

Salt Lake County Planning Commission
Public Meeting Agenda
Wednesday, February 10, 2016 8:30 A.M.

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, depending on the agenda item, the Planning Commission may receive 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, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Approval of Minutes from the December 16, 2015 and January 13, 2016 meetings.
- 2) Other Business Items (as needed)

PUBLIC MEETING

Legislative

29748 – (Continued from 12/16/2015 and 01/13/2016) - Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

28983 – (Continued from 12/16/2015 and 01/13/2016) - Recommendation on amended Foothills and Canyons Overlay Zone; combining Chapters 19.72 and 19.73 into a revised FCOZ chapter (19.72) of the Salt Lake County Zoning Ordinance. **Presenter:** Curtis Woodward

29717 – (Continued from 12/16/2015 and 01/13/2016) - Recommendation on the creation of a new Mountain Resort Zone; establishing Chapter 19.13 of the Salt Lake County Zoning Ordinance. **Presenter:** Curtis Woodward

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File # 0000029748

Staff Report Summary and Recommendation

Public Body: Salt Lake County PC

Meeting Date: February 10, 2016

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, White City, and Willow Canyon have recommended Approval, with comments. No formal recommendation has been received from Sandy Hills, Parley's Canyon, or Willow Creek community councils as of the writing of this staff report. Correspondence has been received from Parley's Canyon, and Sandy Hills lacked a quorum at their December meeting. The item was not discussed at their January 2016 meeting.

Planning Staff Recommendation: Recommend Approval

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

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.

This item was continued to February 10, 2016, at the Salt Lake County PC meeting of January 13, 2016. The planning commission received a presentation on the ordinance from staff and would like to hear from some of the other community councils before their February meeting.

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

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

ZONE CONSIDERATIONS

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

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

No neighborhood response has been received to date as the public process has been informational at the community council level. Staff expects additional neighborhood comment at the planning commission hearing of this PUD ordinance in February 2016.

COMMUNITY COUNCIL RESPONSE

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 Willow Canyon Community Council recommended Approval at their meeting of January 21, 2016. Sandy Hills, Parley's Canyon, and Willow Creek community councils were provided with a copy of the draft ordinance in early November but staff has not yet received a recommendation from them.

REVIEWING AGENCIES RESPONSE

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

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

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.

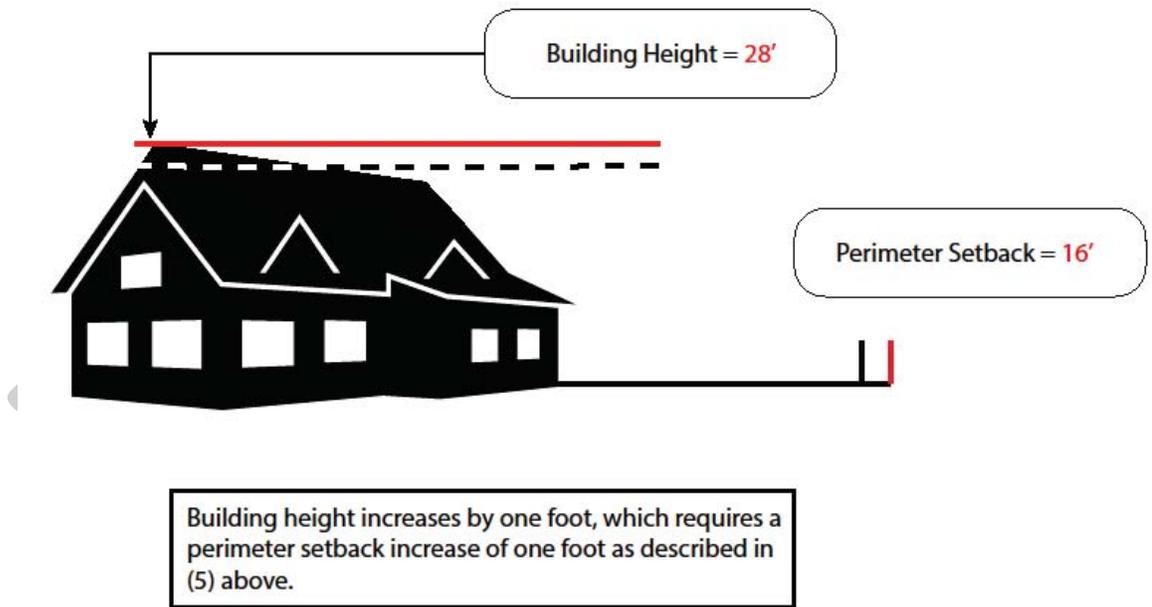
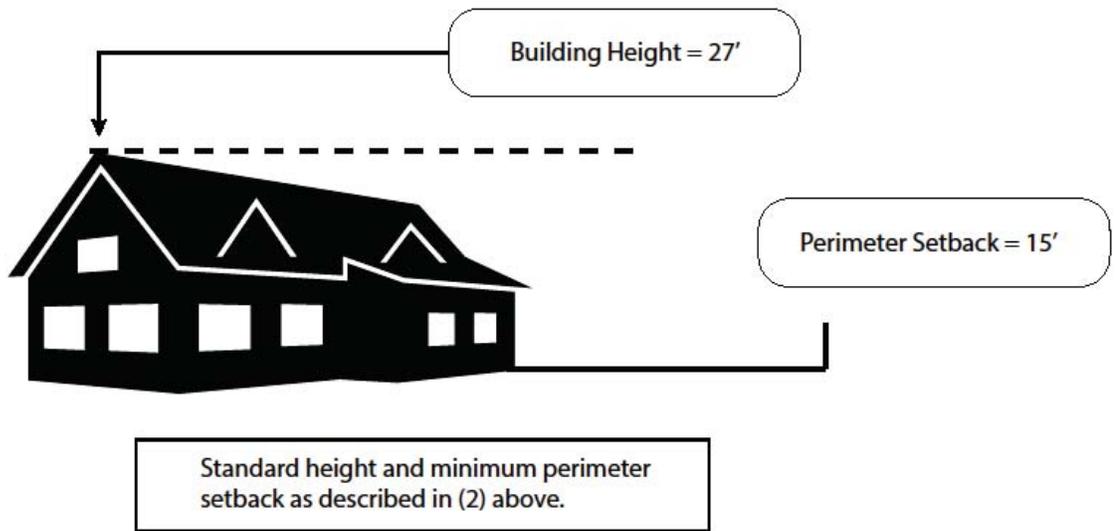
- (2) Covered parking shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
 - (3) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
- 6. Building 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
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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
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.

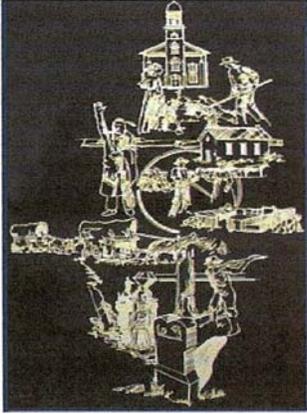
We also would like to commend the Planning Commission for its efforts in rewriting the PUD ordinance and for its upcoming work to address a rewrite of the RM Zone and C-1 and C-2 Zones. Rewrites of these zoning ordinances are long overdue in Salt Lake County and we are hopeful that your work will be 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 4th 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. 2nd 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

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File # 28983

Planning Commission Summary and Recommendation

Public Body: Millcreek, Emigration, County Planning Commissions

Meeting Date: February 10 & 11, 2016

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: Discussion and possible 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.

REVIEWING AGENCIES RESPONSE

N/A

STAFF ANALYSIS

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.

Having received public input from a number of sources regarding the draft FCOZ ordinance, we have revised the draft to accept, reject, or offer alternatives to the various suggestions that have been made. Of the various issues that have been raised, there are four that are still subject to some discussion and debate. Those issues, along with some of the other commentary about the ordinance, have been outlined in the attached comments summary, which is followed by the updated draft ordinance. We have not included duplicate letters, emails, and other comments that were previously forwarded to the planning commissions in previous packets.

It is our recommendation that the planning commission:

- Discuss the major issues outlined in the staff report,
- Discuss any changes the commission feels are warranted,
- Vote on a recommendation for approval, approval as amended, or denial.

Summary of issues: FCOZ revisions

(Updated to January 25, 2016)

Items 1-4 represent issues about which there has been a significant amount of dispute or difference of opinion between members of the public who have responded to the original draft. Items 5-20 involve minor differences of opinion regarding certain sections of the draft ordinance.

1. 19.72.020.D Recognition of Salt Lake City Extraterritorial Jurisdiction

Comments were submitted regarding the apparent delegation of land use approval authority to Salt Lake City indicated by this subsection. This issue was also a concern to our legal counsel. It is important to note 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. Those certifications of compliance are only regarding those aspects of the development over which each agency has authority. For example, Health Department approval of the proposed septic system is required before a building permit is issued for a home that is not on a sanitary sewer line. In the case of Salt Lake City Water, 10-8-15 of the Utah Code states, “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 worked to make the references to Salt Lake City’s recognized authority in FCOZ and MRZ consistent with each other and with our understanding of how the overlapping authority works. It is worded in such a way as to recognize existing authority, rather than to grant or delegate new authority.

Our understanding is that the Salt Lake City Department of Public Utilities is working with those parties who have expressed concerns about the wording of this section to come to an agreement on specific language.

2. 19.72.110.D – Replacement of Significant Trees

In the past, County planners have struggled with this requirement when the lots were heavily wooded, and the prospects of planting replacement trees that would survive were slim. In considering potential solutions to the problem, three remedies came to mind: 1) The requirement could be waived for lots with a tree canopy covering a certain percentage of the lot; 2) The replacement trees could be planted on property other than the subject property; or 3) A fee in lieu of replacement trees could be considered. Each remedy comes with potential pitfalls. Waiving the requirement altogether will undoubtedly lead to arguments with people who expect a waiver from the requirement just because their neighbor got one (even though

they may not have the same existing canopy). Planting replacement trees on other property could be problematic in choosing where suitable and acceptable tree planting zones can be found. If a partnership with the Forest Service could be created, this option may work out well. One of the citizen groups recommended that the County consider establishing a Tree Bank, where in certain instances, a fee could be assessed that provided funding to plant trees in other areas of the forest where reclamation or rehabilitation is needed. This system could have legal problems relating to impact fees and exactions. Also, decisions would have to be made about who would manage the funds once they are in place. The most recent draft allows for the waiver when the existing coverage exceeds 80%, but also allows an applicant to pursue planting trees on nearby properties if he/she does not qualify for the waiver based on coverage.

3. 19.72.130 Stream Corridor and Wetlands Protection

Stream and wetland setbacks are one of the most often discussed issues during the FCOZ permit review process. Not surprisingly, nearly every person or group who has responded to the FCOZ draft has made a suggestion or recommendation about these setbacks. They are also an issue of concern to the County Health Department and watershed management professionals of Salt Lake County and Salt Lake City. Stream setback requirements are set forth not only in the zoning ordinance, but also Health Department Regulation #14, "Watershed Regulation," and the Utah Construction General Permit, which governs all construction activity under the Utah Water Quality Act, federal Water Pollution Control Act and federal Water Quality Act. Some of the input we have received from public includes:

- That the minimum parking lot setback of 100' to a stream is excessive and seems to be inconsistent with the setback of existing roads to the canyon streams and with setback requirements of other jurisdictions.
- That the setback from wetlands ought to be increased to 100' to match the perennial stream setback.
- That the stream setback should be reduced to 80', and the wetland setback to 40'.
- That restoration, renovation and reconstruction of existing nonconforming structures that have been damaged or destroyed by fire, flood, or other act of nature, be expressly allowed in FCOZ.
- That the ordinance should not state that Salt Lake City Public Utilities will be consulted before considering modifications to ephemeral stream setbacks in watershed areas.

Currently, FCOZ requires 100' setback from perennial streams for all structures and septic systems in watershed areas, and a 50' setback from wetlands. However, the ordinance allows a 25% reduction if that reduction results in a site that better preserves vegetation and wildlife and/or has less visual impact. There are also exceptions beyond the 25% reduction that are available for lots of record, allowing for additions to existing structures already closer than 50' and potentially for new structures to be as close as 50' to a perennial stream (based on criteria listed in the ordinance). The zoning ordinance allowance for expansions of existing structures clashes with Health Department Regulation #14, which has been the cause of a lot of confusion with property owners and design professionals.

After considering the various input regarding stream setbacks, we have proposed amending this section of the zoning ordinance to be in line with the Health Department regulation. The setbacks from streams and wetlands are now the same (as they are in regulation 14) and are 50 feet for homes and other structures, 100 feet for septic systems. Because the setbacks are based on stream and watershed protection, the ordinance defers to the Health Department questions of variances or deviations from the setbacks. This eliminates the need for applicants to go through two variance processes and removes the potential conflict between different agencies. With this change, the setback reductions for existing legally established structures section has been simplified.

4. 19.72.160(D) – Maximum Limits of Disturbance

There was some feedback that the limits of disturbance for residential lots was overly restrictive, in that lots over one acre in size were allowed 20,000 square feet, plus 10% of the acreage over one acre. This is an increase over the existing FCOZ, which has a maximum “limits of disturbance” (LOD) of 18,000 square feet for all lots over 1 acre. For the owner of a 5 acre lot, the revision as first drafted would increase the maximum LOD to 37,424 square feet. Concerns have been raised that although more than is currently allowed, it is still only about 17% of the acreage that can be developed, which is far more restrictive than in the other residential zones of Salt Lake County. The updated draft doubles the amount of additional area over one acre that may be disturbed. That same 5 acre parcel could have a maximum disturbance area of 54,848 square feet, which is just over 25% of the total area of the lot. Also, there was a request that some guidance on the establishment of Limits of Disturbance for non-residential uses should be identified in the ordinance rather than leaving it solely up to the discretion of the Director. While the current FCOZ allows the same discretionary determination by the director, this draft ties that determination to the purpose statements in 19.72.010 to give more guidance to the director.

5. 19.72.010 Purpose

Subsection “H” of the purpose section states, “Protect property rights and commercial interests, and encourage economic development.” A suggestion was made that “...which is inextricably linked to environmental protection.” be added to the end of the sentence. After receiving some feedback from other interested parties, staff elected to add subsection “I” which states, “Recognize the link between environmental protection and economic prosperity in the canyons.”

6. 19.72.030.C(1)(a) Pre-Application Meeting Purpose

It was suggested that we add a fourth purpose for pre-application meetings: to screen against the soon to be created Environmental Dashboard. It is difficult to reference a dashboard that doesn't yet exist; and which will be subject to change from administration to administration. However, we felt we could address the request in broader terms by adding “including geologic, hydrologic, and environmental issues” to (ii) of the purpose statements.

7. 19.72.030.C(1)(c) Pre-Application Meeting Attendance

Adding Salt Lake City Public Utilities to the list of potential invitees to the pre-application meeting was suggested. Given that the list is not intended to be all-inclusive but serves as a guide, we added them—especially given the fact that it is very helpful to applicants to understand the “overlapping” jurisdiction.

8. 19.72.030.C(2) Site Development Plan

The suggestion was made that the ordinance should include details of how the “materials will be submitted for public review” and should be distributed and posted publicly, for purposes of the FCOZ ordinance 10 business days prior to the scheduling of a meeting on the topic so the public can be prepared to properly evaluate the proposal.

This suggestion was not implemented in the draft because the purpose for documents being available for public review is to allow the public to have access to application information, plans, etc. It is not intended to allow lengthy review and evaluation. All applications are reviewed for compliance with applicable codes and ordinances by the approval authority and applicable government agencies. Applications become public information, and are therefore open to the public inspection. Inserting a mandate for publication of materials for public review 10 days prior to a meeting, in addition to the review undergone by the various professionals in their various fields, could be cause for appeals and costly delays.

9. 19.72.030.C(2)(b) – Staff review.

It was suggested that staff reports should be made available to public no later than 5 business days prior to the scheduling of the planning commission meeting. However, the time frame established in Utah Code for providing the staff report to the applicant is 3 days prior to a public hearing. This section has been amended to provide the staff report to the public in a similar time frame.

10. 19.72.030.E(3) and (4) – Expiration of Site Development Plan/Issuance of a Building Permit

Given the fact that there are often issues which require detailed technical reports with recommendations that must be implemented in building plan design and review, it was suggested that the 12 month window in which to obtain a building permit be amended to reflect that substantial progress towards obtaining a permit within 12 months of obtaining land use approval is preferred over an absolute time limit on obtaining a permit. The text has been amended to reflect this change.

11. 19.72.030.F – Appeals

The suggestion was made that FCOZ needs to have the appeal rights/process stated at least once in the chapter. Although the zoning ordinance already has an appeals process in place that applies to the decisions applying and interpreting the ordinance, a separate appeal process was not included in original draft. However, because chapter 19.72 is long and complex, often leading people to inquire about the appeals process, an appeal provision consistent with the rest of the zoning ordinance has been inserted.

12. 19.72.040.A – Underlying Zoning District

Subsection A was written with the intent of clarifying that as an overlay zone, FCOZ applies to all properties within the zone with the exception that the MRZ had within it mechanisms by which certain types of development were allowed waivers from some of the provisions of FCOZ under criteria set forth in the MRZ chapter. In all other cases, the more restrictive of the two ordinances applies.

13. 19.72.050.C(4) - Cluster Development Design

A comment was made that it seems odd that we protect views from the road while not protecting views from other vantage points, such as trails to ensure that those recreating in the backcountry don't have the backcountry experience tarnished by development. This provision focuses on protecting views from public roads for clustered development two reasons: first, it is intended to protect the views of the public, and therefore focuses on the public right of way (road). Second, Protecting views as seen from every angle of every on every backcountry trail is impractical, and would undoubtedly lead to constitutional takings issues—especially given that the clustering provision is intended to encourage create more open space by allowing homes to be built closer together. It is a given that clustering homes together is, to some degree, going to have more of a visual impact than dispersing homes further away into the woods. However, the creation of open space is a goal worth pursuing and therefore worth the risk of creating a more visually prominent cluster of homes.

14. 19.72.060(A)2 – Slope Protection Standards

It was suggested that we provide a citation or link to “building code” as referenced in this paragraph. We have refrained from too specific a citation to the building code, because depending on the type of structure, either the International Building Code or International Residential Code applies (each having its own section on grading). New versions of the codes are adopted every 3 years, so we have elected to clarify by citing the “current adopted building code.”

15. 19.72.060.D – Waiver of Slope Protection Standards for Lots of Record

The suggestion was made that rather than providing waivers, there should be a way to encourage acquisition of the property through ordinance by some entity be it Salt Lake County Open Space or some other land trust, prior to issuance of a waiver. This appears to be a request to amend the criteria to add a requirement that other remedies, such as sale of the property for open lands, transfer of development rights, etc. have been exhausted before waivers are granted. While purchasing constrained lands for open space is a noble pursuit, to require people to make an effort to sell their land prior to consideration for an administrative remedy to development is not something we felt comfortable putting into the ordinance. Such a criterion would be difficult to administer and enforce; and would likely lead to appeals and disputes.

16. 19.72.060.D(2) – Criteria for Waivers of Slope Protection Standards for Lots of Record

Questions were raised about whether all or just some of the criteria needed to be met to get approval of a slope waiver. Whether the word “virtually” should be included in “renders the site virtually undevelopable” has been called into question; as well as the term “substantial economic hardship.” The use of the words “and” and “or” in the criteria themselves demonstrate whether they all apply. In this case, both “a” and “b” need to be satisfied, but “a” has three possible criteria, only one of which has to be met. The third option under “a” is a new suggested criterion, and is intended to allow the planning commission to make a judgment call as to whether granting a slope waiver is preferred over other development options because results in development that has an overall lower impact on the site in terms of vegetation removal, driveway grading, etc. As for “virtually undevelopable” vs. “undevelopable,” whichever term is chosen, it is a term that ought to be defined by ordinance to lessen the subjectivity and clarify the intent.

17. 19.72.060(D)(3) - Waiver of Slope Protection Standards for Lots of Record

The suggestion was made to replace “may,” with “shall” so it reads, “...the Planning Commission shall impose reasonable conditions to mitigate...” The language used in ordinances to empower or allow an approving body to set forth conditions of approval not expressly enumerated in the ordinance is “may.” “Shall” generally indicates a requirement, and in the case of conditions of approval that could vary or fluctuate based on the needs of each given site, “shall” would be inappropriate due to the number of variables.

18. 19.72.080(H)(4) – Site Access (shared access provision)

It was suggested that we insert a provision to incentivize, not just encourage sharing private roads and driveways as a significant way to reduce the amount of impervious surface in our watersheds. However, without a specific suggestion about what incentive could be used, we are at a loss as to how to implement this suggestion. The various aspects of development are all closely controlled, and offer little room for incentives.

19. 19.72.100 Fences

The suggestion was made by property owners in Emigration Canyon that 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. While the current ordinance restricts 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. However, because this issue has been the subject of debate and discussion since FCOZ was being heard back in 1997, the potential ramifications of this change should be discussed.

20. 19.72.110(G) – Tree Removal Not Authorized by This Section

This section was added in response to recent problems we have had with numerous trees being removed prior to development approval being issued. That incident brought to light the fact that the enforcement provisions of the current zoning ordinance are based on correcting violations or bringing properties back into compliance. With significant tree removal, there is no way to correct the violation, because replanting significant trees (trees of 4 inch caliper or greater) in canyon terrain is all but impossible. Most of the feedback we have received has been positive, with some suggestions being made that the number of days a project is put on hold is too high (suggesting 30 days instead of 60) and that tree stumps shouldn't necessarily always have to be removed.



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

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.
- I. Recognize the link between environmental protection and economic prosperity in the canyons.

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 compliance with the City's 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 being received prior to a building permit being issued.

Comment [CWoodward1]: See comment #1 in "summary of comments" document for discussion about this section.

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 resort choose not to apply for MRZ zoning, it shall be subject to all of the requirements of the underlying zone and this Chapter.

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, including geologic, hydrologic, and environmental issues.
- 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 a pre-application meeting.

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, Salt Lake City Department of Public Utilities, 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, and shall be made available to the public and provided to the applicant (unless specifically waived by the applicant) no less than 3 business days prior to any applicable planning commission meeting.

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 substantial progress towards obtaining a building permit is not made 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, unless substantial progress toward obtaining a building permit is demonstrated.

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.

F. Appeals

Pursuant to section 19.92.050 of this title, any person adversely affected by a final decision of the zoning authority may appeal that decision to the land use hearing officer.

19.72.040 UNDERLYING ZONING DISTRICT

- A. Conflicts. Unless specifically exempted or modified by the underlying zone, 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.
- 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.

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

C. Cluster Development Design

1. 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.

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 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 current adopted 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 Title, all areas with slope greater than thirty percent (30%) must remain in natural private or public open space, free of any development activities.

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 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:
 - a. Strict compliance with the above slope protection standards
 - i. renders the site 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 in conflict with the purposes of this chapter.

and

 - b. The development substantially conforms to all other development, site design, and environmental standards of 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, if any, that the Planning Commission determines the proposed development has on adjacent properties and the surrounding environment.
4. Notwithstanding its discretion to grant waivers for lots of record from the slope protection standards set forth in this chapter, in no case shall the planning commission permit development other than roads on slopes greater than forty percent.

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

FIGURE 19.72.3: CUTTING AND GRADING

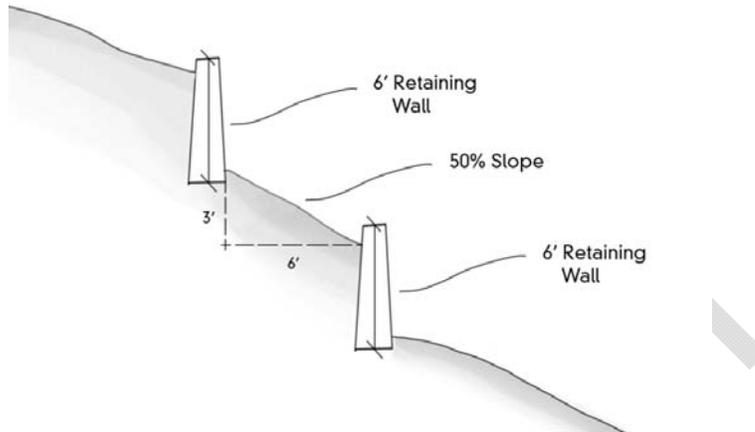


- C. The original, natural grade of a lot may not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
1. The site's original grade may be raised or lowered eight (8) feet if a retaining wall is used to reduce the steepness of man-made slopes, 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 eight feet with terracing, as specified in subsection I below.
- D. 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.
- E. 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.
- F. Any slope exposed or created in new development shall be landscaped or re-vegetated pursuant to the standards and provisions of this Chapter.

- G. 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.
- H. 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.
- I. Except for restoration and maintenance activities authorized by the State Engineer and County Flood Control Division, 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.
- J. 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 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.



- 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 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 19.72.1.
- 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.

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 offer relief of the standards in this section by up to 25% if either of the following circumstances applies:
 - 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 requirement to plant replacement trees requirement may be waived by the Zoning Administrator.
3. Planting replacement trees may be allowed by the Zoning Administrator on parcels within the subdivision or adjoining open space or forest service land upon 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 [CWoodward2]: See comment #2 in "summary of comments" document for discussion about this section.

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 Resistive 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

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 up to 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 site restoration, including the removal of 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) may also be subject to criminal prosecution as 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.

Comment [CWoodward3]: See comment #3 in "summary of comments" document for discussion about this section.

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

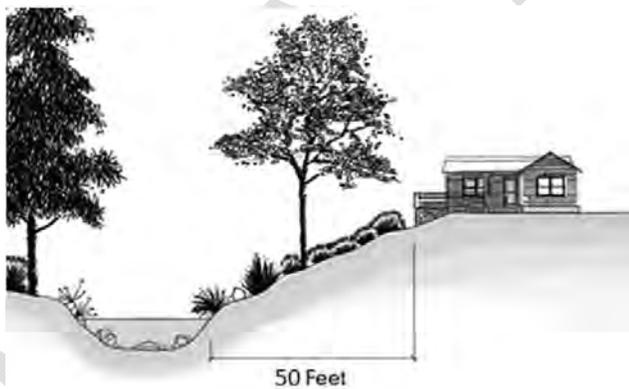
No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this Title as approved by Salt Lake County Flood Control, the Utah State Engineer's Office, and other applicable authorities.

D. Setbacks

1. Perennial Stream Corridors

All buildings, accessory structures, and parking lots shall be set back at least fifty (50) feet, and all on-site wastewater disposal systems shall 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



2. Wetlands

All buildings, accessory structures, and parking lots shall be set back at least fifty (50) feet, and all on-site wastewater disposal systems shall be set back at least one-hundred (100) feet horizontally from the delineated edge of a wetland.

3. 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.

4. 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. Reduction of Setbacks

The above setbacks may be reduced to a lesser distance upon approval of the Salt Lake County Health Department as set forth in Health Regulation 14, Watershed Regulation.

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 wetland may be renovated, altered, or expanded or reconstructed if damaged or destroyed by fire, flood, or act of nature as follows:

- a. Renovations or alterations or reconstruction of a damaged or destroyed structure 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 wetland.
- c. Renovations, alterations, expansions, or reconstruction of a damaged or destroyed structure 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 wetland are permitted, subject to compliance with all other applicable regulations and standards.

2. New Structures



For new structures, the Director may authorize construction to no closer than fifty (50) feet from a perennial stream corridor or wetland.

3. Limitation

In allowing for the preceding improvements, the Director may not increase the maximum limits of disturbance set forth in Subsection 19.72.160.

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

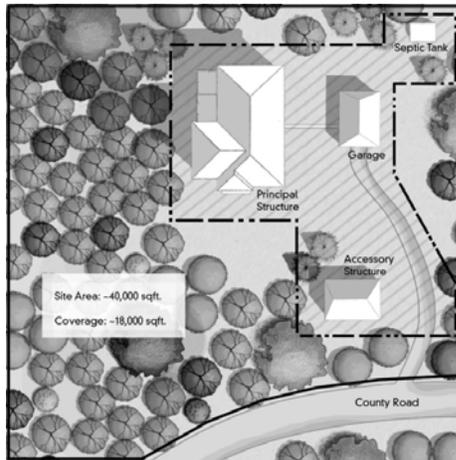
All development required by this subsection to submit a traffic and parking impact study is also required to provide a circulation and access plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The circulation and access plan 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 lots or parcels less than one (1) acre in size, the limits of disturbance are limited to twenty thousand (20,000) square feet.

Comment [CWoodward4]: See comment #4 in "summary of comments" document for discussion about this section.



2. For single family residential uses on 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 twenty (20) 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 to accomplish the purposes set forth in subsection B of this section.

E. Modification of Limits of Disturbance

1. The Director has discretion to administratively increase the limits of disturbance by a maximum of twenty-five percent (25%) where applicable upon satisfaction of the criteria set forth below:
 - 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.

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. Development within the Foothills and Canyons Overlay Zone is to comply with all of the mandatory 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.

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

MANDATORY STANDARDS	ADVISORY STANDARDS	DESIGN STANDARDS
Mandatory	Advisory	A. Select an appropriate site
X		A site must be suitable for the type of building or use being planned without major alterations to the site.
X		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).)
Mandatory	Advisory	B. Site buildings in a manner that preserves existing land forms See Figure 19.72.9
	X	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.
X		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).)
	X	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
Mandatory	Advisory	C. Site buildings so they do not protrude into significant viewsapes. See Figure 19.72.10
	X	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



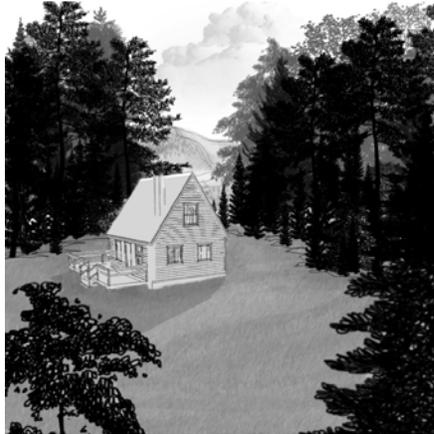
Mandatory	Advisory	E. Site buildings to preserve significant trees and vegetation. See Figure 19.72.12
X		Buildings shall be sited to keep removal of significant trees and vegetation to a minimum. (See section 19.72.160 (Limits of disturbance), 19.72.110 (Tree and vegetation protection.)
FIGURE 19.72.12: PRESERVE SIGNIFICANT VEGETATION		
		
Mandatory	Advisory	F. Cluster buildings and parking, and coordinate neighboring developments. See Figure 19.72.1
	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	G. Locate parking facilities to minimize their visual impact. See Figure 19.72.13
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.
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.
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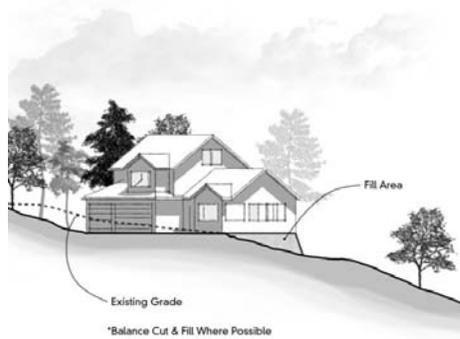
FIGURE 19.72.16: MASS AND SCALE



Mandatory	Advisory	L. Select appropriate building materials and colors
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.
Mandatory	Advisory	M. Use fire-resistant roof surfacing materials that blend with the colors of the adjacent landscape.
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.
Mandatory	Advisory	N. Preserve existing trees and vegetation
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.
Mandatory	Advisory	O. Landscape in order to retain the original character and harmony among the various elements of a site.
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.

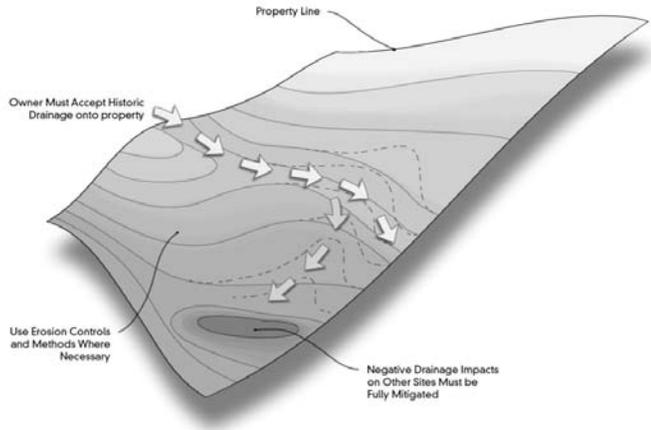
Mandatory	Advisory	P. Limit site grading for buildings to preserve existing land forms. See Figure 19.72.17
X		Building designs that require extensive cut and fills are prohibited. See Section 19.72.070.
	X	Modification of the natural terrain should be minimized.
X		Slopes steeper than 30% shall not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

FIGURE 24-17: BUILDINGS DESIGNED TO LIMIT GRADING



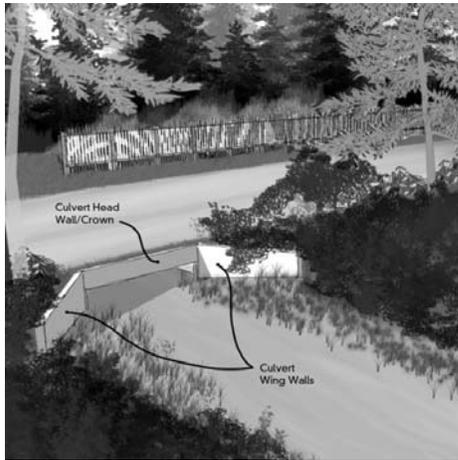
Mandatory Standard	Advisory Standard	Q. Preserve natural drainage patterns in site design. See Figure 19.72.18
X		All final excavation, grading, and drainage plans shall conform to applicable county excavation, grading, and erosion control standards.
X		Development shall preserve the natural surface 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	R. Locate buildings outside stream corridor buffer zones
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 as provided in Section 19.72.130 (Stream Corridor and Wetlands Protection).
X		Where feasible, developments shall not alter natural waterways.
Mandatory	Advisory	S. Construct bridges for stream crossings. See Figure 19.72.19
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).

FIGURE 19.72.19: CULVERTS



Mandatory	Advisory	T. Design traffic circulation to respect existing topography, achieve acceptable slopes, and adhere to minimum width and turning standards. See Figure 19.72.20
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	U. Provide safe, adequate off-street parking with year-round access
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		Off-street parking areas shall be large enough to avoid vehicles having to back out onto a public street.
Mandatory	Advisory	V. Design new roads and driveways to reduce their visual impact
	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.
Mandatory	Advisory	W. Respect existing land forms, contours, and natural settings in the placement of fences. See Figures 19.72.21 and 19.72.22
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.

FIGURE 19.72.21: OPAQUE FENCE FOR SCREENING

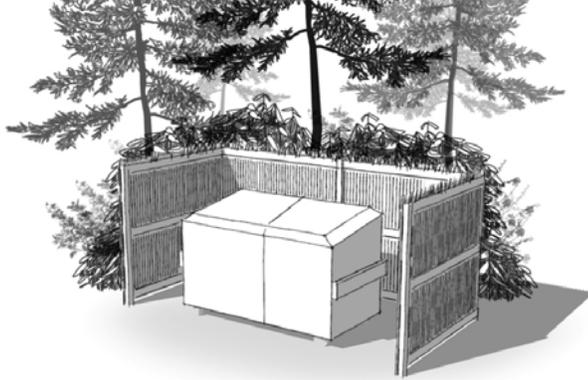


FIGURE 19.72.22: FENCES RESPECT EXISTING LAND FORMS



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



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. The following need not be included in limits of disturbance:

- A. Up to ten (10) feet of paved or unpaved shoulders for driveways.
- B. Areas consisting of natural ponds, streams, trees, and other vegetation where no grading work is done.

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. 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

Live trees of four-inch caliper or greater, groves of five or more smaller live trees, or clumps of live 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.



Utah Chapter

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801.467-9294 x102 | www.utah.sierraclub.org

To: Curtis Woodward
Zoning Administrator
Salt Lake County, Utah
Re: Sierra Club Comments on FCOZ Revision

January 28, 2016

Dear Curtis, these are comments submitted by the Utah Chapter of the Sierra Club. Thanks for the opportunity to submit them.

Words are important and they need to be carefully used to make sure the intent of the communications are clear. When qualifiers and modifiers are written into an ordinance they can weaken or strengthen it. When they are stripped away, the resulting plain text can be read in a very different way that may not be what is truly intended.

If the modifiers are stripped away from the preamble, 1972.010 Purpose, it reads 'The general purpose of the Foothills and Canyons Overlay Zone is to promote...development...' We suggest: The general purpose of the Foothills and Canyons Overlay Zone is to ensure safe, environmentally sensitive development that strikes a reasonable balance between the rights and long term interests of private property owners and those of the general public.

Purpose A reads in part '...preserve the commercial viability of these areas...' It should read: Preserve the visual and aesthetic qualities of the foothills, canyons and prominent ridgelines as described herein contributing to the general attractiveness to these areas.

Likewise for Purpose D as it can be read as 'Encourage Development...' We recommend: Development must conform to the natural contours of the land and minimize the scarring and erosion effects of cutting, filling and grading on hillsides, ridgelines and steep slopes.

Purpose E considers fragile soils destabilization, steep slope defacing and water quality degradation to be very serious issues. Implying these are simply a balancing act is not appropriate to our water supply. It should read: Private and commercial needs must minimize the risk of destabilizing fragile slopes, defacing steep slopes and degrading water quality.

Do we really want to encourage economic development per Purpose H? It will come anyway and it must be managed, not encouraged. We would like it to read: Protect private property rights and commercial interests.

Additionally, in the current FCOZ revision, latitude is given to the Planning Director to administratively approve deviation from requirements if adherence will leave a property undevelopable: 19.72.080 H7 Site Access, 19.72.110 B4 Tree and Vegetation Protection, 19.72.130 G1 Stream Corridor and Wetlands Protection, and 19.72.160 E1 Limits of Disturbance. A property should be allowed only one deviation from the ordinance. Properties that require more than one waiver or deviation should be considered undevelopable.

Thanks

William T. McCarvill
Chapter Delegate
Salt Lake Group

The Utah Chapter of the Sierra Club is a grassroots volunteer organization dedicated to:

Protect and promote Utah's outdoors and natural landscapes;
Educate and advocate for the responsible preservation of clean air, water and habitats
Support the development of sustainable renewable energy for the benefit of present and future generations.

File # 29717

Planning Commission Summary and Recommendation

Public Body: Salt Lake County Planning Commission

Meeting Date: February 10, 2016

Request: Recommendation for Mountain Resort Zoning Ordinance

Planner: Curtis Woodward

Community Council Recommendations: See attachments

Planning Staff Recommendation: Public hearing and 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. 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). As a zone intended specifically for mountain resorts, its present application would only be in Big and Little Cottonwood Canyons where the existing resorts are located. At some point in the future, there may be a mountain resort in the Oquirrh Mountains within the jurisdiction of the County Planning Commission.

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 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.

Having received public input from a number of sources regarding the draft MRZ ordinance, we have revised the draft to accept, reject, or offer alternatives to the various suggestions that have been made. Of the various issues that have been raised, there are six that are still subject to some discussion and debate. Those issues, along with some of the other commentary about the ordinance, have been outlined in the attached comments summary, which is followed by the updated draft ordinance. We have not included duplicate letters, emails, and other comments that were previously forwarded to the planning commissions in previous packets. The Mountainous Planning District Planning Commission has requested a series of 3 work meetings be scheduled between their February and March hearing dates to discuss the particulars of the ordinance. They have invited the members of the County Planning Commission to attend and participate if they so desire.

It is our recommendation that the planning commission:

- Discuss the major issues outlined in the staff report,
 - Discuss any changes the commission feels are warranted,
 - Vote on a recommendation for approval, approval as amended, or denial; or, if necessary,
 - Continue the application until the March 15 meeting date.
-

Summary of issues: MRZ revisions

(Updated to January 25, 2016)

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.

1. 19.13.030 - MRZ Recreation District Permitted and Conditional Uses

The two issues that were raised regarding land uses in the MRZ recreation district were: 1) Should there be both permitted and conditional uses in the MRZ, or just a list of permitted uses that is reviewed and approved as part of the master plan approval? 2) What uses are appropriate for this district?

The original concept behind the MRZ recreation district was that it would apply to the recreation areas of the resort that were, by virtue of their nature, on steep slopes. Because of the slopes involved, the FCOZ slope and ridgeline protection standards would not apply to development within that district. However, as a recreation district, the permitted use list would be much shorter than in the MRZ village district, allowing only those uses necessary for alpine recreation. With this trade-off of less development restriction in exchange for fewer uses allowed, the discussion has centered on: what is the appropriate balance between FCOZ waivers and use restrictions?

The current draft contains both permitted and conditional uses, consistent with other zones in the zoning ordinance. Conditional uses allow the planning commission to set reasonable conditions of approval to mitigate impacts, and even to deny uses if the impacts cannot be effectively mitigated through conditions of approval. The uses that have been listed are based on the uses currently in place in the resorts in Big and Little Cottonwood Canyons as allowed in the existing zones. There has been some discussion about whether uses such as restaurants, mountain coasters, and alpine slides should be allowed, but these uses have previously been approved and are in place in recreation areas.

The other part of the debate has been: of the uses allowed in this district, which ones should have automatic waivers of slope and ridgeline restrictions and which ones should not? Arguably, ski lifts, ski runs, mountain bike trails, zip lines and such would be obvious candidates, because they by definition involve steep slopes. Other uses, such as restaurants, Frisbee golf courses may need to be subject to more scrutiny before waivers are granted. Ultimately, it was decided that a provision needed to be in place allowing for reasonable conditions of approval to be imposed to preserve views, reduce adverse impacts on trees and vegetation, protect streams and wildlife, and reduce the overall degree of disturbance of steep slopes.

2. 19.13.040(A&B) - MRZ Village District

Similar to the issues raised above, the discussion in the MRZ village district has focused on: a) what uses are appropriate, and b) should all of the FCOZ restrictions apply or should some

waivers be available? As with the recreation district, the uses listed in the village district are based on the uses allowed in the existing zoning and those that have been approved and are in place at the resorts in Big and Little Cottonwood Canyons. The same discussion regarding permitted vs. conditional uses has also taken place regarding the village district.

Having received public input on uses within the village, there doesn't seem to be as much debate, other than whether uses like mountain coasters and alpine slides should be allowed. For the most part, the village district is seen as including all the uses that would be necessary to enable a small "village" to function (within the given constraints of the mountainous area). As with the recreation district, the draft ordinance contains both permitted and conditional uses, with the conditional uses being those for which conditions of approval to mitigate impacts would seem warranted based on their intensity.

The broader debate in the village district has been regarding what, if any, exceptions to the FCOZ requirements ought to be considered. As discussed above, the original concept was that the village would have a much larger list of uses, but because it is at the base of the mountain, fewer FCOZ waivers would be necessary. Watershed protection is of particular concern in the village district because the mountain base area is also where the wetlands and stream beds tend to be. However, as we looked at the existing resorts in the County, there are areas within the villages where slopes can exceed 30%. The draft has therefore acknowledged that those recreation type uses which extend into both the village and recreation district (such as ski lifts, zip lines, etc.) may be on slopes over 30% and require FCOZ waivers. It was also pointed out that lots of record within FCOZ may apply to the planning commission for waivers to build on slopes between 30% and 40%, and the resorts asked for similar consideration. Because of the size, scale, and intensity of uses in the village areas, we felt that if such waivers were to be considered, there should be engineering-based criteria. Borrowing from the ordinance used by Aspen, Colorado, we inserted criteria based on soils, geology, avalanche, and slope stability studies. While we realize that there are differences between Salt Lake County and Aspen, Colorado, the concept of requiring site specific studies to justify consideration of slope waivers has universal application, and the scientific principals behind such a study appear reasonable.

3. 19.13.060 – MRZ Village Plan

This provision of the ordinance provides that waivers or modifications to the 19.72.170 Design Standards may be granted through the village plan approval. The primary issue raised regarding this provision was whether the planning commission or County Council should approve such waivers/ modifications. This provision provides that the planning commission shall provide this approval, which is consistent with similar authority given to the planning commission in section 19.72.170.

4. 19.13.070.B Water Supply and Quality

As with FCOZ, the ordinance recognizes that 10-8-15 of the Utah Code states, "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.” Efforts have been made to ensure that the FCOZ and MRZ ordinances are consistent in how this authority is recognized. The Salt Lake City Department of Public Utilities is working with those who have expressed concerns about this section to come to agreement on final wording.

5. 19.13.080.E – Transfer of Development Rights, Calculating Transferrable Density
Transfer of development rights (TDR) is a tool suggested by the blue ribbon commission as a way to encourage remote canyon properties to be taken off the table for future development by allowing the density to be transferred to resort villages. The TDR ordinance used in the Snow Basin area was used as a model for this code (as being highly recommended by those local authorities). In that code, only that property that was truly considered “developable” has a development right to transfer, meaning all major issues, slope, water, access, etc. are in compliance. The blue ribbon commission also suggested that the ordinance should encourage currently undevelopable inholdings to be purchased or traded with other properties to take them off the table while compensating owners of said properties. Specific wording within FCOZ and/or MRZ to encourage that type of land trade should be considered by the planning commissions.

6. 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. Additional discussion may be required to the extent significant clearing for ski terrain is envisioned.

Other Comments:

7. 19.13.080.H – Transfer of Development Rights procedure
Paragraph e of this subsection requires a slope analysis showing slopes less than 30% for transfer of development rights. The resorts have pointed out that in some instances, building on slopes between 30% and 40% can be approved by the planning commission. They have requested that this section be made compatible with that possibility. While the next sentence does state that the requirement may be waived by the division director upon finding that the subject parcel is not affected by steeper slopes, it would perhaps be simpler to state, “unless a waiver has been granted for development on slopes of up to 40%,” which is already allowed in both the FCOZ and MRZ with specific criteria for considering said waivers.

8. 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.

9. 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.

10. 19.13.030(C)(2) - substitute the word "shall" for "may." This will require mitigation, not make it a tacit suggestion that will likely be overlooked. This maintains balance, if you get, you also give. – Save Our Canyons

Response: The use of the word "may" indicates that some discretion should be exercised as to what, if any, conditions are appropriate for a given structure to be built. However, almost all approvals come with some conditions attached to ensure compliance with applicable codes and regulations, so this change would not fundamentally change current practice, and is therefore not necessary.

11. 19.13.040(E)(3)(d) - Do not exempt setbacks. Resorts are a highly intensive use that have huge impacts on adjacent activities, whether residential, commercial or recreational. Exempting setbacks will only propagate more conflict and result in negativity in our canyons. – Save Our Canyons

Response: There are cases, even in residential areas of the Salt Lake Valley, where zero lot lines are utilized effectively. Townhomes of four units per building are sometimes allowed with property lines between the units, creating a small lot for each unit with zero setback between those attached units. This provision would allow for that possibility in the canyons, effectively allowing for clustering of units to reduce the overall footprint of the developed area.

12. 19.13.040(F)(2) - substitute the word "shall" for "may." This will require mitigation, not make it a tacit suggestion that will likely be overlooked. This maintains balance, if you get, you also give. – Save Our Canyons

Response: See Response to #10.

13. 19.13.050(C)(8) - add requirements that require coordination with US Forest Service, Salt Lake County Watershed and Restoration, Salt Lake City to ensure MRZ Village plan is consistent with their plans, goals and knowledge of what the resort proposing. This encourages intergovernmental relations and agency coordination. – Save Our Canyons

Response: It is good practice to coordinate with other agencies in the development and approval of a plan; however, we disagree with requiring coordination with a specific list of agencies in the ordinance. That could effectively tie the hands of the appointed approval authority, and delegate that authority to outside agencies.

14. 19.13.070(D) - Screening against Environmental Dashboard should be included as a regulation and requirement. It's important to use this tool and reference it in ordinance. – Save Our Canyons

Response: It is difficult to reference a dashboard that doesn't yet exist; and which will be subject to change from administration to administration. However, adding a reference to "known environmental" data could accomplish this regardless of what becomes of the dashboard concept.



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

Comment [CWoodward1]: See comment #1 of the issues summary.



- 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

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, including restaurant liquor license
- Recreational uses not listed in subsection A. "Permitted Uses", including alpine slide and mountain coaster

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).
 - b. Conservation activity
 - c. Trail/trailhead improvement
 - d. Outdoor recreation equipment
 - e. Passenger ski or tramway station, ski base/terminal facility, & ski bridge
 - f. Ski tow rope, ski lift, ski tramway, run,
 - g. Zip line
 - h. Ropes course
 - i. Mountain bike terrain park and trails
 - j. Frisbee golf course
 - k. Minor ski or mountain resort improvements
 - l. 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 as necessary 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
- 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

Comment [CWoodward2]: See comment #2 of the issues summary.



- Minor ski or mountain resort improvements
- Mountain resorts, including the following:
 - Recreational outdoor and trail lighting
 - Passenger ski and tramway station and ski base 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
- Office incidental to main use
- Outdoor recreation equipment
- Package agency
- Parking area or structure with 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

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 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.

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.

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.

F. FCOZ 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 Ski and Tramway Station, Ski Base/Terminal Facility, & Bridge
 - d. Ski Tow Rope, Ski Lift, Ski Tramway, Ski Run

- 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.
 - k. Outdoor recreation equipment

- 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 the State of Utah ("professional engineer");
 - b. A grading plan stamped by a professional engineer, which complies with I.C.C. standards, with a maximum finished grade of 2:1 (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 ϕ , γ , 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 analysis that has been reviewed and approved by the County's contracted geologist, 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;
 - 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.

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.

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.

19.13.060 MRZ-VILLAGE DEVELOPMENT PLAN

Comment [CWoodward3]: See comment #3 of the issues summary.

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 FCOZ design standards in section 19.72.170, the applicant shall identify those deviations in the Development Plan, and 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. The Mayor shall sign the approved Development Plan.**

1. **Consolidation of Processes.** A Development Plan for the entire Village, or phases thereof, may be presented to the planning commission 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 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 planning commission approval for the same.

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.
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.

C. Factors for Approval of A Development Plan.

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

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



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 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 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 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 Certification Required. Prior to planning commission or Director approval of a conditional use or site plan for all uses in the MRZ Districts, the plan shall be referred to Salt Lake City's Division of Public Utilities to ensure 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. Applicable State Regulations and Standards. Developments shall be in compliance with applicable state regulations for individual wastewater disposal systems and culinary water supply.
- 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.

Comment [CWoodward4]: See comment #4 of the issues summary.

C. Utilities

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

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.

Comment [CWoodward5]: See comment #5 of the issues summary.



- 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.
 - 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

Comment [CWoodward6]: See comment #6 of the issues summary.



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, 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.

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.

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