

Town of Eagle Mountain, Utah

RESOLUTION NO. 27 - 00

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF EAGLE MOUNTAIN, UTAH TO ESTABLISH
STANDARDS FOR THE CONSIDERATION OF REQUESTS
TO EXTEND DEVELOPMENT APPROVAL**

The Town Council of the Town of Eagle Mountain, Utah finds as follows:

WHEREAS, the Development Code of the Town provides for the expiration of development approval by the Planning Commission or Town Council if action is not taken by the Developer Applicant to complete the implementation of a development approval or recordation of a plat within specific periods of a time as defined in the Development Code; and

WHEREAS, the Development Code requires that an extension of time may be approved to enlarge the time available to complete the development approval or record the subdivision; and

WHEREAS, the Development Code requires that an enlargement of time to complete a development approval must be documented in a development agreement approved by the Town Council; and

WHEREAS, the Town Council finds that it is in the public interest to establish standards for the consideration of each request from a Developer Applicant to enlarge the time to complete a development or implement a development approval or record a subdivision.

NOW THEREFORE, be it resolved by the Town Council of the Town Eagle Mountain, Utah as follows:

1. Each request for extension of development approval which has expired or shall

expire in the future, shall be directed to the Town Planner in writing identifying the specific project approval which is the subject of the request to enlarge time. The request shall specify the project, specific approval and date the Developer Applicant believes the approval expired or will expire in the future and the time period of the extension which is the subject of the request.

2. The Town Planner in collaboration with the Town Engineer shall consider the request and prepare a report to the Planning Commission describing whether or not the request and the project are in compliance with the standards established in paragraph 5 below. The extension request shall be placed on the agenda of the Planning Commission when the report is completed and the extension request shall be considered by the Planning Commission. The Applicant shall be notified of the date of consideration of the request and shall be provided a copy of the report to the Planning Commission on the request.

3. The Planning Commission shall consider the extension request and recommend to the Town Council whether or not the request should be granted and recommend such additional considerations and conditions as may be deemed in the public interest and advisable by the Planning Commission.

4. The Town Council shall undertake consideration of the extension request and may grant or deny the request. The Town Council may add such conditions and requirements as deemed in the public interest and an extension agreement shall be prepared and presented to the Town Council for consideration by the Town and execution by the Developer Applicant to document the extension, if approved, and the conditions and requirements of the extension.

5. The development extension request shall be evaluated by the Town staff, Planning Commission and Town Council using the following standards:

5.1 Is Utility Capacity Available.

5.1.1 Evaluate the utility demands of the subdivision and determine if there is adequate capacity available.

5.1.2 Determine if the existing Capital Facility Plan will provide for the construction of the required capacity.

5.1.3 Determine if the Developer Funding Schedule will accommodate the necessary construction or should be amended to meet the additional demands.

5.2 Does the Subdivision Meet the Existing Development Code.

5.2.1 Ensure that the development meets any changes in the Development Code.

5.2.2 Ensure the development meets any changes in the Standards, Specifications and Drawings.

5.3 Is the Master Developer or Developer Applicant Current With All Existing Subdivision Obligations.

5.3.1 Evaluate whether the Developer Applicant is current with all current subdivision improvement requirements.

5.3.2 Evaluate whether the Developer is current with all existing financial obligations with the Town.

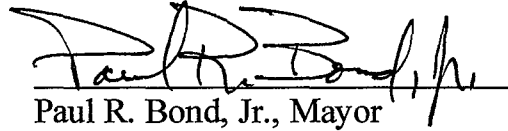
5.3.3 Evaluate the need for the Development to pay present impact fees.

5.4 Is the Development Compatible With Surrounding Development or Development Approvals That May Have Changed the Conditions or Circumstances.

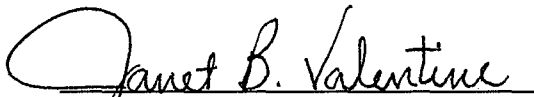
5.5 The Planning Commission may Recommend Additional Standards for Consideration by the Town Council on a Case by Case Basis.

ADOPTED by the Town Council of the Town of Eagle Mountain, Utah, this 17th
day of October, 2000.

Town of Eagle Mountain, Utah

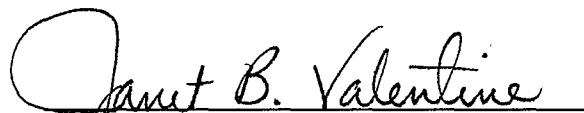

Paul R. Bond, Jr., Mayor

ATTEST


Janet B. Valentine, Town Clerk

CERTIFICATION

The above resolution was adopted by the Town Council of Eagle Mountain on the 17th
day of October, 2000. 5 voting aye 0 voting nay


Janet B. Valentine, Town Clerk