

CHAPTER 12
POLICIES FOR NON-DISTRICT USE OF
DISTRICT LAND AND INTEREST IN LAND

Last Updated: June 15, 2026

This chapter of the P&P contains policies governing the use of District property interests by persons or entities other than the District.

PART 1
GENERAL PROVISIONS

12-101 PURPOSE

This Chapter of the P&P is intended to:

- 1) provide guidelines and authorization processes for use of District Lands by others, *see* Utah Code § 17B-2a-603;
- 2) protect and maintain District property for its intended use;
- 3) describe uses that will generally allow the District to
 - a) maintain its ability to have necessary, proper, and timely access to District Lands and infrastructure;
 - b) minimize the costs to the public by protecting reasonable constructability for future infrastructure, repair, and replacement projects;
 - c) minimize costs to the public by avoiding litigation;
 - d) minimize the exposure to liability claims;
 - e) provide security; and
 - f) fulfill the District's fiduciary responsibilities to protect District assets for the benefit of the District's member cities and the water users served by those member cities;
- 4) balance the objectively reasonable interests of property owners impacted by District easements in the reasonable use of and protection of their property with the purposes of District right to utilize and protect District assets; and
- 5) describe when agreements are required to document balance between the needs of the District and Affected Parties.

12-102 INTENT

- 1) General Implementation. The District's intent is to implement these objectives and provide these protections in a fair, timely, and reasonable manner.

- 2) Critical Public Infrastructure. The District’s facilities are critical public infrastructure. The District is charged with the obligation to put the interests of its member cities and the water users served by those member cities above other interests, including the interests of adjoining landowners, and the interests of the public generally. Use of District Land will be subject to all applicable federal, state, and local statutes, regulations, rules, and ordinances.
- 3) Fair Market Value of Use of District Fee Lands. The District holds title to District Fee Lands for the benefit of its member cities and the water users served by those member cities. As a result, the District is generally obligated by state law to charge present fair market value for use of District Fee Lands, unless the District has statutory authority to the contrary. (*See, e.g., Salt Lake Cty. Comm’n v. Salt Lake Cty. Attorney*, 985 P.2d 899 (Utah 1999); *Municipal Building Authority of Iron Cty. v. Lowder*, 711 P.2d 273 (Utah 1985); *Sears v. Ogden City*, 533 P.2d 118 (Utah 1975)). Utah Code Ann. § 17B-1-103(2)(t) allows the District to permit uses of District Fee Lands by adjoining landowners or political subdivisions of the State for less than present fair market value if the Board finds that doing so is in the best interests of the District and the public.

12-103 DEFINITIONS

As used in this chapter:

- 1) “Affected” means the owner of property encumbered by District Easement or the owner of property adjacent to District Fee Land, or another individual or entity seeking to use District Lands.
- 2) “Agreement” means the agreement issued to an Applicant who has successfully completed the application process. An agreement may be in the form of a Cooperation Agreement, Easement Agreement, Temporary Use Permit, or another document as determined appropriate by the GM.
- 3) “Applicant” means a person or entity who applies for issuance of an agreement from the District to use District Lands.
- 4) “Board” means the Board of Trustees of the Metropolitan Water District of Salt Lake & Sandy.
- 5) “Corridor” means the lands the District has the right to use for the purposes of its pipeline infrastructure, including related works, equipment, and facilities. The Corridor may consist of fee or easement. See 12-104 for further description.
- 6) “District” means the Metropolitan Water District of Salt Lake & Sandy.
- 7) “District Lands” means any lands the District has the right to use. Lands may include fee, easement, permit, or a similar legal right.

- a) “District Fee Lands” means land owned by the District in fee simple.
 - b) “District Easement Lands” means property where the District has a legal right that gives it permission to use a portion of another person’s property for an identified purpose. For example, the District holds easements for portions of its pipelines and infrastructure.
- 8) “Encroachment” means a non-District use within District Lands.
- 9) “EC” means the District’s Engineering Committee, a committee of the Board.
- 10) “Exception” means an exception to this Chapter for the purposes described in 12-106.2 as may be granted by the District’s Board of Trustees under 12-501.
- 11) “GM” means the District’s General Manager.
- 12) “Hazardous Materials”
- a) include those substances included within the definitions of hazardous substances, hazardous materials, toxic substances, or solid waste pursuant to:
 - i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, *et seq.*,
 - ii) the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901, *et seq.*,
 - iii) the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1981, *et seq.*, and
 - iv) the regulations promulgated pursuant to such statutes;
 - b) those substances listed in the United States Department of Transportation Table (49 CFR 172.101 and amendments thereto) as hazardous substances;
 - c) those substances listed by the United States Environmental Protection Agency as hazardous substances (40 CFR Part 302 and amendments thereto); and
 - d) such other substances, materials, and wastes which are or become regulated or which are classified as hazardous or toxic under applicable federal, state, or local laws, statutes, ordinances, or regulations. This does not include public sewers.
- 13) “Licensee” means the person or entity that is a party to an Agreement with the District for use of or within District Lands. Any reference in these policies to Licensee should also be interpreted as referring to Licensee’s contractors, subcontractors, employees, agents, or representatives.

14) “Reclamation” means the United States Department of the Interior Bureau of Reclamation. Reclamation designed and constructed the SLA and originally held title to the SLA and SLA Corridor.

12-104 CORRIDOR

1) The Corridor may include any or all of the following pipelines:

- a) Little Cottonwood Conduit – Raw Water (LCC-RW). The LCC-RW is a pipeline and associated facilities constructed by Salt Lake City in 1931 to convey water from Little Cottonwood Creek. In 1960, the LCC-RW was modified to supply raw water to the Little Cottonwood Water Treatment Plant. In 2014, the District received title to the LCC-RW, its Corridor, and related improvements. The LCC-RW Corridor is 33 feet wide, centered on the pipeline.
- b) Point of the Mountain Aqueduct (POMA). POMA is a pipeline and associated facilities constructed by the District in 2006 to convey raw water to the District’s Point of the Mountain Water Treatment Plant, and to carry treated water to the District’s member cities and others. The District owns and is responsible for the operation and maintenance of all POMA facilities. The POMA Corridor varies in width and is a combination of District Fee Lands, District Easement Lands, and agreements with Draper City and Sandy City.
- c) Salt Lake Aqueduct (SLA). The SLA is a pipeline and associated facilities constructed between 1939 and 1951 under authority of the Reclamation Act of 1902 and the Public Works Administration Appropriation Act of 1938. The SLA conveys raw water from Deer Creek Reservoir to the Little Cottonwood Water Treatment Plant and treated water from the Little Cottonwood Water Treatment Plant to a terminal reservoir near the mouth of Parley’s Canyon. The SLA Corridor was procured in tracts, generally 125 feet in width, and consists of District Fee Lands, District Easement Lands, and agreements.
- d) Salt Lake Aqueduct Replacement (SLAR). The SLAR is a pipeline and associated facilities constructed by the District beginning in 2024 to meet water delivery obligations and improve reliability, resiliency, and redundancy of the water delivery system. The SLAR Corridor is generally 50 feet wide and is a combination of District Easement Lands, District Fee Lands, and public right of way.
- e) Corridor Exclusions. For the purpose of this Chapter, the following properties are not considered part of the Corridor:

Tract or Parcel	Location	Exclusion ¹
SLA Tract 118	Provo Canyon	Greater than 50 feet left and 100 feet right of SLA centerline

Parcel 140440046	Pleasant Grove	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 300	Pleasant Grove	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 342	Highland	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 343	Highland	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 349B	Draper	Greater than 100 feet either side of SLA centerline
Little Cottonwood Water Treatment Plant	Cottonwood Heights	Excluded entirely
Parcels 2226401006 and 2226253046 (10MGR)	Cottonwood Heights	Excluded entirely
468A	Millcreek	Greater than 50 feet either side of centerline
Parcel 1626428011 (Terminal Reservoir)	Millcreek	Excluded entirely
Parcel 1626201040	Millcreek	Excluded entirely

¹ Right and left descriptions are as if looking downstream from the centerline.

12-105 RIGHTS

- 1) District Rights. The application of these policies will necessarily vary depending upon the nature of the interest of the District in the District Lands. The District's rights should be reviewed for each property in applying these policies. For example, the SLAR Corridor specifically disallows certain uses that may be permitted elsewhere on District Easement Lands.
- 2) District Assumption of Reclamation Agreements. Reclamation historically provided, by agreement, Affected Parties the right to use portions of the SLA Corridor pursuant to 43 United States Code § 387; 43 Code of Federal Regulations, Part 429; and Reclamation Manual/Directives and Standards LND 08-01. As a condition of title transfer, the District assumed all of the rights and responsibilities of Reclamation under then-valid Reclamation agreements for use of the SLA Corridor. Many of these agreements with Reclamation have expired or will expire. The District is not obligated to extend such expired agreements.
- 3) SLA Rights Reserved by the United States. Pursuant to the Provo River Project Transfer Act, Pub. Law. 108-382, and a title transfer agreement among the District, the Provo River Water Users Association and the United States, the United States transferred the title of the SLA

Corridor to the District and the United States reserved an easement for the continued, lawful, non-motorized public access across the SLA to adjacent public lands. The United States also reserved an easement for Central Utah Project facilities within a portion of Utah County. All uses of the SLA Corridor are subject to these easements. No action taken pursuant to these policies should be interpreted as adversely impacting such interests of the United States.

12-106 STANDARDS

- 1) Clear District Lands Serve the Public Best. District Lands were acquired to operate, maintain, repair, and replace District infrastructure and are most effective when clear of unrelated obstructions. The District's goal is to maintain District Lands in a manner that will serve the District's need to safely and efficiently accomplish its mission of reliably delivering water to its member cities and others.
- 2) Site Characteristics. How the District addresses a particular non-District use of District Lands may vary based on location, topography, current or future use by the District, the District's property interest, existing and past agreements, and other similar factors. For example, areas more vulnerable to seismic events, or slope instability, or more prone to require emergency repairs may have stricter requirements than areas without those characteristics.
- 3) Standard Specifications. The GM is authorized to develop Standard Specifications for any work to be performed on District Lands or close enough to District Lands to potentially impact the District's rights. The purpose of the specifications is to direct use of and construction in, and in some cases near, District Lands and infrastructure. The District may make changes to the Standard Specifications from time to time as it deems appropriate.

PART 2 GENERAL LAND USE PROVISIONS

12-201 AUTHORITY

- 1) Adoption. The Board adopts and oversees the District's Policies and Procedures.
- 2) Administration. The EC administers this chapter on behalf of the Board. The EC is authorized to recommend to the Board changes and exceptions to this Chapter. The EC also reviews and recommends action to the Board on appeals.
- 3) Uses Compliant with this Chapter. District staff is authorized to create, and the General Manager to approve, Agreements for use of District Lands by Affected Parties in compliance with this chapter.
- 4) Uses Permitted with Conditions. Uses permitted with conditions (C) as described in this Chapter may be approved by the EC by Agreement if reasonable conditions can be implemented to permit the use without unreasonably interfering with the purpose of the District

Lands. If reasonable conditions cannot be implemented, the use may be denied. Expense to the District (current or reasonably anticipated) is an appropriate consideration in determining conditions; expense to the Affected Party is not.

- 5) Uses Not Considered in this Chapter. The EC or Board may authorize Agreements in addition to those the staff is authorized to issue by this chapter, or make exceptions to the policies, where doing so would serve the interests of the District and the public the District serves.

12-202 PROCUREMENT AND DISPOSAL OF PROPERTY

- 1) Procurement. The District may procure property as is necessary or convenient for the administration of its duties, including through eminent domain.
- 2) Disposal. The District will make reasonable efforts to comply with its obligation to receive fair market value for disposal of property, and will take reasonable efforts to act within the District's limited authority to dispose of District Lands or any right or interest in District Lands if said disposal is in the best interest of the District, its member cities, and the water users served by those member cities. As set forth in Section 6-5 of this P&P, and as required by Utah Code Ann. § 17B-1-103(8), any disposal or conveyance of District Lands must comply with Utah Code Ann., Title 11, Chapter 1, Part 2 ("Disposal of Public Property").

12-203 USE OF DISTRICT LANDS BY OTHERS

- 1) Compliance. Use of District Lands shall be in compliance with this chapter.
- 2) Grandfathering. Many uses of District Lands have occurred since the acquisition of the District Lands. The District does not recognize existing uses as exempt from these policies (i.e., grandfathering). Uses inconsistent with these policies should be resolved at the time of an Agreement or Agreement renewal.
- 3) Proactive Coordination. The District may proactively communicate with individuals using District Lands to bring those uses consistent with this Chapter, including payment of all required fees and charges as applicable. The District should continually review District Lands to identify uses that may violate the District's rights.
- 4) Existing Conflicting Uses. Where existing uses are in conflict with this Chapter, the District will seek to bring them consistent with policy. Some uses may require coordination or means, beyond cost, that render their removal impossible. Such uses may include private utility connections that must cross District Fee Lands to a lateral or structures that were previously constructed overhanging District Lands, or roads maintained by a city for the public. These existing uses shall be considered on a case-by-case basis by the Board as an exception request (see Section 12-501).

- 5) Adverse Possession. Interests cannot be acquired in District Lands through adverse possession, prescriptive use, acquiescence, or similar. *See Utah Code Ann. § 78B-2-216.*
- 6) Resolution. The District will work with Affected Parties using or seeking to use District Lands to find solutions to appropriately protect the District and the Affected Party. Where an Affected Party is using or seeking use of District Lands uses District Lands in a manner inconsistent with this policy, the District may consider options to resolve unauthorized use up to and including litigation. In exigent circumstances, the GM together with the Board Chair and General Counsel may initiate legal action to terminate encroachments if determined to be in the best interests of the District. In the absence of the Board Chair, the Vice Chair or Secretary may approve such decisions. A report to the Board of such actions must be made as soon as practicable.
- 7) Public Trails. Public, non-motorized recreational trails may be developed on portions of District Lands in a manner that does not adversely impact the security of, or the District's ability to construct, operate, maintain, repair, or replace District facilities.
- 8) Restoration.
 - a) Fee Lands. Replacement or repair of non-District uses on District Fee Lands are the responsibility of the Licensee, even if removal or damage is a result of the District's exercise of its rights. Licensees may replace or repair uses approved by a valid Agreement following their removal or damage unless the District exercises its rights to limit or eliminate use.
 - b) Lands other than District Fee Lands. Replacement or repair of uses on lands where the District does not hold fee should be the responsibility of the Affected Party, even if removal or damage is a direct result of District's exercise of its rights, unless the District is otherwise obligated to make such repairs or restoration, by agreement or otherwise. Permitted uses in compliance with this chapter should generally be reasonably replaced by the District as a result of District activity on land where the District does not hold fee. Some uses may be permitted with the condition that the Licensee is responsible for the cost of removal and/or replacement of the conditioned use.

12-204 FEES

- 1) Schedule. The GM should recommend a fee schedule for fees consistent with these policies for approval of the Board.
- 2) District Fee Land. Fees for Agreements should be reasonably calculated to generally recover direct and indirect costs to the District associated with evaluating, approving, and administering such Agreements as to District Fee Land by others, including costs such as appraisal or survey, while taking reasonable steps to minimize charges. The District will also receive reasonable compensation for residential and commercial uses of District Fee Lands.

- 3) District Easement Land. Where the District holds an interest other than fee, the District should be responsible for direct and indirect District costs associated with evaluating, approving, and administering Agreements.

12-205 SERVICE INTERRUPTIONS

- 1) Service Interruption or Restriction. The District operates year-round and is critical to the water supply of hundreds of thousands of people. **Service interruptions of any kind must be expressly authorized in advance in writing by the Board, and are not permitted except in very extraordinary circumstances.** Unauthorized interruptions or restrictions to District operations will not be tolerated and could result in the responsible party paying any and all incidental and consequential damages including, but not limited to, lost revenue from water sales, personnel time, all costs required to return the affected infrastructure back to its full-service capacity, any costs incurred by the District's member cities that are over and above the normal costs associated with the affected infrastructure, the value of the water which could not be used due to the interruption, and third party claims tied to lack of water.
- 2) Contamination of Water Supply. Water conveyed and treated by the District is for municipal and industrial water supply. **The District will not allow or tolerate the introduction of matter of any kind into water conveyance facilities by others.** Agreements should require that in the event of a hazardous material spill, or if there is any release of matter into the water, the Licensee shall notify the District immediately.
- 3) Unauthorized Interruption or Restriction. **Unauthorized interruptions or restrictions to District service, or introduction of matter of any kind into water conveyance facilities will likely result in criminal and civil actions, particularly if determined to be willful or negligent. The District will participate in and direct vigorous enforcement activities against any persons who cause, or who are associated with causing, any unauthorized interruptions or restrictions to District service.** In exigent circumstances, the GM together with the Chair and General Counsel may initiate legal action if determined to be in the best interests of the District. In the absence of the Chair, the Vice Chair or Secretary may approve such decisions. A report to the Board of any such action must be made as soon as practicable.

PART 3 NOTICE

12-301 BLUE STAKES

- 1) The District participates in Blue Stakes of Utah excavation notification center (Utah Code Ann. Title 54, Chapter 8a).

12-302 APPLICATION

- 1) Forms. The GM is authorized to develop application forms, instructions, guidelines, and procedures to guide Applicants and staff through the application process and resolution thereof.
- 2) No Guarantee. An application for use of District Lands does not guarantee an Agreement. Staff will consider the application materials and determine if the application can be approved with no changes, negotiate changes with the Applicant to bring the application into compliance, or reject the application. Applicants shall be notified of the determination in writing. An application may be denied if the District determines the requested use is not in the District's best interest.
- 3) Active Time. An Application may be considered inactive when it has had no response from the Applicant for a period of 30 consecutive days following communication from the District.
- 4) Changes to this Chapter While Applications are Pending. An Application that is substantially complete and is being diligently pursued will be considered for approval based upon this chapter as adopted at the time the District receives such Application, with the following exceptions: 1) applicable amendments to this chapter that are pending before the Board or a committee of the Board at the time an Application is received, and that are adopted before the Agreement is signed by the District, will apply; and 2) amendments to this chapter that occur after receipt of an Application and before the Agreement is signed by the District will apply if the GM determines there is a compelling reason to apply such amendments.

12-303 AGREEMENT

- 1) Form. Agreements should be on a form carefully tailored to reflect the approved use and to protect the District's interests. Agreements may contain terms, conditions, and/or limitations that are not reflected in standard Agreement forms, prior agreements, or this chapter.
- 2) Agreement Required. The GM is authorized to enter into Agreements that are consistent with these policies and applicable law on behalf of the District. All activities conducted on District Lands pursuant to an Agreement should be in conformity with these policies or an exception thereto.
 - a) An Agreement is required on District Fee Lands for all non-District use including, but not limited to, access, earthwork, construction, and landscaping.
 - b) Agreements are not generally required for permitted uses within District Easement Lands. Agreements are required for conditional uses and where exceptions have been granted.
- 3) Holistic. Agreements should address all uses within District Lands, and not solely those within an application. This may require additional work by the Applicant to remove existing uses or cause them to be in compliance with this chapter, or for the District to acknowledge existing uses with deferred action through the exception process.

- 4) Modifications to Existing Agreements. Any material modification to a previously approved use requires a new Agreement or addendum to an existing Agreement.
- 5) Agreement Duration. Appropriate durations provide the opportunity to regularly review use of District Lands with Affected Parties.
 - a) District Fee Lands. The GM has discretion to determine Agreement durations provided they do not exceed 25 years for a private person or organization or 50 years for a public organization.
 - b) District Easement Lands. As to lands where the District's interest is not fee, the GM has discretion to determine the Agreement durations that are in the District's interest. Where an opportunity is available to define reasonable uses within District Easement Lands, a perpetual duration may be appropriate.
- 6) Agreement Renewal. At the end of the term of an Agreement, the Licensee may be required to remove the Encroachment or renew the Agreement, as is consistent with the then-existing policies and the District's rights. The Licensee should be required to pay all required fees and charges as applicable to renew the Agreement.
- 7) Licensees Responsible for Employees, Contractors. Licensees should be held liable for failure of their employees, agents, contractors, or subcontractors to perform in strict conformity with an Agreement and these policies.
- 8) Denial of Agreement. The District is not obligated to allow third-party use of District Fee Lands, even if those uses are otherwise permitted under this chapter. The GM may deny a new or renewed Agreement if it is determined that such may jeopardize the interests of the District in a manner not contemplated by these policies or applicable laws.
- 9) Record Drawings for Licensed Uses. Licensees should be required to provide to the District record drawings where appropriate in a format acceptable to the District.

12-304 TEMPORARY USE PERMIT

- 1) Temporary Use. A Temporary Use is defined as one that does not include the installation of infrastructure, including landscaping, within District Lands. Such uses may include access, material storage, or parking for a limited period of time. District Lands impacted by a temporary use should be restored to their pre-use condition or better following the temporary use.
- 2) Permit. Temporary use of District Fee Land may be authorized through a Temporary Use Permit. Temporary use of District Easement Land that may be permitted with conditions may require a Temporary Use Permit. Temporary Use Permits may require conditions to protect

District Lands and infrastructure, such as a security deposit or drip pans for mechanical equipment.

PART 4 PROTECTION STANDARDS

12-401 GENERAL STANDARDS

- 1) Purpose. The purpose of this section is to provide guidance for use of District Lands by Affected Parties. The lists provided below are not exhaustive. Staff should consider all applications for use of District Lands on a case-by-case basis under the standards in the chapter as a guide.
- 2) Interpretation. The GM has authority to interpret and extrapolate the standards in this chapter for existing and requested uses of District Lands.
- 3) Deeds Govern. The deed or other document granting the District its interest in the subject land should be reviewed prior to making a determination. Where the deed or other document and these protection standards differ, the deed or other documents shall govern. Where the deed or other document is silent or unclear, these protection standards apply. For example, the SLAR Corridor specifically disallows certain uses that may be permitted elsewhere on District Easement Lands.
- 4) Access. Implementation of this Chapter shall consider access by the District to District infrastructure. For example, an Applicant may be required to relocate a desired use to ensure vehicular access to an aqueduct vault, or install a gate in a fence within District Lands.
- 5) Weight and Cover Requirements. Weight restrictions for District infrastructure shall be strictly observed. Uses should be designed to not exceed maximum allowable loads and meet minimum cover requirements of District infrastructure. For example, the SLA is composed of several classifications of reinforced concrete pipe. The lowest of these, A-class, is intended to be between three and seven feet deep and limit traffic to highway-rated (H20) vehicles. Appropriate cover shall be maintained above District infrastructure for access and constructability.
- 6) Security. Permitted uses of District Lands shall ensure appropriate security for District infrastructure.
- 7) Water-wise. Landscaping uses of District Fee Lands should incorporate water-wise plants and designs. New turf on District Fee Lands should not exceed 35% of the total use area.
- 8) Constructed for Others. Where uses will be constructed by or for a third party (e.g., developer), but dedicated to a municipality or other governmental entity, the District should require the

Agreement to be signed by both the developer and that municipality or other governmental entity.

12-402 MAINTENANCE

- 1) Landscaping. All landscaping uses within District Lands should be maintained by the Affected Party. For landscaping of District Fee Land, District maintenance of the remaining property should be considered. The Licensee may be required, by Agreement, to reduce or expand their use area to provide benefit to the District.
- 2) Roads, Driveways, and Walkways. Except as otherwise expressly agreed in writing by the District, road, driveway, and/or walkway maintenance (e.g., repair, replacement, snow removal) should be the responsibility of the owner of the road, driveway, and/or walkway and its successors.
- 3) Proactive District Trimming or Removal of Trees. The District may remove or trim trees, shrubs, and vines located within District Lands where such are on District Fee Lands or violate District rights. The GM is authorized to develop a proactive tree maintenance program to remove trees and/or portions of trees and branches within District Lands. This program does not exempt Licensees from their responsibility to maintain these features.

12-403 GRADING

- 1) Earthwork Adjacent to Corridors. Any fills and cuts on properties adjacent to District Lands should not be permitted to encroach onto District Lands without prior written approval by the District. Modifications of properties adjacent to District Lands should not be permitted to materially reduce lateral support for District infrastructure without prior written approval by the District.
- 2) Grading. Requests to grade District Lands should be reviewed to ensure there are no unintended or negative consequences to District infrastructure (current or future) or other properties. If permitted, the Agreement should include a grade restoration plan to occur with expiration of the Agreement or as otherwise required by District. The District may, by Agreement, require the Licensee to indemnify and defend District for the consequences of permitted grade changes.
- 3) Drainage. Existing drainage across or from District Lands should be maintained. The concentration of surface or subsurface drainage within District Lands limits District use of those lands and is not permitted.

12-404 USE TABLES

- 1) Permissions. The following tables show uses that are generally permitted (**P**), may be permitted with conditions (**C**), or are not permitted (**N**). Uses not shown may be extrapolated from similar uses (e.g., a flag pole and a basketball standard), or should be considered not permitted.
- 2) Agreements for Permitted Uses. The District will review requested uses on a case-by-case basis and is not obligated to permit any third-party use of District Fee Lands or any use of District Easement Lands where such would adversely impact the District's land interest or infrastructure. See Section 12-303 to determine when agreements are required, whether a permitted (**P**) use or may be permitted with conditions (**C**) use.
- 3) Application. These use tables are intended for third-party uses within District Corridors. Third-party uses of other District Lands, including treatment plants, pump stations, and reservoirs, shall only be permitted by the Board.
- 4) Landscaping and Play Equipment

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
² Fence, concrete	N	N
² Fence, masonry block	N	N
² Fence, metal	C	P
² Fence, vinyl	C	P
² Fence, wood	C	P
Fire pit (with shutoff valve located outside District Lands)	N	C
Garden	P	P
Garden box	P	P
Landscape rock (greater than 36 inches in diameter)	N	C
Landscape rock (smaller than 36 inches in diameter)	P	P
Natural ground cover (grass, gravel, sand, mulch)	P	P
Pad, non-reinforced concrete or asphalt	N	C
Pad, reinforced concrete	N	C
Paver (free-sitting)	P	P
Play equipment (e.g., swing sets, slides, goal posts) – anchored	N	C
Play equipment (e.g., swing sets, slides, goal posts) – free-standing	N	P
Shrub (four feet or shorter at maturity)	P	P
Shrub (taller than four feet at maturity and within 20 feet of District infrastructure, including roads)	N	N
Shrub (taller than four feet at maturity and greater than 20 feet from District infrastructure, including roads)	N	P
Shaping (edging, curbing)	P	P
Sprinkler system (with shutoff valve located outside District Lands)	P	P

Tree (greater than 20 feet from District infrastructure, including roads)	N	P
Tree (within 20 feet of District infrastructure, including roads)	N	N
Vine	N	P
Water feature	N	N

¹ P = permitted, C = may be permitted with conditions, N = not permitted

² See corresponding Standard Specification for other requirements.

- a) In-ground improvements such as pads should be separated at the Corridor boundary to promote ease of removal without damaging portions of the hard surface outside the Corridor.
- b) Shrub height at maturity is defined using available data for the State of Utah, such as Utah State University’s [Shrub Selection for Utah Landscapes](#). Height at maturity is determined solely by the shrub species and not through trimming or similar maintenance.

5) Roads, Driveways, and Walkways.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Amenities (e.g., signs, lights, medians, guardrails)	N	C
Curb, gutter, park strip, sidewalk	C	C
Private driveway, walkway	N	C
Private road	N	C
Public road (60° to 90° crossing of District Lands or infrastructure)	C	C
Public road (less than 60° or parallel to District Lands or infrastructure)	N	C
Public trail (motorized)	N	C
Public trail (non-motorized)	C	C

¹ P = permitted, C = may be permitted with conditions, N = not permitted

- a) Public roads are not desirable within District Lands. If public roads are allowed within District Lands, alternative traffic access must be available to accommodate rerouted traffic for times of repair or replacement of District infrastructure or other use by District of District Lands.
- b) Utilities are not considered to be part of the public road. See Section 12-7(14) for policies related to utility crossings.

6) Structures.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Building (including overhang), footing or foundation	N	N
Building, no footing or foundation	N	C

Carport, free-standing	N	C
Deck	N	C
Pole, post (e.g., mailbox, flag pole, light pole) (greater than 20 feet of District infrastructure, including roads)	N	P
Pole, post (e.g., mailbox, flag pole, light pole) (within 20 feet of District infrastructure, including roads)	N	C
Pool	N	N
Retaining wall, footing	N	N
² Retaining wall, non-reinforced gravity block or non-grouted rock and not supporting a structure or road	N	C
Shed, free-standing	N	C

¹ P = permitted, C = may be permitted with conditions, N = not permitted

² See corresponding Standard Specification for other requirements.

- c) Structures, where permitted or permitted with conditions, should not be connected to another structure. This will permit removal without damage to the connected structure.

7) Equipment, Materials, Animals.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Animals – boarding	N	C
Animals – temporary (e.g., grazing)	N	P
Construction Materials (i.e., staging)	N	C
Equipment (e.g., vehicles, trailers) storage and/or parking – off road	N	P
Equipment (e.g., vehicles, trailers) storage and/or parking – roads or driveways	P	P
Materials (e.g., yard waste, litter, debris)	N	P
Salvage yard	N	N

¹ P = permitted, C = may be permitted with conditions, N = not permitted

- a) Where a public road or parking area is approved by Agreement on District Fee Land, parking should be limited to reasonable uses and times. Long-term parking, or the parking of inoperable vehicles and/or equipment shall not be permitted.
- b) Whether or not permitted, the parking or storage of equipment or boarding/grazing of animals should not block District access to District infrastructure.

8) Utilities.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Utilities, commercial (60° to 90° crossing of District Lands or infrastructure)	P	P

Utilities, commercial (less than 60° or parallel to District Lands or infrastructure)	N	P
Utilities, residential, existing	C	P
Utilities, residential, new	N	P
Cell towers	N	N
Utility sleeves, pedestals, and similar infrastructure	N	P

¹ P = permitted, C = may be permitted with conditions, N = not permitted

- a) Corrosion Protection. Metal pipes and high voltage power that are in close proximity to and may affect District infrastructure should be required to implement corrosion protection measures that provide proper protection of District infrastructure.

PART 5 APPEAL AUTHORITY AND EXCEPTIONS

12-501 APPEALS

- 1) Appeal. In the event an Applicant or Licensee disagrees with a determination related to their desired use of District Lands, the Applicant or Licensee may appeal the determination as described in this section.
- 2) Form. All appeals shall be in writing, explain in detail the bases for the appeal, and state clearly the relief sought.
- 3) Escalation. Appeals of a staff decision may be appealed to the Engineering Manager, of an Engineering Manager decision to the General Manager, and of a General Manager or EC decision to the Board.
- 4) Deadline. The written appeal must be received by the District within 30 calendar days following receipt of the decision that is being appealed. At the request of the person(s) filing the appeal, the Engineering Manager may extend the time for appeal upon good cause shown.
- 5) Appeals May be Decided on Information Submitted with Appeal. The individual or body addressing an appeal has discretion to resolve the appeal with or without information beyond the written appeal.
- 6) Resolution. A Board decision may result in an exception to policy specific to the Application, a modification to this chapter thereby resolving the appeal, or further denial. If the appeal is denied, Applicant may revise and resubmit an Application for uses consistent with this chapter.

Decisions to be in Writing. Decisions will be made in writing and delivered to the person(s) filing the appeal. The District may implement electronic notification