SALT LAKE COUNTY
TOWNSHIPS

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

Salt Lake County Planning Commission

Public Meeting Agenda

Wednesday, August 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 July 13, 2016 meeting.
2) Other Business Items (as needed)

PUBLIC MEETING

29717 – (Continued from 12/16/2015, 01/13, 02/10, 03/23, 04/13, 05/11, 06/15, and 07/13/2016) - 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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MEETING MINUTE SUMMARY

SALT LAKE COUNTY PLANNING COMMISSION MEETING

Wednesday, July 13, 2016 8:30 a.m.

Approximate meeting length: 22 minutes
Number of public in attendance: 1
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Cohen

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

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Mark Elieson	x	x	
Bryan O'Meara	Tele-conference	Tele-conference	
Kim Barbushev			x

Planning Staff / DA	Public Mtg	Business Mtg
Rolen Yoshinaga	x	x
Wendy Gurr	x	x
Max Johnson	x	x
Zach Shaw (DA)	x	

BUSINESS MEETING

Meeting began at – 8:36 a.m.

1) Approval of Minutes from the June 15, 2016 meeting.
   Motion: To approve Minutes from the June 15, 2016 meeting as presented.
   Motion by*:* Commissioner Elieson
   2nd by: Commissioner Vance
   Vote*:* Commissioners voted unanimous in favor (of commissioners present)

2) Other Business Items (as needed)

PUBLIC HEARINGS

Hearings began at – 8:43 a.m.

29717 – (Continued from 12/16/2015, 01/13, 02/10, 03/23, 04/13, 05/11 and 06/15/2016) - 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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Salt Lake County Township Services Planning and Development Director Rolen Yoshinaga provided an update to the Mountainous Planning District Planning Commission.

Commissioner Cohen said the people who are concerned, and have quieted down because of the staff response to input from the public and commissioners to frame the issues and respond with suggested changes to the MRZ based on the input. Save our Canyons and ski resorts have been meeting and have reached some compromises and will give this commission and MPDPC some good direction how to move forward with recommendations. This planning commission has had the position to see how the MPDPC operates and take their recommendations into considerations. Commissioner Cohen said Mr. Woodward confirmed he would reframe the proposed motions and what Save Our Canyons and the ski resorts have agreed on would change the motions. Potential motions one through ten. His opinion is let staff continue to do the work on fine tuning.

Commissioner O'Meara said he is in agreement with this body's opinion. He would like to see TDR or TRD in the ordinance at some point. Commissioner Cohen said they did get a letter from the ski resorts that that could be excluded and could be included in the general plan and the commission is potentially removing it from this draft.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: MPDPC
Name: Tod Young
Address: 3260 East Wasatch Pines Lane, Sandy
Comments: Mr. Young said he thinks they are on track to come up with the ordinance very soon.

PUBLIC PORTION OF MEETING CLOSED

Motion: To continue file #29717 to the August 10th meeting.
Motion by*:* Commissioner Vance
2nd by: Commissioner Elieson
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

MEETING ADJOURNED

Time Adjourned – 8:58 a.m.

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File # 29717

Planning Commission Summary and Recommendation

Public Body: Salt Lake County Planning Commission
Meeting Date: August 10, 2016
Request: Recommendation for Mountain Resort Zoning Ordinance
Planner: Curtis Woodward
Community Council Recommendations: See attachments
Planning Staff Recommendation: Recommendation of approval

PROJECT DESCRIPTION

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

STAFF ANALYSIS

Having received public input on the draft, conducted a series of work session to discuss the issues, voted by straw poll on potential recommendations, received public input on those recommendation items; and, finally having continued the matter two months to allow Save Our Canyons, Salt Lake City Public Utilities, and the ski resorts to meet to discuss concerns and report back to the planning commission, the Mountainous Planning District planning commission had the ordinance on their August 4 agenda, to consider their recommendation at which time, they voted to recommend approval subject to the changes as listed below:

1. Amend section 19.13.020(A) to read:

A. The minimum area requirement for a Mountain resort Zone shall be 1,000 contiguous acres located within both the Salt Lake County Mountainous Planning District and US Forest Service Special Use Permit Ski Area boundary. The resort 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 land requirement and the minimum area requirement, although land owned by the federal government is not subject to the requirements of this Chapter.

2. Amend section 19.13.030(A) (permitted uses in the MRZ recreation district) to:

- Remove "solar farm."

- Amend "Mountain resorts, including the following" to exclude "recreational sports field," "skating rink," and "skateboard park" from the list.
- Remove "outdoor recreation equipment," "ski bridge," and "mountain bike terrain park," but add them to 19.13.030(B) as conditional uses.
- Amend "parking area or structure with four(4) or fewer spaces," to read "employee and maintenance parking area with four(4) or fewer spaces."
- Remove "zip line."
- Remove public and quasi-public use structure until it is more precisely defined.
- Add "Class B Beer outlet" and "Class C Beer outlet."

3. Amend section 19.13.030(B) (conditional uses in the MRZ recreation district) to:

- Amend "Parking area or structure with five (5) or more spaces" to read, "Employee and maintenance parking area or structure with five (5) or more spaces."
- Amend "Recreational uses not listed in subsection A" to instead read, "Natural resource based recreational facilities having a similar character as other permitted or conditional uses in this section." Also add the following definition to section 19.13.090: "Natural resource based recreational facility. A facility that encourages outdoor recreation and enjoyment of nature that, to the extent practicable, harmonizes with the natural environment; including uses such as zip lines, mountain bike terrain parks and trails, frisbee golf courses, and ropes courses; but excluding tennis courts, water slides and water parks, swimming pools, golf courses, and amusement parks."
- Amend "Restaurant, including restaurant liquor license" to instead read, "food and beverage businesses, including alcoholic beverage licenses"
- Remove "Forest industry"

4. Amend 19.13.030(C)(1) to:

- Remove "outdoor recreation equipment," "zip line," "alpine slide," and "mountain coaster" from the list of exemptions, but add an exception as follows: "Natural Resource Based Recreational Facility."
- Change "may" to "shall, as necessary" in reference to conditions imposed. Make the same change in subsection (C)(2).

5. Amend to 19.13.030(C)(2) to add:

- f. Discourage unintended trespass onto adjoining land

6. Amend section 19.13.040(A) (Permitted uses in the MRZ village district) to:

- Remove "ski bridge," "recreational sports field," "skating rink," "zip line," and "mountain bike terrain park" from the land use designation "Mountain resorts, including the following:"
- Remove "outdoor recreation equipment"

7. Amend 19.13.040(B) (Conditional uses in the MRZ village district) to:

- Add "mountain bike terrain park," "outdoor recreation equipment," "skating rink," "swimming pools," and "ski bridge"
- Replace "Recreational uses not listed in subsection A" with, "Natural Resource Based Recreational Facility."

8. Amend 19.13.040(F)(1) and (2) to:

- Remove "outdoor recreation equipment," "zip line," "alpine slide," and "mountain coaster" from the list of exemptions, but add an exception as follows: "Natural Resource Based Recreational Facility."
- Amend the opening statement in paragraph 2 to change the word "may," to "shall, as necessary."

9. Modify 19.13.050(B) and 19.13.060(B) to include notification to the Forest Service as part of the MRZ Area Plan and MRZ Village Development Plan approval processes.

10. Add the following subsection to 19.13.030: "F. Any application for a new or expanded ski run that includes the removal of significant trees shall be accompanied by a forestry study prepared by a certified forester that includes mitigation measures to protect the overall health of the forest in harmony with the purpose and intent of section 19.72.110 of the Foothills and Canyons Overlay Zone. Conditions of approval may be imposed to mitigate the impacts of the removal of significant trees."

11. Add subsection "G" to 19.13.050 as follows:
G. Plan Amendments
A previously approved MRZ Area Plan may be amended subject to the review procedures in subsection 19.13.050(D) to propose changes to any of the information contained in 19.13.050(C)(1) through (4) above, including changes to the boundaries of the MRZ-village and the MRZ-recreation districts or to add land that has been acquired by the resort through land trade involving properties within Big or Little Cottonwood Canyons.

12. Amend 19.13.060(C) to include the paragraph on parking from the original draft; which will read, "Have the following issues been addressed? 1) The probable number of cars to be operated by those using the proposed development and the nature of the proposed uses; 2) the availability of public transit and other transportation facilities, including those for pedestrian access; 3) the commitment to utilize automobile disincentive techniques in the proposed development; and 4) the potential for joint use of common parking."

13. Amend 19.13.060(C)(6) to read: "Does the proposed development provide adequate access and circulation? Are traffic congestion mitigation techniques included as part of the Development Plan?"

14. Remove Transfers of Development Rights (primarily found in section 19.13.080) from the ordinance. The feasibility of TDRs as an effective tool for open space preservation in the canyons needs further study through the General Plan process as suggested by the Blue Ribbon Commission before an ordinance should be implemented. The acquisition of in-holdings through purchase or land trades is encouraged.

15. Amend paragraph 19.13.050(E)(4) to read, "Uses, activity, and density that are consistent with protecting the natural setting in which the property is located, based on the current environmental data available to Salt Lake County."

16. Add subparagraph 19.13.060(C)(2)(e) to read, "In assessing the impacts of the proposed development plan, has consideration been given to the current environmental data available to Salt Lake County?"

17. Amend the definition of "outdoor recreation equipment" in section 19.13.090 as follows:
Outdoor Recreation Equipment: Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, and similar amenities.

Baseline Proposed Ordinance

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:

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--Accessory buildings and uses customarily incidental to permitted use
--Conservation activity
--Trail and trailhead improvement
--Outdoor recreation equipment
--Public and quasi-public use structure
--Parking area or structure with four (4) or fewer spaces
--Temporary construction improvement
--Minor ski or mountain resort improvements
--Solar farm
--Mountain resorts, including the following:
    --Recreational outdoor and trail lighting
    --Passenger ski or tramway station and ski base/terminal facility
    --Ski tow rope, ski lift, ski tram, ski run and ski bridge
    --Recreational sports field
    --Skating rink
    --Skateboard park
    --Outdoor event, outdoor music
    --Resort support, commercial
    --Zip line
    --Ropes course
    --Mountain bike terrain park and trails
    --Frisbee golf course

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.

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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

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--Lodginghouse
--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)

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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

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i. Grading for these uses is exempt from Section 19.72.070 (Grading Standards), subject to the Director's authority to impose conditions pursuant to subsection (F)(2) of this section.

e. Zip Line
f. Ropes Course
g. Mountain Bike Terrain Park and Trails
h. Frisbee Golf Course
i. Minor Ski or Mountain Resort Improvements
j. Alpine Slide or Mountain Coaster, if approved as a conditional use by the planning commission.
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;

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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.

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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.

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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

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

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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?

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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.

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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.

C. Utilities

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

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

A. Purpose.

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

B. Voluntary Program.

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

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

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

D. Transfer Incentive Matching Units.

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

E. Calculating Transferable density.

1. The property for which development rights are applied to be transferred shall meet all of the following requirements:
- **a.** The property shall be i) a lot of record, or ii) a parcel of land described in County records, which complied with the zoning requirements in effect at the time of its creation, but has not necessarily undergone or successfully completed the county subdivision process;
- **b.** The property shall meet the net developable acreage definition in this Ordinance.
- **c.** The property shall meet or exceed the minimum (single-family dwelling) area requirement for the zone in which it is located;
- **d.** The property shall be located in the F-1, FM, or any of the FR zones within unincorporated Salt Lake County. The property may but need not be contiguous to an MRZ-Village District; and
- **e.** The property shall have verified water availability.

2. The following property or portions of property do not qualify for a transfer of development rights:
- **a.** Areas that do not meet the net developable acreage definition in this Ordinance.
- **b.** Areas within a described parcel of land or lot of record restricted by conservation easement or similar instrument restricting residential or commercial development.
- **c.** Areas or tracts of land owned by federal or state government agencies.

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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.

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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 approval) within an MRZ-Village District, all transfer documents, including an approved

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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

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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.

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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;

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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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