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STAFF REPORT

To: Eastern Summit County Planning Commission (ESCPC)
Report Date: Thursday, August 28, 2014
Meeting Date: Thursday, September 4, 2014
Author: Patrick Putt
Project Name: Eastern Summit County Development Code; Chapter 4 Work Session

Staff has scheduled the first of two initial public hearings on the proposed amendments to the Eastern Summit County Development Code, Chapter 4, for the September 4th meeting. A clean copy of the updated comprehensive draft for Chapter 4 (and recently revised Definitions chapter) is attached to this memorandum.

The purpose of Thursday's meeting is to take public comment on the draft as well any additional input from the Commission. A second public hearing is scheduled for September 18th in Coalville. No final recommendation by the Commission is requested at this time.

Chapter 4

Development Review Processes and Procedures

SECTION:

- 11-4-1: Purpose
- 11-4-2: Legal Lots/Parcels Requirement for Development and/or Land Use Activity
- 11-4-3: Permits Required
- 11-4-4: General Provisions
- 11-4-5: Subdivisions, Condominiums, Plat Amendments, Parcel Boundary Adjustments, & Divisions of Land for Non-Development Purposes
- 11-4-6: Final Site Plan Review
- 11-4-7: Conditional Use Review
- 11-4-8: Low Impact Use Review
- 11-4-9: Temporary Use Review
- 11-4-10: Zoning Variances
- 11-4-11 Special Exceptions

11-4-1: PURPOSE: The purpose of this chapter is to provide clear and predictable standards of review and processes for the administration of Development and Land Use activities in Eastern Summit County.

11-4-2: LEGAL LOTS/PARCELS REQUIREMENT FOR DEVELOPMENT AND/OR LAND USE ACTIVITY: A Legal Lot/Parcel is required to exercise a Development and/or Land Use activity as set forth in this section:

1. Conforming Legal Lot/Parcel: A Conforming Legal Lot/Parcel is a lawfully created lot within a recorded subdivision or parcel of land conforming to the minimum parcel size requirement of the applicable zoning district at the time of a land use or Development request. A Legal Conforming Parcel/Lot is eligible for a Land Use activity and or Development pursuant to the requirements of this Title.
2. Non-Conforming Legal Lot/Parcel: A Non-Conforming Legal Lot/Parcel is lawfully created parcel/lot that does not conform to the minimum size requirements of the applicable zoning district based on current Code. A Non-Conforming Legal Parcel/Lot may be eligible for Development pursuant to a Grandfathered Right status determination. A Non-Conforming Legal Parcel/Lot is eligible for a non-Development Land Use action pursuant to the requirements of this Title.
3. Grandfathered Right: A Grandfathered Right is a Development entitlement status accorded to Non-Conforming Legal Lot/Parcel created prior to May 6, 1996 that does not conform to the minimum size requirements of the applicable zoning

district at the time of a Development request. An appeal of a Community Development Department decision regarding a Grandfathered Right may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with Section 11-7-16 of this Title.

11-4-3: PERMITS REQUIRED: No Development and/or Land Use activity may be undertaken within the unincorporated areas of Eastern Summit County unless all Development permits applicable to the proposed Development or Subdivision of land area are issued in accordance with the provisions of this Title.

11-4-4: GENERAL PROVISIONS:

1. Initiation: An application for Development and/or a Land Use activity approval shall be initiated by submitting the appropriate application to the Community Development Department.
2. Community Development Department Review, Recommendation, and Action:
 - A. The Community Development Department shall review the application to determine that all necessary submittal requirements and information are provided. If the Community Development Department determines that the application does not contain the required information sufficient to determine the appropriate approval procedure and/or compliance with this Title, a Staff member shall provide a written notice to the applicant specifying the deficiencies of the application. Staff member may elect to take no further action on the application until such time as all necessary submittal requirements are provided.

An application for Development and/or Land Use activity approval shall be deemed insufficient if:

1. any relevant information is not provided,
2. the application form is not signed by the property owner,
3. required fees are not paid,

If all required application submittal information is not provided within thirty (30) days of Staff notification, all application materials (including application fees) may be returned to the applicant.

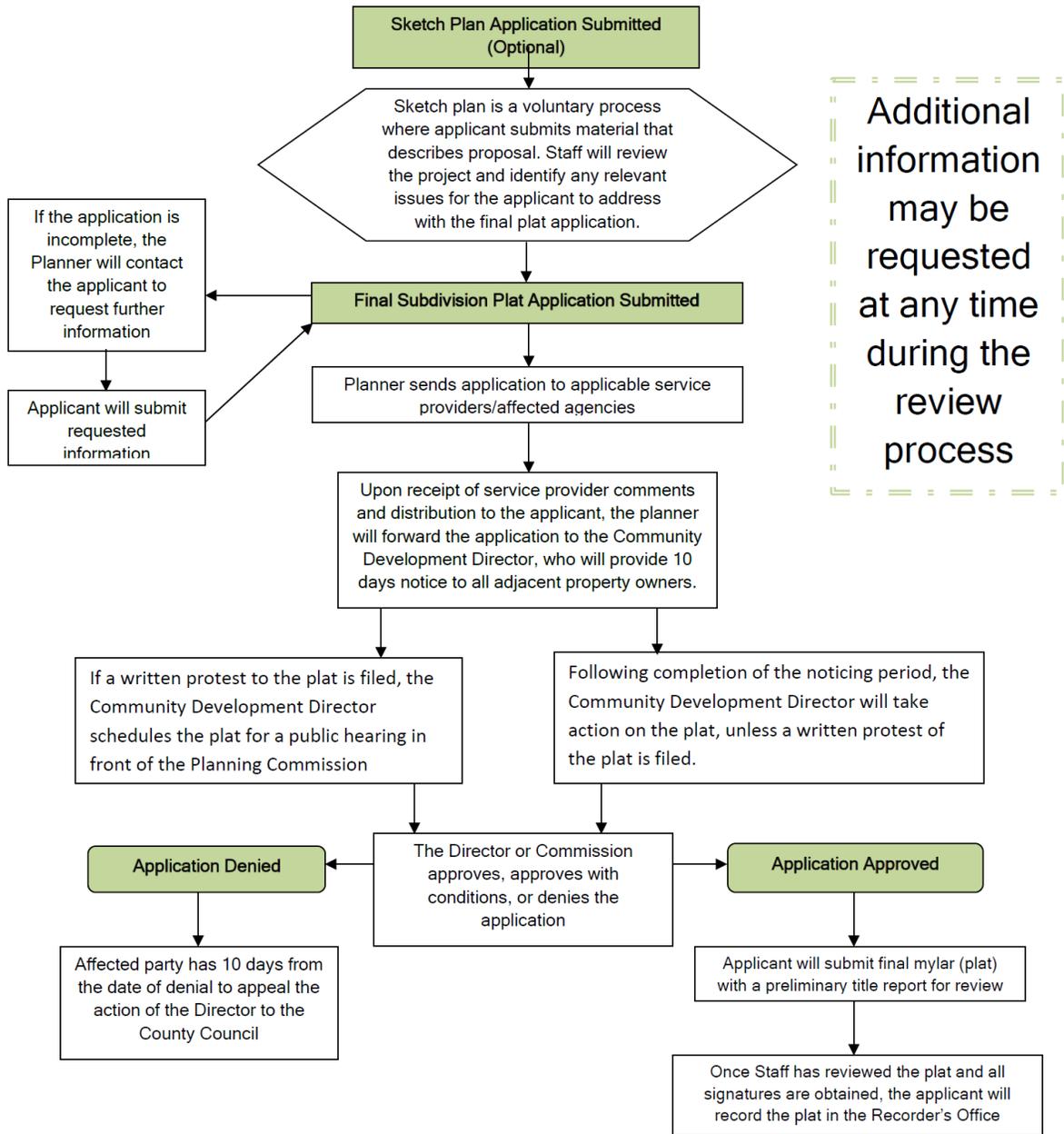
- B. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this Title, nor shall it indicate that the information submitted by the applicant is accurate or has been verified. Additional information may be required at a later date throughout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

- C. All Development approvals shall be conditioned so that no final approval shall be issued on the subject property until all outstanding and current property taxes have been paid.
- D. The Community Development Director is the delegated authority to make administrative interpretations of this Title and to provide such guidance as is necessary to applicants for Development and/or Land Use activity approvals consistent with and in furtherance of this Chapter.
- E. Any person adversely affected by an administrative interpretation of this Title may appeal such interpretation to the Summit County Council, in accordance with the Appeals Procedures set forth in Section 11-7-16 of this Title.

11-4-5: SUBDIVISIONS, CONDOMINIUMS, PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES.

1. Purpose: The purposes of the Subdivision, Condominium, and Plat Amendment regulations are to:
 - A. Guide the future growth of Eastern Summit County in a manner consistent with the Eastern Summit County General Plan;
 - B. Advance the public, health, safety, and welfare of the property owners and residents of Eastern Summit County;
 - C. Provide Development opportunities for property owners and residents to live, work, and conduct business in Eastern Summit County;
 - D. Encourage new Development in areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services;
 - E. Provide reasonable and predictable standards of review and preview processes which balance private property rights with the need to achieve orderly development;
 - F. Establish a reasonable process for the division of land for non-Development purposes.

SUBDIVISION CONSISTING OF 3 LOTS OR LESS



2. Subdivisions Consisting of Three (3) or Less Lots

- A. Submission Requirements: An application for a Subdivision consisting of three (3) lots or less shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.

1. Completed Subdivision application formed signed for the property owner(s);
2. Proof that property taxes for the applicable property are paid;
3. Subdivision application fee payment;
4. Name and address, including telephone number, of legal owner, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, water wells, streams/rivers, Structures, and/or other physical improvements affecting the property and existing covenants on the property, if any;
 - d. A delineation of environmentally sensitive areas floodplains, delineated wetlands, and slopes exceeding thirty percent (30%).
6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision plat and one 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;
 - d. The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lots, rights-of-way, easements; and Remainder Parcels (if applicable);
 - e. Consecutively numbered or lettered lots with addresses authorized by Summit County;

- f. Notation of any self-imposed plat restrictions;
- g. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District (if applicable), Rocky Mountain Power (if applicable), Questar (if applicable);
- h. Endorsement on the plat by every person having security interest in the property 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 Summit County;
- i. All monuments erected, corners, and other points established in the field;
- j. Plat notes stating that

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well or a written commitment from a municipality or private company.”

“Septic or sewerage has not been approved for this site. The property owner shall demonstrate that the property can adequately support a septic system per state/county requirements or has access to an operational, approved sewer system prior to the issuance of a building permit through an approval letter from the County Health Department.”

7. Preliminary title report covering all property located within the subdivision. The report shall be prepared or be updated to within thirty (30) days of the date of recording the subdivision plat;
8. Approval of the power company on its ability to provide service as applicable;
9. Written verification from the County Health Department that on site and off site impacts of septic system development can be mitigated and its recommended mitigation measures as applicable;
10. Approval of the local fire protection district and its recommended mitigation measures as applicable;
11. Approval of the County Department of Public Works or the Utah Department of Transportation for curb cuts and other roadway improvement requirements necessitated by the proposed development as applicable.

B. Review Procedure:

- C. 1. Sketch Plan: Prior to submitting a formal application for a Subdivision review, an applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.
 - a. Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the

request of the applicant.

C. Final Subdivision Plat:

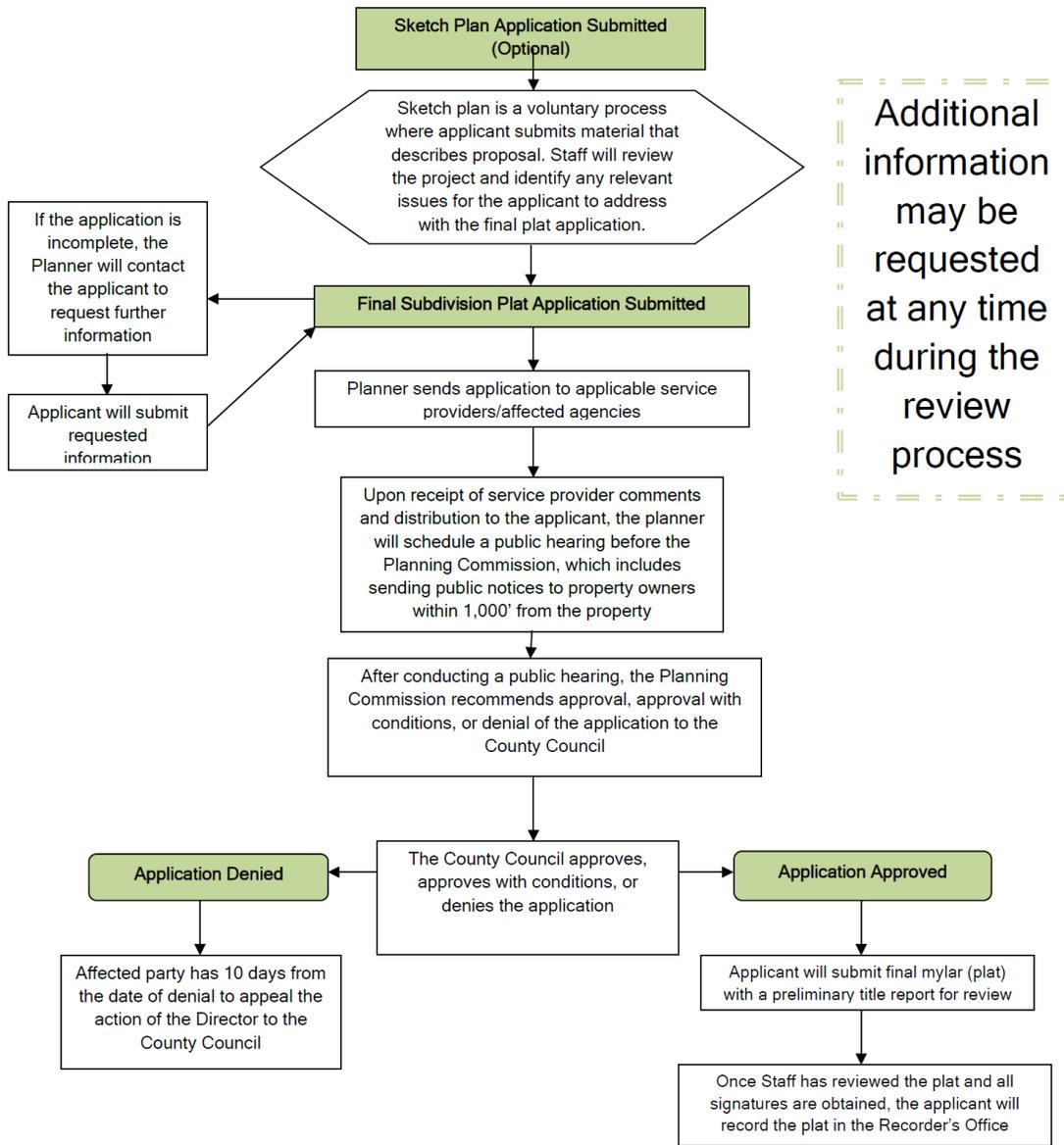
1. The applicant shall submit an application containing all of the information required in section 2.1 of this Section. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers. Upon receiving such information, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.
2. The staff report and all application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Subdivision plat application to all adjacent property owners in the manner set forth in this title. Following the completion of the required noticing period, the Community Development Director shall take Final Action on the Subdivision plat if no protest(s) is filed.
3. If written protest to the proposed Subdivision Plat is filed in a timeframe and manner consistent with this code, the Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a public hearing and possible action. The Planning Commission's action on the proposed Subdivision Plat may be appealed to the Summit County Council.
4. Once the Subdivision Final Plat is approved and all applicable signatures are obtained, the County Attorney will review the preliminary Title Report for acceptability.
5. 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.

D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. Each lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is appropriate.
2. The project must comply with the development evaluation standards provided in Chapter 2 of this Title.

3. The project must comply with the infrastructure standards in Chapter 6 of this Title.
4. The minimum parcel size for new parcels created through this process will meet the minimum Lot size requirements for the applicable zone.
5. Compliance with all applicable County Codes.

SUBDIVISION CONSISTING OF 4 LOTS OR MORE



3. Subdivisions Consisting of Four (4) or More Lots

A. Submission Requirements: An application for Subdivision consisting of four (4) lots or more shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.

1. Completed Subdivision application formed signed by the property owner(s);

2. Proof that property taxes for the applicable property are paid;
3. Subdivision application fee payment;
4. Name and address, including telephone number, of the legal owner, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any.
 - d. A delineation of Environmentally Sensitive Areas, floodplains, delineated wetlands, and slopes exceeding thirty percent (30%).
6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision plat and one 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;
 - d. The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).
 - e. Consecutively numbered or lettered lots with addresses authorized by Summit County.
 - f. Notation of any required plat restrictions.

- g. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District (if applicable), Rocky Mountain Power (if applicable), Questar (if applicable);
- h. Endorsement on the plat by every person having security interest in the property 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 Summit County;
- i. All monuments erected, corners, and other points established in the field.
- j. Plat notes stating that:

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well or a written commitment from a municipality or private company.”

“Septic or sewerage has not been approved for this site. The property owner shall demonstrate that the property can adequately support a septic system per state/county requirements or has access to an operational, approved sewer system prior to the issuance of a building permit through an approval letter from the County Health Department.”

7. Preliminary title report covering all property located within the subdivision. The report shall be prepared or be updated to within thirty (30) days of the date of recording the subdivision plat.
8. Approval of the power company on its ability to provide service as applicable.
9. Written verification from the County Health Department that on site and off site impacts of septic system development can be mitigated and its recommended mitigation measures as applicable.
10. Approval of the local fire protection district and its recommended mitigation measures as applicable.
11. Approval of the County Department of Public Works or the Utah Department of Transportation for curb cuts and other roadway improvement requirements necessitated by the proposed development as applicable.

B. Review Procedure:

1. Sketch Plan: Prior to submitting a formal application for a Subdivision review, an applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 100'), unless otherwise approved by the county. The sketch plan shall include the following:
 - a. The name of the subdivision. This name shall not duplicate the name of any plat previously recorded in Summit County, Utah.
 - b. Name and address, including telephone number, of legal owner, and citation of last instrument conveying title to each parcel of property

involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

c. 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.

d. The approximate location, dimensions, and areas of all proposed or existing lots/structures, existing easements, burial grounds, railroad rights-of-way, watercourses, and names of existing streets or other public roads adjacent to the proposed lots.

e. A delineation of environmentally sensitive areas identified in Chapter 2 of this Title, including, but not limited to, wetlands, slopes exceeding thirty percent (30%), and ridgelines.

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

g. All areas within and adjacent to the project, including areas separated by a street, highway, road, right-of-way, railroad line, or stream or watercourse, under common ownership, shall be identified in the sketch plan.

2. Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

C. Final Subdivision Plat:

1. The applicant shall submit an application containing all of the information required in section 3.A of this Chapter. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers. Upon receiving such information, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.

2. The staff report and all application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the

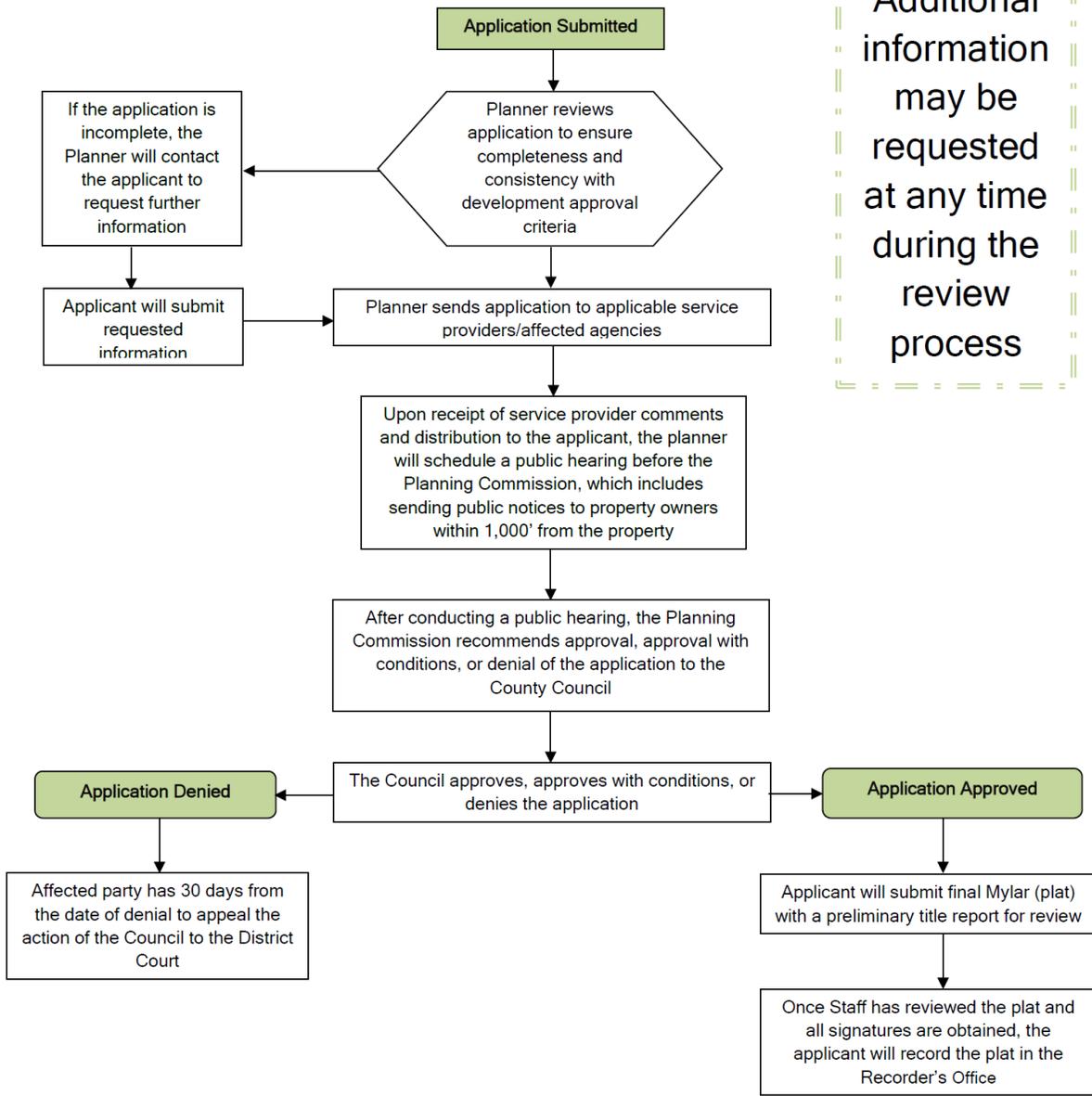
proposed Subdivision plat application to all adjacent property owners in the manner set forth in this title and schedule the application for a public hearing with the Eastern Summit County Planning Commission.

3. The Eastern Summit County Planning Commission shall hold a public hearing on the proposed Subdivision plat and forward a recommendation to the County Council.
4. The County Council shall take Final Action on the proposed Subdivision Final Plat.
5. Once the Subdivision Final Plat is approved and all applicable signatures are obtained, the County Attorney will review the preliminary Title Report for acceptability.
6. 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.

D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. Each lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is appropriate.
2. The project must comply with the development evaluation standards provided in Chapter 2 of this Title.
3. The project must comply with the infrastructure standards in Chapter 6 of this Title.
4. The minimum parcel size for new parcels created through this process will meet the minimum Lot size requirements for the applicable zone.

CONDOMINIUM PLAT



Additional information may be requested at any time during the review process

4. CONDOMINIUM PLATS:

1. Submission Requirements: An application for a Condominium plat shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - a. Completed Condominium application formed signed for the property owner(s);

- b. Proof that property taxes for the applicable property are paid;
- c. Condominium application fee payment;
- d. Name and address, including telephone number, of legal owner, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- e. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - 1. The name of the land surveyor;
 - 2. approximate true north arrow;
 - 3. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any.
 - 4. A delineation of environmentally sensitive areas floodplains, delineated wetlands, and slopes exceeding thirty percent (30%).
- f. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Condominium plat and one 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - 1. The Condominium name and date of plat creation. The Condominium name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
 - 2. The name of the land surveyor;
 - 3. approximate true north arrow;
 - 4. The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).
 - 5. All floor plans, and building elevations, including all residential and commercial units, unit square footage, common areas, limited common areas, private areas; and all other ownerships areas

6. Notation of any self-imposed plat restrictions
7. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Rocky Mountain Power (if applicable), Questar (if applicable);
8. Endorsement on the plat by every person having security interest in the property 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 Summit County;
9. All monuments erected, corners, and other points established in the field.

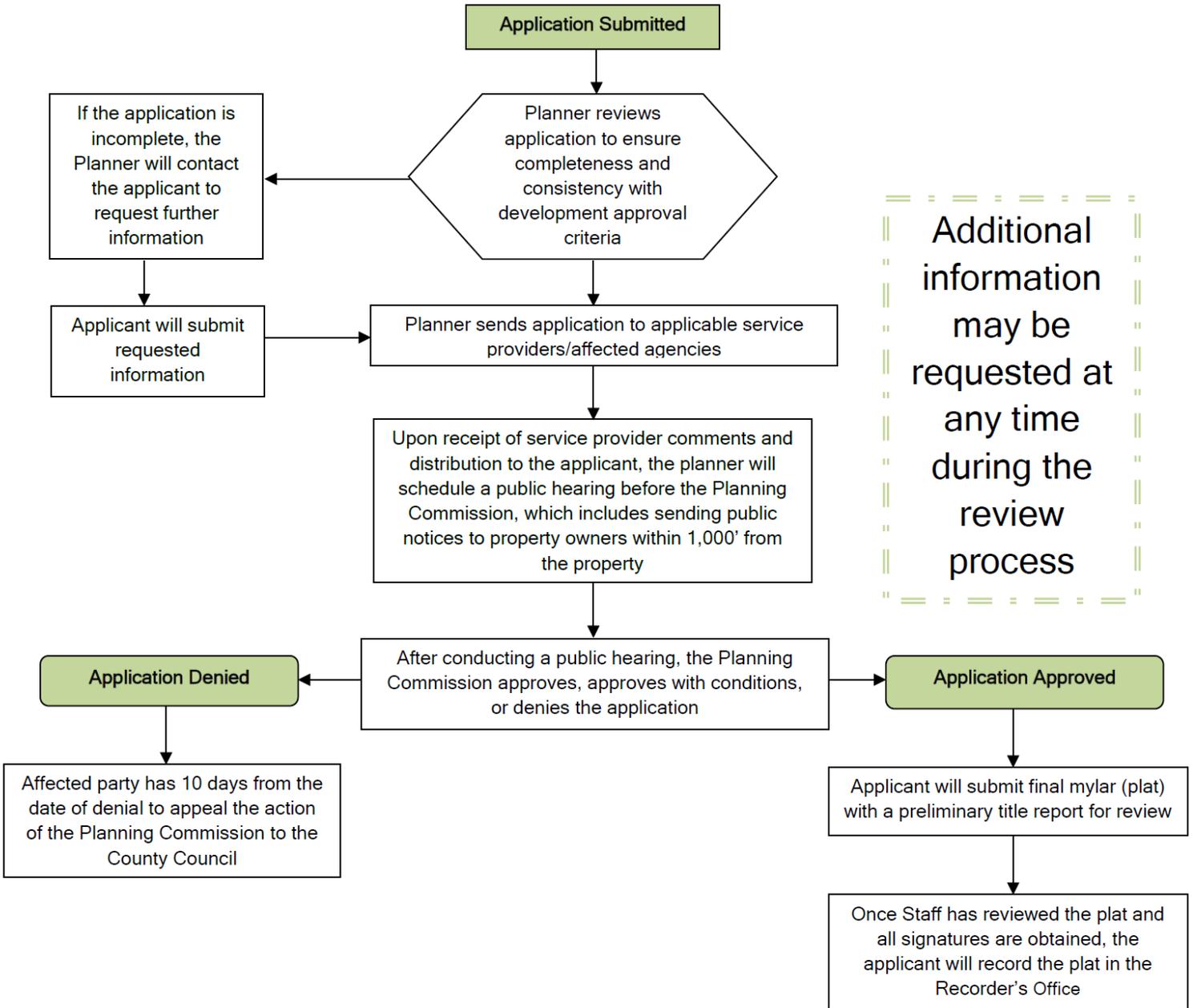
2. Review Procedure for a Condominium Final Plat:

- a. The applicant shall submit an application containing all of the information required in section. The Community Development Department shall secure input regarding the proposed Condominium plat from all affected agencies and service providers. Upon receiving such information, the Community Development Department shall prepare a staff report analyzing the proposed Condominium plat's compliance with the review standards set forth in this Title and identifying any compliance-related issues related to the proposal.
- b. The staff report and all application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Condominium plat application to all adjacent property owners in the manner set forth in this title and schedule the application for a public hearing with the Eastern Summit County Planning Commission.
- c. The Eastern Summit County Planning Commission shall hold a public hearing on the proposed Condominium plat and forward a recommendation to the County Council.
- d. The County Council shall Final Action on the proposed Condominium plat.
- e. Once the Condominium plat is approved and all applicable signatures are obtained, the County Attorney will review the preliminary Title Report for acceptability.
- f. Upon approval of the County Attorney and once all required

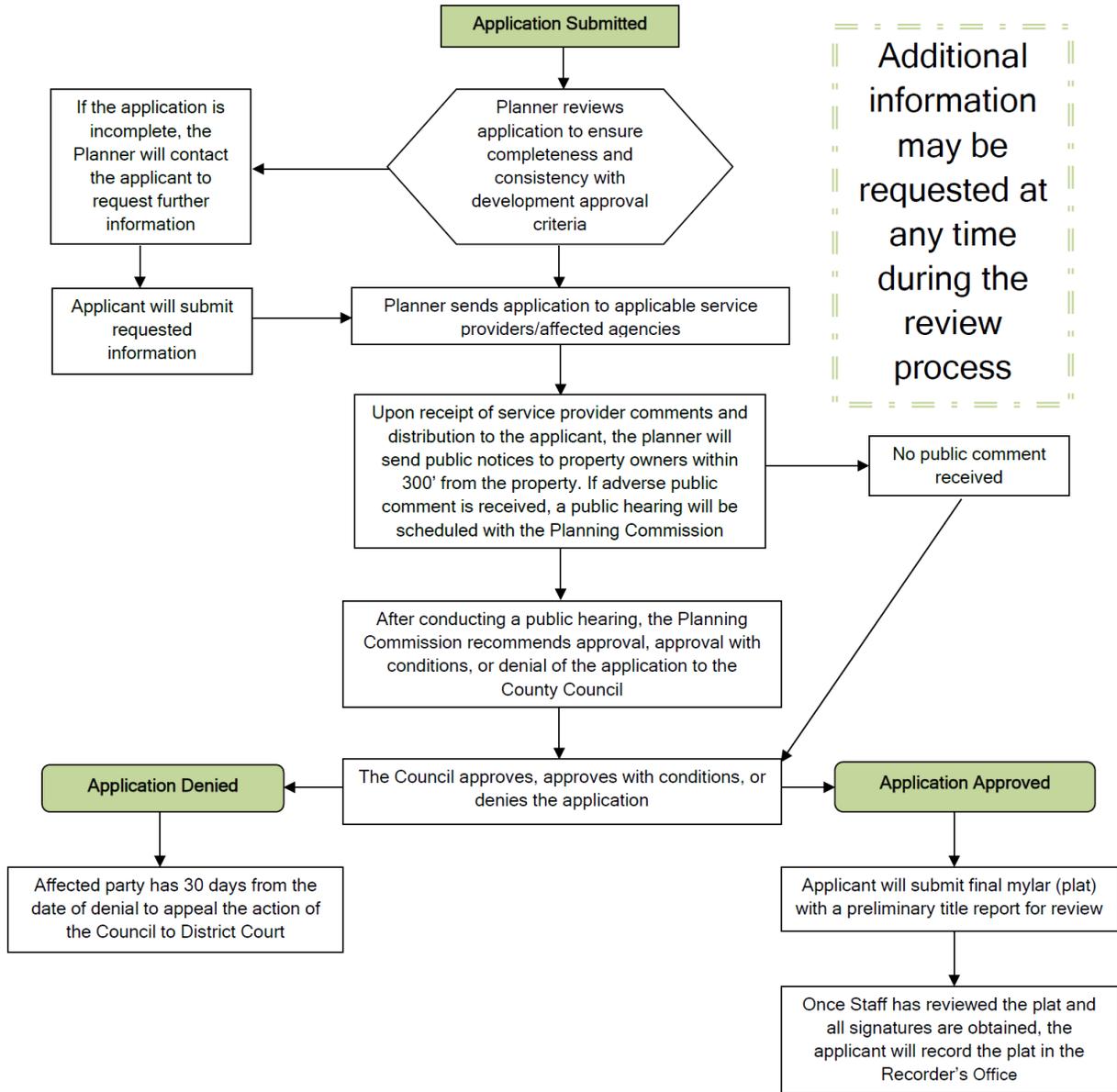
signatures are obtained, the detailed Condominium plat shall be recorded in the records of the County Recorder.

3. Issuance of Building Permit: Building permits for condominium units can be issued following approval of the Condominium plat by the County Manager. The building permit will be issued based upon a certified architectural plan for the building elevation and floor plans as approved by the Building Official.
4. Filing: All Condominium plats shall be recorded in the office of the County Recorder following completion of construction and before acceptance of improvements.

PLAT AMENDMENT (Amendments that do not alter a public road)



PLAT AMENDMENT (Amendment that alters a public road)



5. PLAT AMENDMENTS

1. Submission Requirements: Any request to for a proposed vacation, alteration or amendment of a subdivision plat, any portion of such subdivision plat, or any road or lot contained in such plat shall require the application for a Subdivision Plat Amendment. An application for Subdivision Plat Amendment shall include the information set forth below. The Community Development

Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

a. Completed Subdivision Plat Amendment application formed signed by the property owner(s) including a description of all proposed amendments to the Subdivision Plat;

b. Proof that property taxes for the applicable property are paid;

c. Subdivision Plat Amendment application fee payment;

d. Name and address, including telephone number, of legal owner, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

e. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat Amendment and one 24"x36" Mylar of a scaled (1"=100') Subdivision Plat Amendment prepared by a surveyor or civil engineer licensed in the state of Utah, including:

1. The Subdivision Plat Amendment name and date of plat creation;
2. The name of the land surveyor;
3. approximate true north arrow;
4. The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).
5. Consecutively numbered or lettered lots with addresses authorized by Summit County;
6. Notation of any self-imposed plat restrictions or revisions thereof;
7. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Rocky Mountain Power (if applicable), Questar (if applicable);
8. Endorsement on the plat by every person having security interest in the property 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 Summit County;

9. All monuments erected, corners, and other points established in the field;
10. Preliminary title report covering all property located within the subdivision. The report shall be prepared or be updated to within thirty (30) days of the date of recording the Subdivision Plat Amendment.

2. Review Procedures:

A. Plat amendments that result in the combination of lots and adjusting and/or altering lot lines within a platted Subdivision:

1. Land Use Authority: The Community Development Director shall be the Land Use Authority for all plat amendments resulting in the combination of lots and adjusting and/or altering lot lines within a platted subdivision.
2. The Community Development Department 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 (1000') of the affected Subdivision Plat Amendment request as required by this Title. If no negative public comment is received by the Community Development Department within 10 days from the date of the notice, a public hearing will not be required and the Community Development Director shall take Final Action on the proposed Subdivision Plat amendment. If negative public comment concerning the proposed plat amendment is received by the Community Development Department within 10 days from the date of the notice, a public hearing shall be scheduled with the Planning Commission. The Planning Commission shall take Final Action on the proposed Subdivision Plat amendment. The Planning Commission's Final Action may be appealed to the County Council.

B. Plat amendments that result in building pad adjustments, Subdivision title changes plat note revisions, altering of utility easements, and all other amendments that do not affect a public or private road:

1. Land Use Authority: The Planning Commission shall be the Land Use Authority for all of the above-referenced plat amendments.

2. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a proposed plat amendment.

C. Plat amendments that alter a private road shown on a subdivision plat.

1. Land Use Authority: The Planning Commission shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a private road. Prior to the Final Action on a request to alter a private road within a Subdivision plat, the Planning Commission shall hold a public hearing.

D. Plat amendments that alter a public road shown on a subdivision plat.

1. Land Use Authority: The County Council shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a public road within a Subdivision. Prior to the County Council taking action on a request to alter a public road within a Subdivision, a public hearing shall be held with the Eastern Summit County Planning Commission. The Eastern Summit County Planning Commission shall forward a recommendation to the County Council. The County Council shall hold also hold a public hearing prior to taking Final Action.

4. Required Notice of Public Hearings for Plat Amendments.

A. The Community Development Department shall give notice of any proposed plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within three hundred feet (1000') and may also be mailed to each owner of property within one thousand feet (1000') for a representative public notice. In addition, notice may be sent to all owners within the affected plat and the affected Home Owners' Association. The notice shall fulfill the requirements of Utah State Code Annotated, Sections_____.

B. If the proposed plat amendment involves the vacation, alteration, or amendment of a road, the Community Development Department shall give notice of the date, place, and time of the public hearing by:

1. Mailing notice, as required in Subsection ____of this Section; and
2. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

5. Required Public Hearing Timeframe.

Once a Subdivision Plat Amendment application/petition is filed and it is determined that a public hearing is required, the Land Use Authority shall hold the public hearing within forty-five (45) days following the receipt of a complete application.

6. Waiver of the Public Hearing Requirement.

At the discretion of the Community Development Director, the public hearing requirement may be waived for plat amendments if the following criteria are met:

- A. The name and address and consenting signatures of all owners of record of the land contained in the entire subdivision plat are submitted with the application; or
- B. 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; or
- C. The signatures of all owners within the subdivision acknowledging consent to the petition is submitted with the application.

7. General Criteria:

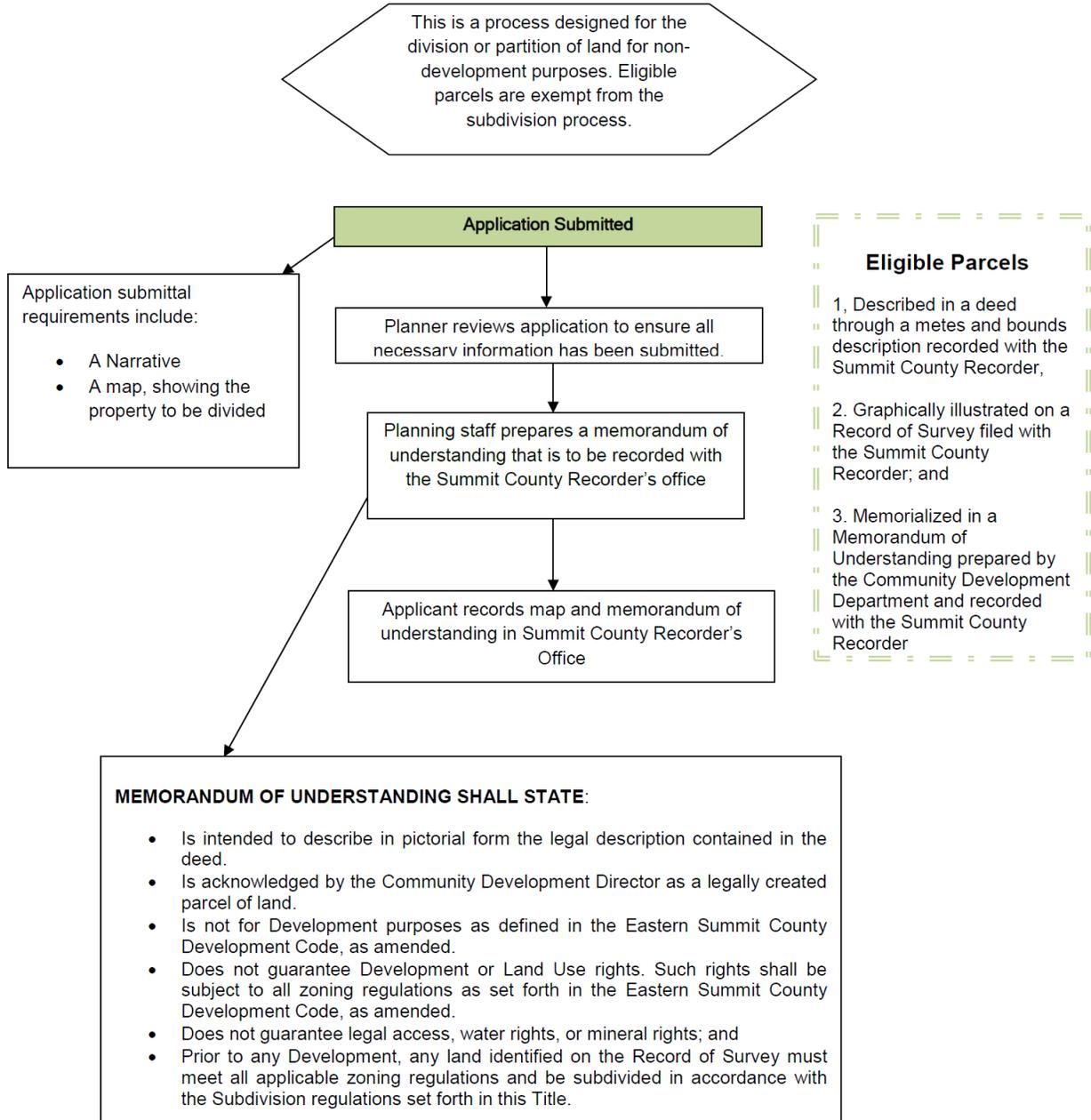
- A. Upon approval of the Subdivision Plat amendment, the following signatures are required on the final amended plat:
 - 1. Community Development Director: Subdivision Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines;
 - 2. County Manager: Subdivision Plat Amendments resulting in an alteration of a private road shown on a subdivision plat;
 - 3. Planning Commission: Subdivision Plat Amendments resulting in building pad adjustments, subdivision title changes, plat note revisions and all other amendments that do not affect a public or private road, lot line adjustments, or the combination of lots);
 - 4. County Council: Subdivision Plat Amendments resulting in an alteration a public road shown on a subdivision plat; and
 - 5. County Recorder, County Engineer, County Attorney, and County Assessor. A "Certificate of Consent" from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.

- B. Once the application is approved and all applicable signatures are obtained on the plat amendment, the County Attorney shall review a preliminary Title Report for acceptability.
 - C. Upon approval of the County Attorney, and once all required signatures are obtained, the Subdivision Plat amendment shall be recorded in the records of the County Recorder.
8. 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 within a subdivision plat, the County Manager or County Council shall consider the issue at a public hearing after giving notice required by this Section.
9. Grounds for Vacating or Amending a Plat:
- A. If the Final Land Use Authority is satisfied that the public interest will not be materially injured by the proposed vacation, alteration or amendment, and there is good cause for the vacation, alteration or amendment, the Final Land Use Authority, may vacate, alter or amend the plat, any portion of the plat, or any road or lot therein.
 - B. No plat amendment shall be approved which results in an increase in density.
10. Appeal: An aggrieved party may appeal the final decision of a Subdivision Plat amendment in accordance with Appeals Procedures set forth in Section 11-7-16 of this Title.

6. PARCEL BOUNDARY ADJUSTMENTS

- A. Exemption to Subdivision Regulations: Adjustments to boundary lines between adjacent properties that are not located within a Subdivision Plat are exempt from the provisions of this Title and not subject to the review of a Final Land Use Authority pursuant to Utah State Code Section 17-27a-522.

DIVISIONS OF LAND FOR NON-DEVELOPMENT



7. DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

A. This section sets forth a process and associated requirements for the division or partition of land for non-Development purposes. Parcels meeting the requirements in this section are exempt from the Subdivision process provided that the boundaries of each proposed parcel are:

1. Described in a deed through a metes and bounds description recorded with the Summit County Recorder,
2. Graphically illustrated on a Record of Survey filed with the Summit County Recorder; and
3. Memorialized in a Memorandum of Understanding prepared by the Community Development Department and recorded with the Summit County Recorder.

B. Non-Development Land Division Record of Survey Submittal Requirements:
 A Record of Survey for non-Development land division shall include the following information:

1. Narrative identifying:

- a. Purpose of the Survey.
- b. Basis upon which the lines were established.
- c. Identification of which found monuments and deed elements controlled the lines established.

2. Map Requirements:

- a. The map must be permanent in nature, drawn on a stable medium and reproducible.
- b. The size of the map must be 24" x 36".
- c. The scale must be shown and must be a scale found on a standard engineers rule.
- d. North arrow.
- e. Date of Survey.
- f. Client name for indexing purposes.
- g. Location by ¼ Section, Township, and Range.
- h. Basis of bearing shall include sufficient data for retracement.
- i. Tie to section corner.
- j. Distance and Courses of all lines traced or established.
- k. All measured bearings or angles and distances separately indicated from those of record.
- l. Relationship between monument found and monuments set.
- m. Legend (set and found monument separately indicated and described by size, length, type and how marked).
- n. Surveyors business name and address, certificate, license number, signature, and seal
- o. Legal description.

C. Review Procedure: Applications for the divisions of land for non-Development purposes shall be submitted to the Community Development

Department. The Community Development Department shall review the application to ensure all necessary information has been provided in a manner consistent with this section. The Community Development Department shall prepare a Memorandum of Understanding to be recorded with the Summit County Recorder. The Memorandum of Understanding shall state that the non-Development land division Record of Survey:

1. Is intended to describe in pictorial form the legal description contained in the deed.
2. Is acknowledged by the Community Development Director as a legally created parcel of land.
3. Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
4. Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
5. Does not guarantee legal access, water rights, or mineral rights; and
6. Prior to any Development, any land identified on the Record of Survey must meet all applicable zoning regulations and be subdivided in accordance with the Subdivision regulations set forth in this Title.

11-4-6: FINAL SITE PLAN REVIEW:

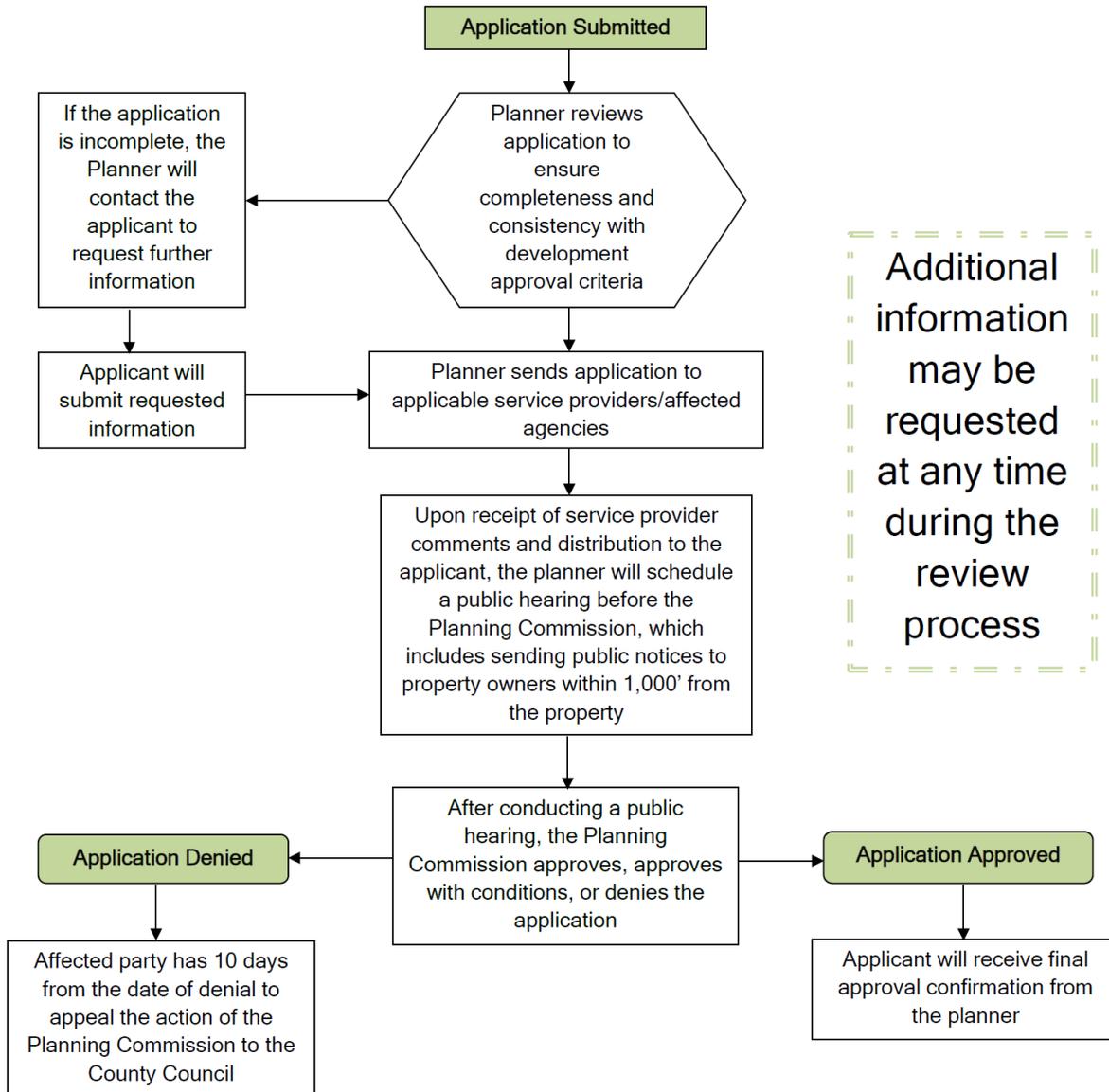
1. Information Required: A detailed final site plan is required for all Conditional Use Permits, Low Impact Permits, and Temporary Use Permits. Final Site plans shall contain the information set forth in this section. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - a. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
 - b. 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:
 1. Metes and bounds of all property lines;
 - (i) Total area of property;
 - (ii) North scale and north arrow; and

2. Name and route numbers of boundary roads and the width of existing rights-of-way.
- c. Existing topography with maximum contour intervals of two feet (2').
- d. A final detailed land use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
1. The location and arrangement of all proposed uses, including Building area.
 2. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
 3. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
 4. The yard dimensions from the development boundaries and adjacent roads and alleys.
 5. 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.
 6. Off road parking and loading areas and structures, and landscaping for parking areas.
 7. 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.
 8. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
 9. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
 10. 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.
 11. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.

12. All existing monuments found during the course of the survey (including a physical description such as "brass cap").
 13. 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.
 14. 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.
 15. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
 - (a) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
 - (b) Total number of dwelling units, by development phase;
 - (c) Residential density and units per acre;
 - (d) Total floor area and floor area ratio for each type of use;
 - (e) Total area in open space and length of trails;
 - (f) Total area in developed recreational open space; and
 - (g) Total number of off road parking and loading spaces.
2. 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:
- 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. A notation of any adjoining plats or certificates of survey and titles thereto.
 - c. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.
 - d. 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.
 - e. 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.

- f. A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.
 - g. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
 - h. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, Rocky Mountain Power, Questar Gas (when applicable) and applicable Fire District. A signature block shall also be provided for the County Assessor indicating that all taxes, interest and penalties owing to the land have been paid.
3. 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.
4. 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). (Ord. 323, 3-9-1998)
5. Review Procedure:
- A. The Community Development Director or designated planning staff member 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 approval, approve, approve with conditions or denial after a public hearing.
 - B. Once the Planning Commission 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.
 - C. 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.

CONDITIONAL USE PERMIT



11-4-7: CONDITIONAL USE REVIEW:

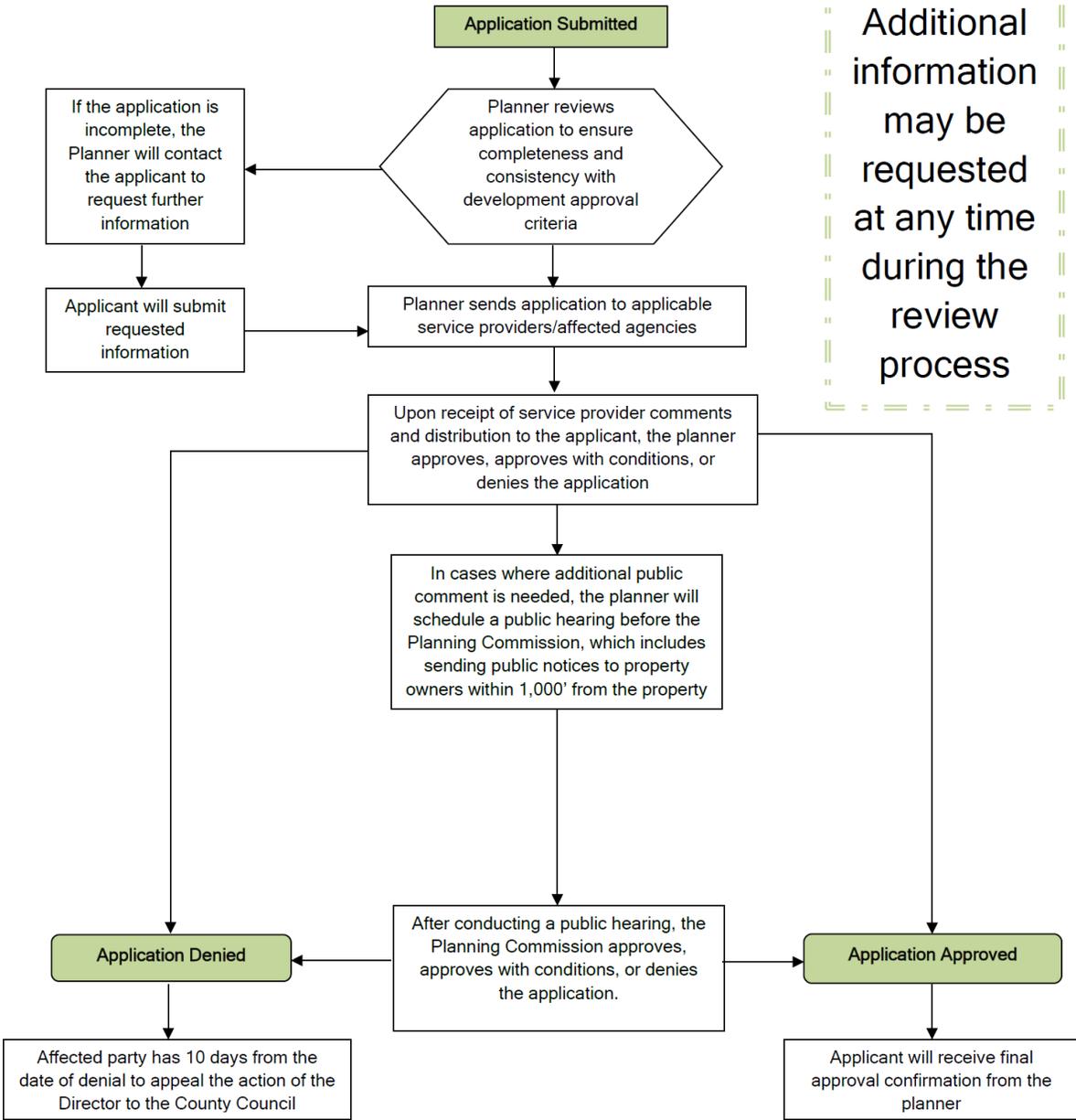
1. Purpose: It is recognized that there are activities which, because of the nature of the intended Land Use and potential impact upon the use and enjoyment of neighboring properties, require special review. These uses, referred to as Conditional Uses, are identified in the Chart of Allowed and Conditional Uses in Section 11-3-14 of this Title. Conditional Uses shall be reviewed in accordance with the following criteria and procedures.

2. Findings for Approval: Before an application for a Conditional Use Permit is approved, the Planning Commission must conclude that factual evidence exists to verify following findings:
 - A. The proposed use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.
 - B. The proposed use, as conditioned, shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - C. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, applicant shall submit proof of ownership.
 - D. The use will not adversely affect, in a significant manner, the public health, safety, and welfare.
3. Review Procedure:
 - A. The applicant shall submit a completed Conditional Use Permit application form and all information set forth in this section. The Community Development Director may waive specific submittal requirements based on a finding that the information is not necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or Planning Commission may require additional specific information based upon a finding that the information is necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or designated planning staff member shall review the application and shall make findings and recommendations and shall schedule a review before the Planning Commission as soon thereafter as may be practicable.
 - B. The Planning Commission shall review the application and the staff report. After holding a public hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Conditional Use.
4. Time Limit for Action: Unless otherwise approved by the Planning Commission, Conditional Use Permits shall expire in one (1) year from the date of Planning Commission approval unless the Conditional Use Permit activity has commenced.
5. Periodic Review Process: Conditional Use Permits are subject to periodic reviews by the Community Development Director or designated planning staff member to assess if the conditions of approval are being satisfied. If the original conditions associated with the Conditional Use Permit are not being satisfied, the

Planning Commission may commence a review of the Conditional Use Permit and possible revocation action.

6. Establishment of a Conditional Use Permit. Final approval of a Conditional Use Permit shall be in the form of a letter to the applicant specifically identifying each condition together with the approved site plan and any other accompanying documents determined to be relevant by the Community Development Director or designated planning staff member and stamped approved.
7. Amendments to Conditional Use Permits:
 - A. Minor Amendment: A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved Conditional Use Permit, which may be approved by the Community Development Department administratively.
 - B. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, and/or intensity of a previously approved Conditional Use Permit. A major amendment may be commenced by filing a Conditional Use Permit application and paying the fee for the review thereof.
8. Adult/Sex-Oriented Facilities: See Appendix B of this Title for Adult/Sex-Oriented Facilities and Businesses requirements. (Ord. 481, 3-1-2004)

TEMPORARY USE PERMIT



11-4-8: TEMPORARY USE REVIEW:

1. Purpose: Upon compliance with the provisions of this section, a Temporary Use approval may be granted, upon reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare. This Section is intended to provide a process and procedure for reviewing and approving, approving with conditions, or denying a temporary use, or limited duration activity that will provide an overall benefit to the community for the time

frame during which it is permitted to exist.

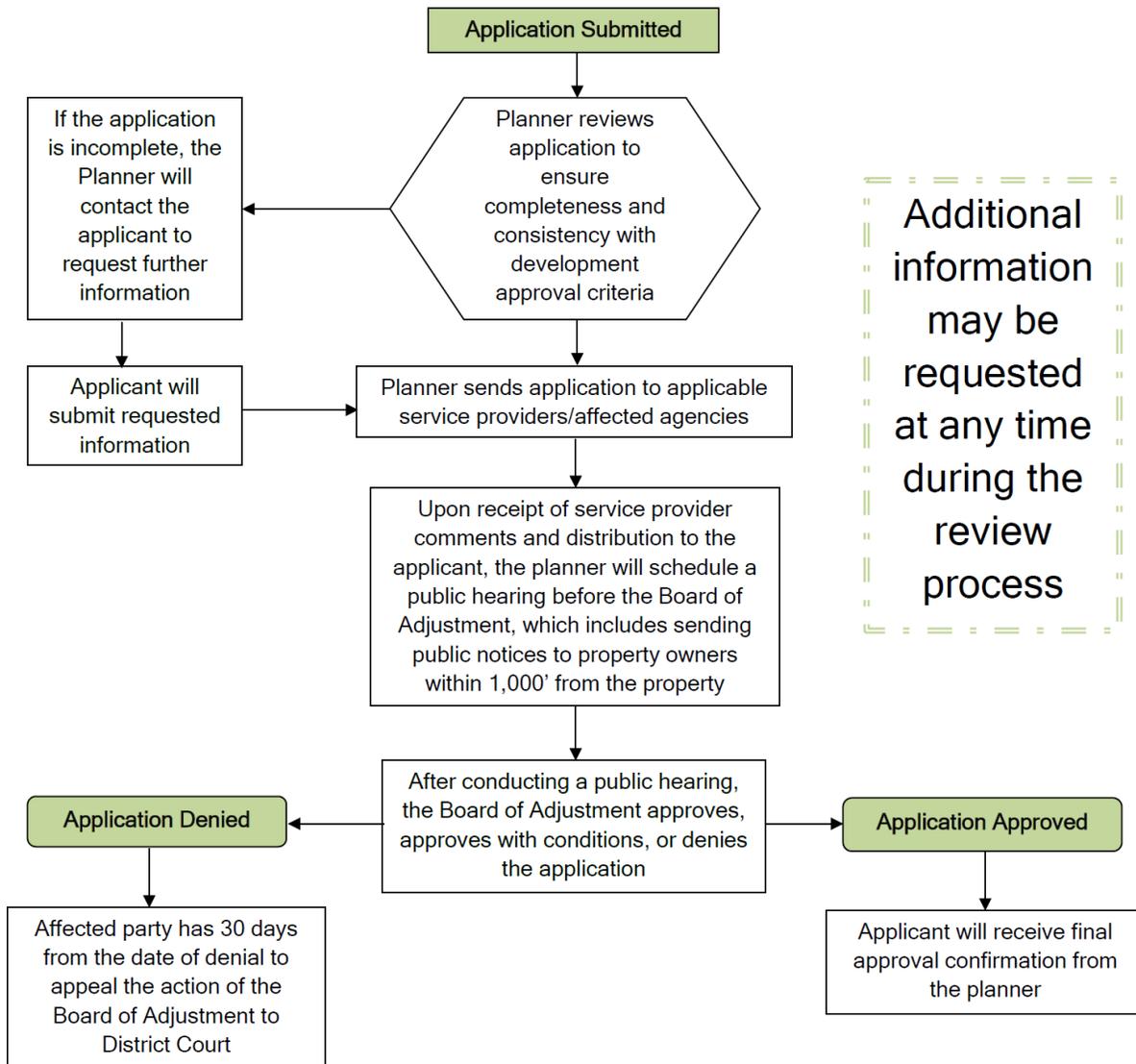
2. Findings for Approval: Before an application for a Temporary Use is approved, the Community Development Director or Planning Commission must conclude that factual evidence exists to verify following findings:
 - A. The proposed use shall be appropriate, on a temporary basis, in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.
 - B. The proposed use shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - C. The proposed use will not be in violation of any county, state, and federal laws.
 - D. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, the applicant shall submit proof of ownership.
 - E. The site shall be returned to its original condition or, when significant disturbance has occurred, to a condition approved by the Planning Commission.
 - F. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare.

3. Review Procedure:
 - A. Short Term Temporary Uses:
 1. Temporary uses that are intended for a limited duration shall not be permitted for a period to exceed one (1) year. The applicant shall submit a completed Temporary Use application form and all information deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the temporary use application and shall communicate the decision to the applicant. Approval of a Temporary Use shall not be considered valid unless a specific period of time during which the use may exist and operate designated. The Community Development Director or designated planning staff member may consider and approve one six (6) month extension of a short-term temporary use. The Community

Development Director may elect to seek Planning Commission input on a request for a short-term Temporary Use Permit extension.

2. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise, or additional comment is needed from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the short term temporary use.
- B. Long Term Temporary Uses: The applicant shall submit a completed temporary use application form and all information, including a beginning and end date, deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Planning Commission shall review the application and the staff report. After holding a public hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Temporary Use. Approval of a Temporary Use shall not be considered valid without a specific designed period of time during which the use may exist and operate. (Ord. 481, 3-1-2004)

ZONING VARIANCE



11-4-9: ZONING VARIANCES:

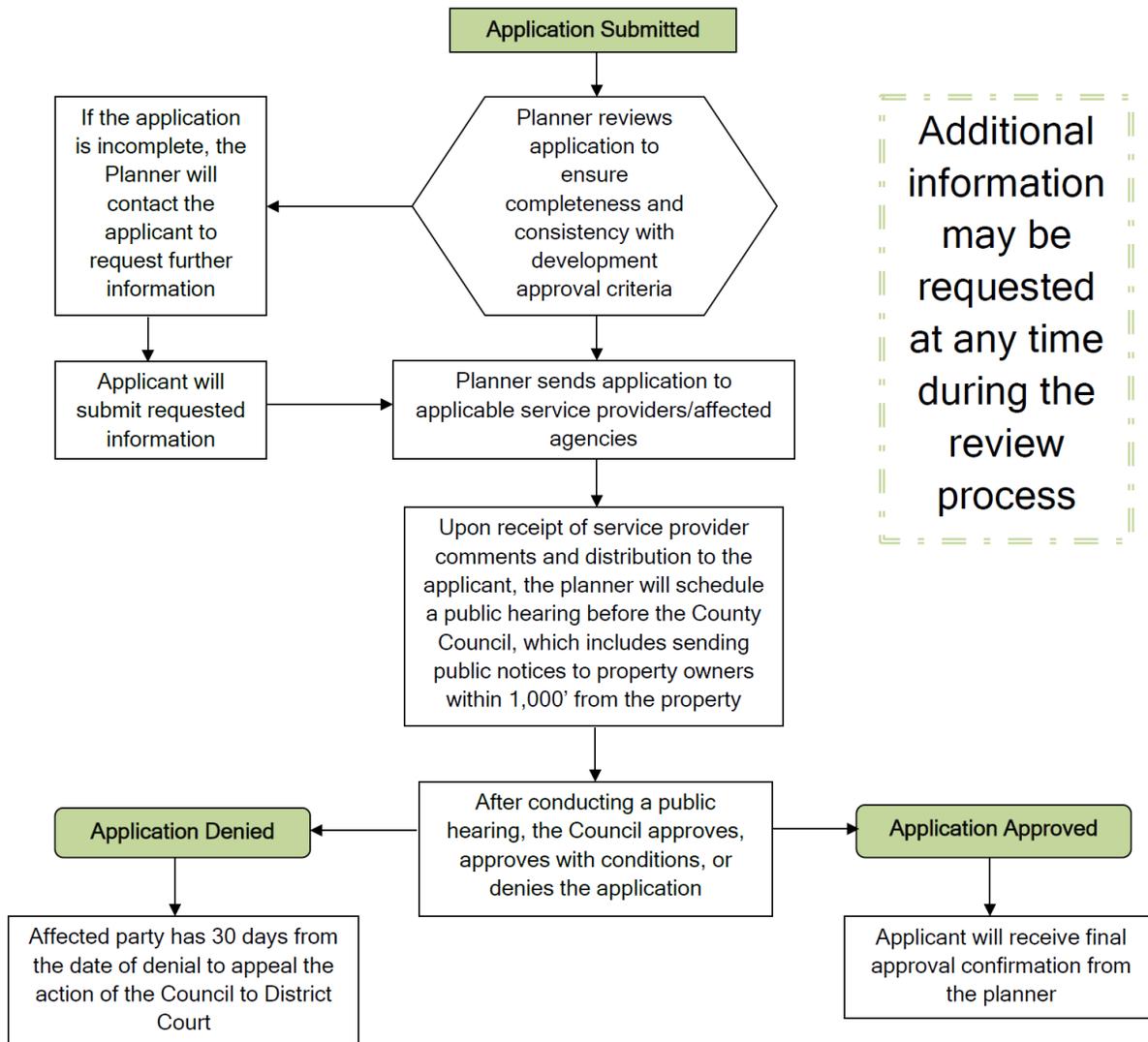
1. General: When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the effective date hereof, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property, the strict application of area zoning, as it pertains to minimum lot size, minimum setbacks, and other specific requirements of Chapter 3 of this Title, the Board of Adjustment (“BOA”) may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted

without substantial detriment to the public good and adjacent property owners and without substantially impairing the intent and purpose of this title.

2. Standards: The BOA shall not approve a variance unless it shall make findings, based upon the evidence presented to it in each specific case, that all of the following provisions apply:
 - A. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - B. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - D. The variance will not substantially affect the General plan and will not be contrary to the public interests; and
 - E. The spirit of the land use ordinance is observed and substantial justice done.
3. Conditions: In approving a variance, the BOA may require such conditions as will, in its judgment, mitigate any harmful effects of the variance and secure substantially the purposes of this Title.
4. Use Variances Prohibited: The BOA may not grant use variances.
5. Review Procedure:
 - A. The Community Development Director or designated planning staff member shall review the Board of Adjustment application and make preliminary findings as to whether the application complies with the standards for approving a variance established in this Title.
 - B. If applicable, the Community Development Director or designated planning staff member may secure input regarding the proposed request from any affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the BOA.
 - C. The BOA shall review the application and staff report. After conducting a public hearing, the BOA shall approve, approve with conditions, or deny the proposed request.
 - D. No petition for judicial review may be filed unless and until the applicant

has exhausted all manners or relief and processes as are provided herein and in this Title.

SPECIAL EXCEPTION



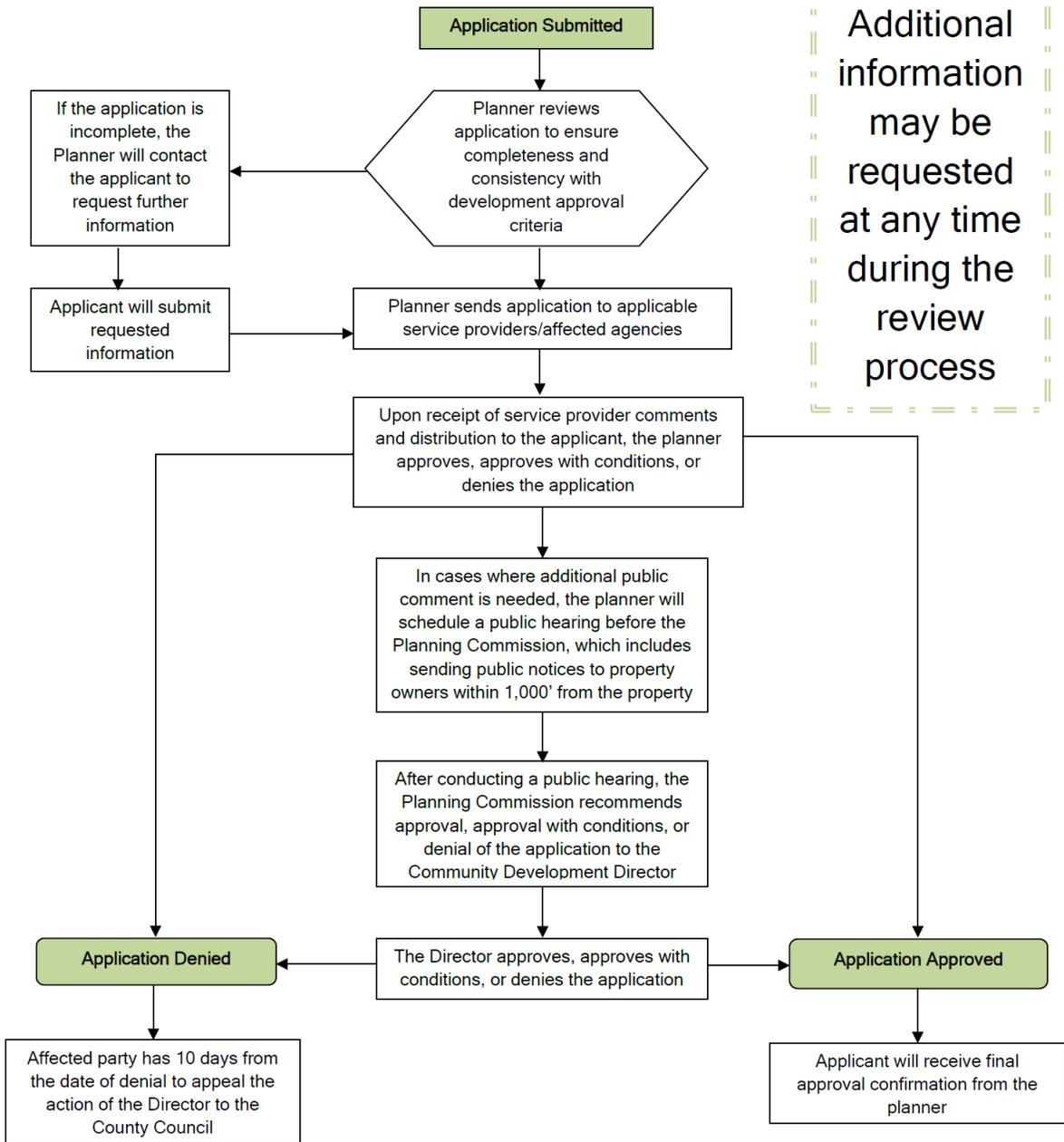
11-4-10: SPECIAL EXCEPTIONS:

1. Purpose: Where the County Council finds that an applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this Title unduly burdensome, it may, after a public hearing, approve special exceptions to the zoning provisions of this Title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of this Title or any provision thereof.
2. Criteria for Approval: The County Council shall not approve a special exception

unless the applicant demonstrates compliance with each of the following:

- A. The special exception is not detrimental to the public health, safety, and welfare;
 - B. The intent of the Development Code and General Plan will be met;
 - C. The applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and
 - D. There are equitable claims or unique circumstances warranting the special exception.
3. Submission Requirements: An application for a Special Exception shall not be accepted as complete unless such application contains sufficient information in graphic and text form to adequately describe the applicant's objective and all applicable fees are paid.
4. Review Procedure:
- A. If applicable, the Community Development Director or designated planning staff member may obtain input regarding the proposed Special Exception from all affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the County Council as soon thereafter as may be practicable.
 - B. The County Council shall review the application and staff report. After conducting a public hearing, the County Council shall approve, approve with conditions, or deny the Special Exception request.

LOW IMPACT PERMIT



11-4-11: LOW IMPACT PERMIT REVIEW:

1. Purpose: The purpose of the Low Impact Permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a Low Impact Use. Upon compliance with the provisions of this Section, a Low Impact Use approval may be granted by the Community Development Director or

designated planning staff member, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.

2. **Applicability:** The Low Impact Review Process can be utilized to obtain administrative approval for projects determined to be low impact and which are in conformance with the Development Evaluation Standards and general regulations of the Code. An application for approval of a Low Impact Permit shall be commenced by filing a Development plan and paying the applicable fee with the Community Development Department.

3. **Review Procedure:**
 - A. The applicant shall provide a Development plan and description of the proposed project. The Development plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director or designated planning staff member the applicant's intentions with regard to use, site layout and compliance with the "Code," and any applicable ordinance, development permit, or development agreement.
 - B. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the application.
 - C. The Community Development Director or designated planning staff member shall determine whether the application is sufficient and in compliance with the provisions of the Code. The Community Development Director or designated planning staff member may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to the requirements of the Code.
 - D. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the Low Impact Permit application and shall communicate the decision to the applicant. The Community Development Director or designated planning staff member may impose all reasonable conditions necessary to ensure compliance with applicable provisions of Chapter 2 of the Code. The Community Development

Director or designated planning staff member may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code. Oil, gas and steam wells are exempt from this provision and are allowed by right according to the standards described in Section 11-4-10(F) below.

- E. The Planning Commission shall periodically be provided with a list of the Low Impact Permits that have been issued by the Community Development Director or designated planning staff member, or as requested.
4. Findings for Approval. Before a Low Impact Permit is approved, the Community Development Department must conclude that factual evidence exists to verify the following findings:
- A. The use conforms to all applicable requirements of the Code and state and federal regulations.
 - B. The use is not detrimental to public health, safety and welfare.
 - C. The use is appropriately located with respect to public facilities and services.
 - D. Exterior light will be fully shielded and downward directed.
 - E. The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.
6. Criteria for oil wells, gas wells and steam wells. A Low Impact Permit application shall be reviewed and approved for oil, gas, and steam wells according to the following criteria:
- A. Access to the drill site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to maintain existing drainage patterns.
 - C. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and drill site.
 - D. The drilling and production operation shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, and odors.

- E. All waste shall be disposed of in such a manner as to comply with the air and water quality regulations of state and county ordinances.
 - F. Firefighting apparatus and supplies as approved by the County Wildland Fire Marshall shall be maintained on the drilling site at all times during drilling and production operations.
 - G. Upon completion or abandonment of the well, all disturbed areas, including the drill site and staging areas shall be reclaimed by re-contouring the area blend with the natural terrain, replacing top-soil and re-vegetating. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - H. Drill sites and/or staging areas located on sensitive lands such as steep slopes and ridgelines or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as hours of operation, screening and buffering, fencing, traffic, and lighting.
7. Criteria for wind power generation facilities. A Low Impact Permit application shall be reviewed and may be approved for wind power generation facilities according to the following criteria:
- A. Access to the site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to blend into the natural terrain and maintain existing drainage patterns. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - B. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and facility site.
 - C. Transmission lines shall be located along existing roadways where possible or in other locations that avoid vegetation disturbance and visual scaring of prominent hillsides.
 - D. Facility sites located on sensitive lands such as steep slopes, ridgelines, view corridors or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as height, colors, and security fencing.

APPENDIX A DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this appendix (called "Capitalized Terms"). Where definitions are given in another chapter or section of this title that apply to only that section or chapter, those definitions shall apply first.

Capitalized Terms uses in this code have the meaning as stated in this section. If the term starts a sentence and is intended to have the meaning ascribed to it in these definitions, then term must be followed by its initial letter in parentheses in caps to denote the meaning. e.g. "Structures (S) are not allowed in wetlands." When terms are not capitalized then they have the meaning that is conferred by common usage and the context in which they are used. "Shall" is always mandatory.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include singular; the word "herein" means "in these regulations"; the word "regulation" means "these regulations" the word "Code" means "the Eastern Summit County Development Code" or "this Title".

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to structures, facilities, land or parcel.

ADMINISTRATIVE PERMIT: A permit issued by the planning staff, Community Development Director or building official for specified uses after compliance with applicable zoning or development code regulations is determined.

ADULT / SEXUALLY ORIENTED BUSINESS: Defined according to Section 10-5-2 of the County Code of Summit County et seq.

AGRICULTURE: The tilling of the soil, raising of crops (including timber), forage, grazing and raising of animals/fish for agricultural purposes.

AGRICULTURE ADVISORY BOARD: The Agriculture Advisory Board (Advisory Board) as so designated by the County Manager for the purposes of assisting in the implementation of the agricultural protection measures and incentives described in this title.

AGRICULTURAL BUILDING: a Building or Structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the Person(s) engaged in agriculture. Agricultural Buildings do not include dwelling units.

AGRICULTURAL EXEMPTION: Agricultural structures used for agriculture as defined by State Code.

ANTENNA: Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials and shapes, including, but not limited to, solid or wire mesh dish, cone, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to, the following:

A. **Roof Mounted Antenna:** An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the rooftop of a building.

B. **Top Hat Antenna:** Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two feet (2') in width as viewed looking directly at the structure.

C. **Wall Mounted Antenna:** Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

ANTENNA SUPPORT STRUCTURE: A structure, the principal purpose of which is for location of antennas. Types of antenna support structures may include:

A. **Lattice Tower:** A multiple sided, open steel frame structure used to support one or more antennas.

B. **Monopole:** A standing antenna support structure placed directly on the ground to support one or more antennas.

APPLICANT: The owner of land and/or his/her representative seeking formal County action.

APPLICATION: A form or checklist supplied by the Community Development Department, indicating the data and information necessary to process the applicant's proposed project.

ARTERIAL: Any road intended to provide direct year around connection to other jurisdictions, or which links such roads, and is intended or used primarily for free flowing traffic movement. Traffic velocity is generally greatest on arterial roads, due primarily to road design.

ATTACHED BUILDING: Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all units.

AUTO IMPOUNDMENT YARD AND ASSOCIATED TOWING SERVICES: An outdoor storage facility for impound of automobiles brought there by a towing service.

AUTOMOTIVE SALES: An establishment primarily engaged in the sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats,

including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

AUTOMOTIVE REPAIR, SERVICE AND DETAILING: An establishment primarily engaged in the repair of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

AUTO WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

BANKS AND FINANCIAL SERVICES: An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond broker's loan and lending activities.

BARS, TAVERNS, NIGHTCLUBS: An establishment serving alcoholic beverages for consumption on the premises.

BED AND BREAKFAST INNS: A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

BUILDING: Any Structure built for the support, shelter or enclosure of persons, animals, or movable property.

BUILDING, ACCESSORY: A Building upon the same lot (or on a contiguous lot under the same ownership) as the principal Building and which is: a) clearly incidental to, and customarily found in connection with, such principal Building or Use; and b) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

BUILDING CODE: The International Building Code (IBC) as adopted by the County.

BUILDING OFFICIAL. The Building Official as defined in the IBC

BUILDING ENVELOPE: The building envelope denotes that area within which a structure must be located. A building envelope is designated by building setback lines or can be shown specifically on a subdivision plat.

BUILDING PERMIT: An official document or certification that is issued by the Building Official and which authorizes the construction, enlargement, alteration, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a

Building or Structure.

BUSINESS: Any lawful enterprise, profession, occupation or activity engaged in by a Person with the objective of profit, gain, benefit or advantage, direct or indirect, which is conducted within Eastern Summit County.

BUTCHER WITH SLAUGHTERING, RETAIL: A commercial establishment for small-scale slaughtering and processing of animals, including the sale of meat and related products.

BUTCHER, RETAIL: A commercial establishment for the processing of animals, including the sale of meat and related products.

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, tents, mobile trailers, and other temporary housing for dwelling, lodging, or sleeping purposes on a temporary recreational basis. Does not include manufactured housing communities or similar long-term housing Developments or trailer parks.

CARWASH: The Use of a site for washing and cleaning of vehicles in a commercial operation open to the public. Does not include facilities that are accessory uses to the principal permitted Use.

CELL ON WHEELS (COW): A mobile temporary telecommunications facility which is located on a trailer. COWs are subject to Temporary Use permits (see use chart)

CEMETERY: Land used or dedicated to the burial or internment of the dead, including crematoriums and mausoleums.

CHILD CARE, IN-HOME (4 CHILDREN OR LESS): Providing child care services within a dwelling home for four or less children.

CHILD CARE, FAMILY (FEWER THAN 9 CHILDREN): A child care facility operated by a party who resides at the premises used for child care services, which provides service for fewer than nine children.

CHILD CARE, FAMILY (WITH 9-16 CHILDREN): Providing child care services within a dwelling that is licensed by the state wherein are received nine or more children under 17 years of age who are not related to such person and whose parents or guardians are not residents in the same house with such person responsible for the control and care of children enrolled therein.

CHILD CARE, COMMERCIAL: Providing child care services within a commercial establishment that is licensed by the state wherein are received children under 17 years of age.

CHURCHES / HOUSES OF WORSHIP: A Building used for non-profit purposes by a recognized and legally established sect primarily for the purpose of worship.

COLLECTOR ROAD: A road intended to move traffic from local roads to arterial roads. Collector roads typically collect traffic from a neighborhood or large subdivision and provide a connection to the arterial road system.

COLOCATION: A telecommunications facility includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

COMMERCIAL USE: the act of selling goods or services under a business license as required by the County: includes non-profit enterprises and 501 C3 operations.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the Community Development Department, with overall administrative control of the planning, building and zoning functions of the county, under the direction of the County Manager.

CONDITIONAL USE: Land Uses that because of their potential detrimental impacts may require mitigation in order to be permitted under this code. Conditional Uses are allowed in a Zone only if the reasonably anticipated detrimental effects of the Use can be substantially mitigated through the imposition of reasonable conditions.

CONDOMINIUM: Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act, whether for residential, non-residential, and any other use.

CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission or county engineer as a condition of the approval of the plat.

CORNER LOT: A Lot located at the intersection of two roads/streets.

COUNTY COUNCIL: The Legislative Body of Summit County, Utah.

COUNTY MANAGER: The Chief Executive Officer of Summit County, Utah.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as firefighting and other public safety equipment.

DENSITY, BASE: The maximum number of Dwelling Units permitted per acre(s) of land by a Zone district.

DENSITY, RESIDENTIAL: The sum of all Residential Dwelling Units within a development or Zoning District. Often expressed as Units per Acre.

DENSITY COMMERCIAL: The Floor Area of a Structure within a Lot or Parcel calculated as a ratio of Floor Area /Lot or Parcel area.

DEVELOPER: The person, persons, corporation, firm or partnership proposing to engage, or who is engaged, in DEVELOPMENT.

DEVELOPMENT: the act of building a Structure for the purpose of Residential, Commercial, Industrial, Institutional or Municipal Use along with the necessary infrastructure improvements directly related to the construction of the same: includes Accessory Buildings. Development does not include, minor grading (cuts and fills less than three feet), Structures not regulated by the Building Code (including Building Code exempt retaining walls), flat work such as concrete slabs, patios, walkways and driveways, revegetation, landscaping, erosion control or underground utilities and infrastructure within an existing Lot or Parcel..

DEVELOPMENT AGREEMENT: An agreement between a developer or property owners and the county pursuant to the provisions of this title contained herein adopted in connection with a legislative act

DRIVEWAY: A means of access to one but not more than five (5) one-family dwelling units. Without assurances that only five (5) dwellings will use a driveway, it shall otherwise be a local road.

DWELLING UNIT, MULTI-FAMILY: A dwelling unit in a structure containing three (3) or more dwelling units sharing common vertical walls or floors/ceilings, but not including hotels, lodges and other similar uses.

DWELLING UNIT, ONE-FAMILY: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one family and its guests. . May be referred to as a single-family dwelling unit.

DWELLING UNIT, SINGLE-FAMILY ATTACHED: A dwelling unit in a structure containing two (2) or more units sharing one or more vertical and no horizontal common walls, each of which is designed for and used as a dwelling unit exclusively by one family and its guests. May also be referred to as a townhouse.

DWELLING UNIT: A building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking and sanitation, and is intended for occupancy by a family and its guests, independent of other families.

DWELLING UNIT, ACCESSORY: An area used by the owner of the primary residence or primary tenant/business as a dwelling for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest or similar users. An accessory dwelling unit shall contain cooking, sanitation and sleeping facilities.

DWELLING UNIT, AGRICULTURAL EMPLOYEE: A one-family dwelling unit located on an agricultural parcel/lot. The dwelling unit must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural employee

dwelling unit shall contain cooking, sanitation and sleeping facilities.

EASEMENT: A quantity of land set aside over which a liberty, privilege or advantage in land without profit exists distinct from the ownership of land, which is granted to the public or some particular person or part of the public.

ESCROW: A deposit of cash with the county or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit on a continuous basis.

FENCE: A structure constructed for reasons of privacy, security or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls.

FINAL APPROVAL: Final approval by the County Manager, County Council, Planning Commission, Board of Adjustment or Community Development Department, where commission action is not always required, of a plan, project, rezoning, use, activity or other action that shall be given after all the requirements set out in the preliminary approval have been met and after all concerns of all service providers regarding such plan, project, rezoning, use, activity or other action have been addressed and answered.

FINAL PLAT: The map or plan of a subdivision and any accompanying material, as described in these regulations, that is intended to be recorded in the office of the Summit County Recorder.

FLOODPLAIN: An area adjoining a river, stream or watercourse, or other body of standing water, in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses designated as a floodplain by the Federal Emergency Management Agency.

FLOOR AREA: The total of all square footage of floor space within all floors of a building as measured from the inside of the exterior walls. Does not include attics, crawl spaces and non-habitable spaces within a Structure.

FLOOR AREA RATIO: The percentage of the Floor Area divided by the sum of the square feet of the Lot or Parcel on which it sits.

FOOD PROCESSING, COMMERCIAL: An establishment that transforms raw ingredients into food or transforms food into other forms for consumption.

FORESTRY: The Use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Does not include the temporary or long-term operation of a sawmill.

FUNERAL SERVICES: An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home, crematoriums, or mortuaries.

GAS AND FUEL, STORAGE AND SALES: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

GASOLINE SERVICE STATION WITH OR WITHOUT CONVENIENCE STORE: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises, often in combination with the retailing of items typically found in a convenience market or supermarket.

GENERAL PLAN: The General Plan for Eastern Summit County, prepared by the Planning Commission and the County Council, pursuant to state law.

GEOLOGICAL HAZARD: The hazard presented by surficial or deep geological instabilities including, landslides, rapid erosion, rock fall, liquefaction and earth quakes.

GEOLOGICAL HAZARD AREA: A site where risk of harm from one or more Geological Hazards is present.

GOVERNMENT LOTS: A subpart of a section which is not described as an aliquot part of the section, but which is designated by number, for example, Lot 3. A lot may be regular or irregular in shape, and its acreage may vary from that of regular aliquot parts. (an aliquot part is the standard subdivisions of a section, such as a half section, quarter section, or quarter-quarter section).

GRADE, NATURAL: The existing profile of the surface of the land prior to any ground disturbance resulting in a change to the topography. When existing grade does not exist due to excavation, landslide or other disturbances regardless of cause, Natural Grade will be established by the Development Director based on best available information. Such designation is subject to appeal to the Planning Commission.

GRADE, FINISHED: The finished or resulting grade where the surface of the ground meets the building after the completion of development.

GUEST RANCH or LODGE: A Commercial Use consisting of recreational activities that may include, but are not limited to, horseback riding, fishing, hunting, skiing and snowmobiling. The Guest Ranch may include overnight lodging, food service, meeting and conference facilities as well as other uses

HEALTH CARE FACILITIES: A facility or clinic, whether public or private, principally engaged in providing services for health maintenance, diagnosis, and treatment. Services are provided on an outpatient basis only, and of a smaller scale than a Hospital.

HEALTH DEPARTMENT AND HEALTH OFFICER: The person within the Summit County Health Department, so designated by the County Council, to administer the health regulations of the county and/or state.

HEIGHT: For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of a flat or pitched roof or other portion of a structure. This measurement shall occur at any point within the exterior walls of the building or structure. Vertical architectural features on Houses of Worship, such as steeples which are associated with the religious function of the building, may be constructed 2-1/2 times the height of the building.

HOME OCCUPATIONS: Those occupations or professions which may be conducted within a dwelling unit or on the premises thereof and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HORSE BOARDING, COMMERCIAL: An establishment providing for the housing, breeding, raising, or care of horses owned by person(s) other than the property owner or occupant, for a fee.

HOSPITAL: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, out-patient facilities, training facilities, medical offices, or staff residences.

HOTEL, MOTEL OR INN: An establishment containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, but not including lock-outs or boarding houses. Motels are generally an establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

HOUSING, MODERATE INCOME: Housing that is affordable, either for rent or for sale, to households that earn no more than eighty percent (80%) of the Area Median Wage.

INDOOR ENTERTAINMENT: An establishment providing entertainment or recreational activities within an enclosed building, such as motion picture theaters, live

theaters, roller skating, bowling, ice skating and similar uses.

INDUSTRIAL USES: Operations which include the storage, manufacturing and processing of agricultural or timber products, minerals extraction and production, treatment, packaging, wholesaling, fabrication, assembly and warehousing.

INSTITUTIONAL USES: A use operated by a private or public non-profit educational, recreational, charitable or public service organization, such as having the purpose primarily of serving the general public, but not including Houses of Worship.

KENNEL, COMMERCIAL: Any premises, except where accessory to an agricultural use, where five (5) or more domestic animals, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use.

LOCAL ROAD: A roadway intended to provide access to and from a local subdivision or a cluster of single-family attached and/or multi-family dwelling units. It provides access to abutting properties.

LOGGING CAMP: An establishment engaged in cutting down trees for commercial purposes, including transportation to a sawmill. A "logging camp" does not include cutting or alteration of trees incidental to construction activities.

LOT: A numbered lot described within a recorded subdivision plat. (See definition of Legal Parcel/Lot).

LOT COVERAGE: The combined area of the footprint of all Structures, exterior impervious surface associated with the Use of the property (including storage areas, parking lots, driveways and similar areas) in a commercial or industrial Use. Coverage does not include building eave overhangs or pervious decks or similar coverings that do not directly impose an impervious covering on the ground.

LOT LINE, FRONT: The property line dividing a lot from a road, whether public or private, or located adjacent to the principal means of access.

LOT LINE, REAR: The property line opposite the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT OF RECORD: See "Right, Grandfathered".

LOT WIDTH: The minimum distance between the side property lines.

MAINTENANCE AND CONSTRUCTION SERVICES: An establishment providing services relating to the maintenance or repair of commercial and dwelling structures, such as plumbing/heating/air conditioning, painting, electrical services, masonry, landscaping, carpentry, roofing/sheet metal, concrete services, and well drilling.

MANUFACTURING, CUSTOM: A use that may be home-based that is engaged in the on-site production of goods and the incidental direct sale to customers of only those goods produced on-site. Typical uses include cabinet shops, ceramic studios, candle-making shops, custom jewelry manufacturing, bakeries, decorative art or uses of a similar scale.

MANUFACTURING, LIGHT: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

MANUFACTURING, HEAVY: The converting of raw or partially processed materials into a product used for further processing or distribution. Examples of heavy manufacturing include lumber and paper mills, sewage treatment plants, stone, clay, glass product manufacturing, asphalt and concrete batch plants, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious by-products such as dust, fumes, hazardous waste products, noise, vibration, and glare.

MEMORANDUM OF UNDERSTANDING: A recorded document describing a bilateral or multilateral legal agreement between Summit County and/or one or more parties.

MINING or RESOURCE EXTRACTION: The extraction of a mineral or resource from its natural occurrence on or under the ground.

MOBILE HOME: Any vehicle or object intended for occupancy by an individual or family that was originally constructed in total so as to be portable or mobile, whether presently affixed to the ground or not, and which is intended to be connected to on site utilities.

MOBILE HOME PARK: A Parcel or Lot under one ownership that has been planned and improved for the placement of two (2) or more mobile homes intended for occupancy.

MUNICIPAL LANDFILL: A government facility intended for the disposal, dumping, and/or burial of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or vehicle parts, and other non-toxic waste material. A Municipal Landfill may also include recycling facilities.

NON-CONFORMING USE: The present Use of a Structure or land which does not conform to current regulations stated in this Title, but which conformed to all regulations at time of its establishment or which was in existence prior to the establishment of the current zoning regulations.

NON-COMPLYING USE: The Use of a Building, Structure or activity which does not conform to current use regulations for the district in which it is situated, and which did not conform to all regulations at time of its establishment.

NON-CONFORMING STRUCTURES: A Structure that does not conform to existing zoning regulations (including size, setbacks, height, architecture). Non Conforming Structures can only be expanded if the expansion does not increase the buildings non conformity.

NURSERY / GREENHOUSE: An enterprise that conducts the retail or wholesale of plants grown on or off the premises, as well as related accessory equipment.

OFFICES: A room or suite of rooms used for conducting the affairs of a business, profession, service industry, or government.

OPEN RECREATION USE: Land or the use of land intended for public/private uses, including facilities such as playgrounds, campgrounds, golf courses, tennis courts, corrals, skiing, snowmobiling, riding arenas, rafting tours, mountain biking tours, horseback riding, commercial snowmobile tours, all-terrain vehicle tours and other similar activities, but not including shooting ranges, and other similar activities as determined by the Planning Commission as part of a Use approval.

OPEN SPACE, COMMON: Facilities, land and yard areas identified within a subdivision for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of the Development.

OPEN SPACE LAND: Land deed restricted for public or private purposes of agricultural, scenic, or recreational purposes.

ORDINANCE: Any legislative action, however denominate, of the County which has the force of law, including any amendment or repeal of any ordinance.

ORDINARY HIGH WATER MARK: The mark along water bodies that is evident by examining the bed and banks where the presence and action of waters and riparian vegetation boundaries are common in ordinary years, as to mark upon the soil a distinct character from that of the abutting upland. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

OVERLAY ZONE: A zone district that encompasses one or more underlying zones and imposes additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by the underlying zone. These special requirements shall take precedence over the provisions of the underlying zone.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

PARCEL: A tract of land that is not a numbered lot within a recorded subdivision.

PARCEL/LOT, LEGAL (conforming): A lawfully created lot within a recorded subdivision or a parcel of land conforming to the minimum parcel size requirement of the applicable

zoning district at the time of a land use or Development request is a Legal Parcel/Lot. A Legal Parcel/Lot is eligible for a Land Use activity and or Development pursuant to the requirements of this title.

PARCEL/LOT, LEGAL (non- conforming): A lawfully created parcel/lot that does not conform to the minimum size requirements of the applicable zoning district based on current Code. A non-conforming Legal Parcel/Lot may be eligible for Development pursuant to a Grandfathered Right status determination. A non-conforming Legal Parcel/Lot is eligible for a non-Development Land Use action pursuant to the requirements of this Title.

RIGHT, GRANDFATHERED: A Development entitlement status accorded to Legal Parcel/Lot non-conforming created prior to May 6,1996 that does not conform to the minimum size requirements of the applicable zoning district at the time of a Development request.

PARCEL, REMAINDER: A Parcel of land that is the remnant of a Subdivision process.

PARK: An area reserved for recreational, educational, or scenic purposes and may include small-scale recreational facilities such as playground equipment.

PERMITTED USE: A use of land allowed by right under the provisions of this Title.

PERSON: A "person" includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club.

PETROLEUM REFINERY: A facility involved in producing petroleum distillates from crude.

PLANNING COMMISSION: The Eastern Summit County Planning Commission of Summit County, Utah, established in this Title.

PLAT: A map of lands being laid out and prepared in accordance with Utah State and County that, once approved, is recorded.

PLAT AMENDMENT: A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "resubdivision."

PLAT NOTE: A statement on a recorded Plat used to identify restrictions, setbacks, disclaimers, and other appropriate information.

PREFABRICATED HOME: A home constructed with steel frame may be considered a "mobile home" for the purpose of Section 11-3-12 of this Title.

PROFESSIONAL OFFICES: A building or space used by persons such as accountants, architects, engineers, artists, dentists, designers, lawyers, physicians,

realtors, and others by virtue of their training and/or license, are qualified to perform services of a professional nature.

PUBLIC HEARING: A meeting noticed and advertised in advance and open to the public, in which members of the public have an opportunity to participate prior to formal action by the County.

PUBLIC FACILITY: A Use, facility, or Building owned or managed by the County, or a quasi-public entity, that provides a function, activity, or service for public benefit.

PUBLIC IMPROVEMENT: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, water or sewer system, or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county responsibility is established. All such improvements shall be properly guaranteed and installed as per county codes, specifications and regulations.

PUBLIC ROAD: Land intended for vehicular travel and transport by the public.

RAILROAD INDUSTRIAL USES: Industrial uses and activities associated with the railroad including shipping and distribution of agricultural, timber products, minerals and other materials.

RECYCLING FACILITY, CLASS I: Recycling containers totaling up to 60 cubic yards of capacity per lot or residential/business development used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, limited to the use by a specific residential neighborhood, civic facility, or commercial business park.

RECYCLING FACILITY, CLASS II: A building, structure or designated area with recycling containers totaling over 60 cubic yards of capacity per lot or residential/business development used for the collection, processing, composting, and temporary storage or transfer of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard that may be for the use of the entire community.

REGISTERED ENGINEER: An engineer properly licensed and registered in the state of Utah.

REHEARSAL OR TEACHING STUDIO FOR CREATIVE, PERFORMING AND/OR MARTIAL ARTS WITH NO PUBLIC PERFORMANCES: A recreation facility operated as a business on private or public property and open to the public for a fee, such as a dance studio, gymnastics studio, music studio, or substantially similar use, and support facilities customarily associated with the development.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered in the state of Utah.

RESIDENTIAL CARE FACILITY: A 24-hour group living environment for four (4) or

more individuals that offers room and board and specialized care and treatment for the elderly or persons with disabilities.

RESTAURANT: A Commercial establishment for preparation, consumption and sale of food and beverages on the premises or for take away consumption.

RETAIL COMMERCIAL ESTABLISHMENTS: An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use serving the immediate or surrounding neighborhood. Typical uses include apparel stores, drug stores, grocery stores, book stores, auto parts stores, and other similar uses.

RIDING ARENA: A Building or Structure, the use of which is to board horses and/or conduct recreational activities and events, provide riding lessons, instruction or training and showing of horses or other domesticated animals

RIDING ARENA, COMMERCIAL: A commercial business for the riding and/or training, boarding, breeding, or rental of horses

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, irrigation ditch, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right of way" for land platting purposes shall mean every right of way hereafter established and shown on a final plat to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

ROAD: A public or private vehicular way consisting of a Right of Way or easement and related improvements for the purpose of vehicular transportation.

ROAD, DEAD END: A road or a portion of a street with only one vehicular traffic outlet.

SCREENING: A visual barrier.

SERVICE PROVIDER: A public or private entity providing public facilities or private utility services to a proposed Use or development.

SETBACK: The distance between a lot line to the foundation of a structure or the finished exterior surface of a structure, whichever is closer to the property line, excluding uncovered stairs, roof eaves that don't extend into the setback more than three feet (3'), and decks that don't exceed one foot (1') in height, measured from the top of the deck to the grade directly below.

SETBACK, FRONT: A front setback will be required for each side of a lot bordering a public street or other right of way.

SHOOTING RANGE, INDOOR: A facility designed or used for archery and / or the discharging of firearms for the purposes of target practice or temporary competitions, which is completely enclosed within a Building or Structure.

SHOOTING RANGE, OUTDOOR: The use of land for archery and / or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, which is not completely enclosed within a Building or Structure.

SIGN, FREESTANDING: A sign supported by poles, uprights or braces extending from the ground or from an object on the ground; provided that no part of the sign is attached to any part of a building.

SITE PLAN: A document or map that may be required by Summit County during a preliminary review preceding the issuance of a development permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

SKETCH PLAN: A sketch preparatory to the preparation of a final plat or plan.

STREAM, Perennial: Waters that are composed primarily of natural channels, have a continuous bed and bank and normally flow year round.

STREAM, INTERMITTENT: Water reaches with a defined bed and bank that flow annually but not year round and have continuous channels from origin to terminus.

STREAM, EPHEMERAL: Ephemeral streams or spring flows are channels that do not flow on a regular annual basis but flow only during major storm events. These channels lack continuous bed and bank features or appear discontinuous over their reach. If they are not connected to a Water of the US, they are not afforded any protection under this Code.

STREET: See "ROAD", "LOCAL ROAD", "PUBLIC ROAD".

STRUCTURE: Anything constructed, the use of which requires a fixed location on or in the ground and which projects above the general surface of the ground, or attached to something having a fixed location upon the ground, excluding poles, lines, cables, fences, on grade decks, driveways, and other similar features. All structures must maintain the minimum setbacks for the district in which they are located, both above and below the ground. This definition includes "Building".

SUBDIVISION: The division or redivision of land in accordance with State law.

SUBDIVISION PLAT: The final map or drawing of a subdivision in accordance with State law.

TELECOMMUNICATIONS EQUIPMENT: Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not

limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.

TELECOMMUNICATIONS EQUIPMENT ENCLOSURE: A Structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

TELECOMMUNICATIONS FACILITY: An unmanned structure which consists of "antennas", "antenna support structures", "telecommunications equipment" and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, "cellular" or "PCS" (personal communications system) communications and paging systems, whether commercially or privately operated.

TELECOMMUNICATIONS, NONSTEALTH DESIGN: Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures aboveground and unscreened would be considered non-stealth.

TELECOMMUNICATIONS, STEALTH DESIGN: Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility, such as by heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the rural aesthetics of Eastern Summit County. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but are not limited to, roof mount antennas, utility pole antennas, light or flag poles, artificial rocks or trees.

TEMPORARY USE: Any use intended for a limited duration.

TEMPORARY STRUCTURE or BUILDING: those buildings and structures that meet the definition of Temporary under the Building Code.

UNINCOPORATED: Not part of a City or Municipality.

USE: The activity that occurs on the land and/or within a Structure.

USE, ACCESSORY: A Use conducted on the same lot as the principal Use or Structure with which it is associated; and is a Use which is clearly incidental to and is customarily found in connection with such principal Use and is either in the same ownership as such Principal Use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the Principal Use. No accessory Use shall be allowed on any lot or parcel unless the Principal Use is being actively utilized.

USE, LAND: The performance of an activity. Does not include Development.

USE, PRINCIPAL: A use that is an Allowed use by zoning or Conditionally approved in accordance with the Use Table in Chapter 3. Does not include Accessory Use.

USE, PROHIBITED: Any Use that is not an Allowed, Conditional, Temporary, or Accessory as identified in the Use Table of this Code. A Prohibited Use cannot be permitted.

UTILITY ANCILLARY SUPPORT BUILDING: A building which is subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.

UTILITY LINE, UNDERGROUND: Wires, cables, and pipes placed in the ground to transmit materials, energy services, or communication services.

UTILITY STRUCTURE AND RELATED FACILITIES: May include a building/structure that is constructed so as to provide assistance, benefit and aid, directly or indirectly, to a service such as electrical power, light, and forms of communication including: telephone, telegraph, fiber optic signals, cellular service for both analog and digital signals, and radio and television signals to name a few. This list is not intended to be all inclusive.

UTILITY TOWER: A structure typically higher relative to surrounding structures that provides a service in the form of electrical power, light, or forms of communication, limited to: telephone, telegraph and fiber optic signals. Utility Towers do not include towers used exclusively for wireless communications.

VARIANCE, ZONING: A waiver of specific zoning regulations of this title granted by the Board of Adjustment in accordance with the provisions set forth in this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by similar properties.

VESTED RIGHT: A legal entitlement to a use or structure.

VETERINARIAN CLINIC: A licensed medical establishment for the care and treatment of small, domestic animals.

WAREHOUSING AND STORAGE: An establishment offering wholesaling, storage, and handling of materials and equipment. May include storage warehouses, wholesale distributors, self-storage facilities, and moving and storage firms.

WATER, RIGHT: The legal right to use water.

WATER or WASTEWATER TREATMENT PLANT: The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, in preparation for the discharge of treated waters into natural waters.

WATER, WET: Actual ability to obtain physical water on site, such as through a water system or an operational well.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas. An area of land can only be determined to be Wetlands through a delineation process in accordance to the procedures set out in the 1987 Corps of Engineers Wetland Delineation Manual and the current Regional Supplement: Arid West Region (Version 2.0). Wetlands include all areas delineated by this manual regardless of whether they are subject to Corps jurisdiction or not.

ZONE: A land use area designated on the official Zoning District Map adopted by this Code.

ZONE DISTRICT MAP: The official Summit County zoning map as adopted and/or revised by the Summit County Council.