement (Section 5(f)), MIDA adopts Wasatch County's rules, ordinances, and regulations in effect as of the date of hereof, except to the extent that MIDA may amend them from time-to-time as applicable to the provision of municipal services in the MRF Project Area; provided that in the event of a conflict between such rules, ordinances, and regulations and the West Side Interlocal Agreement, the West Side Interlocal Agreement shall control.

5.07 Interpretation and Clarification

The Executive Director or his or her designee may clarify and interpret the provisions of the Development Standards where there is disagreement or confusion regarding said provisions. Nothing in this Chapter 5 is intended to be a delegation of the legislative authority of the MIDA Board.