

Mapleton City Planning Commission Staff Report

Meeting Date: October 8, 2009

Item: 2

Applicant: Wendell A. Gibby

Prepared by: Cory Branch

Public Hearing Item: Yes

Council Action Required: Yes

REQUEST:

Wendell A. Gibby requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.78, PD-2 Planned Development, in order to allow for a private air strip or air park and associated hangar structures as a permitted use in Section 18.78.030, Permitted Uses, increase the overall density from forty-seven (47) single family homes to fifty-four (54) single family homes in Section 18.78.080(A), Maximum Overall Density, and modify the hillside preservation regarding slopes of thirty percent (30%) or greater in Section 18.78.090, Hillside Preservation, Paragraph (A), General Purpose.

FINDINGS OF FACT:

1. Mapleton City Code Chapter 18.78: PD-2 PLANNED DEVELOPMENT was approved by the Mapleton City Council on August 21, 2007 as Ordinance # 2007-17 (see Attachment #1 for current PD-2 Zone Text). Please note that when viewing the City Code on the Mapleton City website, Sterling Codifiers has changed the section titles to read as 18.78B.(Section Number) The addition of the letter "B" helps differentiate the PD-2 zone text from the PD Zone enabling ordinance chapter and the PD-1 PLANNED DEVELOPMENT-1 MAPLETON VILLAGE DISTRICT chapter. However, for purposes of this staff report, the sections shall be referred to herein without the letter "B", as they were originally written in Ordinance # 2007-17.
2. Mapleton City Code Section 18.78.010: PURPOSE AND OBJECTIVES states: "*The city intends the PD-2 zone to permit and regulate reasonable, single-family residential use of tracts of hillside property having a slope of less than thirty percent (30%), lying within the PD-2 zone, the development of which might otherwise be unreasonably restricted. Uses permitted in the PD-2 zone must be incidental to the essentially residential purposes thereof, and should not change the basic character of the zone. The PD-2 zone, moreover, should encourage imaginative and efficient utilization of hillside land while ensuring compatibility with the surrounding environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units.*"
3. The Applicant is proposing three changes to the PD-2 Zone Text (see Attachment #2 for the proposed text amendment). In summary, the three changes are as follows:
 - a. Add "*I. Private Air strip or air park and associated hangar structures*" as a permitted use to Mapleton City Code Section 18.78.030: PERMITTED USES.
 - b. Change Mapleton City Code paragraph 18.78.080(A): Maximum Overall Density as follows: "*Maximum Overall Density: Notwithstanding the twenty one thousand seven hundred eighty (21,780) square foot PD-2 zone minimum lot size set forth in subsection 18.78.060A of this chapter, the PD-2 zone (as depicted on the Mapleton City official zoning map, as hereafter amended), shall include no more than ~~forty seven (47)~~ fifty four (54) single-family homes.*"
 - c. Change Mapleton City Code paragraph 18.78.090(A): General Purpose as follows: "*To help accomplish the objectives of this zone, all land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required firebreaks or the required access easements. This section only applies to the portion of property that begins at the toe of Maple Mountain and upwards. (Beginning Elevation is approx. 5160 ft.)*"
4. A Memorandum of Understanding (MOU) dated May 15, 2007 was signed by Wendell A. Gibby and Mayor Jim Brady regarding the development of the subject property. Item #1 in the MOU states: "*The Gibby Parties will expeditiously, meaning no later than June 1, 2007, but in all events by July 1, 2007, submit all materials necessary to comply with Utah State law and all current applicable City Ordinances, Mapleton will bring forward an ordinance to rezone the 60+/- acres of the Gibby Parties' land to other than in an environmentally restricted zone to a zone*

comparable to an RA-1 zone development restrictions which are on an area with a slope less than 30%, which is included in the 124+/- acres of land owned or controlled by the Gibby Parties within the CE-1 zone to allow for a total density on the Gibby Parties' land of 47 separate residential units with clustering of the homes within the 60 +/- acres and a plat to incorporate such development".

5. On July 7, 2008, Stanley L. Klemetson of Klemetson Engineering, LLC submitted a letter dated July 5, 2008 to Mapleton City stating, among other things, that he and Dr. Gibby were considering redesigning the Freedom Vista Subdivision to accommodate a private airstrip and several aviation buildings near the runway. The letter also included a drawing of the proposed "Freedom Vista Airport" runway and a partially completed FAA Form 7480-1. See Attachment # 4 for a copy of the letter. The current final plat drawings being considered on item # 4 of this agenda do not show an airstrip.
6. On June 12, 2009, the Federal Aviation Administration (FAA) sent Mapleton City a copy of a letter to Wendell Gibby dated March 6, 2009 stating that the FAA had no objection to his proposal for the Freedom Vista Airport. The letter also stated that *"This determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulations, or state or other Federal regulations."* See Attachment # 5 for a copy of the letter. Dr. Gibby's application was also included with this letter, which also listed as an obstruction: *"Powerline To Be Moved 200 Ft to 1000 Ft East of Runway Prior to Operation."*
7. On September 10, 2009, the Federal Aviation Administration (FAA) sent Mapleton City a copy of another letter to Wendell Gibby stating that the previous determination by the FAA had been revised, with the additional condition that *"the power lines that cross both runway ends and parallel to the proposed runway are moved, as planned."* See Attachment # 6 for a copy of the letter.
8. The PD-2 Zone is currently the subject of ongoing litigation between Mapleton City, Wendell A. Gibby, and The Friends of Maple Mountain.

STAFF ANALYSIS:

1. The PD-2 Zone was created as an important step towards fulfilling the City's obligations under the MOU between the City and Wendell A. Gibby. With this in mind, the PD-2 Zone was designed to fulfill the terms of the MOU as closely as possible. It is the opinion of Staff that all three sections of the Applicant's proposed text amendments directly conflict with specific provisions of the MOU.
2. Regarding the proposal to add *"I. Private Air strip or air park and associated hangar structures"* as a permitted use in the PD-2 Zone, it is the opinion of Staff that adding this permitted use does not comply with item #1 listed in the MOU, because it provides that *"Mapleton will bring forward an ordinance to rezone the 60+/- acres of the Gibby Parties' land to other than in an environmentally restricted zone to a zone comparable to an RA-1 zone."* The RA-1 Zone does not allow *"Private Air strip or air park and associated hangar structures"* as a permitted or conditional use; thus, it is the opinion of Staff that the addition of this use would substantially change the character of the PD-2 zone so that it would not be *"comparable to an RA-1 Zone."* Thus, it is the opinion of Staff that this part of the proposed text amendment should be denied.
3. As mentioned in Findings of Fact # 6-7 above, the FAA has issued letters that state that they have no objection to the proposed airport, but that the proposal is still subject to local laws, ordinances, and regulations. It is the opinion of Staff that there are several site safety concerns which have not been adequately considered by the FAA, which Mapleton City must consider, including: the fact that this proposed airport is at the top of the Bonneville Bench in an area of difficult terrain, the possibility of strong wind currents from Maple Canyon and Little Slide Canyon at the north and south ends of the proposed runway respectively, the proximity of the runway to the 30%+ slopes on the mountainside to the east, a 20:1 approach slope off the south end of the runway that terminates into the mountainside approximately 3,300 feet south of the runway, and the fact that the Applicant's power pole relocation plan submitted to the City would still leave a power pole and power lines sitting at or near the south end of the proposed runway.

Staff is also concerned that the proposed “*Private Air strip or air park and associated hangar structures*” could make the PD-2 Zone incompatible with the surrounding zones due to the additional air traffic generated, and possibility of aircraft crashes. Additionally, the Applicant has not submitted any specific plans or written information on how the proposed subdivision development would interface properly with the proposed use. Thus, while it is the opinion of Staff that, as mentioned in Staff Analysis #2 above, the MOU precludes allowing for a “*Private Air strip or air park and associated hangar structures*” in the PD-2 zone, safety and zoning compatibility issues are another reason to deny this part of the proposed text amendment.

4. Regarding the proposal to change the overall density of the PD-2 Zone from forty seven (47) to fifty four (54) single-family homes, it is the opinion of Staff that this proposal violates item #1 listed in the MOU, which allows for “*47 separate residential units.*” Thus, it is the opinion of Staff that this part of the proposed text amendment should also be denied.
5. Regarding the proposal to change the PD-2 slope restrictions on slopes over 30% to apply to “*the portion of property that begins at the toe of Maple Mountain and upwards. (Beginning Elevation is approx. 5160 ft.)*” it is the opinion of Staff that this proposal does not comply with item #1 listed in the MOU, which states: “*Mapleton will bring forward an ordinance to rezone the 60+/- acres of the Gibby Parties' land to other than in an environmentally restricted zone to a zone comparable to an RA-1 zone development restrictions which are on an area with a slope less than 30%.*” Thus, it is the opinion of Staff that this part of the proposed text amendment should be denied.
6. Because the PD-2 Zone is currently the subject of ongoing litigation between Mapleton City, Wendell A. Gibby, and The Friends of Maple Mountain, the Mapleton City Attorney, Eric Johnson, has informed Staff that it is not advisable for Mapleton City to make any changes to the PD-2 Zone text.

STAFF RECOMMENDATION:

Staff recommends Denial of the proposed text amendment for the reasons listed in the Staff Analysis section of this staff report.

ALTERNATIVE ACTIONS:

1. The Planning Commission may recommend Approval of the proposed text amendment. Reasons for approval should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENTS:

1. Mapleton City Code 18.78: PD-2 PLANNED DEVELOPMENT
2. Applicant's Proposed Text Amendment
3. Memorandum of Understanding (MOU)
4. Letter from Stan Klemetson of Klemetson Engineering, LLC – Received July 7, 2008
5. Letter from Marsha Hofer of the Federal Aviation Administration – Received June 12, 2009
6. Letter from Marsha Hofer of the Federal Aviation Administration – September 10, 2009

ORDINANCE NO. 2007-17

AN ORDINANCE AMENDING CHAPTER 18.78 OF THE DEVELOPMENT CODE OF MAPLETON CITY, UTAH, TO ENACT A NEW ZONING DESIGNATION ENTITLED PLANNED DEVELOPMENT-2 (PD-2) AT approximately 2100 EAST and 200 SOUTH, Mapleton, Utah.

WHEREAS development is proposed for a master-planned community to be included within the Planned Development (PD) Zone; and

WHEREAS the City desires to enact specific regulations to accommodate and regulate the proposed master-planned development consistent with the PD zone; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-503 and section 18.12.010 of the Development Code of Mapleton City, Utah ("Development Code"), the City Council may amend its land use ordinances and regulations; and

WHEREAS, pursuant to Utah Code Ann. §§ 10-9a-503 and -502, the Planning Commission has held a public hearing after providing the required notice under Utah Code Ann. § 10-9a-205 and has provided recommendations to the City Council regarding the proposed (PD-2) zone, and

WHEREAS the City Council has considered the proposed PD-2 zone, and considered the recommendations of the Planning Commission, and the City Council has chosen to adopt the proposed PD-2 zone after making revisions the City Council deems appropriate as is the City Council's right under Utah Code Ann. § 10-9a-502(2); and

WHEREAS notice has been given as required by Utah Code Ann. § 10-9a-205 and section 18.12.020 of the Development Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MAPLETON CITY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as findings.

Section 2. Chapter 18.78 of the Development Code is hereby amended to enact the following:

CHAPTER 18.78

PD-2 PLANNED DEVELOPMENT.

18.78.010: PURPOSE AND OBJECTIVES:

The City intends the PD-2 zone to permit and regulate reasonable, single-family residential use of tracts of hillside property having a slope of less than 30%, lying within the PD-2 zone, the development of which might otherwise be unreasonably restricted. Uses permitted in the PD-2 zone must be incidental to the essentially residential purposes thereof, and should not change the basic character of the zone. The PD-2 zone, moreover, should encourage imaginative and efficient utilization of hillside land while ensuring compatibility with the surrounding environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units.

18.78.020: LOCATION:

As depicted on the Mapleton City Official Zoning Map (as hereafter amended), the PD-2 zone designation describes a proposed residential development located on approximately 118 acres in the eastern area of Mapleton City, generally at and around 2100 East and 200 South.

18.78.030: PERMITTED USES:

The following uses shall be permitted in the PD-2 zone:

- A. Single-family dwellings.
- B. Customary residential household pets as defined in section 18.08.345 of this title.
- C. Home occupations, subject to the provisions of section 18.84.380 of this title.
- D. Public utilities, drainage facilities, water wells and facilities; fences, walls, ornamental ponds; fences subject to section 18.84.130 of this title.
- E. Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, and shall be renewable on an annual basis. This use subject to subsection 18.84.200B of this title (temporary building construction).
- F. Temporary fruit and vegetable stands, for the sale of produce raised on the premises, that shall not exceed one hundred (100) square feet; and are maintained in an orderly manner.
- G. Agriculture (the science and art of farming; work of cultivating the soil, producing crops, and raising livestock).
- H. The raising, care and keeping of limited numbers of livestock and fowl, excluding swine, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:
 - 1. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.
 - 2. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') from an existing dwelling on an adjacent lot or fifty feet (50') from such a dwelling on the same lot.

18.78.040: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the PD-2 zone, provided they are incidental to the main residential dwelling unit, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. In areas having a slope of less than 30%, accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
- B. Swimming pools and incidental cabanas, subject to any and all requirements of the international building code (IBC).

C. Private Parks and Playgrounds.

18.78.050: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the PD-2 zone:

- A. Exotic pets, so long as the petitioner provides sufficient evidence demonstrating that such pets will be prevented from endangering the health, safety, and welfare of other persons; causing damage to property of others; or otherwise creating a public nuisance.
- B. Places of worship, parks and playgrounds for multiple residential use, subject to section 18.84.320 of this title.
- C. Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title.
- D. In areas having a slope of greater than 30%, accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
- E. Owner-occupied accessory apartments per section 18.84.410 of this title.

18.78.060: LOTS, BUILDINGS, AND YARDS:

Each lot or parcel of property in the PD-2 zone shall meet all of the following requirements:

- A. **Lot Size and Area per Dwelling:** The minimum lot size in the PD-2 zone shall be 21,780 square feet. Except as otherwise provided in section 18.78.080, not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the PD-2 zone.
- B. **Lot Width:** Each lot or parcel of land in the PD-2 zone shall have a width of at least one hundred feet (100').
- C. **Front Yard Requirements:** No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.
- D. **Side and Rear Yard:** Each lot or parcel of land in the PD-2 zone shall have a side yard of not less than ten feet (10'). Each lot or parcel of land in the PD-2 zone shall have a rear yard of not less than twenty-five feet (25').
- E. **Corner Lots:** Setbacks for corner lots shall not be less than thirty feet (30'), as measured for the front yard setback.
- F. **Accessory Buildings:**
 - 1. Accessory buildings may be located no closer than three feet (3') from a property line. However, buildings with fire-rated walls, built to the standards outlined in the international residential building code (IRC), may be placed up to the property line.
 - 2. a. Accessory buildings shall not exceed thirty five feet (35') in height.

b. Notwithstanding subsection 2.a, within ten feet (10') of a property line, accessory buildings shall not exceed twelve feet (12') in height.

3. All roof drainage shall be directed away from any adjacent property lines, and shall be drained to the property wherein the building is located.

G. Projections into Yards: The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this code and approval by the planning and zoning director. Other city codes or ordinance also apply.

2. Landscape elements including trees, shrubs, agricultural crops, and other plants.

3. Necessary appurtenances for utility service.

4. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):

a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.

c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.

d. Porte cochere over a driveway in a side yard, providing such structure is not more than one story in height and twenty four feet (24') in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

H. Building Height: No lot or parcel of land in the PD-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a maximum of thirty five feet (35') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, or from top of the curb (if present) or the middle point of the street directly in front of the home. If the home is located further than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.

I. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land.

18.78.070: PARKING AND DRIVEWAY REQUIREMENTS:

A. Each home located on a lot or parcel in the PD-2 zone shall have on the same lot or parcel at least two (2) off street enclosed parking spaces.

B. Each home shall also have a driveway that leads from a public street to the required enclosed parking spaces. Said driveway shall be

1. at least twelve feet (12') wide, and

2. constructed of a hard surface material.

18.78.080: DENSITY

- A. Maximum Overall Density:** Notwithstanding the 21,780 square foot PD-2 zone minimum lot size set forth in section 18.78.060.A, the PD-2 zone (as depicted on the Mapleton City Official Zoning Map, as hereafter amended), shall include no more than forty-seven (47) single single-family homes.
- B. Clustering (applicable only if clustering is used):**
1. **Purpose:** Clustering within the PD-2 zone is meant to protect and preserve open space, encourage its more efficient and aesthetic use for scenic as well as recreational purposes. Clustering also offers the developer some flexibility in addressing land development issues.
 2. **Development Clusters:** Development Clusters are permitted within the PD-2 zone, subject to the following guidelines:
 - a. Each Development Cluster shall be a contiguous area containing at least 21,780 square feet for each single-family residence therein.
 - b. No Development Cluster shall contain fewer than three or more than seven single-family residences, nor shall any Development Cluster contain more than ten acres.
 3. **Designated Build Areas:** Each development cluster shall contain a contiguous Designated Build Area of at least 11,000 square feet per single-family residence.
 - a. All dwellings and accessory buildings in a given Development Cluster shall be located within the Designated Build Area, having a slope of less than 30%.
 - b. The location of each Designated Build Area shall be designated on the preliminary plat and shall be identified and described on the final recorded plat, together with a notation to the effect that all dwellings and accessory buildings shall be located within such Designated Build Area.
 4. **Applicability of Development Code:** All construction within a Development Cluster in the PD-2 zone shall be subject to all requirements of the Development Code of Mapleton City, Utah.

18.78.090: HILLSIDE PRESERVATION

- A. General Purpose:** To help accomplish the objectives of this zone, all land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required fire breaks or the required access easements.
- B.** To help preserve the hillside areas comprising this zone, the following restrictions on use shall apply to areas having a slope of 30% or greater:
1. **Conditional Uses.** The following shall be conditional uses:
 - a. Private roads leading to a permitted or conditional accessory use.
 2. **Prohibited Uses.** The following shall be prohibited uses:
 - a. Grading, plowing, excavating, cutting or filling without a permit from the city

The permit from the city will be issued if it is shown that such activity can be performed without unreasonable risk of erosion, flooding, or landslide.

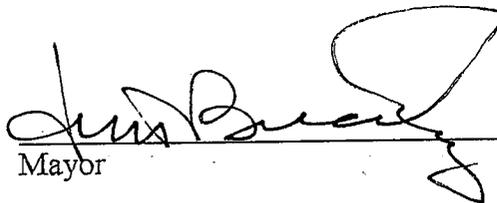
3. Additional Restrictions on Use of Land:

- a. Fences and walls shall only be constructed after obtaining a building permit.
- b. Fences and walls shall only be constructed of low visibility see through materials not more than 42 inches above the natural grade.
- c. Existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
- d. No fencing shall be erected that interferes with dedicated easements.
- e. All proposals to grade, fill, or excavate land shall be referred to the city engineer who shall make a preliminary determination if any erosion, flooding or landslide concerns exist that must be mitigated before a permit is issued.

Section 3. If any portion of this ordinance found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective upon publication as provided by Utah Code Ann. § 10-3-711.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON CITY
THIS 21st DAY OF August 2007.


Mayor

ATTEST:

[SEAL]



City Recorder



Publication Date: September 2, 2007
Effective Date: September 2, 2007

ORDINANCE NO. 2007-17

AN ORDINANCE AMENDING CHAPTER 18.78 OF THE DEVELOPMENT CODE OF MAPLETON CITY, UTAH, TO ENACT A NEW ZONING DESIGNATION ENTITLED ~~PLANNED DEVELOPMENT-2 (PD-2)~~ AT approximately 2100 EAST and 200 SOUTH, Mapleton, Utah.

WHEREAS development is proposed for a master-planned community to be included within the Planned Development (PD) Zone; and

WHEREAS the City desires to enact specific regulations to accommodate and regulate the proposed master-planned development consistent with the PD zone; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-503 and section 18.12.010 of the Development Code of Mapleton City, Utah ("Development Code"), the City Council may amend its land use ordinances and regulations; and

WHEREAS, pursuant to Utah Code Ann. §§ 10-9a-503 and -502, the Planning Commission has held a public hearing after providing the required notice under Utah Code Ann. § 10-9a-205 and has provided recommendations to the City Council regarding the proposed (PD-2) zone, and

WHEREAS the City Council has considered the proposed PD-2 zone, and considered the recommendations of the Planning Commission, and the City Council has chosen to adopt the proposed PD-2 zone after making revisions the City Council deems appropriate as is the City Council's right under Utah Code Ann. § 10-9a-502(2); and

WHEREAS notice has been given as required by Utah Code Ann. § 10-9a-205 and section 18.12.020 of the Development Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MAPLETON CITY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as findings.

Section 2. Chapter 18.78 of the Development Code is hereby amended to enact the following:

CHAPTER 18.78

PD-2 PLANNED DEVELOPMENT.

18.78.010: PURPOSE AND OBJECTIVES:

The City intends the PD-2 zone to permit and regulate reasonable, single-family residential use of tracts of hillside property having a slope of less than 30%, lying within the PD-2 zone, the development of which might otherwise be unreasonably restricted. Uses permitted in the PD-2 zone must be incidental to the essentially residential purposes thereof, and should not change the basic character of the zone. The PD-2 zone, moreover, should encourage imaginative and efficient utilization of hillside land while ensuring compatibility with the surrounding environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units.

18.78.020: LOCATION:

As depicted on the Mapleton City Official Zoning Map (as hereafter amended), the PD-2 zone designation describes a proposed residential development located on approximately 118 acres in the eastern area of Mapleton City, generally at and around 2100 East and 200 South.

18.78.030: PERMITTED USES:

The following uses shall be permitted in the PD-2 zone:

- A. Single-family dwellings.
- B. Customary residential household pets as defined in section 18.08.345 of this title.
- C. Home occupations, subject to the provisions of section 18.84.380 of this title.
- D. Public utilities, drainage facilities, water wells and facilities; fences, walls, ornamental ponds; fences subject to section 18.84.130 of this title.
- E. Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, and shall be renewable on an annual basis. This use subject to subsection 18.84.200B of this title (temporary building construction).
- F. Temporary fruit and vegetable stands, for the sale of produce raised on the premises, that shall not exceed one hundred (100) square feet; and are maintained in an orderly manner.
- G. Agriculture (the science and art of farming; work of cultivating the soil, producing crops, and raising livestock).
- H. The raising, care and keeping of limited numbers of livestock and fowl, excluding swine, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:
 - 1. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.
 - 2. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') from an existing dwelling on an adjacent lot or fifty feet (50') from such a dwelling on the same lot.
- I. *Private Air strip or airpark and associated hangar structures.*

18.78.040: PERMITTED ACCESSORY USES:

Accessory uses and structures are permitted in the PD-2 zone, provided they are incidental to the main residential dwelling unit, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. In areas having a slope of less than 30%, accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
- B. Swimming pools and incidental cabanas, subject to any and all requirements of the international building code (IBC).

C. Private Parks and Playgrounds.

18.78.050: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the PD-2 zone:

- A. Exotic pets, so long as the petitioner provides sufficient evidence demonstrating that such pets will be prevented from endangering the health, safety, and welfare of other persons; causing damage to property of others; or otherwise creating a public nuisance.
- B. Places of worship, parks and playgrounds for multiple residential use, subject to section 18.84.320 of this title.
- C. Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities), subject to compliance with the standards for such uses as set forth in section 18.84.370 of this title and the approval of site plan in accordance with the provisions of section 18.84.320 of this title.
- D. In areas having a slope of greater than 30%, accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
- E. Owner-occupied accessory apartments per section 18.84.410 of this title.

18.78.060: LOTS, BUILDINGS, AND YARDS:

Each lot or parcel of property in the PD-2 zone shall meet all of the following requirements:

- A. **Lot Size and Area per Dwelling:** The minimum lot size in the PD-2 zone shall be 21,780 square feet. Except as otherwise provided in section 18.78.080, not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the PD-2 zone.
- B. **Lot Width:** Each lot or parcel of land in the PD-2 zone shall have a width of at least one hundred feet (100').
- C. **Front Yard Requirements:** No home shall have a front yard of less than thirty feet (30') measured from the front property line or the right of way to the foundation of the home.
- D. **Side and Rear Yard:** Each lot or parcel of land in the PD-2 zone shall have a side yard of not less than ten feet (10'). Each lot or parcel of land in the PD-2 zone shall have a rear yard of not less than twenty-five feet (25').
- E. **Corner Lots:** Setbacks for corner lots shall not be less than thirty feet (30'), as measured for the front yard setback.
- F. **Accessory Buildings:**
 - 1. Accessory buildings may be located no closer than three feet (3') from a property line. However, buildings with fire-rated walls, built to the standards outlined in the international residential building code (IRC), may be placed up to the property line.
 - 2. a. Accessory buildings shall not exceed thirty five feet (35') in height.

b. Notwithstanding subsection 2.a, within ten feet (10') of a property line, accessory buildings shall not exceed twelve feet (12') in height.

3. All roof drainage shall be directed away from any adjacent property lines, and shall be drained to the property wherein the building is located.

G. Projections into Yards: The following structures may be erected on or projected into any required yard:

1. Fences and walls in conformance with this code and approval by the planning and zoning director. Other city codes or ordinance also apply.

2. Landscape elements including trees, shrubs, agricultural crops, and other plants.

3. Necessary appurtenances for utility service.

4. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):

a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.

c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.

d. Porte cochere over a driveway in a side yard, providing such structure is not more than one story in height and twenty four feet (24') in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

H. Building Height: No lot or parcel of land in the PD-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a maximum of thirty five feet (35') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, or from top of the curb (if present) or the middle point of the street directly in front of the home. If the home is located further than thirty feet (30') from a city street, then the measurement shall be taken of the established grade ten feet (10') from the home.

I. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty five percent (35%) of the area of the lot or parcel of land.

18.78.070: PARKING AND DRIVEWAY REQUIREMENTS:

A. Each home located on a lot or parcel in the PD-2 zone shall have on the same lot or parcel at least two (2) off street enclosed parking spaces.

B. Each home shall also have a driveway that leads from a public street to the required enclosed parking spaces. Said driveway shall be

1. at least twelve feet (12') wide, and

2. constructed of a hard surface material.

18.78.080: DENSITY

A. **Maximum Overall Density:** Notwithstanding the 21,780 square foot PD-2 zone minimum lot size set forth in section 18.78.060.A, the PD-2 zone (as depicted on the Mapleton City Official Zoning Map, as hereafter amended), shall include no more than ~~forty seven (47)~~ *fifty four 54* single single-family homes.

B. **Clustering (applicable only if clustering is used):**

1. **Purpose:** Clustering within the PD-2 zone is meant to protect and preserve open space, encourage its more efficient and aesthetic use for scenic as well as recreational purposes. Clustering also offers the developer some flexibility in addressing land development issues.
2. **Development Clusters:** Development Clusters are permitted within the PD-2 zone, subject to the following guidelines:
 - a. Each Development Cluster shall be a contiguous area containing at least 21,780 square feet for each single-family residence therein.
 - b. No Development Cluster shall contain fewer than three or more than seven single-family residences, nor shall any Development Cluster contain more than ten acres.
3. **Designated Build Areas:** Each development cluster shall contain a contiguous Designated Build Area of at least 11,000 square feet per single-family residence.
 - a. All dwellings and accessory buildings in a given Development Cluster shall be located within the Designated Build Area, having a slope of less than 30%.
 - b. The location of each Designated Build Area shall be designated on the preliminary plat and shall be identified and described on the final recorded plat, together with a notation to the effect that all dwellings and accessory buildings shall be located within such Designated Build Area.
4. **Applicability of Development Code:** All construction within a Development Cluster in the PD-2 zone shall be subject to all requirements of the Development Code of Mapleton City, Utah.

18.78.090: HILLSIDE PRESERVATION

A. **General Purpose:** To help accomplish the objectives of this zone, all land surface having a slope of thirty percent (30%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required fire breaks or the required access easements.

B. To help preserve the hillside areas comprising this zone, the following restrictions on use shall apply to areas having a slope of 30% or greater: *toe of maple mountain ^{and} upwards -*

1. **Conditional Uses.** The following shall be conditional uses:

- a. Private roads leading to a permitted or conditional accessory use.

2. **Prohibited Uses.** The following shall be prohibited uses:

- a. Grading, plowing, excavating, cutting or filling without a permit from the city

(Beginning elevation is approx. 5160 ft.)

The permit from the city will be issued if it is shown that such activity can be performed without unreasonable risk of erosion, flooding, or landslide.

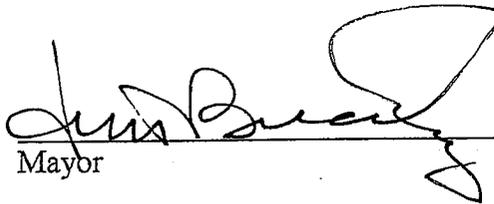
3. Additional Restrictions on Use of Land:

- a. Fences and walls shall only be constructed after obtaining a building permit.
- b. Fences and walls shall only be constructed of low visibility see through materials not more than 42 inches above the natural grade.
- c. Existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
- d. No fencing shall be erected that interferes with dedicated easements.
- e. All proposals to grade, fill, or excavate land shall be referred to the city engineer who shall make a preliminary determination if any erosion, flooding or landslide concerns exist that must be mitigated before a permit is issued.

Section 3. If any portion of this ordinance found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective upon publication as provided by Utah Code Ann. § 10-3-711.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON CITY
THIS 21st DAY OF August 2007.


Mayor

ATTEST:

[SEAL]


City Recorder



Publication Date: September 2, 2007

Effective Date: September 2, 2007

MEMORANDUM OF UNDERSTANDING TO SETTLE PENDING LITIGATION AND ALL CLAIMS KNOWN AND UNKNOWN

This Memorandum of Understanding to Settle Pending Litigation and All Claims Known and Unknown (the "Agreement") is entered into by and between Mapleton City, Utah ("Mapleton" or the "City"), a municipal corporation and body politic, and Wendell A. Gibby and Trudy Gibby individually and as co-trustees of the UVRA, Inc., WAG Pension Trust; Wendell A. Gibby Trustee Utah Valley Radiology (sic) Assoc., Inc., Money Purchase Pension Plan fbo Wendell A. Gibby and MCBRS, LLC (collectively, the "Gibby Parties") (the Mapleton and Gibby Parties are collectively referred to herein as the "Settling Parties") as of this 15th day of May, 2007.

WHEREAS, the Settling Parties are opposing parties in several lawsuits consisting of the following: (1) Case No. 05010068 Utah 4th Dist. Ct. pending before Judge Pullan (historical right of way and eminent domain); (2) Case No. 2:05-cv-632 DB U.S. Dist. Ct. Dist. of Utah pending before Judge Benson (civil rights); (3) Case No. 070100482 Utah 4th Dist. pending before Judge Pullan (rezone challenge); (4) Case No. 060402859 Utah 4th Dist. pending before Judge Howard (Dogwood Dr.); and

WHEREAS, 2007 legislative bill known as House Bill 334 proposed before the Utah State Legislative that would impact some of the above litigated matters; and was deferred by reason of the oral understanding preceding this Agreement; and

WHEREAS, the Gibby Parties have applied for a subdivision approval within Mapleton; and

WHEREAS, the Settling Parties have reached an agreement in principle to resolve all of the disputes claimed in the above lawsuits, and which would settle all claims between the parties, known and unknown; and

WHEREAS, the agreement in principle will require Mapleton to exercise its police power for purposes such as rezoning certain lands in the City; and

WHEREAS, the police powers of the City cannot be circumvented by agreement, and therefore, the parties desire to allow Mapleton sufficient time to exercise its police powers with respect to the land use laws contained within the Utah Code and the City Code; and

NOW THEREFORE, for good and valuable consideration, including the resolution of pending litigation, the Settling Parties hereby agree and covenant as follows:

1. The Gibby Parties will expeditiously, meaning no later than June 1, 2007, but in all events by July 1, 2007, submit all materials necessary to comply with Utah State law and all current applicable City Ordinances, Mapleton will bring forward an ordinance to rezone the 60+/- acres of the Gibby Parties' land to other than in an environmentally restricted zone to a zone comparable to an RA-1 zone development restrictions which are on an area with a slope less than 30%, which is included in the 124+/- acres of land owned or controlled by the Gibby Parties within the CE-1 zone

to allow for a total density on the Gibby Parties' land of 47 separate residential units with clustering of the homes within the 60 +/- acres and a plat to incorporate such development.

2. Mapleton will forthwith approve the Gibby Parties' application to move the power lines farther to the east, as per the previously filed application. A permit will be brought forward for the relocation of the power line that traverses the property at the developer's expense.
3. Upon approval of the plat described herein, the Gibby Parties agree to provide an easement for a trail from the north and south property lines of the Gibby Parties' property across the west escarpment of the property in substantial compliance with plats previously submitted by the Gibby Parties during the legislation session in 2007 to Mapleton, consistent with City's trail easement on the north across the adjoining Roundy property and connecting on the south to either the Forest Service or the City property. The Gibby Parties shall choose the location of the trail easement through the Gibby Parties' property.
4. Upon approval of the rezoning and plat approval described herein, the Gibby Parties will grant an easement, at no cost to the City, for its water main that is to be placed in a public right-of-way in a location to be determined by Mr. Gibby and approved by the City Engineer. The location of the proposed easement will be communicated to the City within the next 30 days except for where the water main is in a public street, the water main easement across the Gibby Parties' property shall be restricted to City employees for maintenance or repair of the water main. The City will provide a satisfactory mitigation plan and be responsible for any pipeline rupture or damage to private property. The City will bear the costs of the water main. It is agreed that culinary water needs of the Gibby Parties' property will be supplied from the water main that will be placed in the public right-of-way described above.
5. The development of the Gibby Parties' property must comply with the written objective standards already adopted by the City, and other than changes contemplated in paragraph 1, no conditions outside of the written objective development standards already adopted by the City will be imposed on the Gibby Parties' development.
6. Mapleton agrees to cooperate with a future land exchange, if any, between the Gibby Parties and the U.S. Forest Service which owns land immediately to the south of the Gibby Parties' subject property.
7. The Gibby Parties agree to use their best efforts to assist Mapleton City to complete the actions described in paragraphs 1 and 2 above before September 1, 2007. Any delay up to one month by the Gibby Parties in making submissions shall grant the

City a corresponding extension of time to complete the actions described in paragraphs 1 and 2 up to one month.

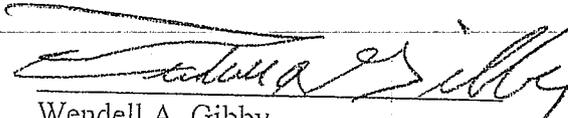
8. The City will work in good faith with the developer of the Gibby Parties' property to ensure that adequate public facilities are available.
9. The City and the developer of the Gibby Parties' property shall work in good faith to achieve an attractive and functional development.
10. The City agrees that Dogwood Drive needs to be widened to the Gibby Parties' property to achieve safe traffic flow to accommodate the development of the Gibby Parties' property no to exceed 56' to the same width as the developers' design for the Gibby Parties' development. The City will widen the street at the City's expense.
11. Upon completion prior to September 1, 2007 of the rezoning described in paragraph 1, and the permit issued for the moving of the power poles described in paragraph 2, the Settling Parties hereto agree as follows:
 - A. The Gibby Parties agree to settle and dismiss with prejudice the above litigations and all claims known and unknown against Mapleton and all individuals named in the above litigation and bear their own costs and attorney's fees.
 - B. Mapleton agrees to settle and dismiss with prejudice the above entitled litigation and all claims known and unknown against the Gibby Parties and bear their own costs and attorney's fees.
12. The Gibby Parties will take all measures to assist Mapleton to efficiently process any development requests and will submit all development requests with ample time, meaning no later than June 1, 2007, but in all events by July 1, 2007, to allow the City to complete approvals contemplated by paragraphs 1 and 2.
13. The Gibby Parties agree to work in good faith to heal rifts within the community.
14. Mapleton agrees to work in good faith to heal rifts within the community.
15. Mapleton agrees to expedite development requests from the Gibby Parties meaning no later than June 1, 2007, but in all events by July 1, 2007 to complete the applications contemplated herein prior to September 1, 2007.
16. Upon receiving the rights of way for the trail and water main described herein, Mapleton agrees to publicly declare that the Gibby Parties' property is private property, and the public is not allowed to trespass, vandalize, or cross said property,

except where the City shall obtain rights of way, and that violations of the Gibby Parties' property rights will be prosecuted by the City.

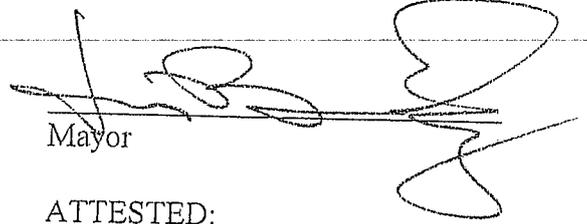
17. The Settling Parties agree to fully cooperate and to execute any and all supplementary documents and to take all additional actions that may be reasonably necessary to give this Agreement full force and effect. The Settling Parties hereby authorize their counsel to do the same.
18. The Settling Parties understand and agree that this Agreement is entered into for the purpose of resolving doubtful and disputed claims and is not an admission of liability of any of the Settling Parties as any liability is expressly denied.
19. In any action brought to enforce, construe or rescind this Agreement, or any document required hereby, the state or federal courts of the State of Utah shall have exclusive jurisdiction over, and venue with respect to, each party. This Agreement shall be governed and construed in accordance with the laws of the State of Utah. In any action brought to enforce, construe, or rescind this Agreement, or any document required hereby, the prevailing parties shall be entitled to the recovery of reasonable attorney's fees and reasonably incurred costs and expenses of litigation.
20. This Agreement shall be binding upon the successors, assigns, administrators, and executors of the Settling Parties.
21. This Agreement is being executed in multiple counterpart originals and shall be deemed fully executed and binding when all of the parties hereto have executed one counterpart of this Agreement. This Agreement shall then have the same force and effect as if all signatures appeared on the same original.
22. In entering into this Agreement, the Settling Parties represent that they have relied upon the advice of their attorneys, who are the attorneys of their own choice, concerning the legal consequences of this Agreement, that the terms of this Agreement have been completely read and explained to them by their attorneys, and that the terms of this Agreement are fully understood and voluntarily accepted by them.
23. The individuals executing this Agreement represent and warrant individually that they are duly authorized and empowered to enter into this Agreement on behalf of themselves or their respective principals.

On Behalf of the Gibby Parties

On Behalf of Mapleton City, Utah

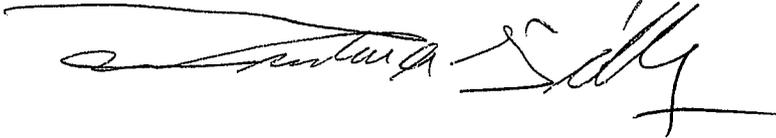


Wendell A. Gibby



Mayor

ATTESTED:





RESOLUTION NO. 2007-25

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING TO SETTING PENDING LITIGATION AND ALL CLAIMS KNOWN AND UNKNOWN

WHEREAS, Mapleton City, Utah County, Utah (the "City"), and Wendell A. Gibby and Trudy Gibby individually and as co-trustees of the UVRA, Inc., WAG Pension Trust; Wendell A. Gibby Trustee Utah Valley Radiology (sic) Assoc., Inc., Money Purchase Pension Plan fbo Wendell A. Gibby and MCBRS, LLC (collectively, the "Gibby Parties") (the City and Gibby Parties are collectively referred to herein as the "Settling Parties"); and

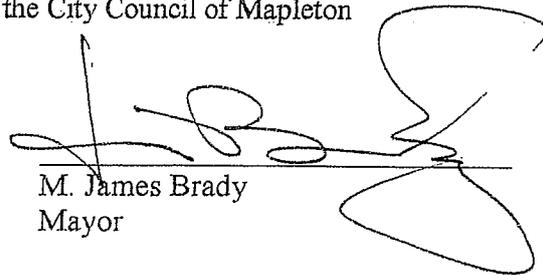
WHEREAS, the Settling Parties are presently involved in 4 lawsuits identified in a Memorandum or Understanding to Settle Pending Litigation and all Claims Known and Unknown (the "MOU"); and

WHEREAS, the City desires to enter into the MOU and has received assurances that the other parties thereto desire the same; and

WHEREAS, the Settling Parties have reached an agreement in principle to resolve all of the disputes claimed in the lawsuits, and which would settle all claims between the parties, known and unknown.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, that the Mayor is authorized to enter into and sign the MOU and the City Recorder is authorized to attest to the same and apply the City seal and thereby the City will agree and covenant to follow the terms of the Memorandum of Understanding to Settle Pending Litigation and all Claims Known and Unknown. The Mayor is further authorized to enter into and sign all needful and helpful documents to carry out or complete the transactions contemplated by the MOU and the City Recorder is authorized to attest to the same and apply the City seal.

APPROVED AND ADOPTED this May 15, 2007 by the City Council of Mapleton City, Utah County, Utah.


M. James Brady
Mayor




Michelle Brown
City Recorder

Attach 4

KLEMETSON ENGINEERING, LLC

July 5, 2008

RECEIVED

Cory Branch
Mapleton City
35 East Maple Street
Mapleton, UT 84664
(801) 806-9101

JUL 07 2008

MAPLETON CITY

RE: Freedom Vista Subdivision - Airport

Dear Mr. Branch:

Dr. Gibby has made numerous attempts to provide two full streets to service the homes to be constructed in the Freedom Vista Subdivision. At this time we have a full street at Dogwood and a narrower street at Maple Street. We are considering an alternative design that may have fewer homes and a private airstrip for the home that will be constructed on the site. This will be a privately owned airport for private use by general aviation. The US DOT has stated that the indoor sound level from general aviation aircraft is about equal to that of a lawn mower. The airport noise will last a much shorter time than lawn mowing activities.

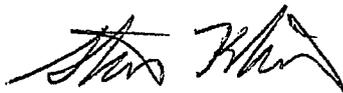
Small private use airports are quite common. The FAA Northwest Mountain Region FY-2007 Annual Report showed 47 Public Use and 102 Private Use Airports in Utah. We have reviewed the Mapleton City ordinances and do not find any ordinances relating to public or private airstrips or airports. Therefore we are submitting an application to FAA for approval of the private airport.

Dr. Gibby has an existing well permit for the site. The runway could be 2737 feet long and 60 feet wide. The runway will be covered with 40-foot wide turf, but may be paved at a later date. Several aviation buildings will be constructed near the runway. The site layout will be modified to fit the home adjacent to the airport according to FAA safety requirements. The re-designed subdivision layout will be submitted to Mapleton City.

Please let me know if you have any questions.

Sincerely,

KLEMETSON ENGINEERING, LLC



Stanley L. Klemetson, Ph.D., P.E.

M&D ROUNDY PROPERTIES, I.C.

JUL 07 2008

MAPLETON CITY

MAPLE GLOVE SUBDIVISION

THE PARK SUBDIVISION

MAPLE STREET

MAPLETON RESIDENTIAL DISTRICT

RESIDENTIAL DEVELOPMENT AREA

DOGWOOD DRIVE

EAGLEROCK SUBDIVISION

EAGLEROCK SUBDIVISION

EAGLEROCK

MAPLETON CITY

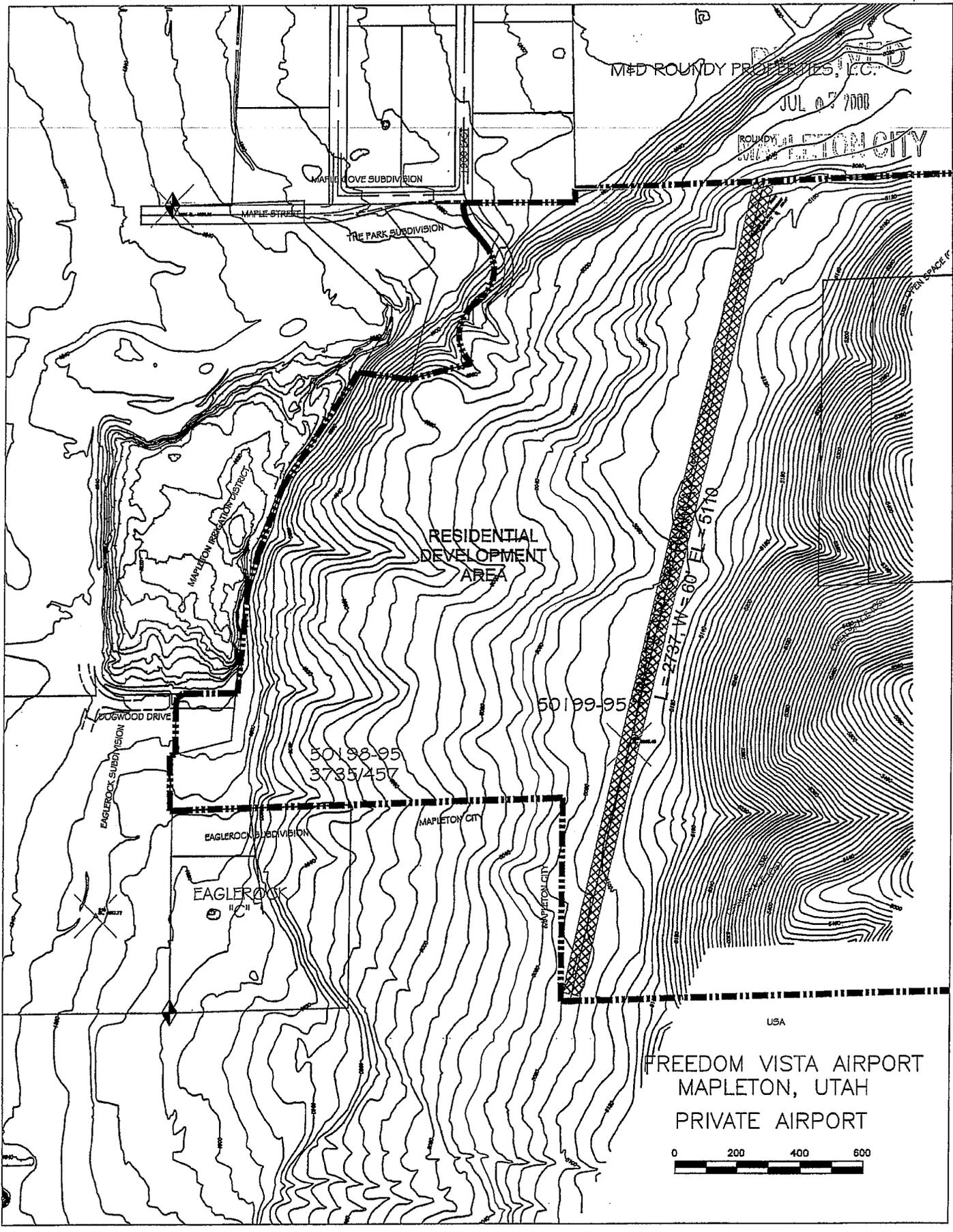
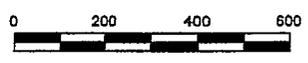
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3785457

L=2737.14 S=60 FL=5710

USA

FREEDOM VISTA AIRPORT
MAPLETON, UTAH
PRIVATE AIRPORT



NOTICE OF LANDING AREA PROPOSAL

U.S. Department of Transportation
Federal Aviation Administration

Name of Proponent, Individual, or Organization

Wendell Gibby

Address of Proponent, Individual, or Organization
(No., Street, City, State, Zip Code)

Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.

Establishment or Activation Deactivation or abandonment } Airport Ultralight Flightpark Vertiport
 Alteration Change of Status } Heliport Seaplane Base Other (Specify)

OF

A. Location of Landing Area

1. Associated City/State Mapleton, UT	2. County/State (Physical Location of Airport) 1800 East Dogwood, Mapleton, Utah County, Utah	3. Distance and Direction From Associated City or Town
4. Name of Landing Area Freedom Vista Airport	5. Latitude 40 ° 07 ' 40 "	6. Longitude -111 ° 33 ' 14 "
	7. Elevation 5110	Miles 1 Direction West

B. Purpose

Type Use <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters	If Change of Status or Alteration, Describe Change	<input checked="" type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)	Construction Dates To Begin/Began Est. Completion 7/15/08 10/15/08	
--	--	--	---	--

C. Other Landing Areas

Ref. A5 above Direction From Landing Area	Distance From Landing Area	D. Landing Area Data			Existing (if any)			Proposed		
		1. Airport, Seaplane Base, or Flightpark Magnetic Bearing of Runway (s) or Sealane	Rwy #1	Rwy #2	Rwy #3	Rwy	Rwy	Rwy		
		Length of Runway (s) or Sealane (s) in Feet						12.82		
		Width of Runway (s) or Sealane (s) in Feet						40		
		Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)						Turf		
		2. Heliport								
		Dimensions of Final Approach and Take off Area (FATO) in Feet								
		Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet								
		Magnetic Direction of Ingress/Egress Routes								

E. Obstructions

Type	Height Above Landing Area	Direction		3. All Landing Areas	Description of Lighting (If any)	Direction of Prevailing Wind
		From Landing Area	From Landing Area			
				None	None	South to North

F. Operational Data

1. Estimated or Actual Number Based Aircraft					
Airport, Flightpark, Seaplane base	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Heliport	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence
Multi-engine	0	E 10	Under 3500 lbs. MGW	0	0
Single-engine	0	E 15	Over 3500 lbs. MGW	0	0
Glider	0	E 5			

G. Other Considerations

Identification	Direction From Landing Area	Distance From Landing Area	2. Average Number Monthly Landings			
			Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence
Jet			0	0	Helicopter	0
Turboprop			0	0	Ultralight	0
Prop			0	E 1250	Glider	0

3. Are IFR Procedures For The Airport Anticipated
 No Yes Within _____ Years Type Navaid:

H. Application for Airport Licensing

Has Been Made Not Required County
 Will Be Made State Municipal Authority

I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

Name, title (and address if different than above) of person filing this notice - type or print	Signature (in ink)	Telephone No. (Precede with area code)
	Date of Signature	

JUL 07 2008

MAPLETON CITY



**FEDERAL AVIATION
ADMINISTRATION**

**Denver Airports District Office
28805 East 68th Ave. Suite 224
Denver, CO 80249-6361**

Attach 5
RECEIVED

JUN 12 2009

MAPLETON CITY

Facsimile Cover Sheet

**To: Matt Brady
Company: Mapleton
Phone: 801-806-9108
Fax: 801-489-5657**

**From: Kristin Hartman
Position: Civil Engineer
Phone: (303) 342-1279
Fax: (303) 342-1260**

**Date: June 12, 2009
Pages including this
cover page: 5**

Re: Wendell Gibby documents

Matt,

Here is the info related the the Freedom Vista Airport. Let me know if you need anything else.

**Thanks,
Kristin**



U.S. Department
of Transportation
Federal Aviation
Administration

Denver Airports District Office
26805 East 68th Ave., Suite 224
Denver, CO 80248-6351
(303) 342-1250

March 6, 2009

Mr. Wendell Gibby
MCERS, LLC
280 West River Park Drive, Suite 100
Provo, Utah 84604

Dear Mr. Gibby:

Airspace Case No. 2008-ANM-678-NRA

An airspace analysis of the proposed private use Freedom Vista Airport, Mapleton, Utah, has been completed. Based on this study, the Federal Aviation Administration (FAA) has no objection.

Operations should be conducted in accordance with the communications requirements and restrictions of the underlying class of airspace. We recommend that a clear 20:1 approach slope be established and maintained.

Please check the performance capabilities of the aircraft you intend to operate at your airport to ensure you have adequate runway length. All users of the airport should be briefed on operating conditions at the airport.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of airspace by aircraft and with respect to the safety of persons and property on the ground. This determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulations, or state or other Federal regulations.

In making this determination, the FAA has considered matters such as the effect the proposal would have on the existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected program of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed man-made objects (on file with the FAA) and known natural objects within the affected area would have on the proposal.

The FAA cannot prevent the construction of structures near an airport. The airport environs can only be protected through such means as local zoning ordinances or acquisition of property rights. It is up to you, as the owner, to provide for this protection.

No evaluation of the environmental aspects of the proposal was made in reaching this determination. Therefore, this determination is not to be construed as approval of the proposal from an environmental standpoint under Public Law 91-190 (National Environmental Policy Act of 1969).

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until March 31, 2010. Should the facility not be operational by this date, an extension of the determination must be obtained prior to the expiration date of this letter.

When the airport becomes operational, please complete and return the enclosed Airport Master Record form to this office. The Airport Master Record notifies the FAA that your facility has been activated. When the processing of the Airport Master Record form is completed, your landing area will have a site number and a permanent location identifier.

If in the future you wish to open the airport to public use, a new airspace determination will be required. In addition, if the facility changes names, changes ownership, closes, if there is a change in the owner's address or other substantial changes, please notify the FAA, NFDC on Form 5010-5. The FAA might solicit information updates on your airport, and if the solicitation is not responded to, your airport could be considered an inactive facility.

Thank you for your cooperation in this matter. If you have any questions, please contact me at (303) 342-1251.

Sincerely,

**ORIGINAL
SIGNED BY**

Marsha Hofer
Program Specialist

Enclosure

~~cc~~
AAS-300 w/7440-1 & sketch
Utah State Aeronautics
Utah County Planning Department

08-678

NOTICE OF LANDING AREA PROPOSAL

Department of Transportation
Federal Aviation Administration

Name of Proposer, Individual, or Organization

MCBS, LLC

Address of Proposer, Individual, or Organization

(No., Street, City, State, Zip Code)
288 West River Park Drive, Suite 100
Provo, UT 84604

Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.

Establishment or Activation Decommission or abandonment
 Alteration Change of Status

OF

Airport Lighted Flightpark Vertiport
 Helipark Seaplane Base Other (Specify)

A. Location of Landing Area

1. Associated City/State
Mapleton, UT

2. County/State (Physical Location of Airport)
1800 East Dogwood, Mapleton, Utah County, Utah (NAD 83)

3. Distance and Direction From Associated City or Town

4. Name of Landing Area
Freedom Vista Airport

5. Latitude
40° 07' 40"

6. Longitude
-111° 33' 14"

7. Elevation
5110

8. Distance
1

Direction
West

B. Purpose

Type Use
 Public
 Private
 Private Use of Public Land/Waters

If Change of Status or Alteration, Describe Change

Establishment or change to traffic pattern (Describe on reverse)

Construction Dates

To Begin/Begin
04/01/09

Est. Completion
07/31/09

C. Other Landing Areas

Spanish Fork-Springville Airport
N 40.14162 / W 111.68431
Provo Airport
N 40.22028 / W 111.72831
Utah Valley Regional Medical Center Helipark
N 40.248 / W 111.666
Timpanogas Hospital Helipark
N 40.314 / W 111.714

Direction From Landing Area

Distance From Landing Area

1. Airport, Seaplane Base, or Flightpark
Magnetic Bearing of Runway (s) or Seaplane

Length of Runway (s) or Seaplane (s) in Feet

Width of Runway (s) or Seaplane (s) in Feet

Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)

2. Helipark

Dimensions of Final Approach and Take-off Area (FATO) in Feet

Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet

Magnetic Direction of Ingress/Egress Routes

Type of Surface (Turf, concrete, asphalt, etc.)

E. Obstructions

Type
Powerline To Be Moved 200 Ft to 1000 Ft East of Runway Prior to Operation
Wind Turbines, N 40.080 / W 111.589
Cell Tower N 40.101 / W 111.584

Direction From Landing Area

Distance From Landing Area

3. All Landing Areas

Description of Lighting (if any)
None

Direction of Prevailing Wind
South to North

G. Other Considerations

Mountain Located East of Runway.

Direction From Landing Area

Distance From Landing Area

F. Operational Data

1. Estimated or Actual Number Based Aircraft

Aircraft	Present (if not indicate by letter "E")	Anticipated 5 Years Hence	Helipark	Present (if not indicate by letter "E")	Anticipated 5 Years Hence
Multi-engine	0	E 5	Under construction, HAWK	0	0
Single-engine	0	E 10	Over 2000 sq. ft. HAWK	0	0
Other	0	E 2			

2. Average Number Monthly Landings

Month	Present (if not indicate by letter "E")	Anticipated 5 Years Hence	Helipark	Present (if not indicate by letter "E")	Anticipated 5 Years Hence
Jan	0	0	Helipark	0	0
Turboprop	0	0	Lighted	0	E 20
Prop	0	E 130	Other	0	

3. Are IFR Procedures For The Airport Anticipated

No Yes Within _____ Year

Type Navaid:

H. Application for Airport Licensing

Has Been Made Not Required

Will Be Made State

County Municipal Authority

I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

Name, title (and address if different than above) of person filing this notice - type or print
Wendell Gibby, Manager

Signature (in ink)
Date of Signature
4-13-2008
Telephone No. (Provide with area code)
801-229-2002



U.S. Department
of Transportation
**Federal Aviation
Administration**

Denver Airports District Office
26805 East 68th Ave., Suite 224
Denver, CO 80249-6361
(303) 342-1250

Attach Co

September 10, 2009

Mr. Wendell Gibby
MCBRS, LLC
280 West River Park Drive, Suite 100
Provo, Utah 84604

Dear Mr. Gibby:

Airspace Case No. 2008-ANM-678-NRA

This is a revised determination for the proposed private use Freedom Vista Airport, Mapleton, Utah.

Based on a site evaluation conducted by the Salt Lake City Flight Standards District Office, the Federal Aviation Administration (FAA) now has no objection provided the power lines that cross both runway ends and parallel the proposed runway are moved, as planned.

All other conditions/provisions of the determination letter dated March 6, 2009, will still apply.

Thank you for your cooperation in this matter. If you have any questions, please contact me at (303) 342-1251.

Sincerely,

Original Signed by:
Marsha Hofer

Marsha Hofer
Program Specialist

cc:
AAS-300 w/7480-1 & sketch
Utah State Aeronautics
Utah County Planning Department
David Rodda, SLC FSDO
Matt Brady, Mapleton City Planner