



**AMENDED AGENDA  
COUNTY COUNCIL  
Wednesday, August 21, 2024**

NOTICE is hereby given that the Summit County Council will meet, on Wednesday, August 21, 2024, electronically, via Zoom, and at the anchor location of the Summit County Courthouse, 60 N. Main Street, Coalville, UT 84017

(All times listed are general in nature, and are subject to change by the Board Chair)

**To view Council meeting, live, visit the "Summit County, Utah" Facebook page.**

**OR**

**To participate in Council meeting: Join Zoom webinar: <https://zoom.us/j/772302472>**

**OR**

**To listen by phone only: Dial 1-301-715-8592, Webinar ID: 772 302 472**

12:30 PM Closed Session - Property acquisition (30 min)

1:00 PM - Move to Council chambers (10 min)

1:10 PM Work Session

1. 1:10 PM - Interview applicants for vacancies on Summit County Service Area No. 3 Board of Trustees (1 hour, 15 min)  
[Interview Schedule-SSA No. 3.pdf](#)

2:35 PM Closed Session - Property acquisition (15 min); Personnel (60 min); Litigation (60 min)

4:50 PM - Move to Council chambers (10 min)

5:00 PM - Pledge of Allegiance (5 min)

5:05 PM Convene as the Board of Equalization

1. 5:05 PM - Summary and recap of 2023 Board of Equalization; Chase Black (15 min)  
[BOE Adjustments Staff Report 2024.08.21.pdf](#)
2. 5:20 PM - Discussion and possible approval of Board of Equalization recommendations and ratification of hearing officer decisions; Chase Black (15 min)  
[BOE Adjustments Staff Report 2024.08.21.pdf](#)

Dismiss as the Board of Equalization

5:15 PM Consideration of Approval

1. 5:35 - Discussion and possible adoption of Resolution 2024-13, A Resolution Appointing a Members to Serve on the Summit County Service Area No. 3 Board of Trustees (5 min)  
[Resolution 2024-13-Appointments to SSA No. 3 Board of Trustees.docx](#)
2. 5:40 PM - Council and Manager comments (20 min)

#### 6:00 PM Public Input

Public comment is for any matter not on the Agenda and not the subject of a pending land use application. If you would like to submit comments to Council, please email [publiccomments@summitcounty.org](mailto:publiccomments@summitcounty.org) by 12:00 p.m. on Wednesday, August 21, 2024. If you wish to interact with Council, for public input, please appear in person, or use the “Raise Hand” button at the bottom of the chat window in Zoom.

#### 6:00 PM Public Hearings

1. Continued public hearing and possible adoption of Ordinance No. 981, Amending Title 11-4-5 Subdivisions, Condominiums, Subdivision Plat Amendments, Parcel Boundary Adjustments, and Divisions of Land for Non-Development Purposes, Title 11-4-12: Master Planned Developments and Title 11-7-5 Planning Commission of the Eastern Summit County Development Code; Ray Milliner, Planner  
[Council Staff Report East Side August 21, 2024.pdf](#)
2. Continued public hearing and possible adoption of Ordinance No. 982, Amending Chapter 10-3 Development Application Procedure and Approval Process and Chapter 10-2-18: Master Planned Developments of the Snyderville Basin Development Code; Ray Milliner, Planner  
[Council Staff Report August 21, 2024.pdf](#)

#### Council Communications

#### Adjournment

**Interview Schedule**  
**Summit County Service Area No. 3 (Silver Creek)**  
**Wednesday, August 21, 2024**

At the anchor location of Summit County Courthouse, Council Chambers,  
60 N. Main Street, Coalville, UT 84017

OR

Zoom webinar: <https://zoom.us/j/772302472>

Phone: 1-301-715-8592, Webinar ID 772 302 472

(3 vacancies; 5 applicants)

|         |                     |                    |           |
|---------|---------------------|--------------------|-----------|
| 1:10 PM | Karri Taix          | Upper Silver Creek | In Person |
| 1:25 PM | Jon Blum            | Lower Silver Creek | Zoom      |
| 1:40 PM | Genevieve Gunnarson | Upper Silver Creek | In Person |
| 1:55 PM | Joe Levy            | Upper Silver Creek | In Person |
| 2:10 PM | Lisa Durso          | Upper Silver Creek | In Person |

The three longstanding vacancies that require County appointments include two seats from Lower Silver Creek (Plats D, E, F, H, and I) to replace Vince Pao Borjigin and Henry Adams and one seat in Upper Silver Creek (Plats A, B, and C) vacated by Lori Daniells.

**Interview Instructions (Zoom)**

For your interview with Council, please use one of the two following options:

1. By phone only: Dial 1-301-715-8592, Meeting ID: 772 302 472
2. By video chat: Join Zoom meeting: <https://zoom.us/j/772302472> When you join the meeting, set up your audio preferences. You will be muted upon entering the meeting.



## STAFF REPORT

TO: Summit County Council

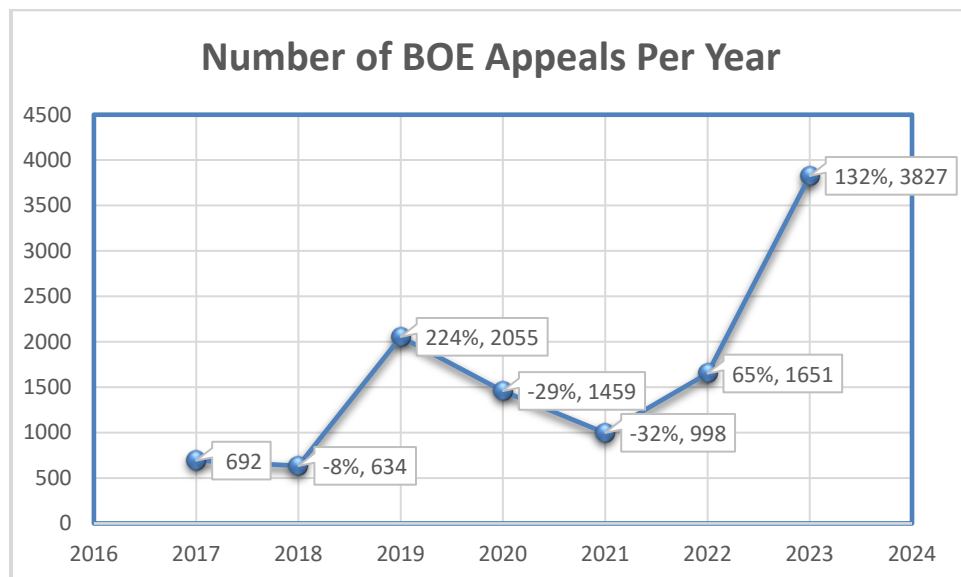
FROM: Summit County Auditor Office

DATE: August 21, 2024

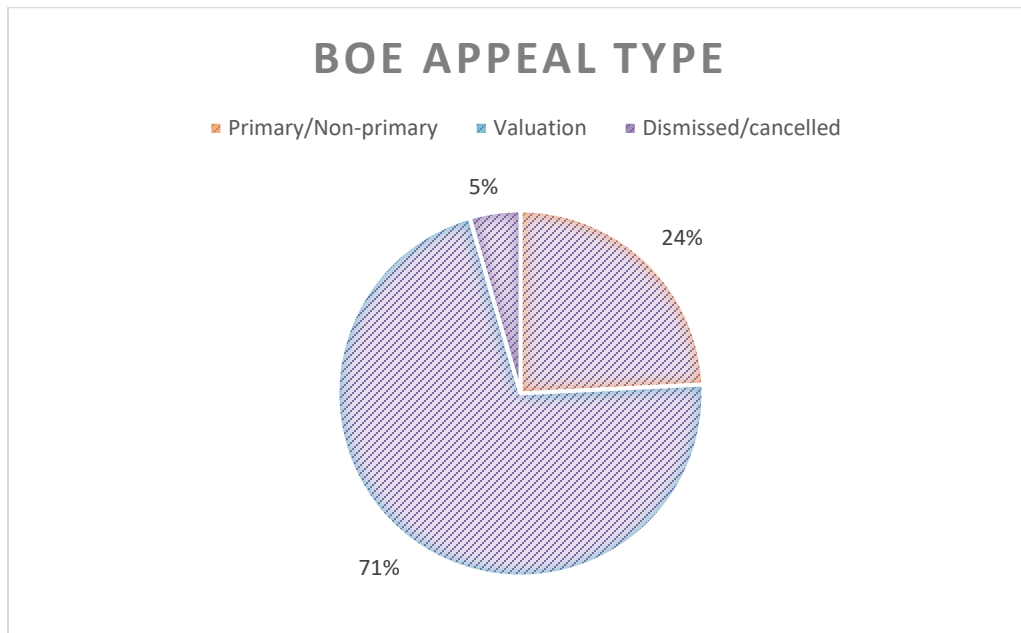
RE: 2023 BOE Summary

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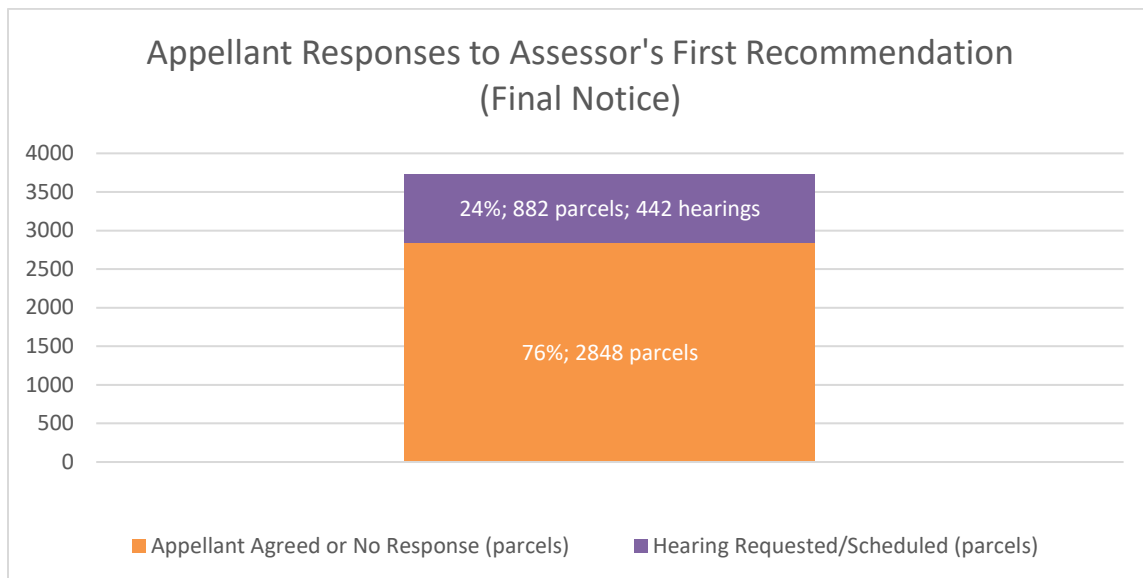
The 2023 Board of Equalization total appeals processed was 3,827. The line graph below details how the 2023 appeals processed compares to the prior six BOE years.



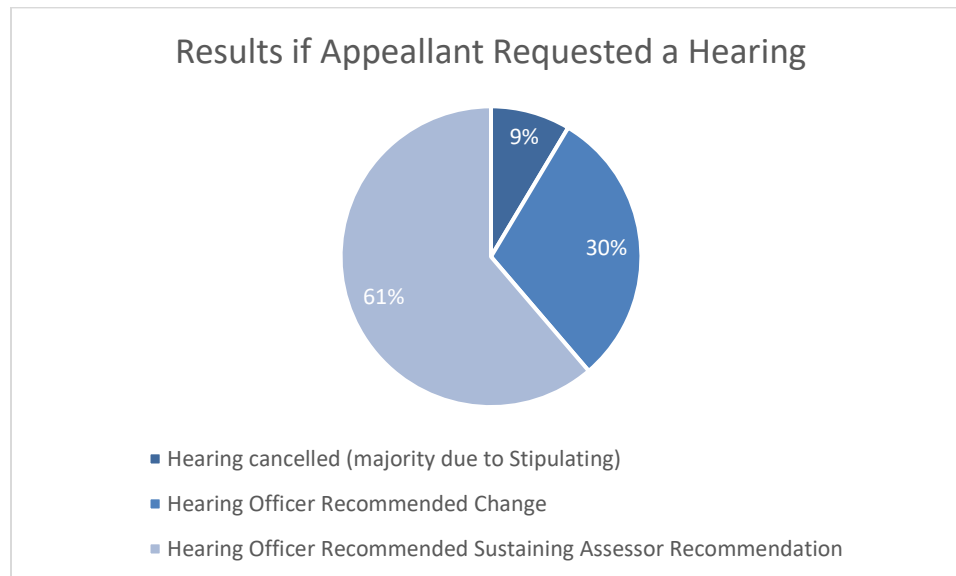
Property owner appeals and primary/non-primary changes are all processed as BOE appeals after the Assessor's office completes their portion of the tax roll at the end of May every year. BOE appeal types were proportionately:



Once an appeal is filed, the assessor's office reviews the information submitted by the appellant and prepares a Final Notice and Recommendation to the BOE of value or property type. The clerks of the BOE send the final notice to the property owner. Property owners can agree to the recommendation, or they can disagree and request an independent, local BOE hearing with a hearing officer. Responses to Final Notices were as follows:



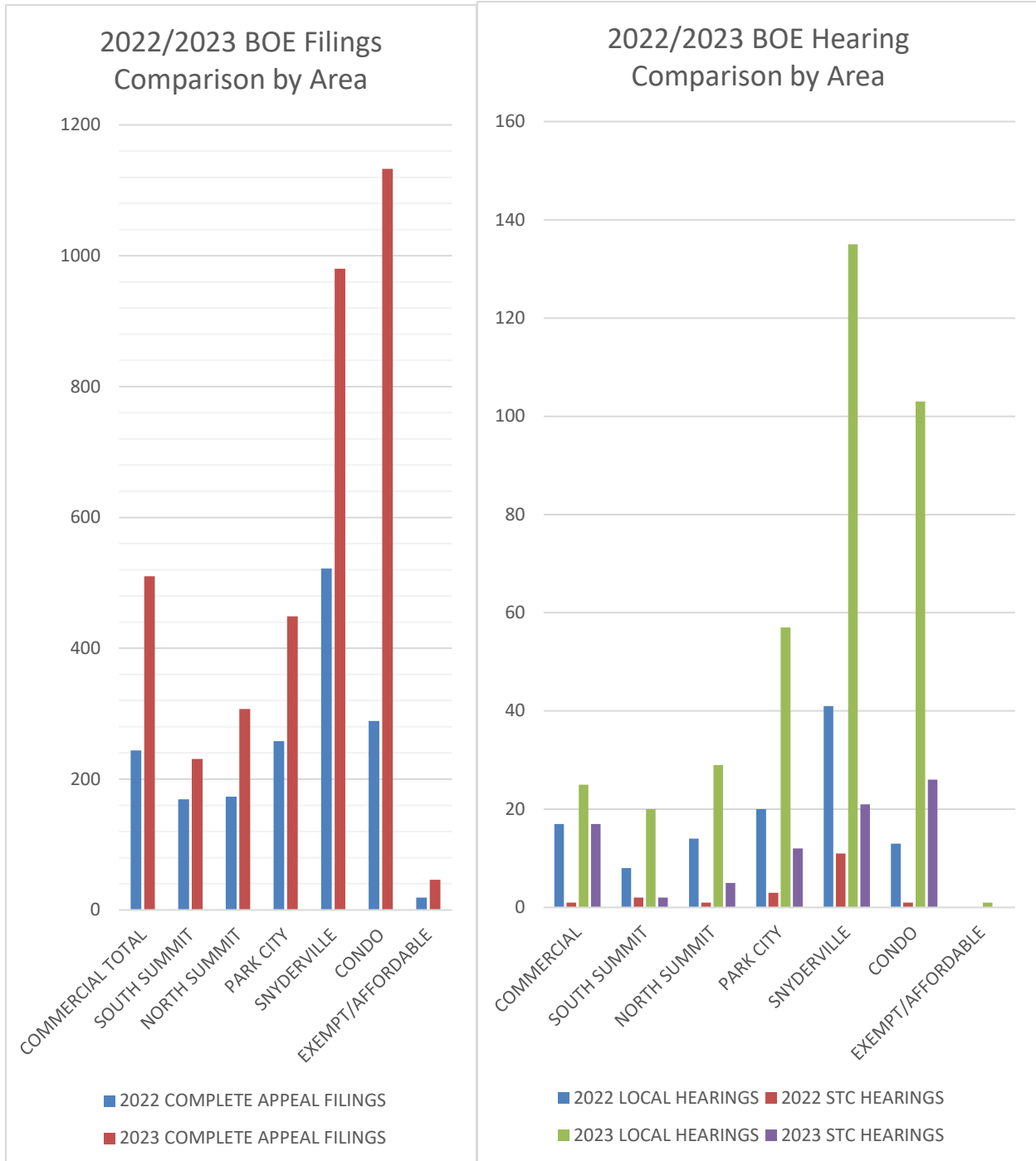
Of the 3,656 complete appeals submitted, there were 1,555 or 42.5% that received a market value adjustment. For the 442 hearings that were scheduled, the results of those hearings were:



The area/location (or property type regarding commercial and exempt/affordable housing) of the appeals processed are broken out according to the table below.

| AREA/LOCATION            | COMPLETE APPEAL FILINGS                             | LOCAL HEARINGS | STC HEARINGS  |
|--------------------------|-----------------------------------------------------|----------------|---------------|
| <b>COMMERCIAL</b>        | COMMERCIAL - 410<br>TIMESHARES - 100<br>TOTAL - 510 | 24<br>1<br>25  | 16<br>1<br>17 |
| <b>SOUTH SUMMIT</b>      | 231                                                 | 20             | 2             |
| <b>NORTH SUMMIT</b>      | 307                                                 | 29             | 5             |
| <b>PARK CITY</b>         | 449                                                 | 57             | 12            |
| <b>SNYDERVILLE</b>       | 980                                                 | 135            | 21            |
| <b>CONDO</b>             | 1,133                                               | 103            | 26            |
| <b>EXEMPT/AFFORDABLE</b> | 46                                                  | 1              | 0             |
| <b>TOTAL</b>             | 3,656                                               | 370            | 83            |

The left bar graph following shows the comparison of 2022 filings compared to 2023 filings. The right bar graph shows the number of appeals that were elevated to local hearings and that were then subsequently elevated by the appellant or the assessor's office to the Utah State Tax Commission for Redetermination.



The District Abstract reports generated by TYLER show the following market and taxable value change totals for the 2023 BOE. The abstract data also gives us this three-year comparison of county taxable value changes.

|            | Total Market Value | Total Taxable Value |
|------------|--------------------|---------------------|
| 5/23/2023  | \$ 62,597,155,133  | \$ 50,254,120,300   |
| 12/31/2023 | \$ 61,806,346,653  | \$ 48,379,552,774   |
| Difference | \$ (790,808,480)   | \$ (1,874,567,526)  |

|                                       |    |                |        |
|---------------------------------------|----|----------------|--------|
| 2021 Taxable Value Increase from 2020 | \$ | 3,063,742,294  | 13.37% |
| 2022 Taxable Value Increase from 2021 | \$ | 10,318,899,353 | 39.63% |
| 2023 Taxable Value Increase from 2022 | \$ | 14,494,054,649 | 40.53% |
|                                       |    |                |        |
| 2021 BOE Taxable Value Decrease       | \$ | 236,654,261    | 7.72%  |
| 2022 BOE Taxable Value Decrease       | \$ | 570,667,670    | 5.53%  |
| 2023 BOE Taxable Value Decrease       | \$ | 1,874,567,526  | 12.93% |

There is no request for action from the council today, this is for information only. All the recommended changes have been accepted and hearing officer decisions have been ratified in prior council meetings. Thank you for your time.



## STAFF REPORT

TO: Summit County Council

FROM: Summit County Auditor Office

DATE: August 21, 2024

RE: BOE Final Recommendations

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### **Actions Requested by BOE**

See attached spreadsheet for parcels that have been given their Final Notice for Action and are ready for Final Approval.

A property with a “Significant Adjustment” is a valuation that differs from the original assessed value by at least 20% and \$1,000,000. (UT Code 59-2-1004) There are no properties with significant adjustments in this report.

*Action Requested* – as the BOE, review and approve the Final Recommendations to the BOE.

### **Note - Scheduling Hearings**

Some appellants listed have requested a hearing or have scheduled a hearing. If they have requested an independent hearing prior to their public hearing date/time per their Final Notice, they will have an independent hearing scheduled. For those on this list who will have an independent hearing, the hearing officer decision following their hearing will supersede an approval today and they will be included in a future council report for final approval.

Thank you for your time.

# 2024 BOE Adjustments 08/21/2024

| #  | Account # | Parcel ID       | Old Market Value | New Market Value | MV Difference | BOE Hearing Date | Appellant Reason/Provided Documentation     | Assessor's Written Response                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|-----------|-----------------|------------------|------------------|---------------|------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | 0091094   | NS-182-B        | \$ 202,945       | \$ 202,945       | \$ -          |                  | Unbuildable lot that is part of backyard    | Documentation needs to be obtained from the Summit County Planning & Zoning department regarding the status of building rights for parcel NS-182-B. Once documentation is provided to the Assessor's Office, an adjustment can be made accordingly.                                                                                                                                                                                                                                    |
| 2  | 0016307   | CR-20-A-2AM     | \$ 1,610,400     | \$ 1,269,000     | \$ (341,400)  |                  | Comp Info                                   | Comps provided are larger than subject; due to law of diminishing returns, smaller units typically sell for a higher price per sq ft. Recommended change to subject property to \$1,000 per sq ft. New value \$1,269,000.                                                                                                                                                                                                                                                              |
| 3  | 0300909   | BN-A-3-48       | \$ 3,241,979     | \$ 2,884,256     | \$ (357,723)  |                  | Letter and comps                            | The comps in the CMA are mostly older and inferior quality to the subject without adjustments reconciling differences. Additional sales are overlooked with more similar quality and condition to the subject such as 8958 Cheyenne, 9010 Upper Lando, 9060 Flint, 8923 Flint. I have updated the subject's characteristics in the CAMA system. The resulting value is reflected in the disclosure and recommended to the Board of Equalization.                                       |
| 4  | 0361828   | CWPC-II-79-AM   | \$ 14,269,707    | \$ 14,027,000    | \$ (242,707)  |                  | Appraisal                                   | Square Footage from plans are never relied on for County values due to lack of standardization. The subject was physically measured during construction by an appraiser from the Assessor's office to arrive at the square footage in the County Record. DUE to the necessity to equalize the determination of the size of all houses in the County, the plans square footage will not be relied on. An adjustment to the appraisal value has been made to correct for square footage. |
| 5  | 0419501   | ESCLAL-304-AM   | \$ 1,317,750     | \$ 1,192,250     | \$ (125,500)  |                  | Comp Information                            | Sales for larger units in subject's subdivision sold for \$983-\$1018. New value recommendation at \$950 sq ft to account for functional obsolescence of smaller units. Value recommended \$1,192,250.                                                                                                                                                                                                                                                                                 |
| 6  | 0419535   | ESCLAL-313-AM   | \$ 1,666,500     | \$ 1,515,000     | \$ (151,500)  |                  | Comp information                            | Sales of similar sized units within complex ranged from \$983 per sqft to \$1,012 per sq ft. New recommended value based on \$1,000 per sqft is \$1,515,000.                                                                                                                                                                                                                                                                                                                           |
| 7  | 0419816   | ESCLAL-608-AM   | \$ 2,981,000     | \$ 2,710,000     | \$ (271,000)  |                  | Comp information                            | Sales of similar sized units within complex ranged from \$983 per sqft to \$1,018 per sq ft. New recommended value based on \$1,000 per sqft is \$2,710,000.                                                                                                                                                                                                                                                                                                                           |
| 8  | 0464696   | 61-TCD-1        | \$ 3,175,186     | \$ 3,175,186     | \$ -          |                  | Home has been on the market, unable to rent | The date of valuation is 01/01/2024. On that date the subject was listed for sale at \$3,799,500 or \$624,314 higher than the County's valuation. If the property had been listed at the County's valuation, or 19.6% less than it was, on the date of valuation it is reasonable that it would have sold. No change is recommended to the Board of Equalization.                                                                                                                      |
| 9  | 0469963   | DMLC-3160-AM-RE | \$ 1,522,400     | \$ 1,522,400     | \$ -          |                  | Housing market trends report                | Sales within subject's condominium subdivision suggest an increase in value from the 2023 lien date. Sales ranged from ranged \$1022-\$1237 per sqft. No change recommended.                                                                                                                                                                                                                                                                                                           |
| 10 | 0498741   | CWPC-5AML-259   | \$ 6,448,040     | \$ 5,944,637     | \$ (503,403)  |                  | 10/23 purchase info                         | Adjusted to purchase price.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11 | 0526097   | BLKSFC-205      | \$ 1,590,360     | \$ 1,590,360     | \$ -          |                  | Comp Information                            | Similar sized units in subject's subdivision sold for \$1,325,000-\$1,845,000. Subject falls within range, no change recommended.                                                                                                                                                                                                                                                                                                                                                      |
| 12 | 0099089   | AM-46           | \$ 437,140       | \$ 437,140       | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 13 | 0100549   | AP-98           | \$ 274,250       | \$ 274,250       | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 14 | 0106207   | CD-370          | \$ 1,639,250     | \$ 1,639,250     | \$ -          |                  | primary scanned into docs                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 15 | 0278691   | AS-205          | \$ 810,300       | \$ 810,300       | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 16 | 0279749   | ASR-3           | \$ 3,617,347     | \$ 3,617,347     | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 17 | 0286058   | ASR-II-47       | \$ 4,945,643     | \$ 4,945,643     | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 18 | 0286264   | ASR-II-68       | \$ 4,568,355     | \$ 4,568,355     | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 19 | 0288302   | BH-23           | \$ 1,110,411     | \$ 1,110,411     | \$ -          |                  | Primary scanned into model                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 20 | 0301956   | CD-155-B        | \$ 2,195,397     | \$ 2,195,397     | \$ -          |                  | primary scanned into docs                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| #     | Account # | Parcel ID   | Old Market Value | New Market Value | MV Difference  | BOE Hearing Date | Appellant Reason/Provided Documentation                                                        | Assessor's Written Response                                                                                                                                                                                   |
|-------|-----------|-------------|------------------|------------------|----------------|------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21    | 0347116   | BHVS-G      | \$ 3,296,755     | \$ 3,296,755     | \$ -           |                  | Primary scanned into the model                                                                 |                                                                                                                                                                                                               |
| 22    | 0348767   | BHVS-T164   | \$ 1,400,000     | \$ 1,400,000     | \$ -           |                  | primary scanned into models                                                                    |                                                                                                                                                                                                               |
| 23    | 0376818   | CCRK-E-33   | \$ 372,360       | \$ 372,360       | \$ -           |                  | Primary scanned into model                                                                     |                                                                                                                                                                                                               |
| 24    | 0397277   | FPRV-19-C-2 | \$ 924,210       | \$ 924,210       | \$ -           |                  | owner request change to non-primary moved out of state in May                                  |                                                                                                                                                                                                               |
| 25    | 0400923   | FS-III-K-6  | \$ 576,000       | \$ 576,000       | \$ -           |                  | Evidence from 2023 BoE indicates this property should receive the primary residence exemption. | It was determined during the course of 2023 BoE proceedings that the property qualifies for the Primary Residence Exemption. The change was mistakenly not rolled forward and has now been correctly applied. |
| 26    | 0401012   | FS-III-M-3  | \$ 441,600       | \$ 441,600       | \$ -           |                  | Evidence presented in 2023 BoE indicates property qualifies for Primary Residence Exemption.   | It was determined during the course of 2023 BoE proceedings that the property qualifies for the Primary Residence Exemption. The change was mistakenly not rolled forward and has now been correctly applied. |
| 27    | 0426894   | AC-73       | \$ 4,784,946     | \$ 4,784,946     | \$ -           |                  | Primary scanned into model                                                                     |                                                                                                                                                                                                               |
| 28    | 0510209   | 139-MAIN-A  | \$ 3,566,332     | \$ 3,566,332     | \$ -           |                  | Primary scanned into model                                                                     |                                                                                                                                                                                                               |
| 29    | 0527812   | 45-DALY-1   | \$ 1,955,992     | \$ 1,955,992     | \$ -           |                  | Primary scanned into model                                                                     |                                                                                                                                                                                                               |
| TOTAL |           |             |                  |                  | \$ (1,993,233) |                  |                                                                                                |                                                                                                                                                                                                               |

**Summit County Council Resolution No. 2024-13**  
**A Resolution Appointing Members to Serve on the**  
**Summit County Service Area No. 3 Board of Trustees**

**WHEREAS**, the County lawfully created the Summit County Service Area No. 3 (Silver Creek) Board of Trustees (the “District”) codified in Summit County Code Title 2, Chapter 27 (the “Code”), which created a Board of Trustees and delegated certain powers thereto to administer the responsibilities of the District; and

**WHEREAS**, the Code requires the Board of Trustees of the service area consists of seven (7) members, who are elected by the registered voters in the service area for four (4) year terms of office. Four (4) trustees shall reside within the area of Silver Creek Estates Subdivision plats D, E, F, H, and I. Three (3) trustees shall reside within Silver Creek plats A, B and C. Each trustee shall be a registered voter within the service area. and

**WHEREAS**, the Board of Trustees members Vince Pao Borjigin, Henry Adams, and Lori Daniells, have resigned; and

**WHEREAS**, Utah Code § 20A-1-512(2) authorizes the Summit County Council to fill midterm vacancies on the Summit County Service Area No. 3 Board of Trustees that have been vacant for more than 90 days. The County prepared a notice of vacancy for these Board of Trustees positions, posted the notice, and otherwise complied with all requirements of law for filling vacancies; and

**WHEREAS**, the Council has conducted interviews with interested applicants who responded to the notice of vacancy; and

**WHEREAS**, the Council has complied with Utah’s Open and Public Meetings Act in making this appointment and has allowed interested persons an opportunity to speak with respect to this proposed appointment; and

**WHEREAS**, pursuant to Utah Code Annotated 20A-1-512(2), the County now desires to appoint member(s) to the Board of Trustees of the District.

**NOW, THEREFORE, the SUMMIT COUNTY COUNCIL resolves as follows:**

The following persons living within the jurisdictional boundaries of the Summit County Service Area No. 3, are hereby appointed to serve on Summit County Service Area No. 3 Board of Trustees for the terms specified herein:

- 1) \_\_\_\_\_ to serve the vacated term of Vince Pao Borjigin; term of service to expire December 31, 2027.

- 2) \_\_\_\_\_to serve the vacated term of Henry Adams; term of service to expire December 31, 2025.
- 3) \_\_\_\_\_to serve the vacated term of Lori Daniells; term of service to expire December 31, 2027.

APPROVED, ADOPTED AND PASSED by the Summit County Council on 21<sup>rd</sup> day of August 2024.

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Council Chair

ATTEST:

\_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy County Attorney



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner  
**Date of Meeting:** August 21, 2024  
**Type of Item:** Code Amendment - Public Hearing, Possible Recommendation  
**Process:** Legislative Review

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposed amendments to Chapter 11-4-5 of the Eastern Summit County Development Code conduct a public hearing and approve the attached ordinance per the findings of fact and conclusions of law in this staff report.

## PURPOSE

The purpose of this ordinance is to bring the Eastern Summit County Development Code into compliance with the changes to state code made in through Senate Bill 174 during the 2023 legislative session. The bill requires that the County have the amendments in place prior to February 1, 2024. The Council adopted a temporary land use regulation on January 31, 2024. The temporary land use ordinance expires on July 31, 2024, which means permanent amendments must be in place prior to that date.

## BACKGROUND

This item was reviewed by the County Council on July 31, 2024. At the meeting, the Council discussed the amendments and continued them to August 21, 2024, to receive council from the Attorney's Office.

### Subdivision SB-174 summary

SB-174 is a mandate from the State that requires all cities and counties amend their subdivision ordinance in a way that would streamline the subdivision process. Highlights include:

1. SB-174 amends the subdivision process for all single-family, two family and townhome developments.
2. The Council can decide whether they would like to include other types of subdivisions, or leave the process as is (I.E. condos, commercial subdivisions, multifamily etc.).

3. Requires that we designate an administrative land use authority for review and approval of Preliminary and Final Subdivision reviews.
4. The Planning Commission may be the land use authority for preliminary subdivision reviews, but not for final subdivision reviews.
5. The Planning Commission may conduct one public hearing for a preliminary subdivision review. Multiple public hearings are not allowed.
6. Neither the County Council nor a member of the Council may be the land use authority for the subdivision.
7. The approval authority can be an individual, board, or commission appointed by the County including staff.
8. The County may combine the final subdivision application with the preliminary subdivision application.
9. Final subdivision review cycle restrictions apply to concurrent processing.
10. Creates a specific review cycle with no more than four cycles permitted.
11. Creates an appeal process for applicants if the County fails to meet the cycle criteria.

### **Summary of Proposed Changes**

The following changes were made to bring the existing Code into compliance with the new state requirements:

1. Language would be applicable for all subdivisions in Eastern Summit County, including commercial and multifamily.
2. Created definition of “review cycle,” “subdivision improvement plans,” “subdivision review,” and “subdivision plan review.” These definitions were taken from state code.
3. Eliminates process for “subdivision with 3 or fewer lots” and “subdivision with four or more lots.” Since all subdivisions are subject to the same process under the new law, there was no need to separate.
4. Appeals of planning commission or county manager actions would be heard by the County Council.
5. Eliminates requirement from MPD section that subdivisions with four or more lots be reviewed as an MPD.
6. Moves density bonus in MPD section to subdivision section.
7. Creates approval criteria for subdivisions.
8. Creates process for Preliminary and Final Subdivisions. The Planning Commission may conduct one public hearing during the preliminary stage and make a recommendation to the County Manager who would be the final approval authority.
9. Brings condominium requirements into compliance with state law.

## **Analysis**

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code. It states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve modifications, or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. g States:

“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

These regulations will bring the code into compliance with state standards.

## **Recommendation**

Staff recommends that the Summit County Council review the proposed amendments to Chapter 11-4-5 of the Eastern Summit County Development Code conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

## **Findings of Fact**

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural, and small-town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”

3. The purpose of this ordinance is to bring the Eastern Summit County Development Code into compliance with the changes to state code made in through Senate Bill 174 during the 2023 legislative session.
4. The bill requires that the County have the amendments in place prior to February 1, 2024.
5. The Council adopted a temporary land use regulation on January 31, 2024.
6. The temporary land use ordinance expires on July 31, 2024, which means permanent amendments must be in place prior to that date.
7. Language would be applicable for all subdivisions in Eastern Summit County, including commercial and multifamily.
8. The new language creates a definition of “review cycle,” “subdivision improvement plans,” “subdivision review,” and “subdivision plan review.” These definitions were taken from the state code.
9. Eliminates process for “subdivision with 3 or fewer lots” and “subdivision with four or more lots.” Since all subdivisions are subject to the same process under the new law, there was no need to separate.
10. Eliminates requirement from MPD section that subdivisions with four or more lots be reviewed as an MPD.
11. Moves density bonus in MPD section to subdivision section.
12. Creates approval criteria for subdivisions.
13. Creates process for Preliminary and Final Subdivisions. The Planning Commission may conduct one public hearing during the preliminary stage and make a recommendation to the County Manager who would be the final approval authority.
14. Brings condominium requirements into compliance with state law.
15. The County Council held a public hearing for this item on July 31, 2024.

#### **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety, and welfare.

#### **Public Notice, Meetings and Comments**

This item was noticed in the Summit County News. No public comment has been received...yet.

#### **Attachments**

- Exhibit A – Flow Chart  
Exhibit B - Proposed Ordinance with language



# Subdivision Application Review Process

## Preliminary Subdivision

### **Pre-Application Meeting**

- The applicant is strongly advised to set up a meeting with a planner to discuss concept plans.



### **Preliminary Subdivision Application Submittal**

- The applicant submits the application to: [planningapplications@summitcounty.org](mailto:planningapplications@summitcounty.org)
- A planner is assigned to pre-screen the application before fees are collected.



### **Staff Completeness Check**

- Once pre-screened, staff checks that all required materials are provided.
- Staff sends a Status Letter to convey if the application is complete or incomplete.
  - If incomplete, the applicant will be provided a list of the required materials they must submit.
  - If complete, the review begins.



### **Preliminary Review**

- Planning staff, staff in other departments, and relevant service providers review the application for compliance with all codes.
- Planning staff will send a comprehensive list of comments to the applicant.

Occurs within 15 business days



### **Planning Commission Meeting**

- Based on the ability to comply with relevant codes and service provider requirements, planning staff will recommend preliminary approval or denial to the Planning Commission.
- The Planning Commission will hold a public hearing and make a decision on the application.

Maximum of 1 Public Hearing



### **Preliminary Approval**

- An preliminary approval letter with all comments and conditions of approval will be sent to the applicant.

### **Denial**

- The applicant will receive a letter with details as to why the proposal does not comply with code. The decision can be appealed to the County Council within 10 days.



**Final Subdivision**



# Subdivision Application Review Process

## Final Subdivision

### Final Subdivision Application Submittal

- The applicant submits the application to: [planningapplications@summitcounty.org](mailto:planningapplications@summitcounty.org)
- A planner is assigned to pre-screen the application before fees are collected.



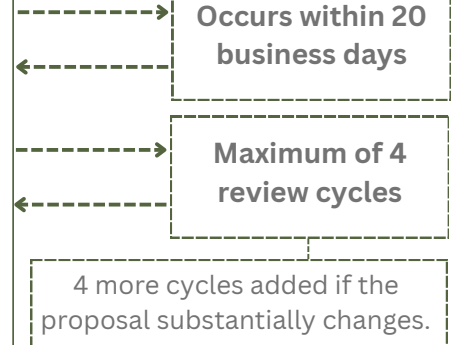
### Staff Completeness Check

- Once pre-screened, staff checks that all required materials are provided.
- Staff sends a Status Letter to convey if the application is complete or incomplete.
  - If incomplete, the applicant will be provided a list of the required materials they must submit.
  - If complete, the review cycles begin.



### Final Review

- Planning staff, staff in other departments, and service providers review the project to determine if the applicant's revision sufficiently address all comments and/or conditions of approval from the preliminary subdivision application.
- Planning staff will send a list of all outstanding comments to the applicant.
- A new review cycle begins when the applicant resubmits any required materials and provides a written description of how they have addressed each comment and/or condition of approval.



### County Manager Decision

- Upon finding that the project complies with all relevant codes or after the completion of 4 review cycles, planning staff will make a recommendation to the County Manager for approval or denial.
- If staff recommends approval, the applicant will be instructed to print a mylar of the plat.



### Approval

- The County Manager will sign the mylar of the subdivision plat.
- An approval letter will be sent to the applicant.



### Denial

- A letter will be sent to the applicant detailing why the application does not meet code.
- The decision can be appealed to the County Council within 10 days.



Plat Recordation

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 982**

**AMENDING CHAPTER 10-3 DEVELOPMENT APPLICATION PROCEDURE AND APPROVAL  
PROCESS AND CHAPTER 10-2-18: MASTER PLANNED DEVELOPMENTS OF THE SNYDERVILLE  
BASIN DEVELOPMENT CODE.**

**PREAMBLE**

**WHEREAS**, during the 2023 Utah State Legislative session, the Utah State Legislature (“Legislature”) enacted Senate Bill 174 (“SB 174”), a bill that included amendments to Utah Code sections specifically applicable to counties, 17-27a-408, 17-27a-526, and 17-27a-608, and enacted county-specific sections 17-27a-604.1, 17-27a-604.2, and 17-27a-604.9; and

**WHEREAS**, SB 174, among other things, created a new process for subdivision review and approval, changed a county’s authority with respect to restrictions and requirements for the processing of subdivisions and plat amendments for single-family, dwellings; and

**WHEREAS** Utah Code sections 17-27a-604.1, Process for subdivision review and approval and 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2 mandate Summit County’s compliance with Utah Code sections 17-27a-604.1 and 17-27a-604.2, Review of subdivision land use applications and subdivision improvement plans, prior to February 1, 2024; and

**WHEREAS**, on January 31, the Summit County Council adopted a six-month temporary zoning ordinance to give the County sufficient time to ensure compliance with SB 174 and any potential legislation that the Legislature may adopt during its 2024 General Session, which may further amend and/or clarify the requirements found with SB 174 and Utah law; and

**WHEREAS** the attached language incorporates changes made to state law during the 2024 legislative session.

**WHEREAS** the Snyderville Basin Planning Commission held a public hearing on June 25, 2024.

**WHEREAS** the Summit County Council held a public hearing on July 31, 2024.

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, hereby ordains as follows:

**Section 1.** Exhibit A is hereby adopted.

**Section 2.** Effective Date. This ordinance shall take effect upon publication as allowed by law.

Enacted this \_\_\_\_ day of August 2024.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Evelyn Furse  
Summit County Clerk

\_\_\_\_\_  
Malena Stevens, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

|                         |       |
|-------------------------|-------|
| Councilmember Stevens   | _____ |
| Councilmember Robinson  | _____ |
| Councilmember Harte     | _____ |
| Councilmember Armstrong | _____ |
| Councilmember Hanson    | _____ |

## TO BE ADDED TO CHAPTER 10-3

### 10-3-2: GENERAL PROVISIONS:

A. Initiation: An application for development approval or development permit shall be initiated by submitting the appropriate application to the community development director (hereinafter referred to as "CDD").

B. Review And Recommendation of CDD Or Designated Planning Staff Member:

1. The CDD or designated planning staff member shall review the application for sufficiency. If the CDD or designated planning staff member determines that the application does not contain information sufficient to determine the appropriate approval procedure or compliance with this title, the CDD or designated planning staff member shall serve a written notice on the applicant specifying the deficiencies of the application. The CDD or designated planning staff member shall take no further action on the application unless the deficiencies are remedied. An application for development approval shall be deemed insufficient if any relevant information is not provided, if the application form is not signed by the applicant or authorized agent, required fees are not paid, or if other information, as may be specified by the CDD or designated planning staff member and which is necessary to adequately review the application, is not supplied in a timely fashion. If adequate information is not submitted within thirty (30) days of CDD or designated planning staff member notification, all application materials will be returned to the applicant.

2. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this title, nor shall it indicate that the information submitted by the applicant is accurate or has been verified. Additional information may be required at a later date through the approval process.

3. All development approvals shall be conditioned so that no building permit shall be issued on the subject property until all outstanding and current property taxes have been paid by the date of approval.

4. The director is delegated authority necessary to make administrative interpretations of this title and to provide such guidance as is necessary to applicants for development approval consistent with and in furtherance of chapter 1, "Program For Resort And Mountain Development", of this title.

C. Legislative Actions: The director or county council may, in their discretion, combine the processing and hearing of development permits, procedures for legislative action, or requests for ~~major or minor development review~~, conditional use permit, or low impact permit.

D. Project Closure Due To Inaction: Recognizing the length of the planning review process will vary with the size and complexity of each proposal, applicants must move their applications either to approval or denial in a reasonably expeditious manner. The county may formally close

applications which remain inactive for nine (9) months or longer due to acts or omissions of the applicant.

1. When the CDD or designated planning staff member determines an application inactive, he/she may close the files with respect to the application. No application may be closed on the basis of inaction without giving twenty-one (21) calendar days' certified written notice to the applicant. Such notice must state the intent of the CDD or designated planning staff member to have the project closed because of inaction and what the applicant must submit in order to maintain an active file status.

2. An application shall be deemed inactive and subject to closure on the basis of inactivity if, through the act or omission of the applicant and not the county, one of the following occurs:

a. More than nine (9) months have passed since the last meeting of staff and the applicant.

b. More than nine (9) months have passed since a request for additional information was made by staff, which request has not been complied with or reasons for noncompliance are not stated or indicated by the applicant. (Ord. 730, 12-2-2009)

c. The applicant is more than thirty (30) days in default of the payment of any fee assessed by ordinance.

d. The applicant has stated intent to abandon the project. (Ord. 708, 12-10-2008)

Delays caused entirely by internal delays of the staff, planning commission, county council or board of adjustment shall not be a cause for file closure. (Ord. 730, 12-2-2009)

3. An applicant may appeal the community development director's denial of an application for inaction to the board of adjustment in the same manner as any other appeal. The role of the board of adjustment is to determine if the director correctly applied subsection B of this section. The board of adjustment may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the application is considered formally denied. If the applicant desires to proceed with the project, the applicant must submit a new application and pay new submission fees, and the new application shall be subject to all ordinances then in effect. (Ord. 708, 12-10-2008)

#### **10-3-8: CONDOMINIUM PLATS:**

- A. Plat Requirements: A detailed Condominium plat is required in all cases which comply with the definition of "Condominium" contained in chapter 11 of this title.
- B. Submission Requirements: An Applicant shall submit a Condominium plat application and pay the fee for the review thereof; the Condominium plat shall contain enough information, in graphic and text form to adequately describe the applicant's intentions with regard to the layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement, including, but not limited to:

1. One (1) copy of the Condominium declarations;
2. One (1) copy of the Condominium plat prepared by a surveyor ~~of civil engineer~~ licensed in the State of Utah, including:
  - a. a description of the surface of the land included within the project, including all angular and linear data along the exterior boundaries of the property;
  - b. the linear measurement and location, with reference to the exterior boundaries of the building or buildings, if any, located or to be located on the property other than within the boundaries of any convertible lands;
  - c. diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, in sufficient details to identify each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions, of every such convertible space and unit;
  - d. a description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings, or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or perimetric) boundaries;
  - e. a distinguishing number or other symbol for every physical unit identified on the Condominium plat;
  - f. to the extent feasible, the location and dimensions of all easements appurtenant to the land included within the project;
  - g. the label "convertible space" for each such space, if any;
  - h. the location and dimensions of any convertible lands within the Condominium project, with each such convertible land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
  - i. the location and dimensions of any withdrawable lands, with each such withdrawable land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
  - j. if with respect to any portion or portions, but less than all, of the land included within the project the unit owners are to own only an estate for years, the location and dimensions of any such portion, with each labeled as a leased land, and if there be more than one such land, with each labeled with a different letter or number; and
  - k. any encroachments by or on any portion of the Condominium project.
- l. Signature blocks of the County Recorder, Land Use Authority, County Engineer, Public Safety Answering Point, Public Health Officer, County Attorney, County Assessor, Snyderville Basin Special Recreation District, Snyderville Basin Water Reclamation District, Park City Fire District, local electrical power provider, local natural gas provider, and local culinary water provider.

- m. Notarized signatures on the plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by the County;
  - 3. Preliminary title report covering all property located within the Condominium plat.
  - 4. Following final action on the Condominium plat which results in an approval, a 24" x 36" mylar of a ~~sealed (1" = 100')~~ Condominium plat prepared by a licensed surveyor ~~or civil engineer licensed in the State of Utah~~, including all items contained in subsection 10e of this section.
  - 5. Following preparation of the mylar, a current title report (dated within 30 days) covering all property located within the Condominium plat.
- C. Review Procedure:
- a. The Director shall review the Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and make a recommendation to the County Manager for approval, approval with conditions, or denial after a public hearing.
  - b. The County Manager shall review the staff report and Planning Commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.
  - c. Upon approval of the County Attorney, and once all signatures are obtained, the Condominium plat shall be recorded in the records of the County recorder. C. Issuance Of Building Permit: Building permits for condominium units can be issued following approval of the Condominium plat by the commission and the county manager as provided by this chapter. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.
  - d. D. Filing: All Condominium plats shall be filed in the office of the county recorder following completion of construction and before acceptance of improvements.

### 10-3-9: SUBDIVISIONS

- A. **Purpose:** The purposes of this section are to:
- 1. Guide the future growth of the Snyderville Basin Planning District in a manner consistent with the Snyderville Basin General Plan.
  - 2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Snyderville Basin Planning District.
  - 3. Provide Development opportunities for property owners and residents to live, work, and conduct business within the Snyderville Basin Planning District.
  - 4. To direct Development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.

5. Encourage Development that adequately mitigates any potential adverse effects on adjacent properties.
6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, ridgelines, and other environmentally sensitive areas wherever practicable.
7. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. **Definitions:** As used in this Chapter:

1. "Review Cycle" means the occurrence of:
  - a. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
  - b. the Community Development Department's review of that Application for Subdivision; and
  - c. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
  - d. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.
2. "Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a Subdivision.
3. "Subdivision Ordinance Review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.
4. "Subdivision Plan Review" means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation standards and inspection specifications for infrastructure improvements.

C. **Subdivisions:**

1. **Special Provision:** When a single parcel includes multiple Zones, Density may be located upon the Parcel in the most appropriate manner irrespective of the boundaries of the Zones.
2. **Plat application required when land is subdivided:** Whenever any land is laid out and platted, the owner of the land shall provide to the County an accurate plat that describes or specifies:

- a. A subdivision name that is distinct from any subdivision name on a plat recorded in the County Recorder's office; and
- b. The boundaries course and dimensions of all the parcels of ground divided, by their boundaries, course and extent, whether the owner proposed that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
- c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, unit or lots, and length and width of the blocks and lots intended for sale; and
- d. Every existing right-of-way and recorded easement located within the plat for:
  - i. An underground facility; and
  - ii. A water conveyance facility; or
  - iii. Any other utility facility.
- e. Any water conveyance facility located, entirely or partially, within the plat that:
  - i. Is not recorded; and
  - ii. Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The CDD may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

3. **All Land Necessary for Density Required:** All of the land required for the Density needed to create the Lots within the Subdivision, including a remnant Parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision plat, and any remnant Parcel shall bear a plat note stating that no Density exists on such remnant Parcel until such time (if ever) as the Zone is changed to permit additional Density rights and the remnant Parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant Parcel is otherwise vacated from the Final Subdivision Plat for the purposes of a Parcel Boundary Adjustment, which shall constitute good cause for thereof under State law.

4. **Remainder Parcel:** In the event that the Parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such remainder Parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such remainder Parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the remainder parcel(s) located outside of the Final Subdivision Plat stating that such remainder parcel(s) are conforming Parcels pursuant to this Chapter.
5. **Separate Review:** Preliminary and final Subdivisions shall be processed as separate applications.
6. **Land Use Authority:** The Land Use Authority for preliminary subdivisions shall be the Planning Commission and the County Manager for final subdivisions.
7. **Subdivision Improvement Plan:** A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the final subdivision process.
8. **Preliminary Subdivision:**
  - a. **Pre-Application Meeting.**
    - i. A pre-application meeting is not required for Subdivision Applications subject to this Chapter but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
    - ii. The CDD or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
      1. copies of applicable land use regulations; and
      2. a complete list of standards required for the project; and
      3. preliminary and final application checklists; and
      4. feedback on the concept plan.
  - b. **Notification of Water Conveyance Facility:**
    - i. Within 20 days after the day on which an owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed subdivision to the facility owner or

any water conveyance facility located, entirely or partially, within 100 feet of the Subdivision Plat.

- ii. The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:

- 1. Access to the water conveyance facility; and
- 2. maintenance of the water conveyance facility; and
- 3. protection of the water conveyance facility integrity; and
- 4. safety of the water conveyance facility; or
- 5. any other issue related to water conveyance facility operations.

- c. **Subdivision Review:** The CDD or designated planning staff member shall conduct a review that includes all affected agencies and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the CDD or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.

- d. **Subdivision Review Standards:** The following Subdivision Review standards apply. Because of the limited time frame for preliminary review, compliance with standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision plat.

- 1. The Subdivision is compliant with the Snyderville Basin General Plan.
- 2. The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
- 3. The Subdivision considers adjacent land uses. Site design shall mitigate any potential adverse impacts including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
- 4. Where appropriate, subdivisions shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
- 5. Each proposed Lot shall have legal Access through a recorded Right-Of-Way or Easement. The Applicant shall demonstrate that adequate

Access to the property from a Public Road may be granted by the State or County, whichever is applicable.

6. Compliance with the Standards for Approval of Development Permits in chapter 4 of this title.

- e. **Public Hearing:** The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.

- f. **Preliminary Subdivision Approval:** If a preliminary Subdivision complies with this title and all other applicable standards and specifications, the Planning Commission shall approve the preliminary Subdivision. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the CDD or designated planning staff member. After preliminary approval, the Applicant may submit a Final Subdivision Application.

## 9. **Final Subdivision:**

- a. Upon approval of the preliminary subdivision, the Applicant shall submit a final subdivision application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.
- b. No later than 20 business days after the day on which an Applicant submits all the required materials for the final subdivision, the CDD or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
- c. Review Cycles: After conducting the Subdivision Plan Review, the CDD or designated planning staff member may require that the Applicant provide:
  - i. additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved standards and specifications for construction of Public Improvements; and
  - ii. modification to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.
- d. The CDD or designated planning staff member's request for additional information or modifications to plans under (c)(i), and (ii) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the CDD or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous review cycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code Section 17-27a-604.2(5)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:
- k. In addition to revised plans submitted during Final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the CDD or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
- l. The Applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- m. If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
- n. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property owner, and within 10 business days after the day on which the request is received:

- i. For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) of Utah State Code to review and approve or deny the final revised set of plans; or
  - ii. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Summit County Council.
- o. The County Manager shall approve a Final Subdivision if the Final Subdivision complies with the Planning Commission's preliminary Subdivision approval, applicable Snyderville Basin Development Code regulations, and all other applicable standards and specifications.

#### **10. Plat Preparation:**

In addition to all requirements in Section C.2 of this chapter, prior to recordation, the final plat shall contain the following:

- a. Notarized signatures of each owner of record of land described in the Plat in the owner's designation part of the Plat.
- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.

#### **11. Plat Recordation**

- 1. After the Plat has been acknowledged, certified and approved, the owner of the land seeking to record the plat shall record the plat in the County Recorder's office per the requirements in Section 11-6-13 of this Title.
- 2. The County shall withhold an otherwise valid Plat approval until the owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing for the land have been paid.
- 3. Within 30 days after approving a Final Plat, the County shall submit to the Utah Geospatial Resource Center:

- ii. An electronic copy of the approved Final Plat; or
- iii. Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

#### ~~10-3-9: MINOR DEVELOPMENT REVIEW:~~

~~—A. Purpose: The purpose of the minor development review provision is to provide a simplified and appropriate procedure for reviewing all residential development proposals in the RR, HS, and MR zone districts that are consistent with the density allowances permitted in the zone districts, up to a maximum of ten (10) lots, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. Minor development review shall also be used in proposals where a request is being made to increase density according to section 10-2-11, "Incentive Density", of this title; up to a maximum of ten (10) lots. This process is intended to be largely an administrative review.~~

~~—B. Exemption: One new parcel, a minimum of one acre in size and located at least one thousand feet (1,000') away from another parcel created under this exemption, may be split from one hundred (100) contiguous acres of agricultural land, including such parcels that may be bisected by a public or private roadway, without complying with the subdivision plat requirements.~~

~~The one hundred (100) acre parcel is not required to be a lot of record, according to the definition provided in chapter 11 of this title, in order to qualify for this exemption. However, if the one hundred (100) acre parcel is a lot of record, it shall retain its lot of record status after the creation of the new parcel.~~

~~Prior to the issuance of a building permit for such a parcel, the following shall be provided, in addition to any requirements of the Summit County building department:~~

- ~~—1. A site plan showing the location of the proposed building(s) in relation to parcel boundaries prepared by a surveyor licensed in Utah, to ensure that the building(s) meets the setback requirements identified in this title.~~
- ~~—2. Evidence of legal access to the property that complies with the requirements in this title.~~
- ~~—3. A memorandum of decision from the state engineer's office that ensures adequate water is available for a private well or a written commitment from a municipality or private water service company.~~
- ~~—4. Evidence that an adequate wastewater system has been approved by the Summit County health department. (Ord. 726, 9-30-2009)~~

~~—C. Criteria For Approval: In order to approve an application for minor development, the CDD or designated planning staff member shall first find that the application:~~

- ~~—1. Complies with the "base zoned density" or "incentive density" according to section 10-2-11 of this title, established for the property described in the application;~~
- ~~—2. Is generally consistent with the spirit of the general plan;~~
- ~~—3. Conforms to all pertinent provisions of this title;~~
- ~~—4. Complies with all appropriate concurrency and infrastructure provisions of chapter 4 of this title; and~~
- ~~—5. Is not detrimental to the health, safety and general welfare of residents of the Snyderville Basin. (Ord. 818, 2-26-2014)~~

~~D. Submission Requirements: An application for minor development shall not be accepted as complete unless such application contains the information set forth in sections 10-3-12 and 10-3-14 of this chapter and all applicable fees have been paid; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.~~

~~—1. Sketch Plan: Prior to submitting an application for a minor development review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to site layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement. A sketch plan is not a completed application for purposes of vesting under Utah law.~~

~~2. Final Plat/Site Plan Application: After completion of the sketch plan process, an applicant shall submit an application for a final plat/final site plan and pay the fee for the review thereof. Refer to section 10-3-14 or 10-3-15 of this chapter for detailed submission requirements.~~

~~—E. Review Procedure:~~

~~—1. Sketch Plan:~~

~~—a. The CDD or designated planning staff member shall review the sketch plan application and make preliminary findings as to whether the application complies with the development approval criteria established in section 10-2-11 of this title, this title, and all applicable provisions of the general plan. The sketch plan shall not constitute an application for development approval.~~

~~—2. Final Plat/Site Plan:~~

~~—a. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues and concerns related to the proposal.~~

~~—b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a public hearing before the commission as soon as practicable.~~

~~—c. After hearing public comment, reviewing the project, comments from service providers, and the recommendation from the CDD or designated planning staff member, the commission shall approve, approve with conditions, or deny the application.~~

~~—d. Once the commission approves the application, all applicable signatures shall be obtained on the final plat or final site plan. The detailed final plat or detailed final site plan and preliminary title report shall be reviewed by the county attorney for acceptability.~~

~~—e. Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat or detailed final site plan shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 726, 9-30-2009)~~

#### ~~10-3-10: MAJOR DEVELOPMENT REVIEW:~~

~~—A. Purpose: The purpose of the major development review provision is to establish a procedure for considering any development application requesting residential densities in the RR, HS, and MR zone districts that exceed ten (10) lots, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. The process described herein represents an integration of zoning, subdivision and site planning concepts and considerations. This review process requires the submission of significant information to describe the development and justify compliance with the provisions of the general plan and this title. Major development review shall also be used in proposals where a request is being made to increase density according to section 10-2-11, "Incentive Density", of this title for development exceeding ten (10) lots. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)~~

~~—B. Criteria For Approval: In order to approve an application for major development, the CDD or designated planning staff member shall first find that the application:~~

~~—1. Is generally consistent with the spirit of the general plan;~~

~~—2. Conforms to all pertinent provisions of this title;~~

~~—3. Has been designed so that all lots created are clustered to the maximum extent possible and in a manner that places development near existing county infrastructure and services;~~

~~—4. Is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristic of the Snyderville Basin;~~

~~—5. Complies with appropriate concurrency management provisions of this title and the appropriate infrastructure and level of service standards of this title;~~

- ~~—6. Will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the development proposal;~~
- ~~—7. Will meet or exceed development quality and aesthetic objectives of the general plan and this title;~~
- ~~—8. Will protect life and property from natural and manmade hazards;~~
- ~~—9. Will prevent harm to neighboring properties and lands, including nuisances;~~
- ~~—10. Includes the written consent by each landowner whose property is included within the area described in the development; and~~
- ~~—11. Will not adversely affect the health, safety and welfare of residents of the Snyderville Basin. (Ord. 818, 2-26-2014)~~

~~—C. Submission Requirements: An application for major development shall not be accepted as complete unless such application contains the information set forth in sections 10-3-12, 10-3-13, and 10-3-14 of this chapter; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.~~

~~1. Sketch Plan: Prior to submitting an application for a major development review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to site layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement. A sketch plan is not a completed application for purposes of vesting under Utah law.~~

~~2. Preliminary Plan: After completion of the sketch plan process, an applicant shall submit an application for a preliminary plan and pay the fee for the review thereof. Refer to section 10-3-13 of this chapter for detailed submission requirements.~~

~~—3. Final Subdivision Plat: After completion of the preliminary plan process, an applicant shall submit a detailed final subdivision plat and pay the fee for the review thereof. Refer to section 10-3-14 of this chapter for detailed submission requirements. A final subdivision plat is required in all cases involving the subdivision of land, as provided for in the definition of "subdivision" contained in chapter 11 of this title.~~

~~—D. Review Procedure:~~

~~—1. Sketch Plan; Preapplication Conference: After submitting a sketch plan and before work sessions are held, an applicant shall meet with the CDD or designated planning staff member to discuss procedures and issues related to the project. Issues which may be discussed at the preapplication conference may include, but are not limited to:~~

— a. Consistency with the goals, objectives and policies of the general plan, this title, and chapter 2 of this title.

— b. The general nature of the proposed development, including, if applicable, proposed land uses and densities; parks and trails; scale; land use relationships that influence the character of the area; phasing; site and building issues that relate to the promotion of the objectives of the general plan, this title, and chapter 2 of this title; treatment of public areas affected by the project; preservation of natural features; concurrency management, and level of service standards.

— c. The specific nature of information that, in addition to the application requirements stated herein, will be required to permit the commission and the county council to determine whether the intensity of the use proposed and the character of the project meets the objectives of the general plan and this title.

— d. The procedures for the approval and compliance with the requirements of this title; and identify issues that the applicant should address in the application for approval.

— 2. ~~Work Sessions Required For Major Development:~~ In order to provide an opportunity for informal discussion among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Snyderville Basin, the commission shall conduct work sessions related to the proposed sketch plan. The relationship of the development to the overall operation and economic stability of the community, the acceptability of community infrastructure in proximity to the project, design practice compatibility, environmental considerations, transportation matters, and other development criteria established in chapter 2 of this title shall be discussed. The discussion also shall be for the purpose of interpreting and clarifying matters related to the general plan and informing a developer of such matters and to discuss the anticipated application with those officials who must eventually approve those aspects of the application coming within their jurisdiction. The joint planning sessions are for the purpose of discussion, education and clarification of community policies, and are not intended to result in any formal action or decision making regarding a specific development project.

— a. An application for major development consideration will not be accepted by the county until after such time as the applicant has entered into work sessions with the planning commission.

— b. Before the conclusion of the work sessions, and at the sole discretion of the CDD or designated planning staff member, the CDD or designated planning staff member may schedule a public input session before the commission. In such instances, the CDD or designated planning staff member may attempt to notify nearby property owners affected by the proposed project. The public input session shall be for the purpose of allowing the public to provide input into the project before the applicant submits an application for major development approval to the county.

— 3. Preliminary Plan: The applicant shall submit a completed application and pay the required fee. The CDD or designated planning staff member shall review the application

and make findings and recommendations. The commission shall review the application and the staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing. The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.

4. ~~Final Subdivision Plat:~~ The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues and concerns related to the proposal.

— a. ~~After completion of the report identifying issues and concerns related to the project for the county manager, the CDD or designated planning staff member shall schedule the application on a regular meeting agenda of the county manager as soon as practicable.~~

— b. ~~After reviewing the project, comments from service providers, and staff's recommendation and findings, the county manager shall approve, approve with conditions, or deny the final plat and development agreement.~~

— c. ~~Once the county manager approves the application, all applicable signatures are required to be obtained on the final plat. The detailed final plat and preliminary title report shall be reviewed by the county attorney for acceptability.~~

— d. ~~Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)~~

#### 10-3-10 11: SPECIALLY PLANNED AREA (SPA) REVIEW FOR RESIDENTIAL AND COMMERCIAL DENSITIES IN THE TC AND RC ZONE DISTRICTS:

A. Purpose: The purpose of the SPA review provision is to establish a procedure for considering any development application requesting residential and/or commercial densities in the TC and RC zone districts that conform to section 10-2-12 of this title, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. The process described herein represents an integration of zoning, subdivision and site planning concepts and considerations. This review process requires the submission of significant information to describe the development and justify compliance with the provisions of the general plan and this title.

B. Submission Requirements: An application for SPA review shall not be accepted as complete unless such application contains the information set forth herein; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.

1. Sketch Plan: Prior to submitting an application for SPA review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of

this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, in order to determine compliance with the general plan, land use maps, and other applicable provisions of section 10-2-12 of this title. The CDD or designated planning staff member shall establish standards for and determine the adequacy of the sketch plan in meeting its intended purpose. A sketch plan is not a completed application for purposes of vesting under Utah law.

2. SPA Designation/SPA Plan Applications: After completion of the sketch plan process, an applicant shall submit an application for a SPA designation/SPA plan and pay the fee for the review thereof. Refer to section 10-3-16 of this chapter for detailed submission requirements.

3. Development Agreement: The county may enter into a development agreement with a property owner or applicant for development approval. The county, at its sole discretion, may opt to use a development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. Development agreements shall be used to implement SPA plans, in accordance with this chapter. Refer to section 10-3-19 of this chapter for detailed submission requirements.

#### C. Review Procedure:

1. Sketch Plan; Preapplication Conference: After submitting a sketch plan and before work sessions are held, an applicant shall schedule an appointment with the CDD or designated planning staff member to discuss procedures and issues related to the project. Issues which may be discussed at the preapplication conference may include, but are not limited to:

a. Consistency with the goals, objectives and policies of the general plan, this title, and chapter 2 of this title.

b. The general nature of the proposed development, including, if applicable, proposed land uses and densities; parks and trails; scale; land use relationships that influence the character of the area; phasing; site and building issues that relate to the promotion of the objectives of the general plan, this title, and chapter 2 of this title; treatment of public areas affected by the project; preservation of natural features; concurrency management, and level of service standards.

c. The specific nature of information that, in addition to the application requirements stated herein, will be required to permit the commission and the county council to determine whether the intensity of the use proposed and the character of the project meet the objectives of the general plan and this title.

d. The procedures for the approval and compliance with the requirements of this title; and identify issues that the applicant should address in the application for approval.

2. Work Sessions Required For SPA Review: In order to provide an opportunity for informal discussion among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Snyderville Basin, the commission shall conduct work sessions related to the proposed sketch plan. The

relationship of the development to the overall operation and economic stability of the community, the acceptability of community infrastructure in proximity to the project, design practice compatibility, environmental considerations, transportation matters, and other development criteria established in section 10-2-12 of this title shall be discussed. The discussion also shall be for the purpose of interpreting and clarifying matters related to the general plan and informing a developer of such matters and to discuss the anticipated application with those officials who must eventually approve those aspects of the application coming within their jurisdiction. The work sessions are for the purpose of discussion, education and clarification of community policies, and are not intended to result in any formal action or decision making regarding a specific development project.

a. An application for SPA consideration will not be accepted by the county until after such time as the applicant has entered into work sessions with the commission.

b. Before the conclusion of the work sessions, and at the sole discretion of the CDD or designated planning staff member, the CDD or designated planning staff member may schedule a public input session before the commission. In such instances, the CDD or designated planning staff member may attempt to notify nearby property owners affected by the proposed project. The public input session shall be for the purpose of allowing the public to provide input into the project before the applicant submits an application for SPA approval to the county.

3. SPA Designation: Following the work sessions, the applicant shall submit simultaneously with a SPA plan application, an application for a SPA designation. Along with the application, the applicant shall pay the required review fee. The CDD or designated planning staff member shall not commence the review of an applicant's application for specially planned area designation until after the CDD or designated planning staff member has reviewed a sketch plan at a preapplication conference and until appropriate work sessions, and a public hearing, if required, have been held with the commission.

a. The CDD or designated planning staff member shall cause the review of the proposed preliminary plan application for consistency with the general plan, land use maps, this title and chapter 2 of this title. Where a SPA designation ordinance has previously been approved by the county council, the CDD or designated planning staff member shall also cause the review of the project for consistency with that rezone ordinance. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues, concerns, and a recommendation related to the proposal.

b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a work session on the SPA designation before the commission, at which time the commission shall review the rezoning request for consistency with the general plan, the land use plan map, this title and section 10-2-12 of this title.

c. Following the work session, the CDD or designated planning staff member shall schedule a public hearing on the SPA designation request before the commission. The CDD

or designated planning staff member shall cause reasonable notice to be given before the public hearing.

d. At the discretion of the commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the CDD or designated planning staff member, the commission shall make a recommendation regarding the SPA designation request to the county council. The commission shall make a recommendation for approval, approval with conditions, or denial. If the commission recommends approval, the commission shall first have determined that:

(1) There are substantial tangible benefits to be derived by the general public of the Snyderville Basin that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district;

(2) There are unique circumstances, above the normal limitations and allowances of the existing zone, that justify the use of a SPA;

(3) The development proposed in the SPA furthers the goals and objectives and policies of the Snyderville Basin general plan, land use maps, and the applicable sections of this title, and the program for resort and mountain development established in chapter 1 of this title;

(4) A SPA designation must be implemented through a development agreement (SPA plan) as described in this title; and

(5) Approving a SPA designation will not adversely affect the public health, safety and general welfare.

e. After the recommendation of the commission has been rendered, the CDD or designated planning staff member shall schedule a public hearing and place the SPA designation application and recommendation of the commission and CDD or designated planning staff member on a regular agenda of the county council for review and acceptance of public comment. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. At the discretion of the county council, either in conjunction with or at a meeting following the public hearing, the county council shall render its decision to approve, approve with conditions, or deny the SPA designation application. In approving the SPA designation, the county council shall first find that the request is consistent with the criteria for approving a SPA designation described in subsection C3d of this section. The county council approval shall be in the form of an ordinance.

f. Approval of a SPA designation by the county council shall be effective for a period of twenty four (24) months from the date of county council approval. If a complete SPA plan application has not been approved within twenty four (24) months, the SPA designation approval shall be null and void. The SPA designation for purposes of state vesting law is a conditional designation only and does not vest the applicant with respect to use, density, configuration or other requirements of this title.

4. Major Specially Planned Area Plan Application (Development Agreement): Following the joint planning sessions, the applicant shall submit simultaneously with a SPA designation application, an application for a SPA plan (development agreement) and pay the fee for the review thereof. The director shall not commence the review of an applicant's application for a SPA plan until after the director has reviewed a sketch plan at a preapplication conference and appropriate work sessions have been held with the commission.

a. The CDD or designated planning staff member shall cause the review of the proposed SPA plan application for consistency with the general plan, land use maps, this title and section 10-2-12 of this title. Where a SPA designation ordinance has previously been approved by the county council, the CDD or designated planning staff member shall also cause the review of the project for consistency with that ordinance. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues, concerns, and a recommendation related to the proposal.

b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a work session on the SPA plan application before the commission, at which time the commission shall review the project for consistency with the general plan, land use maps, this title, and section 10-2-12 of this title. Where a SPA designation ordinance has previously been approved by the county council, the commission shall also review the project for consistency with that ordinance.

c. Following the work session, the CDD or designated planning staff member shall schedule a public hearing on the SPA plan application before the commission. The CDD or designated planning staff member shall cause reasonable notice to be given regarding the public hearing.

d. At the discretion of the commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the CDD or designated planning staff member, the commission shall make a recommendation regarding the SPA plan to the county council. The commission shall make a recommendation for approval, approval with conditions, or denial. In a recommendation for approval, the commission shall also make findings as to the justification for density incentives granted by the county through section 10-2-12 of this title. If the commission recommends approval, the commission shall first have determined that:

(1) The proposed project conforms to all goals, objectives and policies of the general plan and land use plan maps;

(2) The proposed project conforms to all relevant provisions of this title;

(3) The development proposed in the SPA plan is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristics of the Snyderville Basin;

(4) The development proposed is in sufficient compliance with criteria established in section 10-2-12 of this title, to merit an increase in density and differentiation of uses as proposed;

(5) All development allowed by the SPA plan complies with appropriate concurrency management provisions of this title and the appropriate infrastructure and level of service standards of this title or appropriate criteria and standards described in the SPA plan;

(6) When appropriate, based on the size of the project, the landowner or applicant agrees to, at a minimum, contribute or provide, when appropriate, all capital improvements and facilities necessary to mitigate the impacts of the project on the county and its special districts;

(7) The landowner or applicant for a development within a town or resort center shall establish significant economic enhancement and tax base for the Snyderville Basin;

(8) The project will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the SPA plan;

(9) All development approved in the SPA plan will meet or exceed development quality and aesthetic objectives of the general plan, this title, and section 10-2-12 of this title;

(10) The development will be consistent with the goal of orderly growth and minimize construction impacts on the public infrastructure within the Snyderville Basin;

(11) Development will protect life and property from natural and manmade hazards;

(12) Development will prevent harm to neighboring properties and lands, including nuisances;

(13) The SPA plan includes the written consent by each landowner whose properties are included within the area described;

(14) The SPA plan results in benefits to the general public that would not otherwise occur under the literal application of this title; or the provisions of the existing zone district;

(15) The SPA is consistent with the SPA designation ordinance;

(16) Approval of the SPA plan will not adversely affect the health, safety and welfare of residents of the Snyderville Basin; and

(17) The project has been designed to avoid ridgeline encroachment from designated roadways, is consistent with section 10-4-3 of this title, and does not propose any development in the ridgeline setback area.

e. After the recommendation of the commission has been rendered, the CDD or designated planning staff member shall schedule a public hearing and place the application

and recommendation of the commission and CDD or designated planning staff member on a regular agenda of the county council for review and acceptance of public comment. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. At the discretion of the county council, either in conjunction with or at a meeting following the public hearing, the county council shall render its decision to approve, approve with conditions, or deny the application for SPA plan. In approving the SPA plan, the county council shall first find that:

(1) The commission's findings, required in this section, are appropriate and reasonable;

(2) The commission's justification related to density incentives according to section 10-2-12 of this title is fair, reasonable and consistent with the goals, objectives and policies of the plan; and

(3) Approval of the SPA plan will not adversely affect the health, safety and welfare of residents of the Snyderville Basin. The county council approval shall be in the form of an ordinance.

f. Once the county council approves the major SPA plan, the CDD or designated planning staff member shall cause all applicable signatures to be obtained on the SPA plan. The final SPA plan and preliminary title report shall be reviewed by the county attorney for acceptability.

g. Upon approval of the county attorney, and once all required signatures are obtained, the CDD or designated planning staff member shall cause the SPA plan to be recorded in the records of the county recorder.

h. In the event that the CDD or designated planning staff member or county council determines that the applicant substantially altered the SPA plan after the review and recommendation of the commission but prior to consideration by the county council, the county council may remand the application to the commission for further proceedings. A motion by the county council to remand the application to the commission shall establish a time within which said commission proceedings must be conducted and completed.

#### 5. Effect Of An Approved Major SPA Plan:

a. The approved and recorded major SPA plan shall constitute a development permit. It shall contain those terms and conditions related to zoning, subdivision and site planning agreed to by the county. The SPA plan shall describe all of the limitations, restrictions, conditions and parameters associated with the development of the subject property. The SPA plan shall describe all processes and procedures for obtaining a building permit for all elements of the development.

b. Upon approval of a major SPA plan by the county council, it shall constitute a vested right in the specific terms and proposals contained therein for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement or when subsequently agreed to by the county council, subject to any conditions agreed to and incorporated in the agreement.

6. Major SPA Plan Modification:

a. Upon receiving an application for a modification to an approved SPA plan, the CDD or designated planning staff member shall schedule the matter at a regular meeting of the commission as soon thereafter as may be practicable. The CDD or designated planning staff member shall schedule a public hearing and give reasonable notice thereof on the matter before the commission. The commission shall hear public input and review the CDD or designated planning staff member's recommendation related to the proposed modification. The commission shall review the proposed modification and make a recommendation for approval, approval with conditions, or denial to the county council. In making a recommendation for approval, the commission must find that:

(1) Circumstances relevant to the request have changed since, or were unknown at the time of, the original SPA plan approval;

(2) The modification will not otherwise alter any of the findings required in this section;

(3) The modification is generally consistent with the efficient development and preservation of the entire SPA plan;

(4) The modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and

(5) The public health, safety and general welfare are not adversely impaired by the modification.

b. Upon receiving a recommendation from the commission, the county council shall hold a public hearing on the proposed modification. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. After receiving public input and reviewing the recommendation of the commission and CDD or designated planning staff member, the county council shall approve, approve with conditions, or deny the modification. Approval shall be in the form of an ordinance amending the original SPA plan ordinance. In making a determination for approval, the county council must find that:

(1) Circumstances relevant to the request have changed since, or were unknown at the time of, the original SPA plan approved;

(2) The modification will not otherwise alter any of the findings in this section;

(3) The modification is generally consistent with the efficient development and preservation of the entire SPA plan;

(4) The modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and

(5) The public health, safety and general welfare are not adversely impaired by the modification. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-1112: SKETCH PLAN SUBMISSION REQUIREMENTS:

- A. ~~Information Required:~~ **Applicability: The Sketch Plan process shall be followed when it is specifically required under an approved Development Agreement, Consent Agreement, or Settlement Agreement.** ~~Information Required:~~ A detailed sketch plan shall contain the following:

1. The creation dates of the parcel(s) to be developed in accordance with the definition of a "lot of record", as defined in chapter 11 of this title.

2. The name of the development. This name shall not duplicate the name of any plat previously recorded.

3. Name and address, including telephone number of legal owner and/or authorized representative, and citation of last instrument conveying title to each parcel of property involved in the proposed development, giving grantor, grantee, date, and lands records reference.

4. Legal description and location of property, including citation of any existing legal rights of way, irrigation ditches, or easements affecting the property; and existing covenants on the property, if any.

5. The approximate location, dimensions, and areas of all proposed or existing lots, existing structures, existing easements, watercourses, and names of all existing streets or other public roads adjacent to the proposed development.

6. A delineation of environmentally sensitive areas including, but not limited to, wetlands, slopes exceeding thirty percent (30%), floodplains, and ridgelines.

7. Identification of the means for providing water supply, power, sanitary sewage, collection and discharge of surface water drainage, and fire protection.

8. All areas within and adjacent to the project, including areas separated by a street, highway, road, right of way, or stream or watercourse, under common ownership. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-1213: PRELIMINARY PLAN SUBMISSION REQUIREMENTS:

- A. ~~Information Required:~~ **Applicability: The preliminary plan process shall be followed when it is specifically required under an approved Development Agreement, Consent Agreement, or Settlement Agreement.** A detailed preliminary plan shall contain the following information:

1. A graphic layout, drawn to scale not smaller than one inch equals one hundred feet (1" = 100').

2. A title block stating the name of the proposed development; the type of development; the name, address, and phone number of the legal owner of property, and the

professional person(s) responsible for the design and survey; and a graphic and written scale and date of preparation.

3. Location of true north and a vicinity map with section lines, township and range, including sufficient detail to show the location of the proposed development.

4. Surveyed boundaries of the development and total acreage, with the names of adjacent property owners shown.

5. Topographic contour intervals no greater than five feet (5') for the specific portion of the property to be developed or altered in any fashion, unless otherwise stipulated by the director.

6. A slope analysis showing grades ranging from zero to ten percent (10%), ten (10) to fifteen percent (15%), and fifteen (15) to thirty percent (30%).

7. The location of wetlands, streams, and flood drainage channels, with all 100-year floodplains delineated.

8. The location of existing structures, public utility easements, power lines, drain pipes, culverts, ridgelines, water and sewer lines, wells and springs on or near the property.

9. When it is contemplated that services will be provided by special district or companies, letter of intent to provide service from such entities shall accompany the application.

10. Existing vegetation.

11. The location of and impact on any critical wildlife habitat, including birthing areas, critical winter range, and migration corridors.

12. The proposed development layout, including lots, parcels, buildings, setback lines, roads, utilities, fire hydrants and water storage systems where applicable, open space, and architectural and landscape concepts.

13. The proposed grading and drainage plan and landscape and maintenance plan.

14. The location and design of public and private roads. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### ~~10-3-14: FINAL SUBDIVISION PLAT SUBMISSION REQUIREMENTS:~~

~~—A. Information Required: A detailed final subdivision plat is required in all cases involving the subdivision of land, as provided for in the definition of "subdivision" contained in chapter 11 of this title. A subdivision plat shall conform to the following:~~

~~—1. The plat shall be prepared by a licensed land surveyor at a convenient scale not more than one inch equals one hundred feet (1" = 100'), may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used, and shall be of~~

such size as is acceptable for filing in the office of the county recorder, but shall be twenty four inches by thirty six inches (24" x 36"), or larger. The map prepared for the plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible Mylar.

—2. The plat shall show the following:

—a. The location of property with respect to surrounding property and roads, the names of all adjoining property owners of record, or the names of adjoining developments, and the names of adjoining roads.

—b. The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.

—c. The location of existing roads, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches and bridges, as determined by the county manager.

—d. The location and width of all existing and proposed roads and easements, alleys, and other public ways, and easement and proposed road rights of way and building setback lines.

—e. The locations, dimensions, and areas of all proposed or existing lots, including building area.

—f. The location and dimensions of all property proposed to be set aside for trail, park or playground use, or other public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.

—g. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

—h. The date of the map, approximate true north point, scale, and title of the subdivision.

—i. Sufficient data acceptable to the county engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, and the location of all proposed monuments.

—j. Names of the subdivision and all new roads as approved by the county manager.

—k. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

—l. Lots shall be consecutively numbered or lettered in alphabetical order. The lots in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

—m. All pertinent information shown on sketch plan or specially planned area plan shall also be shown on the detailed final plat, and the following notation shall also be shown:

- ~~—— (1) Explanation of drainage easements, if any.~~
- ~~—— (2) Delineation of natural features, including, but not limited to, wetlands, floodplains and floodways, slopes exceeding fifteen percent (15%), vegetation areas, and threatened or endangered species habitat.~~
- ~~—— (3) Explanation of site easements, if any.~~
- ~~—— (4) Explanation of reservations, if any.~~
- ~~—— (5) Endorsement of owner and date of the endorsement.~~
- ~~—— (6) Form for endorsements by county manager as follows:~~

~~Approved by resolution/ordinance —— of the county manager on (day), (month), (year).~~

~~—— n. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a plat.~~

~~—B. Final Subdivision Plat: The final subdivision plat shall be presented in India ink on tracing cloth or reproducible Mylar. The following information, in addition to the requirements of subsection A of this section, shall be provided:~~

~~—— 1. Self Imposed Restrictions; Proposed Building Lines: Notation of any self imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the county manager in accordance with this title.~~

~~—— 2. Monuments: All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per linear foot of the monuments.~~

~~—— 3. Preparation By Licensed Surveyor: The final subdivision plat shall be prepared by a land surveyor licensed by the state.~~

~~—— 4. Information Required: In addition to the requirements of subsection A2 of this section, final subdivision plats shall conform to current surveying practice and shall show the following information:~~

~~—— a. A title block giving the subdivision's name and the quarter- quarter section, section, township, range, principal meridian, and county of its location.~~

~~—— b. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle and arc length.~~

~~—— c. A notation of any adjoining plats or certificates of survey, and titles thereto.~~

- ~~—— d. The basis of bearings used and a north point.~~
- ~~—— e. A scale, not smaller than one inch equals one hundred feet (1" = 100').~~
- ~~—— f. All existing monuments found during the course of the survey (including a physical description such as "brass cap").~~
- ~~—— g. All existing easements or rights of way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the county records.~~
- ~~—— h. All lots, blocks, rights of way, and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.~~
- ~~—— i. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.~~
- ~~—— j. The area of all lots or parcels created by the subdivision and in a separate table or in the owner's certificate a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.~~
- ~~—— k. A vicinity map locating the subdivision within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.~~
- ~~—— l. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.~~
- ~~—— m. The owner's certificate should include a reference to any covenants that may be declared and blanks where the county recorder may enter the book and page number of their recording.~~
- ~~—— n. A certificate of consent from any and all mortgagors, lienholders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.~~
- ~~—— o. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.~~
- ~~—— p. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to covenants, servitudes and easements imposed on the property.~~
- ~~—— q. Signature blocks prepared for the dated signatures of the chairpersons of the commission and the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, Snyderville Basin water reclamation district, and the applicable water service provider. A signature block shall also be provided for the~~

County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. The signature of service providers on a final subdivision plat signifies such service provider's obligation to provide such services to the subdivision lots consistent with its rules, regulations, policies and procedures.

—5. ~~Plat Materials; Size; Copies:~~ Plats may be prepared on linen or on a stable base polyester film (mylar). Plats may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

—6. ~~Multiple Sheets:~~ Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

—7. ~~Plat Accuracy:~~ Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

—8. ~~As Built Plats:~~ A plat showing all required improvements shall be submitted upon their completion. The as built plat shall show typical road sections, typical culvert installations, and similar information to facilitate long term maintenance of the improvements.

~~C. Review Procedure:~~

—1. ~~The CDD or designated planning staff member shall review the application and prepare a staff report to the commission and make findings and recommendations. The commission shall review the application and staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing.~~

—2. ~~The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.~~

—3. ~~Once the county manager approves the application, all applicable signatures shall be obtained on the final plat. The detailed final plat and preliminary title report shall be reviewed by the county attorney for acceptability.~~

—4. ~~Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat shall be recorded in the records of the county recorder.~~

10-3-13 15: FINAL SITE PLAN SUBMISSION REQUIREMENTS:

A. Information Required: A detailed final site plan may be required in cases involving commercial or industrial uses, multi-family dwellings, and other developments as determined by the director where a final subdivision plat or conditional use permit is not required. Site plans, in addition to the requirements of subsection B of this section, shall contain the following information: (Ord. 730, 12-2-2009)

1. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
2. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded plats. The legal description shall include the following data:
  - a. Metes and bounds of all property lines;
    - (1) Total area of property;
    - (2) North scale and north arrow; and
  - b. Name and route numbers of boundary roads and the width of existing rights of way.
3. Existing topography with maximum contour intervals of two feet (2'), except where existing ground is on a slope of less than two percent (2%), then either one foot (1') contour intervals or spot elevation shall be provided where necessary.
4. A final detailed land use plan at a scale of one inch equals one hundred feet (1" = 100') showing:
  - a. The location and arrangement of all proposed uses, including building area.
  - b. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
  - c. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
  - d. The yard dimensions from the development boundaries and adjacent roads and alleys.
  - e. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.
  - f. Off road parking and loading areas and structures, and landscaping for parking areas.
  - g. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
  - h. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.

i. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.

j. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.

k. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.

l. All existing monuments found during the course of the survey (including a physical description such as "brass cap").

m. All existing easements or rights of way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the county records.

n. All rights of way and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.

o. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(1) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;

(2) Total number of dwelling units, by development phase;

(3) Residential density and units per acre;

(4) Total floor area and floor area ratio for each type of use;

(5) Total area in open space and length of trails;

(6) Total area in developed recreational open space; and

(7) Total number of off road parking and loading spaces.

B. Site Plan Contents: In addition to the requirements of subsection A of this section, the final site plan shall conform to current surveying practice and shall show the following information:

1. A title block giving the subdivision's name and the quarter- quarter section, section, township, range, principal meridian, and county of its location.

2. A notation of any adjoining plats or certificates of survey and titles thereto.

3. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.

4. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.

5. The owner's certificate should include a reference to any covenants that may be declared and blanks where the county recorder may enter the book and page number of their recording.

6. A certificate of consent from any and all mortgagors, lienholders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.

7. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.

8. Signature blocks prepared for the dated signatures of the chairpersons of the commission and of the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, and Snyderville Basin water reclamation district. A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. The signature of a service provider on a final site plan signifies such service provider's obligation to provide such services to the property consistent with its rules, regulations, policies and procedures.

C. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

D. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

E. Review Procedure:

1. The CDD or designated planning staff member shall review the application and prepare a staff report to the commission and make findings and recommendations. The commission shall review the application and staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing.

2. The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.

3. Once the county manager approves the application, all applicable signatures shall be obtained on the final site plan. The detailed final site plan and preliminary title report shall be reviewed by the county attorney for acceptability.

4. Upon approval of the county attorney, and once all required signatures are obtained, the detailed final site plan shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 730, 12-2-2009; Ord. 861, 10-26-2016; Ord. 937, 5-14-2022)

#### 10-3-16: SPA PLAN SUBMISSION REQUIREMENTS:

A. Information Required: The following information shall be submitted with an application for SPA plan review. All maps shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger (which must be acceptable to the CDD or designated planning staff member to permit adequate review) and on sheets of twenty four inches by thirty six inches (24" x 36"), unless otherwise approved by the CDD or designated planning staff member. When project phasing is proposed, the applicant may submit a conceptual level of information so long as it is consistent with the intent of the information requirements hereunder; provided, however, the SPA plan establishes a procedure that ensures adequate review of the detailed information required herein in conjunction with the various phases.

1. The name of the development and location map showing the location and size of the site and existing land uses within three hundred feet (300') of the site. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000') shall be provided.

2. Names, addresses and telephone numbers of the owners of all land included in the application, the developer, the designer and/or architect, and the licensed surveyor of the proposed project.

3. Location and boundaries of any parcels as part of a larger tract. A surveyed boundary of the development, giving the location of and dimension to the nearest benchmark or monument, and total acreage encompassed thereby shall be provided.

4. A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise approved by the director, showing the type of boundary evidenced. Such information should be from recorded legal plats. The legal description shall include the following:

- a. Metes and bounds of all property lines;
- b. Total area of the property;
- c. North arrow and map scale; and
- d. Name and route numbers of boundary roads and the width of existing rights of way. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

5. A map showing the existing zoning, including all critical lands, and the amount thereof, clearly delineated. (Ord. 818, 2-26-2014)

6. An existing site characteristics map or maps showing, but not limited to, existing wetlands, stream, drainage, and other watercourses, floodplains, topography, all critical and sensitive lands within the project area, access to property, wildfire hazard areas in accordance with section 10-4-7 of this title, and all critical areas that constitute natural hazards as defined in this title, or as determined by subsequent investigation. The map shall indicate the location, size and type of existing vegetation, historical features, and other natural or manmade landscape features, together with the proposed limits of any excavation or regrading to be done in carrying out the project. The map shall indicate all trees that are proposed to be removed. The map also shall clearly delineate viewsheds, as designated on the land use plan maps, or as otherwise agreed to by the director, and any other key features and landmarks within the parcel. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

7. A proposed plan with appropriate detail on one or more sheets to show the proposed dimensions and locations of all buildings and/or lot layout, building envelopes, public and private roadways, bridges, existing and proposed utility lines and fire hydrants, service areas, emergency vehicle access, parking areas with related phasing plan where appropriate, pedestrian pathways, trails and open space areas, all proposed land contour lines at two foot (2') or less contour intervals, common open areas, public open spaces, drainage facilities and detention areas, snow storage/removal areas, waste and recycling storage areas, fencing/screens to be used, areas of disturbance and grading, and other details necessary to a complete review of the project layout and design. Adjacent structures, roads and landmarks within three hundred feet (300') of each property line shall be located on the plans so as to show the relationships of the proposed development to its surroundings. The location, size and design of community benefits to comply with the development potential matrix shall be shown. Infrastructure connections and site layout compatibility between the proposed project and all surrounding properties shall be demonstrated, to the extent possible, for the purpose of determining compliance with the development potential matrix. (Ord. 731, 12-2-2009)

8. A chart of proposed land uses by acreage, including percentage of land coverage by type of use.

9. A summary statement describing those community benefits or impacts that the applicant proposes in exchange for density incentives from the county. Where applicable, these improvements should be shown on the final site plan or final plat. The following reports prepared by qualified experts, among others, may be required to support an applicant's request for density incentives. The CDD or designated planning staff member and the applicant may determine that other information is necessary to help the commission understand the applicant's request for density incentives according to section 10-3-11 of this chapter. Such information may include, but not necessarily be limited to:

a. An analysis indicating the net fiscal and economic benefits to the community as a result of the project. The report should be based on assumptions mutually agreed upon by the applicant and the county. The report should relate the level of density incentive to the projected level of community benefit.

b. A report explaining specific measures for undertaking and completing environmental enhancements and describing the net public benefits of such enhancements, together with letters from appropriate agencies describing the environmental values and benefits that are anticipated as a result of the improvements.

c. Specific restrictions and other measures for ensuring the ongoing affordability of the housing stock provided in the project, together with information showing that the sale prices, rents, unit types and sizes meet the affordable housing needs of those employed within the county.

10. Architectural plans in conformance with section 10-4-19 of this title. The plans shall include elevations at a vertical scale of not less than one-eighth inch equals one foot ( $1/8" = 1'$ ), unless otherwise agreed to by the CDD or designated planning staff member, of all proposed facades of all proposed structures, other than single-family detached dwellings. Building elevations, one of which shall be colored to accurately represent the proposed material and color scheme, shall be of sufficient detail to indicate building openings, height above grade, number of floors, specific materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimney, mechanical equipment and features affecting the rooflines of all proposed buildings. A sample of all materials and color schemes for all wall and roof elements also shall be provided. In the case of single-family detached dwellings, architectural guidelines shall be submitted.

11. A block model not less than one inch equals fifty feet ( $1" = 50'$ ) or larger and/or computer generated imagery with sufficient detail to illustrate the cubic volume and design philosophies of the aboveground portions of all major residential, commercial and industrial buildings, excluding single-family detached dwellings, in the project. The model or imagery shall be of sufficient detail to show the relationship, in terms of cubic volume and view planes, between proposed structures in the development, between structures and site topography, between the project and all other adjacent major residential, commercial and industrial buildings, and between the project and public roadways and other public areas. The model or imagery also shall show the relationship of proposed buildings to the proposed landscaping plan, which shall be shown at the time of planting.

12. A detailed lighting plan showing the location of all exterior lighting, fixture designs, and light patterns cast by the proposed fixtures. The lighting plan shall demonstrate compliance with the regulations in section 10-4-21 of this title.

13. Signing plan for the project that complies with the provisions of section 10-8-2 of this title.

14. A detailed landscape, irrigation and maintenance plan that complies with section 10-4-20 of this title, including the extent and location of all plant materials and other landscape and landform features. The approximate scale of all trees illustrated shall be that which will exist ten (10) years from planting, given the mountain environment. The plan shall describe the location, species, size and amount of all vegetative materials, seed mixes and areas to be covered, and other landscape features to be incorporated in the project. The plan shall describe the specific planting schedule, planting techniques and

maintenance procedures as required in this title. The plan also shall show irrigation system design, including location and size of pipe, distribution of sprinkler heads, and measures to ensure appropriate water requirements for various plant materials. All berms shall be indicated at one foot (1') contour intervals.

15. A description of easements and covenants, whether in existence or proposed, that affect the proposed project area.

16. A description of all utility lines, irrigation ditches, bridges and similar physical features.

17. Grading and conservation plan which shall include the following:

a. Proposed cuts and fills required by the location of all structures and roads. Phased site grading and stabilization or revegetation shall be included in the plan. Proposed erosion control and conservation techniques shall be shown.

b. The length of time that will pass from the date ground cover on the site is first disturbed until new ground cover is established.

c. The possible area of land exposed at any one time during construction.

d. The temporary vegetation or mulching used to protect areas exposed during construction.

e. The location, dimensions and maintenance of sediment basins, as necessary.

18. Source of domestic water, and a letter from the proposed service provider, acknowledging its intention to serve the project.

19. A letter from the Snyderville Basin water reclamation district, indicating compliance with the requirements of section 10-4-6 of this title. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

20. A report describing the amount of population that will be generated as a result of the development. (Ord. 730, 12-2-2009)

21. A letter from the Park City fire service district indicating compliance with the requirements of section 10-4-7 of this title is required.

22. A letter from Snyderville Basin special recreation district indicating compliance with requirements of chapter 4 of this title.

23. A report describing the traffic impacts which will be created by the project, including, among other things, anticipated peak period trip generation rates, impacts on turning movements and road segment level of service, proposals to mitigate the impacts, justification for the proposed number of parking spaces and/or parking phasing plan when required.

24. A detailed construction management plan shall be provided. The plan shall describe in detail all measures to be taken by the applicant to mitigate the impacts associated with

all aspects of the proposed development. These impacts may include, but are not necessarily limited to, areas of disturbance, dust, debris on and damage to public roads, construction traffic and parking on public roads, hours of construction, and the impact of noise on adjacent properties. The plan also shall include a plan for recycling construction waste material.

25. Other detailed information or studies required to allow the commission and county council the ability to determine whether the project is consistent with the development potential matrix.

26. A detailed subdivision plat and/or detailed site plan that complies with the requirements of sections 10-3-14 and/or 10-3-15 of this chapter, and/or a procedure for future approvals of individual plats and site plans for the various phases of the project. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-~~15~~ 17: PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION:

A. A property owner:

1. may execute a parcel boundary adjustment by quitclaim deed or by a boundary line agreement, as described in Utah Code Annotated section 17-27a-522, 17-27a-523, or 57-1-45.
2. Shall record the quitclaim deed or boundary line agreement in the office of the County Recorder.

B. A parcel boundary adjustment is not subject to the review of the Land Use Authority.

C. Creation of any new legal description through this process does not affect the Lot of Record status of a parcel.

D. Division of Land for Non-Development Purposes:

1. A division of a parcel for agricultural activity if not a Subdivision for purposes of this Title.
2. A division of a parcel without conformance to the Subdivision Plat requirements of this Title or the certificate required by Utah Code Annotated section 17-27a-605(1), as amended, does not create a Lot of Record for the purposes of this Title. However, in conformance with Utah Code Annotated section 17-27a-605(3), as amended, such divisions of land can be recorded for the purposes of conveying property ownership.

#### 10-3-~~16~~ 18: AMENDMENT TO RECORDED SUBDIVISION PLAT:

A. Applicability: The land use authority, county manager, or county council may, with or without petition, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of such subdivision plat, or any road or lot contained in such plat.

B. Plat Amendments Other Than Those In Subsections C, D And E Of This Section: Plat amendments that result in the combination of lots, adjusting building pads, changing

subdivision titles, altering plat notes in any way, and all others that do not affect a public or private road and are not addressed in subsections C, D and E of this section shall be considered in the following manner:

1. Land Use Authority: The planning commission shall be the land use authority for all of the above mentioned plat amendments.
2. Public Hearing: The planning commission shall hold a public hearing prior to its decision and shall approve, approve with conditions, or deny the plat amendment.
3. Notice: Notice of the planning commission public hearing shall be given in compliance with subsection F of this section.

C. Plat Amendment Altering A Private Road Located On A Subdivision Plat:

1. The planning commission shall hold a public hearing prior to its decision, and shall make a recommendation to the county manager.
2. The county manager shall approve, approve with conditions, or deny the plat amendment.
3. Notice of the public hearing shall be given in compliance with subsection F of this section.

D. Plat Amendments That Alter A Public Road Shown On A Subdivision Plat:

1. The planning commission shall hold a public hearing and shall thereafter make a recommendation to the county council.
2. The county council shall hold a public hearing and approve, approve with conditions, or deny the plat amendment.
3. Notice of the public hearing shall be given in compliance with subsection F of this section.

E. Plat Amendments That Result In Adjusting And/Or Altering Lot Lines Within A Platted Subdivision:

1. Land Use Authority: The CDD shall be the land use authority for all plat amendments resulting in adjusting and/or altering lot lines within a platted subdivision.
2. Public Hearing: In proposals where the CDD determines that potential issues may arise or additional comment is needed from the community, a public hearing may be scheduled with the planning commission. Following the public hearing, the planning commission shall make a recommendation to the CDD regarding an approval, approval with conditions or denial of the plat amendment.

F. Noticing Of Public Hearing For Plat Amendments, As Required:

1. The CDD or designated planning staff member shall give notice of the proposed plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within three hundred feet (300') and may be mailed to each owner of property located within one thousand feet (1,000'). Mailed notice may be sent to all owners within the affected plat and the affected homeowners' association. The notice shall fulfill the requirements of the Utah code, as amended.

2. If the proposed plat amendment involves the vacation, alteration, or amendment of a road, the CDD or designated planning staff member shall give notice of the date, place, and time of the public hearing by:

a. Mailing notice as required in subsection F1 of this section; and

b. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

G. General Criteria:

1. Upon approval of the plat amendment the following signatures are required on the final plat: land use authority, chief executive officer (only required for plat amendments that alter a private road shown on a subdivision plat), legislative body (only required for plat amendments that alter a public road shown on a subdivision plat), county recorder, county engineer, county attorney, and County Treasurer. A "certificate of consent" from any and all mortgagors, lienholders, or others with a real property interest in the affected parcels is also required.

2. Once the application is approved and all applicable signatures are obtained, the plat amendments shall be recorded in the records of the county recorder.

3. If a petition is filed, and a public hearing is required, the appropriate land use authority and/or chief executive officer shall hold the public hearing within forty five (45) days after a complete application is filed.

4. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this section may, in writing, petition to have the plat, any portion of it, or any road or lot contained in it, vacated, altered or amended, as provided in this section.

a. At the director's discretion, the public hearing requirement may be waived for plat amendments if the following criteria are met:

(1) The name and address and consenting signatures of all owners of record of the land contained in the entire plat are submitted with the application; and

(2) The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended is submitted with the application.

H. Vacation By County Manager Or County Council: When the county manager or county council proposes to vacate, alter or amend a subdivision plat, or any road or lot contained in a subdivision plat, he/she shall consider the issue at a public hearing after giving the notice required by this section.

I. Grounds For Vacating Or Changing A Plat:

1. If the county manager or land use authority is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the county manager or land use authority may vacate, alter or amend the plat, any portion of the plat, or any road or lot.

2. No plat amendment shall be approved which results in an increase in density.

J. Appeal: An aggrieved party may appeal the director's decision to the county council. An aggrieved party may appeal the planning commission's decision to the county council. An aggrieved party may appeal the county manager's decision to alter or amend a road to the county council. An aggrieved party may appeal the county manager's decision to vacate a road within a subdivision or the county council's decision to vacate a road within a subdivision to the district court as provided in the Utah code, as amended. (Ord. 742, 5-26-2010; amd. Ord. 937, 5-14-2022)

~~10-3-1719~~ 10-3-119: DEVELOPMENT AGREEMENTS:

A. Authority: The county may, but under no circumstances is it required to, enter into a development agreement with a property owner or applicant for development approval. The county, at its sole discretion, may opt to use a development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. Development agreements (SPA plans) shall be used to implement SPA designations, in accordance with section 10-3-11 of this chapter.

B. Binding Agreement: Whenever the county opts to enter into a development agreement; the agreement shall constitute a binding agreement between the applicant and the county. It shall contain those terms and conditions agreed to by the applicant and the county. The agreement shall describe all limitations, restrictions and parameters associated with the development of the subject property. The agreement shall describe all processes and procedures for obtaining final approval and building permits. The agreement shall not allow the sale or transfer of individual parcels or components of the entire project unless specifically provided for in the agreement, or as otherwise allowed under state law.

C. Effect Of Approval: Upon approval of the agreement, it shall constitute a vested right in the specific terms and proposals for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement, subject to any conditions agreed to and incorporated into the agreement.

#### D. Criteria For Approval:

1. The development agreement has been duly adopted in accordance with the provisions stated in this section, unless it comprises an SPA plan, in which case, it is subject to the adoption and approval provisions of section 10-3-11 of this chapter;
2. The development agreement includes written consent by each landowner whose properties are included within the area described;
3. The county council, after receipt of a recommendation from the planning commission and review and consideration of the development agreement, finds that the specific proposals, terms and conditions contained in the agreement promote the intent of the general plan, result in benefits to the general public that would not otherwise occur under the literal application of this title, and effectively protect the health, safety and general welfare of the public; a public hearing is required to be held;
4. Development allowed under a development agreement shall comply with appropriate concurrency management provisions of this title, the infrastructure standards of this title, and all appropriate criteria and standards described in the development agreement;
5. When appropriate, based on the size of the project, the landowner or applicant agrees to, at a minimum, contribute all capital improvements and facilities necessary to mitigate the impacts of the project on the county and its special districts;
6. The landowner or applicant will mitigate all fiscal impacts on the general public;
7. Development shall not be permitted to create unacceptable construction management impacts;
8. While a creative approach to the development and use of the land and related physical facilities may be allowed by a development agreement, all development approved in the agreement shall meet or exceed development quality objectives of the general plan and this title;
9. The development shall be consistent with the goal of orderly growth and minimize construction impacts on public infrastructure within Snyderville Basin;
10. The development shall protect life and property from natural and manmade hazards; and
11. The development shall prevent harm to neighboring properties and lands, including nuisances. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-18 ~~20~~: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:

The adoption and enforcement of building codes serves the public interest by providing for the inspection of structures for structural stability, fire resistance, adequate ventilation and other safety and sanitary features. No development shall occur except pursuant to a validly

issued, unexpired and unrevoked building permit and any other development permits required by this title have previously been issued.

A. Building Permit Required: Construction or removal of any building or structure, or any part thereof, including all structures or uses of which plans have been approved as part of a rezoning, site plan, subdivision plat, conditional use permit, SPA plan with accompanying plat or site plan, low impact permit, or development agreement, shall not be commenced, or proceeded with, until a building permit is obtained from the county building official.

B. Code Compliance: All structural development shall comply with the requirements of the international building code, and other applicable building and fire codes.

C. Water Required For Building Permit: A source of water must be provided prior to the issuance of a building permit for a dwelling. If the dwelling is to be served by an existing water system, the building permit application must be accompanied by a statement from a representative of the system indicating that the water hookup will be allowed and that the system can deliver adequate quality, quantity and pressure to the proposed dwelling or building. If a private source of water is to be developed, the building permit application must be accompanied by evidence of water rights or ownership of the proposed source or supply, application number from filings with the state engineer, and evidence that the source can be adequately isolated from all present and potential sources of pollution in accordance with state standards.

D. Issuance Of Building Permits Prior To Completion And Acceptance Of Required Improvements: Building permits may be issued for construction in subdivisions and other projects prior to the completion and acceptance by the county of the required property improvements; provided, however, that no building permit may be issued until adequate financial assurance has been provided for completion of such improvements consistent with chapter 6 of this title; until such time as there shall be adequate access that meets the requirements of the Park City fire service district; and until there is sufficient water on site for firefighting purposes before combustible construction shall be allowed. In such cases, the county building inspector may require that the applicant for a building permit sign a statement indicating the following:

1. That the applicant is aware of the terms of the bond or escrow account established to guarantee completion of required improvements to the satisfaction of the county.
2. That the applicant releases the county from liability for installation, maintenance or repair of the required improvements until the same have been completed and accepted by the county.
3. That the applicant assumes all risk in connection with construction on the subject property.

E. Financial Security Required: Prior to issuance of the building permit, the applicant shall post a bond or provide other financial security, in such form and sum as the director or county

council shall determine, with sufficient surety running to the county to offset any costs or expenses associated with the abatement of debris and material associated with construction activities on the site.

F. Submission: An application for a building permit shall be submitted to the director on the form provided by the county and shall be accompanied by the required processing fee. The application shall be accompanied by such documents, plans, maps or other information as the building official may request, including, but not limited to, evidence that all required development permits have been finally approved by the appropriate decision maker and that all conditions imposed at the time of such approval have been satisfied. Upon receipt of an application for a building permit, the building official shall examine the application and ascertain the exact location of the property on which the development will occur. The building official shall obtain a written statement of the street address of the property or, if no street address exists, a property description in writing, before issuing a building permit. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

G. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of eleven inches by seventeen inches (11" x 17") (must be legible) and a maximum size of thirty six inches by forty eight inches (36" x 48") shall be submitted with all building permit applications for all new construction, including additions, accessory buildings, and garages.

1. Preparation Of Site Plan: If any of the following criteria apply, the site plan shall be prepared by a licensed surveyor, architect, landscape architect, or engineer, registered in the state of Utah:

- a. Parcels/lots that contain a designated building pad identified on a subdivision plat.
- b. Building areas or building pads having an average grade steeper than five percent (5%) (some elevation information may be required to verify grade).
- c. Proposed structure heights greater than twenty eight feet (28').
- d. Proposed structure setbacks closer than three feet (3') to the required setback line, excluding decks, lean-tos, or other similar structures.

(1) Agricultural exempt buildings that comply with section 17-27a-605 of the Utah Code Annotated are excluded from these site plan requirements. However, agricultural exempt buildings closer than three feet (3') to the required setback line or are greater than twenty eight feet (28') in height will require an inspection by the community development department to ensure that setback and height requirements for the zone district in which they are located are being met.

- e. Parcels/lots that do not have existing property corners set by a licensed surveyor.

2. Site Plan Information Required: When the site plan is required to be prepared by a licensed surveyor, architect, landscape architect, or engineer, each copy shall be wet stamped by each professional involved in its preparation. Redline corrections/additions to the site plan

or elevation page items may be accepted if determined by staff to be minor in nature. All corrections shall be approved by the person who stamped the site plan. The site plan shall contain the following information:

a. Scale.

b. North arrow.

c. Information box showing the name of the applicant, subdivision and lot number or parcel number (tax identification number), address, section, township, and range, acreage (or square footage) of the lot or parcel.

d. Map of the parcel. For parcels larger than one acre, provide large scale drawing of the entire parcel (i.e., vicinity map, 1 inch = 100 feet), with bearing and distance calls, and a smaller scale (1 inch = 20 feet), detailed map of the area of the parcel being developed. The map shall contain the following minimum information:

(1) Property lines, designated building pad, platted setback lines, rights of way and easements, all adjacent streets/roadways.

(2) Proposed setbacks of all new structures to the property lines.

(3) A topographical map, prepared by a licensed surveyor, including both existing and proposed contours. Two foot (2') minimum contour intervals are required for all parcels/lots which have an average grade greater than five percent (5%) (some elevation information may be required to verify grade) and/or structure heights that exceed twenty eight feet (28') (measure from the ridgeline to existing or finished grade, whichever is greater). Existing contours must be shown through the proposed structures.

(A) For lots/parcels one acre or less in size, contours are required for the entire lot/parcel.

(B) For lots/parcels greater than one acre in size, contours are required one hundred feet (100') on each side of all proposed structures and all other areas of disturbance proposed for the lot/parcel, such as the driveway, accessory structures and yard areas. The contour map must include the opposite side of any existing roadway adjacent to the property.

(4) One fixed point near the proposed construction labeled "Benchmark" showing the elevation. The point may be a manhole cover, fire hydrant, or survey pin set so that it cannot be removed. The elevation of the point must be identified on a stake placed at or near the point.

(5) All elevations for the structure and driveway shall be referenced from the bench mark.

(6) All existing and proposed improvements.

(7) All drainageways, ditches, streams, and wetlands within two hundred feet (200') of any proposed structure, area of disturbance and driveway, even if located on an adjoining parcel/lot.

(8) The footprint of proposed structures. The footprint shall show roof ridgelines.

(9) The proposed driveway width.

(10) Proposed elevations, including:

(A) Top of the foundation walls at four (4) major corners.

(B) Roof ridge elevation(s) from existing grade.

(C) Garage floor elevations.

(D) Center of the driveway at the street, at twenty feet (20') from the street, at each grade break and at the edge of the "flat" parking area outside the garage.

(11) An erosion control plan including:

(A) Perimeter controls (straw wattle, straw bales, silt fence) on the downhill side of all disturbed areas when required by this code.

(B) Stabilized construction access.

(C) Protection measures of adjoining drainage features including storm drain, ditches, streams, etc.

(12) Construction mitigation plan that identifies the location of dumpster(s), portable toilet(s), material storage, and parking. The following notes shall be on the plan:

(A) Construction parking/traffic may not block the street without a permit.

(B) Mud tracked onto the street must be cleaned prior to the end of the workday.

(C) The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.

(D) Roadside parking is not allowed from November 1 through April 1.

3. Site Plan Certification: When a site plan is prepared by a licensed surveyor in conjunction with an architect, landscape architect, and/or engineer, the site plan must be certified by each of the professionals preparing the site plan for that portion of the plan that is their responsibility. The parcel/lot survey prepared and certified by the licensed surveyor, including topography may be submitted on a separate sheet from the site plan prepared by the architect, landscape architect, and/or engineer; however, all survey information from the parcel/lot survey shall be included on the site plan.

a. A form of the following certifications must appear on the parcel/lot survey and/or site plan:

*Surveyor Certificate*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that a survey of the land shown and described herein, and that the representation shown on the site plan is a correct representation of the land surveyed and has been prepared on conformity with the minimum standard and requirements of the Law. Signature (over seal)*

*Date Architect/Landscape Architect/Engineer Certificate*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Architect/Landscape Architect/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I am fully responsible for the design of the structure(s), structure location(s), driveway, drainage, and other improvements/development to the land shown on the site plan.*

*Signature (over seal)*

*Date*

4. Building Elevations Pages: Two (2) copies of the building elevations pages must be submitted with all building permit applications. Plans shall provide elevation views of all four (4) sides of the building. These views shall identify where the existing and proposed grade lines will strike the building wall line. Top of foundation, floor lines, eave lines, and ridgelines shall be shown and referenced to the known point on the site plan.

5. Certificate Of Survey/Elevation: A certificate of survey/elevation of the structure shall be submitted whenever a site plan is required to be prepared and certified by a licensed surveyor under the criteria set forth above. The certificate of survey/elevation must be prepared by a licensed surveyor registered in the state of Utah.

a. The certificate must verify the elevations of the top of foundation walls/roof ridge elevations with respect to the existing grades (per the approved site plan) and the structure location, with respect to setbacks and shall contain the following information:

(1) All property lines and building envelope (if applicable) when the parcel is one acre or less. When the parcel is larger than one acre, the two (2) closest property lines and building envelope (if applicable).

(2) Required setback lines.

(3) Structure footprint.

(4) Dimension lines from the structure to all shown property lines (see subsection G5a(1) of this section).

(5) "As constructed" top of foundation elevations or top of roof ridge elevations.

b. An original wet stamped copy of the certificate of survey/elevation must be submitted to the building department and engineering department prior to requesting a shear wall or the "four-way" inspection.

c. A form of the following certification must appear on the survey:

*Certificate of Survey/Elevation*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I have reviewed the approved plans for Permit No. \_\_\_\_\_, located at (street address) \_\_\_\_\_ on Lot \_\_\_\_\_ of the \_\_\_\_\_ Subdivision and have surveyed the property to verify that the structure is situated on the lot as shown on this map. I further certify that the elevations of the roof ridges are as shown on this map.      Signature (over seal)*

*Date*

(Ord. 766, 9-14-2011)

H. Approval Procedure:

1. Development Permit Required: Pursuant to this title, an applicant for a building permit may be required to submit a low impact permit, a conditional use permit with final site plan, an approved final site plan, recorded final subdivision plat, or a SPA plan (development agreement), which includes either a final subdivision plat or site plan, prior to the issuance of a building permit.

2. Posting Of Building Permit: A copy of the building permit shall be posted in a conspicuous place on the premises, out of the weather, and visible throughout the construction period until completion of all work authorized by the building permit.

3. Issuance Of Building Permit; Review Process: The building official shall be authorized to issue a building permit after review of the application for compliance with the appropriate development permit, all other applicable provisions of this title, including chapter 4 of this title, and the international building code. Prior to issuance of a building permit, the application shall also be reviewed to ensure that the location of the structure is consistent with the objectives and policies of the general plan and this title. Among other things, the review shall ensure, to the extent possible, that the structure will not infringe or be constructed on a ridgeline, will minimize encroachments into designated viewsheds, and other applicable policies.

I. Expiration And Extension Of Building Permit:

1. A building permit shall automatically expire and become null and void if work authorized by such permit is not substantially commenced within one hundred eighty (180) days from the effective date of the permit, or if such work, when commenced, is suspended or abandoned at any time for a period of one hundred eighty (180) days.

2. Notwithstanding the provision of subsection I1 of this section, if the work covered by the building permit has not commenced or has commenced and been suspended or abandoned, the building official may extend such permit for a period of one hundred eighty (180) days from the date extension is granted, provided an application for an extension is submitted prior to the expiration date of the initial permit, upon a showing by applicant that circumstances beyond the control of the applicant have prevented commencement. A new processing fee shall be submitted with a request for such extension.

3. Where construction authorized by a permit has not progressed beyond the foundation state in a period of three (3) years or more, an additional processing fee must be paid for a complete new inspection, which inspection shall ensure compliance with codes currently in effect. Any foundation which has weathered through two (2) or more winters without any structure built on it to give protection shall have an inspection by a structural engineer licensed by the state, who shall certify that the foundation is structurally sufficient to carry the load to be imposed on it, or certify specifications necessary for repair which may be required to bring it to an acceptable condition where it will adequately support the structure to be built upon it.

4. If work has commenced and the permit becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work under regulations in effect at the time the new building permit is issued. If a new building permit is not obtained within ninety (90) days from the date the initial permit became null and void, the building official shall require that any work which has been commenced or completed be removed from the building site, or the building official may issue a new building permit, on application, providing, that the work in place and the work required to complete the structure meets all applicable regulations in effect at the time of the issuance of the new building permit.

5. Work shall be considered to have commenced and be in active progress when, in the opinion of the building official, a full complement of workers and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting. The provision shall not apply in case of civil commotion or strike or when the building work is halted due to legal action.

#### J. Certificates Of Occupancy:

1. Required: A certificate of occupancy shall be required before any structure or premises, or part thereof, hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any such structure or premises unless:

a. If a building permit was required, the construction pursuant to such permit as reflected in the approved building permit has been fully completed and accomplished; or

b. If no building permit was required, the use conforms to this title and all other applicable statutes, ordinances and regulations, or the use is a valid legal nonconforming use in accordance with section 10-8-1 of this title; and

c. Payment of all applicable impact fees<sup>1</sup> and other regulatory fees and requirements has been made.

d. The structure has been constructed in compliance with all applicable provisions of this title and the development permit granting approval thereof, the international building code, the international fire code, and/or other applicable ordinances related to the construction and occupancy of the structure.

e. In instances where final site plan improvements remain unfinished but the building has been completed in accordance with the building permit, as determined by the building official, a certificate of occupancy shall be issued if an appropriate agreement to complete the unfinished site work is entered into by the developer.

2. Submission: An application for a certificate of occupancy shall be submitted to the building official in the form provided by the county and shall be accompanied by the required processing fee.

3. Approval Procedure: The building official shall review the application and inspect the subject premises. The building official shall notify the applicant of his determination. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 766, 9-14-2011)

## TO BE ADDED TO CHAPTER 10-2-18

### 10-2-18: MASTER PLANNED DEVELOPMENTS:

A. Intent: A Master Planned Development (MPD) is a comprehensive project design strategy. MPDs are intended to provide better opportunities to create projects that address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The MPD process creates administrative tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the Snyderville Basin General Plan and this code.

#### B. Applicability:

Required: Unless the property is subject to an approved development agreement, settlement agreement or consent agreement, the MPD process shall be required in all zones for the following:

1. Any application for a rezone; and
2. ~~A residential project with ten (10) or more units of density; and~~

3. Any new hotel or lodging project, commercial, retail, office, public, quasi-public, mixed use, or industrial project with ten thousand (10,000) square feet or more of gross floor area.

C. Uses: An MPD can only contain uses, which are allowed, low impact or conditional in the existing zone district(s) in which it is located. When the project area includes more than one (1) zone district, uses may be relocated across zone district lines if the planning commission determines that relocation results in a project design that advances the goals of the Snyderville Basin General Plan.

D. Process:

1. Pre-Application Conference: A pre-application conference shall be held with staff for the applicant to become acquainted with the MPD procedures and related county requirements and schedules. Staff may give preliminary feedback to the applicant based on information available at the conference and may inform the applicant of potential issues or special requirements which may result from the proposal. Any direction or feedback given at the pre-application conference is not vested. Vesting occurs once a complete application is filed, and the project has been reviewed and approved by the county council or planning commission.

2. Pre-Application Work Session Public Meeting:

a. To provide an opportunity for the public and the planning commission to give preliminary input on a concept for an MPD, the applicant may request a work session discussion with the planning commission after the pre-application conference with staff. Any direction or feedback given at the pre-application work session public meeting is not vested. Vesting occurs once a complete application is filed, and the project has been reviewed and approved by the county council or planning commission.

b. At the pre-application work session public meeting, the applicant will have an opportunity to present the preliminary concepts for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the applicant can address neighborhood concerns in preparation of an application for an MPD.

c. It is recommended that the applicant host neighborhood meetings in preparation of filing of a formal application for an MPD and provide a report conveying neighborhood concerns discussed.

3. The MPD Application:

a. Plans for the MPD shall be submitted with a completed application form supplied by the county. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the MPD. Once an application is received, it shall be assigned to a staff planner who will review the application for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.

b. Planning Commission Review And Public Hearing: Except in the case of MPDs that include a rezone, the planning commission shall approve, approve with modifications, or deny

an MPD. The planning commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after public hearing is held. To approve an MPD, the planning commission will be required to make the findings outlined in section F herein. In the case of MPDs that include a rezone, the planning commission shall review and forward a recommendation to the county council, including findings of fact, conclusions of law and conditions of approval.

c. County Council Review And Public Hearing: In the case of MPDs that include a rezone, the county council shall approve, approve with modifications, or deny an MPD. The county council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the county council will be required to make the findings outlined in section F herein.

#### 4. Development Agreement:

a. Once the planning commission or county council approves a Master Planned Development, the approval shall be put in the form of a development agreement reviewed by the county attorney's office and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning and development code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions outlining more or less restrictive height or setbacks;
- (3) An express reservation of the future legislative power and zoning authority of the county;
- (4) A copy of the approved site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval;
- (5) A description of all developer exactions or agreed upon public dedications;
- (6) The developers agreement to pay all specified impact fees;
- (7) The form of ownership anticipated for the project; and
- (8) A specific project phasing plan.

b. The development agreement shall be signed by the chair of either the planning commission or the chair of the county council and recorded with the Summit County recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of the final approval by the planning commission or county council.

#### 5. Vesting Of Approval:

a. MPDs Not Associated With A Rezone-Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project to be described in the development agreement.

~~— b. MPDs Not Associated With A Rezone But Requiring A Final Subdivision Plat: A final subdivision plat must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.~~

c. MPDs Associated With A Rezone, But Not Requiring A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

~~— d. MPDs Associated With A Rezone And Final Subdivision Plat: Unless otherwise extended per the provisions set forth in this chapter, a final subdivision plat associated with a rezone must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.~~

After recordation of the final subdivision plat and the commencement of construction, the MPD shall remain valid if it is consistent with the approved specific project plan and associated documents.

#### 6. MPD Modifications:

a. Minor Amendment: A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved MPD. A minor amendment shall be processed as a low impact permit.

b. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved MPD. A major amendment shall be processed as an MPD.

E. MPD Requirements: All MPD applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the community development director, planning commission, or county council.

1. Affected Properties: All MPD applications shall include all contiguous holdings by the owner, unless specifically waived by the planning commission. The rezoning application shall be accompanied by an affirmation of ownership signed by the legal owner of the property. If the property is under contract for sale, the affirmation shall be signed by the contract owner and legal owner and specify the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the applicant to make application shall be provided with the application.

2. Density:

a. The type of development, number of units and density permitted on a given site will be determined through a site suitability analysis and shall not exceed the maximum density in the zone, except as otherwise provided in this section. The site shall be looked at in its entirety and the density located in the most appropriate locations.

b. In cases where a project site contains more than one (1) zone district, the planning commission may permit a shift of density between zone districts if the shift results in the project advancing the goals set forth in the general plan.

c. Square footage associated with underground/structured parking areas within an MPD is exempt from MPD density calculations.

d. Square footage associated with deed-restricted affordable housing units within an MPD is exempt from MPD density calculations.

3. Setbacks: Setbacks for all structures within an MPD shall be determined by the requirements found in each individual zone district.

a. Exception: To mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the planning commission or county council may modify the setbacks around the exterior boundary of the project. In some cases, that setback may be increased to create an adequate buffer to adjacent uses at the discretion of the county. The planning commission/county council may reduce setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the general plan.

4. Building Height: The maximum building height for all structures within an MPD shall not exceed the requirements found in each individual zone district.

5. Site Planning: An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

a. Designing With the Topography: MPDs shall be designed to fit into the topography of the site. The planning commission/county council may consider flexibility in the siting of the development to best fit into the natural terrain, minimize excessive site grading and the need for excessive retaining.

Efforts shall be made to mitigate impacts of the development on the natural environment and resources of the surrounding area. The project design shall make suitable provisions for the preservation of all affected critical lands.

b. Designing With Adjacent Uses: The MPD site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse influences, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

c. Building Location: All buildings shall be located to avoid, to the extent practicable, critical lands. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable. Building design should create recognizable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promote safety and accessibility.

d. Access: All MPDs shall have vehicular access from a state highway or county road. All developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County engineer and fire marshal. Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized.

e. Trails: Existing trails should be incorporated into the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new transportation and/or recreational trails will be required to be consistent with Summit County's active transportation plan and/or Snyderville Basin special recreation district's trails master plan, respectively. All new construction will meet or exceed the design standards set forth in the plans.

f. Connectivity: All MPDs shall provide a means of direct, and safe pedestrian and bicycle linkages within the project area as well as connections to adjacent/off-site sidewalk, pathway, and trail systems. Pedestrian/ equestrian/bicycle circulation shall be separated from vehicular circulation wherever reasonable.

Where applicable, MPDs will have a system of streets, alleys, and pedestrian pathways with multiple routes and connections serving the same origins and destinations. All streets, alleys, and pedestrian pathways shall connect to other streets and to existing and projected streets outside the proposed MPD or other development. Dead ends or cul-de-sacs are discouraged.

g. Snow Removal: Snow storage shall be compliant with the requirements of chapter [10-4-14](#) of this title. The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any

hard surfaces to provide adequate areas to remove and store snow. Snow should be stored on site and not removed to an off-site location.

h. Waste Disposal/Recycling Facilities: All waste disposal and recycling facilities shall be compliant with the requirements of chapter [10-4-13](#) of this title. The site plan shall include adequate areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the project. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

i. Service And Delivery Access: Service and delivery access and loading/unloading areas must be included in the site plan. The service and delivery should be kept separate from pedestrian areas.

j. Utilities: Existing or proposed utility and public services for MPDs will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources, unless otherwise permitted by this chapter.

6. Transportation: MPDs shall include transportation approaches that add more options for public transportation, pedestrians, and bicycle users, and reduce the need for driving. An MPD should include:

- a. Transportation amenities including drop-off areas for van and shuttle service, and a bus stop, if applicable;
- b. Bike facilities including but not limited to lockers and racks;
- c. Upgraded bike lanes or bike paths; and
- d. Agreements between businesses to stagger delivery services and commute times.

7. Employee/Affordable Housing: All MPD applications shall include a housing mitigation plan which must address employee affordable housing as required by chapter 10-5 of this title. The plan shall include consideration for underserved populations such as seniors, ability challenged and people in need of transitional housing.

8. Open Space/Public Spaces: All MPDs shall provide at least the minimum zone-required open space unless further increased through this MPD process.

In more urbanized areas such as the Town Center (TC), Neighborhood Mixed Use (NMU) and Community Commercial (CC) zones, open space areas shall include public space as defined in this title. Public spaces shall:

- a. Be well located to support a wide variety of activities and encourage social interaction, that promote health, well-being, social and civic inclusion;
- b. Have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;

- c. Have public spaces for all to use; and
- d. Have trees and other planting within public spaces.

Ownership and maintenance of all open space lands shall be specified in the MPD application.

9. Off-Street Parking: Unless modified pursuant to this chapter or an individual zone district, all MPDs shall meet the parking requirements set forth in section [10-4-9](#) of this title.

10. Compliance With Development Evaluation Standards: Unless otherwise permitted by this chapter, all MPD shall comply with all requisite development evaluation standards found in chapter 4 of this title.

11. General Plan Review: All MPD applications shall be reviewed for consistency with the goals and objectives of the Snyderville Basin general plan; however, such review for consistency shall not alone be binding.

12. Environmental Management Explanation: An MPD application shall include a written explanation of how the project plan addresses the following environmental issues:

a. Natural Environment: How does the proposed project integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity, and water management? How does it address climate change mitigation and resilience? Will landscaping work to achieve this goal?

b. Water Quality: What measures are being taken to manage water use by the development, and what is being done to ensure the development does not contaminate ground water or surrounding water ways.

c. Air Quality: Explain what measures are being taken to ensure the development does not have a negative effect on Summit County's air quality.

d. Protection Of Critical Lands: If the development is adjacent to critical lands, or within a flood plain or wildfire interface area, explain what is being done to mitigate any negative impacts of the development on those lands. How is the development meeting the requirements in chapter [10-4-3](#) of this title?

e. Energy Efficiency: Explain what is being done to ensure the development is energy efficient. Are actions being taken to ensure the development exceeds the minimum requirements found in the International Building Code?

f. Building Materials: Explain what sustainable materials are being incorporated into the development.

g. Recycling/Waste Disposal: Explain the recycling program for the development. How is it meeting the requirements found in chapter [10-4-13](#) of this title?

h. Climate Responsive Design: Explain how the development will work with the Snyderville Basin's climate, how architecture will consider seasonality, the direction of the sun (sun path and solar position), natural shade provided by the surrounding topography and environmental factors (such as wind, rainfall, humidity). Explain how the shaping massing and architecture will be designed to:

- (1) Reduce snow accumulations at entrances/exits;
- (2) Incorporate passive solar heating;
- (3) Wind driven natural ventilation;
- (4) Locate windows, skylights etc. to benefit daylighting. These also impact natural ventilation;
- (5) Provide adequate snow storage and snow melt run-off capacity; and
- (6) Contribute to Summit County's sustainability goals.

i. Landscaping: Explain how the proposed landscaping will be appropriate for the climate and topography of the site. Explain how the irrigation system will be water wise and designed to preserve as much water as possible.

13. Site Design Narrative: A MPD application shall include a written explanation of how the project plan addresses the following design questions:

a. Project Neighborhood Connectivity: How does the proposed development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

- (1) Where will vehicles enter and exit the site?
- (2) Where will new streets be developed?
- (3) How pedestrian and bicycle routes (including commuter pathways, trails, and sidewalks) be provided through the project area?

b. Availability Of Neighborhood Facilities And Services: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

c. Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability?

d. Character: What are the design objectives for the built environment, including buildings and the public spaces that connect them? How do these design objectives address the local context, climate, and/or community needs?

e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, existing waterways, minimize site grading, etc.?

f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimizes visibility, site grading, stormwater runoff and exterior lighting?

h. Public And Private Outdoor Spaces: What is the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?

i. External Storage And Service Facilities: How does the proposed project address needs for recycling, garbage collection, above ground utility equipment, mail facilities, service and delivery areas, equipment storage, etc.?

j. Building Design: How does the building/buildings within the development provide good quality internal and external environments for their users, promoting health and welfare? How does the building/buildings relate positively to the private, shared, and public spaces in the area?

F. Required Findings Of Fact: The county must find enough evidence to support the following conclusions to approve an MPD. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

1. The MPD is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area.

2. The MPD makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

3. The MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.

4. The MPD has direct vehicular access from a state highway or county road or suitable private road or driveway access meeting all requirements of the county engineer and fire marshal.

5. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County engineer and fire marshal.

6. All roads/streets within MPD follow the natural contours of the site wherever possible to minimize the amount of grading.

7. Existing or proposed utility and public services are adequate to support the proposed MPD at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.

8. The proposed structures within the MPD are located on the most developable and least environmentally sensitive portions of the site. The open areas within the MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible.

9. The MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation.

10. The building/buildings within the development provide good quality internal and external environments for their users, promoting health and welfare.

11. The proposed project integrates existing and incorporates new natural features into a multifunctional network that supports quality of place, biodiversity, and water management.

12. The proposed project contributes to Summit County's sustainability goals,

13. The MPD, as conditioned, complies with all the requirements of chapter 4 of the Snyderville Basin development code,

14. The MPD, as conditioned, is consistent with the general plan.

15. The MPD has been noticed and public hearing held in accordance with this code.



## Community Development Department

P.O. Box 128  
60 North Main Street  
Coalville, Utah 84017  
summitcounty.org

### STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner  
**Date of Meeting:** August 21, 2024  
**Type of Item:** Code Amendment - Public Hearing, Possible Recommendation  
**Process:** Legislative Review

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposed amendments to Chapter 10-3 of the Snyderville Basin Development Code conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

### PURPOSE

The purpose of this ordinance is to bring the Snyderville Basin Development Code into compliance with the changes to state code made in through Senate Bill 174 during the 2023 legislative session. The bill requires that the County have the amendments in place prior to February 1, 2024. The Council adopted a temporary land use regulation on January 31, 2024. The temporary land use ordinance expires on July 31, 2024, which means permanent amendments must be in place prior to that date.

### BACKGROUND

The County Council reviewed this application at the July 31, 2024, meeting. The council continued the item to the August 21, 2024 meeting, so that they could receive more information from the County Attorney's Office.

### Subdivision SB-174 summary

SB-174 is a mandate from the State that requires all Cities and Counties to amend their subdivision ordinance in a way that would streamline the subdivision process. Highlights include:

1. SB-174 amends the subdivision process for all single-family, two family and townhome developments.
2. The Council can decide whether they would like to include other types of subdivisions, or leave the process as is (I.E. condos, commercial subdivisions, multifamily etc.).

3. Requires that we designate an administrative land use authority for review and approval of Preliminary and Final Subdivision applications.
4. The Planning Commission may be the land use authority for preliminary subdivisions, but not for final subdivisions.
5. The Planning Commission may conduct one public hearing for a preliminary subdivision application. Multiple public hearings are not allowed.
6. Neither the County Council nor a member of the Council may be the land use authority.
7. The authority can be an individual, board, or commission appointed by the County including staff.
8. The County may combine the final subdivision application with the preliminary subdivision application.
9. Final subdivision review cycle restrictions apply to concurrent processing.
10. Creates a specific review cycle with no more than four cycles permitted.
11. Creates an appeal process for applicants if the County fails to meet the cycle criteria.

### **Summary of Proposed Changes**

The following changes were made to bring the existing Code into compliance with the new state requirements:

1. Created definition of “review cycle,” “subdivision improvement plans,” “subdivision review,” and “subdivision plan review.” These definitions were taken from state code.
2. Eliminates process for “Major Subdivision” and “Minor Subdivision” Since all subdivisions are subject to the same process under the new law, there was no need to separate.
3. Eliminates requirement from MPD section that subdivisions with ten or more lots be reviewed as an MPD.
4. Creates approval criteria.
5. Creates process for Preliminary and Final Subdivisions. Planning Commission able to conduct one public hearing during preliminary stage, makes recommendation to the County Manager who would be the final approval authority.

### **Analysis**

Section 10-7-3 of the Snyderville Basin Development Code establishes a process for amendments to the text of the Code, it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve with modifications, or deny the amendment subject to the following criteria:

**Criteria 1:** The amendment shall be consistent with the goals, objectives, and policies of the general plan.

**Analysis:** Chapter 2 of the Snyderville Basin General Plan States:

“The Goal of Chapter 2: Promote sustainable Land Use Planning Principles that preserve Critical Lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services.

The proposed amendments to the subdivision regulations will help provide efficient delivery of services to applicants by streamlining the subdivision process.

**Criteria 2:** The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

**Analysis:** The proposed amendment will ensure that new properties are consistent with the surrounding properties.

**Criteria 3:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Analysis:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Criteria 4:** The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

**Analysis:** The proposed language will not remove any regulations that will unduly affect property owners in the Basin. It will amend the subdivision ordinance to bring it into compliance with state statute.

**Criteria 5:** The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

**Analysis:** These amendments will affect all property owners in the Basin Planning District. They are not designed to aid or hinder any specific property owners.

**Criteria 6:** The amendment will promote public health, safety, and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

**Analysis:** The proposed regulations will streamline the process for reviewing subdivision applications and ensure consistency of application with all property owners/applicants.

## **Recommendation**

Staff recommends that the Summit County Council review the proposed amendments to Chapter 10-3 of the Snyderville Basin Development Code conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

## **Findings of Fact**

1. The purpose of this ordinance is to bring the Snyderville Basin Development Code into compliance with the changes to state code made in through Senate Bill 174 during the 2023 legislative session.
2. Senate bill 174 requires that the County have the amendments in place prior to February 1, 2024.
3. To meet the February 1, 2024, deadline, the Council adopted a temporary land use regulation on January 31, 2024.
4. The temporary land use ordinance expires on July 31, 2024, which means permanent amendments must be in place prior to that date.
5. The goal of Goal of Snyderville Basin General Plan Chapter 2: Promote sustainable Land Use Planning Principles that preserve Critical Lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services.
6. The Snyderville Basin Planning Commission conducted a public hearing for the item on June 25, 2024.
7. The Snyderville Basin Planning Commission forwarded a positive recommendation to the County Council on June 25, 2024.
8. The County Council conducted a public hearing on July 31, 2024, and August 21, 2024.

## **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 7 of the Snyderville Basin Development Code.
3. The proposed amendment is not detrimental to public health, safety, and welfare.

## **Public Notice, Meetings and Comments**

This item was noticed in the Park Record. No public comment has been received at the time of this writing.

## **Attachments**

- Exhibit A – Process Flow Chart  
Exhibit B - Proposed Ordinance with language.



# Subdivision Application Review Process

## Preliminary Subdivision

### **Pre-Application Meeting**

- The applicant is strongly advised to set up a meeting with a planner to discuss concept plans.



### **Preliminary Subdivision Application Submittal**

- The applicant submits the application to: [planningapplications@summitcounty.org](mailto:planningapplications@summitcounty.org)
- A planner is assigned to pre-screen the application before fees are collected.



### **Staff Completeness Check**

- Once pre-screened, staff checks that all required materials are provided.
- Staff sends a Status Letter to convey if the application is complete or incomplete.
  - If incomplete, the applicant will be provided a list of the required materials they must submit.
  - If complete, the review begins.



### **Preliminary Review**

- Planning staff, staff in other departments, and relevant service providers review the application for compliance with all codes.
- Planning staff will send a comprehensive list of comments to the applicant.

Occurs within 15 business days



### **Planning Commission Meeting**

- Based on the ability to comply with relevant codes and service provider requirements, planning staff will recommend preliminary approval or denial to the Planning Commission.
- The Planning Commission will hold a public hearing and make a decision on the application.

Maximum of 1 Public Hearing



### **Preliminary Approval**

- An preliminary approval letter with all comments and conditions of approval will be sent to the applicant.

### **Denial**

- The applicant will receive a letter with details as to why the proposal does not comply with code. The decision can be appealed to the County Council within 10 days.



**Final Subdivision**



# Subdivision Application Review Process

## Final Subdivision

### Final Subdivision Application Submittal

- The applicant submits the application to: [planningapplications@summitcounty.org](mailto:planningapplications@summitcounty.org)
- A planner is assigned to pre-screen the application before fees are collected.



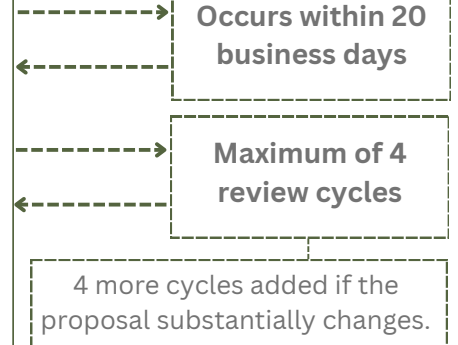
### Staff Completeness Check

- Once pre-screened, staff checks that all required materials are provided.
- Staff sends a Status Letter to convey if the application is complete or incomplete.
  - If incomplete, the applicant will be provided a list of the required materials they must submit.
  - If complete, the review cycles begin.



### Final Review

- Planning staff, staff in other departments, and service providers review the project to determine if the applicant's revision sufficiently address all comments and/or conditions of approval from the preliminary subdivision application.
- Planning staff will send a list of all outstanding comments to the applicant.
- A new review cycle begins when the applicant resubmits any required materials and provides a written description of how they have addressed each comment and/or condition of approval.



### County Manager Decision

- Upon finding that the project complies with all relevant codes or after the completion of 4 review cycles, planning staff will make a recommendation to the County Manager for approval or denial.
- If staff recommends approval, the applicant will be instructed to print a mylar of the plat.



### Approval

- The County Manager will sign the mylar of the subdivision plat.
- An approval letter will be sent to the applicant.

### Denial

- A letter will be sent to the applicant detailing why the application does not meet code.
- The decision can be appealed to the County Council within 10 days.



Plat Recordation

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 982**

**AMENDING CHAPTER 10-3 DEVELOPMENT APPLICATION PROCEDURE AND APPROVAL  
PROCESS AND CHAPTER 10-2-18: MASTER PLANNED DEVELOPMENTS OF THE SNYDERVILLE  
BASIN DEVELOPMENT CODE.**

**PREAMBLE**

**WHEREAS**, during the 2023 Utah State Legislative session, the Utah State Legislature (“Legislature”) enacted Senate Bill 174 (“SB 174”), a bill that included amendments to Utah Code sections specifically applicable to counties, 17-27a-408, 17-27a-526, and 17-27a-608, and enacted county-specific sections 17-27a-604.1, 17-27a-604.2, and 17-27a-604.9; and

**WHEREAS**, SB 174, among other things, created a new process for subdivision review and approval, changed a county’s authority with respect to restrictions and requirements for the processing of subdivisions and plat amendments for single-family, dwellings; and

**WHEREAS** Utah Code sections 17-27a-604.1, Process for subdivision review and approval and 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2 mandate Summit County’s compliance with Utah Code sections 17-27a-604.1 and 17-27a-604.2, Review of subdivision land use applications and subdivision improvement plans, prior to February 1, 2024; and

**WHEREAS**, on January 31, the Summit County Council adopted a six-month temporary zoning ordinance to give the County sufficient time to ensure compliance with SB 174 and any potential legislation that the Legislature may adopt during its 2024 General Session, which may further amend and/or clarify the requirements found with SB 174 and Utah law; and

**WHEREAS** the attached language incorporates changes made to state law during the 2024 legislative session.

**WHEREAS** the Snyderville Basin Planning Commission held a public hearing on June 25, 2024.

**WHEREAS** the Summit County Council held a public hearing on July 31, 2024.

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, hereby ordains as follows:

**Section 1.** Exhibit A is hereby adopted.

**Section 2.** Effective Date. This ordinance shall take effect upon publication as allowed by law.

Enacted this \_\_\_\_ day of August 2024.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Evelyn Furse  
Summit County Clerk

\_\_\_\_\_  
Malena Stevens, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

|                         |       |
|-------------------------|-------|
| Councilmember Stevens   | _____ |
| Councilmember Robinson  | _____ |
| Councilmember Harte     | _____ |
| Councilmember Armstrong | _____ |
| Councilmember Hanson    | _____ |

## TO BE ADDED TO CHAPTER 10-3

### 10-3-2: GENERAL PROVISIONS:

A. Initiation: An application for development approval or development permit shall be initiated by submitting the appropriate application to the community development director (hereinafter referred to as "CDD").

B. Review And Recommendation of CDD Or Designated Planning Staff Member:

1. The CDD or designated planning staff member shall review the application for sufficiency. If the CDD or designated planning staff member determines that the application does not contain information sufficient to determine the appropriate approval procedure or compliance with this title, the CDD or designated planning staff member shall serve a written notice on the applicant specifying the deficiencies of the application. The CDD or designated planning staff member shall take no further action on the application unless the deficiencies are remedied. An application for development approval shall be deemed insufficient if any relevant information is not provided, if the application form is not signed by the applicant or authorized agent, required fees are not paid, or if other information, as may be specified by the CDD or designated planning staff member and which is necessary to adequately review the application, is not supplied in a timely fashion. If adequate information is not submitted within thirty (30) days of CDD or designated planning staff member notification, all application materials will be returned to the applicant.

2. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this title, nor shall it indicate that the information submitted by the applicant is accurate or has been verified. Additional information may be required at a later date through the approval process.

3. All development approvals shall be conditioned so that no building permit shall be issued on the subject property until all outstanding and current property taxes have been paid by the date of approval.

4. The director is delegated authority necessary to make administrative interpretations of this title and to provide such guidance as is necessary to applicants for development approval consistent with and in furtherance of chapter 1, "Program For Resort And Mountain Development", of this title.

C. Legislative Actions: The director or county council may, in their discretion, combine the processing and hearing of development permits, procedures for legislative action, or requests for ~~major or minor development review~~, conditional use permit, or low impact permit.

D. Project Closure Due To Inaction: Recognizing the length of the planning review process will vary with the size and complexity of each proposal, applicants must move their applications either to approval or denial in a reasonably expeditious manner. The county may formally close

applications which remain inactive for nine (9) months or longer due to acts or omissions of the applicant.

1. When the CDD or designated planning staff member determines an application inactive, he/she may close the files with respect to the application. No application may be closed on the basis of inaction without giving twenty-one (21) calendar days' certified written notice to the applicant. Such notice must state the intent of the CDD or designated planning staff member to have the project closed because of inaction and what the applicant must submit in order to maintain an active file status.

2. An application shall be deemed inactive and subject to closure on the basis of inactivity if, through the act or omission of the applicant and not the county, one of the following occurs:

a. More than nine (9) months have passed since the last meeting of staff and the applicant.

b. More than nine (9) months have passed since a request for additional information was made by staff, which request has not been complied with or reasons for noncompliance are not stated or indicated by the applicant. (Ord. 730, 12-2-2009)

c. The applicant is more than thirty (30) days in default of the payment of any fee assessed by ordinance.

d. The applicant has stated intent to abandon the project. (Ord. 708, 12-10-2008)

Delays caused entirely by internal delays of the staff, planning commission, county council or board of adjustment shall not be a cause for file closure. (Ord. 730, 12-2-2009)

3. An applicant may appeal the community development director's denial of an application for inaction to the board of adjustment in the same manner as any other appeal. The role of the board of adjustment is to determine if the director correctly applied subsection B of this section. The board of adjustment may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the application is considered formally denied. If the applicant desires to proceed with the project, the applicant must submit a new application and pay new submission fees, and the new application shall be subject to all ordinances then in effect. (Ord. 708, 12-10-2008)

#### **10-3-8: CONDOMINIUM PLATS:**

- A. Plat Requirements: A detailed Condominium plat is required in all cases which comply with the definition of "Condominium" contained in chapter 11 of this title.
- B. Submission Requirements: An Applicant shall submit a Condominium plat application and pay the fee for the review thereof; the Condominium plat shall contain enough information, in graphic and text form to adequately describe the applicant's intentions with regard to the layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement, including, but not limited to:

1. One (1) copy of the Condominium declarations;
2. One (1) copy of the Condominium plat prepared by a surveyor ~~of civil engineer~~ licensed in the State of Utah, including:
  - a. a description of the surface of the land included within the project, including all angular and linear data along the exterior boundaries of the property;
  - b. the linear measurement and location, with reference to the exterior boundaries of the building or buildings, if any, located or to be located on the property other than within the boundaries of any convertible lands;
  - c. diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, in sufficient details to identify each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions, of every such convertible space and unit;
  - d. a description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings, or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or perimetric) boundaries;
  - e. a distinguishing number or other symbol for every physical unit identified on the Condominium plat;
  - f. to the extent feasible, the location and dimensions of all easements appurtenant to the land included within the project;
  - g. the label "convertible space" for each such space, if any;
  - h. the location and dimensions of any convertible lands within the Condominium project, with each such convertible land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
  - i. the location and dimensions of any withdrawable lands, with each such withdrawable land labeled as such, and if there be more than one such land, with each labeled with a different letter or number;
  - j. if with respect to any portion or portions, but less than all, of the land included within the project the unit owners are to own only an estate for years, the location and dimensions of any such portion, with each labeled as a leased land, and if there be more than one such land, with each labeled with a different letter or number; and
  - k. any encroachments by or on any portion of the Condominium project.
- l. Signature blocks of the County Recorder, Land Use Authority, County Engineer, Public Safety Answering Point, Public Health Officer, County Attorney, County Assessor, Snyderville Basin Special Recreation District, Snyderville Basin Water Reclamation District, Park City Fire District, local electrical power provider, local natural gas provider, and local culinary water provider.

- m. Notarized signatures on the plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by the County;
  - 3. Preliminary title report covering all property located within the Condominium plat.
  - 4. Following final action on the Condominium plat which results in an approval, a 24" x 36" mylar of a ~~sealed (1" = 100')~~ Condominium plat prepared by a licensed surveyor ~~or civil engineer licensed in the State of Utah~~, including all items contained in subsection 10e of this section.
  - 5. Following preparation of the mylar, a current title report (dated within 30 days) covering all property located within the Condominium plat.
- C. Review Procedure:
- a. The Director shall review the Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and make a recommendation to the County Manager for approval, approval with conditions, or denial after a public hearing.
  - b. The County Manager shall review the staff report and Planning Commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.
  - c. Upon approval of the County Attorney, and once all signatures are obtained, the Condominium plat shall be recorded in the records of the County recorder. C. Issuance Of Building Permit: Building permits for condominium units can be issued following approval of the Condominium plat by the commission and the county manager as provided by this chapter. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.
  - d. D. Filing: All Condominium plats shall be filed in the office of the county recorder following completion of construction and before acceptance of improvements.

### 10-3-9: SUBDIVISIONS

- A. **Purpose:** The purposes of this section are to:
- 1. Guide the future growth of the Snyderville Basin Planning District in a manner consistent with the Snyderville Basin General Plan.
  - 2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Snyderville Basin Planning District.
  - 3. Provide Development opportunities for property owners and residents to live, work, and conduct business within the Snyderville Basin Planning District.
  - 4. To direct Development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.

5. Encourage Development that adequately mitigates any potential adverse effects on adjacent properties.
6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, ridgelines, and other environmentally sensitive areas wherever practicable.
7. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. **Definitions:** As used in this Chapter:

1. "Review Cycle" means the occurrence of:
  - a. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
  - b. the Community Development Department's review of that Application for Subdivision; and
  - c. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
  - d. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.
2. "Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a Subdivision.
3. "Subdivision Ordinance Review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.
4. "Subdivision Plan Review" means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation standards and inspection specifications for infrastructure improvements.

C. **Subdivisions:**

1. **Special Provision:** When a single parcel includes multiple Zones, Density may be located upon the Parcel in the most appropriate manner irrespective of the boundaries of the Zones.
2. **Plat application required when land is subdivided:** Whenever any land is laid out and platted, the owner of the land shall provide to the County an accurate plat that describes or specifies:

- a. A subdivision name that is distinct from any subdivision name on a plat recorded in the County Recorder's office; and
- b. The boundaries course and dimensions of all the parcels of ground divided, by their boundaries, course and extent, whether the owner proposed that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
- c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, unit or lots, and length and width of the blocks and lots intended for sale; and
- d. Every existing right-of-way and recorded easement located within the plat for:
  - i. An underground facility; and
  - ii. A water conveyance facility; or
  - iii. Any other utility facility.
- e. Any water conveyance facility located, entirely or partially, within the plat that:
  - i. Is not recorded; and
  - ii. Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The CDD may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

3. **All Land Necessary for Density Required:** All of the land required for the Density needed to create the Lots within the Subdivision, including a remnant Parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision plat, and any remnant Parcel shall bear a plat note stating that no Density exists on such remnant Parcel until such time (if ever) as the Zone is changed to permit additional Density rights and the remnant Parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant Parcel is otherwise vacated from the Final Subdivision Plat for the purposes of a Parcel Boundary Adjustment, which shall constitute good cause for thereof under State law.

4. **Remainder Parcel:** In the event that the Parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such remainder Parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such remainder Parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the remainder parcel(s) located outside of the Final Subdivision Plat stating that such remainder parcel(s) are conforming Parcels pursuant to this Chapter.
5. **Separate Review:** Preliminary and final Subdivisions shall be processed as separate applications.
6. **Land Use Authority:** The Land Use Authority for preliminary subdivisions shall be the Planning Commission and the County Manager for final subdivisions.
7. **Subdivision Improvement Plan:** A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the final subdivision process.
8. **Preliminary Subdivision:**
  - a. **Pre-Application Meeting.**
    - i. A pre-application meeting is not required for Subdivision Applications subject to this Chapter but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
    - ii. The CDD or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
      1. copies of applicable land use regulations; and
      2. a complete list of standards required for the project; and
      3. preliminary and final application checklists; and
      4. feedback on the concept plan.
  - b. **Notification of Water Conveyance Facility:**
    - i. Within 20 days after the day on which an owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed subdivision to the facility owner or

any water conveyance facility located, entirely or partially, within 100 feet of the Subdivision Plat.

- ii. The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:

- 1. Access to the water conveyance facility; and
- 2. maintenance of the water conveyance facility; and
- 3. protection of the water conveyance facility integrity; and
- 4. safety of the water conveyance facility; or
- 5. any other issue related to water conveyance facility operations.

- c. **Subdivision Review:** The CDD or designated planning staff member shall conduct a review that includes all affected agencies and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the CDD or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.

- d. **Subdivision Review Standards:** The following Subdivision Review standards apply. Because of the limited time frame for preliminary review, compliance with standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision plat.

- 1. The Subdivision is compliant with the Snyderville Basin General Plan.
- 2. The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
- 3. The Subdivision considers adjacent land uses. Site design shall mitigate any potential adverse impacts including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
- 4. Where appropriate, subdivisions shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
- 5. Each proposed Lot shall have legal Access through a recorded Right-Of-Way or Easement. The Applicant shall demonstrate that adequate

Access to the property from a Public Road may be granted by the State or County, whichever is applicable.

6. Compliance with the Standards for Approval of Development Permits in chapter 4 of this title.

- e. **Public Hearing:** The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.

- f. **Preliminary Subdivision Approval:** If a preliminary Subdivision complies with this title and all other applicable standards and specifications, the Planning Commission shall approve the preliminary Subdivision. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the CDD or designated planning staff member. After preliminary approval, the Applicant may submit a Final Subdivision Application.

## 9. **Final Subdivision:**

- a. Upon approval of the preliminary subdivision, the Applicant shall submit a final subdivision application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.

- b. No later than 20 business days after the day on which an Applicant submits all the required materials for the final subdivision, the CDD or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.

- c. Review Cycles: After conducting the Subdivision Plan Review, the CDD or designated planning staff member may require that the Applicant provide:

- i. additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved standards and specifications for construction of Public Improvements; and
- ii. modification to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.

- d. The CDD or designated planning staff member's request for additional information or modifications to plans under (c)(i), and (ii) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the CDD or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous review cycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code Section 17-27a-604.2(5)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:
- k. In addition to revised plans submitted during Final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the CDD or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
- l. The Applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- m. If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
- n. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property owner, and within 10 business days after the day on which the request is received:

- i. For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) of Utah State Code to review and approve or deny the final revised set of plans; or
  - ii. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Summit County Council.
- o. The County Manager shall approve a Final Subdivision if the Final Subdivision complies with the Planning Commission's preliminary Subdivision approval, applicable Snyderville Basin Development Code regulations, and all other applicable standards and specifications.

#### **10. Plat Preparation:**

In addition to all requirements in Section C.2 of this chapter, prior to recordation, the final plat shall contain the following:

- a. Notarized signatures of each owner of record of land described in the Plat in the owner's designation part of the Plat.
- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.

#### **11. Plat Recordation**

- 1. After the Plat has been acknowledged, certified and approved, the owner of the land seeking to record the plat shall record the plat in the County Recorder's office per the requirements in Section 11-6-13 of this Title.
- 2. The County shall withhold an otherwise valid Plat approval until the owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing for the land have been paid.
- 3. Within 30 days after approving a Final Plat, the County shall submit to the Utah Geospatial Resource Center:

- ii. An electronic copy of the approved Final Plat; or
- iii. Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

#### ~~10-3-9: MINOR DEVELOPMENT REVIEW:~~

~~—A. Purpose: The purpose of the minor development review provision is to provide a simplified and appropriate procedure for reviewing all residential development proposals in the RR, HS, and MR zone districts that are consistent with the density allowances permitted in the zone districts, up to a maximum of ten (10) lots, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. Minor development review shall also be used in proposals where a request is being made to increase density according to section 10-2-11, "Incentive Density", of this title; up to a maximum of ten (10) lots. This process is intended to be largely an administrative review.~~

~~—B. Exemption: One new parcel, a minimum of one acre in size and located at least one thousand feet (1,000') away from another parcel created under this exemption, may be split from one hundred (100) contiguous acres of agricultural land, including such parcels that may be bisected by a public or private roadway, without complying with the subdivision plat requirements.~~

~~The one hundred (100) acre parcel is not required to be a lot of record, according to the definition provided in chapter 11 of this title, in order to qualify for this exemption. However, if the one hundred (100) acre parcel is a lot of record, it shall retain its lot of record status after the creation of the new parcel.~~

~~Prior to the issuance of a building permit for such a parcel, the following shall be provided, in addition to any requirements of the Summit County building department:~~

- ~~—1. A site plan showing the location of the proposed building(s) in relation to parcel boundaries prepared by a surveyor licensed in Utah, to ensure that the building(s) meets the setback requirements identified in this title.~~
- ~~—2. Evidence of legal access to the property that complies with the requirements in this title.~~
- ~~—3. A memorandum of decision from the state engineer's office that ensures adequate water is available for a private well or a written commitment from a municipality or private water service company.~~
- ~~—4. Evidence that an adequate wastewater system has been approved by the Summit County health department. (Ord. 726, 9-30-2009)~~

~~—C. Criteria For Approval: In order to approve an application for minor development, the CDD or designated planning staff member shall first find that the application:~~

- ~~—1. Complies with the "base zoned density" or "incentive density" according to section 10-2-11 of this title, established for the property described in the application;~~
- ~~—2. Is generally consistent with the spirit of the general plan;~~
- ~~—3. Conforms to all pertinent provisions of this title;~~
- ~~—4. Complies with all appropriate concurrency and infrastructure provisions of chapter 4 of this title; and~~
- ~~—5. Is not detrimental to the health, safety and general welfare of residents of the Snyderville Basin. (Ord. 818, 2-26-2014)~~

~~D. Submission Requirements: An application for minor development shall not be accepted as complete unless such application contains the information set forth in sections 10-3-12 and 10-3-14 of this chapter and all applicable fees have been paid; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.~~

~~—1. Sketch Plan: Prior to submitting an application for a minor development review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to site layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement. A sketch plan is not a completed application for purposes of vesting under Utah law.~~

~~2. Final Plat/Site Plan Application: After completion of the sketch plan process, an applicant shall submit an application for a final plat/final site plan and pay the fee for the review thereof. Refer to section 10-3-14 or 10-3-15 of this chapter for detailed submission requirements.~~

~~—E. Review Procedure:~~

~~—1. Sketch Plan:~~

~~—a. The CDD or designated planning staff member shall review the sketch plan application and make preliminary findings as to whether the application complies with the development approval criteria established in section 10-2-11 of this title, this title, and all applicable provisions of the general plan. The sketch plan shall not constitute an application for development approval.~~

~~—2. Final Plat/Site Plan:~~

~~—a. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues and concerns related to the proposal.~~

~~—b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a public hearing before the commission as soon as practicable.~~

~~—c. After hearing public comment, reviewing the project, comments from service providers, and the recommendation from the CDD or designated planning staff member, the commission shall approve, approve with conditions, or deny the application.~~

~~—d. Once the commission approves the application, all applicable signatures shall be obtained on the final plat or final site plan. The detailed final plat or detailed final site plan and preliminary title report shall be reviewed by the county attorney for acceptability.~~

~~—e. Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat or detailed final site plan shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 726, 9-30-2009)~~

#### ~~10-3-10: MAJOR DEVELOPMENT REVIEW:~~

~~—A. Purpose: The purpose of the major development review provision is to establish a procedure for considering any development application requesting residential densities in the RR, HS, and MR zone districts that exceed ten (10) lots, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. The process described herein represents an integration of zoning, subdivision and site planning concepts and considerations. This review process requires the submission of significant information to describe the development and justify compliance with the provisions of the general plan and this title. Major development review shall also be used in proposals where a request is being made to increase density according to section 10-2-11, "Incentive Density", of this title for development exceeding ten (10) lots. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)~~

~~—B. Criteria For Approval: In order to approve an application for major development, the CDD or designated planning staff member shall first find that the application:~~

~~—1. Is generally consistent with the spirit of the general plan;~~

~~—2. Conforms to all pertinent provisions of this title;~~

~~—3. Has been designed so that all lots created are clustered to the maximum extent possible and in a manner that places development near existing county infrastructure and services;~~

~~—4. Is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristic of the Snyderville Basin;~~

~~—5. Complies with appropriate concurrency management provisions of this title and the appropriate infrastructure and level of service standards of this title;~~

- ~~—6. Will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the development proposal;~~
- ~~—7. Will meet or exceed development quality and aesthetic objectives of the general plan and this title;~~
- ~~—8. Will protect life and property from natural and manmade hazards;~~
- ~~—9. Will prevent harm to neighboring properties and lands, including nuisances;~~
- ~~—10. Includes the written consent by each landowner whose property is included within the area described in the development; and~~
- ~~—11. Will not adversely affect the health, safety and welfare of residents of the Snyderville Basin. (Ord. 818, 2-26-2014)~~

~~—C. Submission Requirements: An application for major development shall not be accepted as complete unless such application contains the information set forth in sections 10-3-12, 10-3-13, and 10-3-14 of this chapter; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.~~

~~1. Sketch Plan: Prior to submitting an application for a major development review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to site layout and compliance with the general plan, this title, and any applicable development permit, consent agreement or development agreement. A sketch plan is not a completed application for purposes of vesting under Utah law.~~

~~2. Preliminary Plan: After completion of the sketch plan process, an applicant shall submit an application for a preliminary plan and pay the fee for the review thereof. Refer to section 10-3-13 of this chapter for detailed submission requirements.~~

~~—3. Final Subdivision Plat: After completion of the preliminary plan process, an applicant shall submit a detailed final subdivision plat and pay the fee for the review thereof. Refer to section 10-3-14 of this chapter for detailed submission requirements. A final subdivision plat is required in all cases involving the subdivision of land, as provided for in the definition of "subdivision" contained in chapter 11 of this title.~~

~~—D. Review Procedure:~~

~~—1. Sketch Plan; Preapplication Conference: After submitting a sketch plan and before work sessions are held, an applicant shall meet with the CDD or designated planning staff member to discuss procedures and issues related to the project. Issues which may be discussed at the preapplication conference may include, but are not limited to:~~

— a. Consistency with the goals, objectives and policies of the general plan, this title, and chapter 2 of this title.

— b. The general nature of the proposed development, including, if applicable, proposed land uses and densities; parks and trails; scale; land use relationships that influence the character of the area; phasing; site and building issues that relate to the promotion of the objectives of the general plan, this title, and chapter 2 of this title; treatment of public areas affected by the project; preservation of natural features; concurrency management, and level of service standards.

— c. The specific nature of information that, in addition to the application requirements stated herein, will be required to permit the commission and the county council to determine whether the intensity of the use proposed and the character of the project meets the objectives of the general plan and this title.

— d. The procedures for the approval and compliance with the requirements of this title; and identify issues that the applicant should address in the application for approval.

— 2. **Work Sessions Required For Major Development:** In order to provide an opportunity for informal discussion among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Snyderville Basin, the commission shall conduct work sessions related to the proposed sketch plan. The relationship of the development to the overall operation and economic stability of the community, the acceptability of community infrastructure in proximity to the project, design practice compatibility, environmental considerations, transportation matters, and other development criteria established in chapter 2 of this title shall be discussed. The discussion also shall be for the purpose of interpreting and clarifying matters related to the general plan and informing a developer of such matters and to discuss the anticipated application with those officials who must eventually approve those aspects of the application coming within their jurisdiction. The joint planning sessions are for the purpose of discussion, education and clarification of community policies, and are not intended to result in any formal action or decision making regarding a specific development project.

— a. An application for major development consideration will not be accepted by the county until after such time as the applicant has entered into work sessions with the planning commission.

— b. Before the conclusion of the work sessions, and at the sole discretion of the CDD or designated planning staff member, the CDD or designated planning staff member may schedule a public input session before the commission. In such instances, the CDD or designated planning staff member may attempt to notify nearby property owners affected by the proposed project. The public input session shall be for the purpose of allowing the public to provide input into the project before the applicant submits an application for major development approval to the county.

— 3. **Preliminary Plan:** The applicant shall submit a completed application and pay the required fee. The CDD or designated planning staff member shall review the application

and make findings and recommendations. The commission shall review the application and the staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing. The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.

4. ~~Final Subdivision Plat:~~ The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues and concerns related to the proposal.

— a. ~~After completion of the report identifying issues and concerns related to the project for the county manager, the CDD or designated planning staff member shall schedule the application on a regular meeting agenda of the county manager as soon as practicable.~~

— b. ~~After reviewing the project, comments from service providers, and staff's recommendation and findings, the county manager shall approve, approve with conditions, or deny the final plat and development agreement.~~

— c. ~~Once the county manager approves the application, all applicable signatures are required to be obtained on the final plat. The detailed final plat and preliminary title report shall be reviewed by the county attorney for acceptability.~~

— d. ~~Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)~~

#### 10-3-10 11: SPECIALLY PLANNED AREA (SPA) REVIEW FOR RESIDENTIAL AND COMMERCIAL DENSITIES IN THE TC AND RC ZONE DISTRICTS:

A. Purpose: The purpose of the SPA review provision is to establish a procedure for considering any development application requesting residential and/or commercial densities in the TC and RC zone districts that conform to section 10-2-12 of this title, unless exempted by an unexpired vested development permit or an adopted consent or development agreement. The process described herein represents an integration of zoning, subdivision and site planning concepts and considerations. This review process requires the submission of significant information to describe the development and justify compliance with the provisions of the general plan and this title.

B. Submission Requirements: An application for SPA review shall not be accepted as complete unless such application contains the information set forth herein; provided, however, that the CDD or designated planning staff member may request, and the applicant shall submit, such additional information as may be needed to ascertain whether such application conforms to the requirements of this title.

1. Sketch Plan: Prior to submitting an application for SPA review, an applicant shall first submit a sketch plan and pay the fee for the review thereof. Refer to section 10-3-12 of

this chapter for detailed submission requirements. The sketch plan shall contain enough information, in graphic and text form, in order to determine compliance with the general plan, land use maps, and other applicable provisions of section 10-2-12 of this title. The CDD or designated planning staff member shall establish standards for and determine the adequacy of the sketch plan in meeting its intended purpose. A sketch plan is not a completed application for purposes of vesting under Utah law.

2. SPA Designation/SPA Plan Applications: After completion of the sketch plan process, an applicant shall submit an application for a SPA designation/SPA plan and pay the fee for the review thereof. Refer to section 10-3-16 of this chapter for detailed submission requirements.

3. Development Agreement: The county may enter into a development agreement with a property owner or applicant for development approval. The county, at its sole discretion, may opt to use a development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. Development agreements shall be used to implement SPA plans, in accordance with this chapter. Refer to section 10-3-19 of this chapter for detailed submission requirements.

#### C. Review Procedure:

1. Sketch Plan; Preapplication Conference: After submitting a sketch plan and before work sessions are held, an applicant shall schedule an appointment with the CDD or designated planning staff member to discuss procedures and issues related to the project. Issues which may be discussed at the preapplication conference may include, but are not limited to:

a. Consistency with the goals, objectives and policies of the general plan, this title, and chapter 2 of this title.

b. The general nature of the proposed development, including, if applicable, proposed land uses and densities; parks and trails; scale; land use relationships that influence the character of the area; phasing; site and building issues that relate to the promotion of the objectives of the general plan, this title, and chapter 2 of this title; treatment of public areas affected by the project; preservation of natural features; concurrency management, and level of service standards.

c. The specific nature of information that, in addition to the application requirements stated herein, will be required to permit the commission and the county council to determine whether the intensity of the use proposed and the character of the project meet the objectives of the general plan and this title.

d. The procedures for the approval and compliance with the requirements of this title; and identify issues that the applicant should address in the application for approval.

2. Work Sessions Required For SPA Review: In order to provide an opportunity for informal discussion among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Snyderville Basin, the commission shall conduct work sessions related to the proposed sketch plan. The

relationship of the development to the overall operation and economic stability of the community, the acceptability of community infrastructure in proximity to the project, design practice compatibility, environmental considerations, transportation matters, and other development criteria established in section 10-2-12 of this title shall be discussed. The discussion also shall be for the purpose of interpreting and clarifying matters related to the general plan and informing a developer of such matters and to discuss the anticipated application with those officials who must eventually approve those aspects of the application coming within their jurisdiction. The work sessions are for the purpose of discussion, education and clarification of community policies, and are not intended to result in any formal action or decision making regarding a specific development project.

a. An application for SPA consideration will not be accepted by the county until after such time as the applicant has entered into work sessions with the commission.

b. Before the conclusion of the work sessions, and at the sole discretion of the CDD or designated planning staff member, the CDD or designated planning staff member may schedule a public input session before the commission. In such instances, the CDD or designated planning staff member may attempt to notify nearby property owners affected by the proposed project. The public input session shall be for the purpose of allowing the public to provide input into the project before the applicant submits an application for SPA approval to the county.

3. SPA Designation: Following the work sessions, the applicant shall submit simultaneously with a SPA plan application, an application for a SPA designation. Along with the application, the applicant shall pay the required review fee. The CDD or designated planning staff member shall not commence the review of an applicant's application for specially planned area designation until after the CDD or designated planning staff member has reviewed a sketch plan at a preapplication conference and until appropriate work sessions, and a public hearing, if required, have been held with the commission.

a. The CDD or designated planning staff member shall cause the review of the proposed preliminary plan application for consistency with the general plan, land use maps, this title and chapter 2 of this title. Where a SPA designation ordinance has previously been approved by the county council, the CDD or designated planning staff member shall also cause the review of the project for consistency with that rezone ordinance. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues, concerns, and a recommendation related to the proposal.

b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a work session on the SPA designation before the commission, at which time the commission shall review the rezoning request for consistency with the general plan, the land use plan map, this title and section 10-2-12 of this title.

c. Following the work session, the CDD or designated planning staff member shall schedule a public hearing on the SPA designation request before the commission. The CDD

or designated planning staff member shall cause reasonable notice to be given before the public hearing.

d. At the discretion of the commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the CDD or designated planning staff member, the commission shall make a recommendation regarding the SPA designation request to the county council. The commission shall make a recommendation for approval, approval with conditions, or denial. If the commission recommends approval, the commission shall first have determined that:

(1) There are substantial tangible benefits to be derived by the general public of the Snyderville Basin that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district;

(2) There are unique circumstances, above the normal limitations and allowances of the existing zone, that justify the use of a SPA;

(3) The development proposed in the SPA furthers the goals and objectives and policies of the Snyderville Basin general plan, land use maps, and the applicable sections of this title, and the program for resort and mountain development established in chapter 1 of this title;

(4) A SPA designation must be implemented through a development agreement (SPA plan) as described in this title; and

(5) Approving a SPA designation will not adversely affect the public health, safety and general welfare.

e. After the recommendation of the commission has been rendered, the CDD or designated planning staff member shall schedule a public hearing and place the SPA designation application and recommendation of the commission and CDD or designated planning staff member on a regular agenda of the county council for review and acceptance of public comment. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. At the discretion of the county council, either in conjunction with or at a meeting following the public hearing, the county council shall render its decision to approve, approve with conditions, or deny the SPA designation application. In approving the SPA designation, the county council shall first find that the request is consistent with the criteria for approving a SPA designation described in subsection C3d of this section. The county council approval shall be in the form of an ordinance.

f. Approval of a SPA designation by the county council shall be effective for a period of twenty four (24) months from the date of county council approval. If a complete SPA plan application has not been approved within twenty four (24) months, the SPA designation approval shall be null and void. The SPA designation for purposes of state vesting law is a conditional designation only and does not vest the applicant with respect to use, density, configuration or other requirements of this title.

4. Major Specially Planned Area Plan Application (Development Agreement): Following the joint planning sessions, the applicant shall submit simultaneously with a SPA designation application, an application for a SPA plan (development agreement) and pay the fee for the review thereof. The director shall not commence the review of an applicant's application for a SPA plan until after the director has reviewed a sketch plan at a preapplication conference and appropriate work sessions have been held with the commission.

a. The CDD or designated planning staff member shall cause the review of the proposed SPA plan application for consistency with the general plan, land use maps, this title and section 10-2-12 of this title. Where a SPA designation ordinance has previously been approved by the county council, the CDD or designated planning staff member shall also cause the review of the project for consistency with that ordinance. The CDD or designated planning staff member shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information, the CDD or designated planning staff member shall prepare a report identifying issues, concerns, and a recommendation related to the proposal.

b. After completion of the report identifying issues and concerns related to the project for the commission, the CDD or designated planning staff member shall schedule a work session on the SPA plan application before the commission, at which time the commission shall review the project for consistency with the general plan, land use maps, this title, and section 10-2-12 of this title. Where a SPA designation ordinance has previously been approved by the county council, the commission shall also review the project for consistency with that ordinance.

c. Following the work session, the CDD or designated planning staff member shall schedule a public hearing on the SPA plan application before the commission. The CDD or designated planning staff member shall cause reasonable notice to be given regarding the public hearing.

d. At the discretion of the commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the CDD or designated planning staff member, the commission shall make a recommendation regarding the SPA plan to the county council. The commission shall make a recommendation for approval, approval with conditions, or denial. In a recommendation for approval, the commission shall also make findings as to the justification for density incentives granted by the county through section 10-2-12 of this title. If the commission recommends approval, the commission shall first have determined that:

(1) The proposed project conforms to all goals, objectives and policies of the general plan and land use plan maps;

(2) The proposed project conforms to all relevant provisions of this title;

(3) The development proposed in the SPA plan is compatible with the appropriate social, cultural, rural, mountain and natural resource characteristics of the Snyderville Basin;

(4) The development proposed is in sufficient compliance with criteria established in section 10-2-12 of this title, to merit an increase in density and differentiation of uses as proposed;

(5) All development allowed by the SPA plan complies with appropriate concurrency management provisions of this title and the appropriate infrastructure and level of service standards of this title or appropriate criteria and standards described in the SPA plan;

(6) When appropriate, based on the size of the project, the landowner or applicant agrees to, at a minimum, contribute or provide, when appropriate, all capital improvements and facilities necessary to mitigate the impacts of the project on the county and its special districts;

(7) The landowner or applicant for a development within a town or resort center shall establish significant economic enhancement and tax base for the Snyderville Basin;

(8) The project will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the SPA plan;

(9) All development approved in the SPA plan will meet or exceed development quality and aesthetic objectives of the general plan, this title, and section 10-2-12 of this title;

(10) The development will be consistent with the goal of orderly growth and minimize construction impacts on the public infrastructure within the Snyderville Basin;

(11) Development will protect life and property from natural and manmade hazards;

(12) Development will prevent harm to neighboring properties and lands, including nuisances;

(13) The SPA plan includes the written consent by each landowner whose properties are included within the area described;

(14) The SPA plan results in benefits to the general public that would not otherwise occur under the literal application of this title; or the provisions of the existing zone district;

(15) The SPA is consistent with the SPA designation ordinance;

(16) Approval of the SPA plan will not adversely affect the health, safety and welfare of residents of the Snyderville Basin; and

(17) The project has been designed to avoid ridgeline encroachment from designated roadways, is consistent with section 10-4-3 of this title, and does not propose any development in the ridgeline setback area.

e. After the recommendation of the commission has been rendered, the CDD or designated planning staff member shall schedule a public hearing and place the application

and recommendation of the commission and CDD or designated planning staff member on a regular agenda of the county council for review and acceptance of public comment. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. At the discretion of the county council, either in conjunction with or at a meeting following the public hearing, the county council shall render its decision to approve, approve with conditions, or deny the application for SPA plan. In approving the SPA plan, the county council shall first find that:

(1) The commission's findings, required in this section, are appropriate and reasonable;

(2) The commission's justification related to density incentives according to section 10-2-12 of this title is fair, reasonable and consistent with the goals, objectives and policies of the plan; and

(3) Approval of the SPA plan will not adversely affect the health, safety and welfare of residents of the Snyderville Basin. The county council approval shall be in the form of an ordinance.

f. Once the county council approves the major SPA plan, the CDD or designated planning staff member shall cause all applicable signatures to be obtained on the SPA plan. The final SPA plan and preliminary title report shall be reviewed by the county attorney for acceptability.

g. Upon approval of the county attorney, and once all required signatures are obtained, the CDD or designated planning staff member shall cause the SPA plan to be recorded in the records of the county recorder.

h. In the event that the CDD or designated planning staff member or county council determines that the applicant substantially altered the SPA plan after the review and recommendation of the commission but prior to consideration by the county council, the county council may remand the application to the commission for further proceedings. A motion by the county council to remand the application to the commission shall establish a time within which said commission proceedings must be conducted and completed.

#### 5. Effect Of An Approved Major SPA Plan:

a. The approved and recorded major SPA plan shall constitute a development permit. It shall contain those terms and conditions related to zoning, subdivision and site planning agreed to by the county. The SPA plan shall describe all of the limitations, restrictions, conditions and parameters associated with the development of the subject property. The SPA plan shall describe all processes and procedures for obtaining a building permit for all elements of the development.

b. Upon approval of a major SPA plan by the county council, it shall constitute a vested right in the specific terms and proposals contained therein for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement or when subsequently agreed to by the county council, subject to any conditions agreed to and incorporated in the agreement.

6. Major SPA Plan Modification:

a. Upon receiving an application for a modification to an approved SPA plan, the CDD or designated planning staff member shall schedule the matter at a regular meeting of the commission as soon thereafter as may be practicable. The CDD or designated planning staff member shall schedule a public hearing and give reasonable notice thereof on the matter before the commission. The commission shall hear public input and review the CDD or designated planning staff member's recommendation related to the proposed modification. The commission shall review the proposed modification and make a recommendation for approval, approval with conditions, or denial to the county council. In making a recommendation for approval, the commission must find that:

(1) Circumstances relevant to the request have changed since, or were unknown at the time of, the original SPA plan approval;

(2) The modification will not otherwise alter any of the findings required in this section;

(3) The modification is generally consistent with the efficient development and preservation of the entire SPA plan;

(4) The modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and

(5) The public health, safety and general welfare are not adversely impaired by the modification.

b. Upon receiving a recommendation from the commission, the county council shall hold a public hearing on the proposed modification. The CDD or designated planning staff member shall cause reasonable notice to be given before the public hearing. After receiving public input and reviewing the recommendation of the commission and CDD or designated planning staff member, the county council shall approve, approve with conditions, or deny the modification. Approval shall be in the form of an ordinance amending the original SPA plan ordinance. In making a determination for approval, the county council must find that:

(1) Circumstances relevant to the request have changed since, or were unknown at the time of, the original SPA plan approved;

(2) The modification will not otherwise alter any of the findings in this section;

(3) The modification is generally consistent with the efficient development and preservation of the entire SPA plan;

(4) The modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and

(5) The public health, safety and general welfare are not adversely impaired by the modification. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-1112: SKETCH PLAN SUBMISSION REQUIREMENTS:

- A. ~~Information Required:~~ **Applicability: The Sketch Plan process shall be followed when it is specifically required under an approved Development Agreement, Consent Agreement, or Settlement Agreement.** ~~Information Required:~~ A detailed sketch plan shall contain the following:

1. The creation dates of the parcel(s) to be developed in accordance with the definition of a "lot of record", as defined in chapter 11 of this title.

2. The name of the development. This name shall not duplicate the name of any plat previously recorded.

3. Name and address, including telephone number of legal owner and/or authorized representative, and citation of last instrument conveying title to each parcel of property involved in the proposed development, giving grantor, grantee, date, and lands records reference.

4. Legal description and location of property, including citation of any existing legal rights of way, irrigation ditches, or easements affecting the property; and existing covenants on the property, if any.

5. The approximate location, dimensions, and areas of all proposed or existing lots, existing structures, existing easements, watercourses, and names of all existing streets or other public roads adjacent to the proposed development.

6. A delineation of environmentally sensitive areas including, but not limited to, wetlands, slopes exceeding thirty percent (30%), floodplains, and ridgelines.

7. Identification of the means for providing water supply, power, sanitary sewage, collection and discharge of surface water drainage, and fire protection.

8. All areas within and adjacent to the project, including areas separated by a street, highway, road, right of way, or stream or watercourse, under common ownership. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-1213: PRELIMINARY PLAN SUBMISSION REQUIREMENTS:

- A. ~~Information Required:~~ **Applicability: The preliminary plan process shall be followed when it is specifically required under an approved Development Agreement, Consent Agreement, or Settlement Agreement.** A detailed preliminary plan shall contain the following information:

1. A graphic layout, drawn to scale not smaller than one inch equals one hundred feet (1" = 100').

2. A title block stating the name of the proposed development; the type of development; the name, address, and phone number of the legal owner of property, and the

professional person(s) responsible for the design and survey; and a graphic and written scale and date of preparation.

3. Location of true north and a vicinity map with section lines, township and range, including sufficient detail to show the location of the proposed development.

4. Surveyed boundaries of the development and total acreage, with the names of adjacent property owners shown.

5. Topographic contour intervals no greater than five feet (5') for the specific portion of the property to be developed or altered in any fashion, unless otherwise stipulated by the director.

6. A slope analysis showing grades ranging from zero to ten percent (10%), ten (10) to fifteen percent (15%), and fifteen (15) to thirty percent (30%).

7. The location of wetlands, streams, and flood drainage channels, with all 100-year floodplains delineated.

8. The location of existing structures, public utility easements, power lines, drain pipes, culverts, ridgelines, water and sewer lines, wells and springs on or near the property.

9. When it is contemplated that services will be provided by special district or companies, letter of intent to provide service from such entities shall accompany the application.

10. Existing vegetation.

11. The location of and impact on any critical wildlife habitat, including birthing areas, critical winter range, and migration corridors.

12. The proposed development layout, including lots, parcels, buildings, setback lines, roads, utilities, fire hydrants and water storage systems where applicable, open space, and architectural and landscape concepts.

13. The proposed grading and drainage plan and landscape and maintenance plan.

14. The location and design of public and private roads. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### ~~10-3-14: FINAL SUBDIVISION PLAT SUBMISSION REQUIREMENTS:~~

~~—A. Information Required: A detailed final subdivision plat is required in all cases involving the subdivision of land, as provided for in the definition of "subdivision" contained in chapter 11 of this title. A subdivision plat shall conform to the following:~~

~~—1. The plat shall be prepared by a licensed land surveyor at a convenient scale not more than one inch equals one hundred feet (1" = 100'), may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used, and shall be of~~

such size as is acceptable for filing in the office of the county recorder, but shall be twenty four inches by thirty six inches (24" x 36"), or larger. The map prepared for the plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible Mylar.

—2. The plat shall show the following:

—a. The location of property with respect to surrounding property and roads, the names of all adjoining property owners of record, or the names of adjoining developments, and the names of adjoining roads.

—b. The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.

—c. The location of existing roads, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches and bridges, as determined by the county manager.

—d. The location and width of all existing and proposed roads and easements, alleys, and other public ways, and easement and proposed road rights of way and building setback lines.

—e. The locations, dimensions, and areas of all proposed or existing lots, including building area.

—f. The location and dimensions of all property proposed to be set aside for trail, park or playground use, or other public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.

—g. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

—h. The date of the map, approximate true north point, scale, and title of the subdivision.

—i. Sufficient data acceptable to the county engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, and the location of all proposed monuments.

—j. Names of the subdivision and all new roads as approved by the county manager.

—k. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

—l. Lots shall be consecutively numbered or lettered in alphabetical order. The lots in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

—m. All pertinent information shown on sketch plan or specially planned area plan shall also be shown on the detailed final plat, and the following notation shall also be shown:

- ~~—— (1) Explanation of drainage easements, if any.~~
- ~~—— (2) Delineation of natural features, including, but not limited to, wetlands, floodplains and floodways, slopes exceeding fifteen percent (15%), vegetation areas, and threatened or endangered species habitat.~~
- ~~—— (3) Explanation of site easements, if any.~~
- ~~—— (4) Explanation of reservations, if any.~~
- ~~—— (5) Endorsement of owner and date of the endorsement.~~
- ~~—— (6) Form for endorsements by county manager as follows:~~

~~Approved by resolution/ordinance —— of the county manager on (day), (month), (year).~~

~~—— n. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a plat.~~

~~—B. Final Subdivision Plat: The final subdivision plat shall be presented in India ink on tracing cloth or reproducible Mylar. The following information, in addition to the requirements of subsection A of this section, shall be provided:~~

~~—— 1. Self Imposed Restrictions; Proposed Building Lines: Notation of any self imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the county manager in accordance with this title.~~

~~—— 2. Monuments: All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per linear foot of the monuments.~~

~~—— 3. Preparation By Licensed Surveyor: The final subdivision plat shall be prepared by a land surveyor licensed by the state.~~

~~—— 4. Information Required: In addition to the requirements of subsection A2 of this section, final subdivision plats shall conform to current surveying practice and shall show the following information:~~

~~—— a. A title block giving the subdivision's name and the quarter- quarter section, section, township, range, principal meridian, and county of its location.~~

~~—— b. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle and arc length.~~

~~—— c. A notation of any adjoining plats or certificates of survey, and titles thereto.~~

- ~~—— d. The basis of bearings used and a north point.~~
- ~~—— e. A scale, not smaller than one inch equals one hundred feet (1" = 100').~~
- ~~—— f. All existing monuments found during the course of the survey (including a physical description such as "brass cap").~~
- ~~—— g. All existing easements or rights of way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the county records.~~
- ~~—— h. All lots, blocks, rights of way, and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.~~
- ~~—— i. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.~~
- ~~—— j. The area of all lots or parcels created by the subdivision and in a separate table or in the owner's certificate a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.~~
- ~~—— k. A vicinity map locating the subdivision within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.~~
- ~~—— l. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.~~
- ~~—— m. The owner's certificate should include a reference to any covenants that may be declared and blanks where the county recorder may enter the book and page number of their recording.~~
- ~~—— n. A certificate of consent from any and all mortgagors, lienholders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.~~
- ~~—— o. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.~~
- ~~—— p. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to covenants, servitudes and easements imposed on the property.~~
- ~~—— q. Signature blocks prepared for the dated signatures of the chairpersons of the commission and the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, Snyderville Basin water reclamation district, and the applicable water service provider. A signature block shall also be provided for the~~

County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. The signature of service providers on a final subdivision plat signifies such service provider's obligation to provide such services to the subdivision lots consistent with its rules, regulations, policies and procedures.

—5. ~~Plat Materials; Size; Copies:~~ Plats may be prepared on linen or on a stable base polyester film (mylar). Plats may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

—6. ~~Multiple Sheets:~~ Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

—7. ~~Plat Accuracy:~~ Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

—8. ~~As Built Plats:~~ A plat showing all required improvements shall be submitted upon their completion. The as built plat shall show typical road sections, typical culvert installations, and similar information to facilitate long term maintenance of the improvements.

#### ~~C. Review Procedure:~~

—1. ~~The CDD or designated planning staff member shall review the application and prepare a staff report to the commission and make findings and recommendations. The commission shall review the application and staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing.~~

—2. ~~The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.~~

—3. ~~Once the county manager approves the application, all applicable signatures shall be obtained on the final plat. The detailed final plat and preliminary title report shall be reviewed by the county attorney for acceptability.~~

—4. ~~Upon approval of the county attorney, and once all required signatures are obtained, the detailed final plat shall be recorded in the records of the county recorder.~~

### 10-3-13 15: FINAL SITE PLAN SUBMISSION REQUIREMENTS:

A. Information Required: A detailed final site plan may be required in cases involving commercial or industrial uses, multi-family dwellings, and other developments as determined by the director where a final subdivision plat or conditional use permit is not required. Site plans, in addition to the requirements of subsection B of this section, shall contain the following information: (Ord. 730, 12-2-2009)

1. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
2. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded plats. The legal description shall include the following data:
  - a. Metes and bounds of all property lines;
    - (1) Total area of property;
    - (2) North scale and north arrow; and
  - b. Name and route numbers of boundary roads and the width of existing rights of way.
3. Existing topography with maximum contour intervals of two feet (2'), except where existing ground is on a slope of less than two percent (2%), then either one foot (1') contour intervals or spot elevation shall be provided where necessary.
4. A final detailed land use plan at a scale of one inch equals one hundred feet (1" = 100') showing:
  - a. The location and arrangement of all proposed uses, including building area.
  - b. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
  - c. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
  - d. The yard dimensions from the development boundaries and adjacent roads and alleys.
  - e. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.
  - f. Off road parking and loading areas and structures, and landscaping for parking areas.
  - g. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
  - h. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.

i. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.

j. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.

k. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.

l. All existing monuments found during the course of the survey (including a physical description such as "brass cap").

m. All existing easements or rights of way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the county records.

n. All rights of way and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.

o. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(1) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;

(2) Total number of dwelling units, by development phase;

(3) Residential density and units per acre;

(4) Total floor area and floor area ratio for each type of use;

(5) Total area in open space and length of trails;

(6) Total area in developed recreational open space; and

(7) Total number of off road parking and loading spaces.

B. Site Plan Contents: In addition to the requirements of subsection A of this section, the final site plan shall conform to current surveying practice and shall show the following information:

1. A title block giving the subdivision's name and the quarter- quarter section, section, township, range, principal meridian, and county of its location.

2. A notation of any adjoining plats or certificates of survey and titles thereto.

3. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.

4. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.

5. The owner's certificate should include a reference to any covenants that may be declared and blanks where the county recorder may enter the book and page number of their recording.

6. A certificate of consent from any and all mortgagors, lienholders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.

7. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.

8. Signature blocks prepared for the dated signatures of the chairpersons of the commission and of the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, and Snyderville Basin water reclamation district. A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. The signature of a service provider on a final site plan signifies such service provider's obligation to provide such services to the property consistent with its rules, regulations, policies and procedures.

C. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

D. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

E. Review Procedure:

1. The CDD or designated planning staff member shall review the application and prepare a staff report to the commission and make findings and recommendations. The commission shall review the application and staff report and make a recommendation to the county manager for approval, approval with conditions, or denial after a public hearing.

2. The county manager shall review the application, staff report, and commission findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.

3. Once the county manager approves the application, all applicable signatures shall be obtained on the final site plan. The detailed final site plan and preliminary title report shall be reviewed by the county attorney for acceptability.

4. Upon approval of the county attorney, and once all required signatures are obtained, the detailed final site plan shall be recorded in the records of the county recorder. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 730, 12-2-2009; Ord. 861, 10-26-2016; Ord. 937, 5-14-2022)

#### 10-3-16: SPA PLAN SUBMISSION REQUIREMENTS:

A. Information Required: The following information shall be submitted with an application for SPA plan review. All maps shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger (which must be acceptable to the CDD or designated planning staff member to permit adequate review) and on sheets of twenty four inches by thirty six inches (24" x 36"), unless otherwise approved by the CDD or designated planning staff member. When project phasing is proposed, the applicant may submit a conceptual level of information so long as it is consistent with the intent of the information requirements hereunder; provided, however, the SPA plan establishes a procedure that ensures adequate review of the detailed information required herein in conjunction with the various phases.

1. The name of the development and location map showing the location and size of the site and existing land uses within three hundred feet (300') of the site. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000') shall be provided.

2. Names, addresses and telephone numbers of the owners of all land included in the application, the developer, the designer and/or architect, and the licensed surveyor of the proposed project.

3. Location and boundaries of any parcels as part of a larger tract. A surveyed boundary of the development, giving the location of and dimension to the nearest benchmark or monument, and total acreage encompassed thereby shall be provided.

4. A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise approved by the director, showing the type of boundary evidenced. Such information should be from recorded legal plats. The legal description shall include the following:

- a. Metes and bounds of all property lines;
  - b. Total area of the property;
  - c. North arrow and map scale; and
  - d. Name and route numbers of boundary roads and the width of existing rights of way. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)
5. A map showing the existing zoning, including all critical lands, and the amount thereof, clearly delineated. (Ord. 818, 2-26-2014)

6. An existing site characteristics map or maps showing, but not limited to, existing wetlands, stream, drainage, and other watercourses, floodplains, topography, all critical and sensitive lands within the project area, access to property, wildfire hazard areas in accordance with section 10-4-7 of this title, and all critical areas that constitute natural hazards as defined in this title, or as determined by subsequent investigation. The map shall indicate the location, size and type of existing vegetation, historical features, and other natural or manmade landscape features, together with the proposed limits of any excavation or regrading to be done in carrying out the project. The map shall indicate all trees that are proposed to be removed. The map also shall clearly delineate viewsheds, as designated on the land use plan maps, or as otherwise agreed to by the director, and any other key features and landmarks within the parcel. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

7. A proposed plan with appropriate detail on one or more sheets to show the proposed dimensions and locations of all buildings and/or lot layout, building envelopes, public and private roadways, bridges, existing and proposed utility lines and fire hydrants, service areas, emergency vehicle access, parking areas with related phasing plan where appropriate, pedestrian pathways, trails and open space areas, all proposed land contour lines at two foot (2') or less contour intervals, common open areas, public open spaces, drainage facilities and detention areas, snow storage/removal areas, waste and recycling storage areas, fencing/screens to be used, areas of disturbance and grading, and other details necessary to a complete review of the project layout and design. Adjacent structures, roads and landmarks within three hundred feet (300') of each property line shall be located on the plans so as to show the relationships of the proposed development to its surroundings. The location, size and design of community benefits to comply with the development potential matrix shall be shown. Infrastructure connections and site layout compatibility between the proposed project and all surrounding properties shall be demonstrated, to the extent possible, for the purpose of determining compliance with the development potential matrix. (Ord. 731, 12-2-2009)

8. A chart of proposed land uses by acreage, including percentage of land coverage by type of use.

9. A summary statement describing those community benefits or impacts that the applicant proposes in exchange for density incentives from the county. Where applicable, these improvements should be shown on the final site plan or final plat. The following reports prepared by qualified experts, among others, may be required to support an applicant's request for density incentives. The CDD or designated planning staff member and the applicant may determine that other information is necessary to help the commission understand the applicant's request for density incentives according to section 10-3-11 of this chapter. Such information may include, but not necessarily be limited to:

a. An analysis indicating the net fiscal and economic benefits to the community as a result of the project. The report should be based on assumptions mutually agreed upon by the applicant and the county. The report should relate the level of density incentive to the projected level of community benefit.

b. A report explaining specific measures for undertaking and completing environmental enhancements and describing the net public benefits of such enhancements, together with letters from appropriate agencies describing the environmental values and benefits that are anticipated as a result of the improvements.

c. Specific restrictions and other measures for ensuring the ongoing affordability of the housing stock provided in the project, together with information showing that the sale prices, rents, unit types and sizes meet the affordable housing needs of those employed within the county.

10. Architectural plans in conformance with section 10-4-19 of this title. The plans shall include elevations at a vertical scale of not less than one-eighth inch equals one foot ( $1/8" = 1'$ ), unless otherwise agreed to by the CDD or designated planning staff member, of all proposed facades of all proposed structures, other than single-family detached dwellings. Building elevations, one of which shall be colored to accurately represent the proposed material and color scheme, shall be of sufficient detail to indicate building openings, height above grade, number of floors, specific materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimney, mechanical equipment and features affecting the rooflines of all proposed buildings. A sample of all materials and color schemes for all wall and roof elements also shall be provided. In the case of single-family detached dwellings, architectural guidelines shall be submitted.

11. A block model not less than one inch equals fifty feet ( $1" = 50'$ ) or larger and/or computer generated imagery with sufficient detail to illustrate the cubic volume and design philosophies of the aboveground portions of all major residential, commercial and industrial buildings, excluding single-family detached dwellings, in the project. The model or imagery shall be of sufficient detail to show the relationship, in terms of cubic volume and view planes, between proposed structures in the development, between structures and site topography, between the project and all other adjacent major residential, commercial and industrial buildings, and between the project and public roadways and other public areas. The model or imagery also shall show the relationship of proposed buildings to the proposed landscaping plan, which shall be shown at the time of planting.

12. A detailed lighting plan showing the location of all exterior lighting, fixture designs, and light patterns cast by the proposed fixtures. The lighting plan shall demonstrate compliance with the regulations in section 10-4-21 of this title.

13. Signing plan for the project that complies with the provisions of section 10-8-2 of this title.

14. A detailed landscape, irrigation and maintenance plan that complies with section 10-4-20 of this title, including the extent and location of all plant materials and other landscape and landform features. The approximate scale of all trees illustrated shall be that which will exist ten (10) years from planting, given the mountain environment. The plan shall describe the location, species, size and amount of all vegetative materials, seed mixes and areas to be covered, and other landscape features to be incorporated in the project. The plan shall describe the specific planting schedule, planting techniques and

maintenance procedures as required in this title. The plan also shall show irrigation system design, including location and size of pipe, distribution of sprinkler heads, and measures to ensure appropriate water requirements for various plant materials. All berms shall be indicated at one foot (1') contour intervals.

15. A description of easements and covenants, whether in existence or proposed, that affect the proposed project area.

16. A description of all utility lines, irrigation ditches, bridges and similar physical features.

17. Grading and conservation plan which shall include the following:

a. Proposed cuts and fills required by the location of all structures and roads. Phased site grading and stabilization or revegetation shall be included in the plan. Proposed erosion control and conservation techniques shall be shown.

b. The length of time that will pass from the date ground cover on the site is first disturbed until new ground cover is established.

c. The possible area of land exposed at any one time during construction.

d. The temporary vegetation or mulching used to protect areas exposed during construction.

e. The location, dimensions and maintenance of sediment basins, as necessary.

18. Source of domestic water, and a letter from the proposed service provider, acknowledging its intention to serve the project.

19. A letter from the Snyderville Basin water reclamation district, indicating compliance with the requirements of section 10-4-6 of this title. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

20. A report describing the amount of population that will be generated as a result of the development. (Ord. 730, 12-2-2009)

21. A letter from the Park City fire service district indicating compliance with the requirements of section 10-4-7 of this title is required.

22. A letter from Snyderville Basin special recreation district indicating compliance with requirements of chapter 4 of this title.

23. A report describing the traffic impacts which will be created by the project, including, among other things, anticipated peak period trip generation rates, impacts on turning movements and road segment level of service, proposals to mitigate the impacts, justification for the proposed number of parking spaces and/or parking phasing plan when required.

24. A detailed construction management plan shall be provided. The plan shall describe in detail all measures to be taken by the applicant to mitigate the impacts associated with

all aspects of the proposed development. These impacts may include, but are not necessarily limited to, areas of disturbance, dust, debris on and damage to public roads, construction traffic and parking on public roads, hours of construction, and the impact of noise on adjacent properties. The plan also shall include a plan for recycling construction waste material.

25. Other detailed information or studies required to allow the commission and county council the ability to determine whether the project is consistent with the development potential matrix.

26. A detailed subdivision plat and/or detailed site plan that complies with the requirements of sections 10-3-14 and/or 10-3-15 of this chapter, and/or a procedure for future approvals of individual plats and site plans for the various phases of the project. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-~~15~~ 17: PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION:

A. A property owner:

1. may execute a parcel boundary adjustment by quitclaim deed or by a boundary line agreement, as described in Utah Code Annotated section 17-27a-522, 17-27a-523, or 57-1-45.
2. Shall record the quitclaim deed or boundary line agreement in the office of the County Recorder.

B. A parcel boundary adjustment is not subject to the review of the Land Use Authority.

C. Creation of any new legal description through this process does not affect the Lot of Record status of a parcel.

D. Division of Land for Non-Development Purposes:

1. A division of a parcel for agricultural activity if not a Subdivision for purposes of this Title.
2. A division of a parcel without conformance to the Subdivision Plat requirements of this Title or the certificate required by Utah Code Annotated section 17-27a-605(1), as amended, does not create a Lot of Record for the purposes of this Title. However, in conformance with Utah Code Annotated section 17-27a-605(3), as amended, such divisions of land can be recorded for the purposes of conveying property ownership.

#### 10-3-~~16~~ 18: AMENDMENT TO RECORDED SUBDIVISION PLAT:

A. Applicability: The land use authority, county manager, or county council may, with or without petition, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of such subdivision plat, or any road or lot contained in such plat.

B. Plat Amendments Other Than Those In Subsections C, D And E Of This Section: Plat amendments that result in the combination of lots, adjusting building pads, changing

subdivision titles, altering plat notes in any way, and all others that do not affect a public or private road and are not addressed in subsections C, D and E of this section shall be considered in the following manner:

1. Land Use Authority: The planning commission shall be the land use authority for all of the above mentioned plat amendments.
2. Public Hearing: The planning commission shall hold a public hearing prior to its decision and shall approve, approve with conditions, or deny the plat amendment.
3. Notice: Notice of the planning commission public hearing shall be given in compliance with subsection F of this section.

C. Plat Amendment Altering A Private Road Located On A Subdivision Plat:

1. The planning commission shall hold a public hearing prior to its decision, and shall make a recommendation to the county manager.
2. The county manager shall approve, approve with conditions, or deny the plat amendment.
3. Notice of the public hearing shall be given in compliance with subsection F of this section.

D. Plat Amendments That Alter A Public Road Shown On A Subdivision Plat:

1. The planning commission shall hold a public hearing and shall thereafter make a recommendation to the county council.
2. The county council shall hold a public hearing and approve, approve with conditions, or deny the plat amendment.
3. Notice of the public hearing shall be given in compliance with subsection F of this section.

E. Plat Amendments That Result In Adjusting And/Or Altering Lot Lines Within A Platted Subdivision:

1. Land Use Authority: The CDD shall be the land use authority for all plat amendments resulting in adjusting and/or altering lot lines within a platted subdivision.
2. Public Hearing: In proposals where the CDD determines that potential issues may arise or additional comment is needed from the community, a public hearing may be scheduled with the planning commission. Following the public hearing, the planning commission shall make a recommendation to the CDD regarding an approval, approval with conditions or denial of the plat amendment.

F. Noticing Of Public Hearing For Plat Amendments, As Required:

1. The CDD or designated planning staff member shall give notice of the proposed plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within three hundred feet (300') and may be mailed to each owner of property located within one thousand feet (1,000'). Mailed notice may be sent to all owners within the affected plat and the affected homeowners' association. The notice shall fulfill the requirements of the Utah code, as amended.

2. If the proposed plat amendment involves the vacation, alteration, or amendment of a road, the CDD or designated planning staff member shall give notice of the date, place, and time of the public hearing by:

a. Mailing notice as required in subsection F1 of this section; and

b. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

G. General Criteria:

1. Upon approval of the plat amendment the following signatures are required on the final plat: land use authority, chief executive officer (only required for plat amendments that alter a private road shown on a subdivision plat), legislative body (only required for plat amendments that alter a public road shown on a subdivision plat), county recorder, county engineer, county attorney, and County Treasurer. A "certificate of consent" from any and all mortgagors, lienholders, or others with a real property interest in the affected parcels is also required.

2. Once the application is approved and all applicable signatures are obtained, the plat amendments shall be recorded in the records of the county recorder.

3. If a petition is filed, and a public hearing is required, the appropriate land use authority and/or chief executive officer shall hold the public hearing within forty five (45) days after a complete application is filed.

4. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this section may, in writing, petition to have the plat, any portion of it, or any road or lot contained in it, vacated, altered or amended, as provided in this section.

a. At the director's discretion, the public hearing requirement may be waived for plat amendments if the following criteria are met:

(1) The name and address and consenting signatures of all owners of record of the land contained in the entire plat are submitted with the application; and

(2) The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended is submitted with the application.

H. Vacation By County Manager Or County Council: When the county manager or county council proposes to vacate, alter or amend a subdivision plat, or any road or lot contained in a subdivision plat, he/she shall consider the issue at a public hearing after giving the notice required by this section.

I. Grounds For Vacating Or Changing A Plat:

1. If the county manager or land use authority is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the county manager or land use authority may vacate, alter or amend the plat, any portion of the plat, or any road or lot.

2. No plat amendment shall be approved which results in an increase in density.

J. Appeal: An aggrieved party may appeal the director's decision to the county council. An aggrieved party may appeal the planning commission's decision to the county council. An aggrieved party may appeal the county manager's decision to alter or amend a road to the county council. An aggrieved party may appeal the county manager's decision to vacate a road within a subdivision or the county council's decision to vacate a road within a subdivision to the district court as provided in the Utah code, as amended. (Ord. 742, 5-26-2010; amd. Ord. 937, 5-14-2022)

~~10-3-1719~~ 10-3-119: DEVELOPMENT AGREEMENTS:

A. Authority: The county may, but under no circumstances is it required to, enter into a development agreement with a property owner or applicant for development approval. The county, at its sole discretion, may opt to use a development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. Development agreements (SPA plans) shall be used to implement SPA designations, in accordance with section 10-3-11 of this chapter.

B. Binding Agreement: Whenever the county opts to enter into a development agreement; the agreement shall constitute a binding agreement between the applicant and the county. It shall contain those terms and conditions agreed to by the applicant and the county. The agreement shall describe all limitations, restrictions and parameters associated with the development of the subject property. The agreement shall describe all processes and procedures for obtaining final approval and building permits. The agreement shall not allow the sale or transfer of individual parcels or components of the entire project unless specifically provided for in the agreement, or as otherwise allowed under state law.

C. Effect Of Approval: Upon approval of the agreement, it shall constitute a vested right in the specific terms and proposals for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement, subject to any conditions agreed to and incorporated into the agreement.

#### D. Criteria For Approval:

1. The development agreement has been duly adopted in accordance with the provisions stated in this section, unless it comprises an SPA plan, in which case, it is subject to the adoption and approval provisions of section 10-3-11 of this chapter;
2. The development agreement includes written consent by each landowner whose properties are included within the area described;
3. The county council, after receipt of a recommendation from the planning commission and review and consideration of the development agreement, finds that the specific proposals, terms and conditions contained in the agreement promote the intent of the general plan, result in benefits to the general public that would not otherwise occur under the literal application of this title, and effectively protect the health, safety and general welfare of the public; a public hearing is required to be held;
4. Development allowed under a development agreement shall comply with appropriate concurrency management provisions of this title, the infrastructure standards of this title, and all appropriate criteria and standards described in the development agreement;
5. When appropriate, based on the size of the project, the landowner or applicant agrees to, at a minimum, contribute all capital improvements and facilities necessary to mitigate the impacts of the project on the county and its special districts;
6. The landowner or applicant will mitigate all fiscal impacts on the general public;
7. Development shall not be permitted to create unacceptable construction management impacts;
8. While a creative approach to the development and use of the land and related physical facilities may be allowed by a development agreement, all development approved in the agreement shall meet or exceed development quality objectives of the general plan and this title;
9. The development shall be consistent with the goal of orderly growth and minimize construction impacts on public infrastructure within Snyderville Basin;
10. The development shall protect life and property from natural and manmade hazards; and
11. The development shall prevent harm to neighboring properties and lands, including nuisances. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

#### 10-3-18 20: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:

The adoption and enforcement of building codes serves the public interest by providing for the inspection of structures for structural stability, fire resistance, adequate ventilation and other safety and sanitary features. No development shall occur except pursuant to a validly

issued, unexpired and unrevoked building permit and any other development permits required by this title have previously been issued.

A. Building Permit Required: Construction or removal of any building or structure, or any part thereof, including all structures or uses of which plans have been approved as part of a rezoning, site plan, subdivision plat, conditional use permit, SPA plan with accompanying plat or site plan, low impact permit, or development agreement, shall not be commenced, or proceeded with, until a building permit is obtained from the county building official.

B. Code Compliance: All structural development shall comply with the requirements of the international building code, and other applicable building and fire codes.

C. Water Required For Building Permit: A source of water must be provided prior to the issuance of a building permit for a dwelling. If the dwelling is to be served by an existing water system, the building permit application must be accompanied by a statement from a representative of the system indicating that the water hookup will be allowed and that the system can deliver adequate quality, quantity and pressure to the proposed dwelling or building. If a private source of water is to be developed, the building permit application must be accompanied by evidence of water rights or ownership of the proposed source or supply, application number from filings with the state engineer, and evidence that the source can be adequately isolated from all present and potential sources of pollution in accordance with state standards.

D. Issuance Of Building Permits Prior To Completion And Acceptance Of Required Improvements: Building permits may be issued for construction in subdivisions and other projects prior to the completion and acceptance by the county of the required property improvements; provided, however, that no building permit may be issued until adequate financial assurance has been provided for completion of such improvements consistent with chapter 6 of this title; until such time as there shall be adequate access that meets the requirements of the Park City fire service district; and until there is sufficient water on site for firefighting purposes before combustible construction shall be allowed. In such cases, the county building inspector may require that the applicant for a building permit sign a statement indicating the following:

1. That the applicant is aware of the terms of the bond or escrow account established to guarantee completion of required improvements to the satisfaction of the county.
2. That the applicant releases the county from liability for installation, maintenance or repair of the required improvements until the same have been completed and accepted by the county.
3. That the applicant assumes all risk in connection with construction on the subject property.

E. Financial Security Required: Prior to issuance of the building permit, the applicant shall post a bond or provide other financial security, in such form and sum as the director or county

council shall determine, with sufficient surety running to the county to offset any costs or expenses associated with the abatement of debris and material associated with construction activities on the site.

F. Submission: An application for a building permit shall be submitted to the director on the form provided by the county and shall be accompanied by the required processing fee. The application shall be accompanied by such documents, plans, maps or other information as the building official may request, including, but not limited to, evidence that all required development permits have been finally approved by the appropriate decision maker and that all conditions imposed at the time of such approval have been satisfied. Upon receipt of an application for a building permit, the building official shall examine the application and ascertain the exact location of the property on which the development will occur. The building official shall obtain a written statement of the street address of the property or, if no street address exists, a property description in writing, before issuing a building permit. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009)

G. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of eleven inches by seventeen inches (11" x 17") (must be legible) and a maximum size of thirty six inches by forty eight inches (36" x 48") shall be submitted with all building permit applications for all new construction, including additions, accessory buildings, and garages.

1. Preparation Of Site Plan: If any of the following criteria apply, the site plan shall be prepared by a licensed surveyor, architect, landscape architect, or engineer, registered in the state of Utah:

- a. Parcels/lots that contain a designated building pad identified on a subdivision plat.
- b. Building areas or building pads having an average grade steeper than five percent (5%) (some elevation information may be required to verify grade).
- c. Proposed structure heights greater than twenty eight feet (28').
- d. Proposed structure setbacks closer than three feet (3') to the required setback line, excluding decks, lean-tos, or other similar structures.

(1) Agricultural exempt buildings that comply with section 17-27a-605 of the Utah Code Annotated are excluded from these site plan requirements. However, agricultural exempt buildings closer than three feet (3') to the required setback line or are greater than twenty eight feet (28') in height will require an inspection by the community development department to ensure that setback and height requirements for the zone district in which they are located are being met.

- e. Parcels/lots that do not have existing property corners set by a licensed surveyor.

2. Site Plan Information Required: When the site plan is required to be prepared by a licensed surveyor, architect, landscape architect, or engineer, each copy shall be wet stamped by each professional involved in its preparation. Redline corrections/additions to the site plan

or elevation page items may be accepted if determined by staff to be minor in nature. All corrections shall be approved by the person who stamped the site plan. The site plan shall contain the following information:

a. Scale.

b. North arrow.

c. Information box showing the name of the applicant, subdivision and lot number or parcel number (tax identification number), address, section, township, and range, acreage (or square footage) of the lot or parcel.

d. Map of the parcel. For parcels larger than one acre, provide large scale drawing of the entire parcel (i.e., vicinity map, 1 inch = 100 feet), with bearing and distance calls, and a smaller scale (1 inch = 20 feet), detailed map of the area of the parcel being developed. The map shall contain the following minimum information:

(1) Property lines, designated building pad, platted setback lines, rights of way and easements, all adjacent streets/roadways.

(2) Proposed setbacks of all new structures to the property lines.

(3) A topographical map, prepared by a licensed surveyor, including both existing and proposed contours. Two foot (2') minimum contour intervals are required for all parcels/lots which have an average grade greater than five percent (5%) (some elevation information may be required to verify grade) and/or structure heights that exceed twenty eight feet (28') (measure from the ridgeline to existing or finished grade, whichever is greater). Existing contours must be shown through the proposed structures.

(A) For lots/parcels one acre or less in size, contours are required for the entire lot/parcel.

(B) For lots/parcels greater than one acre in size, contours are required one hundred feet (100') on each side of all proposed structures and all other areas of disturbance proposed for the lot/parcel, such as the driveway, accessory structures and yard areas. The contour map must include the opposite side of any existing roadway adjacent to the property.

(4) One fixed point near the proposed construction labeled "Benchmark" showing the elevation. The point may be a manhole cover, fire hydrant, or survey pin set so that it cannot be removed. The elevation of the point must be identified on a stake placed at or near the point.

(5) All elevations for the structure and driveway shall be referenced from the bench mark.

(6) All existing and proposed improvements.

(7) All drainageways, ditches, streams, and wetlands within two hundred feet (200') of any proposed structure, area of disturbance and driveway, even if located on an adjoining parcel/lot.

(8) The footprint of proposed structures. The footprint shall show roof ridgelines.

(9) The proposed driveway width.

(10) Proposed elevations, including:

(A) Top of the foundation walls at four (4) major corners.

(B) Roof ridge elevation(s) from existing grade.

(C) Garage floor elevations.

(D) Center of the driveway at the street, at twenty feet (20') from the street, at each grade break and at the edge of the "flat" parking area outside the garage.

(11) An erosion control plan including:

(A) Perimeter controls (straw wattle, straw bales, silt fence) on the downhill side of all disturbed areas when required by this code.

(B) Stabilized construction access.

(C) Protection measures of adjoining drainage features including storm drain, ditches, streams, etc.

(12) Construction mitigation plan that identifies the location of dumpster(s), portable toilet(s), material storage, and parking. The following notes shall be on the plan:

(A) Construction parking/traffic may not block the street without a permit.

(B) Mud tracked onto the street must be cleaned prior to the end of the workday.

(C) The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.

(D) Roadside parking is not allowed from November 1 through April 1.

3. Site Plan Certification: When a site plan is prepared by a licensed surveyor in conjunction with an architect, landscape architect, and/or engineer, the site plan must be certified by each of the professionals preparing the site plan for that portion of the plan that is their responsibility. The parcel/lot survey prepared and certified by the licensed surveyor, including topography may be submitted on a separate sheet from the site plan prepared by the architect, landscape architect, and/or engineer; however, all survey information from the parcel/lot survey shall be included on the site plan.

a. A form of the following certifications must appear on the parcel/lot survey and/or site plan:

*Surveyor Certificate*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that a survey of the land shown and described herein, and that the representation shown on the site plan is a correct representation of the land surveyed and has been prepared on conformity with the minimum standard and requirements of the Law. Signature (over seal)*

*Date Architect/Landscape Architect/Engineer Certificate*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Architect/Landscape Architect/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I am fully responsible for the design of the structure(s), structure location(s), driveway, drainage, and other improvements/development to the land shown on the site plan.*

*Signature (over seal)*

*Date*

4. Building Elevations Pages: Two (2) copies of the building elevations pages must be submitted with all building permit applications. Plans shall provide elevation views of all four (4) sides of the building. These views shall identify where the existing and proposed grade lines will strike the building wall line. Top of foundation, floor lines, eave lines, and ridgelines shall be shown and referenced to the known point on the site plan.

5. Certificate Of Survey/Elevation: A certificate of survey/elevation of the structure shall be submitted whenever a site plan is required to be prepared and certified by a licensed surveyor under the criteria set forth above. The certificate of survey/elevation must be prepared by a licensed surveyor registered in the state of Utah.

a. The certificate must verify the elevations of the top of foundation walls/roof ridge elevations with respect to the existing grades (per the approved site plan) and the structure location, with respect to setbacks and shall contain the following information:

(1) All property lines and building envelope (if applicable) when the parcel is one acre or less. When the parcel is larger than one acre, the two (2) closest property lines and building envelope (if applicable).

(2) Required setback lines.

(3) Structure footprint.

(4) Dimension lines from the structure to all shown property lines (see subsection G5a(1) of this section).

(5) "As constructed" top of foundation elevations or top of roof ridge elevations.

b. An original wet stamped copy of the certificate of survey/elevation must be submitted to the building department and engineering department prior to requesting a shear wall or the "four-way" inspection.

c. A form of the following certification must appear on the survey:

*Certificate of Survey/Elevation*

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I have reviewed the approved plans for Permit No. \_\_\_\_\_, located at (street address) \_\_\_\_\_ on Lot \_\_\_\_\_ of the \_\_\_\_\_ Subdivision and have surveyed the property to verify that the structure is situated on the lot as shown on this map. I further certify that the elevations of the roof ridges are as shown on this map.      Signature (over seal)*

*Date*

(Ord. 766, 9-14-2011)

H. Approval Procedure:

1. Development Permit Required: Pursuant to this title, an applicant for a building permit may be required to submit a low impact permit, a conditional use permit with final site plan, an approved final site plan, recorded final subdivision plat, or a SPA plan (development agreement), which includes either a final subdivision plat or site plan, prior to the issuance of a building permit.

2. Posting Of Building Permit: A copy of the building permit shall be posted in a conspicuous place on the premises, out of the weather, and visible throughout the construction period until completion of all work authorized by the building permit.

3. Issuance Of Building Permit; Review Process: The building official shall be authorized to issue a building permit after review of the application for compliance with the appropriate development permit, all other applicable provisions of this title, including chapter 4 of this title, and the international building code. Prior to issuance of a building permit, the application shall also be reviewed to ensure that the location of the structure is consistent with the objectives and policies of the general plan and this title. Among other things, the review shall ensure, to the extent possible, that the structure will not infringe or be constructed on a ridgeline, will minimize encroachments into designated viewsheds, and other applicable policies.

I. Expiration And Extension Of Building Permit:

1. A building permit shall automatically expire and become null and void if work authorized by such permit is not substantially commenced within one hundred eighty (180) days from the effective date of the permit, or if such work, when commenced, is suspended or abandoned at any time for a period of one hundred eighty (180) days.

2. Notwithstanding the provision of subsection I1 of this section, if the work covered by the building permit has not commenced or has commenced and been suspended or abandoned, the building official may extend such permit for a period of one hundred eighty (180) days from the date extension is granted, provided an application for an extension is submitted prior to the expiration date of the initial permit, upon a showing by applicant that circumstances beyond the control of the applicant have prevented commencement. A new processing fee shall be submitted with a request for such extension.

3. Where construction authorized by a permit has not progressed beyond the foundation state in a period of three (3) years or more, an additional processing fee must be paid for a complete new inspection, which inspection shall ensure compliance with codes currently in effect. Any foundation which has weathered through two (2) or more winters without any structure built on it to give protection shall have an inspection by a structural engineer licensed by the state, who shall certify that the foundation is structurally sufficient to carry the load to be imposed on it, or certify specifications necessary for repair which may be required to bring it to an acceptable condition where it will adequately support the structure to be built upon it.

4. If work has commenced and the permit becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work under regulations in effect at the time the new building permit is issued. If a new building permit is not obtained within ninety (90) days from the date the initial permit became null and void, the building official shall require that any work which has been commenced or completed be removed from the building site, or the building official may issue a new building permit, on application, providing, that the work in place and the work required to complete the structure meets all applicable regulations in effect at the time of the issuance of the new building permit.

5. Work shall be considered to have commenced and be in active progress when, in the opinion of the building official, a full complement of workers and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting. The provision shall not apply in case of civil commotion or strike or when the building work is halted due to legal action.

#### J. Certificates Of Occupancy:

1. Required: A certificate of occupancy shall be required before any structure or premises, or part thereof, hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any such structure or premises unless:

a. If a building permit was required, the construction pursuant to such permit as reflected in the approved building permit has been fully completed and accomplished; or

b. If no building permit was required, the use conforms to this title and all other applicable statutes, ordinances and regulations, or the use is a valid legal nonconforming use in accordance with section 10-8-1 of this title; and

c. Payment of all applicable impact fees<sup>1</sup> and other regulatory fees and requirements has been made.

d. The structure has been constructed in compliance with all applicable provisions of this title and the development permit granting approval thereof, the international building code, the international fire code, and/or other applicable ordinances related to the construction and occupancy of the structure.

e. In instances where final site plan improvements remain unfinished but the building has been completed in accordance with the building permit, as determined by the building official, a certificate of occupancy shall be issued if an appropriate agreement to complete the unfinished site work is entered into by the developer.

2. Submission: An application for a certificate of occupancy shall be submitted to the building official in the form provided by the county and shall be accompanied by the required processing fee.

3. Approval Procedure: The building official shall review the application and inspect the subject premises. The building official shall notify the applicant of his determination. (Ord. 708, 12-10-2008; amd. Ord. 723, 7-22-2009; Ord. 766, 9-14-2011)

## TO BE ADDED TO CHAPTER 10-2-18

### 10-2-18: MASTER PLANNED DEVELOPMENTS:

A. Intent: A Master Planned Development (MPD) is a comprehensive project design strategy. MPDs are intended to provide better opportunities to create projects that address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The MPD process creates administrative tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the Snyderville Basin General Plan and this code.

#### B. Applicability:

Required: Unless the property is subject to an approved development agreement, settlement agreement or consent agreement, the MPD process shall be required in all zones for the following:

1. Any application for a rezone; and
2. A residential project with ten (10) or more units of density; and

3. Any new hotel or lodging project, commercial, retail, office, public, quasi-public, mixed use, or industrial project with ten thousand (10,000) square feet or more of gross floor area.

C. Uses: An MPD can only contain uses, which are allowed, low impact or conditional in the existing zone district(s) in which it is located. When the project area includes more than one (1) zone district, uses may be relocated across zone district lines if the planning commission determines that relocation results in a project design that advances the goals of the Snyderville Basin General Plan.

D. Process:

1. Pre-Application Conference: A pre-application conference shall be held with staff for the applicant to become acquainted with the MPD procedures and related county requirements and schedules. Staff may give preliminary feedback to the applicant based on information available at the conference and may inform the applicant of potential issues or special requirements which may result from the proposal. Any direction or feedback given at the pre-application conference is not vested. Vesting occurs once a complete application is filed, and the project has been reviewed and approved by the county council or planning commission.

2. Pre-Application Work Session Public Meeting:

a. To provide an opportunity for the public and the planning commission to give preliminary input on a concept for an MPD, the applicant may request a work session discussion with the planning commission after the pre-application conference with staff. Any direction or feedback given at the pre-application work session public meeting is not vested. Vesting occurs once a complete application is filed, and the project has been reviewed and approved by the county council or planning commission.

b. At the pre-application work session public meeting, the applicant will have an opportunity to present the preliminary concepts for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the applicant can address neighborhood concerns in preparation of an application for an MPD.

c. It is recommended that the applicant host neighborhood meetings in preparation of filing of a formal application for an MPD and provide a report conveying neighborhood concerns discussed.

3. The MPD Application:

a. Plans for the MPD shall be submitted with a completed application form supplied by the county. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the MPD. Once an application is received, it shall be assigned to a staff planner who will review the application for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.

b. Planning Commission Review And Public Hearing: Except in the case of MPDs that include a rezone, the planning commission shall approve, approve with modifications, or deny

an MPD. The planning commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after public hearing is held. To approve an MPD, the planning commission will be required to make the findings outlined in section F herein. In the case of MPDs that include a rezone, the planning commission shall review and forward a recommendation to the county council, including findings of fact, conclusions of law and conditions of approval.

c. County Council Review And Public Hearing: In the case of MPDs that include a rezone, the county council shall approve, approve with modifications, or deny an MPD. The county council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the county council will be required to make the findings outlined in section F herein.

#### 4. Development Agreement:

a. Once the planning commission or county council approves a Master Planned Development, the approval shall be put in the form of a development agreement reviewed by the county attorney's office and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning and development code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions outlining more or less restrictive height or setbacks;
- (3) An express reservation of the future legislative power and zoning authority of the county;
- (4) A copy of the approved site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval;
- (5) A description of all developer exactions or agreed upon public dedications;
- (6) The developers agreement to pay all specified impact fees;
- (7) The form of ownership anticipated for the project; and
- (8) A specific project phasing plan.

b. The development agreement shall be signed by the chair of either the planning commission or the chair of the county council and recorded with the Summit County recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of the final approval by the planning commission or county council.

#### 5. Vesting Of Approval:

a. MPDs Not Associated With A Rezone-Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project to be described in the development agreement.

~~— b. MPDs Not Associated With A Rezone But Requiring A Final Subdivision Plat: A final subdivision plat must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.~~

c. MPDs Associated With A Rezone, But Not Requiring A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

~~— d. MPDs Associated With A Rezone And Final Subdivision Plat: Unless otherwise extended per the provisions set forth in this chapter, a final subdivision plat associated with a rezone must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.~~

After recordation of the final subdivision plat and the commencement of construction, the MPD shall remain valid if it is consistent with the approved specific project plan and associated documents.

#### 6. MPD Modifications:

a. Minor Amendment: A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved MPD. A minor amendment shall be processed as a low impact permit.

b. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved MPD. A major amendment shall be processed as an MPD.

E. MPD Requirements: All MPD applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the community development director, planning commission, or county council.

1. Affected Properties: All MPD applications shall include all contiguous holdings by the owner, unless specifically waived by the planning commission. The rezoning application shall be accompanied by an affirmation of ownership signed by the legal owner of the property. If the property is under contract for sale, the affirmation shall be signed by the contract owner and legal owner and specify the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the applicant to make application shall be provided with the application.

2. Density:

a. The type of development, number of units and density permitted on a given site will be determined through a site suitability analysis and shall not exceed the maximum density in the zone, except as otherwise provided in this section. The site shall be looked at in its entirety and the density located in the most appropriate locations.

b. In cases where a project site contains more than one (1) zone district, the planning commission may permit a shift of density between zone districts if the shift results in the project advancing the goals set forth in the general plan.

c. Square footage associated with underground/structured parking areas within an MPD is exempt from MPD density calculations.

d. Square footage associated with deed-restricted affordable housing units within an MPD is exempt from MPD density calculations.

3. Setbacks: Setbacks for all structures within an MPD shall be determined by the requirements found in each individual zone district.

a. Exception: To mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the planning commission or county council may modify the setbacks around the exterior boundary of the project. In some cases, that setback may be increased to create an adequate buffer to adjacent uses at the discretion of the county. The planning commission/county council may reduce setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the general plan.

4. Building Height: The maximum building height for all structures within an MPD shall not exceed the requirements found in each individual zone district.

5. Site Planning: An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

a. Designing With the Topography: MPDs shall be designed to fit into the topography of the site. The planning commission/county council may consider flexibility in the siting of the development to best fit into the natural terrain, minimize excessive site grading and the need for excessive retaining.

Efforts shall be made to mitigate impacts of the development on the natural environment and resources of the surrounding area. The project design shall make suitable provisions for the preservation of all affected critical lands.

b. Designing With Adjacent Uses: The MPD site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse influences, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

c. Building Location: All buildings shall be located to avoid, to the extent practicable, critical lands. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable. Building design should create recognizable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promote safety and accessibility.

d. Access: All MPDs shall have vehicular access from a state highway or county road. All developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County engineer and fire marshal. Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized.

e. Trails: Existing trails should be incorporated into the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new transportation and/or recreational trails will be required to be consistent with Summit County's active transportation plan and/or Snyderville Basin special recreation district's trails master plan, respectively. All new construction will meet or exceed the design standards set forth in the plans.

f. Connectivity: All MPDs shall provide a means of direct, and safe pedestrian and bicycle linkages within the project area as well as connections to adjacent/off-site sidewalk, pathway, and trail systems. Pedestrian/ equestrian/bicycle circulation shall be separated from vehicular circulation wherever reasonable.

Where applicable, MPDs will have a system of streets, alleys, and pedestrian pathways with multiple routes and connections serving the same origins and destinations. All streets, alleys, and pedestrian pathways shall connect to other streets and to existing and projected streets outside the proposed MPD or other development. Dead ends or cul-de-sacs are discouraged.

g. Snow Removal: Snow storage shall be compliant with the requirements of chapter [10-4-14](#) of this title. The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any

hard surfaces to provide adequate areas to remove and store snow. Snow should be stored on site and not removed to an off-site location.

h. **Waste Disposal/Recycling Facilities:** All waste disposal and recycling facilities shall be compliant with the requirements of chapter [10-4-13](#) of this title. The site plan shall include adequate areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the project. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

i. **Service And Delivery Access:** Service and delivery access and loading/unloading areas must be included in the site plan. The service and delivery should be kept separate from pedestrian areas.

j. **Utilities:** Existing or proposed utility and public services for MPDs will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources, unless otherwise permitted by this chapter.

6. **Transportation:** MPDs shall include transportation approaches that add more options for public transportation, pedestrians, and bicycle users, and reduce the need for driving. An MPD should include:

- a. Transportation amenities including drop-off areas for van and shuttle service, and a bus stop, if applicable;
- b. Bike facilities including but not limited to lockers and racks;
- c. Upgraded bike lanes or bike paths; and
- d. Agreements between businesses to stagger delivery services and commute times.

7. **Employee/Affordable Housing:** All MPD applications shall include a housing mitigation plan which must address employee affordable housing as required by chapter 10-5 of this title. The plan shall include consideration for underserved populations such as seniors, ability challenged and people in need of transitional housing.

8. **Open Space/Public Spaces:** All MPDs shall provide at least the minimum zone-required open space unless further increased through this MPD process.

In more urbanized areas such as the Town Center (TC), Neighborhood Mixed Use (NMU) and Community Commercial (CC) zones, open space areas shall include public space as defined in this title. Public spaces shall:

- a. Be well located to support a wide variety of activities and encourage social interaction, that promote health, well-being, social and civic inclusion;
- b. Have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;

- c. Have public spaces for all to use; and
- d. Have trees and other planting within public spaces.

Ownership and maintenance of all open space lands shall be specified in the MPD application.

9. Off-Street Parking: Unless modified pursuant to this chapter or an individual zone district, all MPDs shall meet the parking requirements set forth in section [10-4-9](#) of this title.

10. Compliance With Development Evaluation Standards: Unless otherwise permitted by this chapter, all MPD shall comply with all requisite development evaluation standards found in chapter 4 of this title.

11. General Plan Review: All MPD applications shall be reviewed for consistency with the goals and objectives of the Snyderville Basin general plan; however, such review for consistency shall not alone be binding.

12. Environmental Management Explanation: An MPD application shall include a written explanation of how the project plan addresses the following environmental issues:

a. Natural Environment: How does the proposed project integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity, and water management? How does it address climate change mitigation and resilience? Will landscaping work to achieve this goal?

b. Water Quality: What measures are being taken to manage water use by the development, and what is being done to ensure the development does not contaminate ground water or surrounding water ways.

c. Air Quality: Explain what measures are being taken to ensure the development does not have a negative effect on Summit County's air quality.

d. Protection Of Critical Lands: If the development is adjacent to critical lands, or within a flood plain or wildfire interface area, explain what is being done to mitigate any negative impacts of the development on those lands. How is the development meeting the requirements in chapter [10-4-3](#) of this title?

e. Energy Efficiency: Explain what is being done to ensure the development is energy efficient. Are actions being taken to ensure the development exceeds the minimum requirements found in the International Building Code?

f. Building Materials: Explain what sustainable materials are being incorporated into the development.

g. Recycling/Waste Disposal: Explain the recycling program for the development. How is it meeting the requirements found in chapter [10-4-13](#) of this title?

h. Climate Responsive Design: Explain how the development will work with the Snyderville Basin's climate, how architecture will consider seasonality, the direction of the sun (sun path and solar position), natural shade provided by the surrounding topography and environmental factors (such as wind, rainfall, humidity). Explain how the shaping massing and architecture will be designed to:

- (1) Reduce snow accumulations at entrances/exits;
- (2) Incorporate passive solar heating;
- (3) Wind driven natural ventilation;
- (4) Locate windows, skylights etc. to benefit daylighting. These also impact natural ventilation;
- (5) Provide adequate snow storage and snow melt run-off capacity; and
- (6) Contribute to Summit County's sustainability goals.

i. Landscaping: Explain how the proposed landscaping will be appropriate for the climate and topography of the site. Explain how the irrigation system will be water wise and designed to preserve as much water as possible.

13. Site Design Narrative: A MPD application shall include a written explanation of how the project plan addresses the following design questions:

a. Project Neighborhood Connectivity: How does the proposed development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

- (1) Where will vehicles enter and exit the site?
- (2) Where will new streets be developed?
- (3) How pedestrian and bicycle routes (including commuter pathways, trails, and sidewalks) be provided through the project area?

b. Availability Of Neighborhood Facilities And Services: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

c. Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability?

d. Character: What are the design objectives for the built environment, including buildings and the public spaces that connect them? How do these design objectives address the local context, climate, and/or community needs?

e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, existing waterways, minimize site grading, etc.?

f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimizes visibility, site grading, stormwater runoff and exterior lighting?

h. Public And Private Outdoor Spaces: What is the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?

i. External Storage And Service Facilities: How does the proposed project address needs for recycling, garbage collection, above ground utility equipment, mail facilities, service and delivery areas, equipment storage, etc.?

j. Building Design: How does the building/buildings within the development provide good quality internal and external environments for their users, promoting health and welfare? How does the building/buildings relate positively to the private, shared, and public spaces in the area?

F. Required Findings Of Fact: The county must find enough evidence to support the following conclusions to approve an MPD. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

1. The MPD is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area.

2. The MPD makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

3. The MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.

4. The MPD has direct vehicular access from a state highway or county road or suitable private road or driveway access meeting all requirements of the county engineer and fire marshal.

5. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County engineer and fire marshal.

6. All roads/streets within MPD follow the natural contours of the site wherever possible to minimize the amount of grading.

7. Existing or proposed utility and public services are adequate to support the proposed MPD at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.

8. The proposed structures within the MPD are located on the most developable and least environmentally sensitive portions of the site. The open areas within the MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible.

9. The MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation.

10. The building/buildings within the development provide good quality internal and external environments for their users, promoting health and welfare.

11. The proposed project integrates existing and incorporates new natural features into a multifunctional network that supports quality of place, biodiversity, and water management.

12. The proposed project contributes to Summit County's sustainability goals,

13. The MPD, as conditioned, complies with all the requirements of chapter 4 of the Snyderville Basin development code,

14. The MPD, as conditioned, is consistent with the general plan.

15. The MPD has been noticed and public hearing held in accordance with this code.