

## Salt Lake County Planning Commission

### Public Meeting Agenda

**Wednesday, December 16, 2015 8:30 A.M.**

**\*\*AMENDED\*\***

### Location

SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, ROOM N1-110  
NORTH BUILDING, MAIN FLOOR  
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### BUSINESS MEETING

- 1) Approval of Minutes from the September 16, 2015 and November 18, 2015 meetings.
- 2) Other Business Items (as needed)

### PUBLIC MEETING

### Legislative

**29748** – Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

**28983** – Combine and amend Chapters 19.72 and 19.73 of the Salt Lake County Zoning Ordinance – Foothills and Canyons Overlay Zone (FCOZ). **Presenter:** Curtis Woodward

**29717** – Adopt Chapter 19.18 of the Salt Lake County Zoning Ordinance – Mountain Resort Zone (MRZ). **Presenter:** Curtis Woodward

### ADJOURN



**MEETING MINUTE SUMMARY**  
**SALT LAKE COUNTY PLANNING COMMISSION MEETING**  
**Wednesday, September 16, 2015 8:30 a.m.**

**Approximate meeting length:** 1 hour 13 minutes

**Number of public in attendance:** 10

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Cohen

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

**ATTENDANCE**

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Tod Young	x	x	
Bryan O’Meara			x
Clare Collard	x	x	
Todd Sutton			x

Planning Staff / DA	Public Mtg	Business Mtg
Wilf Sommerkorn	x	
Wendy Gurr	x	x
Max Johnson	x	x
Chris Preston (DA)	x	x

**PUBLIC MEETINGS**

**Hearings began at – 8:33 a.m.**

**29629** – Reconsideration of the action taken at the August 12, 2015 meeting regarding Legislative item #29629 (Mountainous Planning District).

*Commissioner Cohen read a statement and provided a copy for the file.*

**Motion:** to reconsider the action taken on the project #29629 at the August 12, 2015 meeting in light of the information received, with reasonable discussion.

**Motion by:** Commissioner Young

**2<sup>nd</sup> by:** Commissioner Vance

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

**29629** – Salt Lake County Planning Commission’s consideration of whether to recommend approval of an ordinance designating an area of unincorporated Salt Lake County as the Mountainous Planning District and creating the Mountainous Planning District Planning Commission. **Presenter:** Wilf Sommerkorn

County Regional Planning Transportation Director of Regional Development, Wilf Sommerkorn, provided an analysis of the Staff Report. Mr. Sommerkorn brought forth three major concerns. The make-up of the potential planning commission, the role of the Salt Lake County Planning Commission, and the boundaries of the Mountainous Planning District.

Commissioner Young said the political issues are the boundaries submitted to the County Council as they are now. Commissioner Cohen said that they are already doing the planning for this district, and asked why the County Planning Commission can't increase the size of their current commission and draw commissioners from both incorporated and unincorporated areas. This is actually the intent of the Mountainous Planning District with nine members and two alternates. With the creation of the district, the areas would remain under MPD and would stop zone shopping by people in the district. The Salt Lake County Planning Commission wants to explore the possibility of the commission merging into the new MPD, with the concept commission being the only commission and being expanded to the nine members from the incorporated and unincorporated and have both responsibilities.

Commissioner Cohen said both he and Commissioner Young attended the Granite Community Council meeting on September 2<sup>nd</sup> and floated this idea. The Granite Community Council took action to support the concept of merging the planning commissions. They floated the idea at the meeting with the Mayor based on input from other community councils that live in the geographical area of the boundaries and would like to see more representation than one person. Commissioner Cohen said they would like an additional two representatives from the geographical boundaries of the MPD.

Commissioner Cohen said they received a letter after the 10 days from Log Haven, asking to be excluded from the MPD. Mr. Sommerkorn said he met with Log Haven. An issue they raised was that if Millcreek Canyon is not included, then it is not in Millcreek Township and would be under jurisdiction of the County Planning Commission. He said they made a clear argument. Commissioner Cohen said because the County Council took Millcreek out of the township election it is currently still in Millcreek. Commissioner Cohen said if Log Haven is not in the township but is in the MPD, a merged planning commission would have jurisdiction over them. Mr. Sommerkorn said if the merger doesn't happen with the planning commissions, for the time being it would be subject to the Salt Lake County Planning Commission. This could change in the election.

Commissioner Young said after reviewing Chapter 17-28a of Utah code, the county that designates the Mountainous Planning District an ordinance establishing a planning commission, can call it whatever you want. Ordinance Chapter 2.75A, Chapter 19.07.020 of the Salt Lake County code, exercised by the planning district, Commissioner Young read from the Ordinance. Powers and Duties, subsection 30, and remove Salt Lake County Planning Commission or MPD. In 19.07.020, planning commission includes duties to include current duties to the Salt Lake County Planning Commission as it applies to Salt Lake County unincorporated and White City.

Mr. Sommerkorn asked to address the merging and the planning commissions and legal staff still needs to review the potential. If that is the recommendation that you as body made, that would be forwarded on to the County Council and legal staff would designate whatever the County Council chooses would be amended. Commissioner Collard said it makes sense and they need to be careful of what they are proposing and not get ahead of themselves. They don't know where the boundaries will be, and it would be a good idea to make the recommendation to the County Council. Commissioner Vance said he agrees with Commissioner Collard's concerns. Commissioner Cohen said in the letters received, there is fear from people on both sides of the issue that too much development would be allowed by a new commission. If they merge the commissions, there would be continuity brought forward of experience and historical knowledge, and that would help with the balance. There would be new people to bring broader

*prospectives and they could be appointed by the Mayor with consent from the County Council. A merged commission would be more balanced. Mr. Sommerkorn said all the ordinances are subject to adoption by the County Council and all of the existing land use ordinances will remain in place.*

**Motion:** To recommend the County Council they proceed with Chapter 2.75a with district boundaries presented in the current map and the Planning Commission, whether named Mountainous Planning Commission or Salt Lake County Planning Commission, the powers and duties extended to all unincorporated township areas, including White City.

**Motion by:** Commissioner Young

**2<sup>nd</sup> by:** Commissioner Collard

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

*Commissioners and Staff had a brief discussion regarding area of representation.*

**Motion:** To recommend to the County Council consideration of merging the Salt Lake County Planning Commission and Mountainous Planning District, as stated in Utah code section 17-27a-303 11CI, whatever name the County Council decides appropriate, with jurisdiction over the Mountainous Planning District, unincorporated areas and White City. The commission would be made up of nine members, with a minimum of three appointed members from the canyon areas.

**Motion by:** Commissioner Young

**2<sup>nd</sup> by:** Commissioner Vance

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

## **BUSINESS MEETING**

**Meeting began at – 9:23 a.m.**

- 1) Approval of Minutes from the August 12, 2015 meeting.

**Motion:** to Approve Minutes from the August 12, 2015 meeting with amendments.

**Motion by:** Commissioner Young

**2<sup>nd</sup> by:** Commissioner Collard

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

- 2) Other Business Items (as needed)

*Commissioner Cohen asked Mr. Johnson if he received his email that he would be interested in attending the second day of the APA Conference. Mr. Johnson told Commissioner Young that he had received his request.*

*Max confirmed the date for the next planning commission meeting would be October 14<sup>th</sup>.*

*Max reminded the commissioners of the training meeting tomorrow morning.*

*Staff confirmed the County Council process. County Counsel, Chris Preston advised noticing would be shortened.*

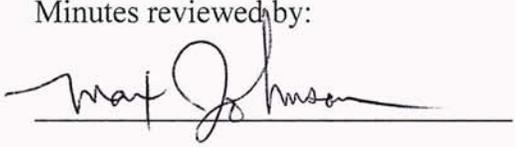
*Commissioner Young asked about legislation if anything could be changed in making decisions with the County Council. He likes the idea of working together as a team and isn't comfortable*

with a process. Mr. Johnson advised that the County Council allows for public input. Mr. Preston advised of LUDMA.

**MEETING ADJOURNED**

**Time Adjourned – 9:46 a.m.**

Minutes reviewed by:

A handwritten signature in black ink, appearing to read "May Johnson", is written over a horizontal line.

12-11-15

**MEETING MINUTE SUMMARY**  
**SALT LAKE COUNTY PLANNING COMMISSION MEETING**  
**Wednesday, November 18, 2015 8:30 a.m.**

**Approximate meeting length:** 1 hour 3 minutes

**Number of public in attendance:** 0

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Cohen

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

**ATTENDANCE**

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Tod Young	x	x	
Bryan O'Meara			x
Clare Collard	x	x	
Todd Sutton			x

Planning Staff / DA	Public Mtg	Business Mtg
Tom Zumbado	x	x
Wendy Gurr	x	x
Max Johnson		x
Zach Shaw (DA)		x
Curtis Woodward	x	x

**PUBLIC HEARINGS**

**Hearings began at – 8:30 a.m.**

**Administrative**

**29632** – Joan Edginton is requesting approval for a conditional use to remove brush from her property in Lambs Canyon. In addition, Ms. Edginton hopes to grade her land to facilitate temporary recreational use and perhaps, install a small deck. **Location:** 9554 East 2620 South. **Community Council:** Parleys Canyon. **Zone:** FR-0.5. **Planner:** Tom Zumbado

*Commissioner Cohen advised this will not be heard today, as this is under the jurisdiction of the Mountainous Planning District Planning Commission once it is seated.*

**Legislative**

**29748** – Amend Chapter 19.18 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

*Commissioner Cohen advised this item needs to be noticed for a public hearing and will not hear the PUD Ordinance Amendment until noticed. The Salt Lake County Planning Commission will hear this public item on December 16<sup>th</sup>.*

**Motion:** To continue this item to the December 16<sup>th</sup> meeting, to allow for noticing.

**Motion by:** Commissioner Vance

**2<sup>nd</sup> by:** Commissioner Collard

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

### **BUSINESS MEETING**

**Meeting began at – 8:33 a.m.**

- 1) Approval of Minutes from the September 16, 2015 meeting.

**Motion:** To Continue approval of minutes from the September 16, 2015 meeting to the December 16<sup>th</sup> meeting.

**Motion by:** Commissioner Vance

**2<sup>nd</sup> by:** Commissioner Collard

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

- 2) Introduction to the updated FCOZ and Mountain Resort Zone.

*County Township Services Zoning Administrator Curtis Woodward introduced the Foothills and Canyons Overlay Zone update and the new Mountain Resort Zone Ordinance.*

*Commissioner Young asked if they are still using Tom Christensen on this. Mr. Woodward isn't sure and referred the question to Counsel. County Counsel, Zach Shaw said he is still under contract and will be at public meetings to answer questions and come up with specific language. Commissioner Cohen said FCOZ is a major undertaking and the Blue Ribbon Commission worked over 400 hours on it. Commissioner Cohen said staff will review all public comment and provide a written set of comments. Log Haven has made their wishes known and community councils have weighed in. Commissioner Cohen said not all areas are in the MPD jurisdiction and are still under the Salt Lake County Planning Commission jurisdiction. Commissioner Cohen asked since the first draft, will they take written comments under advisement, and make a revised draft prior to the public meeting? Mr. Woodward said staff is still debating as the intention is to come up with draft language for how the various suggestions are implemented. One of the problems is that the various groups with interest in the ordinance, don't all agree, and the BRC wasn't a consensus. They all had various opinions and sorting out top priority issues wasn't all agreed upon. Mr. Woodward advised there is a lot of discussion of Transfer of Development Rights in the canyons and there are two philosophies to transfer rights to developable properties away from the road and up in the hills, and take development potential and transfer it closer to developed lots. And also, to prevent future development from going up in the hills, and this draft embodies that. Another philosophy is to take raw land off the table, so in the future utilities get closer and are developed. It's too late already for dedicated open space. Comments from groups and from the Mt. Olympus Community Council, are that there should be no exception to 30% slopes and don't want any development there. Emigration Canyon and Big Cottonwood Canyon Community Councils, said rules are too strict and they want a break. Mr. Woodward said they don't want to sift through all the issues before all the planning commissions have given viewpoints. Without putting draft changes in front of the planning commissions, we'll draft the ordinance to the best of*

our abilities. We will show existing draft, show potential changes, and what the new draft would look like. Commissioner Cohen said there were a lot of questions raised by Big Cottonwood Canyon Community Council and there were a bunch of answers also. Granite Community Council asked about grammatical errors and people have to go through each point. Commissioner Cohen asked in section 19.72.070 if 070 is a section and a, b, c, and d subsections. Commissioner Cohen said this draft is a first draft and received many comments and he hopes the comments will be incorporated and if not, will there be an analysis and get planning commissions to weigh in. Mr. Woodward said that's the plan and they already started working on cleaning up the documents and those are things that they will just work into the next draft or have them off to the side or a color scheme to see changes. Mr. Woodward said the other issues in their plan are to identify issues and have staff analysis and our weighing in on the materials received for next month. He said the MPD hasn't even seen it yet and will need time and work out a solid draft to forward on to the County Council. Commissioner Cohen said the issues will be studied, however it isn't being done in a vacuum and these issues are handled elsewhere. Commissioner Young said other places operate in a situation where slopes are not in the watershed. The issues raised by ski resorts are quite valid. Highway runoff to the stream are used a lot more than a parking lot. Section 19.04 are definitions, and asked if all the definitions section in .04 will be consolidated or will they be separate within each section. Mr. Woodward said that's the plan. In the zoning ordinance, there are many chapters with their own definitions and just for each chapter, they would have their own definition section. When they look at rewriting the zoning ordinance, they plan to put them all together in the overall Title 19 Zoning Ordinance. They will be migrated over in 19.04 and also removing certain definitions. Commissioner Cohen asked if transfer of development rights exists elsewhere and has that been addressed. Mr. Woodward said the language came from Snow Basin and they used it in developing that area. Big and Little Cottonwood Canyons that are in protected watersheds, gives them jurisdiction over that area, but Salt Lake City owns all the water and when other private water companies use water rights, it's only when Salt Lake City can spare extra water. Commissioner Vance said there are private companies that own water rights in those canyons. Mr. Woodward said under Salt Lake City rules, they don't allow a water right to be transferred from one property to another, so when it comes to developing, you can't transfer the water right to another property. Mr. Woodward said the existing FCOZ ordinance has setbacks for parking lots and buildings from the stream. Up to the point where a lot of work was put into it in the 90's and the county spent a lot of money putting it together. There was some science behind the numbers and now that the suggestions came up, we have to go back and do research. He wonders if there are best practices that can be instituted for parking lots. Commissioner Cohen said the people providing input have been given a lot of help. Mr. Woodward confirmed he still hasn't received input from Save Our Canyons. He received an email asking to see the packet sent out and will continue to receive input. Commissioner Cohen said something as important as this cannot be rushed and asked how long it took the BRC to do their report. Mr. Woodward advised it was two years' worth of meetings and even then they didn't come to a consensus. Commissioner Young thanked everyone for what they're doing.

### 3) Other Business Items (as needed)

Commissioner Cohen mentioned this planning commission will still exist until the County Council recommendation to merge the MPD and that was not done. They didn't make any changes to the ordinance. They did create the MPD Planning Commission under a new section as proposed. They made an intent statement they would like to see the MPD seated with people from the canyons. Commissioner Vance asked who on January 1<sup>st</sup> will be on this commission? Commissioner Cohen said they are all still in the unincorporated County. The Mayor did say in the County Council meeting he would like to see the Salt Lake County Planning Commission members migrated over to the MPD. Commissioner Young asked

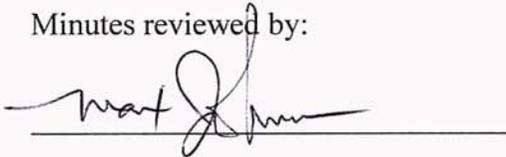
*if the law allows a person to serve on two planning commissions. Mr. Shaw said we are in the process of looking into that, no answer yet. Commissioner Cohen said if there is interest in serving on the MPD, the County created pamphlets to advertise for commissioners.*

*County Township Services Planning Supervisor Max Johnson advised the PUD Ordinance was issued in this packet and will be presented at the next monthly meeting for a decision.*

**MEETING ADJOURNED**

**Time Adjourned – 9:33 a.m.**

Minutes reviewed by:

  
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12-11-15



**OFFICE OF TOWNSHIP SERVICES**

Planning and Development Services  
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050  
Phone: (385) 468-6700 • Fax: (385) 468-6674  
[www.pwpds.slco.org](http://www.pwpds.slco.org)

File # 0000029748

## Staff Report Summary and Recommendation

**Public Body:** Salt Lake County PC

**Meeting Date:** December 16, 2015

**Parcel ID:** N/A

**Current Zone:** N/A    **Proposed Zone:** N/A

**Property Address:** N/A

**Request:** Amend Planned Unit Development (PUD) Ordinance

**Community Council:** Big Cottonwood Canyon, Granite, Sandy Hills, Parley's Canyon, White City, Willow Canyon, Willow Creek

**Township/Unincorporated:** Unincorporated

**Planner:** Max Johnson

**Community Council Recommendation:** Several comments and questions have been raised by some of the community councils, while other community councils have yet to meet with staff. Big Cottonwood Canyon, Granite, and White City have recommended Approval, with comments. No recommendation has been received from the other community councils as of the writing of this staff report.

**Planning Staff Recommendation:** Recommend Approval, but supportive of continuance until all community councils submit a recommendation.

**Applicant Name:** PUD Ordinance Amendment

**Applicant Address:** SL County Government Center, 2001 South State Street, Suite #N3-600, SLC, UT 84109

**Applicant Email:** [mrjohnson@slco.org](mailto:mrjohnson@slco.org)

**Phone:** (385) 468-6699

### PROJECT DESCRIPTION

This project serves to update the PUD ordinance throughout unincorporated Salt Lake County. The proposed ordinance has undergone significant change as it has been several years since major updates to this ordinance have occurred.

### EXECUTIVE SUMMARY

Neighborhood compatibility has been of paramount importance throughout the process to create this update to PUD developments. Significant changes include:

- 1) Reduced impacts on existing neighborhoods:
  - a. Height limitations, particularly in R-M zones (28' on the perimeter, otherwise 35')
  - b. Refined setbacks for perimeter dwelling structures (15')
- 2) A greater predictability for developers, staff, planning commission, and the community
- 3) Refuse collection station requires a ten foot setback from residential properties
- 4) All garages to be 22 feet in width by 20 feet long or 20 feet in width by 22 feet long

## GENERAL PLAN CONSIDERATIONS

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Neighborhood quality and impact to existing neighborhoods are important considerations for all communities.

## ZONE CONSIDERATIONS

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Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	Yes
Compliance with the General Plan.	Yes

## ISSUES OF CONCERN/PROPOSED MITIGATION

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The existing PUD ordinance has proved difficult to protect existing neighborhoods when developing adjacent property, specifically R-M zoned property due to extensive height and density allowances available in R-M zones that prove incompatible while transitioning to additional residential development as PUD's. Also, ancillary issues regarding street presence, building materials, parking space size, open space, placement of trash receptacles, etc., have been refined to improve PUD quality, aesthetics, location, and overall neighborhood improvement.

## NEIGHBORHOOD RESPONSE

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No neighborhood response has been received to date as the public process has been informational at the community council level. Staff expects neighborhood comment at the planning commission level in December.

## COMMUNITY COUNCIL RESPONSE

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The Big Cottonwood Community Council recommended Approval shortly after their meeting on November 9, 2015. The Granite Community Council recommended Approval at their meeting on December 2, 2015. The White City Community Council recommended Approval at their meeting of December 2, 2015. The remaining community councils have not yet had an opportunity to provide a recommendation to staff.

## REVIEWING AGENCIES RESPONSE

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AGENCY: N/A

DATE: N/A

RECOMMENDATION: N/A

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be required prior to final approval of all future PUD's.

## PLANNING STAFF ANALYSIS

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Extensive research, public outreach, specific public comment on various projects throughout the past few years, as well as several stakeholder working groups have yielded results indicative that the resulting modifications and adjustments to the PUD ordinance are desired in the hopes of limiting detrimental impacts to communities, especially when R-M zoned properties are developed.

## PLANNING STAFF RECOMMENDATION

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Staff recommends approval as this request is an update that has been initiated and supported by planning commissions in support of concerns and public comment from various communities in the county as they become impacted by developments that are deemed intrusive, or out of neighborhood character, by the public.

## CHAPTER 19.78 PLANNED UNIT DEVELOPMENTS

- 19.78.010 PURPOSE
  - 19.78.020 APPLICABILITY AND AREA REQUIREMENTS
  - 19.78.030 DEVELOPMENT REQUIREMENTS
  - 19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE
  - 19.78.050 MAINTENANCE OF COMMON FACILITIES
  - 19.78.060 REVIEW PROCESS
  - 19.78.070 PRELIMINARY REVIEW
  - 19.78.080 PLANNING COMMISSION REVIEW
  - 19.78.090 VALIDITY OF PRELIMINARY REVIEW
  - 19.78.100 POST-PLANNING COMMISSION APPROVAL
  - 19.78.110 AMENDMENTS TO THE DEVELOPMENT PLAN
  - 19.78.120 FAILURE TO BEGIN DEVELOPMENT
  - 19.78.130 PHASED PLANNED UNIT DEVELOPMENT
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### 19.78.010 PURPOSE

The purpose of a planned unit development (PUD) is:

1. To provide a high quality living environment, and to utilize and incorporate natural features in the land development design.
2. To provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
3. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.
4. To provide developments compatible with existing residential uses while maintaining a harmonious environment within the community.
5. To create mixed use areas designed to be beneficial to the neighborhood.
6. To ensure substantial compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential or commercial development or combinations thereof.

It is the intent of this chapter that the development plan for a planned unit development shall be prepared by a designer(s) having professional competence in urban planning.

### 19.78.020 APPLICABILITY AND AREA REQUIREMENTS

A planned unit development is only allowed for residential uses, except as provided in section 19.78.040, and in zones that allow residential uses. The provisions in this chapter shall govern over the chapters relating to these other zones. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

1. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under County ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except sections 19.78.090 – 19.78.130 relating to review of the development.
2. Developments abutting or contiguous to a corridor or major or minor arterial as defined in the general plan shall have a minimum area of one acre. To qualify as a development that is abutting or contiguous to a corridor or major or minor arterial, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

### 19.78.030 DEVELOPMENT REQUIREMENTS

The following are required for all developments:

1. **Ownership.** The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. **Open Space.** Common and private open space shall be provided and shall cover no less than 40 percent of the gross site area. Common open space shall be provided in the amount of at least 20 percent of the gross site area.

The required common open space shall be land areas that are not occupied by buildings dwellings, structures, parking areas, streets, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with 30 percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

Private open space (that is provided for each dwelling unit for personal use, including a balcony) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space.

3. **Interior Streets.** The design of public and private streets within a development shall follow County standards for roadway development outlined in the general plan. Private streets shall be subject to the same inspections and construction standards as required for public streets. The County shall be granted a utility easement of the entire interior street system in a development project. All private streets shall be conveyed to a private association.
4. **Garbage and Recycling.** The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and

removal on any residence within the development or abutting neighborhoods. Dumpster enclosures shall be provided for the development and no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

**5. Parking.** The following minimum parking shall be provided for all multi-family projects under this ordinance:

a. Table of Parking Ratios

One bedroom unit	1.5 parking spaces per unit
Two or more bedroom units	2.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 6)
Storage parking spaces for recreational vehicle storage	Not Allowed

b. The parking requirements identified in this section supersede other parking requirements in this Title.

c. All parking areas, covered or open, shall have a landscaped buffer in accordance with chapter 19.77, Water Efficient Landscape Design and Development Standards.

d. Parking ratios may be modified by the planning commission with support of a traffic study, or as follows:

**Eligible Parking Rate Reductions**

Amenity	Recommended Reduction (stalls/unit)
Car Sharing (minimum 100 dwelling units)	0.05 per car share vehicle
Bicycle Lockers/Storage (1 space per unit required)	0.05
Bicycle Share (on-site self-serve bike station)	0.05
Development Supplied Transit Passes for all residents	0.15
Senior Housing	0.20
Housing for students (< .25 miles from campus)	0.10

e. Parking is prohibited within approved fire access and turn-around facilities.

f. Garages are encouraged. There shall be no less than one covered parking stall per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:

- (1) Garage parking (with a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length) throughout the development would allow for a five percent density bonus, while installation of underground parking throughout, would allow a ten percent density bonus. Developments with carports shall not be allowed a density bonus under this chapter.

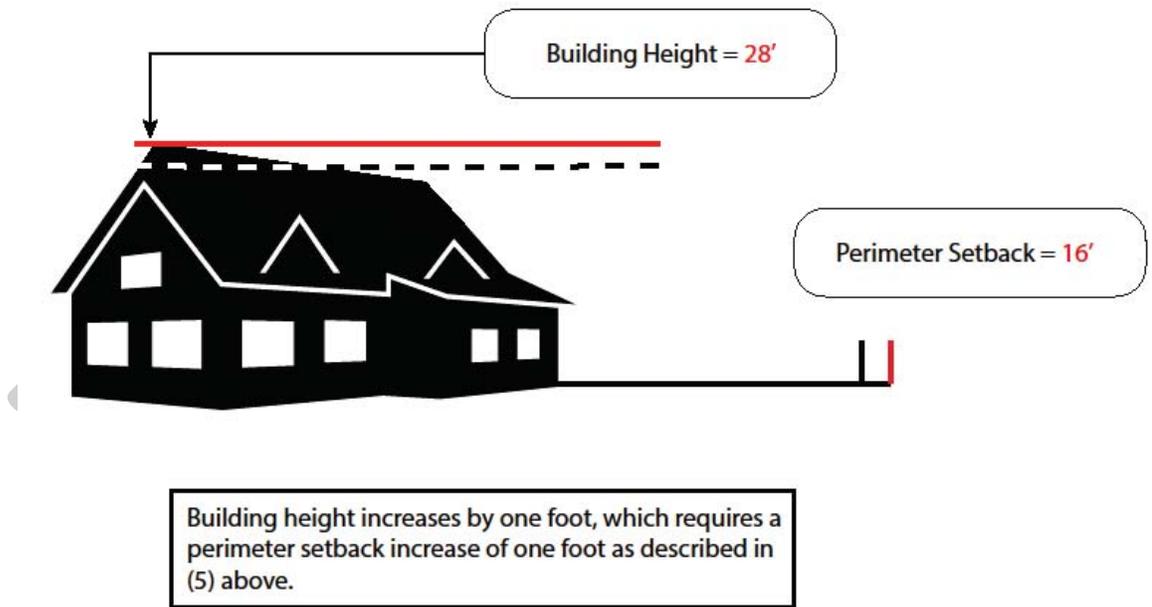
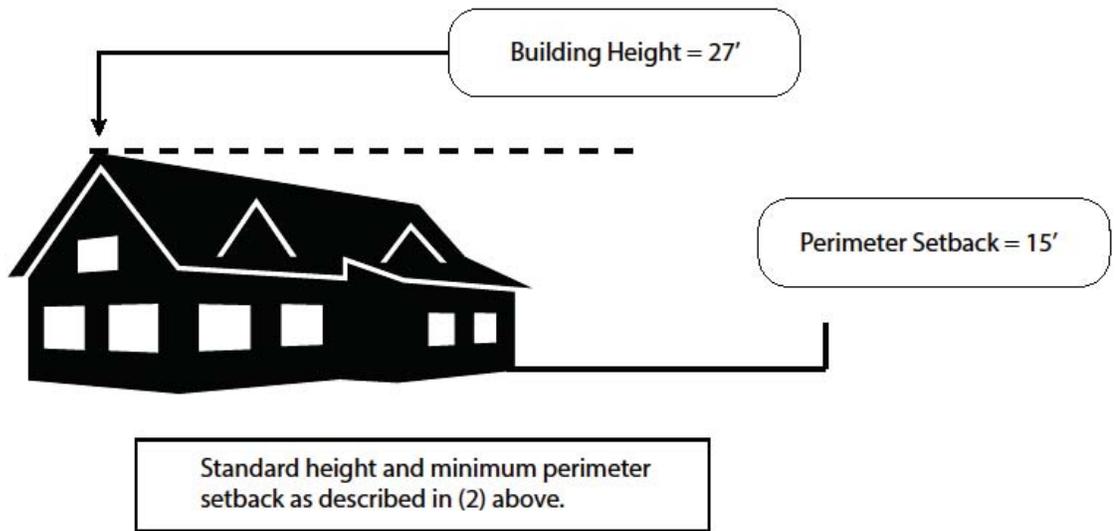
- (2) Covered parking shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
  - (3) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
- 6. Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. Other materials may be considered as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
- 7. Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per chapter 19.77, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per chapter 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per chapter 19.77 with a five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per chapter 19.77.
- 8. Perimeter Fencing.** Fencing around the perimeter of all developments shall be provided as illustrated on the approved development plan. Acceptable fencing materials include architecturally designed brick or block, pre-cast concrete, post and rail of wood construction, or the highest quality vinyl. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, block, pre-cast concrete, or post and rail of wood construction materials. Interior fencing shall comply with section 19.78.030(11) (f).
- 9. Street Lights.** Street and pedestrian lighting is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety.
- 10. Signage.** Only low profile signs with a maximum size of 50 square feet, and 5 feet in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only three such signs are allowed per 300 feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and be consistent with the characteristics of the community and chapter 19.82, Signs.
- 11. Site Plan.** All developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design and building location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the Planning Commission principally to assure the design objectives of this section are met.

a. **Density.** The density allowed for a development shall be no greater than that allowed in the zone in which it is located, except that a density bonus in the following amounts is allowed if either or both of the following conditions exist:

- (1) For developments on corridors as defined in the general plan, a density bonus of 10 percent is allowed; and/or
- (2) For developments within one-half mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of 10 percent is allowed.

b. **Maximum Height.** For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.

- (1) Height for developments located in the R-1, R-2, A-1, and A-2 zones shall be limited to 28 feet for all structures when the gross area of the development is less than three acres. When the gross area of the development exceeds three acres, the maximum height shall be 28 feet for all structures on the perimeter and 35 feet for all structures not on the perimeter.
- (2) Height for developments located in the R-M zone where said development is contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone shall be limited to 28 feet for all structures located on the perimeter, and 35 feet for all structures not on the perimeter.
- (3) Developments located in all other zones that allow a planned unit development shall conform to the otherwise applicable ordinances.
- (4) Rooftop patios or rooftop living spaces are not allowed on perimeter units contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone.
- (5) The height of buildings along the perimeter of a development may be increased to the maximum height allowed in this Title by one foot increments, with each additional one foot height increment requiring an additional one foot in setback from the perimeter (see table below for graphical rendering).
- (6) Notwithstanding the above, the Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.



Meaghan Fox  
 Planning and Development Services  
 10/19/15  
 House icon by Archi-Rus on Noun Project

**SL** SALT LAKE COUNTY  
 TOWNSHIP 5

**Table 1.** An Illustration of height allowance, when approved by the Planning Commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.

- c. **Perimeter Setbacks.** Buildings (including covered decks or patios, or decks or patios in excess of 18 inches above existing grade) located on lots on the perimeter (excluding the public frontage defined in chapter 19.78.040. of the

development), shall have a 15 foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone and chapter 19.77. Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter must be complied with in the final development plan, and the Planning Commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.

- d. **Site Calculations.** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- e. **Traffic Circulation.** Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian and bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.
- f. **Privacy.** Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- g. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the units and connect to the public street.
- h. **Utilities.** All utilities shall be located underground, except as may be provided for in State law. Utility equipment shall be screened from view and not located on a public street.
- i. **Private outdoor spaces.** Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of 100 square feet, or a balcony with a 50 square foot minimum.

**12. Desirable Amenities.** Amenities that are identified in the *Salt Lake County Recreation and Open Space Standards Policy* shall be installed in accordance with that Policy. Where conflicts exist with this chapter and the *Salt Lake County Recreation and Open Space Standards Policy*, requirements identified in this chapter shall supersede.

**13. Miscellaneous.** Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact / water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be

designed as integrated portions of the total development and shall project the residential character.

#### **19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE**

Planned Unit Development mixed-use is allowed, provided it meets the following requirements:

- A. The property is abutting or contiguous to a corridor or major or minor arterial (“street”) as defined in the general plan.
- B. Commercial uses shall be allowed on the first floor of buildings fronting on the street. Office uses shall be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least 50% of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
- C. Parking is not allowed between the building(s) and the street.
- D. The front yard setback shall be 15 feet, except as provided in subsection (E), and the side and rear yards shall be 20 feet minimum. Corner lots are deemed to have two front yards.
- E. The front yard setback is the build-to-line. At least 50% of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the planning commission.
- F. Landscaping along the street shall comply with this chapter and chapter 19.77.
- G. Signage for commercial or office uses shall be limited to signs on the building that comply with chapter 19.82, or temporary A-frame signs and painted murals on the inside of a storefront window.

#### **19.78.050 MAINTENANCE OF COMMON FACILITIES**

1. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
2. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

#### **19.78.060 REVIEW PROCESS**

1. **Pre-Submittal Development Review.** To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner / applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.

2. **Standard Operating Procedure (SOP).** Staff creates, revises, and adheres to a Development Review Standard Operating Procedure, to assist in the management and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from Planning and Development Services staff, and to seek guidance with respect to the review and understanding of the Development Review SOP from staff.
3. **Application.** An application for a development must be submitted to Planning and Development Services. As each development application is different and unique, application documents will vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the Development Review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.
  - a. Site Plan that satisfies the requirements of section 19.78.030(11).
  - b. Landscaping plan. A landscape plan is to be prepared in accordance with chapter 19.77 of this title. Staff can ask for justification of elements included in the landscape plan.
  - c. Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.

#### **19.78.070 PRELIMINARY REVIEW**

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a public hearing before the appropriate Planning Commission for their review and decision. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

#### **19.78.080 PLANNING COMMISSION REVIEW**

When preliminary review of the site plan, building elevations, and preliminary subdivision plat has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information, will be forwarded to the Planning Commission for review. If the property is to be subdivided, all requirements set forth in Title §18, Subdivisions, must be met.

In accordance with chapter 19.05.040 and Utah Code §17-27a-506, the Planning Commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The Planning Commission may require additional studies or analyses to enable it to determine how impacts should be addressed and may establish reasonable conditions of approval to address those anticipated impacts, as per chapter 19.84.060.

**19.78.090      VALIDITY OF PRELIMINARY REVIEW**

1. Once the Planning Commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid (12 months for the preliminary plat and 12 months for the site plan). The Division Director may grant a one year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.
2. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial Planning Commission approval or one year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the Planning Commission prior to the then current expiration of the preliminary plat.

**19.78.100      POST-PLANNING COMMISSION APPROVAL**

After completing the preliminary review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and preliminary subdivision plat together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and Planning Commission to the Planning and Development Services Division (hereinafter known as the “development plan”).

1. The Planning and Development Services Division, along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.
2. After such review, the item may be scheduled for review by the Planning Commission upon referral by the Division Director or at the request of the Planning Commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.

**19.78.110      AMENDMENTS TO THE DEVELOPMENT PLAN**

The Division Director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following:

1. A change in the use and/or character of the development.
2. An increase in the overall density and/or intensity of use.
3. An increase of more than one percent in overall coverage of structures.
4. A reduction or change in character of approved open space.
5. A reduction of required off-street parking by more than five percent.
6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.
7. A reduction in required street pavement widths.

Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of a recommendation by planning staff, and after applicant has filed a new application. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

**19.78.120 FAILURE TO BEGIN DEVELOPMENT**

If no substantial construction has occurred in the development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan and application shall be required for any development on the subject property. The Planning Commission, upon a determination of good cause based on evidence submitted by the applicant, may extend the time for beginning construction a maximum period of 12 months for one time only.

**19.78.130 PHASED PLANNED UNIT DEVELOPMENT**

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan. The approved phasing plan shall be submitted to the Salt Lake County Recorder for recordation as a covenant to run with the land, or a "notice of compliance" once the development has been built.



November 18, 2015

*Via Email and U.S. Mail*

Millcreek Township Planning Commission  
[mrjohnson@slco.org](mailto:mrjohnson@slco.org)  
2001 S. State Street, #N3600  
Salt Lake City, Utah 84190-3050

Re: Request for Recommendation Regarding Proposed Plan Unit Development Ordinance Revision

Dear Honorable Commission and Council Members:

The Mount Olympus Community Council considered the proposed PUD revision (or more accurately rewrite) at its regularly scheduled meeting on November 17, 2015. The ordinance was presented by John Jansen, Chair of the Millcreek Township Planning Commission, together with Max Johnson from Salt Lake County Planning and Development Services. Notably, David Baird of our Council participated in the working group which wrote the ordinance. After discussing the ordinance with Mr. Jansen, Mr. Johnson and David Baird, our council believes that the rewritten ordinance is an improvement over the current ordinance which provides little guidance to the Planning Commission with respect to PUD applications. The new ordinance improves upon that. Based upon the presentation and our review of the ordinance, we recommend that the Planning Commission approve the ordinance and recommend it to the Salt Lake County Council for passage.

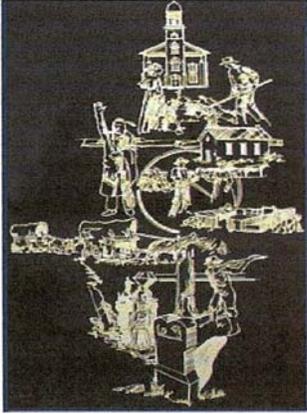
We also would like to commend the Planning Commission for its efforts in rewriting the PUD ordinance and for its upcoming work to address a rewrite of the RM Zone and C-1 and C-2 Zones. Rewrites of these zoning ordinances are long overdue in Salt Lake County and we are hopeful that your work will be a benefit to the new city planning commission and city council when they are selected next year. We encourage you to continue your work on these endeavors.

Very truly yours,

MOUNT OLYMPUS COMMUNITY COUNCIL

A handwritten signature in blue ink, appearing to read "Jeff Silvestrini", is written over the printed name.

Jeff Silvestrini  
Chair



1.

## GRANITE COMMUNITY COUNCIL

Dec. 4, 2015

Max Johnson  
Planning & Development Services  
Salt Lake County  
2001 S State  
Salt Lake City, Utah 84190

Dear Max:

The Granite Community Council appreciated the opportunity to review and comment on the proposed Planned Unit Development (PUD) ordinance change. As was noted at our November 4<sup>th</sup> meeting, which you attended, these ordinance changes are the best written and edited set of ordinances that some Council members have seen.

We discussed the ordinance change again at this month's meeting, once more Council members had had time to review it. The Council is generally in favor of the amendments being proposed to the Salt Lake County ordinance defining and controlling the development of Planned Unit Developments.

I also read your email response of Dec. 2<sup>nd</sup> to the concern first addressed by resident Robert Grow. In case you need this recommendation for your records, it follows:

The proposed PUD ordinance change was provided to Granite residents and one concern was particularly noteworthy. Mr. Robert Grow of Envision Utah asked: "Does the PUD ordinance allow density off undevelopable land for the developer? A very bad use of a PUD." He further noted that "A PUD ordinance which has this flaw allows undevelopable land to increase the value of the property substantially more than it's really worth under the regular residential zones and also radically increases the density above the norm in the surrounding neighborhoods. Neither is a good outcome...Counting unbuildable area for density in a PUD increases density along the urban-wildland interface in the foothills, along dangerous areas like fault lines, and away from transit service. Density "in all the wrong places"... There is no reason to increase developer profits by giving density credits and more units for land that should not or could not be developed in any case... Let's get density in centers where it improves everything and not scattered along foothills and in other sensitive areas. I see no reasonable logical argument to the contrary. It's just good planning."

Your response of agreement to this change was highly welcomed by our Council and particularly by Mr. Grow. We based our unanimous support for the ordinance change on the expectation that it will include verbiage that will address this concern.

In addition, the Council believes that the use of the PUD designation should not be allowed to be used to permit property owners to circumvent the rezoning process or to allow development of a property to increase density or to obviate the setback or other development requirements that would be applicable to the subject property in the absence of the PUD designation.

The Council recommends that the County also incorporate requirements into the new ordinance that (a) restrict the development density of a PUD to a density less than or equal to the density that would be permitted under the existing zoning applicable to the subject property in the absence of a PUD designation, and (b) PUDs shall comply with all setback and other development requirements that would be applicable to the subject property in the absence of a PUD designation.

Additional comments follow:

Section 19.18.040, par. E. It might be easier to understand this requirement if a figure were included.

Section 19.18.060, par. 1. This is explained so well that a similar paragraph might be included in the Foothill Canyon Overlay Zone (FCOZ) ordinance changes, which were somewhat confusing.

Section 19.18.110, par. 2 and 3: Suggest that terms such as “intensity of use” and “overall coverage of structures” be defined.

Thank you very much for your consideration of these issues.

Sincerely,

Mary J. Young  
Chairman, Granite Community Council



File # 28983

## Planning Commission Summary and Recommendation

**Public Body:** Millcreek, Emigration, County Planning Commissions

**Meeting Date:** December 16 & 17, 2015

**Request:** Recommendation on FCOZ changes

**Community Councils:** Millcreek, East Millcreek, Canyon Rim, Mt. Olympus, Emigration Canyon, Big Cottonwood Canyon

**Planner:** Curtis Woodward

**Community Council Recommendations:** See attachments

**Planning Staff Recommendation:**

### PROJECT DESCRIPTION

In response to the recommendations of the Blue Ribbon Commission, various changes have been proposed to the Foothills and Canyons Overlay Zone (FCOZ) and a new Mountain Resort Zone (MRZ) is being proposed. In consideration of the various competing interests in the canyons, the Commission's report emphasizes striking a balance between private property rights and the public interest in preserving and protecting the watershed and natural beauty of the canyon areas. Although FCOZ is designed as a set of regulations applicable to the development of private property, the report recognizes that the canyons are an important asset to a larger group than just property owners within the canyons themselves. The executive summary of the report concludes with, "Overall, the next generation FCOZ ordinance needs to be strong and clear in order to provide decision makers with the best tools possible to ensure the long-term sustainability of the Wasatch Canyons for the benefit of future generations." The draft ordinance is based on that directive.

### SITE & VICINITY DESCRIPTION (see attached map)

The areas currently within the FCOZ, which includes the areas within the Wasatch Mountains in unincorporated Salt Lake County, generally east of existing city and township boundaries; areas in the foothills of eastern Salt Lake County; and areas in the southwest corner of the County.

### NEIGHBORHOOD RESPONSE

Individual property owner and citizen responses have been received, and are included and summarized in this packet.

### COMMUNITY COUNCIL RESPONSE

Discussion has taken place with affected community councils, some of which have sent written responses. See attachments for responses from Community Councils.

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## REVIEWING AGENCIES RESPONSE

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N/A

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## STAFF ANALYSIS

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### WHAT REVISED FCOZ DOES

1. Clarifies ambiguous terms and concepts, such as “Lots of Record,” “Prominent Ridgelines,” “Open Space,” “Limits of Disturbance,” “Slope,” and “Clustering,” and eliminates confusing terms, such as “Maximum Extent Feasible.”
2. Clarifies the purposes of FCOZ, eliminating confusing concepts and terms.
3. Clarifies and mandates aesthetic design standards in areas such as siting of buildings, building materials, site preparation, traffic and parking, fencing, and lighting.
4. Eliminates confusing slope waiver process for ski resorts and replaces it with MRZ exceptions and standards.
5. Clarifies and simplifies the application process, including the role and timing of extraterritorial jurisdictions like Salt Lake City watershed.
6. Reconciles conflicts between FCOZ tree removal and revegetation standards vs. wildfire suppression standards.
7. Brings FCOZ into compliance with recent legal requirements (in areas such as exactions, Wildland-Urban Interface Codes, etc.).
8. In the above changes, strives to fairly balance property rights and environmental protection.

Although the Blue Ribbon Commission (BRC) report emphasizes “balance,” and offers points of emphasis, there are few specific suggestions for ordinance language in the report. There are thus different interpretations of what is an appropriate balance depending on an individual’s viewpoint. The public draft was presented to the BRC, and the members made recommendations which were prioritized by vote of the BRC. We have attempted to address those recommendations in the draft; however, because many of the comments which have come from the BRC and other interested parties are general in nature, we relied on the experiences of the County Planning staff and District Attorney’s office to convert the general concepts into specific ordinance revisions. As expected, public reaction to the initial draft has resulted in several suggested changes, most of which are shown in the December draft ordinances. We have shown the changes to the text by striking through words to be removed, and underlining words to be added. We also have included short explanatory notes in the margins, with longer explanations provided in a separate document.

It is our recommendation that the planning commission:

- Consider which of the proposed changes outlined in the December draft you approve,
- Discuss what other changes to the overall draft ordinance you feel are needed,
- Adopt a recommendation based on the changes discussed above.



# Salt Lake County – Blue Ribbon Commission

## Executive Summary - Final Report – June 11, 2013

This document provides a summary and overview of the major recommendations from the Final Report of Salt Lake County's Blue Ribbon Commission (BRC). The Final Report details the work of the BRC commencing in June 2012 and concluding in June 2013 and outlines the BRC's recommendations for principles to guide revisions to Salt Lake County's Foothills and Canyons Overlay Zone (FCOZ) ordinance. The work of the BRC led to three main conclusions which are:

1. The principles and values in the original FCOZ ordinance remain true today, and are of equal importance as to when the ordinance was adopted in 1997.
2. The challenges and pressures in the FCOZ areas are different today than they were in 1997. The FCOZ ordinance must be updated and adapted to reflect and address the contemporary issues and pressures of the present time.
3. The FCOZ zoning review and development process must be objective, predictable, and transparent in order to fairly balance property rights and environmental protection and to recognize the collective community values and needs of residents who depend on the canyons.

### **Specific recommendations from the BRC included the following:**

- The goal and purpose of the original FCOZ ordinance was to achieve a balance between environmental protection and property rights in the foothills and canyons of unincorporated Salt Lake County. This goal remains true today.
- Protection of the drinking water supply was a primary driver of the FCOZ ordinance and should remain a primary driver in the next generation of regulations.
- The base zoning of areas subject to the FCOZ need to mesh with land uses that are realistic and practical for the area, and recognize the wide range of canyon characteristics and considerations including aesthetics, environmental protection, public health and safety, community values, and others.
- Mechanisms, such as transfers of development rights (TDRs) or property purchases should be examined as a potential way to address severely constrained properties.
- A specific Mountain Resort Zone (MRZ) needs to be created for mountain resort areas. This zoning designation would recognize the year-round nature, function and needs of the resorts and commercial and recreational activities of visitors to the canyons.
- The FCOZ ordinance needs to recognize and accommodate a range of diverse recreational uses across all seasons including opportunities for the less able-bodied.

Overall, the next generation FCOZ ordinance needs to be strong and clear in order to provide decision makers with the best tools possible to ensure the long-term sustainability of the Wasatch Canyons for the benefit of future generations.



## SALT LAKE COUNTY ORDINANCES CHAPTER 19.72 – FOOTHILLS AND CANYONS OVERLAY ZONE (FCOZ)

19.72.010	PURPOSE
19.72.020	APPLICABILITY
19.72.030	DEVELOPMENT APPROVAL PROCEDURES
19.72.040	UNDERLYING ZONING DISTRICT
19.72.050	CLUSTER DEVELOPMENT
19.72.060	SLOPE PROTECTION
19.72.070	GRADING STANDARDS
19.72.080	SITE ACCESS
19.72.090	TRAILS
19.72.100	FENCES
19.72.110	TREE AND VEGETATION PROTECTION
19.72.120	NATURAL HAZARDS
19.72.130	STREAM CORRIDOR AND WETLANDS PROTECTION
19.72.140	WILDLIFE HABITAT PROTECTION
19.72.150	TRAFFIC STUDIES
19.72.160	LIMITS OF DISTURBANCE
19.72.170	FCOZ DESIGN STANDARDS
19.72.180	EXCEPTIONS FOR MINOR SKI RESORT IMPROVEMENTS
19.72.190	WAIVERS FOR PUBLIC USES AND MINERAL EXTRACTION AND PROCESSING
19.72.200	DEFINITIONS

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### 19.72.010 PURPOSE

The general purpose of the Foothills and Canyons Overlay Zone is to promote safe, environmentally sensitive development that strikes a reasonable balance between the rights and long-term interests of property owners and those of the general public. Specifically, these standards are intended to:

- A. Preserve the visual and aesthetic qualities of the foothills, canyons, and prominent ridgelines as defined herein, contributing to the general attractiveness and, where appropriate, the commercial viability of these areas.
- B. Protect public health and safety by adopting standards designed to reduce risks associated with natural and man-made hazards.
- C. Provide efficient, environmentally sensitive, and safe vehicular and pedestrian circulation.
- D. Encourage development that conforms to the natural contours of the land and minimizes the scarring and erosion effects of cutting, filling and grading on hillsides, ridgelines, and steep slopes.
- E. Balance private and commercial needs against the risk of destabilizing fragile soils, defacing steep slopes and degrading water quality.
- F. Minimize disturbance to existing trees and vegetation, conserve wildlife habitat, protect aquifer recharge areas, and otherwise preserve environmentally sensitive natural areas by encouraging clustering, the transfer of development rights, or other design techniques to preserve the natural terrain.



- G. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains.
- H. Protect property rights and commercial interests, and encourage economic development.

**19.72.020 APPLICABILITY**

**A. Geographic Area of Application**

Maps delineating the boundaries of the Foothills and Canyons Overlay Zone are on file with the Planning and Development Services Division. Such maps, as amended, are incorporated into this Ordinance as if fully described and detailed herein.

**B. Development Activities Covered**

The standards and regulations of the Foothills and Canyons Overlay Zone apply to all development that occurs within the mapped Foothills and Canyons Overlay Zone. Development includes all land disturbance activities such as grading, clearing, and excavation.

**C. Jurisdictional Exemptions**

These provisions do not apply to properties owned by the State of Utah or the government of the United States, except as specifically authorized by state or federal statute or regulation, intergovernmental agreement, or other form of cooperative agreement.

**D. Recognition of Salt Lake City Extraterritorial Jurisdiction**

Salt Lake County recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in the County impacting surface water, wells, storage facilities, or aquifers located within Salt Lake City's watershed areas shall be referred to Salt Lake City's Division of Public Utilities to ensure certify compliance with the City's ~~process and~~ applicable ordinances and watershed protection standards. If Salt Lake City's certification is not received within the time prescribed by County Ordinance for processing applications, the Planning Commission or Director may approve the application subject to Salt Lake City's certification.

**F. Mountain Resort Zone**

Due to the unique and specialized uses of mountain resort properties, including recreational and mixed residential and commercial uses, mountain resorts may apply for specialized mountain resort ("MRZ") zoning. Should a new resort choose not to apply for MRZ zoning, it shall be subject to all of the requirements of the underlying zone and this Chapter.

**Comment [CW1]:** The BRC and others have asked for clarification of Salt Lake City's role in FCOZ review in light of the authority granted by State Law (see Summary of Responses note 2).

**Comment [CW2]:** This is to acknowledge the MRZ zone and the fact that both ordinances apply.

**19.72.030 FCOZ DEVELOPMENT APPROVAL PROCEDURES**

**A. Purpose**

The purpose of this section is to outline the site plan application and approval process required for all development or construction activity, including tree/vegetation removal and grading, or subdivision of land, in the Foothills and Canyons Overlay Zone.



**B. Joint Applications**

Where a process is already established by ordinance or agreement for review and approval of a land use application in the Foothills and Canyons (such as a subdivision, conditional use or permitted use site plan, development agreement, or variance process), applicable FCOZ standards shall be applied concurrently with the related application. If there is no related land use application under review, the applicant shall be subject to the following process.

**C. Application Process**

**1. Pre-Application Meeting**

**a. Purpose**

An informal pre-application meeting with the Director is required prior to submitting a site development plan application. The purposes of the pre-application meeting are to provide an opportunity for the parties to discuss:

- i. The application submittal, review and approval process.
- ii. The proposed development of the site and its relationship to site conditions and area characteristics.
- iii. Applicable provisions of this Ordinance and other codes.

**b. Scheduling of Pre-Application Meeting**

To request a pre-application meeting, the applicant shall submit a pre-application meeting request on a form provided by the County, together with any required fees and materials. Upon submittal of a complete application, the development proposal shall be scheduled for discussion at ~~the next regularly scheduled~~ pre-application meeting ~~unless a later date is requested by the applicant.~~

**Comment [CW3]:** There was some confusion about what was meant by "regularly scheduled" meeting, so we eliminated that phrase.

**c. Attendance**

In addition to the Director, other County participants in the pre-application meeting may include representatives from the Health Department, County Engineer's Office, Fire Department, and any other person or entity the County deems appropriate.

**2. Site Development Plan**

**a. Application**

- i. Upon conclusion of the pre-application meeting process, an applicant seeking approval of a development plan shall submit an application form, together with required maps, plans, reports, special requests, and fees, to the Director. All submitted materials shall be available for public review.
- ii. Following documentation of assurances provided at the pre-application meeting or field inspections, the Director may waive or modify submittal requirements deemed unnecessary.
- iii. The Director may require additional information, as necessary, to substantiate compliance with the provisions and standards of this chapter and other applicable



codes and ordinances. For example, the Director may seek technical and policy recommendations from other public agencies with related legal jurisdiction such as the local health department; Utah Division of Wildlife Resources; Utah Division of Forestry, Fire, and State Lands; U.S. Forest Service; and U.S. Soil Conservation Service.

**b. Staff Review**

The Director shall review the development proposal for compliance with the standards and processes of this ordinance, including Paragraph D below, and shall document findings in a written report. The report shall specify all areas of noncompliance with regulations together with any recommended modifications or conditions of approval to mitigate detrimental impacts and bring the plan into compliance.

**D. Approval Standards**

The following is a summary of site development plan review standards. Failure to document compliance with any of the following may result in denial of a site development application.

1. The development is consistent with the purposes and intent of the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons General Plan, the Salt Lake County Regional Trails Plan, and applicable community general plans, as amended.
2. The site plan, grading, construction, and development activities comply with the mandatory requirements of the FCOZ, unless modifications or waivers have been expressly granted.
3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the local or state authority, including but not limited to water quality and wastewater regulations.

**E. Expiration of Site Development Plan/Issuance of a Building Permit**

1. A building permit issued pursuant to the FCOZ site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. An approved site development plan shall be valid for a period of twelve (12) months from the date of the final approval, unless authorized as a multi-phase development.
3. A building permit may be obtained at any time within the twelve (12) month period. If a building permit is not timely issued within the one (1) year period, approval of the site development plan automatically lapses and the plan is null and void.
4. A building permit issued for any phase of a development that has received site development plan approval may extend the life of the site development plan for the entire development for an additional twelve (12) months from the date of issuance of the building permit. If any successive twelve (12) month period expires before a building permit application is filed for a subsequent phase or phases, then the site development plan approval automatically lapses and the plan is null and void as to all undeveloped or un-built phases of the development.



- 5. A twelve (12) month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to the conditional use and subdivision extension fee in the Township Services Planning Review Fee Schedule on file with Township Services.

**19.72.040 UNDERLYING ZONING DISTRICT**

- A. Conflicts. Unless specifically exempted or modified by the underlying zoner, all development shall comply with the standards of this Chapter.
- B. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
- A.C. Setbacks. Setbacks from property lines are established by the underlying zone. If no setbacks are stated, an applicant wishing to locate a building closer than ten (10) feet to the property line shall demonstrate that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.

**Comment [CW4]:** Moved from the stream and wetlands protection section, where it didn't fit in.

**19.72.050 CLUSTER DEVELOPMENT**

**A. General Requirements**

Cluster development is the grouping of residential properties on lots smaller than allowed on the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space or recreation. Whether proposed by an applicant or required by the Planning Commission, cluster development may only be approved upon satisfaction of the following conditions:

- 1. The clustering proposal meets all other applicable requirements set forth in the Foothills and Canyons Overlay Zone or in other applicable ordinances or regulations.
- 2. The clustering proposal, compared with a more traditional site plan, better attains the policies and objectives of the Foothills and Canyons Overlay Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, prominent ridgelines, wetlands, and steep slopes.
- 3. The clustering proposal shall have minimal adverse impact on adjacent properties or development, or, if such impacts may result, the applicant has agreed to implement appropriate mitigation measures such as landscape, screening, illumination standards, and other design features as recommended by the Director to buffer and protect adjacent properties from the proposed clustered development.
- 4. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

**B. Density Bonus for Cluster Development**

- 1. A cluster density bonus of up to twenty-five percent (25%) over the base density permitted in the underlying zone may be available for cluster developments that satisfy the above standards while taking into account the bonus density.
- 2. The allowable density bonus for a cluster development is equal to twenty-five percent (25%) of the "net developable acreage", and must be rounded to the nearest whole

number, but in no case less than one (1). ~~“Net developable acreage” is defined as land with all of the following:~~

- ~~a. An average slope less than thirty percent (30%).~~
- ~~b. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.~~
- ~~c. Minimum distance from any stream corridor, as defined in this Chapter, of one hundred (100) feet.~~
- ~~c. Free from any identified natural hazards such as flood, avalanche, landslide, high water table, and similar features. (See Chapter 19.74 (Floodplain Hazard Regulations) and Section 19.72.120 (Natural Hazards).)~~

**Comment [CW5]:** Moved to the definitions section.

- 3. The density bonus for clustering allowed pursuant to subsection B.1 is not allowed in the MRZ.

**C. Cluster Development Design**

- 1. ~~Forty percent (40%) of the~~The **undeveloped** area of the development site shall be preserved as active or passive natural open space. Natural open space areas shall conform with any adopted County open space and/or trail plans, provide contiguity with adjacent natural open space and/or conservation areas, protect unique natural, historic, or cultural site features and resources, and avoid fragmentation of conservation areas within the site.
- 2. The maximum number of lots allowed in a single cluster is twenty (20) lots. Each cluster shall be separated from other residential clusters by a minimum of one-hundred (100) feet.
- 3. The layout of a cluster development shall protect significant natural resources on or adjacent to the site. Natural resources include riparian areas, wetlands, ecological resources, steep slopes and ridgelines, and wildlife habitat and corridors. The overall site design shall employ the site's natural topography to hide multiple residential clusters from the sight of adjacent clusters.
- 4. A cluster development shall preserve the open sky backdrop above any ridgelines and, where possible, significant views of the natural landscape as viewed from adjacent streets.

**Comment [CW6]:** By definition, a clustered development is going to result in a large area left undeveloped. Given the lot sizes involved and the restrictions on limits of disturbance, having a percentage here is not necessary.

**D. Illustration of Cluster Development**

Figure 19.72.1: Cluster Development illustrates recommended cluster development.

**FIGURE 19.72.1: CLUSTER DEVELOPMENT**

**19.72.060 SLOPE PROTECTION**

**A. Slope Protection Standards**

1. Unless otherwise allowed in this ~~Section Title~~, no development activities, including clearing, excavation, grading, and construction, are allowed on slopes greater than thirty percent (30%).
2. Structures shall be set back from ascending or descending slopes greater than thirty percent (30%) in accordance with the requirements of the building code.

**B. Development on Ridgelines**

1. ~~Unless otherwise allowed in this Title, no~~ development may break the horizon line, defined as the point where the ridge visibly meets the sky as viewed from public rights of way or trails.
2. ~~Unless otherwise allowed in this Title, no~~ development may be located within one-hundred (100) feet (map distance) from either side of the crest of a protected ridgeline designated as such in an adopted County master plan or incorporated by other ordinance.
3. Figure 19.72.2: Ridgeline Development illustrates recommended ridgeline development.

**FIGURE 19.72.2: RIDGELINE DEVELOPMENT**



**C. Natural Open Space within Steep Slopes**

Unless expressly allowed in this ~~Chapter Title~~, all areas with slope greater than thirty percent (30%) must remain in natural private or public open space, free of any development activities.

**Formatted:** Strikethrough

**D. Waiver of Slope Protection Standards for Lots of Record**

1. The Planning Commission may ~~only~~ waive or modify the following slope protection standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of this Ordinance:
  - a. Slope protection standards prohibiting development on slopes greater than thirty

**Comment [CW7]:** Per Blue Ribbon Commission recommendation (see summary of responses note 23).

percent (30%) or in ridge line protection areas, as set forth above.

- b. Limitations on the crossing of slopes greater than thirty percent (30%) by any street, road, private access road or other vehicular route, as addressed in Subsection 19.72.080.

2. The Planning Commission may only waive these standards upon satisfaction of the following criteria:

**Comment [CW8]:** Per Blue Ribbon Commission recommendation.

- a. Strict compliance with the above slope protection standards
  - i. renders the site virtually undevelopable,
  - ii. results in substantial economic hardship not created by the applicant or otherwise self-imposed, or
  - iii. results in a building location that requires excessive grading, vegetation removal, or driveway distances that conflict with the purposes of this chapter.

**Comment [CW9]:** Concerns have been expressed by property owners in canyons that strict compliance with the standards can lead to worse overall site plans in terms of visual impact and hillside scarring than if slight waivers were granted. This is an attempt to address that concern.

and

- b. The development substantially conforms to all other development, site design, and environmental standards of the Foothills and Canyons Overlay Zone ~~this chapter~~ and in all other applicable ordinances and codes.

3. In granting a waiver from slope and ridge line protection standards, the Planning Commission may impose reasonable conditions to mitigate the impacts of the proposed development on adjacent properties and the surrounding environment.

**19.72.070 GRADING STANDARDS**

A. Prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the Development Services Engineer; no grading, excavation, or tree/vegetation removal is permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways.

~~B. A maximum of thirty five percent (35%) of the total area of the lot, but not to exceed the maximum limits of disturbance allowed per 19.72.160 may be graded for a building pad, including building pads for any accessory structures.~~

**Comment [CW10]:** This restriction was a suggestion by consultants who were assisting in re-organizing all of Title 19, but needs to be removed.

C. Figure 19.72.3: Cutting and Grading illustrates recommended development that minimizes cuts.

**FIGURE 19.72.3: CUTTING AND GRADING**

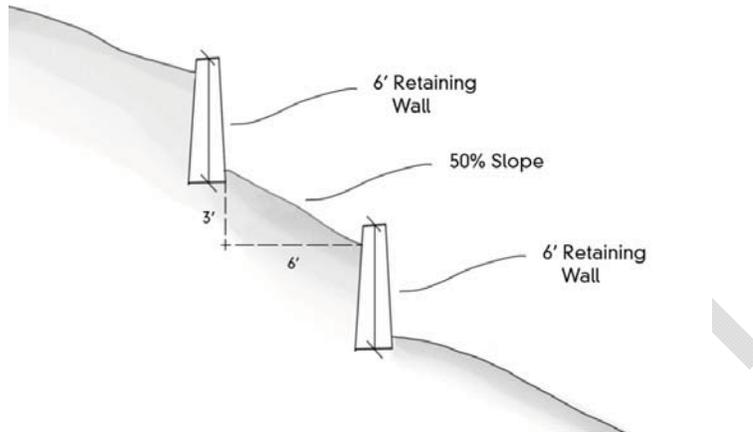


- D. The original, natural grade of a lot may not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
1. The site's original grade may be raised or lowered eight (8) feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements of subsection I below.
  2. The site's original grade may be raised or lowered more than ~~six (6)~~ eight feet with terracing, as specified in subsection I below.
- E. Separate building pads for accessory buildings other than garages, barns, or recreational structures such as tennis courts, swimming pools, and similar facilities, are prohibited except where the natural slope is twenty percent (20%) or less.
- F. The following limits apply to graded or filled man-made slopes:
1. Slopes of twenty-five percent (25%) or less are encouraged wherever possible.
  2. Graded or filled man-made slopes may not exceed a slope of fifty percent (50%).
  3. Cut man-made surfaces or slopes may not exceed a slope of fifty percent (50%) unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
  4. All cut, filled, and graded slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.
- G. Any slope exposed or created in new development shall be landscaped or re-vegetated pursuant to the standards and provisions of this Chapter.

- H. Excavation for footings and foundations shall be minimized to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site plan approval.
- I. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to re-vegetation.
  - 1. If a single retaining wall is used, one (1) vertical retaining wall up to eight (8) feet in height is permitted to reduce excavation and embankment.
  - 2. Terracing is limited to two (2) walls with a maximum vertical height of six (6) feet each. The width of a terrace shall be a minimum of a one to one (1:1) ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or re-vegetated as required by this Chapter.
  - 3. Figure 19.72.4: Terracing and Retaining Walls illustrates recommended terracing.

**FIGURE 19.72.4: TERRACING & RETAINING WALLS**





3. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape, as required by the design standards of Foothills and Canyons Overlay Zone.
  4. All retaining walls shall comply with the minimum standards of the International Building Code.
- J.** Filling or dredging of water courses, wetlands, gullies, stream beds, or stormwater runoff channels is prohibited. Bridge construction is allowed pursuant to the standards set forth of this Section.
- K.** Where detention basins and other storm and erosion control facilities are required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized. See [Figure 19.72.5: Recommended Detention Basin Treatment](#) which illustrates recommended treatment.
1. Detention basins shall be free form, following the natural landforms. If such forms do not exist, the basin shall be shaped to emulate a naturally formed depression.
  2. Redistributing soils from basin construction to natural side slopes around the perimeter of the basin is encouraged. Side slopes are limited to a maximum slope of 3:1. These slopes are created to filter, redirect or soften views of the basin. Total screening of basins is not required. Side slopes shall be varied to replicate natural conditions.
  3. Naturalized planting themes are required for basins. Trees and shrubs may be grouped in informal patterns to emulate the natural environment but may not reduce the volume of the basin.
  4. The ground surface of the basin and surrounding disturbed areas shall be covered with native grass mixture or other appropriate groundcover. It is the intent to provide a natural cover that does not require regular mowing or fertilization.
  5. Appropriate erosion control measures are required on all slopes.

**FIGURE 19.72.5: RECOMMENDED DETENTION BASIN TREATMENT**



**19.72.080 SITE ACCESS**

- A. Motor vehicle access to a building or development site shall be by road (including private access road), street, alley, or driveway. Any road, street, alley, or driveway constructed after the enactment of this chapter shall comply with the applicable requirements of this section.
- B. Streets, roads, alleys, or driveways shall comply with the Salt Lake County Highway ordinance and fire authority regulations.
- C. Streets, roads, alleys, or driveways may not cross slopes averaging (in any fifty feet interval) between thirty percent (30%) and fifty percent (50%) unless specifically authorized by the Planning Commission, upon the favorable recommendation of the Director and Public Works Engineer, after finding that all of the following conditions and constraints are met:
  - 1. No alternate location for access is feasible or available.
  - 2. No individual segment or increment of the street, road, alley, or driveway in excess of one hundred (100) feet in length may cross slopes averaging between thirty percent (30%) and fifty percent (50%).
  - 3. The cumulative length of individual segments or increments that cross slopes averaging between thirty percent (30%) and fifty percent (50%) may not exceed ten percent (10%) of the total length of the street, road, alley, or driveway.
  - 4. All crossings shall be designed and constructed to eliminate significant adverse environmental or safety impacts.
- D. Under no circumstances shall any segment of a street, road, alley, or driveway cross slopes averaging greater than fifty percent (50%).
- E. Streets, roads, alleys, roads, or driveways shall follow natural contour lines where possible. . If the natural contour lines do not reasonably facilitate access to the development site, a private access road or driveway may be designed and submitted for approval with a slope not

**Comment [CW11]:** Concerns were raised about whether these standards applied to new or existing roads (see summary of responses note 9).

to exceed the requirements set forth in Title 14 of the County Code. Figure 19.72.6: Recommended Access Route Configuration illustrates the access route following natural contours.

**FIGURE 19.72.6: RECOMMENDED ACCESS ROUTE CONFIGURATION**



- F. Grading for streets, roads, alleys, or driveways is limited to the paved portion of the right-of-way, plus up to an additional ten (10) feet on either side of the pavement as approved. However, when developing access on slopes in excess of twenty-five percent (25%), only the paved portion of the right-of-way used for vehicular travel, plus the minimum area required for any additional improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access right-of-way must be left undisturbed.
- G. Streets or roads may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.
- H. Private access roads and driveways shall ensure safe, convenient and adequate access to individual buildings. Driveway access to a development must be consistent with Salt Lake County general plans. In addition, provision of private access road and driveway access is subject to the following requirements:
  - 1. All private access roads and driveways shall comply with the Salt Lake County Highway ordinances and fire authority regulations.
  - 2. Private access roads and driveways greater than one-hundred fifty (150) feet in length shall meet the following requirements:
    - a. Provide a turnaround that meets the County's road/street and fire authority standards.

- b. Provide an adequate number of spaced turn-outs along the length of the private access road or driveway, as determined by the Public Works Engineer in consultation with the fire authority.
- 3. If variation from the above standards is sought, the applicant shall apply for a written Code Modification Approval from the fire authority that specifies any additional requirements that must be completed prior to construction.
- 4. Shared private roads and driveways are encouraged between adjacent lots.
- 5. Private access roads and driveways to a building site shall have direct access to a public street or to a private right-of-way previously approved by the Planning Commission.
- 6. Finished grades shall comply with the following:
  - a. Finished private access roads and driveways are limited to a maximum grade of twelve percent (12%), or as determined by the Public Works Engineer on a case-by-case basis based on health and safety concerns and the need for adequate access for County service providers. In no case, however, may the Public Works Engineer approve a maximum grade greater than fifteen percent (15%).
  - b. Private access road and driveway grades within twenty (20) feet of the roadway are limited to ten percent (10%) slope.

- 7. The Director has discretion to administratively modify the driveway access standards by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the following criteria:
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

**Comment [CW12]:** Moved from 19.72.160.E

**19.72.090 TRAILS**

- A. All proposed development in the Foothills and Canyons Overlay Zone shall be platted consistent with County general plans regarding trails, including the Salt Lake County Regional Trail Plan and the Salt Lake County Trail Access Plan. A dedication of private land may be required for public trails if the required dedication complies with the exaction requirements set forth in Utah Code section 17-27a-507(1).
- B. All land offered for dedication for trails or public access to trails must be verified on the ground by the Director before approval of the site plan. The County has the option of rejecting the applicant's offered land dedication if the proposed dedication does not comply with the exaction requirements set forth in Utah Code section 17-27a-507(1), or the requirements set forth in subsection (C) below; the County may suggest more suitable land for the applicant's consideration that does comply with each of these requirements.
- C. Land offered for dedication for trails must be located so that:
  - 1. Proposed trail construction and maintenance is feasible.
  - 2. Side slopes do not exceed seventy percent (70%).



- 3. Rock cliffs and other insurmountable physical obstructions are avoided.
- D. At the County's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either the County, another unit of government, or non-profit land conservation organization approved by the County.
- E. The County may allow a density bonus up to twenty-five percent (25%) of the maximum allowable density attributable to areas of the site with greater than thirty percent (30%) slope to be transferred to the developable areas of the site where the applicant demonstrates that the offered dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. The County may reduce the applicable minimum lot area requirement within the site's developable area if necessary to accommodate the transferred density.

**19.72.100 FENCES**

- A. No fence may be constructed or installed unless shown on an approved site plan.
- B. No fence in excess of forty-two (42) inches in height may be constructed or installed outside the designated limits of disturbance on a site, unless required by the County, such as fenced corrals for horses or other animals. Fences are subject to ~~Section 19.46.050(A)(4) (the~~ Intersecting Streets and Clear Visibility restrictions of this title).
- C. Fences in front yards and along roadways may not exceed forty-two (42) inches in height, except that residential buildings with frontage on a main canyon road may be screened for privacy with a 6 foot tall visual barrier fence, provided the materials and colors comply with section W of Table 19.72.11.
- D. Fences in identified wildlife corridors are strongly discouraged, but in no case may exceed forty-two (42) inches in height.
- E. Fences shall conform to the design standards of this section.

**Comment [CW13]:** This suggestion comes from along the main road who feel their right to privacy needs to be recognized in the fencing regulations (see summary of responses note 13).

**19.72.110 TREE AND VEGETATION PROTECTION**

**A. Purpose**

Protection of existing tree and vegetation cover is intended to:

- 1. Preserve the visual and aesthetic qualities of the County's foothills and canyons.
- 2. Encourage site design techniques that preserve the natural environment and enhance the developed environment.
- 3. Control erosion, slippage, and sediment run-off into streams and waterways.
- 4. Increase slope stability.
- 5. Protect wildlife habitat and migration corridors.
- 6. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.

**B. Applicability**



These provisions apply to all development in the Foothills and Canyons Overlay Zone, with the following exceptions:

- 1. The removal of dead or naturally fallen trees or vegetation to protect public health, safety, and welfare.
- 2. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.
- 3. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms, or pursuant to approved forest management programs. In the event a site is substantially cleared of trees pursuant to such legitimate activities, no development or site plan applications for other types of development may be accepted by the County within thirty-six (36) months from the date of the clearing.

4. The Director has discretion to administratively modify the standards in this section by up to 25% if either of the following circumstances applies:

Comment [CW14]: Moved from 19.72.160.E

a. The modification is designed to yield:

i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;

ii. Less visual impact on the property or on the surrounding area; or

iii. Better protection of wildlife habitat.

b. Strict application of the standard(s) would render a site undevelopable.

**C. Tree/Vegetation Removal**

**1. Outside the Limits of Disturbance**

No trees or vegetation may be removed outside the approved limits of disturbance unless specifically exempted by this Section.

**2. Within the Limits of Disturbance**

Significant trees removed from within the limits of disturbance shall be replaced as set forth in this Section.

**3. Wildfire Hazards and Tree/Vegetation Removal**

Defensible space is defined as the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure. Appropriate defensible space surrounding a structure is established in Utah Wildland-Urban Interface Code incorporated in UFA Wildland-Urban Interface Site Plan/Development Review Guide. A copy of the approved fire protection plan shall be submitted to the Zoning Administrator for incorporation into the final approval documents.

**4. Tree/Vegetation Removal for Views Prohibited**

No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site.

**D. Replacement of Significant Trees**

1. When a significant tree is removed from inside the established limits of disturbance, which removal is not required by wildland-urban interface standards referenced in C.3 above, the applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:
  - a. A significant tree that is removed shall be replaced by two trees with a minimum size of one inch caliper for deciduous trees and a minimum height of four feet for coniferous trees in locations on the lot that are appropriate, feasible, and practical, and that comply with fire requirements and standards, as determined by the Zoning Administrator.
  - b. Replacement trees shall be maintained through an establishment period of at least two (2) years. The applicant shall post a bond in the amount of 10% of the value of all replacement trees guaranteeing their health and survival during the first year of the establishment period.
2. If the remainder of the lot outside the permitted limits of disturbance is heavily wooded, defined as areas of trees with canopies that cover eighty percent (80%) of the area, and is not suitable to the planting of replacement trees, the planting of replacement trees ~~on other parcels in the subdivision plat where the lot is located or on parcels that adjoin the plat or lot, including open space and forest service land, may be allowed, subject to review and approval requirement may be waived~~ by the Zoning Administrator. Planting replacement trees ~~may be allowed by the Zoning Administrator on parcels within the subdivision or adjoining open space or forest service land upon on these other parcels shall not be approved~~ the written consent of the property owner or representative of the property owner of the parcel(s) where the trees are being planted. In order to minimize disturbance of public land, saplings may be used in lieu of the larger trees listed in 1(a) above at the rate of 10 saplings per required replacement tree, for trees planted on publicly owned land.

**Comment [CW15]:** This provision was questioned in terms of why people with a heavily wooded lot would have no choice but to plant trees on someone else's property.

**E. Revegetation and Land Reclamation Plan**

1. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the Director. The plan shall incorporate the elements of the fire protection plan, and shall indicate a timeframe for revegetation that is acceptable to the County and that takes into account optimal seasonal growing conditions.
2. The revegetation and land reclamation plan shall depict the type, size, number, and location of any vegetation and trees to be planted and illustrate how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful. All new trees shown on the plan shall:
  - a. Comply with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code,
  - b. Be spaced no closer than 20 feet on center, and,
  - c. Be on the Utah Fire Resisitive Species list in the Wildland-Urban Interface Code.

3. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
4. On man-made slopes of twenty-five percent (25%) or greater, plant materials with deep rooting characteristics shall be selected to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.
5. Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
6. The land reclamation plan may not include landscaping or other elements that conflict with the approved fire protection plan.

**F. Tree/Vegetation Protection During Construction and Grading Activities**

1. Limits of disturbance, as established in Section 19.72.160, shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other separation methods approved by the Director prior to the commencement of excavation, grading, or construction activities on the site.
2. Within the limits of disturbance, fencing, at a minimum, shall be placed around each significant tree that will not be removed and around stands of twelve (12) or more smaller trees. Such fencing shall be placed at the edge of the individual or outermost tree's drip zone. No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone, and the fencing must remain in place until all land alteration, construction, and development activities are completed.
3. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks, and more fabric under the area to be filled.
4. If fill creates a tree well or depression around a tree or shrubs, such area shall be filled in or drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
5. If a significant tree that will not be removed has roots that are cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Cutting more than thirty percent (30%) is prohibited. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. If the tree whose roots have been cut dies within a two (2) year period, the replacement provision in section D above applies.
6. Utility trenches near trees shall be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

**-G. Tree Removal Not Authorized by this Section**

**Comment [CW16]:** See summary of responses note 25.

- 1. If a significant tree(s) is removed contrary to any provision in this section, the person(s) responsible for the removal shall pay to the County the value of the tree(s).**

- a. The value of the tree(s) shall be determined by a tree appraiser who is an ISA (International Society of Arboriculture) certified arborist with at least five years of experience appraising trees using the appraisal methods outlined in the current**

edition of "The Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers (CTLA). The appraiser shall prepare an appraisal report using these methods, and adding to the value from these methods an analysis of the tree(s) contributory value, i.e., the value that the tree(s) contributed to the overall value of the property on which they were located.

b. The appraiser shall be chosen by the person(s) responsible for the removal and the County.

c. The person(s) responsible for the removal shall pay the cost of the appraisal.

2. If a significant tree(s) is removed contrary to this section, all development and County permitting and processing of the land use application shall be put on hold for 60 days from the date of County's discovery of removal. During that time, the County will inventory the significant tree(s) that were removed, and the process of valuing the tree(s) that were removed shall commence, pursuant to paragraph 1 above.

3. The person(s) responsible for removing the significant tree(s) shall pay for the cost of removing the stump(s). The stump(s) may not be removed until an appraisal is completed pursuant to paragraph 1 above.

4. The person(s) responsible for removing the significant tree(s) shall also replace the tree(s) in accordance with the provisions in this section. The bond referenced in subsection (D)(1)(b) of this section shall be a surety bond for those that unlawfully remove trees.

In addition to the civil penalties provided in paragraphs 1 – 4 of this subsection (G), the person(s) responsible for removing the significant tree(s) shall also be subject to a criminal penalty of a Class B misdemeanor for each significant tree unlawfully removed.

#### **19.72.120 NATURAL HAZARDS**

A natural hazards report, together with geotechnical, slope, soils, and grading reports, may be required as provided in 19.75.030 "Geological Hazards" and Chapter 19.74 "Floodplain Hazards." The County shall review all natural hazards reports and recommendations in the report and may require, consistent with the above ordinances, that preliminary conditions be satisfied prior to final approval of the site plan.

#### **19.72.130 STREAM CORRIDOR AND WETLANDS PROTECTION**

##### **A. Purpose**

The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions of stream corridors, associated riparian areas, and wetlands.

##### **B. Applicability**

Unless previously delineated by Salt Lake County, boundaries for stream corridors and wetland areas are delineated according to the following standards:

1. Stream corridor and wetland area delineation shall be performed by a qualified engineer or other qualified professional with demonstrated experience and expertise to conduct the required site analysis. Delineations are subject to the approval of the Director.

2. Stream corridors shall be delineated at the ordinary high-water mark. Stream corridors do not include irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife.
3. Boundary delineation of wetlands are established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands jointly published by the U.S. Environmental Protection Agency, the Fish and Wildlife Service, the Army Corps of Engineers, and the Soil Conservation Service.

**C. Prohibited Activities**

No ~~development activity may be conducted~~ ~~person may engage in any activity~~ that disturbs, removes, fills, dredges, clears, destroys, or alters, ~~including vegetation,~~ stream corridors, ~~or wetlands, and their setbacks as set forth below,~~ unless specifically allowed in this Section. ~~approved by Salt Lake County Flood Control, the Utah State Engineer's Office, and any other applicable authorities.~~

**Comment [CW17]:** Concerns were raised by about whether our ordinance recognized the permitting process involved in altering a natural stream (see summary or responses note 14).

**D. Setbacks**

**1. Buildings**

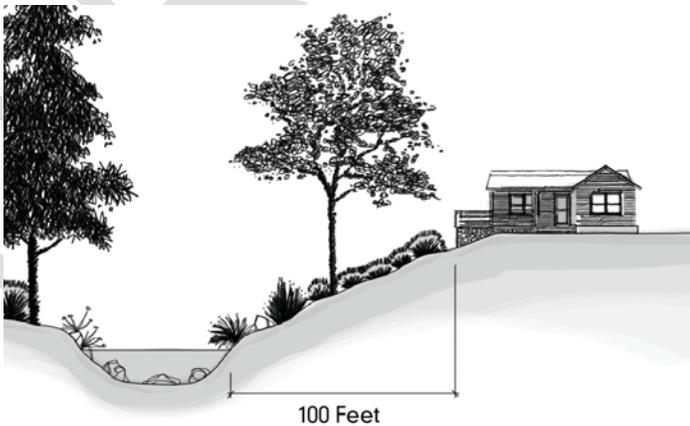
~~Setbacks from property lines are established by the underlying zone. If no setbacks are stated, an applicant wishing to locate a building closer than ten (10) feet to the property line shall demonstrate that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.~~

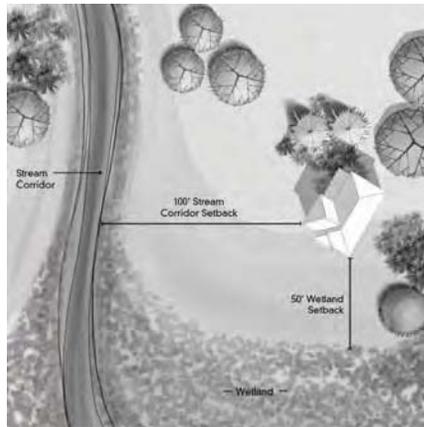
**Comment [CW18]:** Moved to 19.72.040.C

**21. Perennial Stream Corridors**

All buildings, accessory structures, leach fields, and parking lots must be set back at least one-hundred (100) feet horizontally from the ordinary high-water mark of perennial stream corridors. (See Figure 19.72.7: Setback from Stream Corridor)

**FIGURE 19.72.7: SETBACK FROM STREAM CORRIDOR**





**32. Wetlands**

All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.

**43. Ephemeral Streams**

All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty (50) feet from the channel of an ephemeral stream, as defined by its ordinary high water mark. The Zoning Administrator may recommend to the land use authority modifications to this prohibition upon finding that the modification is likely to cause minimal adverse environmental impact or that such impact may be substantially mitigated. For properties located within the Salt Lake City watershed, the Zoning Administrator shall consult with Salt Lake City Public Utilities prior to making a recommendation.

**54. Natural Open Space/Landscape Credit for Setback Areas**

All setback areas are credited toward any relevant private natural open space or landscape requirements, but are not credited toward trail access dedication requirements.

**E. Preservation of Vegetation**

All existing vegetation within the stream corridor or wetland setback area shall be preserved to provide adequate screening or to repair damaged riparian areas, supplemented where necessary with additional native or adapted planting and landscaping.

**F. Bridges**

Any bridge over a stream corridor and within the stream setback area may be approved provided the Director affirms that the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor.

**G. Modification of Setbacks**

**Comment [CW19]:** Moved from 19.72.160.E

1. The Director has discretion to administratively modify the perennial stream corridor and wetlands setbacks by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the following criteria:
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

**H. Perennial Stream Corridor and Wetland Setback Requirements for Lots of Record**

**1. Existing Legally-Established Structures**

A structure legally existing on the effective date of this Ordinance that is within fifty (50) feet of a perennial stream corridor or twenty-five (25) feet of a wetland may be renovated, altered, or expanded as follows:

- a. Renovations or alterations that will not increase the gross floor area of the original, existing structure are permitted.
- b. Renovations, alterations, or expansions that will increase the gross floor area of the original, existing structure are limited to a cumulative total expansion of no more than 250 square feet of gross floor area located closer than 50 feet to a perennial stream corridor or closer than 25 feet to a wetland.
- c. Renovations, alterations, or expansions that increase the gross floor area of the original, existing structure but which are no closer than fifty (50) feet to a perennial stream corridor or no closer than twenty-five (25) feet of a wetland are permitted, subject to compliance with all other applicable regulations and standards.

**2. New Structures**

For new developments, the Director may authorize construction to no closer than fifty (50) feet from a perennial stream corridor or to no closer than twenty-five (25) feet from a wetland subject to the following criteria:

- a. Denial of an encroachment of more than the twenty-five percent (25%) into the stream or wetlands setback area allowed by 19.72.020(E) would render the site undevelopable.
- b. No alternative location for the development further away from the stream or wetland is feasible or available.
- c. Creative architectural or environmental solutions have been incorporated into the development proposal in order to ensure that the purposes of stream corridor protection, as set forth in Subsection 19.72.130 are achieved.
- d. No federal or state laws, or other County ordinances or regulations are violated.

**3. Limitations**

In allowing for the preceding improvements, the Director may not:



- a. Increase the maximum limits of disturbance set forth in Subsection 19.72.160.
- b. Authorize the encroachment of more than five-hundred (500) square feet of gross floor area of structural improvements (cumulative total) within the land area between seventy-five (75) feet and fifty (50) feet from perennial stream corridor or within the land area between fifty (50) and twenty-five (25) feet of a wetland.

**19.72.140 WILDLIFE HABITAT PROTECTION**

**A. Purpose**

Salt Lake County finds that its foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. In combination with the tree/vegetation and stream corridor/wetlands protection standards, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.

**B. Development Limitations in Areas of Critical Habitat**

All development subject to these provisions shall incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:

1. Facilitate wildlife movement across areas dominated by human activities by:
  - a. Maintaining connections between adjacent natural open space parcels and areas, and between natural open space parcels and areas in close proximity.
  - b. Prohibiting fencing types that inhibit the movement of wildlife species.
  - c. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.
2. Mimic features of the local natural landscape by:
  - a. Minimizing disturbance to trees, the understory, and other structural landscape features during construction.
  - b. Providing selective plantings on the property that enhance the habitat value for the endemic wildlife population.

**19.72.150 TRAFFIC STUDIES**

**A. Traffic and Parking Impact Study Required**

A traffic and parking impact study is required as part of the site plan application for the following developments in the Foothills and Canyons Overlay Zone:

1. All residential development that creates a projected increase in traffic volumes equal to or greater than ten percent (10%) of current road/street capacity as determined by the Public Works Engineer.



2. All non-residential development that creates a projected increase in traffic volumes equal to or greater than fifty (50) trip-ends per peak hour.
3. All development that affects a roadway identified by the County Transportation Engineering Manager as having an unacceptable level of service (LOS) based on AASHTO guidelines and the Highway Capacity Manual.

**B. Required Submittals**

A traffic and parking impact study must address, at a minimum, the items specified in the "Submittal Requirements for Development Proposals in the Foothills and Canyons Overlay Zone," which is incorporated by reference.

**C. Review and Improvements**

All development subject to this section must demonstrate that the peak hour levels of service on adjacent roadways and at impacted intersections after development will comply with current Salt Lake County transportation and impact mitigation policies and recommendations.

**D. Circulation and Access Plan**

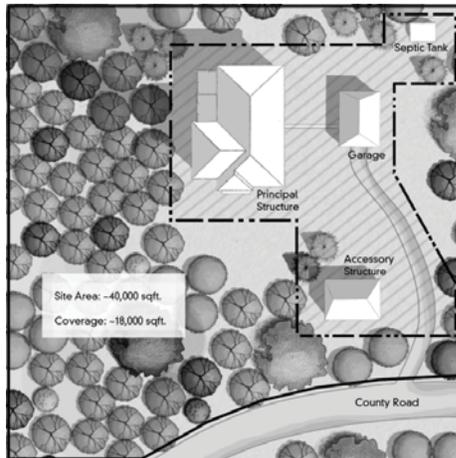
All development required by this subsection to submit a traffic and parking impact study is also required to provide a circulation and access plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The circulation and access plan may be combined with the required traffic and parking impact study.

**19.72.160 LIMITS OF DISTURBANCE**

**A. Scope and General Requirements**

"Limits of disturbance" must be established on the site plan, indicating the specific area(s) of a site where construction and development activity must be contained. (See [Figure 19.72.8: Illustration of Limits of Disturbance](#).)

**FIGURE 19.72.8: ILLUSTRATION OF LIMITS OF DISTURBANCE**



**B. Purpose for Limits of Disturbance**

Limits of disturbance are established for the following purposes:

1. Minimizing visual impacts from the development including, but not limited to: screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
2. Erosion prevention and control including, but not limited to, protection of steep slopes and natural drainage channels.
3. Fire prevention and safety including, but not limited to, location of trees and vegetation near structures.
4. Preservation of tree cover, vegetation, and the site's natural topography.
5. Conservation of water including, but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
6. Wildlife habitat protection including, but not limited to, preservation of critical wildlife habitat and migration corridors and routes.
7. Stream corridor and wetland protection and buffering.

**C. Limits of Disturbance May Be Noncontiguous**

Limits of disturbance necessary to accommodate proposed development may be noncontiguous in order to best achieve the above purposes.

**D. Maximum Limits of Disturbance**

1. ~~For single family residential uses on~~ ~~For~~ lots or parcels less than one (1) acre in size, the limits of disturbance are limited to twenty thousand (20,000) square feet.

2. ~~For single family residential uses on~~—For lots or parcels one (1) acre in size or greater, the limits of disturbance are limited to twenty thousand (20,000) square feet plus an additional square footage of up to ten (10) percent of the acreage over one (1) acre.
3. ~~For all other uses, the maximum limits of disturbance shall be determined by the Director on a case by case basis in harmony with the purposes of FCOZ stated in 19.72.010.~~

**Comment [CW20]:** This is a return to existing FCOZ, where more flexibility is given to site planning for non-residential uses (see summary of responses note 17).

**E. Modification of Limits of Disturbance**

1. The Director has discretion to administratively modify the limits of disturbance ~~as well as the related development standards specified below~~ by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the criteria set forth in ~~Subsection 2~~ below:
  - a. ~~FCOZ design standards in Subsection 19.72.170.~~
  - b. ~~Tree and vegetation protection standards in Subsection 19.72.110.~~
  - c. ~~Perennial stream corridor and wetlands setbacks in Subsection 19.72.130.~~
  - d. ~~Driveway access standards in Subsection 19.72.080.~~

**Comment [CW21]:** These exceptions were relocated to the appropriate subsections.

2. ~~The Director may exercise administrative waiver authority as provided above if either of the following circumstances apply:~~
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat.
  - b. Strict application of the standard(s) would render a site undevelopable.

**19.72.170 FCOZ DESIGN STANDARDS**

**A. Purpose**

As stated in 19.72.010, the general purpose of design standards is to promote development that balances the rights of the landowner with protection of the foothill and canyon environment. These standards are intentionally broad to allow flexibility in design, compatibility with varying features of the natural landscape, and consistency with the following purposes:

1. Preserve and enhance the beauty of the landscape by encouraging the retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, trees, and similar features.
2. Encourage planning and design of development and building sites that balances safety, recreational opportunity, economic development, and enjoyment of property rights, while adapting development to, and preserving natural terrain.

3. Establish a foundation for development in sensitive lands to insure a more harmonious relationship between man-made structures and the natural setting.
4. Direct new development in the canyons and foothills toward areas meeting suitability criteria, as outlined in the Wasatch Canyons General Plan and other applicable general or community plans.

**B. Advisory or Mandatory Design Standards**

The development and design standards set forth in this chapter fall into two (2) categories: "advisory" standards and "mandatory" standards. Design standards that are advisory encourage voluntary adaptation. ~~However, advisory standards may be made mandatory on a site-by-site basis by the land use authority as a condition for approval. Mandatory standards are strict requirements that generally do not vary from site to site.~~ Development within the Foothills and Canyons Overlay Zone is to comply with all of the mandatory standards ~~and shall attempt to incorporate all advisory standards unless alternative design is approved by the Planning Commission upon a finding that the alternative design is in harmony with the purposes of FCOZ, as stated in Section 19.72.010.~~ The design standards and categories are summarized below in Table 19.72.1: FCOZ Design Standards.

**Comment [CW22]:** This was in response to the request that the planning commission should have some authority to waive or alter design standards for specific projects (see summary of comments note 3).

**SALT LAKE COUNTY, UTAH  
TABLE 19.72.1: FCOZ DESIGN STANDARDS**

MANDATORY STANDARDS	ADVISORY STANDARDS	DESIGN STANDARDS
<b>Mandatory</b>	<b>Advisory</b>	<b>A. Select an appropriate site</b>
<b>X</b>		A site must be suitable for the type of building or use being planned without major alterations to the site.
<b>X</b>		Buildings or uses shall comply with this Ordinance and all applicable state and federal laws, recognizing the natural or man-made restraints on particular sites such as slope, soil instability, landslides, avalanche, or flooding. (See, for example, Section 19.72.120 (Natural Hazards) and Chapter 19.74 (Floodplain Hazard Regulations).)
<b>Mandatory</b>	<b>Advisory</b>	<b>B. Site buildings in a manner that preserves existing land forms See Figure 19.72.9</b>
	<b>X</b>	Each building should be located so that it does not dominate the landscape. The best way to decrease visual impacts is to locate the project as far away from prominent viewing locations as possible.
<b>X</b>		Visually prominent areas of the site shall be left in their natural condition with the exception of areas necessary for access. Structures shall be screened using existing land forms and vegetation. (See Subsection 19.72.110 (Tree and Vegetation Protection).)
	<b>X</b>	Where practical, buildings should be placed in the following locations on a site: 1. Within tree masses to screen buildings 2. At the edge of trees or land masses overlooking natural open space 3. In open areas where they are not visible from roads, trails, or other public lands.

**FIGURE 19.72.9: PRESERVE EXISTING LAND FORMS**



MANDATORY STANDARDS	ADVISORY STANDARDS	DESIGN STANDARDS
<b>Mandatory</b>	<b>Advisory</b>	<b>C. Site buildings so they do not protrude into significant viewsapes. See Figure 19.72.10</b>
	<b>X</b>	Buildings should be designed to fit their sites and to leave natural massing and features of the landscape intact. Each building should be designed as an integral part of the site rather than an isolated object at odds with its surroundings.

	X	Where feasible, views should be maintained both to the site and to features beyond, as seen from public rights-of-way, trails, and other public lands. Projects should not be located on prominent topographic features where they dominate views or unnecessarily obscure the views of others.
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**FIGURE 19.72.10: PRESERVE SIGNIFICANT VIEWS**



Mandatory	Advisory	D. Site buildings so their form does not break prominent skylines See Figure 19.72.11
X		Buildings shall be sited at less visible places and designed so they are not obtrusive, do not loom over the hillside, and do not break prominent skylines from key vantage points. Skylines are ridges or hilltops on the horizon line that do not have backdrops behind them as viewed from key vantage points. Heavily traveled public roads located below skylines or hilltops are key vantage points.

**FIGURE 19.72.11: RIDGELINE DEVELOPMENT**



Mandatory	Advisory	<b>E. Site buildings to preserve significant trees and vegetation. See Figure 19.72.12</b>
X		Buildings shall be sited to keep removal of significant trees and vegetation to a minimum. (See section 19.72.160 (Limits of disturbance), 19.72.110 (Tree and vegetation protection).)

**FIGURE 19.72.12: PRESERVE SIGNIFICANT VEGETATION**



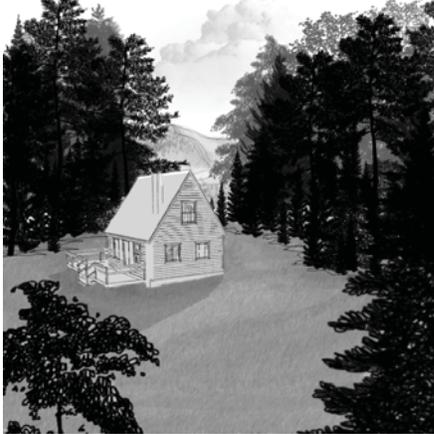
Mandatory	Advisory	<b>F. Cluster buildings and parking, and coordinate neighboring developments. See Figure 19.72.1</b>
	X	Clustering is encouraged to reduce land disturbance and the cost of providing services, road and parking area maintenance, snow removal, etc. (See Section 19.72.080 (Site Access).)
	X	Cooperative, coordinated development and the sharing of services, infrastructure, facilities, and parking among adjoining landowners is encouraged.
Mandatory	Advisory	<b>G. Locate parking facilities to minimize their visual impact. See Figure 19.72.13</b>
X		When visible from publicly used roads, parking facilities shall be screened to blend into the natural environment. Parking lot design that requires backing onto a public street is prohibited. (See Section 19.72.080 (Site Access))
X		Parking facilities should be located to the rear or side of main buildings if possible. When a site has a lot width of 100 feet or more, parking shall be located to the side or rear of the structure.
X		Parking facilities shall be designed consistent with the existing topography.
X		Parking facilities shall provide adequate snow storage areas.

FIGURE 19.72.13: PARKING LOCATION



Mandatory	Advisory	H. Place utility lines underground
X		When possible, utilities shall be placed underground and within existing roadways or in established shoulders to minimize the impact to existing natural features, such as natural vegetative patterns and land forms.
X		Tree cutting for utility corridors shall be minimized to reduce visual impacts. All disturbed areas shall be re-vegetated. (See Section 19.72.110 (Tree and Vegetation Protection).)
Mandatory	Advisory	I. Design buildings to solidly meet the ground plane. See Figure 19.72.14
X		Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on sensitive hillsides with slopes greater than 30%, wetlands, streams, or hillsides with soil instability consistent with this Ordinance.
X		Buildings shall firmly meet the ground. Placing buildings on piers such that exterior walls do not continue down to the ground is prohibited, with the exception of piers that support decks.

**FIGURE 19.72.14: STRUCTURES MEET THE GROUND PLANE**



Mandatory	Advisory	J. Design buildings on hillsides to follow the natural terrain. See Figure 19.72.15
X		Buildings shall be located to minimize earth work and land disturbance.
X		Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Section 19.72.070 (Grading))

**FIGURE 19.54.15: STRUCTURE FOLLOWS HILLSIDE TERRAIN**



Mandatory	Advisory	K. Design buildings to minimize mass and scale See Figure 19.72.16
X		Building designs shall incorporate changes in the planes of walls and changes in the slope and height of roof lines to add variety, create visual interest, and minimize scale.
X		The massing of buildings shall be scaled to harmonize and achieve balance with the natural features of the specific site.
X		Roof lines and building mass shall echo the angles and shapes repeated in the natural landscape.

X		Building mass and wall lines shall be broken up to complement natural canyon settings and slopes.
<p><b>FIGURE 19.72.16: MASS AND SCALE</b></p> 		
<b>Mandatory</b>	<b>Advisory</b>	<b>L. Select appropriate building materials and colors</b>
X		Predominant tones on exterior walls shall tend toward neutral colors, replicating natural textures – for example, warm earthy hues; dark green of forests; whites, greys, and grey-brown of the mountains; the tan of grasses; and similar colors. Bright, harshly contrasting color combinations are prohibited. Paint finishes shall have low levels of reflectivity.
	X	The use of self-weathering metals is encouraged. Chemically treating wood so that it can be allowed to self-weather is also encouraged.
<b>Mandatory</b>	<b>Advisory</b>	<b>M. Use fire-resistant roof surfacing materials that blend with the colors of the adjacent landscape.</b>
X		The color of roof surfacing materials shall blend with the surrounding landscape such as brown, tan, dark green, grey, etc.
X		Flammable wood roofing shingles are prohibited in the canyons or foothills.
<b>Mandatory</b>	<b>Advisory</b>	<b>N. Preserve existing trees and vegetation</b>
X		Significant trees and vegetation shall be preserved as provided in Section 19.72.110.
	X	When landscaping within the 30 foot fire-break area, the use of fire-resistant plants is strongly encouraged.
X		Dryland species of plants shall be selected for slope re-vegetation.
<b>Mandatory</b>	<b>Advisory</b>	<b>O. Landscape in order to retain the original character and harmony among the various elements of a site.</b>
X		Landscaping shall incorporate natural features such as trees, significant vegetative patterns, interesting land forms, rocks, water, views, and orientation.
	X	Landscaped areas should be an integral part of the development project, and not simply located in left-over space on the site. New planting should blend in with the existing landscape.
X		All disturbed areas shall be re-vegetated using native or adapted plant species and materials characteristic of the area.
	X	Use of fire-resistant plants is encouraged.

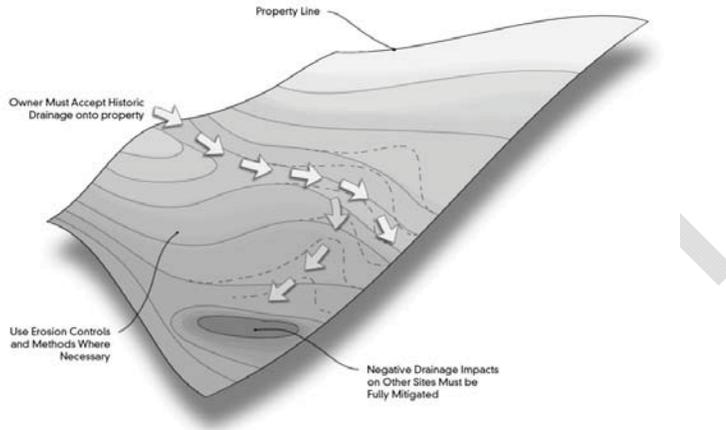
Mandatory	Advisory	<b>P. Limit site grading for buildings to preserve existing land forms. See Figure 19.72.17</b>
X		Building designs that require extensive cut and fills are prohibited. See Section 19.72.070.
	X	Modification of the natural terrain should be minimized.
X		Slopes steeper than 30% shall not be disturbed except as allowed by this Chapter.
X		Buildings, driveways, and roads shall follow the natural contours of the site and comply with county excavation, grading, and erosion control standards.

**FIGURE 24-17: BUILDINGS DESIGNED TO LIMIT GRADING**



Mandatory Standard	Advisory Standard	<b>Q. Preserve natural drainage patterns in site design. See Figure 19.72.18</b>
X		All final excavation, grading, and drainage plans shall conform to applicable county excavation, grading, and erosion control standards.
X		Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures, especially structures that are cut into hillsides.
X		Development must prevent negative or adverse drainage impacts on adjacent and surrounding sites.
X		Standard erosion control methods are required during construction to protect water quality, control drainage, and reduce soil erosion. Sediment traps, small dams, or barriers of straw bales are generally required to slow the velocity of runoff.

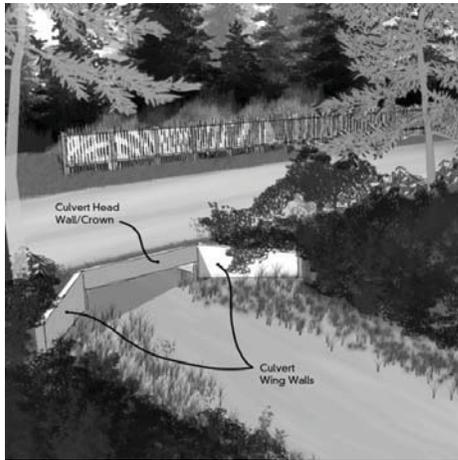
**FIGURE 19.72.18: PRESERVE NATURAL DRAINAGE PATTERNS**



Mandatory	Advisory	<b>R. Locate buildings outside stream corridor buffer zones</b>
X		Permanent structures shall be located a minimum of 100 feet horizontally (plan view) from the ordinary high-water mark of stream corridors or other bodies of water. At the discretion of the Director and based on site-specific soils, water, or vegetation studies, setback distances may be reduced <del>or expanded</del> as provided in Section 19.72.130 (Stream Corridor and Wetlands Protection).
X		Developments shall not alter natural waterways.
Mandatory	Advisory	<b>S. Construct bridges for stream crossings. See Figure 19.72.19</b>
X		Culverts may only be installed on small side drainages, across swales, and on ephemeral or intermittent streams. (See Section 19.72.130, (Stream Corridor and Wetlands Protection)). Culverts are prohibited to cross perennial streams; bridges to cross perennial streams are permitted.
X		Bridges and culverts shall be sized to withstand 100 year storm events. Concrete or stone head walls and side walls are required to maintain the integrity of the bridge structure. (See Chapter 19.74 (Floodplain Hazards).

**Comment [CW23]:** It was never the intent of FCOZ that staff members have the power to increase the stream or wetland setbacks (see summary of comments note 6).

**FIGURE 19.72.19: CULVERTS**



Mandatory	Advisory	<b>T. Design traffic circulation to respect existing topography, achieve acceptable slopes, and adhere to minimum width and turning standards. See Figure 19.72.20</b>
X		Vehicular access shall be safe and have adequate width to allow for snowplowing and snow storage.
X		Access roads shall avoid steep grades and sharp turning radii that can make access, especially in the winter, difficult.

**FIGURE 19.72.20: DRIVEWAY DESIGN**



Mandatory	Advisory	<b>U. Provide safe, adequate off-street parking with year-round access</b>
X		New development shall comply with off-street parking requirements provided in

		this Ordinance.
	X	Shared driveways and shared parking areas with adjoining owners are encouraged.
X		<del>Access to off-street parking areas shall be from a private driveway or roadway rather than directly from a public street or road.</del> Off-street parking areas shall be large enough to avoid vehicles having to back out onto a public street.
<b>Mandatory</b>	<b>Advisory</b>	<b>V. Design new roads and driveways to reduce their visual impact</b>
	X	Roads and driveways should be screened using existing land forms and vegetation. Long tangents, including on side roads intersecting with arterial roads or highways, should be avoided in favor of curvilinear alignments reflecting topography.
X		Cuts and fills shall be re-graded to reflect adjacent land forms and re-vegetated with native plants. See Section 19.72.070.
<b>Mandatory</b>	<b>Advisory</b>	<b>W. Respect existing land forms, contours, and natural settings in the placement of fences. See Figures 19.72.21 and 19.72.22</b>
X		Fences may be erected to screen service and outdoor areas or provide a safety barrier. (See Section 19.72.070 (Grading Standards—Retaining Walls)).
X		Fencing used to screen patios, other outdoor areas, and service areas may be composed of the following fencing materials: a. Natural or stained wood b. Brick c. Rock d. Stone e. Pre-cast fences or walls textured and colored to imitate any of the above materials f. Wrought iron
X		The following fencing materials are prohibited: a. Solid board b. Concrete or concrete block c. Chain link, except around telecommunications facilities, public utility compounds, and other related or similar facilities where security concerns and terrain make this type of fencing practical, as approved by the Planning Commission for fences around conditional uses and approved by the Zoning Administrator for fences around permitted uses. Where a chain link fence is used, a powder or dull coating of the fence is required. d. Plywood e. Painted materials f. Vinyl, except rail fences for containment of horses
X		Rail fences and low rock walls are permitted along arterial roads and highways, and at other locations to delineate property lines.
X		Fences located along property lines and arterial roads or highways are limited to a maximum height of 42 inches, except where necessary for security, safety, protection of public health, wildlife, private property, livestock, etc., .
	X	Solid barrier fences located along arterial roads or highways or placed directly on a site's front property line are discouraged.
X		Walls and fences are to be reviewed on a site-by-site basis, and require a building permit.

**Comment [CW24]:** The requirement that off street parking areas not have cars back onto the public street is sufficient. The first sentence is confusing as to what it actually requires or prohibits (see summary of comments note 5).

FIGURE 19.72.21: OPAQUE FENCE FOR SCREENING

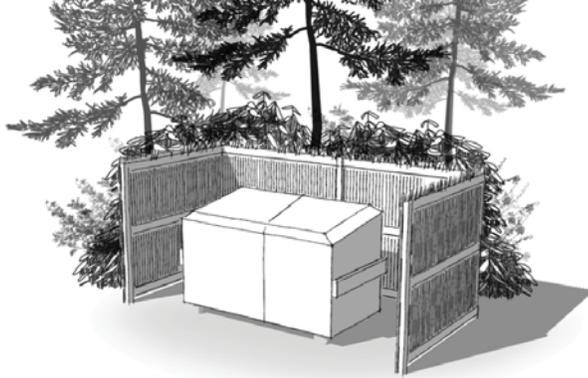


FIGURE 19.72.22: FENCES RESPECT EXISTING LAND FORMS



Mandatory	Advisory	X. Select and locate lighting fixtures only where needed to provide for the safe movement of people on the site. See Figure 19.72.23
X		Light poles for public outdoor recreational facilities are limited to 60 feet in height. Light poles for outdoor recreational facilities on private residential property are limited to 18 feet in height. Both require site plan review which may require restrictions on locations and hours of illumination based upon impacts on adjoining properties. .
X		With the exception of light poles for outdoor recreational facilities, lights poles, and building-mounted fixtures shall be designed with fully shielded luminaires directed downward.

FIGURE 19.72.23: SHIELDED LIGHTING



**19.72.180 EXCEPTIONS FOR MINOR SKI RESORT IMPROVEMENTS**

Minor ski resort improvements are permitted the following exceptions, subject to approval of the site plan application for FCOZ:

- A. Development on slopes greater than thirty percent (30%).
- B. Development on designated ridge lines or ridgeline protection area.
- C. No Limitations on terracing.
- D. Permissions for streets, roads, private access roads, and other vehicular routes to cross slopes over fifty percent (50%), including limitations on driveway length.
- E. Removal of trees and vegetation, therefore no requirements for tree replacement.

**19.72.190 WAIVERS FOR PUBLIC USES AND MINERAL EXTRACTION AND PROCESSING****A. Authority to Grant Waivers**

The topographic conditions, soil characteristics, hydrologic patterns, climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of mineral extraction and processing operations, and many public uses, and are therefore most often self-imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the land use authority may waive or modify the development standards for these uses.

**B. Waiver Request Procedures**

1. A petition or request for a waiver or modification of an FCOZ development standard may be submitted in writing by the owner or authorized agent of the subject property. The petition or request shall be made concurrent with the related land use permit application--for example, conditional use application. The petition or written request shall clearly explain:
  - a. Those aspects or elements of the development proposal that are strictly prohibited.
  - b. All FCOZ regulations requested to be waived or modified in order for the development to reasonably proceed.
  - c. The basis, justification or grounds for granting the waiver or modification.
  - d. Why other common designs or improvements that may be less impactful on the environment and adjacent properties are not being considered..
  - e. The exact nature and locations of improvement for which waivers or modifications have been requested.
2. Each proposed waiver or modification is to be referred for decision to the relevant land use authority under the ordinance. The waiver or modification petition is to be accompanied by a written staff report with recommendations.
3. When a public hearing is required, the notice of the hearing shall specify the waivers or modifications requested, the relevant ordinance provisions from which the waivers or modifications are sought, and the general nature of the development that is proposed if the requested waivers or modifications are granted.

**C. Approval Standards**

In deciding whether to grant waivers or modifications to the development standards of the Foothills and Canyons Overlay Zone, the land use authority shall consider the following standards as deemed applicable by the land use authority:

1. The proposed waiver and improvements contribute to the overall use, operation, and maintenance of the property, and whether reasonable alternative means exist to reduce



or mitigate adverse impacts.

2. Strict compliance with these regulations may result in substantial economic hardship or practical difficulties for the owner of the property.
3. Strict or literal interpretation and enforcement of the specified regulation may result in a development approach inconsistent with the intent and objectives of this Ordinance.
4. The waivers or modifications may result in a development proposal that better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, or reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements.
5. The granting of the waiver or modification may have neutral or beneficial impact to the public health, safety, or welfare, or to properties or improvements in the vicinity.
6. The proposed development, as modified by the request, is consistent with the goals, objectives, and policies of the adopted community general plan applicable to the area.
7. Creative architectural or environmental solutions may be applied to alternatively achieve the purposes of this Ordinance.
8. The development in all other respects conforms to the site design, development, and environmental standards set forth in the Foothills and Canyons Overlay Zone and in all other applicable ordinances and codes.
9. The waivers or modifications requested do not violate other applicable federal, state, and local laws.

**D. Waivers**

Slope waivers are not required for mineral extraction/processing facilities or public uses with slopes of 30% or less. Slope waivers are required for eligible development activities associated with such land uses according to Table 19.16.2.

**TABLE 19.16.2: PERMISSIBLE SLOPE RANGES FOR ELIGIBLE DEVELOPMENT ACTIVITIES**

**Authority to Grant Waivers**

Slope Range	Eligible Development Activities
30% or less	<ul style="list-style-type: none"> <li>• No slope waiver required</li> </ul>
Greater than 30% up to 40%	<ul style="list-style-type: none"> <li>• All development activities associated with allowed uses</li> </ul>
Greater than 40% up to 50%	<ul style="list-style-type: none"> <li>• Pedestrian trails</li> <li>• Non-motorized vehicle trails</li> <li>• Motorized vehicle roads and trails for emergency or maintenance purposes</li> </ul>
Greater than 50%	<ul style="list-style-type: none"> <li>• Pedestrian trails</li> <li>• Non-motorized vehicle trails</li> </ul>

**E. Action on Waiver Requests**

1. The waiver or modification request may be approved as proposed, denied, or approved with conditions.
2. The decision on the request shall include the reasons for approval or denial.
3. In granting a waiver from or modification of development standards, conditions may be imposed to mitigate the impacts of the proposed development on adjacent properties and the area. These may include, for example, measures to:
  - a. protect scenic vistas, especially views from public rights-of-way and public lands,
  - b. protect natural settings in the vicinity of site improvements, and
  - c. enhance the relationship to and compatibility with other structures and open spaces in the vicinity of the proposed improvements.
4. All development shall comply with approved plans. Any proposed revisions or changes to plans requires a resubmittal and request for final action.

**19.72.200 DEFINITIONS**

For the purposes of this Chapter, the following terms shall have the following meanings:

**Alteration**

Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

**Building site**

A space of ground occupied or to be occupied by a building or group of buildings.

**Caliper**

A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six inches above the ground for up to and including five-inch caliper size, and twelve inches above the ground for larger trees.

**Clustering**

A development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

**Driveway**

A private area used for ingress and egress of vehicles, which allows access from a street or road to a building, structure, or parking spaces.

**Engineering geologist**

A geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.



**Expansion**

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

**Fence**

A structure erected to provide privacy or security, which defines a private space or is used to constrain domestic animals.

**Geotechnical engineer**

A professional engineer licensed in the State of Utah, whose education, training, and experience is in the field of geotechnical engineering.

**Grading**

Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

**Landscape architect**

A person who is licensed to practice landscape architecture by the state of Utah.

**Limits of disturbance**

The area(s) in which construction and development activity are to be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, septic tank drain fields and related system requirements, storm drainage, and other similar services or improvements. However, up to ten (10) feet of paved or unpaved shoulders for driveways are not included in the limits of disturbance.

**Lot of Record**

A lot or parcel of land established in compliance with all laws applicable at the time of its creation and recorded in the office of the county recorder either as part of a recorded subdivision or as described on a deed, having frontage upon a street, a right-of-way approved by the Land use hearing officer, or a right-of-way not less than twenty feet wide.

**Minor ski resort improvements**

Construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

**Mountain resort or Ski resort**

- A. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
- B. Such uses, activities, and facilities may be conducted on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
  - 1. Snow related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow related activities.



2. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
3. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

#### **Natural open space**

Land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

#### **Net Developable Acreage**

"Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent (30%).
- b. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.
- c. ~~e.~~ Minimum distance from any stream corridor, as defined in this Chapter.
- d. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. (See Chapter 19.74 (Floodplain Hazard Regulations) and Section 19.72.120 (Natural Hazards)).

#### **Open Space**

Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

#### **Ordinary high water mark**

- A. The line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means, taking into consideration the characteristics of the surrounding areas.
- B. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
- C. In braided channels, the ordinary high water mark shall be measured to include the entire stream feature.

#### **Overlay zone**

A zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

#### **Qualified professional**

A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field(s) relating to the subject matter being studied or analyzed.

#### **Retaining wall**

A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.



**Ridgeline protection area**

An area consisting of a prominent ridgeline that is highly visible from public right-of-ways or trails, and that includes the crest of any such designated prominent hill or slope, plus the land located within one-hundred feet horizontally (map distance) on either side of the crest.

**Significant trees**

Large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of oak or maple covering an area of fifty square feet to the drip line perimeter.

**Site plan**

An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

**Slope**

The level of inclination from the horizontal, determined by dividing, in fifty (50) foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

**Stream, Ephemeral**

Those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

**Stream, Perennial**

Those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

**Stream corridor**

The corridor defined by a perennial stream's ordinary high water mark.

**Substantial economic hardship**

A denial of all reasonable economic use of a property.

**Trails**

A type of natural open space that is a system of public recreational pathways located within the unincorporated county for use by the public for walking, biking, and/or horseback riding as designated.

**Vegetation**

Living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

**Waiver**

Permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

## Summary of Responses to FCOZ revisions

Note: a revised draft, referred to in this document as “the draft” has been prepared for planning commission review, in which many of the recommendations below have been addressed. Changes to the text are shown with underline and strike-through with comments in the margins.

1. The application process should clarify what is meant by "regularly scheduled pre-application meeting" – Big Cottonwood Community Council

*Response: This is not a change from current ordinance. Originally, pre-application meetings were held weekly (generally on a Tuesday) with a limited number of time slots available. Current policy involves planning staff having regular openings on their calendars each week when they can meet with applicants, which allows the meetings to take place with much less delay. Page 3 of the draft shows how the text may be amended to simplify the pre-application meeting process.*

2. The County cannot delegate land use approval authority to Salt Lake City. SLC may be asked to review, but should not be given "veto" power over permits. – Marty Banks in behalf of the ski resorts

*Response: This issue was also a concern to our legal counsel. It is important to note, however, that it is part of the standard review procedure to request certification of compliance with all agencies that have statutory authority over any given aspect of development. For example, without Health Department approval of the proposed septic system, a building permit is not issued. Under 10-8-15 of the Utah Code, “the jurisdiction of cities of the first class shall be over the entire watershed.” It further states, “They may enact ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same.” We have included changes (FCOZ page 2) and MRZ (page 12) ordinances to clarify that applications are referred to Salt Lake City for verification of compliance with their regulations, but the permit approval authority still rests with Salt Lake County.*

3. The advisory design standards should not become mandatory as determined by the land use authority on a site-by-site basis. There should also be more flexibility built into the standards by adding back more qualifiers such as "to the maximum extent feasible," or by allowing the planning commission some authority to waive them. – Log Haven Restaurant and Marty Banks  
*Response: one of the goals stated by the blue ribbon commission was to remove ambiguity from the current requirements. Phrases like “to the maximum extent feasible” make requirements*

*difficult to interpret and enforce. An effort was made to clarify what standards were appropriate as requirements and which ones were merely suggested. County staff does agree that the phrase "advisory standards may be made mandatory on a site by site basis by the land use authority as a condition for approval" could be stricken as it could be challenged as leading to arbitrary and capricious decisions. (page 26) We have also included language that would give the planning commission some latitude to waive or lessen mandatory requirements for conditional uses if in harmony with the intent of FCOZ (also page 26).*

4. Parking lots should not be required to set back 100 feet from a stream, in light of the fact that the paved canyon roads are already closer than 100 feet from the streams. – Log Haven Restaurant

*Response: The stream setback requirements in this draft are the same as in existing code, mainly because the blue ribbon commission did not recommend changes to this portion of FCOZ. Both the existing parking lot at Log Haven and the paved road in Millcreek Canyon were installed prior to the original enactment of FCOZ. As a nonconforming structure, the parking lot at Log Haven has an avenue of relief in section 19.88.070 - Additions, enlargements, moving and reconstruction of a structure - of the zoning ordinance. There are also avenues of relief provided to lots of record to have the setback reduced; one of which we have relocated to 19.72.020.E of the draft (FCOZ page 2). However, the reduction or elimination altogether of stream setbacks in non-protected watershed areas is not something staff is prepared to include in a draft ordinance until the science and reasoning behind the original requirement can be fully researched.*

5. "Access to off-street parking areas shall be from a private driveway or roadway rather than directly from a public street or road" needs to be stricken from table 19.72.1 section U. If the intent is to have parking stalls that don't back directly onto the street, that is covered by G of the same table. – Log Haven Restaurant

*Response: This requirement is confusing, because is not clear whether this means parking stalls cannot back directly onto a public street or that some kind of frontage or other road needs to be between all parking lots and the street. Staff does not see a reason why drive aisles into parking lots cannot connect directly to a street, provided adequate separation exists to prevent drivers from pulling from the street directly into parking stalls.*

6. The Director's power to modify LOD, stream setbacks was intended to offer relief from the requirements, but it could be read as to empower him to do the opposite. This is explicitly stated in Table 19.72.1.R where it says the stream setback "may be reduced or expanded as provided in section 19.72.130." – Log Haven Restaurant

*Response: This section should be re-worded. The intent is to offer relief from the requirements. In some cases, that relief involves lowering a number (like stream setbacks) but in other cases, it involves increasing a number (like LOD areas). The key is to make it clear that the restrictions may be relaxed by 25%, not increased by 25%. The draft has been reworded to make this clear, including removing the words "or expanded" from Table 19.72.1 section R. (FCOZ page 34).*

7. 19.72.140.G needs to state that structures damaged or destroyed can be rebuilt and it ought to include parking lots as well (unless expressly considered "structures"). – Log Haven Restaurant  
*Response: The bottom line to this request is whether a parking lot is considered a structure. As discussed above, if parking lots are considered a structure, they are subject to the ordinances that apply to noncomplying structures in chapter 19.88 of the zoning ordinance. The zoning ordinance defines a structure as: "anything constructed or erected which requires location on the ground, or attached to something having a location on the ground." Under this definition, a parking lot is a structure, and there would be no need for an FCOZ revision because noncomplying structures can be rebuilt and restored if damaged or destroyed by fire, flood, etc. (see section 19.88.110 of the County zoning ordinance).*
  
8. How long does Salt Lake City have to make a decision or recommendation to the County? Should there be a prescribed time limit? – Big Cottonwood Canyon Community Council  
*Response: 19.72.020.D of the draft includes a change stating that the County may approve applications subject to Salt Lake City's certification if they have not responded within the time frames prescribed by ordinance for rendering a decision. (FCOZ page 2)*
  
9. FCOZ should clarify what standards apply to existing roads regarding width, slope, surface, etc. Current code and draft just say "shall comply with SL County Highway ordinance and fire authority regulations." This does not give guidance to property owners or developers. – Big Cottonwood Canyon Community Council  
*Response: There are several instances where FCOZ recognizes that other authorities have the final say regarding certain aspects of development (Health, Fire, Transportation). To put these authorities' specific requirements in FCOZ risks creating conflicts with those authorities' ability to interpret and grant waivers as needed to their own codes. One slight change was made in the draft, and that was to make clear that the access and road requirements of FCOZ were intended to apply to new streets, roads, and driveways. (FCOZ page 12)*
  
10. Is bonding really necessary for replacement trees? Why require people to plant trees on someone else's property? – Big Cottonwood Canyon Community Council  
*Response: Normally bonding is used as a warrantee for improvements that are installed with development. Those improvements include curb, gutter, sidewalk, and in the case of FCOZ, replacement trees. As for planting trees on other properties, it is offered as an option for lots where the owner is having difficulty finding a place to plant the replacement trees where they will survive. The draft now also includes a waiver of the replacement requirement for lots that are already heavily wooded (80% covered by trees). We also no longer require that replacement trees be planted within the limits of disturbance (opening up more locations on each lot for tree planting). (FCOZ page 17)*
  
11. Why does property need to have verified water availability to qualify for TDR? This excludes the mining claim properties from consideration. Why not allow transfers to non-resort properties and away from back country areas? - Marie Taylor, Linda Johnson

*Response: The concept of transfer of development rights included in this draft is to cluster development in the resorts in exchange for taking developable land off the table elsewhere in the canyons. The TDR section of the MRZ zone was modeled after the TDR code used very successfully at Snow Basin. Transfer of development rights to properties other than resorts involves numerous other issues, including revisions to the base zones of the “receiving” properties. Numerous other questions would have to be answered, such as how to determine the transferrable value of land that has no current development rights, but which may acquire them later? Receiving properties also need to establish that they have the capacity (in terms of buildable area, water rights, etc.) to build the additional units. The township services staff is not adverse to pursuing avenues to take backcountry holdings off the table while compensating those landowners; but that topic should be addressed by the mountainous planning district.*

12. What does "meet the net developable acreage definition in this ordinance" mean? – Big Cottonwood Canyon Community Council

*Response: “net developable acreage” is a term currently defined in the “clustering” section of FCOZ. For clarification, we have moved it in the draft to the definitions section. (FCOZ page 43)*

13. Fences taller than 42 inches should be allowed in limited areas. Also, property owners along the main road ought to be allowed to install a 6 foot fence along the front of their property for security, privacy, and noise abatement. – Emigration Canyon Community Council

*Response: Both the current ordinance and the proposed draft restrict fences along property lines, in front yards, and along roads to 42 inches. Fences in limited areas of yards, such as around a patio area, are allowed to be taller. The fencing limitations were a matter of much discussion when FCOZ was originally heard and adopted in 1998, with the same types of questions being asked. On one hand, property owners along major streets have more traffic and noise affecting their privacy. On the other hand, allowing taller solid fences along major streets in the canyons has the effect of creating a “sound wall” along the main canyon roads that could actually increase noise and would significantly impact the aesthetic views. Due to the narrow, winding nature of canyon roads, there are also safety concerns about view distances for vehicles pulling onto the roads. Staff has included wording in the draft that would accomplish the recommendation of the Community Council, but this is not a change the staff recommends approving without considering the ramifications. (FCOZ page 15)*

14. Stream modifications ought to be addressed; we should meet with the State to make sure we are on the same page in terms of permits and what can be allowed. Current code prohibits ANY work in the stream bank, which is not always prudent; this should be regulated by the State of Utah and County Flood Control. – Marty Banks and Emigration Canyon Community Council

*Response: The draft has included a provision to clarify that permits through the State Engineer and County Flood Control are required for any development activity that alters a stream bank or bed. (FCOZ page 19)*

15. The 100 foot setback from either side of a mapped ridgeline doesn't always make sense based on the topography of a given site. – Emigration Canyon Community Council  
*Response: The original public draft of the ordinance gave the planning commission a little bit more latitude than current FCOZ when it comes to granting waivers to ridgeline protection areas ("virtually undevelopable" vs. "completely undevelopable"). This draft also contains a provision to attempt to address the stated concern, by allowing the planning commission to allow exceptions if granting them results in a site plan that is more in harmony with the intent of FCOZ—reducing the need for grading, retaining walls, etc. (FCOZ page 8)*
  
16. The 35% limit for grading a building pad site should be exempt in MRZ. – Marty Banks  
*Response: The 35% limit was a suggestion made by a previously hired consultant, and has been removed from the draft for all FCOZ properties. (FCOZ page 9)*
  
17. Current FCOZ allows maximum limits of disturbance for uses other than single family residential to be considered on a case-by-case basis. This should be restored in proposed draft. Also, limits on LOD for residential uses should be reconsidered, as 10% (over the initial 20,000 s.f.) seems too small. – Marty Banks, Log Haven Restaurant  
*Response: Because many of our non-single family residential uses are larger (including larger parking lots, etc.) this flexibility for non-residential uses has been restored in this draft. (FCOZ page 24-25) Single family residential uses remain restricted to 20,000 square feet plus 10% of acreage over 1 acre.*
  
18. The open space requirement should be decided on a case by case basis rather than set at 40%. – Marty Banks  
*Response: The 40% open space requirement only applies to cluster development where the applicant has sought a density bonus for clustering (to address the question of: if the lots are clustered, what do you do with the rest of the area?) However, in order to not get stuck on a given number, the draft has eliminated the percentage, and simply states that the undeveloped part of the clustered subdivision must become dedicated open space to avoid future development. (FCOZ page 6)*
  
19. Width of retaining wall terraces should be reduced to the lesser of 4' or 1:1 to height. – Marty Banks  
*Response: The reason for the setback between walls is to allow space for landscaping to soften up the look; otherwise there is no difference between terracing and building a taller wall. The 1:1 ratio is to allow fuller landscaping to grow between taller walls. Since the limits on terracing do not apply to minor ski resort improvements, and since the maximum retaining wall height without using terracing had been raised from 6' to 8' in the first public draft, no change was made to this draft.*
  
20. "Lot of record" definition should not require frontage on a "street, a right of ways approved by the land use hearing officer, or a right of way not less than twenty feet wide." – Marty Banks

*Response: The frontage requirement is already in current code definition of "lot." This is basically in place to ensure that all lots have some sort of vehicular access rather than being land-locked. No change made to the draft.*

21. FCOZ needs to have the appeal rights/process stated at least once in the chapter. – Log Haven Restaurant

*Response: The zoning ordinance already has an appeals process in place that applies to the decisions applying and interpreting the ordinance, so a separate appeal process was not included in FCOZ. However, if the planning commissions and ultimately County Council feel it is necessary, an appeal provision consistent with the rest of the zoning ordinance can be inserted.*

22. The blue ribbon commission suggests that "one size fits all" does not work in the canyons, and there ought to be some consideration for Millcreek Canyon, being a non-watershed, non-resort canyon, should have FCOZ regulations tailored to its situation. – Log Haven Restaurant

*Response: There are differences in some sections of the code for watershed vs. non-watershed areas, but the creation of separate regulations for the different canyons was beyond the scope of this project. With the creation of Emigration Canyon Metro Township, Emigration Canyon will have the opportunity to "customize" FCOZ to its needs, but developing that type of customized ordinance for Millcreek Canyon is a long-term project that will best be done through the Mountainous Planning District.*

23. Amend the planning commission waiver provision in 19.72.060(D)(1)(2) to read, "The Planning Commission may only waive or modify the following slope protection standards as applied to development on lots of record...The Planning Commission may waive these standards only upon satisfaction of the following criteria..." The reason: To give the planning commission more confidence in denying a slope waiver if the relevant standards are not met. – Blue Ribbon Commission

*Response: Planning staff and planning commissions apply the standards, so no objection to making it abundantly clear that they are to do so. (FCOZ page 8)*

The following additional changes were implemented in the draft by Staff

24. Amended the following to section 19.72.040 "Unless specifically modified by this chapter development agreement, all development shall comply with the standards of the underlying zoning district. Should a conflict arise between the standards of the Foothills and Canyons Overlay Zone and the underlying zoning district, the standards of the underlying zoning district shall prevail. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone."

*Reason: The changes clarify the interaction between FCOZ and the underlying zone, including MRZ.*

25. Add a subsection (G), entitled “Tree Removal Not Authorized by this Section” to section 19.72.110.

*Reason: The penalty for violating FCOZ is \$100 per day. The daily penalty doesn’t apply well to the removal of trees. The County cannot legally impose a daily penalty for the time it would take for newly planted trees to reach the maturity of the trees unlawfully removed (which would take years), and a single day’s penalty doesn’t adequately discourage unlawful removal.*

26. Change the definition of “significant trees” in section 19.72.200 from six-inch caliper to four-inch caliper.

*Reason: Staff is concerned about removal of trees between 4” – 6” so has modified the definition of “significant trees.” Efforts have been made in the draft to include exceptions to the tree replacement requirement for tree removal to create defensible space, and also for lots that are already heavily wooded (canopy coverage of 80%). This change is an effort to reinforce the original intent of the provision, which is to encourage applicants to choose a location on their lot that already has fewer trees where possible.*



File # 29717

## County Planning Commission Summary and Recommendation

**Public Body:** Salt Lake County Planning Commission

**Meeting Date:** December 16, 2015

**Request:** Recommendation on Mountain Resort Zoning Ordinance

**Planner:** Curtis Woodward

**Community Council Recommendations:** See attachments

**Planning Staff Recommendation:** Recommendation of approval

### PROJECT DESCRIPTION

In response to the recommendations of the Blue Ribbon Commission, various changes have been proposed to the Foothills and Canyons Overlay Zone (FCOZ) and a new Mountain Resort Zone (MRZ) is being proposed. The Commission's report indicates 7 points of emphasis for ordinance revisions, one of which is: "A specific Mountain Resort Zone (MRZ) needs to be created for mountain resort areas. This zoning designation would recognize the year-round nature, function and needs of the resorts and commercial and recreational activities of visitors to the canyons." In considering specific changes to the ordinances, the Commission emphasizes striking a balance between private property rights and the public interest in preserving and protecting the watershed and natural beauty of the canyon areas.

### SITE & VICINITY DESCRIPTION

The areas within the Mountainous Planning District (the Wasatch Mountains in unincorporated Salt Lake County, generally east of existing city and township boundaries).

### COMMUNITY COUNCIL RESPONSE

Discussion has taken place with affected community councils, some of which have sent written responses, others have not. See attachments for responses from Community Councils.

### STAFF ANALYSIS

#### HOW MOUNTAIN RESORT ZONE (MRZ) WORKS

1. Two Districts: Recreation and Village
2. Recreation District
  - a. Generally, no commercial or residential uses, mainly recreational uses
    - i. Recreational uses consistent with recreational uses allowed in adjoining Forest Service lands.

- b. FCOZ slope and ridgeline requirements do not apply to recreational uses that typically take place on steep slopes or ridgelines
    - i. Slope waiver process eliminated
  - c. Other FCOZ protections generally apply
3. Village District
- a. Mix of resort-type commercial and residential uses, along with recreational uses (for transitions to the Recreation District)
    - i. Most uses are permitted uses (not conditional) but must still go through a public master plan process.
  - b. FCOZ protections generally apply, including slope and ridgeline protection
  - c. County Council determines height and density, based on the unique characteristics of each resort area— one size does not fit all
  - d. County Council sets boundaries of Village and Recreation Districts with the goal of concentrating residential and commercial development in the Village District, but recognizing vested rights of resorts.
  - e. Transfer of Development Rights (TDR) incentives to concentrate development in the Village District and conserve other parts of the canyons.
4. Master Plan, not piecemeal development
- a. A resort, or phases thereof, is master planned to ensure a cohesive development plan
  - b. A master plan avoids inefficient, piecemeal development, while preserving the public process for the entire master plan

A master plan is governed by a development agreement to ensure that the terms of the master plan are enforced.

Within the above framework, various policy decisions need to be made regarding the extent and nature of the differences between resort development rules and standard FCOZ development rules. Some examples are:

- Stream and wetland setbacks
- Recreational development on slopes over 30%
- Village development on slopes over 30%
- Land use and development approval processes
- Building and site design standards
- The ability of the resorts to adapt and change plans over time

In considering the above, the draft MRZ has been based on the overall goals of the Blue Ribbon Commission Report in seeking to achieve a balance between watershed protection and property rights. This balance takes into account the fact that resorts, based on their size and on terrain in which they must function, will have instances where the strict application of FCOZ cannot be applied. The MRZ is intended to create a system whereby a resort can obtain approval of a master plan and development plan approval that vests certain development rights, while addressing the specific instances where slope, setback, and other waivers are appropriate. Public reaction to the initial draft has resulted in several suggested changes, most of which are shown in the December draft ordinance. We have shown the changes to the text by striking through words to be removed, and underlining words to be added. We also have included short explanatory notes in the margins, with longer explanations provided in a separate document.

It is our recommendation that the planning commission:

- Consider which of the proposed changes outlined in the December draft you approve,
- Discuss what other changes to the overall draft ordinance you feel are needed,
- Adopt a recommendation based on the changes discussed above.



## SALT LAKE COUNTY CODE OF ORDINANCES CHAPTER 19.13 – MOUNTAIN RESORT ZONE

- 19.13.010 PURPOSE STATEMENT
- 19.13.020 MINIMUM REQUIREMENTS
- 19.13.030 MRZ-RECREATION DISTRICT
- 19.13.040 MRZ-VILLAGE DISTRICT
- 19.13.050 MRZ AREA PLAN
- 19.13.060 MRZ VILLAGE DEVELOPMENT PLAN
- 19.13.070 REGULATIONS THAT APPLY TO BOTH MRZ-RECREATION AND MRZ-VILLAGE DISTRICTS
- 19.13.080 TRANSFER OF DEVELOPMENT RIGHTS (TDR) IN MRZ-VILLAGE DISTRICT
- 19.13.090 DEFINITIONS

### 19.13.010 PURPOSE STATEMENT

The purpose of the Mountain Resort Zone (MRZ) is to provide a base zone that is suited for a mountain resort's year-round recreation function and provides for the residential and commercial needs of visitors and residents of the resort. It is intended to maintain the environmental, watershed, and aesthetic protections of the Foothills and Canyons Overlay Zone (FCOZ), with appropriate flexibility to accomplish a resort's year-round recreational functions. It is intended to encourage higher density mixed-use village centers that reduce sprawl in the canyons and are compatible with the natural and scenic resources of the canyons, and to encourage transfer of development rights from more sensitive areas in the canyons to these village centers.

### 19.13.020 MINIMUM REQUIREMENTS

#### A. Minimum Area

The minimum area requirement for a Mountain Resort Zone shall be 1,000 contiguous acres located within the Salt Lake County Mountainous Planning District. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan. At least one of the owners must be a Mountain Resort. Lands under contract or agreement with a local, state, or federal agency may satisfy the contiguous requirement and the minimum area requirement, although land owned by the federal government is not subject to the requirements of this chapter. The resort area shall be primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.

#### B. Required Recreation and Village Districts within the MRZ

To qualify for an MRZ, the applicant shall designate both a Recreation and Village District for its property. The proposed boundaries of the MRZ-Recreation and MRZ-Village Districts shall be shown on the Area Plan (see section 19.13.050).

### 19.13.030 MRZ-RECREATION DISTRICT

#### A. Permitted Uses

Permitted uses in the MRZ-Recreation District are as follows:  
--Accessory buildings and uses customarily incidental to permitted use  
--Conservation activity

- Trail and trailhead improvement
- Outdoor recreation equipment
- Public and quasi-public use structure
- Parking area or structure with four (4) or fewer spaces
- Temporary construction improvement
- Minor ski or mountain resort improvements
- Solar farm
- Mountain resorts, including the following:

- Recreational outdoor and trail lighting
- Passenger ski or tramway station and ski base/terminal facility
- Ski tow rope, ski lift, ski tram, ski run and ski bridge
- Recreational sports field
- Skating rink
- Skateboard park
- Outdoor event, outdoor music
- Resort support, commercial
- Zip line
- Ropes course
- Mountain bike terrain park and trails
- Frisbee golf course

**Comment [ZS1]:** Resorts proposed increasing this to 10. Four is based on Park City ordinance, and Staff envisions significantly less parking for Recreation District than Village District. Parking spaces for the Village District was increased.

**Comment [ZS2]:** These ski resort-proposed changes are consistent with other permitted uses.

**B. Conditional Uses**

Conditional uses in the MRZ-Recreation District are as follows:

- Accessory buildings and uses customarily incidental to conditional use
- Parking area or structure with five (5) or more spaces
- Forest industry
- Restaurant liquor license
- Recreational uses not listed in subsection A. "Permitted Uses", including alpine slide and mountain coaster

**Comment [ZS3]:** Resorts propose a restaurant use in the Recreation District. This use was already included, which appears to have escaped the view of the Resorts. If Council interested in also allowing restaurants that do not serve liquor, "Restaurant" should be added as an additional use.

**C. FCOZ Exceptions**

1. The following uses in the MRZ-Recreation District are exempt from all requirements of Section 19.72.060 (Slope Protection and Development on Ridgelines), subject to reasonable conditions that may be imposed under subsection (2) below.

- a. Accessory buildings and uses customarily incidental to the permitted uses in this subsection (C)(1).
- a-b. Conservation activity
- b-c. Trail/trailhead improvement
- c-d. Passenger ski or tramway station, & ski base/terminal facility, & ski bridge
- d-e. Ski tow rope, ski lift, ski tramway, run, and bridge
- e-f. Zip line
- f-g. Ropes course
- g-h. Mountain bike terrain park and trails
- h-i. Frisbee golf course
- i. Minor ski or mountain resort improvements
- i-k. Alpine slide or mountain coaster, if approved as a conditional use by the planning commission.

**Comment [ZS4]:** By definition, these are recreational uses not listed as permitted uses, so calling them out does not change the provision. Having them as conditional uses requires a public process, which is appropriate because the construction process and aesthetic impact is more pronounced than a ski lift, for example. Ski resorts proposed these uses as permitted, not conditional.

**Comment [ZS5]:** Ski resort-proposed change, which is ok if it is limited to accessory buildings of uses allowed an FCOZ exception, and not all permitted uses.

**Comment [ZS6]:** If these are approved as conditional uses, they cannot function without steep slopes.



2. For the above uses, the Director (for permitted uses) and the planning commission (for conditional uses) may impose reasonable conditions to accomplish any or all of the following:
  - a. Preserve area views;
  - b. Reduce adverse impacts on existing trees and vegetation;
  - c. Reduce overall degree of disturbance to steep slopes over 30%;
  - d. Protect wildlife habitat;
  - e. Protect stream corridors, wetlands, rock outcrops & other sensitive environmental features in vicinity of proposed improvements.

#### D. Lot and Site Requirements

All structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district, or public right-of-way. However, fences, walls, stairs, paths, trails, sidewalks, patios, driveways, accessory structures, approved parking areas, and screened mechanical and utility equipment are allowed as exceptions in the front, side, and rear yards.

#### E. Building Height

No structure may be erected to a height greater than thirty feet (30') from existing grade. This is the District Height.

1. **Building Height Exceptions.** To allow for a pitched roof and to provide usable space within the structure, the following height exceptions shall apply:
  - a. A gable, hip, or similar pitched roof may extend up to five feet (5') above the District Height, if the roof pitch is 4:12 or greater.
  - b. An antenna, chimney, flue, vent, or similar structure may extend up to five feet (5') above the highest point of the building to comply with International Building Code (IBC) requirements.
2. **Other Height Exceptions.** Subject to Director approval for permitted uses and planning commission approval for conditional uses, the following structures may exceed the standard District Height limit:
  - a. Ski lift towers and tramway towers. Submittal of a computer-generated visual simulation showing all structures is required.
  - b. Public or quasi-public uses.
  - c. Telecommunication facilities

### 19.13.040 MRZ-VILLAGE DISTRICT

#### A. Permitted Uses

Permitted uses in the MRZ-Village District are as follows:

- Accessory buildings and uses customarily incidental to permitted use
- Agriculture
- Bed and breakfast homestay
- Bed and breakfast inn
- Boardinghouse
- Class B beer outlet
- Class C beer outlet
- Day care/preschool center
- Dwellings, one-, two-, three-, four-family
- Home day care/preschool for six or fewer children
- Living quarters for persons employed on the premises of any principal use

- Lodginghouse
- Minor ski or mountain resort improvements
- Mountain resorts, including the following:
  - Recreational outdoor and trail lighting
  - Passenger tramway station and ski base facility
  - Ski tow rope, ski lift, ski run, and ski bridge
  - Recreational sports field
  - Skating rink
  - Skateboard park
  - Outdoor event, outdoor music
  - Resort support, commercial
  - Zip line
  - Ropes course
  - Mountain bike terrain park and trails
  - Frisbee golf course
- Office incidental to main use
- Outdoor recreation equipment
- Package agency
- Parking area or structure with four (4) 10 or fewer spaces
- Public and quasi-public use structure
- Residential facility for elderly persons
- Residential facility for persons with a disability
- Restaurant, excluding drive-through
- Restaurant liquor license
- Retail goods establishment
- Short-term dwelling rental
- State store
- Trail and trailhead improvement
- Temporary construction improvement

**Comment [ZS7]:** Ski resort suggestion was originally 10, then revised to 30. More parking as permitted use makes sense in higher density Village, unlike Recreation District, where large parking areas were not envisioned.

**B. Conditional Uses**

Conditional uses in the MRZ-Village District are as follows:

- Accessory buildings and uses customarily incidental to conditional use
- Dwelling group
- Dwellings, multiple-family
- Hotel/resort hotel
- Motel
- Parking area or structure with five (5) 11 or more spaces
- Recreational uses not listed in subsection A. "Permitted Uses", including alpine slide and mountain coaster.

**C. Height**

Height limits in the MRZ Village District shall be determined by the County Council in the Area Plan, subject to the following limitations. In no case shall the height of single-family dwellings exceed thirty feet (30'). For uses in the MRZ Village District that are also listed in the MRZ Recreation District, the height shall be in accordance with 19.13.030(E). The height of any other use in the MRZ Village District shall be no greater than one hundred feet (100'); the County Council may consider the criteria in section 19.13.050(F) in making this determination.

**Comment [ZS8]:** Ski resorts propose increasing height to 120'. This is 20' higher than anywhere currently allowed in canyons.

**D. Density (Dwelling Units per Acre)**



Density limits in the MRZ Village District shall be determined by the County Council in the Area Plan, and shall be conditioned on water, sewer, and utility availability for the density proposed in the Area Plan. However, except where increased by a transfer of development rights, the maximum density for residential dwelling units shall be 20 dwelling units or 40 guestrooms per net developable acre.

**Comment [ZS9]:** Ski resorts propose increasing this to 50. This is 10 guest rooms/acre more than is currently allowed anywhere in the canyons.

**E. Lot Area, Lot Width, and Setbacks**

**1. Minimum Lot Area**

- a. Single-family residential: 6,000 Sq. Ft.
- b. All other uses, unless lot area otherwise specified in the Ordinance: No minimum lot area.

**2. Minimum Lot Width**

- a. Single-family residential: 60 feet.
- b. All other uses, unless lot width otherwise specified in the Ordinance: No minimum lot width.

**3. Setbacks**

- a. Front yard
  - i. Single, two, three, and four-family dwelling: 20 feet.
  - ii. Accessory building related to the above: 20 feet.
  - iii. All other uses, unless front yard setback otherwise specified in the Ordinance: 0 feet.
- b. Side yard
  - i. Single, two, three, and four-family dwelling: 8 feet, with a total of two required side yards of not less than 18 feet.
  - ii. Accessory building related to the above: 8 feet, except 3 feet when located at least 10 feet from the rear of the dwelling.
  - iii. All other uses, unless side yard setback otherwise specified in the Ordinance: 0 feet.
- c. Rear yard
  - i. Single, two, three, and four-family dwelling: 20 feet.
  - ii. Accessory building related to the above: 3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot.
  - iii. All other uses, unless rear yard setback otherwise specified in the Ordinance: 0 feet.
- d. Exceptions. An applicant may locate a structure closer to the property line than specified by the above setbacks if applicant can demonstrate to the land use authority that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.

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**F. FCO Exceptions**

- 1. The following uses in the MRZ-Village District are exempt from all requirements of Section 19.72.060 (Slope Protection and Development on Ridgelines), subject to reasonable conditions that may be imposed under subsection (2) below.
  - a. Conservation Activity
  - b. Trail/Trailhead Improvement
  - c. Passenger Tramway Station, Ski Base Facility, & Bridge
  - d. Ski Tow Rope, Ski Lift, Ski Tramway, Run

**Comment [ZS10]:** Suggestion from Big Cottonwood Community Council and ski resorts. Similar provision in FCOZ (19.72.130(D)(1)).

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- i. Grading for these uses is exempt from Section 19.72.070 (Grading Standards), subject to the Director's authority to impose conditions pursuant to subsection (F)(2) of this section.
  - e. Zip Line
  - f. Ropes Course
  - g. Mountain Bike Terrain Park and Trails
  - h. Frisbee Golf Course
  - i. Minor Ski or Mountain Resort Improvements
  - j. Alpine Slide or Mountain Coaster, if approved as a conditional use by the planning commission.
  
- 2. For the above uses, the Director (for permitted uses) and the planning commission (for conditional uses) may impose reasonable conditions to accomplish any or all of the following:
  - a. Preserve area views;
  - b. Reduce adverse impacts on existing trees and vegetation;
  - c. Reduce overall degree of disturbance to steep slopes over 30%;
  - d. Protect wildlife habitat;
  - e. Protect stream corridors, wetlands, rock outcrops & other sensitive environmental features in vicinity of proposed improvements.
  
- 3. Development of other permitted or conditional uses on slopes between 31% – 40%, may be accepted as suitable if adequate mitigation techniques acceptable to the Director are proposed by the applicant or required by the Director in conjunction with submittal by the applicant of the information outlined in subsections (a) – (f) below. The Director may consult with others to assist in determining compliance with the submittal requirements below and in requiring specific designs and mitigation techniques. The Director may require these specific designs and mitigation techniques, together with implementation timelines, to be defined and documented within the development agreement required by section 19.13.060.
  - a. A soils report stamped by a person licensed as a professional engineer in any State ("professional engineer");
  - b. A grading plan stamped by a professional engineer, which complies with OSHA standards, with a maximum finished grade of 3:1 (horizontal:vertical) unless otherwise approved by the Director with surface stabilization, and provided that no grading exceeds a one to one (1:1) ratio;
  - c. If a retaining wall(s) is used, a retaining wall submittal that includes the following:
    - i. Section detail for each type of wall proposed;
    - ii. Calculated factor of safety for overturning and sliding;
    - iii. Design parameters such as  $\phi$ ,  $\gamma$ , c, etc.;
    - iv. Any necessary design assumptions such as unique drainage conditions, load surcharge, utility impact, etc.;
    - v. Height, batter, adjacent slopes, bench widths, etc.;
    - vi. Comprehensive design calculations, wall profiles, and additional sections;
    - vii. Documentation of compliance with the International Building Code.
  - d. A slope stability study that has been reviewed by the Utah Geological Survey, the review fee to be paid by applicant;
  - e. Excavation stabilization plans prepared by a professional engineer, which includes the following:
    - i. Extent of the excavation;
    - ii. Cross section(s) of the excavation cut;
    - iii. Spot elevations of the top and bottom of cuts;
    - iv. Location of construction fences;

**Comment [ZS11]:** Identical language in the MRZ-Recreation District. If exceptions allowed in Recreation District, it makes sense to have same exceptions for same uses in Village District.

- v. Site-specific construction drawings of excavation stabilization measures;
  - vi. Necessary erosion control measures;
  - vii. Location and depth of utilities located within 12 feet of the proposed system; and
  - viii. How service lines will be accommodated with the proposed system.
4. To the extent that FCOZ does not allow development of streets, roads, alleys, or driveways on slopes between 31% - 40%, the Director may accept these as suitable under the requirements in subsection (F)(3) of this section.

**Comment [ZS12]:** Ski resorts proposed an allowance for development on slopes b/w 31-40% if engineering can make this safe. This language based on Aspen's ordinance and engineering standards, if County Council interested in this proposal.

**Comment [ZS13]:** Ski resorts proposed allowance for roads to be constructed on 31-40% slope. Maintenance roads already allowed to cross 30%+ slopes. If Council interested in other roads built on slopes 31-40%, this language subjects such roads to same engineering standards as other development on slopes 31-40%.

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**19.13.050 MRZ AREA PLAN**

**A. Purpose.**

The purpose of an area plan is: 1) to acknowledge vested rights that a mountain resort already has in a previously approved master plan, 2) to establish boundaries of the MRZ-Recreation and MRZ-Village Districts, 3) to establish height and density limits for the MRZ-Village District, 4) to establish water, sewer, and utility availability for the proposed density, and 5) to map the location of current improvements and possible future projects.

**B. Application.**

An application for approval of an Area Plan shall be filed in conjunction with an application to rezone the property in the Area Plan to a Mountain Resort Zone. The application shall be made on a form provided by the Director and shall include a legal description of the property, a list of names and mailing addresses of all adjacent property owners and written consent of owners of all property to be included in the Area Plan, or their agents or authorized representatives. The application shall be accompanied by submittal requirements outlined in subsection D(2) of this section and an Area Plan as outlined in subsection C of this section.

**C. Contents of Proposed Area Plan.**

The proposed Area Plan shall be comprised of materials submitted in accordance with subsection D(2) of this section. The Area Plan shall contain at minimum the following information:

1. A map that contains the following basic information:
  - a. The proposed boundaries for the MRZ-Recreation and MRZ-Village Districts.
  - b. Topography and natural water features (including wetlands) of the property within the area plan, including all adjoining areas owned or leased by the Mountain Resort as part of the resort.
  - c. Current improvements within the proposed MRZ-Village and MRZ-Recreation Districts, including buildings (and their uses), parking structures/lots, roads, etc.
  - d. Proposed building pads, housing areas, and parking areas/structures.
  - e. Proposed traffic circulation plans.
  - f. Current, and if applicable, proposed mass transit stops or centers.
2. A list of the proposed permitted and conditional uses for the MRZ-Village and MRZ-Recreation Districts, which complies with the MRZ zone.
3. Proposed total number of dwelling units and guestrooms for the MRZ-Village District, which complies with the MRZ zone or previously approved master plan.
4. Heights of existing buildings and proposed height limits of future buildings.



5. Water agreement with Salt Lake City, or service area as applicable, certifying water availability for the proposed number of dwelling units and guestrooms for the MRZ-Village District.
6. Approval of the proposed number of dwelling units and guestrooms for the MRZ-Village District by the Salt Lake County Health Department, or service area as applicable, after verification of water availability and sufficient sewer capacity; alternatively, approval from the Salt Lake County Health Department for a previously approved master plan for the same number of dwelling units and guestrooms is adequate.
7. "Will provide" letters from power and natural gas suppliers, certifying availability of those utilities for the proposed number of dwelling units and guestrooms for the MRZ-Village District, or such a letter for a previously approved master plan for the same number of dwelling units and guestrooms.

#### D. Area Plan Review Procedures.

1. **Pre-application Conference.** Prior to submittal of a formal application for an Area Plan and associated MRZ rezone, the applicant shall hold a pre-application conference with the Director or Director's designee. The purpose of this meeting shall be to discuss the goals of the proposed Area Plan and associated MRZ rezone, the relationship of the proposal to applicable elements of any applicable master plan or general plan, and the review procedure that will be followed for the application.
2. **Submittal Requirements.** The Director shall establish the submittal requirements for an approved Area Plan application. Certain submittal requirements may be waived or modified by the Director or the planning commission if it is demonstrated by the applicant that the information and materials required are not relevant to the proposed Area Plan. A complete list of the submittal requirements shall be maintained by the Director and filed in the Salt Lake County Office of Township Services.
3. **Planning Commission Recommendation.** The planning commission shall review the proposed Area Plan and associated MRZ rezone request at a regularly scheduled meeting. A report of the Planning staff's findings and recommendations shall be presented at a public hearing before the planning commission. The planning commission shall make a recommendation to the County Council whether the proposed rezone and associated Area Plan should be approved. The planning commission may consider the criteria in subsection E below when making its recommendation.
4. **County Council Final Review.** The final review of a proposed Area Plan and associated MRZ rezone shall be by the County Council at either a regularly scheduled meeting or a special meeting. Prior to this meeting, and at the discretion of the Director, a work session at a regularly scheduled public meeting may be held with the applicant, staff, and the County Council to discuss the Area Plan and associated MRZ rezone. A report of the Planning staff's findings and recommendations, together with those of the planning commission, shall be presented at a public hearing before the County Council. In making its determination whether to approve the Area Plan and associated MRZ rezone, the County Council may consider the criteria in subsection F below. The County Council may modify any element of the proposed Area Plan, so long as vested rights under a previously approved master plan are not modified, and subject to water agreements between the applicant and Salt Lake City, or service area as applicable.

**Comment [ZS14]:** Ski resorts propose striking this sentence and the last sentence in the paragraph. This catch-all provision allows the Director to require information not foreseen when ordinance was drafted, but which is necessary to adequately review the application, without going through the formal process of amending an ordinance.



E. **Area Plan and MRZ Rezone Criteria.** The following criteria may be considered in evaluating the merits of a proposed Area Plan and associated MRZ rezone.

1. **Compatibility.** Compatibility and sensitivity to the immediate environment, neighborhood, and adjacent properties.
2. **Relationship.** Uses, activity, and density, which provide a compatible, efficient, and workable relationship with surrounding uses and activity.
3. **General Plan.** Conformity with the applicable general plan.
4. **Protection of the natural setting.** Uses, activity, and density that are consistent with protecting the natural setting in which the property is located.
5. **Other criteria.** Other criteria deemed appropriate to ensure that the purposes of section 19.13.010 are met.

F. **Previously Approved Master Planned Resort**

In the event that a previously approved master planned resort makes application to rezone its property to a Mountain Resort Zone, it shall submit an Area Plan in accordance with this section. However, in doing so, it shall retain all vested rights in a previously approved master plan.

~~Additionally, the applicant shall incorporate by reference in its Area Plan all regulatory requirements in a previously approved master plan that are not inconsistent with this chapter.~~

**Comment [ZS15]:** Staff-proposed change. Language is unnecessary, confusing, and overbroad. The Area Plan, Development Plan, and County ordinance should address all subjects in the previously approved master plan.

19.13.060 **MRZ-VILLAGE DEVELOPMENT PLAN**

A. **Purpose.**

The purpose of an MRZ-Village Development Plan is to provide for an integrated master plan for the Village or phases thereof, which outlines the details of projects to be built in areas such as parking; pedestrian, bicycle, and transit facilities; building scale, design, architecture, and materials; public infrastructure and utilities; access and circulation; landscaping; lighting; common areas; phasing of projects; natural hazards; grading and drainage; etc.

B. **Process.**

A Development Plan shall be in the form of a development agreement. If the Development Plan contains any deviations from ~~County ordinances~~ FCOZ design standards in section 19.72.170, the applicant shall identify those deviations in the Development Plan, and ~~Council the planning commission~~ the planning commission has the authority to determine whether to approve, approve with modification, or deny the development agreement in accordance with subsection (C) below. ~~after review and recommendation by the planning commission. If the Development Plan contains no deviations from County ordinances, the planning commission has the authority to approve, approve with modifications, or deny the Development Plan. In either case, the Mayor shall sign~~ the approved Development Plan.

**Comment [ZS16]:** This staff-proposed change limits adjustments to the FCOZ design standards, which are primarily aesthetic in nature. This limited scope is consistent with section 19.13.070(D). Staff has concerns with deviating from any County ordinance, many of which address health and safety concerns, which should not be deviated from. This change also addresses the ski resorts' concerns about the FCOZ design standards.

**Comment [ZS17]:** These staff-proposed changes only require the planning commission to approve adjustments to the FCOZ development standards, making this provision consistent with staff-proposed changes to section 19.72.170(B). With this change, the County Council need not review/approve the development agreement—see subsequent changes in this section.

1. **Consolidation of Processes.** A Development Plan for the entire Village, or phases thereof, may be presented to the planning commission ~~and County Council~~ as part of an application to rezone and submittal of an Area Plan. A Development Plan may also be submitted in conjunction with a conditional use application.

**2. Staff Review.** Planning staff shall review the proposed Development Plan and identify deviations from ~~County ordinance~~ FCOZ design standards in section 19.72.170, in addition to those identified by the applicant, so that applicant can decide whether to retain those deviations and seek ~~County Council~~ planning commission approval for the same.

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**2.3. MRZ Standards for Adjusting FCOZ Design Standards.** The standards outlined in subsection (C) of this section for obtaining adjustments to the FCOZ Design Standards shall be in addition to those outlined in subsection 19.72.170(B), i.e., adjustments shall also be consistent with the purposes of FCOZ as stated in section 19.72.010.

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**3.4. No Additional Conditional Use Permit Approval Required.** Once a Development Plan is approved, the applicant need not obtain separate conditional use permits when each component of that plan is developed, unless conditional use approval was not obtained at the same time as Development Plan approval.

**Comment [ZS18]:** This staff-proposed change clarifies what standards apply to adjustments to the FCOZ design standards in the MRZ.

**C. Factors for Approval of A Development Plan.**

The planning commission, ~~or County Council if applicable,~~ may shall consider the following factors, ~~as it deems applicable,~~ when determining whether to deny, approve, or approve with modifications a proposed Development Plan.

**Comment [ZS19]:** This staff-proposed change ensures that planning commission decisions are based on standards and are not arbitrary and capricious.

- 1. Compliance with the General Plan.** Does the proposed development comply with the applicable general plan?
- 2. Compatibility.** Is the Development Plan compatible with the context and visual character of the area? In considering this factor, the following criteria may be used:
  - a. Does the Development Plan respond to the site's natural characteristics and physical constraints such as steep slopes, vegetation, waterways, and any natural or man-made hazards and allow development to blend in with or enhance said features?
  - b. Does the project preserve important geologic features, mature vegetation, and structures or features of the site that have historic, cultural, visual, or ecological importance or contribute to the identity of the community?
  - c. Are buildings oriented to public streets and sited to reflect the neighborhood context? Are buildings and access ways arranged to allow effective emergency, maintenance, and service vehicle access?
  - d. Are the proposed building materials compatible with those typically seen in the immediate vicinity?
- 3. Building Scale.** Is the proposed scale/mass of buildings within the proposed project compatible with or enhance the cohesiveness or distinctive identity of the neighborhood and surrounding development patterns, including the scale and massing of nearby historical or cultural resources?

~~4. Parking. Is a deviation from the Ordinance's parking requirements requested? If so, the following may be considered: 1) the probable number of cars to be operated by those using the proposed development and the nature of the proposed uses; 2) the availability of public transit and other transportation facilities, including those for pedestrian access; 3) the commitment to utilize automobile disincentive techniques in the proposed development; and 4) the potential for joint use of common parking.~~

**5.4. Pedestrian, Bicycle & Transit Facilities.** Does the proposed development improve pedestrian, bicycle, and transit facilities? Are these facilities and improvements prioritized over vehicular facilities and improvements? Are specific designs, mitigation techniques, and implementation timelines defined as part of the Development Plan?

**Comment [ZS20]:** This staff-proposed change is for these concepts to be included in the County off-street parking ordinance as part of the upcoming Title 19 ordinance update. Also see change to subsection (D)(9).



**6.5. Public Infrastructure and Facilities.** Are public infrastructure and facilities upgrades necessary to serve the project? If so, improvements shall be at the sole costs of the developer. The County may require specific designs, mitigation techniques, and implementation timelines within the development agreement.

**7.6. Access and Circulation.** Does the proposed development provide adequate access and circulation?

**8.7. Site grading and snow removal.** Do buildings and site grading provide simple, at-grade entrances and minimize extensive grade-changes along building exteriors? Is adequate snow storage accommodated?

**D. Development Plan Application Contents.** The contents of the application for a Development Plan shall include the items listed below. Staff may recommend, and the planning commission ~~or County Council, as applicable,~~ may require, that any of these items be incorporated into a development agreement. The Director may waive any of these items if the applicant demonstrates that the information and materials required are not relevant to the proposed Development Plan.

1. A completed application on a form provided by the Director, a legal description of the property subject to the Development Plan, and a list of names and mailing addresses of all adjacent property owners.
2. A description and depiction of the proposed development, including limits of disturbance and compliance with other FCOZ requirements, land uses, densities, natural features (including proximity of project improvements to wetlands or perennial streams), traffic and pedestrian circulation, parking, open space areas, landscaping, lighting improvements, and provision of services, such as water, sewer, gas, and electric. Issues resolved in the Area Plan stage may not be reconsidered at the Development Plan stage. Also, a statement of the objectives to be achieved by the Development Plan.
3. An architectural character plan showing the use, massing, scale and orientation of the proposed buildings, and their orientation to public spaces and other buildings, and other attributes which may significantly represent the proposed development.
4. A description, and depiction as needed, of deviations from [County ordinances FCOZ design standards in section 19.72.170](#) in the proposed development agreement, and justification for each deviation.
5. Studies and reports required by section 19.75.030 of the Ordinance, Geologic Hazards.
6. A statement prepared by a Utah registered professional engineer, and depiction or mapping as necessary, describing the potential infrastructure upgrades, alignment, design, and mitigation techniques that may be necessary for development of the site to be served by public infrastructure. The information shall be of sufficient detail to determine the acceptable location(s) and extent of development and to understand the necessary upgrades and the possible alignments, designs, or mitigation techniques that may be required.
7. A written response to each of the Factors for Approval outlined in subsection C of this section, as applicable.



- 8. A grading and drainage plan showing all grading and how drainage and stormwater is accommodated, which meets County requirements for grading, drainage, and stormwater.
- 9. If proposed, a description, and depiction as necessary, for specific pedestrian, bicycle, and transit facility designs, mitigation techniques, and implementation timelines. These plans shall provide sufficient detail to determine if the design or mitigation concept addresses the standards outlined in [subsection C\(5\) of this section chapter 19.80, Off-Street Parking Requirements](#), but do not need to be detailed construction documents.
- 10. A description of any proposed project phasing detailing the specific improvements within each phase.
- 11. Other submittal requirements that the Director establishes for a Development Plan application. A complete list of such requirements shall be maintained by the Director and filed in the Salt Lake County Office of Township Services.

**19.13.070 REGULATIONS THAT APPLY TO BOTH MRZ-RECREATION AND MRZ-VILLAGE DISTRICTS**

**A. Limits of Disturbance**

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance for permitted uses shall be determined on a case-by-case basis by the Director. Limits of disturbance for conditional uses shall be as finally approved by the planning commission upon the recommendation of the Director (see Section 19.72.160). All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the foothills and canyons overlay zone, section 19.72.160.

**B. Water Supply and Quality**

- 1. Salt Lake City Approval Required. Prior to planning commission or Director approval of a conditional use or site plan for all uses in the MRZ Districts, the applicant shall receive the written [approval certification](#) of Salt Lake City, certifying compliance with the city's applicable ordinances and watershed protection standards. If Salt Lake City's certification is not given within the time prescribed by County Ordinance for processing applications, the planning commission or Director may approve the application subject to Salt Lake City's certification.
- 2. Department of Health Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the MRZ Districts, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
- 3. ~~Development of More than Nine Lots/Units. Developments of more than nine lots or units shall receive written approval of the Utah Department of Environmental Quality, certifying that the culinary water system and the sewerage system meet all state water quality and health requirements.~~

**Comment [ZS21]:** This change from staff is consistent with the subsequent sentence in the ordinance, which refers to certification, not approval. This clarifies that the County is the land use authority that approves land use applications. Ski resorts raised similar concerns.

**Comment [ZS22]:** Big Cottonwood CC suggestion. This is not a requirement of DEQ, so appropriate to strike. This was carry-over language from FM, FR zones.



4.3. Applicable State Regulations and Standards. Developments shall be in compliance with applicable state regulations for individual wastewater disposal systems and culinary water supply.

5.4. Subsequent Changes in Site Plan. If, after health department or Utah Department of Environmental Quality approvals, a site development plan is modified such that the original limits of disturbance change, the applicant shall submit the modified site plan to the health department for retesting and new approval. Evidence of such retesting and approval shall be submitted prior to final approval of the site development plan.

**C. Utilities**

All utilities in the MRZ Districts shall be placed underground, except as may be provided for in State law.

**D. Building Location, Construction, and Design**

~~All buildings and accessory structures in the MRZ Districts shall be located, constructed, and designed in compliance with the development standards set forth in the foothills and canyons overlay zone, Section 19.72.170, "FCOZ Design Standards." Alternatively, the applicant and County may enter into a development agreement, which may modify the FCOZ Design Standards and address other subjects. Both the County Mayor and County Council are required to sign the development agreement, after the County Council has conducted a public hearing on the terms of the agreement that modify the FCOZ Design Standards.~~

**Comment [ZS23]:** This staff-proposed change eliminates redundancy. All issues covered in this paragraph are addressed elsewhere in MRZ and FCOZ.

**19.13.080 TRANSFER OF DEVELOPMENT RIGHTS (TDR) IN MRZ-VILLAGE DISTRICT**

**A. Purpose.**

The purpose of this section is to encourage development rights to be transferred from sensitive lands within the Salt Lake County Mountainous Planning District to higher density mixed use MRZ-Village Districts in order to consolidate development in the canyons within these Village Districts and to limit sprawl in the canyons. This section is also intended to encourage mountain resorts to rezone their property to the Mountain Resort Zone so that the purposes of that zone can be accomplished.

**B. Voluntary Program.**

The TDR program in the MRZ-Village District ("TDR Program") is voluntary and not a requirement of the MRZ-Village District.

**C. Initial Transfer of Property Zoned F-1, FR or FM to the MRZ-Village District.**

To participate in the TDR program, an applicant shall make an initial transfer of development rights to the MRZ-Village District. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), which may be used in a request to receive additional transfer incentive matching units (TIMUs). These units, requested in addition to the TBUs, are an alternative source of development rights that may be awarded through a mountain resort's voluntary participation in the transfer incentive described in this section.

**D. Transfer Incentive Matching Units.**



The County will match each qualifying TBU at a rate of 1.0 TIMU for each TBU, resulting in the applicant receiving two units for each unit transferred.

**E. Calculating Transferable density.**

1. The property for which development rights are applied to be transferred shall meet all of the following requirements:
  - a. The property shall be i) a lot of record, or ii) a parcel of land described in County records, which complied with the zoning requirements in effect at the time of its creation, but has not necessarily undergone or successfully completed the county subdivision process;
  - b. The property shall meet the net developable acreage definition in this Ordinance.
  - c. The property shall meet or exceed the minimum (single-family dwelling) area requirement for the zone in which it is located;
  - d. The property shall be located in the F-1, FM, or any of the FR zones within unincorporated Salt Lake County. The property may but need not be contiguous to an MRZ-Village District; and
  - e. The property shall have verified water availability.
2. The following property or portions of property do not qualify for a transfer of development rights:
  - a. Areas that do not meet the net developable acreage definition in this Ordinance.
  - b. Areas within a described parcel of land or lot of record restricted by conservation easement or similar instrument restricting residential or commercial development.
  - c. Areas or tracts of land owned by federal or state government agencies.
  - d. Lot of record subject to the payment of fees for operation or maintenance of common areas, open space, amenities, or private facilities.
  - e. Fractional or noncontiguous portions of a lot of record or parcel of land that does not meet or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is located.
3. TBUs are calculated by determining the number of single family dwellings that can be built on the subject properties, within the limits in subsections (1) and (2) above. One TIMU is then added for each TBU transferred. Each transferred unit (both TBUs and TIMUs) can then be used for a single dwelling unit or 5,000 square feet of commercial development in an MRZ-Village District, subject to that District's zoning limitations.
4. The following provides an example of calculating the development rights associated with a typical parcel of land that exceeds the minimum (single-family dwelling) area requirement.

	10 acres, as described by private survey or County record, lying within an FR-2.5 zone	
	2 acres shown to exceed slopes of 30% and greater, or otherwise fail to qualify for TDR	
	= 8 transferable development acres	
	8 transferable development acres	
	÷ 2.5 acre minimum (single-family dwelling) area requirement	
	= 3.2 transferable development units	
	3.2 transferable development units	
	- .2 fractional portion of a transferable development unit	

- 
- = 3 Transferred Base Units (TBUs)
  - + 3 Transfer Incentive Matching Units (TIMUs)
  - = 6 Transferred Development Units, which can be used to develop 6 dwelling units within The MRZ-Village District, or 30,000 square feet of commercial space, or a combination of the two.

**F. Purchase or Use of Transferred Development Units.**

Only an owner of property within an MRZ-Village District may use transferred development units. An owner may purchase those units from one who has obtained them from property outside of the District, or an owner may obtain them from property that he/she owns outside of the District. Salt Lake County will not maintain a bank of transferred development units; it will be the responsibility of the person who obtains those units to sell or use those units within an MRZ-Village District.

**G. Increased Density in MRZ-Village District.**

The maximum density of an MRZ-Village District may be increased by the amount of TIMUs that are transferred to the District. The maximum increased density from these transfers shall be 25% of the density allowed by the District without the transfers. So, if 3 TBUs and 3 TIMUs are transferred to the District, the 3 TBUs shall fit within the density of the District, and the 3 TIMUs may expand the density allowed by the District, up to the maximum increased density allowed by this paragraph. Increased density shall be subject to water availability for that density, as determined by Salt Lake City or service area as applicable.

**H. Transfer of Development Rights Procedure.**

A property owner or his representative who wishes to transfer development rights (“Applicant”) shall complete the following:

1. **Registration.** Applicant shall declare his/her intent and desire to transfer development rights on an official county registration form. The transfer of development rights register shall be maintained by the county planning division and shall be made available to any mountain resort upon request.
2. **Certification Request.** Applicant who has chosen/agreed to make a real transfer of development rights to an MRZ-Village District shall obtain a certificate of transfer of development rights by providing the Development Services Division with the following:
  - a. Payment of a certification fee.
  - b. Complete request to certify transfer of development rights form.
  - c. Map of the property for which rights are transferred, in the form of a county recorder’s plat or record of survey map filed in accordance with Utah Code Section 17-23-17.
  - d. Legal description, including total acreage, as it appears in the county recorder’s office or as it is described on a record of survey map on file in the county surveyor’s office.
  - e. Slope analysis, performed by a professionally licensed engineer or land surveyor, that identifies developable acreage, or slopes less than 30%. This requirement may be waived by the Director upon finding that the subject parcel of land (transferring parcel) is not affected by steep terrain, or slopes greater than 30%.
  - f. Preliminary title report demonstrating that the subject parcel of land (transferring parcel) has clear title; or a preliminary title report identifying any interested party making claim to the property and/or any beneficiary of an easement or encumbrance that exists in the form of a mortgage, deed of trust, or other instrument that either secures the property and its unrestricted value as collateral or restricts development in any manner.

**Comment [ZS24]:** Resorts propose to change this sentence and the following sentence to 40%, consistent with its proposal to allow development on slopes 30-40% in the MRZ. This change fails to account for possibility that sending property is outside the MRZ, and the possibility that property on 30-40% slope cannot be safely engineered.



- g. Title report summary letter prepared by the property owner or his representative who has chosen/agreed to make a real transfer of development rights to an MRZ-Village District. The letter shall, in the form of an outline, list all interested parties and provide contact information and details describing and/or encumbrance types and order of subordination, if applicable.
  - h. Subordination agreement, provided by each and all interested parties with rightful claims and/or beneficiaries of existing encumbrances, which clearly states that the interested party and/or beneficiary acknowledges and agrees to a subordinate position to the grantee of an irrevocable transfer of development rights easement (ITDRE) and the enforcement of its terms. The letter shall also clearly state that the interested party and/or beneficiary, by exercising any right granted to them under a mortgage, deed of trust, or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the ITDRE.
  - i. Proposed transfer of development rights easement meeting the requirements of subsection I of this section.
  - j. Proposed transfer of development rights deed.
3. **Certification.** The county planning division, after consideration of all relevant information, shall issue a certificate of transfer of development rights, based on an official request and its conformance to the standards of this section. The certificate shall state the number of transfer of development rights approved and available for transfer and shall be valid for a period of time not to exceed 60 days from the date of issuance.
4. **Transfer.** Prior to the expiration of a certificate of transfer of development rights and prior to or at the time of application for a specific land use (e.g., subdivision or site plan approval) within an MRZ-Village District, all transfer documents, including an approved transfer of development rights deed and an approved transfer of development rights easement, shall be executed by appropriate signature and recordation in the office of the county recorder. Recording of the transfer of development rights deed and a transfer of development rights easement shall constitute a complete transfer, therefore enabling resort land use applications to be accepted and processed through the Development Services Division.

#### I. Irrevocable Transfer of Development Rights Conservation Easement.

To ensure consistency and the perpetual protection and preservation of a parcel's conservation values, a parcel that is the subject of a proposed development right transfer shall be encumbered by an irrevocable transfer of development rights conservation easement that meets the requirements described in Utah Code Section 57-18-1 et seq., as well as the following:

1. **Title/form.** The easement shall be entitled "Irrevocable Transfer of Development Rights Conservation Easement." The easement shall be in a form considered appropriate and acceptable to the office of the Salt Lake County Recorder.
2. **Grantor/grantee.** The easement shall name Salt Lake County and one other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization named as grantee shall meet the requirements described in Utah Code Section 57-18-3 and shall require the approval of the county.
3. **Recital.** The easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.



4. **Nature of Easement.** The easement shall explain its perpetual, irrevocable, inheritable, and assignable nature.
5. **Purpose.** The easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use, and prevent certain conditions or uses upon the land that may diminish the open space qualities. It shall be acknowledged in the Purpose section of the easement that the statements of purpose are intended to be a substantive provision of the easement, and that any ambiguity or uncertainty regarding the application of the terms of the easement will be resolved so as to further its purpose.
6. **Permitted Uses and Activities.** The easement shall list the property rights that have been retained by the grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.
7. **Prohibited Uses and Activities.** The easement shall list the property rights that have been voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute an approved use or imply that uses may be inconsistent with the applicable zoning for the area in which the parcel is located.
8. **Monitoring and Enforcement.** The easement shall state that the grantee will have the right to enforce the terms of the easement by entering the property, provided that an advance notice of 24 hours is provided to the grantor, for the purpose of inspecting the property for suspected/reported violations. Additionally, it shall state that the grantee shall have the right to enter the property at least once a year, at a mutually agreed time for the purpose of inspection and compliance monitoring regardless of whether grantee has reason to believe that a violation of the easement exists. In order to establish a monitoring baseline, the easement shall reference an exhibit that inventories, graphically demonstrates, and photo documents relevant features and the existing condition of the parcel.

For the purpose of correcting any violation, condition or circumstance that is not consistent with the terms of the easement, the easement shall state that the grantee or assigns may, at their discretion, use any available legal or equitable remedy to secure and restore compliance with the standards set forth in the easement. Legal and/or equitable remedies may include, but not be limited to, injunctive relief, entering the property to perform restorative activities and/or record a lien on the property.
9. **Termination and Extinguishment.** The easement shall state under which conditions or circumstances that the easement may be terminated, such as for grantee consent, court action, or eminent domain.
10. **Costs and Liabilities.** The easement shall state that the grantor will continue to be responsible for and bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the subject property (transferring parcel).
11. **Conveyance or Transfer of Property.** The easement shall state that any document intended to transfer or convey the subject property (or any interest in the subject property) will specifically refer to the easement and disclose its perpetual nature and the fact that it runs with the land. It shall also state that any failure to comply with this requirement shall not adversely affect the grantee's right to enforce the terms of the easement in any way.



**12. Subordination.** The easement shall state that the subject parcel of land (transferring parcel) has clear title and is not encumbered by a mortgage, deed of trust, or other instrument securing the property and its unrestricted value as collateral. If the subject property has been encumbered by such an interest, the easement shall state that interest(s) and reference an exhibit to the easement, wherein all such interest holders acknowledge and agree to their subordinate position as it relates to the easement and the enforcement of its terms. This acknowledgement/agreement/exhibit shall also clearly state that the interest holder, by exercising any right granted to it under a mortgage, deed of trust, or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the easement.

#### **19.13.090 DEFINITIONS**

For the purposes of this Chapter, the following terms shall have the following meanings:

##### **Conservation Activity**

A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

##### **Driveway**

A private area used for ingress and egress of vehicles, which allows access from a street or road to a building, structure, or parking spaces.

##### **Fence**

A structure erected to provide privacy or security, which defines a private space or is used to constrain domestic animals.

##### **Grading**

Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

##### **Limits of disturbance**

The area(s) in which construction and development activity are to be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, septic tank drain fields and related system requirements, storm drainage, and other similar services or improvements. However, up to ten (10) feet of paved or unpaved shoulders for driveways are not included in the limits of disturbance.

##### **Lot of Record**

A lot or parcel of land established in compliance with all laws applicable at the time of its creation and recorded in the office of the county recorder either as part of a recorded subdivision or as described on a deed, having frontage upon a street, a right-of-way approved by the Land use hearing officer, or a right-of-way not less than twenty feet wide.

##### **Minor ski resort improvements**

Construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

##### **Mountain resort or Ski resort**



- A. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
- B. Such uses, activities, and facilities may be conducted on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
  - 1. Snow related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow related activities.
  - 2. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
  - 3. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

**Net Developable Acreage**  
Land with all of the following:

1. Average slope less than thirty percent;
2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface water and groundwater quality;
3. Minimum distance from any stream corridor of one hundred feet; and
4. Free from any identified natural hazard such as flood, avalanche, landslide, high water table, and similar features. See Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

**Open Space**

Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

**Outdoor Recreation Equipment**

Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, frisbee golf holes, soccer goals, and similar amenities.

**Parking Area**

An unenclosed area or lot other than a street used or designed for parking.

**Parking Structure**

A fully enclosed structure designed and intended for parking.

**Passenger Tramway**

A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

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**Comment [ZS25]:** Big Cottonwood CC suggestion. Definition consistent with 19.10.07 definition of same term.

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**Comment [ZS26]:** Staff-proposed change b/c frisbee golf holes part of a Frisbee golf course, which is a separate use.



**Resort Support, Commercial**

Use that is clearly incidental to, and customarily found in connection with, the principal building or use, and that is operated and maintained for the benefit and convenience of the owners, occupants, employees, customers, or visitors to the principal use or building.

**Site plan**

An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

**Slope**

The level of inclination from the horizontal, determined by dividing, in fifty (50) foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

**Trails**

A type of natural open space that is a system of public recreational pathways located within the unincorporated county for use by the public for purposes as designated.

**Vegetation**

Living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

DRAFT

## Summary of Responses to MRZ zone

Note: a revised draft, referred to in this document as “the draft” has been prepared for planning commission review, in which many of the recommendations below have been addressed. Changes to the text are shown with underline and strike-through with comments in the margins.

1. The County cannot delegate land use approval authority to Salt Lake City. SLC may be asked to review, but should not be given "veto" power over permits. –Ski Resorts  
*Response: This issue was also a concern to our legal counsel. It is important to note, however, that it is part of the standard review procedure to request certification of compliance with all agencies that have statutory authority over any given aspect of development. For example, without Health Department approval of the proposed septic system, a building permit is not issued. Under 10-8-15 of the Utah Code, “the jurisdiction of cities of the first class shall be over the entire watershed.” It further states, “They may enact ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same.” We have included changes (MRZ page 12) to clarify that applications are referred to Salt Lake City for verification of compliance with their regulations, but the permit approval authority still rests with Salt Lake County.*
2. Parking areas and structures up to 10 spaces should be allowed as permitted uses in MRZ recreation, and up to 30 spaces in the MRZ village, rather than 4 spaces. – Ski Resorts  
*Response: The limit of 4 parking spaces as permitted in the recreation district is based on Park City’s ordinance. Generally, the recreation district is that portion of the resort in which recreational activities will take place, with parking being at the base, in the village district. The draft has parking limit in the village district increased to 10 spaces (MRZ page 4), but leaves the recreation district limit at 4 (page 2).*
3. Restaurants should be allowed as permitted or conditional uses in the MRZ recreation district. – Ski Resorts  
*Response: “Restaurant liquor license” is already listed as a conditional use in the MRZ recreation district. If this does not clarify that restaurant is included in that approval, “restaurant” could be listed separately, or the line changed to “restaurant, including restaurant liquor” for clarification (MRZ page 2).*

4. MRZ village properties should be allowed to build on slopes up to 40% rather than 30%. Also, resorts should be allowed to have roads that cross steeper slopes in MRZ. – Blue Ribbon Commission, Ski Resorts  
*Response: Exceptions are already included in FCOZ for minor ski resort improvements, and those have been carried over into the draft MRZ zone (MRZ page 5-6). Exceptions to build on slopes up to 40% in MRZ zones for other development activities have been included in the draft (MRZ page 6). Those exceptions are contingent upon meeting certain engineering criteria for natural hazard issues and structural design, the language for which is taken from the Aspen, Colorado ordinance.*
  
5. Why require minimum setbacks for buildings in the MRZ village? Why not echo what is proposed in 19.72.130.D.1? – Ski Resorts  
*Response: The draft MRZ now includes an exception similar to the wording in FCOZ, for setbacks where it is demonstrated that the location will not impose a burden on neighboring properties. (MRZ page 5)*
  
6. Why is State approval required for developments of more than 9 lots/units? Why isn't local approval sufficient? – Big Cottonwood Canyon Community Council  
*Response: This is a carry-over from the existing FM language, and has been removed as not necessary. (MRZ page12)*
  
7. What is the goal of Transferring Development Rights? Why does property need to have verified water availability to qualify for TDR? This excludes the mining claim properties from consideration. Why not allow transfers to non-resort properties and away from back country areas? – Blue Ribbon Commission, Marie Taylor, Linda Johnson  
*Response: The concept of transfer of development rights included in this draft is to cluster development in the resorts in exchange for taking developable land off the table elsewhere in the canyons. The TDR section of the MRZ zone was modeled after the TDR code used very successfully at Snow Basin. Transfer of development rights to properties other than resorts involves numerous other issues, including revisions to the base zones of the “receiving” properties. Numerous other questions would have to be answered, such as how to determine the transferrable value of land that has no current development rights, but which may acquire them later? Receiving properties also need to establish that they have the capacity (in terms of buildable area, water rights, etc.) to build the additional units. The township services staff is not adverse to pursuing avenues to take backcountry holdings off the table while compensating those landowners; but that topic should be addressed by the mountainous planning district.*
  
8. Why aren't non-contiguous portions of lots of record considered for transfers of development rights? Big Cottonwood Canyon Community Council  
*Response: Remnant parcels do not have inherent development rights, because multiple lots development cannot be created without being approved through a subdivision procedure.*

9. What is a "qualified conservation organization," under 19.13.080.1? – Big Cottonwood Canyon Community Council

*Response: The ordinance references Utah Code 57-18-3, which clarifies this issue.*

10. MRZ village should exempt development on ridgelines, or allow if development blends with natural environment. – Ski Resorts

*Response: The draft contains exceptions within the village district for recreational use structures, but not for other buildings. (MRZ page 5) Since there are no mapped ridgelines in Big or Little Cottonwood Canyons, this should not be an issue for MRZ village development.*

11. Grading standards should be relaxed for ski slopes. Also, the 35% limit for grading a building pad site should be exempt in MRZ. – Ski Resorts

*Response: Minor ski resort improvements are already exempt under FCOZ, and corresponding sections have been added or clarified in the MRZ zone (MRZ pages 2, 5-7). The 35% limit was a suggestion made by a previously hired consultant, and has been removed from the draft. (FCOZ page 9)*

12. MRZ needs a reduction in stream setback from 100' to 75'. Also, ephemeral stream waivers should not involve SLC water approval in the watershed areas. – Ski Resorts

*Response: The 25% reduction in current ordinance has been relocated in the draft to be more clear. It offers the relief sought in this request. (FCOZ page 2) As for Salt Lake City being involved in waiver requests for ephemeral streams; as pointed out previously, Utah Code gives the City jurisdiction over the entire watershed. We have therefore left that provision in the draft.*

13. Tree replacement should not be required for the removal of trees needed to clear ski terrain. – Ski Resorts

*Response: The ordinance already contains exceptions for minor ski resort improvements, including removal of trees and vegetation, so this issue has been addressed.*

14. Width of retaining wall terraces should be reduced to the lesser of 4' or 1:1 to height. – Ski Resorts

*Response: The reason for the setback between walls is to allow space for landscaping to soften up the look; otherwise there is no difference between terracing and building a taller wall. The 1:1 ratio is to allow fuller landscaping to grow between taller walls. Since the limits on terracing do not apply to minor ski resort improvements, and since the maximum retaining wall height without using terracing had been raised from 6' to 8' in the first public draft, no change was made to this draft.*

15. Night lighting for recreational facilities in MRZ recreation zone should have an exception for ski terrain; perhaps 80' rather than 60' tall. – Ski Resorts

*Response: Although night skiing has become somewhat popular, lighting is a very sensitive issue in the canyons. Unless the resorts can establish to the planning commission the basis for*

*needing light fixtures taller than 60 above grade extending up the ski slope, staff recommends not changing this limitation.*

The following additional changes were implemented in the draft by Staff

16. In 19.13.050(F), strike last sentence of the paragraph: “Additionally, the applicant shall incorporate by reference in its Area Plan all regulatory requirements in a previously approved master plan that are not inconsistent with this chapter.”

*Reason: Unnecessary, confusing, and overbroad. The Area Plan, Development Plan, and County ordinance should address all subjects in the previously approved master plan.*



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November 24, 2015

MARTIN K. BANKS  
Direct (801) 578-6975  
marty.banks@stoel.com

**VIA U.S. FIRST-CLASS MAIL  
VIA E-MAIL**

Salt Lake County Council Members  
2001 South State Street N2-200  
Salt Lake City, UT 84114

**Re: Zoning Comparison Matrix**

Dear Salt Lake County Council Members:

Attached is a “Zoning Comparison Matrix” (see Enclosure 1) which shows a sampling of the ordinances from some of our neighboring regional ski areas, and a compilation of associated supporting documentation (see Enclosure 2). Our intent in providing this is to demonstrate that the “Proposed Changes” we had requested in our previous 10/15/15 Summary (see Enclosure 3) are justified and indeed necessary in order to level the playing field and to enable us to compete regionally.

After the County Planning Department prepared and distributed its 1st draft of the FCOZ/MRZ revisions, it subsequently received numerous stakeholder comments (including from the resorts below). We have asked the Planning Department to prepare a 2nd draft reflecting our “Proposed Changes” and any others changes that they think are warranted based on the other stakeholder comments, before seeking the recommendations of the various Planning Commissions. We urge you to encourage the Mayor and the Planning Department to prepare a 2nd draft, and to include the resorts’ Proposed Changes in that 2nd draft.

Thank you for your review and consideration of the Proposed Changes. We look forward to working with you in establishing competitive zoning ordinances in the Salt Lake County FCOZ and Mountain Resort Zone.



Salt Lake County Council Members  
November 24, 2015  
Page 2

Very truly yours,

A handwritten signature in blue ink that reads "Martin K. Banks".

Martin K. Banks, on behalf of  
Snowbird, Bob Bonar  
Solitude, Kim Mayhew  
Brighton, Randy Doyle

Enclosures (3)

1. Zoning Comparison Matrix
2. Associated Zoning Comparison Matrix Support
3. 10/15/2015 Memo to Salt Lake County Council

### Zoning Comparison Matrix

State	Town/County	Slope	Ridgelines	Grading	Retaining Walls	Roads	Avalanche	Streams/Wetlands	Drainage	Trees/Vegetation	Exterior Lighting
Utah	Current FCOZ	Development on slopes >30% is prohibited without waiver or variance. Potential waiver for slopes between 30-40%; potential variance for slopes between 40-50%; no modification for slopes >50%.	No development shall intrude any ridgeline protection area (prominent ridgelines plus 100' on both sides) unless a waiver is granted. There are limited exceptions for minor ski resort improvements.	Cutting to create benches or pads should be avoided to the maximum extent possible. Natural grade shall not be raised or lowered more than 4' unless retaining wall or terrace is used.	Shall not exceed 6' except for MSRIs or where terraced. Terrace shall be limited to 2 tiers. Width of terrace between walls must be at least 4-5' based on wall height.	Shall not cross slopes averaging 30-50% for more than 100' except for MSRIs unless authorized by Planning Commission. Roads never allowed in "red zone" areas >50%.	Avalanche hazard report shall be prepared that designates "red zone" or "blue zone" areas. Human occupancy facilities aren't allowed in "red zone" areas.	The following setbacks are required: 100' from ordinary high watermark; 50' from wetlands. Administrative modifications and waivers potentially available.	Site design shall not modify natural drainage patterns. Modification allowed if there will be no significant adverse environmental impact on site or adjacent properties.	No removal of trees outside the limits of disturbance. Trees removed within the limits of disturbance must be replaced.	Lighting in recreation areas must be sensitive to potential impact on adjoining properties. Lighting shall be shielded and directional.
Utah	FCOZ Rewrite	Retains the 30% slope restriction that the current FCOZ has in place except for an exception for Minor Ski Resort Improvements (MSRIs). MSRIs are construction activities for previously approved ski facilities.	No development allowed within 100' of protected ridgelines. No development can break the horizontal line as viewed from public rights of way or trails. Waivers of protected ridgelines can be granted.	Maximum of 35% of the lot may be graded for the building pad. Natural grade should not be raised or lowered more than 4' unless retaining wall or terrace is used.	1 wall: 8'; 2 walls: 6'; width of terrace shall be minimum of (1:1) to height.	Same as current FCOZ.	Natural hazards report together with geotechnical, slope, soils, and grading report may be required.	Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures.	Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures.	Similar to current FCOZ except the caliper size and quantity of trees required for replacement has been slightly altered.	Outdoor recreation light poles limited to 60' in height. Site plan review required.
Utah	Mountain Resort Zone (MRZ)	The MRZ-Recreation District provides an exemption to the FCOZ Rewrite slope restriction. The Director may impose reasonable conditions on steep slopes. This exemption does not apply to the MRZ-Village district.	MRZ-Village District - Same as FCOZ Rewrite; MRZ-Recreation District - Exempt from FCOZ restrictions for permitted uses but subject to Director's approval.	Not specifically addressed; defer to FCOZ Rewrite.	Not specifically addressed; defer to FCOZ Rewrite.	Not specifically addressed; defer to FCOZ Rewrite.	Not specifically addressed; defer to FCOZ Rewrite.	A grading and drainage plan showing all grading and how drainage and storm water are accommodated is required.	Director may impose reasonable conditions to accomplish a reduction in adverse impacts on existing trees.	Director may impose reasonable conditions to accomplish a reduction in adverse impacts on existing trees.	Director may impose reasonable conditions to accomplish a reduction in adverse impacts on existing trees. In the MRZ-Recreation District.
Utah	Park City	Development is considered up to Very Steep Slopes (40%) based on a Sensitive Land Analysis prepared by the applicant. No development is allowed within 50' of Very Steep Slopes. The Planning Commission must approve the Sensitive Land Analysis (includes various engineering studies).	Building should not visually intrude the ridgeline area when viewed from specific vantage points. Development must blend in with the natural contours of the ridgeline areas.	Graded slopes shall not exceed 33% (except for ski slopes). Cutting and filling should be avoided as much as possible. Benching or terracing is prohibited.	Subject to an administrative permit based upon assessment of visual impact, vegetation, and safety.	Shall not cross slopes of 30% or greater unless it is a short run of less than 100' and it won't have adverse visual, environmental, or safety impact.	Development within steep slope areas cannot create any additional avalanche hazard.	Setbacks from Stream Corridor shall extend a minimum of 50' from delineated ordinary high water marks.	Not specifically addressed; however drainage analysis and hydrological report are to be provided and reviewed by the Planning Department.	Exposed slopes shall be landscaped or revegetated; topsoil from any disturbed portion of a steep slope must be preserved and reutilized. No vegetation within 50' of Very Steep Slopes shall be disturbed without approval from Planning Commission.	Height of posts shall not exceed 70' above natural grade; event lighting shall be fully shielded and turned off within 30 minutes of last event.
Colorado	Telluride (San Miguel County)	For slopes >30%, a detailed site survey including geologic and engineering analysis is required. A certified engineer must also be retained to design a soil absorption sewage disposal system.	Exceptions can be made for ski areas to extend above ridgelines. The Board of County Commissioners may require changes to architectural plans.	No grading shall take place on slopes in excess of 50%. Grading limited to 20 acres at any one time until area of disturbance is stabilized.	Retaining wall height should be minimized and natural materials should be used to minimize visual impact.	Minimize cuts and fills, which should not exceed 2:1 slopes. Stabilize cut and fill slopes with erosion resistant vegetation.	If no adequate avalanche free area exists, structural avalanche defenses designed by an engineer are required.	No development within 50' of the centerline of any perennial stream.	Drainage system should be designed to minimize possible flood damage to roads and property. Modification of natural channels shall be prohibited except as permitted by the County Engineer.	The Planning Commission may require the planting of trees and other plant material where natural trees or vegetation are destroyed by grading or construction work.	A lighting plan shall be provided that directs light towards the ground and shields it. High intensity sodium vapor and similar lighting is prohibited.

### Zoning Comparison Matrix

State	Town/County	Slope	Ridgelines	Grading	Retaining Walls	Roads	Avalanche	Streams/Wetlands	Drainage	Trees/Vegetation	Exterior Lighting
Colorado	Town of Breckenridge	>30% - Development is allowed on steeper slopes if disturbance is sought at the time of the site plan review or grading permit review and standards are met as deemed necessary by the Engineering Department.	No specific guidance found.	Grading should be reduced; grading to create a flat building pad on a sloped site is prohibited.	Up to 4' tall and as many walls as necessary are permitted. Retaining walls are encouraged over cutting and filling areas for slope retention.	No specific guidance found.	No development allowed in avalanche paths unless the risks are mitigated to the satisfaction of the Town.	No structure or soil disruption shall be located closer than 25' from streams or wetlands. Exceptions to the setback requirement may be allowed when acceptable measures are taken to isolate the stream.	Natural drainage ways should be used wherever feasible. Alterations to natural drainage patterns may be approved if a thorough analysis shows no hazard or liability.	Whenever plants that are part of an approved landscape plan are removed or die, they should be replaced with plants that meet the original intent of the approved landscape plan.	Exterior lighting should be fully shielded and have a maximum height of 18'.
Colorado	Town of Snowmass Village	>30% - Development requires a special report and letter from a registered geotechnical engineer and approval by 3/4 of the members from the Town Council. Exceptions can be made for ski area improvements, lots subdivided before January 1987, and manmade slopes.	Ridgeline penetration prohibited in areas where ridge is visible from designated locations and within 50' of crest of ridge. Exceptions granted by approval of 3/4 of Town Council.	The town may require the grading to be phased to stabilize the soil. Grading is subject to PUD plan or Special Review.	Retaining walls shall be built with materials that blend with the natural landscape.	Roads shall follow the contours of the natural terrain.	No development allowed in avalanche paths.	No development on areas that would disturb stream behavior. Development shall be outside of 100 year floodplain.	Natural drainage should be preserved if possible. Changes need to be approved by Town Council with appropriate drainage plan.	Trees and vegetation shall be preserved as long as possible and replaced with smaller trees if removal is necessary.	Lighting subject to Planning Commission approval if it's greater than 12'.
Colorado	Summit County	>30% - Development is allowed on steeper slopes if disturbance is sought at the time of site plan review or grading permit review and standards are met as deemed necessary by the Engineering Department.	No specific guidance found.	If site has greater than 10% slope, topographic survey is required by a registered land surveyor.	8' maximum height; need engineering study if > 4'; must be stepped a minimum of 4'.	Geologist or engineer needs to approve any road on slope >30%.	Avoid placing structures in avalanche paths.	Wetland disturbance must contain mitigation plan from wetlands professional. Soil disturbance is prohibited within 25' of a lake or stream.	Soil disturbance is prohibited within 25' of stream and drainage ditches.	Revegetation plan must be designed by landscape architect.	Shall be fully-shielded and downcast. Cut sheets of proposed lighting are required.
Colorado	Town of Frisco	>30% - Development is allowed with a detailed site survey including a geologic and engineering analysis prepared by an appropriately licensed professional.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.	No specific guidance found.
Colorado	Crested Butte (Gunnison County)	Although development on slopes > 30% is "discouraged," the Board shall be as flexible as possible in allowing uses above 30% so as not to deprive landowners a reasonable use of their land. Development is subject to review criteria, including whether sufficient water pressure and utilities exist, the effects of the development on the watershed, disturbance to terrain, etc.	The top or roof line of any structure shall be at least 40 feet, as measured vertically, below the top of any ridgeline mapped in the Crested Butte Area Plan.	Alteration to the natural grade must be approved by the Building Official. The finish grade must not vary by more than 3' from the natural grade.	Retaining walls >4' high and 25' long must be approved by the Town Council.	Any roads constructed above the "Excessive Slope Line" shall be reviewed by the Board. Review criteria includes ground instability, watershed, etc.	No development is allowed in avalanche paths.	The proposed development will not significantly degrade wetlands and riparian areas. Examples include change to structure and function of wetlands, change to filtering and pollutant uptake and storage capacities, etc.	Drainage system must be reviewed and approved by the Town Engineer.	Permit is required for the removal of any trees with a trunk diameter of 4" or more with said diameter being measured 2' above grade.	Lighting shall be designed to minimize light pollution.



**Zoning Comparison Matrix  
Support**

**11/17/2015**

## Citations from Land Use Code - Slope

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### Current FCOZ

#### **19.72.060 B.1. & C.7.**

Under the current FCOZ, development on slopes greater than 30% is prohibited. Development on higher slopes potentially available through administrative modifications, waivers or variances if justified by engineering and geotech support (potential waiver for slopes between 30-40%; potential variance for slopes between 40-50%; no modifications for slopes greater than 50%).

### FCOZ Rewrite

#### **19.72.180**

Retains the 30% slope restriction. Though it has an exception for Minor Ski Resort Improvements (MSRIs). MSRIs are narrowly defined as “construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors....” Any new facilities, runs, trails, equipment, access would not be excepted.

### MRZ

Under the proposed MRZ, there are two separate districts, the Village District (village base area) and the Recreation District (upper mountain recreation area). **The MRZ-Recreation District provides an exemption from the FCOZ Rewrite’s slope restrictions.** 19.13.030 C.1. Of course, the Director may impose reasonable conditions to reduce overall degree of disturbance to steep slopes over 30%. **This exemption, however, does not apply within the MRZ-Village District, which is the type of development for which the resorts have always needed more flexibility.**

### Park City, UT

#### **15-2.21-4**

Slope determinations are made upon areas with rise of at least 25’ vertically and a run of at least 50’ horizontally. 15-2.21-3. No development is allowed within 50’ of very steep slopes and areas subject to land slides or other geologic hazards. The Planning Commission can vary the setbacks from very steep slopes upon specific findings.

would deny all reasonable Use of the Property, the Planning Commission may modify application of these regulations to provide the Applicant reasonable Use of the Property.

*(Amended by Ord. No. 07-81)*

**15-2.21-3. SENSITIVE LAND OVERLAY ZONE - ORDINANCE PROVISIONS.**

(A) **SENSITIVE LAND ANALYSIS.**  
Any Applicant for Development must produce a Sensitive Land Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:

(1) **SLOPE/TOPOGRAPHIC MAP.** A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes<sup>1</sup> in the following categories:

(a) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);

(b) Greater than thirty percent (30%) but less than

or equal to forty percent (40%); and

(c) Very Steep Slopes, greater than forty percent (40%).

(2) **RIDGE LINE AREAS.** A map depicting all Crests of Hills and Ridge Line Areas.

(3) **VEGETATIVE COVER.** A detailed map of vegetative cover, depicting the following:

(a) Deciduous trees;

(b) Coniferous trees;

(c) Gamble oak or high shrub; and

(d) Sage, grassland, and agricultural crops.

The Planning Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

(4) **DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS.** Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

<sup>1</sup>Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

## **Telluride, CO**

*Development is allowed on slopes greater than 30 percent if a detailed site survey including geologic and engineering analysis is completed.*

### **5-404 E.**

#### **Slopes Greater Than 30 Percent**

- I.** If Development is proposed in an area containing Slopes greater than 30 percent design and Development shall be based upon a detailed site survey including geologic and engineering analysis to identify the most level Development Site on the Parcel.
- II.** In addition a developer shall:
  - a.** Provide mechanical support for all cuts;

- b.** Confine cuts and fills and grading and scraping to the minimum area needed for construction;
- c.** Provide for stability and revegetation of cut and fill slopes; and
- d.** Retain a certified engineer to design a soil absorption sewage disposal systems.

## **Crested Butte, CO**

*Development is allowed above 30% if certain criteria is met (see below).*

### **SLOPE**

24. Development on slopes exceeding 30% should be avoided. Unless a professional engineer can demonstrate that the proposed development area does not exceed 30%, Crested Butte discourages development on slopes that exceed 30% as shown on the Slope 30% and greater map in Part 2, the Description of the Issues, page 92.

Sec. 16-10-20. - Excessive slope review.

- (a) Intent. It is the intent of this Article to provide for review of all development located above the "Excessive Slope Line" designated on the Official Zoning Map of the Town in order to ensure that all development is compatible with the prevailing slopes; to provide the least disturbance to the terrain and other natural land features of the area; to guarantee availability of utilities and adequate access; to reduce the impact of development on surface runoff, natural watershed and air pollution; and to avoid losses due to such development.
- (b) Review criteria. Whenever reviewing the development plan, the Board shall consider all of the following:
  - (1) Whether there exists sufficient water pressure and other utilities to service the intended developments;
  - (2) The existence of adequate roads to ensure fire protection, snow removal and road maintenance;
  - (3) The suitability of the site for development, considering the slope, ground instability and possibility of mud flow, rock falls and avalanche dangers;
  - (4) The effects of the development on the natural watershed, runoff, drainage, soil erosion and consequent effects on water pollution;
  - (5) The design and location of any proposed structure, roads, driveways or trails and their compatibility with the terrain;
  - (6) Whether proposed grading will result in least disturbance to the terrain, vegetation and natural land features;
  - (7) The placement of structures so as to minimize roads, cutting and grading, increase open space and preserve the hill as a scenic resource; and
  - (8) The reduction of building height and bulk to maintain the open character of the hillside.
- (c) The Board shall be as flexible as possible in allowing innovative land uses above the "Excessive Slope Line" so as not to deprive landowners a reasonable use of their land, and at the same time to preserve the environmental and aesthetic values that this area represents.

(Prior code 15-2-18)

## 1. City of Aspen (CO)

### Project Review Standards:

**B. Development Suitability.** The proposed Planned Development prohibits development on land unsuitable for development because of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snowslide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Affected areas may be accepted as suitable for development if adequate mitigation techniques acceptable to the City Engineer are proposed in compliance with Title 29 – Engineering Design Standards. Conceptual plans for mitigation techniques may be accepted for this standard. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

*Affected areas may be suitable for development if adequate mitigation techniques acceptable to the City Engineer are proposed in compliance with Title 29 – Engineering Design Standards (See Below):*

**Municipal Code Title 29 – Engineering Design Standards and the City of Aspen Urban Runoff Management Plan (URMP).** The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

**Project review application contents:** The contents of a development application for a Project Review shall include the following:

7. A statement prepared by a Colorado registered Professional Engineer, and depiction or mapping as necessary, regarding the presence of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snowslide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Areas with slopes in excess of 30% shall require a slope stability study reviewed by the Colorado Geologic Survey. Also see Chapter 29 – Engineering Design Standards regarding identification and mitigation of natural hazards.

Depending on the nature and complexity of a project and its approvals, some or all of the following plans shall be included in an **Approved Plan Set**:

6. Hazards Map. A plan prepared by a Colorado registered Professional Engineer depicting, and describing in narrative as necessary, all areas of a property that are affected by the presence of

natural or man-made hazard areas including areas of the property affected by flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snowslide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Areas with topography in excess of 30% shall require a slope stability study reviewed by the Colorado Geologic Survey.

## 2. Summit County (CO)

### Summit County Development Code: Zoning Regulations

*When seeking permissions for rezoning or new developments, an applicant must adhere to the following steps:*

#### Identification of Development Constraints:

An applicant requesting a zoning amendment that may impact land with development constraints shall provide a surveyed existing conditions plan depicting all of the following constraints, unless the Planning Department waives mapping such environmental constraints: 1. Slopes of greater than 30 percent (%). 2. Areas subject to geologic hazards including avalanches, landslides, rock falls, mud flows, unstable slopes or soils, seismic effects, ground subsidence or radioactivity. 3. Any regulatory floodway or flood fringe area as depicted on the County's Floodplain Overlay District Maps. 4. Tundra as defined by Chapter 15. 5. Wetlands as defined by Chapter 15. 6. Areas where development has the potential to cause a significant adverse impact on wildlife habitat or wildlife species as defined in Section 4204.05. The applicant shall provide an estimate of acreage contained in each of these areas, considered subject to development constraints and outside of the areas listed above.

#### Site Disturbance and Design Standards:

Slopes: Where practical and consistent with the other standards of this subsection, structures shall be sited on the portion of the parcel that has lesser slopes. The maximum slope for building sites shall be 30%. Where site conditions would preclude development based on the above

standards, the County may allow for some disturbance of sloped areas in excess of 30%, consistent with the slope limitation provisions of Section 7102. Other components of the development including roads, driveways, leach fields and utilities shall not be located on slopes greater than 15%. Existing roads located in areas with grades exceeding 15% may be utilized if approved by the County Engineer. Retaining walls shall be used to minimize earth disturbance on steep slopes. Retaining walls shall be constructed in compliance with Section 3505 et seq. of the Code.

*Section 7102 (referenced above) provides for additional analysis that allows development on slopes greater than 30% (See Below):*

### **Summit County Land Use and Development Code: Section 7102:**

7102: Slope Limitations With respect to development that is permitted by zoning, construction is allowed on 3.33:1 (30 percent (“%”)) or steeper slopes only if (1) such disturbance is sought at the time of site plan review, or grading permit review for a legally created lot or parcel; and (2) the provisions of Sections 7102.01 through 7102.09 are met (See Below)

7102.01: Extent of Site Disturbance Site disturbance shall not exceed 15% of that portion of a site where slopes are 3.33:1 or greater, unless evidence can be presented to the satisfaction of the County Engineer that no water quality impacts will occur. The area to remain undisturbed shall be protected by a barrier (e.g., snow fencing) to prevent its disturbance. Lots platted or legally created prior to September 1986 may be exempted from this requirement if: A. The disturbance limitation of 15% would prevent reasonable use of the lot for construction; and, B. The remaining standards in Sections 7102.02 through 7102.09 are met as deemed necessary by the Engineering Department.

7102.09: Compliance with Other County Requirements In addition to the requirements of this Section 7102, development proposals must comply with all other County standards applicable to construction or soil disturbance on slopes greater than 3.33:1.

## **3. Town of Breckenridge (CO)**

### **Breckenridge Development Code:**

**Definitions** (from Breckenridge municipal code):

**Steep slopes** defined as: slopes greater than 15%

**Absolute policies** refer to those of major importance

**Relative policies** refer to those of lesser importance

*Breckenridge adheres to the standards laid out by Summit County but provides unique language in its development regulations, recommending mitigation measures and aesthetics to developments proposed for steep slopes:*

**Site and Environmental Design (Relative):**

*Retaining Walls:* Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.

Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case by case basis, but are not recommended for use in highly visible locations.

Smaller retaining wall systems, up to four feet (4') tall that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that causes less site grading and complies with all other relevant development code policies is viable, then it should be strongly considered.

#### **Ridgeline and Hillside Development (Absolute):**

Site Grading/Cut and Fill/Retaining Walls: New developments shall be designed to reduce the need for excessive regrading, earthmoving, vegetation removal and other site disturbance.

Grading or earthmoving to create a flat building pad on a sloped site is prohibited; instead, buildings shall be stepped to fit with the natural terrain. The use of retaining structures may be required when they will significantly reduce the grading and other site disturbance, such as tree removal. In cases where retaining structures are used, they must be constructed from sturdy, dark natural materials, such as boulders or engineered structures faced with natural rock or other material, which will blend with the surrounding area. Where retaining structures will be visible from an area of concern, the facade of the structure shall be finished in a dark earth tone color to effectively blend the structure into its surroundings. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the visibility of such structures when viewed from off site. Where cut and fill slopes are used, they shall be revegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion.

## **4. Town of Snowmass Village (CO)**

### **Town of Snowmass Village Land Use Code:**

*Development regulations for residential buildings- special report required for slopes greater than 30%*

#### Slopes Greater Than 30%

Any new construction or additions on slopes greater than 30% in older subdivisions (approved prior to 1/1/87) require a special report and letter from a registered geotechnical engineer satisfying Section 16A-4-50 of the LUC.

*The section referred to, 16A-4-50 (See Below), provides a number of scenarios where development on slopes greater than 30% is allowed (see “(d)” and below)*

**Sec. 16A-4-50. - Geologic hazard areas, steep slopes and ridgeline protection areas.**

(a) Purpose. Steep slopes are prone to erosion and soil instability, are difficult to revegetate and may also be subject to geologic hazards. The purpose of this Section is to ensure that development does not occur on slopes that are excessively steep, unstable or hazardous. Applicants are also referred to [Section 16A-4-320](#), Landscaping, Grading and Other Design Standards, to ensure that development which is permitted on slopes that are more stable is done in a manner that minimizes environmental and aesthetic impacts on the Town.

(b) Applicability. The standards in this Section shall apply to all development proposed within the Town.

(c) Development Prohibited in Geologic Hazard Areas. No development proposed in any SPA, PUD, subdivision or special review application shall be approved in any area that the Town Council finds, on the basis of competent engineering or geologic data, to be unsuitable for the proposed activity or use due to the potential harm to the public health, safety or welfare that would be posed by mud flow, rock slide, avalanche, steep or unstable slopes or soils, or other geologic hazards, features or conditions.

(d) **Development Prohibited on Slopes Greater Than Thirty Percent (30%). No development shall be allowed on any slope greater than thirty percent (30%), except in the following circumstances:**

(1) **Ski area improvements. Construction of roads, driveways, ski trails and related ski area improvements including, but not necessarily limited to lift towers, but excluding restaurants and similar structures that are intended for human occupancy, may be allowed on slopes greater than thirty percent (30%).**

(2) **Lots subdivided prior to January 1, 1987. Development may be allowed on lots and within approved building envelopes containing areas of slopes greater than thirty percent (30%) if the lot was subdivided prior to January 1, 1987.**

(3) **Man-made slopes. Development may be permitted on slopes greater than thirty percent (30%) that are the result of minor man-made cutting or filling of an otherwise continuous natural slope.**

(4) **Other circumstances. The Town Council may authorize development on slopes greater than thirty percent (30%) in circumstances not listed above if at least three-quarters (¾) of the members of the Town Council present and voting approve an ordinance finding that:**

a. **The development is unable to avoid the steep slopes, and the reasons therefor;**  
and

b. **On the basis of competent engineering or geologic reports and data and testimony received, the design and/or construction techniques that will be incorporated within the development will satisfactorily mitigate the risk of potential harm to the public health, safety or welfare.**

(5) Engineer's opinion. For the Town to allow development under any of the above circumstances, the applicant shall provide an opinion from a professional geotechnical engineer licensed in the State stating that:

a. The slope is not prone to instability or failure; or

b. The proposed development will not cause greater slope instability or increase the potential for slope failure, and that therefore, there will be no significant risk that damage to adjacent property will result from the proposed construction.

(e) Avoid Activities Which May Affect Stability on Slopes Greater Than Fifteen Percent (15%). Development activities that decrease the stability of any slope that is greater than fifteen percent (15%) shall be avoided. These activities include, but are not limited to, activities that add water to a slope, activities that add weight to the top of a slope and activities that steepen the existing grade of a slope.

## 5. Town of Frisco (CO)

*The Town of Frisco code uses a tiered approach to the type of development that can occur on different degrees of slope, also requiring detailed analysis for the >30% tier.*

### **Development on Steep Slopes:**

Certain areas in Frisco are characterized by slope and other topographical factors and geologic conditions which, if disturbed for purposes of development, can cause physical damage to public or private property and decrease the aesthetics of Frisco's topography. The purpose of this section is to specify conditions for any type of development where, due to the topography, disturbance of the natural environment may create situations which are detrimental to the public health, safety, and welfare. It is the intent of this regulation to prevent physical damage to public and private property and to retain the natural terrain features and aesthetic quality of Frisco. It is also the intent of this regulation to permit a certain degree of development flexibility to protect the environment of these areas as well as encourage innovative design solutions.

- a. On slopes from fifteen percent (15%) to less than thirty percent (30%), net site disturbance shall not exceed fifty percent (50%) of the total area within this range of slopes.
- b. On slopes greater than thirty percent (30%), net site disturbance shall not exceed fifteen percent (15%) of the total area over this range of slope.
- c. Any development application which proposes to disturb any slope greater than thirty percent (30%) shall be based on a detailed site survey including a geologic and engineering analysis prepared by an appropriately licensed professional and must demonstrate that:
  - i. The slope area's ground surface and subsurface are not prone to instability and failure;
  - ii. The proposed development will not cause greater instability or increase the potential for slope failure;
  - iii. The proposed development will not increase erosion that removes underlying support or surface material;
  - iv. The proposed development will not increase the hazard to adjoining property or structures.

## 6. Squamish (British Columbia)

*The table below from Squamish's municipality provides another example of a tiered approach to regulating development on steep slopes, using 40% as the high mark and requiring further analysis on slopes between 25-40%*

### STEEP SLOPES

**25 - 24** A geotechnical report prepared by a qualified professional will be required to identify the hazards associated with slope stability for all developments proposed on slopes of 15% or greater.

**25-25** In areas with slopes of 25% or greater and less than 40%, multi-family residential may be considered, subject to a geotechnical assessment and endorsement by a qualified Professional Engineer.

**25 - 26** Lands with slopes of 25% or greater are generally not considered appropriate for single-family development.

**25 - 27** Lands with slopes of 40% or greater will not be considered for development.

**25 - 27** Development on sites on or adjacent to slopes will require a geotechnical analysis to determine if the lands may be safely used for the intended purpose.

## Citations from Land Use Code - Ridgelines

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### Current FCOZ

#### 19.72.030 B.3.

No development shall intrude into any ridge line protection area (prominent ridge lines plus 100' on both sides), unless a waiver is granted. There is an exception for minor ski resort improvements, but as noted above, that exception is limited.

### FCOZ Rewrite

*No development may be located within 100' from either side of the crest of a protected ridgeline. No development may break the horizontal line as viewed from public rights of way or trails. Waivers can be granted.*

#### 19.72.060

##### **B. Development on Ridgelines**

1. No development may break the horizon line, defined as the point where the ridge visibly meets the sky as viewed from public rights of way or trails.
2. No development may be located within one-hundred (100) feet (map distance) from either side of the crest of a protected ridgeline designated as such in an adopted County master plan or incorporated by other ordinance.

3. In granting a waiver from slope and ridge line protection standards, the Planning Commission may impose reasonable conditions to mitigate the impacts of the proposed development on adjacent properties and the surrounding environment.

## MRZ

*The MRZ-Village district is subject to the same standards as FCOZ. The MRZ-Recreation District is exempt from the ridgeline requirements under the following uses and conditions listed below.*

### 19.13.030

#### **C. FCOZ Exceptions**

1. The following uses in the MRZ-Recreation District are exempt from all requirements of Section 19.72.060 (Slope Protection and Development on Ridgelines), subject to reasonable conditions that may be imposed under subsection (2) below.
  - a. Conservation Activity
  - b. Trail/Trailhead Improvement
  - c. Passenger Tramway Station & Ski Base Facility
  - d. Ski Tow Rope, Lift, Run and Bridge
  - e. Zip Line
  - f. Ropes Course
  - g. Mountain Bike Terrain Park and Trails
  - h. Frisbee Golf Course
  - i. Minor Ski or Mountain Resort Improvements
  
2. For the above uses, the Director (for permitted uses) and the planning commission (for conditional uses) may impose reasonable conditions to accomplish any or all of the following:
  - a. Preserve area views;
  - b. Reduce adverse impacts on existing trees and vegetation;
  - c. Reduce overall degree of disturbance to steep slopes over 30%;
  - d. Protect wildlife habitat;

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## Park City, UT

### 15-2.21-5

Development must blend with the natural contour of the Ridge Line Areas, which should be retained in a natural state. No structure shall visually intrude on the ridgeline from designated vantage points or as identified by the commission; 100% of the ridgeline areas shall remain as open space.

## Telluride, CO

*Exceptions can be made for ski areas to extend above ridgelines. The Board of County Commissioners may require changes to architectural plans.*

### **5-2102 Ridgeline and Treeline Limitations in the Telluride R-1 School District**

#### **5-2102 A. Ridgeline Development**

No portion of any structure (except ski area, public utility and mining related structures) shall be allowed to extend above any ridgeline such that the subject development could be viewed from five miles away or less as silhouetted against the sky from any State Highway, County Road T60 between the Telluride Regional Airport and West Colorado Avenue, and any street in the Town of Telluride, unless the entire subject parcel is ridgeline, or is within a final platted, County approved subdivision. If the entire parcel is ridgeline, any development must comply with all standards of Section 5-2101. If necessary for evaluation of the proposed development, the Planning Director may require an applicant to erect visual devices, such as story poles, prior to issuance of any Development Permit.

#### **5-1405 C. Standards**

The Board of County Commissioners may require changes to architectural plans to:

- I. Reduce the adverse visual impacts of buildings, which, because of size, scale, color, location, lighting or materials either are out of harmony with the neighborhood in which they are to be constructed or diminish the natural beauty of mountain slopes or ridgelines;
- II. Minimize disturbances to the natural terrain; and/or
- III. Promote advantageous solar orientation and energy conserving design.

## Town of Breckenridge, CO

No specific guidance found.

## Town of Snowmass Village, CO

*Ridgeline penetration prohibited in areas where ridge is visible from designated locations and within 50' of crest of ridge. Exceptions granted by approval of 3/4 of Town Council.*

### Section 16A-4-50(f)

(f) **Ridgeline** Protection Areas.

- (1) **Ridgeline** protection areas. **Ridgeline** protection areas are those lands that are visible from Brush Creek Road, Owl Creek Road or the Town Community Park and are at the crest or highest elevation of a ridge or hillside, or are within fifty (50) feet of elevation, measured vertically, from the crest of a ridge or hillside. These lands frame the natural mountain setting within the Town and include lands outside the Town boundary. It is the intent of the Town to ensure that the mountaintops surrounding Snowmass Village retain their natural appearance by preventing structures from being built at or near the crest of a ridge or hillside.
- (2) **Ridgeline** penetration prohibited. Except as provided in subparagraph (f)(3) below, no development of new structures shall be designed or located within a **ridgeline** protection area in such a way that it will appear to penetrate above the crest of a **ridgeline** protection area as seen from Brush Creek Road, Owl Creek Road or the Town Community Park when viewed from within the park or road surface edge at a height of five (5) feet. In addition, any existing structure that is located within a **ridgeline** protection area that is demolished may only be rebuilt if its design complies with the standards of this Subsection (f).
- (3) Exception for single-family residence or existing structures. The Planning Director may approve an application for a single-family residence or the reconstruction, relocation or alteration of an existing structure if the prohibitions of paragraph (2) above would prevent the development of a single-family residence on a lot subdivided prior to the effective date of this Land Use and Development Code (September 2, 1998) or where the reconstruction, relocation or alteration of an existing structure does not cause the structure to encroach into a **ridgeline** protection area to a greater extent in any dimension or configuration, specifically height, width or mass, than the existing structure. The Planning Director shall only approve the application if it is found that the development complies with the standards that follow below and all other applicable standards of this Land Use and Development Code. The Planning Director is authorized to require the applicant to submit such visual sight line analysis information as may be necessary to determine the application's compliance with these standards and is also authorized to impose such conditions on the application as are necessary to ensure its compliance with these standards.
  - a. Mass. The mass of the proposed development shall be broken into smaller forms and stepped down or along the hill or shall be otherwise configured to follow the slope of the terrain so as to minimize the amount of the building that penetrates above the **ridgeline**.
  - b. Form. The form of [▲ Scroll to Top](#) (in particular, its roof form) shall replicate, parallel or

## Summit County, CO

No specific guidance found.

## Town of Frisco, CO

No specific guidance found.

## Crested Butte, CO

### **17-8-70**

The top or roof line of any structure shall be at least 40 feet, as measured vertically, below the top of any ridgeline mapped in the Crested Butte Area Plan.

## Aspen, CO

### **26.435.050**

**C. Mountain view planes.** Development within designated mountain view planes as set forth in Section 26.435.050 shall be subject to heightened review so as to protect mountain views from obstruction, strengthen the environmental and aesthetic character of the City, maintain property values and enhance the City's tourist industry by maintaining the City's heritage as a mountain community.

**D. Hallam Lake Bluff.** That bluff area running approximately on a north-south axis bordering and/or overlooking the Aspen Center for Environmental Studies Nature Preserve and bounded on the

City of Aspen Land Use Code  
**Part 400 – ESA**  
**Page 1**

**B. Exemption.** The Community Development Director may exempt the addition of mechanical equipment to an existing development which protrudes into the view plane only if such development has an insignificant effect upon the designated view plane. The addition of a satellite dish, elevator shaft or any other piece of equipment whose height and mass have a significant effect upon the designated view plane shall be reviewed pursuant to the standards of Subsection 26.435.050.C.

## Squamish, British Columbia

No specific guidance found.

## Citations from Land Use Code - Grading

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### Current FCOZ

Cutting: cutting to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible. 19.72.030 C.2. Limits on Changing Natural Grade: grade shall not be raised or lowered more than 4', except if a retaining wall is used (6'), or if terracing is used (6'). 19.72.030 C.3. Limits on Graded or Filled Man-Made Slopes: shall not exceed 50%, unless certified that steeper slope will be stable. 19.72.030 C.5.

### FCOZ Rewrite

A maximum of 35% of the lot may be graded for a building pad. 19.72.070 B. Limits on Changing Natural Grade: grade shall not be raised or lowered more than 4', except grade may be raised or lowered by 8' if retaining wall is used, or by 6' if terracing is used. 19.72.070 D.1. & D.2. Limits on Graded or Filled Man-Made Slopes: same as current FCOZ.

### MRZ

Not specifically addressed; defer to FCOZ Rewrite.

### Park City, UT

#### **15-2.21-4**

Cuts and fills must be avoided or minimized; except for ski slopes, graded or filled slopes shall be limited to 3:1. Benching or Terracing is prohibited.

### Telluride, CO

5-1004 G. Control of erosion and sediment transport

- I. Slopes in excess of 30 percent shall be delineated on the engineering drawings. Any development on slopes greater than 30 percent shall comply with Section 5-404 E. No construction or grading shall take place on slopes in excess of 50 percent;
- II. The area of disturbance (exposed soils) shall be limited to a maximum of 20-acres at any one time until temporarily stabilized; disturbed areas shall be considered temporarily stabilized when mulch and vegetation coverage is in place that will prevent surface erosion; permanents vegetation shall be established within 60 days of the start of initial grading; and
- III. A proportional amount of the construction bond may be withheld if areas are not permanently stabilized.

## Town of Breckenridge, CO

C. Site Grading/Cut And Fill/Retaining Walls: New developments shall be designed to reduce the need for excessive regrading, earthmoving, vegetation removal and other site disturbance. Grading or earthmoving to create a flat building pad on a sloped site is prohibited; instead, buildings shall be stepped to fit with the natural terrain. The use of retaining structures may be required when they will significantly reduce the grading and other site disturbance, such as tree removal. In cases where retaining structures are used, they must be constructed from sturdy, dark natural materials, such as boulders or engineered structures faced with natural rock or other material, which will blend with the surrounding area. Where retaining structures will be visible from an area of concern, the facade of the structure shall be finished in a dark earth tone color to effectively blend the structure into its surroundings. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the visibility of such structures when viewed from off site. Where cut and fill slopes are used, they shall be revegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion.

## Town of Snowmass Village, CO

### 16A-3-200

As Determined by PUD plan or Special Review

### 16A-4-320(b)

- (b) Grading Standards. All development shall comply with the following standards:
- (1) Mass grading. Mass grading that removes existing vegetation and leaves large areas of soil exposed shall be properly managed to control erosion. When significant portions of a site are to be disturbed, the Town may require grading activities to be phased, so disturbed areas can be stabilized. The Town may also require topsoil to be stockpiled, for re-use on areas requiring revegetation and landscaping.
  - (2) Limitations on site disturbance. Cuts, fills, grading, excavation, vegetation removal and building construction shall be confined to designated building envelopes, except as permitted pursuant to Section 16A-3-200(b). Construction in Required Setbacks, and except for site disturbance necessary to install and maintain utilities, roadways, trails, irrigation ditches, fences and trees and similar plant material. Material excavated from the building envelope may be stockpiled outside of the building envelope for later use on the property.
    - a. Earth berm outside building envelope. Where site disturbance is proposed to create an earth berm outside of a designated building envelope, the applicant shall demonstrate that the berm: (1) has been blended into the natural topography to the greatest extent possible; (2) will not exceed a fifty-percent slope (one [1] foot vertical to two [2] feet horizontal); (3) will not obstruct sight visibility at road or driveway intersections or create other safety hazards; and (4) will not adversely affect Town snow removal operations.
    - b. Administrative modification. An administrative modification may be required, pursuant to Section 16A-5-250, Administrative Modifications, if the Planning Director determines that any berm located outside the building envelope does not satisfy the above criteria.
  - (3) Mark envelope. Prior to the commencement of site disturbance, the applicant shall visibly mark the extent of the designated building envelope. The applicant shall maintain said marking in place throughout the duration of construction. Relocation or removal of the marking without the prior approval of the Town shall be considered a violation of this Code.
  - (4) Restoration of disturbed areas. Disturbed areas shall be restored as undulating, natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls, made of wood, stone, vegetation or other materials that blend with the natural landscape. Areas disturbed by grading shall be contoured so they can be revegetated and shall be revegetated within one (1) growing season after construction, using native species similar to those growing on the site.
  - (5) Design shall fit natural topography and site conditions. Proposed structures shall be located and designed to fit the site's natural topography and site conditions, rather than adjusting the topography and site conditions to fit the structure. For example, instead of creating a flat bench or terrace for a building platform on a sloping site, the structure should instead be stepped up or down the slope. Roads and driveways shall follow the contours of the natural terrain.

## Summit County, CO

### 7. Grading and drainage

- Show existing and proposed topography at 2-foot contour intervals.
  - ❖ If topography on the site has greater than a 10% slope, or if the height of the structure is within 5 feet of the maximum allowed, a topographic survey prepared and stamped by a registered land surveyor shall be submitted.
- Maximum 2:1 side slope allowed on all finished contours or retain.
- Retaining wall maximum = 4 feet without an engineered design (submit cross-section diagram)
  - ❖ Retaining walls > 4 ft. in height require design by Colorado licensed Professional Engineer (CO P.E.)
  - ❖ Engineered systems must be 8 feet maximum and stepped a minimum of 4 feet.
  - ❖ See §3505.17.D of the Code for more details.
- Show foundation drain location and daylight.
- Show all culverts and indicate direction of drainage flow including drainage details.

## Town of Frisco, CO

No specific guidance found.

## Crested Butte, CO

### **Sec. 16-14-160. - Approval required for alteration of natural grade of building site.**



The natural grade of a building site may not be altered without the prior approval of the Building Official. A written application to alter the natural grade of a building site must be submitted to the Building Official prior to the alteration of the natural grade on a building site. The application must depict the existing natural grade for the site and the proposed grade change to the site. The Building Official may authorize an alteration in natural grade to facilitate access or drainage on a site in the Building Official's reasonable discretion.

(Prior code 15-2-19; Ord. 23 §5, 2002)

### **Sec. 16-14-170. - Approval of alteration to building site finish grade.**



The proposed finish grade of a site must be submitted to the Board for approval as part of the building permit application if the proposed finish grade will vary from the natural grade on a building site by more than one (1) foot. However, the Board shall not approve a finish grade on a site which varies by more than three (3) feet from natural grade. In determining whether or not to approve a finish grade on a site varying from the natural grade by more than one (1) foot, the Board shall take into consideration the following factors:

- (1) The impact of the proposed grade alteration on adjacent sites with respect to issues, including drainage, solar access and view corridors;
- (2) Whether or not the proposed alteration is excessively dissimilar to the topography of adjacent sites; and
- (3) Whether or not the proposed alteration excessively masks the natural contour of the site.

(Prior code 15-2-19; Ord. 23 §6, 2002)

## **Aspen, CO**

### **26.490.040**

15. Existing and Proposed Site Topography and Drainage. A plan depicting the pre-development conditions and proposed **grading** of a site including layout of proposed development and depiction of drainage basins. The plan should provide a general description of proposed drainage improvements. The plan should be of sufficient detail to understand the intent of the developer but should not be considered a construction document. The plan may contain a combination of site plans, sections, and narrative.

This may include an interpolated natural grade plan documenting estimated pre-development conditions of the site. A plan estimating pre-development topography must be prepared by a registered land surveyor or civil engineer. The Community Development Director may require additional historical documentation, technical studies, reports, or other information to verify a pre-development topography. The Director may require this plan be prepared in a recordable format.

## **Squamish, British Columbia**

No specific guidance found.

## Citations from Land Use Code – Retaining Walls

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### **Current FCOZ**

#### **19.72.030 C.8.**

Shall not exceed 6', except for MSRIs or where terraced. Terracing shall be limited to 2 tiers. Width of terrace between 2 walls shall be at least 3', Walls higher than 4' shall be separated by minimum of 5'.

### **FCOZ Rewrite**

If 1 wall is used, a wall up to 8' is permitted. Terracing limited to 2 walls, with maximum of 6' each. Width of terraces shall be a minimum of 1:1 to height.

### **MRZ**

Not specifically addressed; defer to FCOZ Rewrite.

### **Park City, UT**

The use, design and construction of all retaining walls is subject to an administrative permit. 15-2.21-4 E

### **Telluride, CO**

5-314C

The submitted plans should:

1. Consider ways to minimize disturbances of natural topography and retain natural vegetation of substantial size, including trees, shrubs and other natural landscape features in place, or relocate them within the site. Include a landscaping plan. Use of natural plantings rather than non-native ornamental materials is encouraged.
2. Minimize the height of walls and retaining devices and use natural materials to minimize visual impacts.

## Town of Breckenridge, CO

9-1-19-7R

2 x (-2/+2)	C.	Retaining Walls: Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.
		Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case by case basis, but are not recommended for use in highly visible locations.
		Smaller retaining wall systems, up to four feet (4') tall, that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that causes less site grading and complies with all other relevant development code policies is viable, then it should be strongly considered.

## Town of Snowmass Village, CO

16A-4-320(b)(4)

- (4) Restoration of disturbed areas. Disturbed areas shall be restored as undulating, natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls, made of wood, stone, vegetation or other materials that blend with the natural landscape. Areas disturbed by grading shall be contoured so they can be revegetated and shall be revegetated within one (1) growing season after construction, using native species similar to those growing on the site.

## Summit County, CO

### 7. Grading and drainage

- Show existing and proposed topography at 2-foot contour intervals.
  - ❖ If topography on the site has greater than a 10% slope, or if the height of the structure is within 5 feet of the maximum allowed, a topographic survey prepared and stamped by a registered land surveyor shall be submitted.
- Maximum 2:1 side slope allowed on all finished contours or retain.
- Retaining wall maximum = 4 feet without an engineered design (submit cross-section diagram)
  - ❖ Retaining walls > 4 ft. in height require design by Colorado licensed Professional Engineer (CO P.E.)
  - ❖ Engineered systems must be 8 feet maximum and stepped a minimum of 4 feet.
  - ❖ See §3505.17.D of the Code for more details.
- Show foundation drain location and daylight.
- Show all culverts and indicate direction of drainage flow including drainage details.

## Town of Frisco, CO

No specific guidance found.

## **Crested Butte, CO**

### **17-6-30(e)**

- (e) Development shall not occur on slopes greater than thirty percent (30%). In general, such steep land, unstable land and land with inadequate drainage shall not be platted unless a part of each tract or parcel, sufficient to accommodate a building unit, is deemed buildable by a qualified engineer approved by the Town, without the use of precautions such as cribbing or retaining walls, other than retaining walls less than four (4) feet high and less than twenty-five (25) feet long, unless otherwise approved by the Town. In steep areas, particular attention must be paid to geologic and soil conditions, road grades, cut-and-fill slopes and revegetation.
- (f) Because hazardous areas may include other areas posing a risk to public health or safety, a

## **Aspen, CO**

No specific guidance found.

## **Squamish, British Columbia**

No specific guidance found.

## Citations from Land Use Code – Roads

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### **Current FCOZ**

Shall not cross slopes between 30-50% (except for MSRIs) unless specifically authorized by planning commission, upon the favorable recommendation of the development services director and public works engineer, after finding that no alternate location is feasible, no individual segment that will cross slopes 30-50% exceeds 100', cumulative length of segments that cross such slopes does not exceed 10% of total, and no significant adverse visual, environmental, or safety impacts. Under no circumstances shall any road cross slopes greater than 50%. Shall also comply with SL County highway and fire department ordinances (County highway department may piggy-back on ASHTO's "Mountain Road" standard, which is narrower than for urban roads. We should push for an urban width). 19.72.030 D.2.

### **FCOZ Rewrite**

Shall not cross slopes **averaging (in any fifty feet interval)** between 30-50%..., otherwise same as current FCOZ. 19.72.080. Roads associated with MSRIs are excepted and allowed to cross slopes over 50%. 19.72.180

### **MRZ**

Not specifically addressed; defer to FCOZ Rewrite.

### **Park City, UT**

May not cross slopes of 30% or greater, short runs not exceeding 100' may be allowed to cross slopes greater than 30%; if road crosses slope greater than 10% it is subject to additional requirements. 15-2.21-4 D.

### **Telluride, CO**

#### **5-319K**

##### **Roads/Driveways**

- Minimize cuts and fills, which should not exceed 2:1 slopes.
- Stabilize cut and fill slopes with erosion-resistant vegetation or material contoured to blend with natural, undisturbed terrain.
- Maintain the natural drainage on the property to the greatest extent possible.
- Encourage shared driveways between buildings.
- Avoid cutting through open meadows.
- Surface driveways with gravel, or employ dust-control.

### **Town of Breckenridge, CO**

No specific guidance found.

## Town of Snowmass Village, CO

### 16A-4-320(b)(2)

- (5) Design shall fit natural topography and site conditions. Proposed structures shall be located and designed to fit the site's natural topography and site conditions, rather than adjusting the topography and site conditions to fit the structure. For example, instead of creating a flat bench or terrace for a building platform on a sloping site, the structure should instead be stepped up or down the slope. Roads and driveways shall follow the contours of the natural terrain.

## Summit County, CO

### 12. Steep slopes (See Sections 7102 and 7102.01)

- Show calculations of slopes  $\geq 30\%$  on the entire property and all the proposed disturbance (incl. leach field).
- Areas with slopes  $\geq 30\%$  intended to be used for roads, driveways or structures shall be approved for such use by a geologist or engineer in a soils report. All roads, driveways and foundations shall be designed by a licensed engineer consistent with the soils report.
- An erosion control plan, urban run-off control plan and utility plan may be required and all such plans must be designed by a CO P.E., and financial guarantee may be required prior to issuing a GE Permit.
- A revegetation plan may be required and must be designed by a licensed landscape architect.

## Town of Frisco, CO

No specific guidance found.

## Crested Butte, CO

### 16-10-20

#### Sec. 16-10-20. - Excessive slope review.



- (a) Intent. It is the intent of this Article to provide for review of all development located above the "Excessive Slope Line" designated on the Official Zoning Map of the Town in order to ensure that all development is compatible with the prevailing slopes; to provide the least disturbance to the terrain and other natural land features of the area; to guarantee availability of utilities and adequate access; to reduce the impact of development on surface runoff, natural watershed and air pollution; and to avoid losses due to such development.
- (b) Review criteria. Whenever reviewing the development plan, the Board shall consider all of the following:
- (1) Whether there exists sufficient water pressure and other utilities to service the intended developments;
  - (2) The existence of adequate roads to ensure fire protection, snow removal and road maintenance;
  - (3) The suitability of the site for development, considering the slope, ground instability and possibility of mud flow, rock falls and avalanche dangers;
  - (4) The effects of the development on the natural watershed, runoff, drainage, soil erosion and consequent effects on water pollution;
  - (5) The design and location of any proposed structure, roads, driveways or trails and their compatibility with the terrain;
  - (6) Whether proposed grading will result in least disturbance to the terrain, vegetation and natural land features;
  - (7) The placement of structures so as to minimize roads, cutting and grading, increase open space and preserve the hill as a scenic resource; and
  - (8) The reduction of building height and bulk to maintain the open character of the hillside.
- (c) The Board shall be as flexible as possible in allowing innovative land uses above the "Excessive Slope Line" so as not to deprive landowners a reasonable use of their land, and at the same time to preserve the environmental and aesthetic values that this area represents.

## Aspen, CO

### 26.435.030

6. The placement and clustering of structures will minimize the need for roads, limit cutting and grading, maintain open space and preserve the mountain as a scenic resource.

**Squamish, British Columbia**

No specific guidance found.

## **Citations from Land Use Code – Avalanche**

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### **Current FCOZ**

Avalanche hazard report shall be prepared in accordance with “Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering or other appropriate references, by experienced avalanche expert. Report shall designate either “red zone” of high avalanche potential, in which critical facilities for human occupancy are not permitted, or “blue zone” in which such facilities can be permitted if accompanied by direct protection measures or appropriate engineering controls. 19.75.083.

### **FCOZ Rewrite**

Natural hazards report, together with geotechnical, slope, soils, and grading reports, may be required as provided in 19.75.030 “Geological Hazards” and 19.74 “Floodplain Hazards.” 19.72.120.

### **MRZ**

Not specifically addressed; defer to FCOZ Rewrite.

### **Park City, UT**

Development within steep slope areas cannot create any additional avalanche hazard. 15-2.21-4 A.4

## Telluride, CO

### 5-404 A. Avalanche areas

- I. If no adequate hazard-free area exists on a site, land uses shall be:
  - a. Protected by structural avalanche defenses designed by a certified engineer or architect to withstand avalanche damage; and
  - b. Restricted to the most protected areas and located as far away as possible from the base of steep slopes and ravines.
- II. Clear-cutting or other large-scale removal of vegetation shall be prohibited.
- III. Extractive operations in high hazard, or historic avalanche areas during winter shall be prohibited, unless an adequate program of avalanche control and defense measures exists.
- IV. Utility lines or pipes crossing historic avalanche areas shall be buried, and surface pipes and poles or towers for suspended transmission lines in historic or high or moderate hazard avalanche shall be protected by utilizing avalanche diversion methods or structures.
- V. Roads intended for winter use shall avoid avalanche hazard areas. Roads that must cross hazardous areas shall be protected through avalanche control practices.
- VI. Warning signs shall be placed along commonly traveled winter roads and trails that cross major avalanche paths.
- VII. Property owners who develop in avalanche areas or obtain driveway

## Town of Breckenridge, CO

### **9-1-19-34A: POLICY 34 (ABSOLUTE) HAZARDOUS CONDITIONS:**

A. Geologic Hazard Potential: Geologic hazards shall include, but not be limited to, avalanches, landslides, rockfalls, mudflows, debris fans, unstable or potentially unstable slopes, ground subsidence, faulting, expansive soil or rock, Pierre Shale, and mining related modifications or other manmade modifications of the natural geology which may pose some geologic hazard. A preliminary indication of some but not all such hazards is shown on the map of geologic hazards.

No development shall occur in any area of, or affected by, a geologic hazard unless mitigated to the satisfaction of the town. Proof of mitigation may require reports as specified by the town.

## Town of Snowmass Village, CO

### 16A-4-50(c)

- (c) Development Prohibited in Geologic Hazard Areas. No development proposed in any SPA, PUD, subdivision or special review application shall be approved in any area that the Town Council finds, on the basis of competent engineering or geologic data, to be unsuitable for the proposed activity or use due to the potential harm to the public health, safety or welfare that would be posed by mud flow, rock slide, **avalanche**, steep or unstable slopes or soils, or other geologic hazards, features or conditions.

## Summit County, CO

FIGURE 3-1 DEVELOPMENT CONSTRAINTS COUNTY CONCERNS AND MITIGATION MEASURES		
TYPE OF CONSTRAINT	COUNTY CONCERNS	MITIGATION MEASURES
FLOODFRINGE	flood hazards to structures public health, safety, welfare	a. Compliance with County floodplain regulations (see Section 4100)
FLOODWAY	flood hazards to structures public health, safety, welfare	a. Compliance with County floodplain regulations (see Section 4100)
GEOLOGIC HAZARD AREAS	avalanche paths landslide areas rock falls debris flows mudflows unstable slopes or soils seismic effects ground subsidence radioactivity	a. Avoiding placing any structures on areas subject to geologic hazards
		b. Submitting geotechnical report identifying hazards and recommending methods of construction to alleviate hazards; designing structures in accordance with recommendations contained in geotechnical report (see Chapter 6)
		c. Providing grading and foundation plans prepared by a registered professional engineer (see Chapter 6)
		d. Complying with recommendations of the State Geologic Survey (see Chapter 8)
		e. Modifying land uses so that structures are minimized or eliminated
		f. Clustering development to avoid hazard areas

## Town of Frisco, CO

No specific guidance found.

## Crested Butte, CO

### Sec. 17-6-30. - Hazardous areas standards.



- (a) Development in hazardous areas shall be prohibited unless a subdivider can demonstrate, using an appropriate professional in the field, that the areas proposed for development are not in hazardous areas. Hazardous areas are mapped in the Crested Butte Area Plan. They have the following titles:
- (1) **Avalanche** hazard;
  - (2) Flood hazards;
  - (3) Geologic hazards;
  - (4) Wild fire hazards; and
  - (5) Slopes thirty percent (30%) and greater.

## **Aspen, CO**

### **26.445.050**

**B. Development Suitability.** The proposed Planned Development prohibits development on land unsuitable for development because of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, **avalanche** or snowslide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Affected areas may be accepted as suitable for development if adequate mitigation techniques acceptable to the City Engineer are proposed in compliance with Title 29 – Engineering Design Standards. Conceptual plans for mitigation techniques may be accepted for this standard. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

## **Squamish, British Columbia**

No specific guidance found.

## Citations from Land Use Code – Streams/Wetlands

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### **Current FCOZ**

No disturbance, unless specifically allowed in this Section (even if allowed by County stream alteration permit or Army Corp permit). The following setbacks are required: perennial stream corridors, 100' from ordinary high-water mark; wetlands, 50'. Administrative modifications [easing] and waivers potentially available. 19.72.060 A.3 & C.

### **FCOZ Rewrite**

Same as current FCOZ (no disturbance; perennial stream corridors, 100'; wetlands, 50')

### **MRZ**

Not specifically addressed (does not offer any exemption from the FCOZ setback requirements); defer to FCOZ Rewrite.

### **Park City, UT**

Setbacks from wetlands and stream corridors shall be 50' from delineated ordinary high water marks. Setbacks from any irrigation ditches that meet the Army Corps definition for waters shall be 20' from the ordinary high water mark.

### **Telluride, CO**

5-317B

- II. Environmentally Sensitive - includes all land:
- a. within wetlands (designated by the Army Corps of Engineers and/or the Environmental Protection Agency) or the 100-year floodplain,
  - b. within 50 feet of the centerline of any perennial stream,
  - c. with slopes of 35 percent or greater encompassing at least one acre, and
  - d. with known geologic hazard areas, wildlife migration corridors and/or critical wildlife habitats.

## Town of Breckenridge, CO

B. Setbacks: No structures or soil disruption shall be located closer than twenty five feet (25') from the top of the banks of all lakes, wetlands, ponds, and perennial and intermittent streams. The setback requirements shall also apply to all channels draining twenty (20) acres or more. Exceptions to the setback requirement may be allowed when acceptable measures to either isolate the stream or otherwise prevent the increase of unfiltered runoff and sediments in excess of historical rates are submitted to and approved by the town engineer.

## Town of Snowmass Village, CO

### Sec 16A-4-40. - Floodplain and wetland areas.



- (a) General Standard. No development shall be allowed that would adversely affect the quantity, quality or accessibility of the water resources of the Town or region, or which would occur at the expense of established water-dependent agricultural activities, or which would result in increased salinization of water courses, loss of minimum stream flows, diminishment of wildlife habitat, or major expenditures to reacquire or redistribute major water resources. Development shall not be allowed to pollute or interfere with the natural changes of the river, stream or other tributary, including erosion and/or sedimentation during construction. Increased on-site drainage shall be accommodated within the parcel to prevent entry into the river or onto its banks. Pools or hot tubs cannot be drained outside the designated building envelope.
- (b) Floodplains. Floodplains are an extension of the stream channel cross-sections required to accommodate increased stream flow during flood periods. Their obstruction or alteration will alter stream behavior, leading to siltation, stream bank erosion and aggravated flood conditions. All development proposed in an application for PUD, subdivision or special review shall be located outside of the limits of the one-hundred-year floodplain, as depicted on the most recent edition of the Federal Emergency Management Agency (FEMA) Flood Insurance Rates Maps for areas within the Town. An applicant for a subdivision, PUD or special review proposed in an area where there are no detailed flood elevations depicted on the FEMA maps shall be required to submit a study that identifies the limits of the one-hundred-year floodplain on the property and to locate all proposed development outside of the limits of that area. A professional engineer licensed in the State shall prepare the study.
- (c) Wetlands. Areas that are considered to be jurisdictional wetlands, as defined by the United States Army Corps of Engineers, are prohibited from development unless appropriate mitigation is approved by the Corps of Engineers, by appropriate permit, or authorization under Section 404 of the Clean Water Act, and by the Town Council. This prohibition shall not apply to the development of a lot subdivided prior to the effective date of this Development Code (September 2, 1998). However, development of such lots shall comply with any wetlands protection and mitigation requirements that may have been applied to the property during the approval of the PUD or subdivision in which it is located.
- (d) Land Under Water. Whenever there is proposed for development a tract of land partially under water at any time during the year, there shall be excluded from development those areas of the tract that are under water, up to the mean high water mark, except where such a requirement would prevent construction of even one (1) single-family residence within the property.
- (e) Guarantee. A guarantee must provide in the event a watercourse or riparian area is altered or relocated, that applies to the developer and his or her heirs, successors and assigns that ensures that the flood-carrying capacity and riparian habitat on the parcel is not diminished and that no situation is created which causes additional erosion of streambanks into the watercourse.

(Ord. 4-1998 §1; Ord. 7-2000 §1)

## Summit County, CO

### 14. Wetlands (see the County's wetland regulations in [Chapter 7](#))

- Single-family and duplex development on lots platted prior to February 26, 1996 may be exempt from the County's wetland setback regulations but are not exempt from the disturbance of wetlands.
- Any wetlands on a property must be delineated by a wetlands consultant. The wetland delineation shall be surveyed and shown on the plans. Any accompanying wetland reports shall also be submitted.
- Any disturbance to wetlands or the wetland setback which is not exempt from the County's wetland requirements must meet all applicable provisions set forth in Chapter 7 of the Code including but not limited to: a.) a statement on compliance with each Criteria set forth in Section 7105.03; b.) a wetland disturbance plan in accordance with Section 7105.04; c.) a mitigation plan in accordance with Section 7105.05; and d.) a financial guarantee in accordance with Section 7105.06.
- Any disturbance to wetlands must also include evidence of compliance with Section 404 of the Federal Clean Water Act (i.e. ASOE Permit or non-jurisdictional determination).
- Show all erosion control measures and mitigation recommendations by the wetlands professional or project engineer.
- Wetland delineations are considered valid for five (5) years from the date of the report. If a wetland delineation has expired, a new or updated delineation will be required.

### **7103.01: Restrictions on Soil Disturbance Adjacent to Water Bodies**

Soil disturbance is prohibited within 25 feet of a lake, stream or intermittent stream except when approved by the Engineering Department and when the water body or intermittent stream is hydrologically isolated from all earth disturbance according to the following procedures:

- A. **Installation of Cofferd Dam:** An acceptable coffer dam is installed to isolate the water body from construction and is maintained in place until revegetation and bank stabilization is complete and permission is granted by the Engineering Department to remove the dam.
- B. **Containment of Stream:** If a stream or intermittent stream is involved, the stream is completely contained during construction from 50 feet upstream of any site disturbance to 50 feet downstream of any site disturbance. For streams and intermittent streams, the conveyance shall be sized for a minimum flow with a ten percent

### **Town of Frisco, CO**

No specific guidance found.

### **Crested Butte, CO**

#### **Sec. 14-4-140. - No significant degradation of wetlands and riparian areas.**



The proposed development will not significantly degrade wetlands and riparian areas. Examples of factors the Town may consider in determining impacts to wetlands and riparian areas include, without limitation:

- (1) Changes in the structure and function of wetlands and riparian areas.
- (2) Changes to the filtering and pollutant uptake and storage capacities of wetlands and riparian areas.
- (3) Changes to aerial extent of wetlands and riparian areas.
- (4) Changes in species characteristics and diversity.
- (5) Transition from wetland to upland species.
- (6) Changes in function and aerial extent of **floodplains**.
- (7) Introduction of exotic, nuisance or invasive species into wetland and riparian areas.

(Ord. 4 §1, 2013)

### **Aspen, CO**

#### **26.435.010**

**B. Stream margins.** Areas located within one hundred (100) feet, measured horizontally, from the high water line of the Roaring Fork River and its tributary streams or within the one-hundred-year floodplain where it extends one hundred (100) feet from the high water line of the Roaring Fork River and its tributary streams or within a Flood Hazard Area (stream margin). Development in these areas shall be subject to heightened review so as to reduce and prevent property loss by flood while ensuring the natural and unimpeded flow of watercourses. Review shall encourage development and land uses that preserve and protect existing watercourses as important natural features.

**26.435.020. Authority.**

Following the receipt of a recommendation from the Community Development Department, the Planning and Zoning Commission, in accordance with the procedures, standards and limitations of this Chapter, shall by resolution approve, approve with conditions or disapprove a development application for development in an environmentally sensitive area (ESA), with the exception of development within a **stream** margin of the Roaring Fork River. Development within this stream margin of the Roaring Fork River shall be reviewed by the community development director. The Community Development Director, in accordance with the procedures, standards and limitations of this Chapter, shall approve, approve with conditions or disapprove an application for development in the stream margin.

**Squamish, British Columbia**

No specific guidance found.

## **Citations from Land Use Code – Drainage**

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### **Current FCOZ**

Site design shall not change natural drainage patterns. Natural drainage patterns may be modified on site only if the applicant shows that there will be no significant adverse environmental impacts on site or on adjacent properties. 19.73.080.

### **FCOZ Rewrite**

Development shall preserve the natural surface drainage pattern unique to each site. Grading plans shall ensure that drainage flows away from structures, especially structures that are cut into hillsides. 19.72.1.Q.

### **MRZ**

A grading and drainage plan showing all grading and how drainage and storm water are accommodated, which meets County requirements for grading, drainage, and storm water, is required. MRZ (Village Development Plan) 19.13.060 D.8.

### **Park City, UT**

Not specifically addressed; however drainage analysis and hydrological report are to be provided and reviewed by the Planning department. 15-2.21.4 H.b.

## Telluride, CO

### 5-502 AA. Drainage

The primary objective of drainage design is protection of County roads and property while minimizing possible flood damage to surrounding properties and structures. It should be emphasized that good drainage is one of the most important factors in road design. It preserves appearance as well as the level of road service, while minimizing maintenance costs. Culverts under all roads shall be designed to accommodate 25-year-frequency-storm run-off utilizing the maximum head, as determined by the upper-most ponding elevation chosen to prevent flood damage to upstream properties. Inlets and other facilities draining the road surface shall be designed to accommodate 10-year frequency storm run-off. All roads shall be designed to remain free of ponding.

All drainage installations shall be designed to permit free, unobstructed passage of debris and silt, or to provide for their deflection and/or collection at a point upstream in a manner that will not create an expensive maintenance problem. Settlement basins shall be provided when a silting problem may exist downstream. Modification of natural channels or transfer of run-off from one basin to another shall be prohibited, except where no reasonable alternative exists as determined by the County Engineer. The following methods may be used for estimating peak flows:

## Town of Breckenridge, CO

### 10-2-8: GENERAL DESIGN CRITERIA:

These standards set forth general criteria to be followed in designing drainage facilities in the town. Specific requirements as to drainage plan content and guidelines concerning suggested methodologies to carry out the analysis and design of facilities are provided in the town's "administrative procedures and design guidelines for storm drainage".

The planning and design of the drainage system shall not be such as to transfer the problem from one location to another or create a more hazardous condition downstream. Although improvements may not have to be made upstream or downstream of a development, provisions shall be made in all cases where significant flow is concentrated in the form of a drainage easement or drainageway for the 100-year storm to pass through the development. Natural drainageways are to be used whenever feasible. Alterations to natural drainage patterns may be approved if a thorough investigation and analysis submitted by the engineer shows no hazard or liability. Streets shall not be used as primary conveyances for major storm runoff. The amount of runoff in streets shall not exceed the limits established in the "appendix to Breckenridge storm drainage ordinance". The drainage plan must indicate the route the flow will take from the site to either a natural drainageway or town storm drainage facility.

In cases when the development of a property results in the alteration of drainage patterns or the concentration of flow, documentation must be provided that demonstrates existing drainage systems (either natural or manmade) have sufficient capacity to convey the altered flows without causing increased damage due to flooding. In addition, the concentration of flow or alteration of drainage patterns must not result in increased erosion to downstream properties.

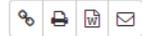
All drainage improvements shall be as natural in appearance as possible to be aesthetically pleasing. Maintenance access shall be provided for all drainage and flood control facilities.

When the town's drainage master plan or subsequent site specific master plans identify recommendations or criteria for drainage improvements, proposed drainage systems shall conform to that plan. In areas where master plan information is not available, major drainageways and easements shall be located in order to provide continuity with existing drainage conditions. These drainageways and easements shall be shown on all drainage plans and final plats. All floodplain boundaries for the larger drainages are available from the town engineer and shall be shown on all drainage plans.

All drainage plans, in addition to design storms, shall consider the runoff created by snowmelt. Considerations shall include design features that will allow snowmelt to runoff from the site without causing icing problems on the surface, in inlets, in culverts or in storm drains. In addition, the design shall recognize the problems that can be created by snowmelt due to the large volume of water released. (Ord. 18, Series 1987)

## **Town of Snowmass Village, CO**

### **Sec. 16A-4-250. - Storm drainage.**



- (a) General Standard. The integrity of existing and natural drainage patterns shall be preserved in order that the aggregate of future public and private development activities will not cause storm drainage and flood water patterns to exceed the capacity of natural or constructed drainage ways, will not subject other areas to increased potential for damage by flood erosion or sedimentation and will not pollute natural streams. New development shall provide for structures and/or detention facilities necessary to ensure that run-off characteristics of a site after development are no more disruptive to natural streams, land uses or drainage systems than are the run-off characteristics calculated for the site's natural state. In cases where storm runoff from an upstream source passes through the subdivision, the drainage plan shall provide adequate means for maintaining the historical drainage system.
- (b) Drainage Plan Required. A drainage plan shall be submitted as part of the development application, to include anticipated discharge volumes and general technique for conveying storm waters through the site. The drainage plan shall be prepared to meet the specifications of the Town Engineer, and shall be as approved by the Town Council.
- (c) Reference to Water Quality Standards. Applicants are also referred to [Section 16A-4-30](#), Brush Creek Impact Area, and [Section 16A-4-40](#), Floodplain and Wetland Areas, for additional standards that are applicable to managing runoff from development sites.
- (Ord. 4-1998 §1; Ord. 7-2000 §1)

## **Summit County, CO**

### **13. Streams and drainage ditches**

- Show any streams or intermittent streams and drainage ditches.
  - ❖ Soil disturbance is prohibited within 25-feet of a lake, stream, or intermittent stream. See §7103 of the Code for details.
  - ❖ For more grading, excavating and water quality control regulations, contact the Engineering Department at (970) 668-4200, see [Chapters 6 & 7](#) of the Code, or see Section 5 and Appendix F of the [Grading and Excavation Manual](#).

## **Town of Frisco, CO**

No specific guidance found.

## **Crested Butte, CO**

### **Sec. 17-11-110. - Drainage study.**



The drainage study shall be reviewed and approved by the Town Engineer to ensure that the information presented is accurate and uses standard engineering practices to solve expected drainage issues. The drainage plan shall describe how the expected maximum water flows from any twenty-five-year flood event and any one-hundred-year flood event shall be directed away from all buildings and other developed areas.

(Prior code 15-3-7)

## **Aspen, CO**

26.435.030

2. The proposed development does not have a significant adverse affect on the natural watershed, runoff, drainage, soil erosion or have consequent effects of water pollution.

## **Squamish, British Columbia**

No specific guidance found.

## **Citations from Land Use Code – Trees and Vegetation**

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### **Current FCOZ**

No removal of trees/vegetation outside the limits of disturbance. Removal allowed within the limits of disturbance for “significant” trees (6” caliper or groves of 5 or more smaller trees). A significant deciduous tree must be replaced by 3 trees with 2 1/2” caliper; a significant coniferous tree must be replaced by 2 trees with 8’ height. 19.72.030 H.

### **FCOZ Rewrite**

No removal of trees/vegetation outside the limits of disturbance. Removal allowed within the limits of disturbance for “significant” trees (6” caliper or groves of 5 or more smaller trees). A significant deciduous tree replaced by 2 trees with 1” caliper; significant coniferous tree replaced by 2 trees with 4’ height. 19.72.110 D.1. If the remainder of the lot outside the permitted limits of disturbance is heavily wooded (80% cover) and not suitable for planting replacement trees, replacement trees may be planted on other parcels in the subdivisions or on adjoining parcels. 19.72.110 D.2.

### **MRZ**

Director may impose reasonable conditions to accomplish a reduction in adverse impacts on existing trees and vegetation in the MRZ-Recreation District. 19.13.030 C.2.

### **Park City, UT**

Exposed slopes shall be landscaped or revegetated, topsoil from any disturbed portion of a steep slope must be preserved and reutilized. No vegetation within 50 vertical feet of very steep slope areas shall be disturbed except as approved by the Planning Commission. 15-2.21-4.

## **Telluride, CO**

### **5-707 Landscaping**

5-707 A. The Planning Commission may require the planting of **trees** and other plant material where natural trees or vegetation are destroyed by grading or other construction work, or where existing vegetation is inadequate to mitigate visual impacts of development.

5-707 B. All existing trees to be preserved, as determined by the action on the preliminary plan, shall be clearly marked prior to any grading or construction work. All existing trees to be preserved shall be protected from damage.

5-707 C. All slash materials, vegetative residues, fallen trees, limbs, roots, etc., shall be removed from the development, or, in the case of large limbs and trees, may be cut for fire wood and stacked at appropriate locations.

5-707 D. Substantial disturbances of the land created by construction of structures, roads, water, or sewer facilities, drainage control systems, installation of utilities or other improvements shall be restored by reseeded and/or revegetation of the affected area with native plant materials or appropriate substitutes.

## **Town of Breckenridge, CO**

### **9-1-19-22A.E.d**

d. Whenever plants that are part of an approved landscape plan are removed or die, they shall be replaced by planting materials as soon as possible. This includes existing vegetation and/or specimen trees that are important to the intent of the overall landscape plan. Replacement plantings shall meet the original intent of the approved landscape design as appropriate for the character of the neighborhood.

## **Town of Snowmass Village, CO**

### **Sec. 16A-4-320. - Landscaping, grading and other design standards.**



- (a) Landscaping Standards.
- (1) Preserve existing **vegetation**. Existing **vegetation** and live **trees** shall be preserved so as to: (a) reduce the potential for erosion and sedimentation from development; (b) screen or soften the appearance of development; and (c) buffer uses from one another. Existing **vegetation** and **trees** that are removed shall be replaced with appropriate, similar size plantings and shall be supplemented with additional plantings that help to screen the development, cover exposed areas and hold soil in place.
  - (2) Standards for new plantings. All plants used for landscaping shall be compatible with the local climate and the soils, drainage and water conditions of the site. Wherever possible, native varieties shall be used. When planting occurs on hillsides, slopes, drainageways or similar natural areas, plant material should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Evergreen shrubs should be planted in clusters to maximize their chance for survival. When appropriate, landscaping should use drought-resistant varieties, employ xeriscape design principles and promote water conservation. Provision shall be made for irrigation, when necessary, to ensure survival of the plants.
  - (3) Landscaping of multi-family and nonresidential development. All portions of lots containing multi-family dwellings and nonresidential development that are not covered by impervious materials shall be landscaped with grass, ground cover, shrubs or similar landscape treatments. A mix of deciduous and evergreen **trees** and shrubs shall also be planted to effectively buffer proposed nonresidential uses from adjacent residential uses and to provide a buffer between such uses and surrounding collector and arterial streets.
  - (4) Landscaping of parking areas. Standards for landscaping of parking areas are provided in [Section 16A-4-310\(f\)\(4\)](#), Parking Lot Landscaping.
- (b) Grading Standards. All development shall comply with the following standards:
- (1) Mass grading. Mass grading that removes existing **vegetation** and leaves large areas of soil exposed shall be properly managed to control erosion. When significant portions of a site are to be disturbed, the Town may require grading activities to be phased, so disturbed areas can be stabilized. The Town may also require topsoil to be stockpiled, for re-use on areas requiring revegetation and landscaping.
  - (2) Limitations on site disturbance. Cuts, fills, grading, excavation, **vegetation** removal and building construction shall be confined to designated building envelopes, except as permitted pursuant to [Section 16A-3-200\(b\)](#), Construction in Required Setbacks, and except for site disturbance necessary to install and maintain utilities, roadways, trails, irrigation ditches, fences and **trees** and similar plant material. Material excavated from the building envelope may be stockpiled outside of the building envelope for later use on the property.

## **Summit County, CO**

### **12. Steep slopes (See Sections 7102 and 7102.01)**

- Show calculations of slopes  $\geq 30\%$  on the entire property and all the proposed disturbance (incl. leach field).
- Areas with slopes  $\geq 30\%$  intended to be used for roads, driveways or structures shall be approved for such use by a geologist or engineer in a soils report. All roads, driveways and foundations shall be designed by a licensed engineer consistent with the soils report.
- An erosion control plan, urban run-off control plan and utility plan may be required and all such plans must be designed by a CO P.E., and financial guarantee may be required prior to issuing a GE Permit.
- A **revegetation** plan may be required and must be designed by a licensed landscape architect.

## **Town of Frisco, CO**

No specific guidance found.

## Crested Butte, CO

### **Sec. 16-15-50. - Removal of trees; permit required.**



- (a) No person, without first obtaining a permit to do so as herein provided, shall remove, cause to be removed or effectively remove through damaging any tree with a trunk diameter of four (4) inches or more, said diameter being measured two (2) feet above grade.
- (b) Any person wishing to obtain a permit to remove such a tree shall file an appropriate application with the Building Official. Said application shall contain such information as the Building Official shall require to permit him or her to adequately enforce the provisions of this Article. Trees or landscaping that is requested to be removed as part of a site redevelopment plan to be considered by the Board shall be reviewed by the Board as part of the building application process in conformance with Paragraph 18-13-20(a)(10) of this Code.
- (c) On request of the Building Official and when necessary to adequately apprise the Building Official of the intended tree removal, said application shall include a site plan showing the following:
  - (1) The location of the proposed driveway, parking areas and planned structures on the site.
  - (2) The location of all trees four (4) inches or more in diameter measured two (2) feet above grade and identified as to type, trunk diameter two (2) feet above grade and species.
  - (3) The designation of all diseased trees and any trees damaging or threatening to damage any asphalt, concrete or utility service lines.
  - (4) The designation of any trees to be removed, trees to be retained and areas which will remain undisturbed.
  - (5) Any proposed grade changes which might adversely affect or endanger any trees on the site, with specifications as to how the trees will be protected.
- (d) After the application is filed, the Building Official and Director of Parks and Recreation shall review the application (and site plan if required) and determine what effect the intended removal of trees will have upon the natural resources of the area. More specifically, they shall consider the following factors in determining whether a permit shall be granted or denied:
  - (1) Whether it is necessary to remove the trees to minimize flood hazard or other natural hazards.
  - (2) Whether retention of the trees substantially contributes to preventing soil erosion or the runoff of water or otherwise protecting the watershed.
  - (3) Whether the removal of the trees will cause wind erosion or otherwise adversely affect air quality.
  - (4) The condition of the trees with respect to disease, danger of falling and interference with utility services.
  - (5) The number and kind of trees in the immediate neighborhood, the contribution of the trees to the natural beauty of the area and the effect of removal upon property values in the area.
  - (6) The necessity to remove trees in order to construct proposed improvements to allow legally required economic enjoyment of the property.
  - (7) The implementation of good forestry practices, including consideration of the number of healthy trees that the subject site upon which such tree is growing will support.

(Prior code 15-2-19.5; Ord. 4 §1, 2009)

## Aspen, CO

### **26.490.040**

14. Vegetation Removal/Protection Plan. A plan showing the location, size and type of existing vegetation and other natural landscape features within the property limits, including the location of trees with a trunk diameter of four (4) inches or more measured four and one-half (4½) feet above the ground. For native species, the plan shall locate vegetation with a trunk diameter of three (3) inches or more. Where large groves exist, single trees need not be located. The plan shall diagram vegetation proposed for removal along with a list of each tree, species, and measured caliper. The vegetation removal plan shall correlate with excavation and grading plans. The plan shall diagram and describe vegetation protection techniques to be used including protective fencing and areas where materials storage will be prohibited. The plan shall include an approval certificate for the Director of Parks and Open Space.

## Squamish, British Columbia

No specific guidance found.

## Citations from Land Use Code – Exterior Lighting

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### **Current FCOZ**

“Lighting for outdoor recreation areas shall be permitted. However, recreation areas must be sensitive to potential impacts its outdoor lighting may have on adjoining properties. Outdoor lighting sources shall be shielded and directional.” 19.73.110.

### **FCOZ Rewrite**

**Light poles for public outdoor recreational facilities are limited to 60 feet in height.** Light poles for outdoor recreational facilities on private residential property are limited to 18 feet in height. Both require site plan review which may require restrictions on locations and hours of illumination based upon impacts on adjoining properties. With the exception of light poles for outdoor recreational facilities, lights poles and building-mounted fixtures shall be designed with fully shielded luminaires directed downward. 19.72.1.X.

### **MRZ**

Director may impose reasonable conditions to protect area views in the MRZ-Recreation District. 19.13.030 C.2. Recreational Outdoor and Trail Lighting is a permitted use in the MRZ-Recreation District.

### **Park City, UT**

Height of posts shall not exceed 70’ above natural grade; average horizontal foot candle shall not exceed 3.6 with a uniformity ration of 4:1; event lighting shall be fully shielded and turned off within 30 minutes of last event, but in general after 11:00 pm unless exception is granted by the Planning Director. 15-5-11

### **Telluride, CO**

5-2903-C

3. Provide a lighting plan. All exterior lighting shall be either directed toward the ground or the surface of a building. Lighting shall be shielded to prevent direct visibility of light bulbs from off-site. Motion detector security lighting may be approved if the lights are fully shielded and down lighted. High intensity sodium vapor and similar lighting is prohibited.

## Town of Breckenridge, CO

### 9-12-11

B. Lighting standards for LZ-2 (commercial area lighting zone):

1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.
2. Pole Lights: Pole lights may have a maximum of two (2) light sources per pole.
3. Photometric Plan: Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. Emitted light shall not be greater than one foot-candle at the property line, except at site entry points if determined by the director to be necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.
4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck

5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts, or no greater than nine hundred fifty (950) lumens. Other lamp types are not permitted.
6. Location: The setbacks from the property line shall be at least equal to the total height of the luminaries.

## Town of Snowmass Village, CO

### Sec. 18-271. - Review standards.



Exterior lighting plans shall conform to the following design review standards:

- (1) Height. Outdoor residential and commercial lighting shall be twelve (12) feet or less above grade in height. Special review by the Planning Commission may allow lighting of a greater height under the following circumstances:
  - a. A fixture of greater height is required due to safety, building design or extenuating circumstances, in which case the light shall be fully shielded with a nonadjustable mounting;
  - b. Lighting for commercial parking and vehicle circulation areas may have a maximum height of twenty (20) feet above grade and shall be fully shielded;
  - c. Lighting on above-grade decks or balconies, which are fully shielded.
- (2) Foot-candles. Outdoor nonresidential, sign and residential lighting shall not exceed the maximum foot-candles designated in their respective sections. Special review by the Planning Commission may allow lighting of greater intensity under the following circumstances:
  - a. A fixture of greater light intensity is required due to safety, building design or extenuating circumstances, in which case the light shall be fully shielded with a nonadjustable mounting;
  - b. An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a nonadjustable mounting.

(Ord. 18-2003 §2)

## Summit County, CO

5. **Exterior Lighting** (refer to Section 3505.07)
  - All proposed exterior lighting shall be fully-shielded and downcast
  - Existing lighting illuminating new construction shall be brought into compliance
  - Cut sheets of proposed lighting is required at the time of submittal, if the fixtures have not been chosen at that time, a lighting cut sheet document may be signed and submitted to meet this requirement.

## Town of Frisco, CO

No specific guidance found.

## Crested Butte, CO

### **Sec. 16-17-80. - Exemptions and nonconforming fixtures.**



The following exterior **light** fixtures shall be exempt from the regulations contained in this Article:

- (1) Publicly provided street **lighting** installed or planned by the Town or previously approved **lighting** that has been approved for parking lot **lighting** of a type specifically designed to comport with the historic character of the street or area.
- (2) Illumination of the United States flag, provided that such **lighting** does not interfere with the vision of drivers or pedestrians, or otherwise create an unsafe condition for the public. No more than two (2) **lights** per pole are allowed.
- (3) Fixtures which are a part of an official traffic control device.
- (4) **Lights** and **lighting** devices which are a part of a Town event or public gathering, so long as the event or gathering is of a temporary nature and licensed or permitted under other provisions of this Code.
- (5) **Lights** which highlight theatre marquees, if approved for appropriateness by the Board.
- (6) Historic **light** fixtures which are part of a historic property and add to the historic character of the property. Such determination shall be made by the Building Official.
- (7) **Lights** which illuminate public outdoor recreation facilities. Such **lighting** shall be designed to minimize **light** pollution.
- (8) Other fixtures which, by their nature, use and design, present a compelling argument for the promotion of public health, safety and welfare as determined by the Building Official and the Town Marshal.

(Prior code 15-7-8; Ord. 7 §1, 2005; Ord. 4 §1, 2009)

## Aspen, CO

26.575.150

### **K. Review standards.**

1. Height. Outdoor residential and commercial lighting shall be twelve (12) feet or less above grade in height. Special review by the Planning and Zoning Commission may allow lighting of a greater height under the following circumstances:
  - a) A fixture at a greater height is required due to safety, building design or extenuating circumstances in which case the light shall be fully shielded with a nonadjustable mounting; or
  - b) Lighting for commercial parking and vehicle circulation areas may have a maximum height of twenty (20) feet above grade and shall be fully shielded
2. Foot-candles. Outdoor nonresidential (26.575.070), Sign (26.575.080) and Residential (26.575.090) Lighting standards shall not exceed the foot-candles designated in their respective Sections. Special review by the Planning and Zoning Commission may allow lighting of a greater intensity under the following circumstances:
  - a) A fixture of a greater light intensity is required due to safety, building design or extenuating circumstances in which case the light shall be fully shielded with a nonadjustable mounting; or
  - b) An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a nonadjustable mounting.

### **L. Procedures.**

1. Administrative review procedures. Lighting plans submitted in conjunction with applications for subdivision, planned development, development within any environmentally sensitive area or special review application shall be reviewed by the Planning and Zoning Commission.
2. Lighting plans submitted as a part of a building permit application for a commercial or multi-family structure shall be reviewed administratively by the Community Development Director. The Director shall have the authority to refer an application to the Planning and Zoning Commission or the Historic Preservation Commission if deemed appropriate.
3. Appeals. Any appeals related to decisions regarding outdoor lighting shall be made to the Board of Adjustment compliant with the procedures in the Appeals Chapter 26.316 of this Title.

## Squamish, British Columbia

No specific guidance found.



## MEMORANDUM

October 15, 2015

TO: SALT LAKE COUNTY COUNCIL  
CC: BOB BONAR - SNOWBIRD  
KIM MAYHEW - SOLITUDE  
RANDY DOYLE - BRIGHTON

FROM: MARTY BANKS

CLIENT: Snowbird, Solitude & Brighton (the "Resorts")

RE: Priority Concerns with FCOZ, the FCOZ Rewrite, and the Mountain Resort Zone

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The above-referenced Resorts have asked that I submit this summary to each of you. The Resorts have significant concerns with certain aspects of the current FCOZ, the FCOZ Rewrite and the associated Mountain Resort Zone ("MRZ"). We have recently evaluated the zoning ordinances of several other resort communities in the intermountain area, and believe these Salt Lake County ordinances put the Resorts at a significant competitive disadvantage. The Resorts are not looking to expand their land use entitlements, which have already been set through the County's master development planning processes; rather, the Resorts are simply asking for a level playing field that will allow them to compete regionally, and a zoning ordinance that recognizes the unique challenges in high alpine mountain environments.

Some of the more significant or higher priority concerns of the Resorts are as follows:<sup>1</sup>

### I. Slope.

- A. **Development:** Under the current FCOZ, development on slopes greater than 30% is prohibited. 19.72.060 B.1. & C.7.
1. **MRZ:** Under the proposed MRZ, there are two separate districts, the Village District (village base area) and the Recreation District (upper mountain recreation area). **The MRZ-Recreation District provides a helpful exemption from the FCOZ Rewrite's slope restrictions. 19.13.030 C.1. That exemption, however, does not apply within the MRZ-Village District, which includes areas for which the resorts need more flexibility.**
    - a. **Proposed Changes: The MRZ-Village District should also provide an exemption from the FCOZ Rewrite's slope restrictions, at least for slopes between 30-40%.**
  2. **FCOZ Rewrite:** Retains the 30% slope restriction.

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<sup>1</sup> There are numerous other concerns as well, including but not limited to retaining walls, ephemeral streams, tree and vegetation protection, night lighting, design standards, filling and dredging waterways, etc.

- B. **Roads** (and driveways). Under the current FCOZ, no crossing slopes between 30-50% unless specifically authorized, upon the favorable recommendation of the director and public works engineer. 19.72.030 D.2.
1. MRZ: Not specifically addressed; defer to FCOZ Rewrite.
    - a. Proposed Changes: **MRZ Recreation-District should exempt roads from the FCOZ slope restriction as it does with development; MRZ Village-District should also exempt roads from the FCOZ slope restriction, at least for 30-40% slopes.**
  2. FCOZ Rewrite: Shall not cross slopes averaging (in any fifty feet interval) between 30-50' ..., otherwise same as current FCOZ. 19.72.080.
- II. **Ridge Lines**. Under current FCOZ, no development shall intrude into any ridge line protection area (prominent ridge lines plus 100' on both sides). 19.72.030 B.3.
- A. MRZ: MRZ-Recreation District provides an exemption from FCOZ's restriction of ridge line development. 19.13.030 C.1. That exemption, however, does not apply within the MRZ-Village District, which includes areas for which the resorts need more flexibility.
    1. Proposed Changes: **The MRZ-Village District should also provide an exemption from the FCOZ Rewrite's ridge line restriction, or at a minimum development should be allowed if it blends with the natural contour of the ridge line or does not visually intrude on the ridge line from key vantage points.**
  - B. FCOZ Rewrite: "No development may break the horizon line, defined as the point where the ridge visibly meets the sky as viewed from public rights of way or trails." 19.72.060 B. 1. In addition, [n]o development may be located within [100'] (map distance) from either side of the crest of a protected ridgeline...." 19.72.030 B.2.
- III. **Grading**.
- A. Cutting: cutting to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible. 19.72.030 C.2. Limits on Changing Natural Grade: grade shall not be raised or lowered more than 4', except if a retaining wall is used (6'), or if terracing is used (6'). 19.72.030 C.3. Limits on Graded or Filled Man-Made Slopes: shall not exceed 50%, unless certified that steeper slope will be stable. 19.72.030 C.5.
    1. MRZ: Not specifically addressed; defer to FCOZ Rewrite.
      - a. Proposed Changes: **Needs exemption from FCOZ Rewrite's restriction of 35%. Needs exemption for ski slopes.**
    2. FCOZ Rewrite: **A maximum of 35% of the lot may be graded for a building pad.** 19.72.070 B. Limits on Changing Natural Grade: grade shall not be raised or lowered more than 4', except grade may be raised or lowered by 8' if retaining wall is used, or by 6' if terracing is used. 19.72.070 D.1. & D.2. Limits on Graded or Filled Man-Made Slopes: same as current FCOZ.

- IV. **Streams.**<sup>2</sup> Under current FCOZ, no disturbances allowed unless expressly authorized in this section. The following setbacks are required: perennial stream corridors, 100' from ordinary high-water mark; wetlands, 50'. 19.72.060 A.3 & C.
- A. MRZ: Not specifically addressed (does not offer any exemption from the FCOZ setback requirements); defer to FCOZ Rewrite.
    - a. Proposed Changes: **Needs reduction of setback from 100' to 75'. Needs exception for disturbance if otherwise permitted by U.S. Army Corps.**
  - B. FCOZ Rewrite: same as current FCOZ (no disturbance; perennial stream corridors, 100'; wetlands, 50')
- V. **Limits of Disturbance.** Under current FCOZ, limits are established by the Director on a case-by-case basis, based on various factors. 19.72.040.
- A. MRZ: Determined on a case-by-case basis, but subject to the conditions and criteria set forth in FCOZ Rewrite [20,000 sf per acre plus 10% for additional acres], Section 19.72.160. 19.13.070.
    - 1. Proposed Changes: **Should be determined on a case-by-case basis, as in current FCOZ.**
  - B. FCOZ Rewrite: Limits established in site plan. Imposes maximum limit, for lots 1 acre or greater, of 20,000 square feet plus an additional square footage of up to 10% of the acreage over 1 acre. 19.72.160.D.
- VI. **Density.** Under current FCOZ, defer to density limitations of underlying zone. 19.72.030. Underlying zone is currently FM-20, which limits density to 20 dwelling units or 40 guestrooms per net developable acres. 19.10.070A. Cluster density bonus of 25% allowed. 19.72.030 5.a.
- A. MRZ-Village District: 20 dwelling units or 40 guestrooms per net developable acre, except where increased (up to 25%) by TDRs. 19.13.040 D.; 19.13.080 G.
    - 1. Proposed Changes: **Any potential preservation of a portion of the development site as natural open space should be addressed on a case-by-case basis in the MRZ Area Plan rather than as mandated (40%) in the FCOZ Rewrite.**
  - B. FCOZ Rewrite: Defers to density limitations of underlying zone. 19.72.040; but allows density bonus of up to 25% for cluster development, **but 40% of the development site area shall be preserved as natural open space.** 19.72.050 B.1 & C.1.

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<sup>2</sup> The MRZ provides generally that prior to approval of conditional uses or Development Plans, applicant shall receive written approval of SLC, certifying compliance with SLC's applicable ordinances and watershed protection standards. 19.13.070 B.1. The County cannot delegate its constitutional police/land use powers. SLC may be given an opportunity to review and provide input, but not to approve. If SLC concludes any non-compliance and County disagrees, SLC can try to exercise whatever extraterritorial jurisdiction it may have, but cannot be given the prerogative in the permitting process to essentially approve or veto.