



MEMORANDUM:

Date: July 18, 2012

To: Council Members

From: Annette Singleton

Re: Summit County Recreation Arts & Parks Advisory Committee (RAP Tax Cultural)

Reappoint Jan Massimino to the Summit County Recreation Arts & Parks Advisory Committee (RAP Tax Cultural). Jane Massimino's term to expire December 30, 2014.

Appoint Ben Castro to the Summit County Recreation Arts & Parks Advisory Committee (RAP Tax Cultural). Ben Castro's term to expire December 30, 2015.

RESOLUTION NO. 2012-___
A RESOLUTION INDICATING THAT CEMETERY SERVICES WILL BE PROVIDED
BY THE PROPOSED SNYDERVILLE BASIN CEMETERY DISTRICT

WHEREAS, pursuant to Utah Code Annotated, §17B-1-101 et. seq. and §17B-2a-101 et. seq., the Summit County Council (hereinafter referred to as “Council”) is authorized to create a specialized local district, such as a cemetery maintenance district; and

WHEREAS, the Council has determined that the establishment of a cemetery in the Snyderville Basin area of Summit County is vital in serving the needs of the growing and aging population of unincorporated western Summit County; and

WHEREAS, the Council has determined that it is in the best interests of the residents of the unincorporated Snyderville Basin area of Summit County that a local district be organized for the purpose of providing one or more public cemeteries for its residents and the Council has initiated the statutorily authorized process for the creation of such a district; and

WHEREAS, on April 18, 2012, the Council adopted Resolution No. 2012-8, proposing the creation of the Snyderville Basin Cemetery District; and

WHEREAS, pursuant to the proper noticing procedures found in UCA §17B-1-211, the Council held a public hearing on May 23, 2012 on the proposed creation of the Snyderville Basin Cemetery District, allowing the public to ask questions of and obtain further information from the Council regarding the issues contained in or raised by Resolution No. 2012-8; and

WHEREAS, pursuant to UCA §17B-1-212, within sixty days after the last public hearing, the Council must adopt a resolution indicating whether the county will provide cemetery maintenance services within the boundaries of the proposed Snyderville Basin Cemetery District. If it fails to do so, the Council shall be considered to have declined to provide such services.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, STATE OF UTAH AS FOLLOWS:

Section 1. **Intent to Provide Service.** The Council hereby expresses its intent to provide one or more public cemeteries to the residents of the unincorporated Snyderville Basin area, and shall ensure that such public cemeteries are beautified, improved, and maintained pursuant to the provisions of UCA §17B-1-101 et. seq. and §17B-2a-101 et. seq.

Section 2. **Substantial Measures Shall be Taken.** Within 120 days of the adoption of this Resolution, the Council shall take substantial measures to provide the services set forth in Section 1 and shall diligently proceed to take all measures necessary to provide the service pursuant to UCA §17B-1-212.

Section 3. **Severability.** If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this resolution in any other instances.

Section 12. **Repealer.** All resolutions, by-laws and regulations of the Board of Commissioners of Summit County, Utah, in conflict with this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, by-law, or regulation, or part thereof, heretofore repealed.

GIVEN by order of the County Council, this ____ day of _____, 2012.

Chairperson

ATTEST:

County Clerk

RESOLUTION NO. 2012-____
A RESOLUTION PROVIDING FOR AN ELECTION TO ESTABLISH
THE SNYDERVILLE BASIN CEMETERY DISTRICT

WHEREAS, Utah Code Annotated, §17B-1-101 et. seq. and §17B-2a-101 et. seq., provides that the Summit County Council (hereinafter referred to as “Council”) may create a specialized local district through the election process; and

WHEREAS, a cemetery maintenance district, which is a type of specialized local district, hereinafter referred to as the “Snyderville Basin Cemetery District” has been proposed by the Council; and

WHEREAS, the Council has held the required public hearing for the establishment of the Snyderville Basin Cemetery District and has not received during the sixty day protest period “adequate protests” as defined by UCA §17B-1-213 sufficient to defeat the election process.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, STATE OF UTAH AS FOLLOWS:

The Council hereby submits the following “Opinion Question” to the voters of the proposed “Snyderville Basin Cemetery District,” which shall be voted upon at the next regular general election.

SHALL THE SUMMIT COUNTY COUNCIL CREATE A
SNYDERVILLE BASIN CEMETERY DISTRICT?

GIVEN by order of the County Council, this ____ day of _____, 2012.

Chairperson

ATTEST:

County Clerk

DAVID R. BRICKEY
COUNTY ATTORNEY

Criminal Division

JOY E. NATALE
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

MATTHEW D. BATES
Prosecuting Attorney

Summit County Courthouse, 60 N. Main #227, P.O. Box 128
Coalville, Utah 84017

Telephone (435) 336-3206 Facsimile (435) 336-3287
Email: (first initial)(last name)@co.summit.ut.us

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

LEGAL MEMORANDUM

To: Summit County Manager, Summit County Council

From: David L. Thomas, Chief Civil Deputy

Date: July 3, 2012

Re: Snyderville Basin Recreation District De-annexation

1. Up until 1993, the Snyderville Basin Special Recreation Service District (the "District") had provided recreational services to Park City. In that year, Park City formally withdrew from the District.
2. Since that time, Park City has annexed certain properties that were located within the District (the "Annexed Properties"). However, there was never a formal de-annexation from the District of those Annexed Properties.
3. Complicating the matter was the issuance of various recreation bonds. According to UCA §17D-1-602, once bonds or other indebtedness has been issued, properties cannot be de-annexed from the District until either the debt has been repaid or there are adequate assurances made that the proportional debt accruing to the Annexed Properties will be paid.
4. On June 27, 2012, the Utah State Tax Commission (the "Commission") issued a letter wherein the Commission created a new taxing entity made up of the Annexed Properties. The property taxes associated with the District's bond will be assessed to those Annexed Properties in this special taxing entity. That allows for the adequate assurances required by the statute to de-annex the Annexed Properties from the District.
5. With the new taxing entity in place, all legal requirements to de-annex have been satisfied.



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Utah State Tax Commission

R. BRUCE JOHNSON
Commission Chair

MARC B. JOHNSON
Commissioner

D'ARCY DIXON PIGNANELLI
Commissioner

MICHAEL J. CRAGUN
Commissioner

BARRY C. CONOVER
Executive Director

June 27, 2012

Summit County Auditor
Blake Frazier
60 N Main Street
Coalville, UT 84017

Dear Blake:

Per your request I am writing this memo to explain what we have done to resolve the issue of bonded indebtedness and Snyderville Basin Recreation District (4310). Over the past 10 years a number of portions of the district have been de-annexed from the district to Park City. With the move, the services once provided by the district are now being provided by Park City.

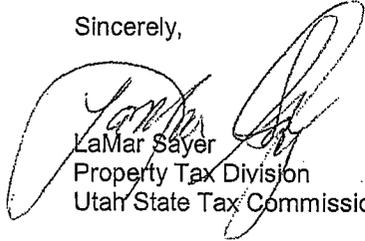
In this case, Snyderville has some outstanding general obligation debt. Under state statute (17D-1-601) and a court case involving Emery County and Grand County Water Conservancy District, property leaving one district through the annexation process is liable for continued payment of any outstanding GO bonds.

This circumstance occurs quite regularly and thus we have dealt with this issue numerous times. We create a new entity whose boundaries are inclusive of property responsible for the payment of the GO Bonds. In this case, we have created an entity called "Area Excluded from Snyderville Recreation District but Liable for Bonds (entity number 6030) whose boundaries include all those areas that have been annexed into Park City from Snyderville and the remaining boundaries inclusive of Snyderville District. The property within this new entity, created for our purposes only, will be levied a property tax for the outstanding Snyderville GO Bonds until the bonds are completely paid off. Any new debt incurred by the district will not be charged to this entity but will only be levied against the reduced boundaries of Snyderville Basin Recreation District (4310) at the time the new bonds are issued.

The new entity is on the Certified Tax Rate System and is entity number "6030." This new entity will have a 693 screen just like any other taxing entity. Snyderville will be responsible to fill out this form with the required property tax revenues and the system will calculate an appropriate tax rate. The county will need to show the tax rate on the July "Valuation and Tax Change Notice." The Tax Commission will require Snyderville to submit, annually, a bond repayment schedule so that the amount and duration of the bonds can be verified each year when the tax rate is set.

I hope this memo explains what we have done and what you need to do. If you or the others involved need further clarification or feel the need to meet again, please let me know. If so, let's try and do it real soon so that we can still get rates out and can get it done before I retire.

Sincerely,


LaMar Sayer
Property Tax Division
Utah State Tax Commission

210 North 1950 West
Salt Lake City, Utah 84134
801-297-2200
Fax: 801-297-6358
www.tax.utah.gov

If you need an accommodation under the Americans with Disabilities Act, call 801-297-3811 or Telecommunication Device for the Deaf (TDD) 801-297-2020. Please allow three working days for a response.

A RESOLUTION WITHDRAWING AREAS WHICH HAVE BEEN
ANNEXED INTO THE BOUNDARIES OF PARK CITY SINCE
FEBRUARY 1, 1993 FROM THE SNYDERVILLE BASIN SPECIAL
RECREATION SERVICE DISTRICT

WHEREAS, having heretofore determined that adequate provision pursuant to UCA § 17D-1-602(1)(b) is made for the payment of outstanding bonds of the Snyderville Basin Special Recreation Service District (the "District") through action of the Utah State Tax Commission in setting up a separate taxing unit for the sole purpose of levying an appropriate tax for the payment of all outstanding bonds; and,

WHEREAS, having adopted resolution 93-02 which withdrew the areas within Park City from the District on February 1, 1993; and,

WHEREAS, Park City having annexed additional properties within its boundaries since 1993 which are located within the District; and,

WHEREAS, the list of annexations are attached hereto as Exhibit A; and,

WHEREAS, having furthermore determined that recreation services contemplated within the District duplicate those services already rendered by Park City in the incorporated Park City area and therefore should not be supplied by the District;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that pursuant to the provisions of Utah Code Annotated §17D-1-601, all areas within the boundaries

of incorporated Park City are hereby withdrawn from the Snyderville Basin Special Recreation Service District.

APPROVED AND ADOPTED this _____ day of _____, 2012.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

By:

David Ure, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

Exhibit A - PARK CITY ANNEXATIONS since February 1, 1993 within SBSRD Boundaries

Year Recorded	Annexation Name	Acreage	Ordinance & Record Number	General Location	Significant Landmarks	Area Known Today As/Neighborhood	Applicant
2-26-1993	Peterson	81	99-22 #374692	Meadows Drive @ Hwy 224	None	Park Meadows	Jack Jackson Co.
2-03-1994	Hidden Meadow	258.4	94-2 #425892	Rising Star Lane Section 10, T2S, R4E	None	Hidden Meadow/Deer Valley	Alliance
3-17-1994	Ross	2	#400284	Iron Canyon @ Payday S5, T2S, R4E	None	Aspen Springs/Iron Canyon	Vicki Ross
5-15-1997	Sandstone Cove	17.8	97-22 #478857	Sandstone Cove S5, T2S, R4E	None	Sandstone	Jack Jackson Co.
7-28-1999	Flagstaff Mountain	1,655.4	99-30 #545098	Hwy 224 Guardsman Pass S27, T2S, R4E	Portion of DVSR	Guardsman Pass/Deer Valley	United Park City Mines
9-09-1999	Hidden Hollow	84.2	98-52 #545098	Snowtop Road S14, T2S, R4E	None	Deer Valley	Jack Johnson Co.
9-10-2004	Spiro Tunnel	12.3	04-35 #710473	Three Kings Drive S8, T2S, R4E	None	Three Kings	Paladin Development
10-24-2004	National Ability Center	136	04-50 #715426	Hwy 248 @ Round Valley Dr S2, T2S, R4E	None	Park City Ice Arena Complex	PCMC
11-14-2006	Wilburn West	40.7	06-71 #796587	Meadows Drive S33, T1S, R4E	Park Meadows	Park Meadows Mountain	PRN Investments
12-18-2006	Bernlofo Family	6.5	06-80 #799488	Three Kings near Thaynes Canyon S8, T2S, R4E	PMRC	Three Kings/Thaynes Canyon	Bernlofo Family Partners
1-23-2007	Burbs (IHC)	156.8	06-84 #802746	Round Valley Drive @ US 40 S35, T1S, R4E	Park City Medical Campus	IHC Hospital – US Ski and Snowboard Assoc.	Burbs LLC
3-02-2007	PMRC	2,819	07-10 #	S17, 18, 19, 20, 21, 29, T2S, R4E	Park City Mountain Resort	PMRC	United Park City Mines
7-20-2010	Park City Heights	278.7	5-27-2010 #903151	Kerns Blvd S2 and 11, T2S, R4E	Junction @ US 40	US 40 Hwy 248 Junction	Stantech

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 20, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Annette Singleton, *Office Manager*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Hanrahan made a motion to convene in closed session for the purpose of discussing property acquisition. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 11:20 a.m. to 12:35 p.m. to discuss property acquisition. Those in attendance were:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Wendy Fisher, *Utah Open Lands*
Max Greenhalgh, *BOSAC*
Rena Jordan, *Snyderville Basin Rec. Director*
Ashley Koehler, *Sustainability Coordinator*
David Kottler, *Snyderville Basin Rec. Board*
Jim Magruder, *Snyderville Basin Rec. Board*

Council Member Hanrahan made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.

WORK SESSION

Chair Ure called the work session to order at 12:35 p.m.

- **Field trip to view the flood mitigation improvements funded by NRCS along the Weber River; Kevin Callahan**

The Council Members took a trip to view the NRCS flood mitigation improvements along the Weber River from 12:35 p.m. to 3:00 p.m.

CLOSED SESSION

Council Member Robinson made a motion to convene in closed session for the purpose of discussing personnel. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 3:05 p.m. to 3:15 p.m. to discuss personnel. Those in attendance were:

David Ure, *Council Chair*

Claudia McMullin, *Council Vice Chair*

John Hanrahan, *Council Member*

Chris Robinson, *Council Member*

Council Member Hanrahan made a motion to dismiss from closed session and to reconvene in work session. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.

- **Preliminary Audit Report – 2011 Financial Statement; Chuck Ulrich and Heather Christopherson, Ulrich & Associates**

Chuck Ulrich presented the preliminary financial statement for the governmental funds. He noted that, although he was not able to finish compiling the entire report, the timing has been much better than in the past.

Chair Ure explained that there is a reason why the report is incomplete, noting that the special service districts have not all provided their audits because they are not due until June 30, which is the same day the County's audit is due. Mr. Ulrich reported that he has received a few of the special service district reports, and he anticipated having an electronic copy of the audit report to the County Council by July 9 and a hardbound copy to present at the July 11 meeting. He anticipated that by next year the full audit report would be completed before June 30, and he stated that they have made a lot of progress this year.

Mr. Ulrich reviewed the auditor's report and verified that the General Fund balance is in excess of the State's minimum fund balance requirement. He commended the County on the measures they have taken to correct the fund balance problem. He reviewed the revenues and noted that the overall revenue shortfall compared to budget for 2011 was \$360,000, and the overall fund balance was about \$.5 million to the good in 2011. They budgeted to be \$300,000 in the negative and came out \$169,000 in the positive. He reviewed the Municipal Fund balances and noted that the County spent \$257,000 more than budgeted in that fund. Although the County spent about \$1.5 million more than it received in the Municipal Fund, that was by design. County Auditor Blake Frazier recalled that in 2011 they shifted items from the General Fund to

the Municipal and Assessing and Collecting funds in order to utilize some of the extra fund balances that exist in those funds.

Mr. Ulrich and Matt Leavitt with the County Auditor's Office answered questions and clarified items in the audit report for the Council Members. Council Member Hanrahan asked if the County spent more than it brought in during 2011. Mr. Ulrich replied that looking at the overall fund balances in all funds would provide some perspective, and the County still has about \$40 million in fund balances. Council Member Robinson noted that, overall, the fund balances decreased by about \$1.7 million. County Manager Bob Jasper explained that, if they look at the Tax Stability Fund, it would show that the County broke even in 2011. He stated that the County is now back in the black as far as the law is concerned and still has money to operate in a reasonable way. They have turned the County's finances around and modernized the fund structure in order to manage their money more reasonably.

Chair Ure stated that he was pleased with the results he has seen and that this is a tremendous improvement over last year's report. He stated that he is looking forward to seeing the final report on July 11.

REGULAR MEETING

Chair Ure called the regular meeting to order at 3:50 p.m.

PUBLIC HEARING REGARDING THE ISSUANCE AND SALE OF NOT MORE THAN \$3,700,000 AGGREGATE PRINCIPAL AMOUNT OF SPECIAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2012, AND TO ALLOW PUBLIC INPUT REGARDING ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT DESCRIBED HEREIN TO BE FINANCED WITH THE PROCEEDS OF THE BONDS MAY HAVE ON THE PRIVATE SECTOR (RAP RECREATION TAX FUNDING); BRIAN BAKER, ZIONS BANK

Brian Baker from Zions Bank recalled that this is a proposed bond against RAP tax funds that were authorized by the voters of Summit County in 2010. It is anticipated that the funds for the projects to be included in the bond issuance amount will be about \$3.23 million, and he recalled that the parameters resolution was for \$3.7 million. He reported that he has a proposal from J. P. Morgan Chase Bank to fund the bond at 2.17%, which is an aggressive rate. The annual debt service payments on the bonds over seven years will be just less than \$500,000. In the last two years, over \$500,000 per year was available for recreation. There is an indication that sales taxes are increasing this year, which means the County should have at least \$500,000 per year plus in order to cover the debt service on the bond. He noted that non-capital RAP tax requests total about \$432,000, and the County currently has RAP tax receipts sufficient to cover those non-capital requests.

Assistant Manager Anita Lewis noted that when grant money has been awarded in the past, the recipient has been required to sign a contract with the County Manager agreeing to perform that for which the money has been granted. She asked if the Council would like that same process to be used with these funds. Council Member McMullin replied that she believed it should be.

Council Member Robinson stated that it was his understanding that they would use some 80% of the annual cash flow to amortize the bonds, leaving the 20% to accumulate for small projects between now and when the bond is paid off in seven years. Mr. Baker confirmed that is correct. Council Member Robinson asked if they would be giving \$250,000 to North Summit Recreation for land irrespective of whether the bond passes. He asked how this \$150,000 for North Summit Recreation relates to the other \$150,000 they said was contingent on the bond. Mr. Jasper explained that the County is looking to issue a bond in the proposed amount. However, they will not pay out \$250,000 until they know what happens with the election. It will be reprogrammed for something else if the bond does not pass. Ms. Lewis stated that it was her understanding that the North Summit Recreation District would like to purchase the land regardless of whether the bond passes. She recommended that the Recreation District meet with the Council after they know whether the bond passes to discuss their future plans.

Chair Ure clarified that they are here to hold a public hearing for this bond, and the other issues being discussed are incidental to that and can be addressed at a future time.

Chair Ure opened the public hearing.

There was no public comment.

Chair Ure closed the public hearing.

Council Member Robinson made a motion to accept the sale of \$3,182,797 aggregate principal amount of special obligation sales tax revenue bonds, Series 2012, to J. P. Morgan Chase with an interest rate of 2.17% over seven years.

Mr. Baker clarified that the costs of issuing the bond are \$46,000, and the rounded number should be \$3.23 million.

Council Member Robinson amended his motion to accept the sale of \$3,230,000 aggregate principal amount of special obligation sales tax revenue bonds, Series 2012, to J. P. Morgan Chase with an interest rate of 2.17% over seven years. The motion was seconded by Council Member McMullin.

Council Member Hanrahan verified that the list of capital projects to be funded by the bond is only a proposed list at this time.

Mr. Baker explained that on the date that the bonds are issued, there is a chance that the 2.17% could be off by a basis point or two either up or down.

The motion passed unanimously, 4 to 0.

WORK SESSION – (Continued)

- **Council Mail Review**

- **Discussion regarding Deer Meadows SPA Application revisions; Adryan Slaght, Principal Planner**

Principal Planner Adryan Slaght presented the staff report and recalled that this item was discussed in work session on March 14, with the Council Members visiting the site on June 13. The applicants have indicated that they would like to revise their proposal in several ways, particularly as it relates to community benefits, as outlined in the memorandum to the Council Members. He briefly reviewed the revisions for the Council and stated that the applicant is requesting feedback on the proposal prior to moving forward with a public hearing.

Lincoln Schurtz, representing the applicant, recalled that after the last meeting with the Council, there seemed to be concerns about the idea of payment for density and the impact on Tollgate Canyon Road associated with additional density. He explained that they have had additional conversations with the owners association and developed a concept for private acquisition of a development right within Tollgate Canyon. The applicant would purchase a currently available development right within the area and transfer that development right onto the Deer Meadows parcel so there would be no net increase in density. There would be no additional impact on the road other than what is already authorized and available. That would be done through a private agreement with the homeowners association and enforced through the development agreement without having to go through an actual TDR process. When an owner applies for a building permit, they would have to demonstrate that they have purchased the development credit and transferred it to the Deer Meadows parcel. The homeowners association charges a road impact fee of \$5,000, and the developer will pay that fee to be used by the HOA for additional road improvements. There was concern about the HOA having no perpetual revenue source, so the applicant has entered into an agreement with the HOA to provide a real estate transfer fee in perpetuity to be paid to the HOA every time a parcel in Deer Meadows is purchased. Mr. Schurtz reported that the McAllisters, who own a 20-acre lot adjacent to the Deer Meadows parcel to the north, have agreed to eliminate the development right on their parcel and transfer it to Deer Meadows as one credit toward development on the Deer Meadows parcel. Those 20 acres will be turned into open space through a conservation easement or some other type of perpetual guarantee of open space. The applicant would maintain over 90% open space by restricting building envelopes and dedicate the additional 20 acres as open space. He noted that there would be an enhanced ability to fight fire in the area because of the required 5,000-gallon water tank per development. He stated that they have also agreed to join the HOA and pay ongoing maintenance and HOA fees to the Pine Meadow HOA. He noted that they explored a secondary access to the property, but some adjacent property owners were not interested in providing secondary access through their property.

Chair Ure asked what percentage Deer Meadows would be of the total number of lots in Tollgate Canyon. Mr. Schurtz replied that there are more than 600 lots in the Tollgate area. Council Member Robinson asked how many have been built on. Mr. Schurtz replied that about half of them have been developed. He clarified that altogether there are about 1,000 lots in Pine Meadow, Forest Meadow, and the adjacent area.

Council Member Robinson verified with Mr. Schurtz that any developable lots in Pine Meadow or Forest Meadow would pay the \$5,000 impact fee if they are built on anyway, so there is no community benefit there. The applicant is dedicating 20 additional acres as open space, but Council Member Robinson could not determine what other community benefits are provided.

Mr. Schurtz explained that they would also provide the real estate transfer fee. Deer Meadows is currently not included in the HOA, and they have agreed to join the HOA and pay their maintenance fees. Council Member Robinson noted that Deer Meadows is currently only good for one unit, so joining the HOA is not a huge benefit. He stated that he is trying to determine whether the applicant has reached the threshold for providing community benefits for a SPA application, and he believed the benefits are a little thin. He explained that his primary concern in this subdivision is that the roads are too steep, with only one way in and out, and he was concerned about doing much here until the road issues are addressed.

Council Member McMullin asked why this is being processed as a SPA if the applicant is requesting no net increase in density. Mr. Schurtz replied that there is no other County development process that would allow development in this area. Council Member Robinson recalled that the County has done this in the past through a development agreement, but they no longer do that, and the only way it can be done is through a SPA application. Council Member McMullin asked if they have to go through the SPA analysis if this application is not intended to do what a SPA was intended to do. Council Member Robinson stated that he believes they need a good reason for doing something other than what is normally outlined in the Development Code. He noted that some vacant lots in Pine Meadow or Forest Meadow might be unsuitable to build on, and he wanted to be certain that any lot from which density is transferred is a buildable lot. Otherwise, they would be increasing density. There is also a question of trading a small lot for a big lot. Mr. Schurtz explained that, once they have determined whether the Council likes the concept and gets through the SPA application process, they will work out those details through the development agreement process.

Council Member Hanrahan asked if the Pine Meadow HOA has bought into the idea of shifting development from the currently platted lots to the Deer Meadows SPA. Mr. Schurtz replied that this concept was outlined in the original agreement with the HOA which proposed eight lots. Conceptually, they have had this conversation with the HOA. Based on the feedback received from the Council today, they plan to go back to the HOA, provide this feedback to them, and get a concrete agreement with the HOA that they agree or disagree with this concept.

Council Member Robinson believed there should be some net benefit to this proposal, and the best evaluators of the positive benefits are the local people affected by the SPA as represented by the HOA. He maintained that planning to trade a buildable lot for a buildable lot is not a detail to be discussed later, as it needs to be a true one-for-one trade. He asked the applicant to demonstrate to the Council that the Pine Meadow HOA and its members are in strong support of this proposal.

Chair Ure requested that two representatives from the public address the Council regarding any issues they may have about the proposed SPA.

Bob Burdette, Treasurer of the Pine Meadow Ranch Owners Association, stated that he is a homeowner in the Forest Meadow area. He reported that their Board met to discuss the Deer Meadows development, and the main thing they were in favor of was an additional access road for this mountain community. Their biggest concern is that, if there is a fire or accident in the wintertime that blocks the access road, there would be no way out. An additional access road from Deer Meadows toward Wanship would provide an alternative access. If that were possible, they would be in favor of the development, and it came as a surprise today to learn that has been

removed from the proposal. Mr. Schurtz explained that they have pursued providing an access as much as they can with the neighboring property owners, but some neighbors are not interested in providing access on their property. Mr. McAllister explained that there are a couple of other potential access points, but there are no roads there at this time. Mr. Burdette stated that the HOA looks at the transfer of density to Deer Meadows quite favorably, because the density would not increase but would simply be moved. They also look favorably on those lots being associated with the owners association. He noted that the people who would access this land would drive most of the way on roads that are maintained by the HOA through private funds collected by the owners association and contributed by people outside of the owners association. If a second access is not achieved, he believed there would be little support for the proposal.

Chair Ure asked what percent of the homeowners in Tollgate Canyon are permanent residents. Mr. Burdette replied that of the 800 lots in Pine Meadow and Forest Meadow combined, roughly 50% are built on. Out of the roughly 400 homes or cabins, 28%, or about 125, are permanent, year-round residences.

Mr. Jasper asked if Mr. Burdette was aware whether people currently use their cabins as nightly rentals. Mr. Burdette replied that they have done everything they can to try to prohibit nightly rentals, but the HOA is not a law enforcement entity. They do not have the right to put restrictions on properties that do not exist in the deed or in the CC&Rs, and nightly rentals are not prohibited in their CC&Rs.

Council Member Robinson asked to what degree the HOA represents the citizens in the area. He asked if the HOA represents more than just a small percentage of the people. Mr. Burdette replied that they have an 11-member board that includes seven area representatives scattered throughout the geographic areas of the community plus four executive officers. He stated that they rarely agree on any particular issue, because each representative brings information to the Board from the people in their area, and they get tremendous input from the residents. He stated that he believes their board fairly represents the population on the mountain. He explained that they have the means to contact many members through e-mail and have a website where they can post things for people to comment. He was confident when this issue is brought to the Board next month, the position of the Board would fairly represent the majority of the community.

Mr. Schurtz stated that the applicant's impression of the Board was well characterized. He hoped they would have the opportunity to go back to the Board and make the case that there are some additional benefits to the community with this proposal, and they would return to the Council with that feedback.

Chair Ure commented that he is having a hard time determining the balance. If they do not put more density in the area, he questioned whether this proposal would do any damage to the community as a whole. When they say the community does not want it there, he can understand that he would not want anyone moving into this 100 acres if he lived in the area.

Rich Humphries, an attorney representing many of the landowners in the Deer Meadows area, noted that the Council has not heard from the people who do not belong to the HOA who own property surrounding the proposed SPA area. He stated that he owns 100 acres close to the proposed SPA area. He noted that the landowners he represents are concerned that transferring density may resolve the issue of whether or not there will be more traffic, but it does not resolve

their concerns that this will change the complexion of what they purchased their property for, which was to have open area instead of small lots like those in Pine Meadow and Forest Meadow. He explained that Deer Meadows is not part of Pine Meadow but is in the area where the landowners who purchased their property purchased it for the purpose of large lots and large areas that are not buildable in small units like Pine Meadow, which is a very different feeling. It is like changing the rules in the middle of the game. He stated that the transfer of density does not address their concerns but aggravates their concerns.

Mr. Schurtz explained that they planned the SPA so the lot sizes would range from 4 acres to 20 acres with the idea of trying to conform with the surrounding uses. He noted that the parcels Mr. Humphries has referred to are to the north, and the applicant has left the lot sizes substantially larger on that side of the development trying to mirror the adjacent uses.

Mr. McAllister stated that none of the people whom Mr. Humphries represents have a line of sight to the proposed development except for two that are adjacent and share a border. The other people involved are between a half mile and two to three miles away. He noted that they do travel the roads through Deer Meadows and Pine Meadow and stated that they have letters from as many or more in that same area who are in favor of the SPA.

- **Discussion regarding granting committees; Helen Strachan, Civil Attorney; Anita Lewis, Assistant County Manager**

Ms. Lewis recalled that their purpose today is to discuss the priorities and outcomes of the granting committees. Council Member McMullin stated that she believed the reason they were having this discussion was to streamline the process and make it possible for each granting committee to look at the same information. Ms. Lewis explained that is not what they are doing today, but that will occur later. She explained that, based on the Council's discussion today of their priorities for each type of grant, the committee chairs will take that information and talk about the application process and whether there is a better way to do the process. She explained that today she would like to hear from the Council Members what outcomes or priorities they would like to see from each type of tax money.

Council Member McMullin stated that she is much more interested in the process than she is in setting priorities. Ms. Lewis explained that she met with the full-time person in Salt Lake County who administers the RAP tax, who explained that, before she starts the process of taking applications, she meets with the County Council to determine their priorities and the results they want to see from the tax. Once the Council tells her what their priorities are, she takes those to her committee so they have a clear understanding of how to write their application. She explained that everything in Salt Lake County is on the website, including the applicant's rating and ranking.

Council Member Hanrahan stated that he needs some ideas of what type of priorities they might set for each type of tax. Ms. Lewis referred to the criteria used by the Restaurant Tax committee to review their applications and explained that she would like to hear from the Council how they should be prioritized. Council Member Robinson asked if the criteria are in the statute or if the committee came up with the criteria. Ms. Lewis replied that the committee came up with the criteria, but they used the statute to develop the criteria. Council Member Robinson reviewed

the Restaurant Tax Committee's prioritization and stated that he believed the prioritization was good.

The Council Members discussed with committee members how their programs are administered. Mr. Jasper stated that he wants service contracts to buy services rather than just broad grants with no product in mind. He suggested that each committee identify the services they would like to buy with the tax money, and that is how the contract will be written. He explained that it is difficult to go out and audit every organization, but if they have a contract where they agree to provide a certain number of concerts, for example, it is fairly easy to determine whether those services were delivered.

Bob Kollar with the Park City Chamber Bureau reviewed the criteria for the special event or TRT grant. Ms. Lewis reviewed the history of the TRT grant process and how the Chamber Bureau came to administer that fund. Council Member Hanrahan stated that he would be comfortable with the Chamber Bureau setting the priorities for the TRT tax, because they completely administer those funds. He stated that his guidance has more to do with process, such as moving to one application and each committee knowing what the other entities are giving to applicants to avoid double dipping and one group getting the majority of the funds and others getting none. He stated that he would like to see accountability for administrative overhead from the organizations.

Council Member McMullin stated that funding of administrative overhead is more about the application process and less about a funding priority. She stated that her funding priorities include art and tourism.

Tom Fey explained that everything they have talked about so far has to do with tourism, but the statute for the cultural RAP tax specifically states that the money is supposed to be spent on the people of Summit County, not on tourism. It is to be spent on overhead and programming, not capital projects, which makes it very different from the others. He encouraged the County to develop a process that would allow the different committees to know what the others are doing so one organization does not get a dramatically bigger piece of the pie because of the way the timing occurs.

Council Member Hanrahan stated that the entire application from every organization, the criteria each committee uses, scoring sheets, etc., should all be available on the County website.

Mr. Fey noted that the Code provides an opportunity for the County to prioritize the criteria for the cultural RAP tax, and the State Code lists the types of applications that qualify. He explained that they try to spread the funds among different age groups and look at the efficiency of organizations, and there are many ways to prioritize those funds.

Ms. Lewis provided examples of Salt Lake County's priorities, which include community outreach, and what other entities they are working with.

Council Member Hanrahan stated that he wants to pick very good people to sit on the committees to make the hard decisions. Council Member McMullin stated that she believed the Council's level of comfort would be greater if they knew the committees were asking all the questions to get all the information, and she believed a centralized application could do that. Mr.

Fey believed that would also be helpful to the boards of the organizations requesting the money, because there is currently a lack of good, solid information those boards can look at.

Council Member Hanrahan summarized that the Council appreciates the work everyone does on the committees. The Council believes the committees have the time and expertise to commit to this process to make the decisions, and the Council does not; they just want to select the right people to do it. They would like to see greater transparency, one application, and using overhead and other funding sources and community support as screening criteria. He clarified that he is suggesting one master application with all of the pertinent information, with each committee perhaps having a set of questions specific to their funding source. He also recalled that they had discussed changing the timing so the granting cycles coincide in the spring.

Mr. Jasper asked the committees to get together and determine what works best for them, and Staff will support and help them.

- **Short discussion regarding possible agenda for June 25, 2012, joint meeting with Snyderville Basin Planning Commission**

Mr. Jasper stated that he thought they went down a path where they changed the bylaws and laid out the Planning Commission's framework. He stated that bylaws are supposed to be procedural. Council Member McMullin stated that they do not need to amend bylaws, because they already did that, and they do not need to go back to the drawing board on that.

Council Member Hanrahan stated that what he would like to see what is currently before the Planning Commission, their timeline for dealing with it, and a general discussion of how growth is going to occur in the Snyderville Basin.

Council Member McMullin stated that opens up the question of regional planning, and many of the e-mails the Council has received are very specific about that topic. She understood that the Planning Commission has worked on where growth should occur in the Basin for some time, and it does not need to happen again. Council Member Hanrahan stated that he believed that should happen with all of them sitting down together. Council Member McMullin clarified that they do not need to do the surveys again. They have been on the planning path for some time, and she did not want to go back to square one because some Planning Commissioners were not there at that time. She believed they need to collaborate with Park City and discuss regional planning.

Mr. Jasper noted that it was suggested that they need to do an absorption study, but he believed they were far down the line from that and did not personally favor doing an absorption study. He stated that they would like to do TDRs to strip growth from some areas, but they need an area to send it to. He believed they would then do better in court, and long-range planning includes determining where infrastructure and growth will be placed and how to manage things and what growth should look like.

Council Member McMullin stated that she would also like to know where the Planning Commission stands on getting the General Plan updated. Community Development Director Don Sargent offered to e-mail the Council Members a summary of what has been done since 2008. Council Member McMullin stated that she would also like to hear what the Planning Commission thinks might be deficient about that, because she did not believe they need to start

over again. Council Member Hanrahan believed the County Council should be involved in that process so there is some consensus on how it will look.

Council Member McMullin suggested that the agenda for the June 25 meeting be broad stroke topics, not minute details. Topics should include what is happening with the General Plan, what is in front of the Planning Commission, and the plan going forward.

REGULAR MEETING – (Continued)

CONSIDERATION AND POSSIBLE APPROVAL OF 1SHB-120 – DISABLED LAW ENFORCEMENT OFFICER AMENDMENTS; SHERIFF EDMUNDS

Sheriff Edmunds suggested that they postpone this item and schedule it for a work session on a future agenda.

CONSIDERATION AND POSSIBLE APPROVAL OF 2012 RESTAURANT TAX GRANT RECOMMENDATIONS

Council Member McMullin made a motion to approve the 2012 Restaurant Tax Grant recommendations. The motion was seconded by Council Member Hanrahan.

Ms. Lewis noted that there is a recommendation for the North Summit Recreation District, and the Council might want to consider that one after the bond election. Council Member Hanrahan noted that is already addressed in the recommendation.

The motion passed unanimously, 4 to 0.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

- **Pledge of Allegiance**

Council Member Robinson was excused for the remainder of the meeting.

CONTINUED PUBLIC HEARING, POSSIBLE APPROVAL OF PROPOSED AMENDMENTS TO SECTION 10-8-2 OF THE SNYDERVILLE BASIN DEVELOPMENT CODE REGARDING SIGNS BY ADOPTION OF AN ORDINANCE #769; JENNIFER STRADER, COUNTY PLANNER

County Planner Jennifer Strader presented the staff report and recalled that the Council held a public hearing in March 2012. There was some public comment at that time, and the Council directed Staff to prepare more specific language regarding temporary signs. On April 18 Staff returned with that language, and public comment was received. The Council directed the

business owners who spoke at that meeting to meet together, develop some proposed language, and work with Staff on the language. Staff met with Bill Parry and Jeff Packard, which resulted in further amendments to the Sign Code. She explained that the language changes do not affect the temporary sign requirements previously proposed by Staff. She reviewed the changes since April 18 as shown in Exhibit A of the staff report and provided examples of some of the changes.

Council Member Hanrahan requested that Staff provide what is in the current Sign Code, the amendments recommended by the Planning Commission, and the further amendments proposed since then when they see this again so they can compare all of them.

Chair Ure opened the public hearing.

Bill Parry stated that he worked with Staff on the amendments and wanted to make it clear that six or seven property owners and managers were involved in some of the meetings. Although he feels fairly comfortable with the changes that have been made, there was not necessarily a consensus, and some people may still feel that the proposed amendments are inadequate. He stated that he and Jeff Packard feel strongly that the size of the projecting and hanging signs should be 12 square feet.

Jeff Packard, owner of Park City Signs, stated that he was involved with the committee and tried to come up with a consensus. That did not always happen, and he concurred that 12-square-foot projecting signs was one of the only sticking points. He explained that projecting signs are almost always pedestrian oriented rather than vehicular oriented, and there are already a number of 12-square-foot projecting signs in major developments in the Snyderville Basin. He explained that they are usually not allowed to come off the side of the building more than 3 lineal feet, and 6 square feet would be quite small, as the sign could only be 24 inches tall. If they have only 3 lineal feet from the side of the building, allowing a 12-square-foot sign would allow the sign to be up to 48 inches tall, which would allow a major tenant to have a larger sign. He stated that very few projecting signs are only 6 square feet, and he believed the master sign plans in the various developments may have allowed up to 12 square feet.

Gregg Denisen from Molly Blooms stated that he brought five potential self-illuminating window signs for the Council Members to see. He discussed the importance of these signs for small businesses, particularly in the face of large commercial developments. He stated that there is a lot of big-box retail in the Basin, and they have multi-million-dollar ad campaigns and a national presence. As people come, they know what those businesses sell. A small business person may not be able to articulate through their name or a sign on the wall what they sell, and that is why internally illuminated signs are important. He believed it would be difficult to enforce these types of signs and other types of illuminated signs. He believed prohibiting neon signs in the face of the other illuminated signs available might be a mistake, because from a distance, you cannot tell the difference, and enforcement can be challenging. He stated that custom neon signs are accessible to small business, because they can be made in local sign shops. He hoped they could include some proposed language to make them more accessible and allow 4 to 6 square feet per sign with a limit of one sign per window. He believed if a door has a window, that should also be included, and they could make some basic limitations so the sign would not blink, flash, move, or change colors.

Planner Strader explained that the Sign Code states that exposed neon tubing and /or individual light bulbs forming the sign copy shall not be permitted on any sign unless otherwise allowed. Otherwise allowed would be the neon signs that the amendments propose could be up to 4 square feet. It appeared to her that the signs presented by Mr. Denisen might fall under the window sign category, and the current Code says window signs are allowed up to 10% of the area of the window. The proposed amendment states that window signs shall not exceed 25% of the area of a single window, and a single window is defined. Any door with a window is also a window. She believed that language may work for the signs shown, and she noted that window signs are exempt from having to obtain a sign permit.

Mr. Denisen stated that there is no time limit on the permitting process described in the Code, which means an applicant could be stuck in the permitting process for months and never get anywhere. He stated that things dealing with speech are typically limited to 21 days when Staff has the ability to make discrete discriminations. He was not certain that there are discriminations in the Code, but if there are, a time limit serves the public well. He believed 21 days was long enough for Staff to make a decision. Planner Strader stated that there are no time limits on issuance of any permits in the Code. If it takes months to obtain a permit, the applicant should contact the Community Development Director, because those circumstances would be very rare. Community Development Director Don Sargent confirmed that sign permits are usually issued within two to three weeks. Mr. Thomas stated that they could place a 21-day time limit on issuance of sign permits, and if the permit is not issued within 21 days, that would amount to an automatic denial, which would allow the applicant to appeal. Those appeals could be to either the County Manager or the County Council. Mr. Jasper stated that he would prefer placing a time limit of a month as they begin to implement the Sign Code amendments rather than setting up a process where if Staff has a difficult time getting to them they are denied. Council Member McMullin believed that would make more sense.

Delilah Gervais, a business owner at Redstone, addressed temporary signage. She stated that she has been a business owner at Redstone for seven years, and when sales started to drop, they had to think outside the box. She noted that Redstone is a walking shopping center, but they do not have any walking traffic. She stated that it is challenging to get people into their stores. She explained that her business is located under an awning, and her windows are reflective, so anything in the windows cannot be seen. She stated that it is imperative for her to have A-frame signs to promote what happens in her store so when people drive by they will see what she is promoting. She stated that hers is not a big-box store, and she does not have large marketing campaigns, and she needs a way to get the word out within the shopping center. She was told by Boyer that they are not allowed to have a directory of the stores, and there are many constraints on what they are able to do. However, some businesses in the center do have their goods and services out the front door so people driving by can see what the store offers. Her product is perishable, so she does not have the option to do that. She commented that she experimented and found that any time she has her A-frame sign out, it brings people in and creates sales for her. Her study shows that accounted for 20% of her sales over the last two weeks, and 10 days four times a year will do nothing for her. She asked that the Council take that into consideration when looking at temporary signs. She believed it would helpful to have both temporary banner and temporary A-frame signage.

Planner Strader explained that Redstone has a comprehensive sign plan. She clarified that, in centers that are subject to a comprehensive sign plan, the original parties to the sign plan can agree to get rid of the comprehensive sign plan and fall under the proposed Code requirements.

Ms. Gervais stated that she wants to represent all the business owners in all the developments to let the Council know that Redstone is not the only shopping center that is struggling. She believed there should be consistency within the shopping centers, and she did not believe one should be allowed to do one thing and another allowed to do something else. She believed they need to have a comprehensive sign plan that best benefits each development equally. Council Member McMullin explained that is what they are trying to do with this change, and most of the parties with comprehensive sign plans will want to be under the new Code, because their plans are more restrictive than the new Code. She believed the result of this process would be uniform rules applying to everyone.

Council Member Hanrahan stated that he did not believe they would reach a point where they take the most nonrestrictive comprehensive sign plan and allow everyone to do that. A committee of business owners has worked with Staff to come up with an expansion of signage in the Snyderville Basin area. The other side of this is that many of the people who live here do not want a lot of signs, and that is what they have to try to balance. The goal is to help businesses, but the balancing act is how far to take that considering the community's concerns, and there will have to be some give and take.

Ms. Gervais stated that she understands restaurants in the Boyer project can have A-frame signs every day all they want. She asked if the County came up with that or if the developer came up with it. Planner Strader replied that she could not speak to that, because she is not familiar with the Redstone comprehensive sign plan. However, the current Code does not allow A-frame signs at all.

David Allen, representing The Boyer Company, commended the County on trying to make the sign plan more business friendly and make more sense. He requested that the height limit on free-standing signs be increased to 8 feet rather than 6 feet above grade. He stated that he measured the existing monument signs, and most of them are 10 to 12 feet, which was surprising to him. He stated that 8 feet would be a reduction from what is now out there and would be a more reasonable limitation. He stated that his biggest concern has been the location of primary wall signs. He hoped applicants could have the opportunity to choose on all buildings where they want their primary wall sign to be. On an office building, allowing a wall sign over only the main entrance would incentivize developers to create main entryways on every side of the building. In a development with a clear main street, it makes sense for the sign to only be on the front of the building. However, that may not make sense on other projects, and it seems silly to have to design buildings with doors on every side. He requested that they allow applicants to choose where the primary wall sign should be on their building. He also addressed how frontage is measured and noted that the current Code defines frontage as the main entryway to the building. He suggested that frontage be any side of a building that fronts a street, not just where the main entry is located. For example, on the building currently under construction in the Park City Tech Center, he would consider the south side of the building which faces Olympic Park Drive to be frontage, even though the main entrance is on the north side of the building. He asked the County to consider frontage to be any side of a building that has street frontage.

Chair Ure asked Mr. Allen if it is the Council's job to create an equal playing field for all businesses, or if it is their job to write a sign code that a business can take advantage of if they are smart enough. Mr. Allen replied that he believed they should create as predictable and equal a playing field as they can. When they define frontage as being only where the main entry is located, that is not how people will see it. If the visitor's center can only have a sign on the north side of the building, people driving by cannot see it. The purpose of a visitor's center sign is so people can see it from the main road. He clarified that he is suggesting that any side of a building that has frontage on a road should be counted as frontage. It was his understanding that, if a tenant in an office building does not technically have frontage on the main entry side of a building, they would not get signage on the building. Council Member Hanrahan verified with Planner Strader that, if there is an interior tenant, they would get a 10-foot wall sign. Mr. Allen stated that, if there were two tenants in a building, and each one had 10,000 square feet, one tenant would get a 60-foot sign, and the other one would get a 10-foot sign, and he could not see a reason for that distinction. If they were to declare each side of the building to have a main entryway, each tenant would get a 60-foot sign. Rather than incentivizing strange building designs with multiple entrances, he believed they should have a different definition that would allow each tenant to count the frontage they have on a road. Chair Ure asked if a tenant should have the opportunity to put signs on both sides of the building if they were to own the whole building just as two separate tenant would. Mr. Allen replied that he believed they should, and he did not believe it was unfair to allow a big tenant to have two signs. He recommended that they define frontage as it is conventionally defined as the side of a building adjacent to a road, which would address office buildings as opposed to retail buildings that all front the same way.

Council Member Hanrahan asked for clarification of the current language regarding frontage and primary and secondary wall signs. Planner Strader replied that the Code states that frontage is based on where the primary access is located. It is the length of the individual space that is exposed to the exterior of the building where the primary access to the use is located. If the frontage is 60 lineal feet, the proposed language would allow a 30-square-foot sign, and the secondary wall sign could be on any other side of the building and could be 15 square feet, half the size of the primary wall sign.

Tim Anker, a commercial real estate broker, expressed appreciation for the County looking at this issue and supported the direction it seems to be heading. Regardless of whether the signs are for local or national businesses, in the end, the success of businesses is how people feed their families and pay their bills. He appreciated the Council helping to make businesses successful through signage. He stated that he deals primarily with office buildings, and when signage is clustered on one wall, it looks busier, and it is difficult to see more than two signs on an office building from any perspective. He did not believe the ability to have substantial signage on more than one wall would clutter the building or be offensive in any way. It just allows people to see the signs from the highway.

Jennie Towery with Sticks and Stones and Pebbles and Twigs furniture stores thanked the Council and Staff for their hard work. She stated that she was told that signs she placed in the windows at Sticks and Stones could not speak about sales, percentage discounts, or things of that nature, and they could not draw people in that way. However, she has seen signs in other businesses in the community offering percentage discounts and sales. She asked for clarity of what window signs could say within the 25% of each window. Council Member McMullin replied that there are no content restrictions. The Sign Code is supposed to be content neutral,

which is one of the main points of the amendments. Planner Strader explained that the Summit Center has a comprehensive sign plan that may be different from the proposed Sign Code amendments. Ms. Towery explained that the ability to draw people in is a huge problem for her business, and they would love to have an opportunity to draw people in.

Mr. Packard stated that the regulations in Park City stipulate that a certain amount of square footage is allowed on any façade. Depending on the lineal frontage, up to 36 square feet of signage is allowed on any façade. For the most part, Staff in Park City will review an application and make the determination as to whether it is appropriate for 36 square feet of signage. Park City also has a contingency allowing up to 5% of the total square footage of the main façade on large buildings, primarily due to the size of the Main Street Mall and not wanting to restrict all of the mall tenants to a total of 36 square feet. In a case like the visitor's center building, it would seem to make sense for the Code to allow signage on all four facades. He suggested that the County come up with a compromise on any building with a huge amount of square footage to allow a specific number of square feet on each façade. That would solve the problem for office buildings, so what is in the building could be viewed from all sides of the building.

Mr. Jasper explained that The Boyer Company has a comprehensive sign plan, and another process and regulations are in place for that project.

Allan Bell thanked Staff for the positive direction they have taken with the Sign Code. He believed sometimes they forget that another important purpose for signage is information. He stated that nothing is more aggravating than driving through a new development looking for a certain place, and he cannot find it. The only thing he has to go by is signage. He believed it would be a mistake if they do not view signage as information and put it on visible roads where people can see it. He stated that businesses have multiple profit centers, and one is not more important than another. When they allow a certain amount of square footage for a primary sign and downsize it for another, it diminishes the value of the other profit center, and he believed that challenge could be overcome. He requested a copy of the proposed amendments.

Conway stated that he owns a couple of buildings, and the last time he attended one of these meetings was late last year when Staff was talking about sign size. He stated that a problem he has with one of his buildings is that it is not the same height all the way around, and he was restricted to 18 feet on his wall sign. He stated that it is almost impossible to get one sign to squeeze 6 inches so it would be 18 inches by 4 or 5 feet, which is ridiculous. It seemed that Staff agreed with him regarding the height restrictions. He explained that some buildings will need a little more height on their signs, or it will be in the middle of an eyebrow in the building design. He understood that they were going to make an adjustment to the height and did not know if that had happened. Planner Strader explained that the height limitation on wall signs was removed based on Conway's comments.

Chair Ure closed the public hearing.

Council Member Hanrahan stated that he does not support the flagpole language which allows three flagpoles up to 28 feet. He commented that in a short stretch there could be four businesses with three flagpoles each, and he would like to see that restricted. He stated that it would be helpful to him to see more photographs of existing signs of varying sizes so he can relate to what sign sizes mean. He does not get the sense that there is too much signage when he walks up and

down Main Street in Park City, and he would like to know what their sign code says. He believed it would be fine if a business wants to take its total signage, including an interior vendor, combine it, and divide it up differently rather than limiting the interior vendor to 10 feet. He stated that he is in favor of allowing any façade to be used for signage, but the question is whether the building should get additional signage space for each façade. He would not want to allow the same amount for each sign, but perhaps it could be more than they allow for one façade sign. Chair Ure stated that, if there are two tenants, he believed they should have equal amounts of signage. Council Member Hanrahan stated that no matter how they do it, someone will say it is not fair when there is more than one tenant in a building. He suggested that Staff provide some options, such as the total square footage someone would get under the existing language and divide it up on all the facades, and other options from there up to the maximum, which would be that everyone would get the exact same amount of signage at the top end. He stated it would help him if he could see visuals of what that would look like to determine what is too much and what is reasonable. He believed the business community had done a great job of supporting their interests through this process, but if they go much further, they will have a huge outcry from the citizens, and the Council has to do a balancing act.

Council Member McMullin stated that she needs more visuals showing the difference between a projected 6-foot hanging sign and a 12-foot projecting sign.

Mr. Sargent noted that they have made a big leap from what the Planning Commission recommended to what is now proposed with input from the business community. They have essentially doubled the sign opportunities in the Code today. He believed the Council might find that a segment of the community is nervous about the amount of signage now being proposed. He stated that what is now proposed is comparable to the signage allowed in the 1985 Development Code.

Council Member Hanrahan stated that he is not buying off on everything yet. He needs to see the visuals, additional information from Park City, and to think it through again. He acknowledged that the Planning Commission said no to a number of these proposals, and they also had several public hearings. He believed they also need to look at what the comments were at those public hearings.

APPROVAL OF COUNCIL MINUTES

MAY 23, 2012

Council Member Hanrahan made a motion to approve the minutes of the May 23, 2012, County Council meeting as written. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0.

MANAGER COMMENTS

Mr. Jasper explained that he is arranging a meeting with the fire districts, Bryce Boyer, the Sheriff's Department, and the Park City emergency manager regarding the extreme fire risk. He recalled that there is a ban on fireworks and campfires, and he will continue to encourage people who live in the forest to think about defensible space.

Mr. Jasper explained that with the major changes in how they collect trash, they are having a few issues and are responding to people as best they can. He described some of the issues they are working through. Chair Ure noted that many people are having a hard time remembering which week they are supposed to put out their recycling cans. Mr. Jasper explained that schedules have been sent out to everyone.

Mr. Jasper noted that he would not be here next week because he will be attending the UAC meeting.

COUNCIL COMMENTS

Chair Ure stated that one of his chief goals is to make it possible for all political subdivisions that deal with Summit County to be able to link into the County website and post their public notices on it. He believed that could eliminate a lot of problems in the County and provide notice to people about what is taking place in the County.

The County Council meeting adjourned at 7:40 p.m.

Council Chair, David Ure

County Clerk, Kent Jones

**RESOLUTION PURSUANT TO UCA §17-52-404 SUBMITTING PROPOSITIONS
TO AMEND SUMMIT COUNTY'S OPTIONAL FORM OF GOVERNMENT
SUMMIT COUNTY, UTAH**

WHEREAS, commencing on January 1, 2009, Summit County implemented its Council-Manager form of county government pursuant to UCA §17-52-505; and,

WHEREAS, this Council-Manager form of government was codified in Summit County Code, Title 1, Chapter 14; and,

WHEREAS, the codification provides for a traditional delegation of powers between the executive and legislative branches of county government; and,

WHEREAS, among the powers delegated to the Manager are the power (1) to “[e]xercise control over county assets, funds, and property, except as that authority is delegated by state statute to an elected officer (Summit County Code §1-14-10(F)(6)),” and (2) to “[c]ontrol and direct the prosecution, defense, and settlement of all lawsuits and other actions to which Summit County is a party (Summit County Code §1-14-10(F)(17));” and,

WHEREAS, the County Council desires to make amendments in these two delegated powers of the Manager; and,

WHEREAS, more specifically, the County Council desires to require the Manager (1) to obtain approval from the County Council to dispose of real property with a fair market value in excess of \$500,000, (2) to require the Manager to obtain approval from the County Council for the settlement of land use claims, as well as monetary settlements in excess of \$500,000 and (3)

to keep the County Council informed as to the status of all lawsuits; and,

WHEREAS, pursuant to UCA §17-52-404, the Summit County Council has elected by a two-thirds vote to place these amendments on the next general election ballot for approval by a majority of registered voters voting in said election;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that the following Propositions shall be placed on the ballot for consideration by the electorate at a General Election to be held on November 6, 2012:

SUMMIT COUNTY PROPOSITION #1

SHALL THE SUMMIT COUNTY OPTIONAL FORM OF GOVERNMENT BE AMENDED TO REQUIRE THE COUNTY MANAGER TO SEEK APPROVAL FROM THE COUNTY COUNCIL FOR THE DISPOSAL OF REAL PROPERTY IN EXCESS OF \$500,000.00 OF FAIR MARKET VALUE?

SUMMIT COUNTY PROPOSITION #2

SHALL THE SUMMIT COUNTY OPTIONAL FORM OF GOVERNMENT BE AMENDED TO REQUIRE THE COUNTY MANAGER TO SEEK APPROVAL FROM THE COUNTY COUNCIL FOR THE SETTLEMENT OF ALL LAND USE CLAIMS, AS WELL AS MONETARY SETTLEMENTS IN EXCESS OF \$500,000.00 AND TO KEEP THE COUNTY COUNCIL REGULARLY INFORMED OF THE STATUS OF ALL LAWSUITS AGAINST THE COUNTY?

APPROVED AND ADOPTED this _____ day of _____, 2012.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
David Ure, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy



Text highlighted has been added/changed following April 4, 2012 work session

To: Summit County Council (SCC)
Report Date: Thursday, July 12, 2012
Meeting Date: Wednesday, July 18, 2012
From: Adryan Slaght, Principal Planner
RE: Proposed amendments to Eastern Summit County Development Code – Creation of “Cabin Area” Zone
Type of Item: Public Hearing
Additional Meetings: Changes to the Development Code require public hearings before the ESCPC and the Summit County Council

EXECUTIVE SUMMARY: On December 7, 2011, the Eastern Summit County Planning Commission (ESCPC) forwarded a positive recommendation to the Summit County Council (SCC) on the proposed creation of a new “Cabin Area” zone within the Eastern Summit County Development Code. This new zone language was accompanied by proposed amendments to the Development Code Use Chart. The intent of the proposed changes is to recognize and more accurately reflect conditions on the ground within Eastern Summit County. A work session was held with the Summit County Council on April 4, 2012. Staff is requesting that the SCC conduct a public hearing, and approve the proposed amendments.

A. Project Description

Project Name: Eastern Summit County Development Code Amendment – creation of “Cabin Area” zone

- Applicant(s):** Summit County
- Location:** To be determined via future re-zonings
- Zone District & Setbacks:** Cabin Area (CA), 30(55)/12/12

B. Community Review

This item has been noticed as a public hearing. As of the date of this report, Staff has received one phone call asking about the purpose for the proposed zone. As indicated during the April 4, 2012 work session, staff had previously received limited public comment generally favorable to the proposal.

On November 16, 2011, 12 potentially affected Home Owner’s Associations (HOAs) were invited to provide comment via mailed postcard. No members of the public spoke during that ESCPC meeting, and staff has not been contacted by members of any of those HOAs since.

C. Background

The intent of the Cabin Zone is to recognize subdivisions in Eastern Summit County that were platted prior to County zoning, and tend to have small lot sizes and higher density. The subdivisions that would be eligible for consideration of “Cabin Area Zone” designation are located in the AP-40, AG-100, and AG-160 zones (*Exhibit B, C*). In determining probable eligibility, the Eastern Summit County Planning Commission originally started with a review of a number of higher density known recreational cabin areas existing within and outside of approved and platted subdivisions. This resulted in the identification of roughly 4,710 parcels, encompassing almost 15,000 acres being identified as potential candidates (*Exhibit B*).

Following discussion of these areas, the ESCPC recommended limiting eligibility for the proposed zone to existing subdivisions with smaller lots (typically five acres and less). This resulted in roughly 4,344 parcels encompassing approximately 6,730 acres being identified as candidates for the Cabin Area Zone designation. Uses would be limited to residential/recreational activities. Some of the activities allowed or permitted in the AP and AG zones today, such as commercial agriculture, oil wells, gas wells, refineries, quarries, etc. would be prohibited. These lots would not be eligible for re-subdivision under the proposed language. Almost none of the lots being considered would be eligible for re-subdivision under the current zoning, unless multiple lots of record for one parcel existed. The intent of the ESCPC was to first create the zone and accompanying use chart, and then begin a process of incrementally proposing rezones of the cabin areas.

The ESCPC discussed the creation of the Cabin Area Zone during work session or public hearing eight times during 2011 (*Exhibits E-L*). On December 7, 2011, the ESCPC forwarded a positive recommendation to the SCC on the proposed zone. On February 15, 2012 staff brought the language back to the Commission for review prior to presenting to the Council. During that meeting the Commission asked staff to ask that Houses of Worship and Wind Generation Facilities >45 ft require a CUP rather than be Allowed (*Exhibit M*).

On April 4, 2012 the Summit County Council conducted a work session to discuss the proposed Development Code amendments. During that meeting, the SCC had recommended making “historic structures” an allowed use, making “houses of worship” a conditional use, and making “wind power generation facilities greater than 45 feet in height” a conditional use. Both “Historic Structures” and “Wind power generation facilities greater than 45 feet in height” are proposed as new uses in the use chart. The “Wind power generation facilities greater than 45 feet in height” use is a refinement of the existing “wind power facilities,” use, which would be replaced. The “historic structures” use is entirely new.

If approved as proposed, the following uses would be allowed or permitted (Conditional Use Permit - CUP or Low Impact Permit – LIP) in the Cabin Area Zone:

Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet	Allowed
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet	CUP
Accessory Dwelling unit	LIP
Dwelling Unit, one family	Allowed
Historic Structures, preservation of, including related accessory and supporting uses	Allowed
Home Occupation	Allowed
Houses of Worship including churches and other religious institutions	CUP
Mobile Home with foundation (refer to Prefabricated Home definition)	Allowed
Mobile Home without foundation	CUP
Open Recreation uses	CUP
Recycling Facility, Class I	Allowed
Telecommunication Facilities - Co-Location	Allowed
Telecommunication Facilities – Stealth	Allowed
Underground transmission lines exceeding 12 inches diameter, (i.e., gas, oil, water, etc.)	CUP
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	Allowed

Utility structures and related facilities	CUP
Utility Towers and associated transmission and distribution lines 45 feet in height or less	LIP
Utility Towers and associated transmission and distribution lines greater than 45 feet in height	CUP
<u>Veterinarian Clinic</u>	CUP
Warehousing and commercial storage	CUP
<u>Water and Wastewater Treatment Plant</u>	CUP
<u>Wind power generation facilities 45 feet in height and less</u>	Allowed
<u>Wind power generation facilities greater than 45 feet in height</u>	CUP

On April 4, 2012, after conducting a public hearing, the Eastern Summit County Planning Commission recommended more wholesale revisions to the Use Chart, as well as the creation of a Light Industrial Zone. These revisions include the addition of a number of uses to the Use Chart. A work session and public hearing will be scheduled with the SCC within the next several weeks in order to discuss these issues. The uses underlined and in red in the above table were proposed additions to the Use Chart, and will be a part of those proposed discussions. Staff would like the SCC to consider approving only those uses in the existing use chart, leaving the proposed uses for that larger discussion.

This item was originally scheduled for public hearing in late April, but was postponed at the request of the Council in order to allow the consideration of the proposed Light Industrial Zone at the same time.

D. Identification and Analysis of Issues

In general, discussion at the planning commission level focused on what uses in the Use Chart (Section 11-3-13) would be appropriate within this zone, if created.

E. Consistency with the General Plan

The proposed creation of this zone to recognize on-the-ground conditions does not appear to be contrary to any of the goals and objectives of the General Plan.

F. Findings/ Code Criteria and Discussion

Section 11-5-1 of the Eastern Summit County Development Code establishes the authority and process for amendments to the development code or zoning map. These are listed below.

11-5-1: AUTHORITY:

The County Council may from time to time amend, supplement or repeal the provisions and regulations of this title and the Zone District Map of Eastern Summit County. No change to the text of this title which affects a portion or all of the real property regulated by this title and no rezoning of a specific parcel of real property by a change in zoning classification resulting in a change to the Zone District Map shall be valid unless approved by the County Council pursuant to the provisions set forth herein, except that an application for amending an approved specially planned area plan shall be processed pursuant to the provisions of Chapter 4 of this Title. (Ord. 278, 5-6-1996)

11-5-2: INITIATION OF AMENDMENTS:

Any amendment to the text of this Title or the Zone District Map may be initiated in the following ways:

- A. By a motion of the County Council;
- B. Upon the request of the Planning Commission;
- C. By the CDD or designated planning staff member or County Manager; or

- D. Upon the request of the individual having deed title of real property within the area to be rezoned. (Ord. 470,11-19-2003)

11-5-3: AMENDMENT PROCEDURES:

- A. Amendment to Text of Code: Whenever there is initiated an amendment to the text of this title, such amendment shall be accomplished in the following manner:
 - 1. A copy of the proposed amendment shall be delivered to the Planning Commission for its review and recommendation. Prior to making a recommendation, the Planning Commission shall hold a public hearing regarding the proposed amendment.
 - 2. The Planning Commission's recommendation shall be delivered to the County Council. The County Council shall hold a public hearing on the proposed amendment. Following the public hearing, the County Council shall either approve or deny the amendment. (Ord. 278, 5-6-1996)
- C. Amendments by Ordinance: All amendments to the text of this title and to the Zone District Map shall be authorized by ordinance, in the manner prescribed by state law. (Ord. 278, 56-1996)

G. Recommendation(s)/Alternatives

Staff recommends that the SCC conduct a public hearing, and:

- 1) Approve the proposed Cabin Area Zone and use chart amendments, including only the uses within the existing Use Chart; or
- 2) Approve the proposed Cabin Area Zone and use chart amendments, including the addition of the proposed uses that would affect the Cabin Area Zone, as identified in *Exhibit A*; or
- 3) Continue the item.

Attachment(s)

- Exhibit A* – Cabin Area Zone – Proposed Amendment to Section 11-3 (Zoning Districts & Requirements) & Use Chart (based on 4/4/12 SCC Work Session & 4/4/12 ESCPC public hearing)
- Exhibit B* – Spreadsheet of potential cabin areas (original & revised)
- Exhibit C* – Map of original identified potential cabin areas
- Exhibit D* - Email from Hutch Foster, dated 9/5/11 & 11/14/11
- Exhibit E* - Minutes of the Eastern Summit County Planning Commission Meeting dated 7/6/11
- Exhibit F* - Minutes of the Eastern Summit County Planning Commission Meeting dated 8/3/11
- Exhibit G* - Minutes of the Eastern Summit County Planning Commission Meeting dated 9/7/11
- Exhibit H* - Minutes of the Eastern Summit County Planning Commission Meeting dated 10/5/11
- Exhibit I* - Minutes of the Eastern Summit County Planning Commission Meeting dated 10/19/11
- Exhibit J* - Minutes of the Eastern Summit County Planning Commission Meeting dated 11/2/11
- Exhibit K* - Minutes of the Eastern Summit County Planning Commission Meeting dated 11/16/11
- Exhibit L* - Minutes of the Eastern Summit County Planning Commission Meeting dated 12/7/11
- Exhibit M* - Draft Minutes of the Eastern Summit County Planning Commission Meeting dated 2/15/12
- Exhibit N* - Ordinance #774 Amending Section 11-3 (Zoning Districts & Requirements) of the Eastern Summit County Development Code
- Exhibit O* - Minutes of the Summit County Council Meeting dated 4/04/12

CHAPTER 3 ZONING DISTRICTS AND REQUIREMENTS

SECTION:

- 11-3-1: Establishment of Zone Districts
- 11-3-2: Agriculture Protection (AP)
- 11-3-3: Agriculture-Grazing 100 (AG-100)
- 11-3-4: Agriculture-Grazing 160 (AG-160)
- 11-3-5: Highway Corridor (HC)
- 11-3-6 Cabin Area (CA)
- ~~11-3-67~~: Commercial (C)
- 11-3-8: Light Industrial (LI)
- ~~11-3-79~~: Industrial (I)
- ~~11-3-810~~: Railroad Industrial (RI)
- 11-3-~~910~~: Specially Planned Area (SPA)
- 11-3-~~1011~~: Annexation Declaration Area Overlay (ADA)
- 11-3-~~1112~~: Zone District Map
- 11-3-~~1213~~: Allowed, Conditional, Low Impact, and Temporary Uses
- 11-3-~~1314~~: Chart of Allowed and Conditional Permitted Uses

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

In order to carry out the purposes and provisions of this chapter, the following zone districts are permitted within the unincorporated area of the Eastern Summit County Planning District:

- Agriculture Protection (AP)
- Agriculture-grazing 100 (AG-100)
- Agriculture-grazing 160 (AG-160)
- Highway Corridor (HC)
- Cabin Area (CA)
- Commercial (C)
- Light Industrial (LI)
- Industrial (I)
- Railroad Industrial (RI)
- Specially Planned Area (SPA)
- Annexation Declaration Area Overlay (ADA) (Ord. 481, 3-1-2004)

11-3-2: AGRICULTURE PROTECTION (AP):

- A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leap frog non-agricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of Eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.
- B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in Section 11-4-4 or Section 11-4-5 of this Title. (Ord. 481, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.
 - (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
 - b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that

decreased setbacks are justified due to the configuration of a lot, to

11-3-3

maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

D. Height: Maximum building height shall be thirty-two feet (32').

11-3-3: AGRICULTURE-GRAZING 100 (AG-100):

- A. District Intent: The AG-100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of Eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.
- B. Area: Minimum land area for each dwelling unit for density purposes is one hundred (100) acres. (Ord. 48, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

- (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
 - b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)
- D. Height: Maximum building height shall be thirty-two feet (32').
- E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner

11-3-4: AGRICULTURE-GRAZING 160 (AG-160):

- A. District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of Eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of Eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.
- B. Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres. (Ord. 481, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public roadway right of way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.
 - (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
 - b. Non-Conforming Parcels Larger than Five (5) Acres: On non-

conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks.

The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

- D. Height: Maximum building height shall be thirty-two feet (32').
- E. Special Regulation: No subdivision plat shall be approved by the county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" containing the language stated below. The Memorandum of Understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-5: HIGHWAY CORRIDOR (HC):

- A. District Intent:
1. The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:
 - a. Ease of providing services.
 - b. Possibility of connection to a water system.
 - c. Existing land use patterns.
 - d. Annexation boundaries of cities.
 - e. Wetlands and water flow patterns.
 2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county roadways designated as Highway Corridor on the Zone District Map.
- B. Area: Minimum land area for each dwelling unit for density purposes is one acre.
- C. Lot Width: Minimum lot width shall be one hundred (100) lineal feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.
- D. Setbacks: Minimum setback shall be at least fifty feet (50') from any county designated roadway right of way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty-five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- E. Height: Maximum building height shall be thirty-two feet (32').
- F. Special Provision: For the purpose of locating development, density can be transferred between commonly owned property in the HC and abutting zone district to protect agriculture lands and open space based upon the findings of a site specific agricultural plan. (Ord. 481, 3-1-2004)

11-3-6: CABIN AREA (CA)

A. District Intent: The Cabin Area (CA) zone district is established for the purpose of recognizing those subdivisions that were established typically in remote areas, and largely prior to the existence of planning and zoning in Eastern Summit County. The CA zone is to apply only to the subdivisions identified at the time of the creation of this zone. Subdivisions created after the adoption of this zone are not eligible to be rezoned to the Cabin Area. Uses permitted in the zone are those typically associated with seasonal or year-round residential and recreation.

B. Area: Minimum land area for each dwelling unit for density purposes is the recorded lot size of the existing subdivision plats. No further subdivision of these lots is permitted for density purposes. Lot line adjustments that do not result in an increase of density may be permitted, pursuant to the requirements of this Title.

C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be as provided below:

1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Lot Setbacks

a. Default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

D. Height: Maximum building height shall be thirty-two feet (32').

11-3-67: COMMERCIAL (C):

A. District Intent: This zone district is established for the purposes of providing the general public with access to a limited range of neighborhood commercial and service related uses necessary to support the needs of residents in the surrounding area. This zone district allows existing commercial uses to be expanded and new commercial uses to be established within the commercial zone of the town center area of an unincorporated community. All commercial uses exceeding 2,000 square feet are reviewed through the Conditional Use review process.

- B. Existing Legal Non-conforming Commercial Uses: Existing legal non-conforming commercial uses not located within a commercial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Commercial Use Criteria listed in Subsection C hereunder.
- C. Commercial Zone and Use Criteria: New commercial uses shall not be established nor shall existing commercial uses be expanded within the commercial zone unless the use complies with all of the following criteria.
1. The commercial use provides goods and/or services and employment opportunities to the residents of Eastern Summit County.
 2. There is sufficient off-street parking at a minimum ratio of 3 spaces per 1000 square feet of floor area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
 3. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the commercial use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
 4. The property does not contain sensitive lands that are negatively impacted by the commercial use.
 5. The commercial use is compatible and consistent with or supports other nearby uses and/or property conditions and has frontage along a public roadway.
 6. The commercial use will not substantially alter the essential character of the surrounding area.
 7. The commercial use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
 8. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, low impact permit, rezoning or expansion of a commercial use to fully address potential impacts to neighboring uses or the community at large.
- D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.

- E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum front yard setbacks shall be twenty (20) feet from any roadway right-of-way. Minimum side yard setbacks shall be twelve (12) feet from the side property line. Minimum rear yard setback shall be twenty four (24) feet from the rear property line to provide adequate alleyways for deliveries. Variances to the required setbacks to facilitate the use of existing buildings may be considered.
 - 1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of commercial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the commercial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

[11-3-8](#)

11-3-8: LIGHT INDUSTRIAL (LI):

- A. District Intent: This zone district is established for the purposes of providing the general public with access to a range of light industrial and service related uses that are consistent with and supportive of the goals of the Eastern Summit County General Plan, necessary to support the economic growth of Summit County. This zone district is also established to serve as the gap between the Industrial and Commercial zones. This zone district allows existing commercial and light industrial uses to be expanded and new commercial uses to be established within the Light Industrial Zone of the unincorporated community. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the economic growth of Eastern Summit County when appropriate services can be made available and the use is compatible with its surroundings.
- B. Existing Legal Non-Conforming Light Industrial Uses: Existing legal non-conforming light industrial uses not located within a Light Industrial zone district

may continue and may be enlarged and/or expanded in accordance with Section 11-6-2 of the Code and the Use Criteria listed in Subsection "C" below.

- C. Light Industrial Zone and Use Criteria: New light industrial uses shall not be established nor shall existing light industrial uses be expanded within the Light Industrial zone unless the use complies with all of the following criteria:
1. There is adequate off-street parking, circulation areas, and safe convenient access to the property.
 2. Public services (sewer, water, electric, phone, etc.) are readily available to the property and/or can be provided at adequate levels to serve the demands of the use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
 3. The property does not contain sensitive lands that are negatively impacted by the use.
 4. The light industrial use will not substantially alter the essential character of the surrounding area.
 5. The use will not substantially increase the danger of fire or otherwise substantially endanger public safety.
 6. A Site Plan, Building Architectural Drawings, and plan of operations will be required as part of any conditional use, low impact permit, rezoning or expansion of a light industrial use to fully address potential impacts to neighboring uses or the community at large.
- D. Lot Width: There shall be no requirement for lot width, provided all material handling, off-street parking and circulation requirements can be satisfied.
- E. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the subject use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- F. Setback Requirements: Minimum setbacks for light industrial uses shall be determined through the Low Impact or Conditional Use approval process. The minimum setback shall be at least fifty feet (50') from any county designated roadway right-of-way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').

For structures taller than thirty-two (32) feet and/or parcels larger than five (5) acres, the setbacks shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway, and the minimum side and rear setbacks shall be fifty feet (50').

Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

G. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the planning permit review processes.

11-3-9

11-3-789: INDUSTRIAL (I):

- A. District Intent: This zone district is established for the purposes of providing locations for those industrial land uses that are consistent with and supportive of the goals of The Eastern Summit County General Plan. This zone district is intended to encourage industrial development near incorporated municipalities, where adequate services are generally available. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the needs of Eastern Summit County residents when appropriate services can be made available and the use is compatible with its surroundings. Industrial uses are reviewed through the Conditional Use review process.
- B. Existing Legal Non-Conforming Industrial Uses: Existing legal non-conforming industrial uses not located within an Industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Industrial Use Criteria listed in Subsection "C" below.
- C. Industrial Zone and Use Criteria: New industrial uses shall not be established nor shall existing industrial uses be expanded within the industrial zone unless the use complies with all of the following criteria.
1. There is adequate off-street parking and circulation areas and direct access to a major roadway from the property where heavy equipment or truck traffic will not travel through established residential neighborhoods.
 2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the industrial use without negatively impacting the level of service to adjoining uses or existing industrial uses.
 3. The industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.
 4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the industrial use.

5. A Final Site Plan, Design Guidelines and Operational Management plan will be required as part of any conditional use, rezoning or expansion of an industrial use to fully address potential impacts to neighboring uses or the community at large.
- D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Industrial zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.
- E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum setbacks for industrial uses shall be determined through the Conditional Use Review Process.
 1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

~~11-3-89: RAILROAD INDUSTRIAL (RI):~~

- ~~A. District Intent: This zone district is established for the purpose of providing locations for those industrial land uses associated with the railroad that are consistent with and supportive of the goals of the Eastern Summit County General Plan. This zone district is intended to provide industrial shipping and distribution opportunities along the railroad, where adequate services are generally available and the use is compatible with its surroundings. Typical manufacturing and processing industrial uses are not intended for the railroad industrial zone. The transfer and loading of hazardous materials is also prohibited. Railroad industrial uses are reviewed through the Conditional Use review process.~~

~~B. Existing Legal Non-Conforming Railroad Industrial Uses: Existing legal non-conforming railroad industrial uses not located within a Railroad Industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 11-6-2 of the Code and the Railroad Industrial Use Criteria listed in Subsection C below.~~

~~C. Railroad Industrial Zone and Use Criteria: New railroad industrial uses shall not be established nor shall existing railroad industrial uses be expanded within the Railroad Industrial zone unless the use complies with all of the following criteria:~~

~~1. There is adequate off-street parking and circulation areas and direct access to the property and rail line from a major roadway where heavy equipment or truck traffic will not travel through established residential neighborhoods.~~

~~2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the railroad industrial use without negatively impacting the level of service to adjoining uses.~~

~~3. The railroad industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.~~

~~11-3-89~~

~~4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the railroad industrial use.~~

~~5. The use shall be limited to only shipping and distribution associated with the railroad including agricultural, timber products, minerals and other similar materials.~~

~~6. All dust and noise impacts of the use shall be reviewed and evaluated with the Conditional Use application and shall be in compliance with county, state and federal regulations.~~

~~7. Any associated staging or storage area for the use shall be identified on the property and shall be buffered or screened from all public roadways or uses to the extent practical and reasonable.~~

~~8. Railroad crossings shall be kept to a minimum and be located only where there is adequate sight distance of approaching trains. Improvements for railroad crossing safety shall be reviewed and evaluated with the Conditional Use application.~~

~~9. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, rezoning or expansion~~

~~of a railroad industrial use to fully address potential impacts to neighboring uses or the community at large.~~

~~D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Railroad Industrial zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the parcel.~~

~~E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.~~

~~F. Setback Requirements: Minimum setbacks for railroad industrial uses shall be determined through the Conditional Use Review Process.~~

~~1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~G. Parking: Parking shall generally be located at the side or rear of railroad industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.~~

~~11-3-9~~
~~11-3-10~~

~~H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the railroad industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.~~

~~11-3-10~~

11-3-~~9~~10: SPECIALLY PLANNED AREA (SPA):

A. District Purpose: The purpose of the SPA zone district is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design. The county shall only use the SPA Zone when it is clearly demonstrated that in doing so, substantial benefits will be derived by the residents of Eastern Summit County. The SPA zone may be designated by the county only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed SPA is in the best interest of the general health, safety, and welfare of Eastern Summit County residents. The SPA is intended to:

1. Permit innovative considerations in the development of land to ensure that development is undertaken in a manner that significantly further the goals and objectives of the Eastern Summit County General Plan;
 2. Allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities;
 3. Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public;
 4. Better relate residential, commercial, and industrial development with community facilities and infrastructure location, size, and design;
- B. Requirements for Approving an SPA: Before an SPA zone is designated in any area, the Planning Commission and County Council shall determine the following:
1. That there are substantial tangible benefits to be derived by the general public of Eastern Summit County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone district;
 2. That there are unique circumstances, above the normal limitations and allowances of the underlying zone, that justify the use of an SPA;
 3. That the development proposed in an application for SPA consideration is compatible with the rural, agricultural, and small town character of Eastern Summit County;
 4. That the development proposed in the application will not adversely affect the social, cultural, and rural values and institutions of Eastern Summit County;
 5. That the development proposed furthers the goals and objectives of the General Plan;
 6. That the development proposed complies with criteria described in this Title for approving a development project, including;
 - a. The development evaluation standards contained in Chapter 2 of this Title;
 - b. The criteria for approving an SPA that are described in Section 11-4-5 of this Title;
 - c. The provisional requirements of development agreements in Section 11-6-10 of this Title; and

7. That approving an SPA zone district will not adversely affect the public health, safety, and general welfare.

C. Application and Review Procedure: The procedure for applying for an SPA is described in Subsection 11-5-3B of this Title. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for SPA consideration and approval. (Ord. 481, 3-1-2004)

[11-3-11](#)

11-3-~~10~~11: ANNEXATION DECLARATION AREA OVERLAY (ADA):

A. District Purpose: The purpose of the ADA overlay is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design, and to permit a choice in living environments available in Eastern Summit County. The ADA overlay is intended to:

1. Ensure that development occurring in the annexation declaration area of each incorporated municipality is compatible with applicable and appropriate standards and policies of the municipality and the county;
2. Better relate residential, commercial, and industrial development with municipal facilities and infrastructure location, size, and design; and
3. Ensure that appropriate and reliable services and infrastructure are available to serve the development.

B. Applicability: The location of the ADA overlay shall be identical to the annexation declaration area of each municipality within Eastern Summit County that has so designated such an area. The boundaries of the ADA shall automatically adjust to conform to all declared changes in annexation declaration areas by each municipality. In instances where parcels held under one ownership are divided by an annexation declaration area boundary, the entire parcel shall be considered to be located within the ADA overlay.

C. Review Procedure: Before any development can occur on property containing an ADA overlay, it shall be reviewed in accordance with the appropriate development review procedure described in Chapter 4 of this Title. The underlying zone shall be used as a guide for determining use and density for the property. The county may impose certain other site layout requirements and infrastructure design requirements beyond those suggested in this title to ensure compliance with the standards and policies of the municipality and county for development in annexation declaration areas. (Ord. 481, 3-1-2004)

[11-3-12](#)

11-3-~~11~~12: ZONE DISTRICT MAP:

A. Incorporation of Map: The location and boundaries of established zone districts

are set forth on the Zone District Map of the Eastern Summit County Planning District. The map, with all notations, references and other information shown thereon, is incorporated herein and is considered part of this Title.

- B. Amendments: If, in accordance with the provisions of Chapter 5 of this Title, changes are made in district boundaries or other matters portrayed on the Zone District Map, such changes shall be entered on the map promptly after amendment by the CDD or designated planning staff member.
- C. Official Copy on File: Regardless of the existence of purported copies of the Zone District Map, the official Zone District Map shall be located in the office of the Community Development Department and shall be the final authority as to the current zoning status of land, buildings, and other structures in Eastern Summit County.
- D. Uncertainty of Boundary: Where there is uncertainty as to the boundary of any zone district, the following rules shall apply: (Ord. 481, 3-1-2004)
 - 1. District boundaries in the AP, AG-100, and AG-160 zone districts shall follow township, range, or section lines wherever possible. However, due to rezoning, if the specific zone district is adjusted in a manner that does not coincide with these lines, specific property boundaries or prominent natural features shall be used. (Ord. 481, 3-1-2004; amd. 2004 Code)
 - 2. District boundaries in the HC zone district shall be located two hundred fifty feet (250') on either side of the centerline of only those county roads so designated on the Zone District Map.
 - 3. District boundaries in the "C", "I" and "RI" zone districts shall follow specific property lines, the centerline of adjacent roads, or prominent natural features.
 - 4. When, due to scale, the Zone District Map lacks detail, is illegible, or where there is uncertainty, contradiction, or conflict as to the intended location of any zone district boundary as shown thereon, the CDD or designated planning staff member shall make an interpretation of the map upon request of any person, and any person aggrieved by any such interpretation may appeal the same to the Planning Commission. (Ord 481, 3-1-2004)

[11-3-13](#)

11-3-~~12~~13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:

- A. To facilitate public understanding of the Code and for better administration, convenience, and use thereof, those uses designated as "allowed" are permitted as a matter of right without special authorization, provided the use complies with all requirements of the zone district as described in this Chapter. The

establishment of any allowed use is subject only to obtaining a building permit, business license, and/or road encroachment permit.

- B. Conditional Uses are those uses which are permitted in a particular zone district upon showing that such use at a specific site within that zone district will comply with all conditions and standards specified in the Code for ensuring compatibility with surrounding land uses. Conditional uses that are not capable of meeting the Development Evaluation Standards described in Chapter 2.0 of the Code at a specific location shall not be approved at that location. However, the Conditional Use maybe acceptable at another location where it can comply with the Development Evaluation Standards.
- C. Low Impact Uses are uses, projects and activities that are considered to have little or no impact on the public health, safety and general welfare. Low Impact Uses determined to be in compliance with the development evaluation standards and general regulation of the Code and provisions of the General Plan may be approved administratively by the CDD or designated planning staff member.
- D. A Temporary Use is a use that can be established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Any use not listed as an allowed use or a Conditional Use within a zone district may be considered as a Temporary Use pursuant to and in accordance with the provisions of Section 11-4-6 of the Code.

11-3-~~1314~~

11-3-~~1314~~: CHART OF ALLOWED AND CONDITIONAL PERMITTED USES:

- A. The following chart titled "Chart of Allowed and Conditional Uses" defines Allowed, Conditional and Low Impact Uses for the various zone districts. Those uses designated by the letter "A" shall be considered allowed uses in the particular zone district; the letter "C" shall represent those uses that require Conditional Use approval and the letters "L" shall represent those uses that require Low Impact Permit approval.

Zoning Legend

(Refer to Sections 11-3-2 through 11-3-~~8~~9 for greater detail on zoning specifications)

AP	Agriculture Protection (1 dwelling unit/40 acres)	C	Commercial
AG-100	Agriculture Protection (1 dwelling unit/100 acres)	I	Industrial

AG-160	Agriculture Protection (1 dwelling unit/160 acres)	RI	Railroad Industrial
HC	Highway Corridor		

Use Legend

(Refer to Section 11-3-~~12~~13 for greater detail on use specifications)

A	Allowed	T	Temporary
C	Conditional		
L	Low Impact		

CHART OF ALLOWED AND **CONDITIONAL PERMITTED** USES*

CHART OF ALLOWED AND CONDITIONAL PERMITTED USES*

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet.	A	A	A	<u>A</u>	A	L			
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet.	C	C	C	<u>C</u>	C	C			
Accessory Dwelling unit	L	L	L	<u>L</u>	<u>C</u>	L			Section 11-6-5
Agricultural Employee Dwelling unit	C	C	C		C				Section 11-6-5
Agricultural Employee Facility for the purpose of providing shelter for more than one family.	C	C	C		C				
Agriculture buildings and uses customarily associated with traditional agriculture operations as defined in Appendix A.	A	A	A		A	<u>L</u>			
<u>Auto Impoundment Yard and towing services</u>							<u>A</u>	<u>C</u>	
<u>Automotive Sales</u>						<u>L</u>			
<u>Auto Repair, Service and Detailing</u>						<u>L</u>	<u>A</u>		
<u>Auto Wrecking Yard</u>								<u>C</u>	
<u>Banks and Financial Services</u>						<u>C</u> <u>L</u>			
<u>Bars, Taverns, Private Clubs</u>						<u>C</u>			
Bed and Breakfast Inn.	C	<u>C</u>	C		C	<u>C</u> <u>L</u>			

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
<u>Butcher, Retail</u>						C	L		
Cemetery	C	C	C		C	C		C	
<u>Child Care, In-home (4 children or less)</u>	L	L	L		L				
<u>Child Care, Family (fewer than 9 children)</u>	L	L	L		L				
<u>Child Care, Family (with 9–16 children) Daycare Facility</u>	GL	L	L		L	C			
<u>Child Care, Commercial</u>						C			
Commercial Kennels	C	C	C		C	C	C	C	
<u>Commercial Riding Arenas</u>	C	C	C		C				
Commercial Stables	C	C	C						
Dwelling unit, multi-family.	C				C	C			
Dwelling unit, one-family.	A	A	A	A	A	L			
Dwelling unit, single-family, attached.	GL				L	C			
<u>Forest, meadow lands and open space</u>	A	A	A		A	A		A	
<u>Food Processing, Commercial</u>						L		L	
<u>Funeral Services</u>	C	C	C		C	L			
<u>Gas and fuel, storage and wholesale</u>						C	C		
<u>Gasoline Service Station with or without Convenience Store</u>						L			
Guest ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay.	C	C	C		C	C			

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
Historic Structures, preservation of, including related accessory and supporting uses	A	A	A	A	A	A	A	A	
Home Occupation.	A	A	A	A	A	A			Section 11-6-3
Horse Drawn Sleigh Ride.	A	A	A	A	C	A		A	
Houses of Worship including churches and other religious institutions.	<u>LC</u>	C	C	C	<u>LC</u>	<u>L</u> <u>C</u>			
Hospitals						<u>C</u>			
Hotel, Motel or Inn						<u>L</u>			
Indoor Entertainment such as bowling alleys, skating rinks, movie theater, performing arts center						<u>L</u>			
Indoor Riding Arenas not exceeding 2,000 square feet.	A	A	A		A	<u>L</u>			
Industrial Uses and operations including storage, manufacturing and processing.								C	
Institutional Uses including fire stations, private schools and public or quasi-public buildings.	C	C	C		C	C			
Logging Camp	<u>C</u>	<u>L</u>	<u>L</u>						
Manufacturing, custom	<u>L</u>				<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	
Manufacturing, light							<u>L</u>	<u>L</u>	
Manufacturing, heavy								<u>C</u>	
Mobile Home Park	C				C				
Mobile home with foundation (refer	A	A	A	A	A	L			

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
to Prefabricated Home definition.)									
Mobile home without foundation	C	C	C	C	C				
Municipal Landfill								C	
Nursery/greenhouse.	C	C	C		C	A			
Oil wells, natural gas wells and steam wells	LC	LC	LC					LC	Section 11-4-10.F
Open Recreation uses.	C	L	L	C	C	CL		C	
Petroleum Refineries	C	C	C					C	
Professional Offices						AL			
Railroad Industrial Uses including shipping and distribution.							L	L	
Recreation and Athletic Facilities						L			
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances						L			
Recycling Facility, Class I	A	A	A	A	A	A	A	A	
Recycling Facility, Class II								L	
Residential Care Facilities	C	C	C		C	C			Section 11-6-16 & Appendix A
Restaurant, not exceeding 2,000 sq. ft.						A			
Restaurant, exceeding 2,000 sq. ft.						L			
Restaurant with a drive through						L			
Retail commercial establishments, exceeding 2,000 square feet.						CL			
Retail commercial establishments,						L			

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
not to exceed 2,000 square feet.						<u>A</u>			
Rock quarries, gravel pits, and associated surface mining uses including, but not limited to, filtering, sifting, and processing of soil.	C	C	C					L	
Service commercial establishments, exceeding 2,000 square feet.						<u>C</u>		<u>C</u>	
Service commercial establishments, not to exceed 2,000 square feet.						<u>L</u>		<u>C</u>	
Seasonal Recreation, Commercial (Non-Motorized)	<u>L</u>	<u>L</u>	<u>L</u>		<u>L</u>			<u>L</u>	
Seasonal Recreation, Commercial (Motorized)	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>			<u>C</u>	
Sexually Oriented Businesses								C	Appendix B
Shooting Ranges, Indoor						<u>C</u>	<u>C</u>	<u>L</u>	
Shooting Ranges, Outdoor	<u>C</u>	<u>C</u>	<u>C</u>						
Telecommunication Facilities - Co-Location	A	A	A	<u>A</u>	A	A	<u>A</u>	A	Section 11-6-7
Telecommunication Facilities - Stealth	A	A	A	<u>A</u>	A	A	<u>A</u>	A	Section 11-6-7
Underground transmission lines exceeding 12 inches diameter, (i.e., gas, oil, water, etc.).	C	C	C	<u>C</u>	C	C	<u>C</u>	C	
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	<u>A</u>	A	A	<u>A</u>	A	
Utility structures and related facilities	C	L	L	<u>C</u>	C	C	<u>L</u>	<u>C</u>	Section 11-6-6

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
Utility Towers and associated transmission and distribution lines 45 feet in height or less.	L	A	A	<u>L</u>	L	L	<u>L</u>	A	
Utility Towers and associated transmission and distribution lines greater than 45 feet in height.	C	C	L	<u>C</u>	C	C	<u>C</u>	L	
Veterinarian Clinic	<u>L</u>	<u>L</u>	<u>L</u>	<u>C</u>	<u>L</u>	<u>L</u>			
Warehousing and commercial storage.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>L</u>	C	
Water and Wastewater Treatment Plant	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	
Wind power generation facilities 45 feet in height and less	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
Wind power generation facilities greater than 45 feet in height.	C	L	L	<u>C</u>			<u>L</u>	<u>C</u> <u>L</u>	Section 11-4-10.G

Eastern Summit County Cabin Areas/Historic Subdivisions (original)

Subdivision Area: Echo Canyon	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Echo Creek Ranches	AG-160	209	4,761.1	22.8
Non-Subdivision	AG-160	29	725.9	25.0
Total		238	5,487.0	23.1

Subdivision Area: Forest Meadows/ Pine Meadows	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Forest Meadow Ranch	AG-100	214	546.7	2.6
Pine Meadow Ranch	AG-100	609	786.7	1.3
Terra Del Sol II	AG-100	2	19.5	9.7
Sub-Total		825	1,352.9	1.6
Non-Subdivision	AG-100	46	563.0	12.2
Total		871	1,915.9	2.2

Subdivision Area: Garff-Rodgers Ranch	Predominant Zone	# of Lots	Acreage	Avg-Parcel-Size
Promontory	AG-100	11	397.0	36.1
Non-Subdivision (Garff)	AG-100	169	7,193.4	42.6
Total		180	7,590.4	42.2

Subdivision Area: Kamas East	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Kamas East	AP-40	158	192.4	1.2
Piute Creek Estates	AP-40	5	40.0	8.0
Splendor View	AP-40	10	48.5	4.8
Sub-Total		173	280.8	1.6
Non-Subdivision	AP-40	38	118.2	3.1
Total		211	399.0	1.9

Subdivision Area: Manorlands/ Uintalands	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Beaver Knoll	AG-160	9	13.3	1.5
Cabins at Bear River Lodge	Commercial	19	2.4	0.1
Mackay Manorlands	AG-160	19	10.4	0.5
Pine Plateau Estates	AG-160	135	65.4	0.5
Uintalands	AG-160	256	1,258.6	4.9
Wilderness Acres	AG-160	543	1,540.4	2.8
Sub-Total		981	2,890.4	2.9
Non-Subdivision	AG-160	92	681.9	7.4
Total		1,073	3,572.3	3.3

Subdivision Area: Provo River	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Diamond Bar X	AG-100	38	29.9	0.8
Stewart Ranch Park	AG-100	45	47.1	1.0
Sub-Total		83	77.0	0.9
Non-Subdivision	AG-100	15	74.1	4.9
Total		98	151.1	1.5

Subdivision Area: Samak	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Samak Acres	AG-100	70	37.1	0.5
Samak Country Estates	AG-100	142	136.1	1.0
Samak Hills Addition	AG-100	156	79.3	0.5
Samak Park	AG-100	74	44.7	0.6
Sub-Total		442	297.1	0.7
Non-Subdivision	AG-100	4	16.5	4.1
Total		446	313.7	0.7

Subdivision Area: West Hills	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Indian Springs	AG-100	4	195.2	48.8
Sage Creek Ranches	AG-100	5	200.8	40.2
Sub-Total		9	396.0	44.0
Non-Subdivision	AG-100	68	2,842.0	41.8
Total		77	3,238.0	42.1

Subdivision Area: Weber Canyon	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Alpine Acres	AG-160	135	115.7	0.9
Aspen Acres	AG-160	158	88.1	0.6
Aspen Mtn	AG-160	138	92.3	0.7
Beaver Spring Rancheros	AG-160	42	122.6	2.9
BeaverSprings Ranch	AG-160	94	8.9	0.1
Canyon Rim Ranch	AG-160	100	506.3	5.1
Hidden Lake	AG-160	177	86.0	0.5
Little Dipper Hills	AG-160	34	34.8	1.0
Meadow View Ranch	AG-160	30	20.0	0.7
Mtn Valley Ranch	AG-160	47	46.1	1.0
Mtn View Ranch	AG-160	25	29.2	1.2
Pine Mtn	AG-160	477	338.9	0.7
Upper Brooklawn	AG-160	7	39.5	5.6
Sub-Total		1,464	1,528.4	1.0
Non-Subdivision	AG-160	78	199.7	2.6
Total		1,542	1,728.2	1.1

Subdivision Area: Wanship/Rockport	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Bridge Hollow	AG-100	36	826.1	22.9
Lake Rockport Estates	AG-100	335	321.5	1.0
Rockport Ranches	AG-100	85	1,692.2	19.9
Wanship Cottages	AP-40	52	15.8	0.3
Wanship View Estates	AP-40	5	28.1	5.6
Sub-Total		513	2,883.6	5.6
Non-Subdivision	AP/AG-100	22	171.8	7.8
Total		535	3,055.4	5.7

	# of Lots	Acreage	Avg Parcel Size
Subdivision	4,710	14,864.4	3.2
Non-Subdivision	546	12,512.4	22.9
TOTAL	5,271	27,450.9	5.2

Eastern Summit County Cabin Areas/Historic Subdivisions

Potential Cabin Zone Designees

Subdivision Area: Forest Meadows/ Pine Meadows	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Forest Meadow Ranch	AG-100	214	546.7	2.6
Pine Meadow Ranch	AG-100	609	786.7	1.3
Sub-Total		823	1,333.5	1.6

Subdivision Area: Kamas East	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Kamas East	AP-40	158	192.4	1.2
Splendor View	AP-40	10	48.5	4.8
Sub-Total		168	240.8	1.4

Subdivision Area: Manorlands/ Uintalands	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Beaver Knoll	AG-160	9	13.3	1.5
Mackay Manorlands	AG-160	19	10.4	0.5
Pine Plateau Estates	AG-160	135	65.4	0.5
Uintalands	AG-160	256	1,258.6	4.9
Wilderness Acres	AG-160	543	1,540.4	2.8
Sub-Total		962	2,888.0	3.0

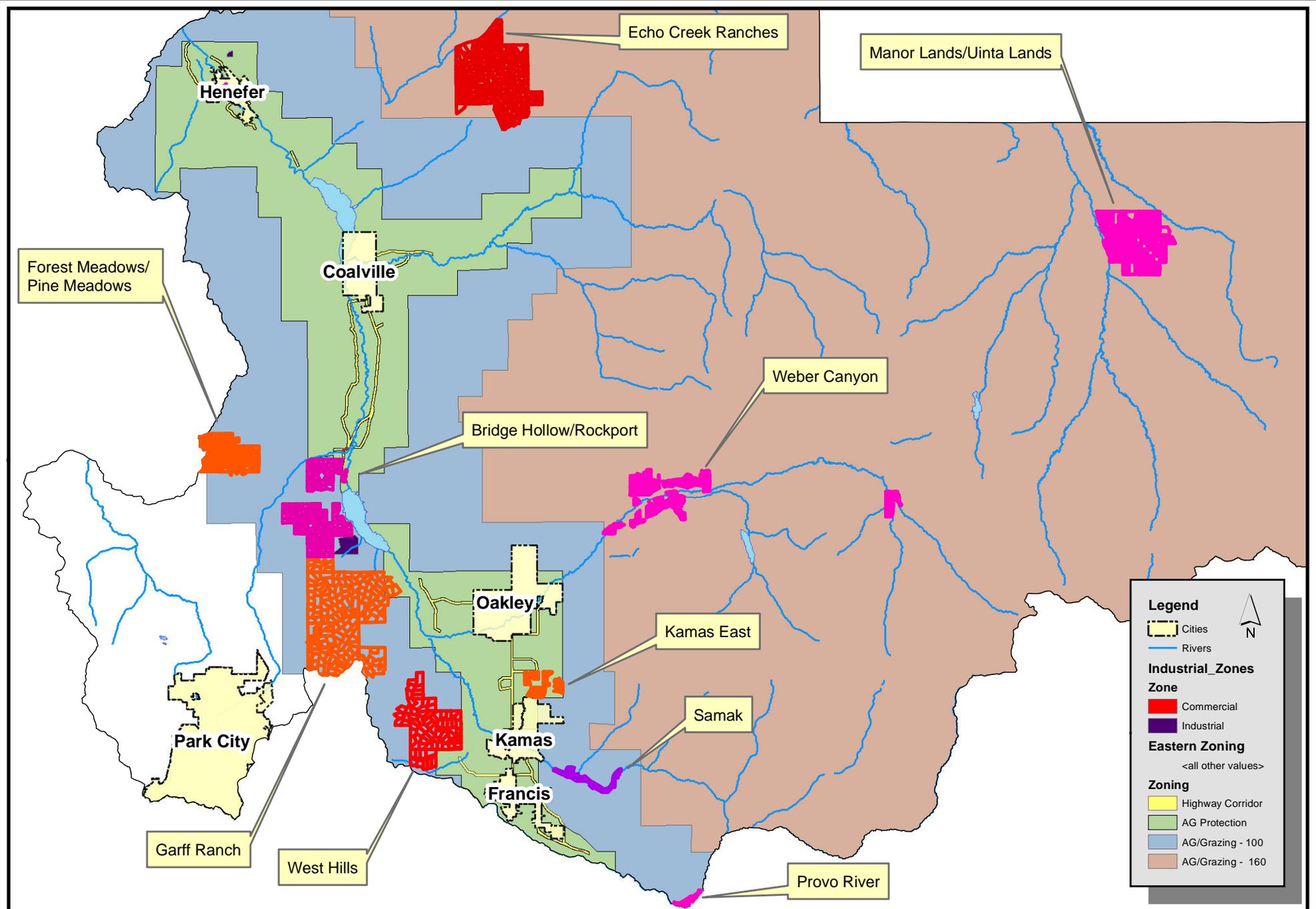
Subdivision Area: Provo River	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Diamond Bar X	AG-100	38	29.9	0.8
Stewart Ranch Park	AG-100	45	47.1	1.0
Sub-Total		83	77.0	0.9

Subdivision Area: Samak	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Samak Acres	AG-100	70	37.1	0.5
Samak Country Estates	AG-100	142	136.1	1.0
Samak Hills Addition	AG-100	156	79.3	0.5
Samak Park	AG-100	74	44.7	0.6
Sub-Total		442	297.1	0.7

Subdivision Area: Weber Canyon	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Alpine Acres	AG-160	135	115.7	0.9
Aspen Acres	AG-160	158	88.1	0.6
Aspen Mtn	AG-160	138	92.3	0.7
Beaver Spring Rancheros	AG-160	42	122.6	2.9
BeaverSprings Ranch	AG-160	94	8.9	0.1
Canyon Rim Ranch	AG-160	100	506.3	5.1
Hidden Lake	AG-160	177	86.0	0.5
Little Dipper Hills	AG-160	34	34.8	1.0
Meadow View Ranch	AG-160	30	20.0	0.7
Mtn Valley Ranch	AG-160	47	46.1	1.0
Mtn View Ranch	AG-160	25	29.2	1.2
Pine Mtn	AG-160	477	338.9	0.7
Upper Brooklawn	AG-160	7	39.5	5.6
Sub-Total		1,464	1,528.4	1.0

Subdivision Area: Wanship/Rockport	Predominant Zone	# of Lots	Acreage	Avg Parcel Size
Lake Rockport Estates	AG-100	335	321.5	1.0
Wanship Cottages	AP-40	52	15.8	0.3
Wanship View Estates	AP-40	5	28.1	5.6
Sub-Total		392	365.3	0.9

		# of Lots	Acreage	Avg Parcel Size
TOTAL		4,334	6,730	1.6

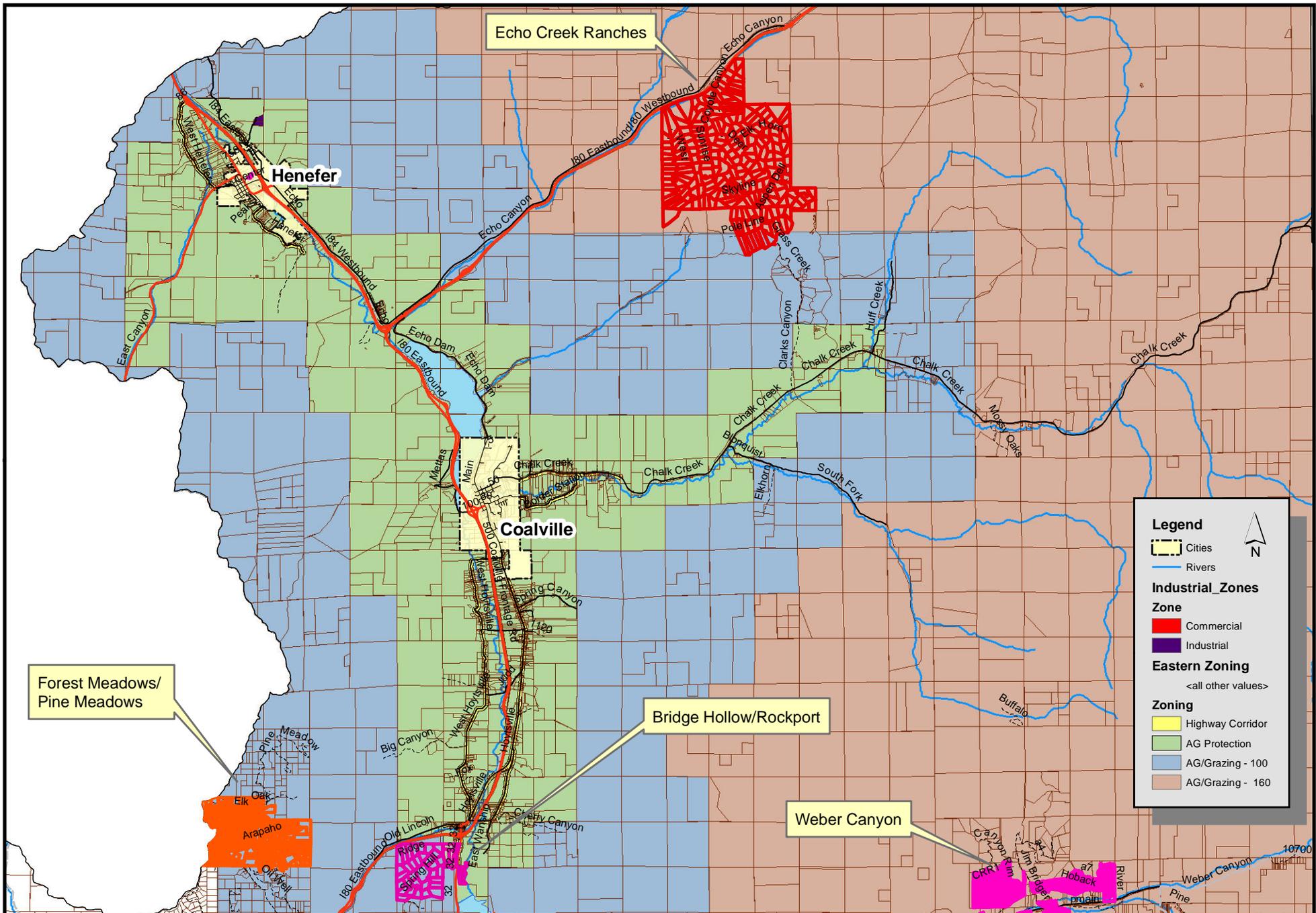


Summit County, Utah
Cabin Areas Map
 Prepared by Summit County
 Community Development Department

10/27/11

Exhibit C.1

This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.



Legend

Cities
 Rivers

Industrial_Zones

Zone

Commercial
 Industrial

Eastern Zoning

<all other values>

Zoning

Highway Corridor
 AG Protection
 AG/Grazing - 100
 AG/Grazing - 160

Forest Meadows/
Pine Meadows

Echo Creek Ranches

Bridge Hollow/Rockport

Weber Canyon

Henefer

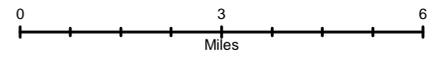
Coalville



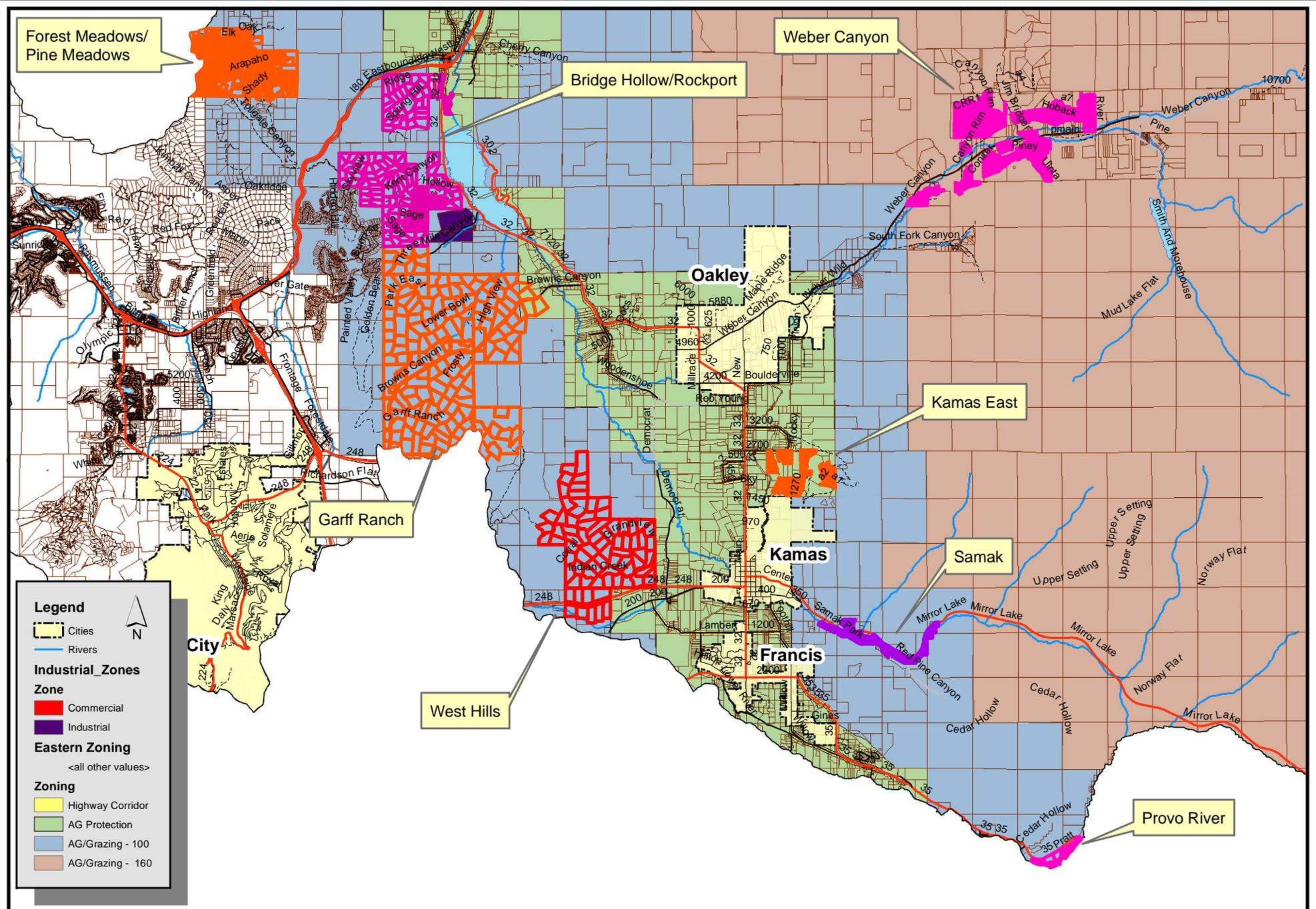
Summit County, Utah
Cabin Areas Map (north)

Prepared by Summit County
 Community Development Department

Exhibit C.2



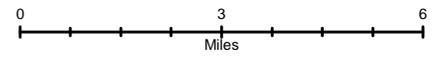
This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.



Summit County, Utah Cabin Areas Map (south)

Prepared by Summit County
Community Development Department

Exhibit C.4



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Adryan Slaght

From: Hutch Foster [foster@mwutah.com]
Sent: Monday, September 05, 2011 5:44 PM
To: Adryan Slaght
Subject: Comments on the proposed creation of a zone for current cabin areas.

Dear Mr. Slaght and Eastern Summit County Planners,

I would like to comment briefly on the proposal to create a new zone for the cabin area subdivisions within Summit County. As a year round resident of Pine Meadow Ranch in Tollgate Canyon I am fully supportive of this effort to acknowledge that these subdivisions function very differently from the historic underlying zoning (AG-100 in my area) and that the allowed and conditional uses should be updated to align more closely with the reality of these neighborhoods. I believe that the proposed modifications to the use table in the staff report are much more appropriate for a community like ours without infringing on the property rights that would be expected in a residential / recreational community.

In addition, I would like to comment in support of Commissioner Clyde's proposal that short-term rentals not be an Allowed or Conditional Use, but be prohibited in the "Cabin Area Zone." I believe that for three reasons the nightly rental use is inappropriate for these cabin areas and, while this use is currently limited to a few properties, the impacts are already negatively affecting our community.

1. **Public Safety:** These areas, having been subdivided in a time of less stringent road safety requirements, pose serious safety hazards to the uninformed renter. The roads are typically dirt or snow pack, in varying stages of repair and frequently require four wheel drive with quality tires in any month of the year. Renting visitors are rarely equipped with such vehicles and are, in our neighborhood, frequently involved in accidents. Additionally, these neighborhoods rarely have land-line telephones making 911 a subscription service that is opt-in for residents that bother to do so. Renters are likely to be unaware that enhanced 911 is not an option, and they are generally unable to describe to dispatch or even the tow truck where they are. Typical ambulance response in Tollgate Canyon is 45 minutes assuming there is a guide to show them to the emergency. They are also generally uninformed of other safety threats to these communities that are outside their life experience elsewhere such as wildfire. Short term renters in our neighborhood have been a common threat in their use of aerial fireworks and outdoor campfires in spite of HOA attempts to regulate this hazard.

2. **Infrastructure:** Ours, and I believe most, of the roads in these communities are maintained privately and not to normal County class B standards. While they are accessible to the public, they are not public roads and receive no public support. Water systems also are generally much more limited than those serving other areas of the County. The impacts of nightly rentals on these areas are intensified by the regular turnover of large groups and the ignorance of these groups to the limitations of a small water system. Not many years ago an individual attempted to fill a small pond from a yard hydrant and caused the system to be shut down including fire hydrants for some 400 lots over the Fourth of July Weekend. I cannot speak to the by-laws of other areas, but we are incapable of creating any kind of "surcharge" for this intensified use.

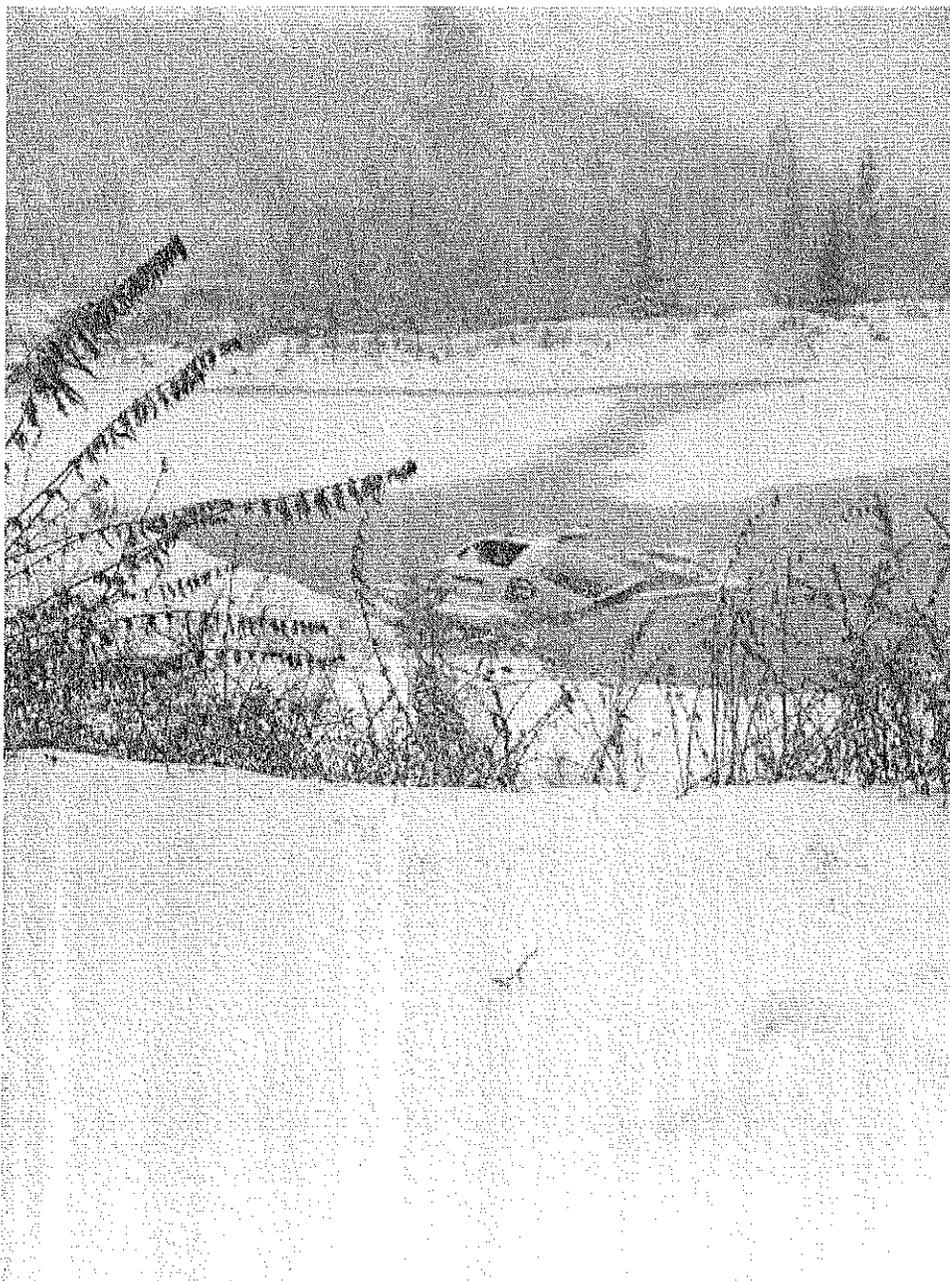
3. **Commercial Use:** In the proposed table of Allowed and Conditional Uses, the shift in uses is away from the agricultural, industrial and commercial that are possible in the AG-100 or other zones and toward a narrower residential and recreational use. I believe that eliminating the short-term rental is in keeping with this overall vision of the new Cabin Area Zone in the same way that eliminating Day Care, Commercial Kennel, Multi Family Agricultural Dwelling, Guest Ranches and Bed-and-Breakfast as you've proposed do so. These uses, like nightly rentals, intensify impacts on marginal infrastructure and are not consistent with the expectations and understanding of those who have purchased these properties over the years.

Thank you for the work that you do and I hope to be able to attend a public input session on this topic in the future.

Adryan Slaght

From: Hutch Foster [foster@mwutah.com]
Sent: Monday, November 14, 2011 6:15 PM
To: Adryan Slaght
Subject: Cabin Area proposal, one more thought from Pine Meadow

Hi Adryan,
Not to belabor points already made, but the attached photo is an incident that occurred in Tollgate Canyon on roads that we maintain. Fortunately, no one was injured, but 7 had to be rescued from this minivan which was entirely unprepared for the roads to a cabin that, I have been told, was a short term rental.



Hutch Foster
Pine Meadow Ranch

11/15/2011

Exhibit D.2

Commissioner Foster said this should be worded in such a way that the County Council knows that they need more time to create a better worded, more thought-through ordinance. Commissioner Clyde suggested that the Council be told that this ordinance needs more definitional strength. Their time is better spent on more immediately pressing issues, such as zoning and lot-of-record. It would be better if this ordinance were repealed.

Chair Brown said that he can see both the good and the bad in the SPA. He doesn't want to take a tool away until they have something to replace it with. He would rather let the moratorium die. Once the ordinance is removed, the odds of it returning to the Code are rather slim. Commissioner Henrie asked, "What is it that the County Council would be leaving in? It is a loophole." Commissioner Clyde agreed. He said it is so poorly written, he is uncertain as to what it says.

Commissioner Hanson made a motion to forward a recommendation to the County Council to remove the SPA from the Development Code. Commissioner Henrie seconded the motion. Commissioner Foster suggested that a brief statement be made on the progress made on zoning and how this addresses some of the prior existing tools that were available in the SPA. This demonstrates that they want to provide tools for the public.

Chair Brown reiterated the motion: It is to send this language forth to a Public Hearing. At that Public Hearing they will present to the citizens, the Planning Commission's recommendation to withdraw the SPA provision to a date certain of October 19, 2011 and February 1, 2012. The Staff Report will include the reasons why the Commission desires to eliminate this from the Code and will provide a progress report on zoning.

Chair Brown called for a vote. Those voting in favor were: Commissioner Foster, Commissioner Henrie, Commissioner Clyde, and Commissioner Hanson. Those voting against were: Commissioner Ure, Commissioner Wharton, and Chair Brown.

- **MOTION CARRIED (4 – 3)**

It was decided that the Public Hearing will take place at the August 3, 2011 meeting to be held in Kamas. It was discussed if the Planning Commission should request that the County Council hold a special meeting on the SPA moratorium in order to facilitate the deadline.

5. Discussion of Zoning/Infrastructure – Adryan Slaght, Principal Planner

Principal Planner Slaght said at the last meeting the Commission requested that Staff provide maps of subdivisions and cabin areas in Eastern Summit County that do not match the underlying zone. He distributed maps which showed the location of these developments. He said that Promontory Ranches had not been included in these maps. He pointed out that an information table was included, which demonstrated how many of the parcels in these areas don't meet the surrounding zone. He requested feedback from the Commission on where they want to go from here.

Commissioner Clyde said he hopes the end result will be a new zone or an overlay zone. He said some of these subdivisions are actually urban densities in their lot sizes, although they are located in the Agricultural Protection Zone. He said the uses allowed on these smaller parcels are defined by a Use Chart that was created for a 160-acre zone. He said a one-acre parcel should be dealt with differently than a 160-acre parcel.

Commissioner Clyde commented that some of these areas will have covenants that will govern certain activities, but some of the areas won't. Commissioner Henrie said that a smaller lot should probably not qualify for greenbelt status.

Commissioner Foster said if they continue in this vein, they will clean up a problem that they run into occasionally, but they could also create a zone where someone could apply for a re-zone. This may meet some of the needs that may be eliminated if the SPA is no longer available. She gave a hypothetical example of a "Mountain Residential Zone," which might be one acre in size. Someone could apply for a re-zone. She said that although this would not be an approved use, it does provide an alternative.

Commissioner Clyde added that the minimum lot size could be the existing plat, with no further subdividing being allowed. A discussion ensued on how and if an existing plat could be re-zoned. Chair Brown said this would be more like a spot zone. Commissioner Clyde said the boundaries of the zone would be the same as the boundaries for the subdivision plat. Principal Planner Slaght said that some of these areas are 2,000 – 3,000 acres. He wouldn't necessarily call that a spot zone. Commissioner Wharton responded that a better term might be an overlay zone. He said they could change the zone to what it is. If a subdivision has 40-acre lots, it could be changed to AP-40. Commissioner Clyde said this would recognize that what is on the ground is dramatically different than what the zone calls for.

Commissioner Foster said what they are trying to do is to eliminate traditional uses that are allowed in an Agricultural Zone that wouldn't fit into a dense subdivision. Commissioner Clyde agreed, but added that what is allowed may be different depending on the parcel sizes in the subdivision. Keeping a horse on a 40-acre Garff Ranches parcel is different than keeping a horse on a quarter-acre parcel below Echo Reservoir. Commissioner Ure said he felt they would be overstepping their authority to tell someone what they can or cannot do with their property. Commissioner Hanson agreed. Commissioner Foster said they wouldn't have to weigh in on something that would normally be restricted by CC&Rs.

Commissioner Clyde said if a subdivision has no CC&Rs, there should be a Chart of Allowed Uses. Fire Warden Bryce Boyer said these are recreation lots. The Commission should focus on what it really is. Some of the uses that have been mentioned are highly unlikely.

Commissioner Clyde said he would like to create a Use Chart as a next step. The Commission may want to have a Use Chart that reflects the different lot sizes: one chart for lots under five acres, one chart for lots that are more.

A discussion ensued on coordinating the Use Chart with the local CC&Rs. Commissioner Foster said the County does not typically recognize CC&Rs, but the Commission may end up creating something that is worse for these subdivisions than what they have. She would like to have a discussion on these. Planner Slaght said if they stick with the Use Charts that are already created for these zones they wouldn't be compounding any problems. Commissioner Clyde said that most of these subdivisions don't have any CC&Rs, or they are extremely weak. He feels that a Use Chart should be created.

Commissioner Clyde said it would be helpful to have an idea of how many of these are improved lots versus unimproved lots. Other subdivisions to be included in this list were suggested. Chair Brown said they need to make sure they are not creating problems.

COMMISSION ITEMS

Chair Brown announced that a joint meeting will be held with the County Council on July 19th. He said that concerns have been raised with subcommittees and this will be addressed. Other upcoming meeting dates and locations were outlined.

STAFF ITEMS

Planner Slaght distributed future agendas and Code Amendments to each of the Commissioners.

ADJOURN

At 9:10 p.m. the meeting was adjourned.

Signature of approval

Zone's only use has been placed in the Industrial Zone and Railroad Industrial has been deleted. The Service Commercial Zone will include three different manufacturing uses with different intensities. Metal works would fall under one of them.

Planner Caus said that Staff invited Charles Olson from Rees's Metal Works to stay informed. He said that Mr. Olson provided proof that Rees's Metal Works was once zoned Light Industrial. Charles Olson asked if a zone can be removed without the public being made aware. Chair Brown asked Attorney Strachan to review Mr. Olson's document. He invited Mr. Olson to give input as they reviewed the Staff Report.

The Planning Commission reviewed the Staff Report. Chair Brown said they would start at the beginning of the report and move on. As they did so, comments and suggestions were offered by the Commission, Mr. Olson, and Staff. Notes were taken of the changes and the further discussion that the Planning Commission desired. Chair Brown instructed Planner Caus to return with the suggested changes.

At 9:00 p.m. Commissioner Foster made a motion to continue the meeting until 9:15 p.m. Commissioner Henrie seconded the motion. All voted in favor.

- **MOTION CARRIED (7 – 0)**

3. Discussion of Zoning/Infrastructure. – Adryan Slaght, Principal Planner

Principal Planner Adryan Slaght said that he believed the Planning Commission did not wish to allow an increase of density in the established cabin areas. He pointed out that some of these areas have individual units with 20 acre lots. He listed some of these areas. He wondered if the Commission would like to consider an increase of density in the areas with larger density. He asked if they want to consider adding a Cabin Zone.

Commissioner Clyde suggested that the minimum lot size is established according to the existing plat. Chair Brown agreed that the lot sizes should be tied to the existing plat.

Commission Items

The upcoming agendas were distributed.

Commissioner Ure asked for an update if the light readings had been taken at the Oakley arena. Principal Planner Slaght said they had been taken.

Adjourn

At 9:05 p.m. Commissioner Hanson made a motion that was seconded by Commissioner Clyde to adjourn. All voted in favor.

- **MOTION CARRIED (7 - 0)**

Planner Slaght was directed to bring draft language for the Commission's approval at the October 5, 2011 meeting.

3. Zoning/Infrastructure discussion. – *Adryan Slaght, Principal Planner*

Principal Planner Adryan Slaght said that Staff had questioned if Garff Ranches and the West Hills should be included in the Cabin Area Zone. He mentioned that Commissioner Clyde had suggested limiting large livestock, along with intensive agriculture in these areas. It was also suggested that nightly rentals should be prohibited.

Commissioner Foster said that Garff Ranches and the West Hills are different from the other areas they have been discussing. They are not a platted subdivision, they are 40-acre lots. She said that most of the subdivisions they are discussing are platted subdivisions. They want to keep this process simple. If they include Garff Ranches or the West Hills, it is like throwing something into the mix that doesn't fit.

Attorney Helen Strachan asked if they are creating a zone and then rezoning the zone to fit the new zone. Planner Slaght said they are creating a zone and then changing the use to fit the zone. Attorney Strachan asked if this is being done by petition of the County or by petition of the landowners. Planner Slaght answered it is being done by petition of the County. Examples of these areas were given as: Tollgate Canyon, Kamas East, and Samak. These are areas that don't meet the current zoning. Planner Slaght said when the Commission first discussed this item, the minimum acreage was set as five acres. Recently they have discussed that the minimum would be whatever it was platted at the time of approval of the zone.

Commissioner Wharton asked why the Use Chart lists a mobile home with a foundation and one without. He suggested that the mobile home without a foundation is merely a recreational vehicle. Planner Slaght answered that a mobile home on a foundation is supposed to have a higher level of evaluation.

The Planning Commission requested that this item is placed earlier on the agenda in an upcoming meeting to afford a more lengthy discussion. Planner Slaght said that an e-mail was received from the Pine Meadows HOA in support of the proposed Cabin Area Zone. They are also in support of limiting nightly rentals due to public safety concerns.

Commission Items

The upcoming agendas were discussed.

Adjourn

At 9:40 p.m. Commissioner Wharton made the motion to adjourn. All voted in favor.

- **MOTION CARRIED**

that the SPA process cannot be used to effectuate a transfer of development. Commissioner Foster said she would rather use a Development Agreement to transfer density.

Commissioner Wharton asked what the difference is between a DA and a SPA. Principal Planner Slaght said they are essentially the same thing. The review process is identical. Attorney Strachan said a TDR requires both a SPA and a DA. Commissioner Clyde said he believes a TDR application should be required to demonstrate a community benefit. After discussion, the Commission decided to keep the TDR process connected to the SPA process.

Planner Slaght referred to Section 11-3-9. He asked if the intent of the zone and the criteria of approval should be separated. Commissioner Foster said these should not be separated because a SPA is legislative and is very subjective. The intent should be part of the criteria of the SPA.

Attorney Strachan said she doesn't like that an applicant is required to meet two sets of criteria, one for the SPA and is referred to a separate document for a DA. Could both sets of criterion be added to the language? This would make the language clearer. Vice-Chair Clyde requested that Planner Slaght and Attorney Strachan add the second set of criteria.

4. Zoning/Infrastructure discussion – *Adryan Slaght, Principal Planner*

Vice-Chair Clyde referred to "Section B" of the proposed Cabin Area Zone document. He said he would like to add that no further subdivision is permitted, although lot-line adjustments (that do not increase density) may be made. He added that requiring 100-foot setbacks on this size of lots doesn't make sense. He suggested that the default setback settings are used. Principal Planner Slaght clarified that this would be 30 or 55 feet for front setbacks and 12 feet for side and back setbacks.

Vice-Chair Clyde said he would also like to have language added that prohibits commercial-scale agriculture, such as feed lots. Commissioner Henrie said a landowner in the AG-100 Zone should be able to have a horse or even a pet mink, if they desire. Vice-Chair Clyde agreed, if there is enough land for the animal. Commissioner Hanson remarked that she doesn't believe it is the Planning Commission's place to designate how much land is needed, as long as the zone allows animals. Commissioner Henrie agreed that a commercial operation would not be appropriate. Commissioner Foster said that CC&Rs will most likely take care of this concern. Attorney Strachan commented that as this is a rezone, anyone already having some type of agriculture enterprise would be considered a legal use.

Commissioner Henrie asked if this area is appropriate for duplexes or rental units. Vice-Chair Clyde said if duplexes are allowed, it would double the traffic; however, some of the parcels may have enough land to have a caretaker's unit. Planner Slaght said that most of the lots are fairly small. Vice-Chair Clyde said that anything in the AP-40 Zone should not be included in the Cabin Zone. The size of greenbelt parcels was discussed. These parcels need to be at a minimum five acres unless there is a house on it; in that case, the minimum is six acres.

Vice-Chair Clyde asked what the next step is, after the language is refined. Should they advertise that this zone has been created? Do they take it on a case-by-case basis? Attorney Strachan said that would be spot zoning. Commissioner Foster suggested that perhaps they should apply the zone and then everyone gets noticed. Commissioner Hanson said if they simply apply the zone, how will the public be noticed? Planner Slaght said postcards would probably be mailed. Attorney Strachan added that a public hearing will be required. Following the public hearing, the County Council will make the final decision. It was suggested that Staff can notify any impacted HOAs, which can notify their people.

Commissioner Henrie asked what is the advantage to the public of a rezone. What is the disadvantage? Commissioner Foster said there are Conditional Use Permits that would not be allowed in the rezone, such as an oil refinery. The rezone offers protection. Vice-Chair Clyde said the advantage to the public is to preserve the residential use of their subdivision. These properties are non-conforming and will become conforming. This may be beneficial as far as insurance and appraisals.

Nightly rentals were discussed. The Commission felt that these shouldn't be allowed. Attorney Strachan said if a resident already has a permit for nightly rentals, they would be able to continue as a legal non-conforming business. She said the Commission would not be able to prohibit long-term rentals.

Commissioner Henrie suggested that wind power should be listed as a conditional use in this zone. This is a place where wind power may be wanted. Commissioner Wharton said that wind generators that are built for residential applications are about 45 feet tall. The Commission decided to add this to the Use Chart as a conditional use.

Staff Items

- The Snyderville Basin Planning Commission would like to meet with the Eastern Side Planning Commission.
- The upcoming agendas were discussed.

Adjourn

At 8:55 p.m., Commissioner Wharton made a motion, which was seconded by Commissioner Hanson, to adjourn. All voted in favor.

- **MOTION CARRIED (5 – 0)**

commercial entity such as Food Town. He said he isn't certain of how this will be funded; however, the power of this plan is that it facilitates long-range financial planning.

Commissioner Ure said Highway 248 has been constructed to handle five lanes. He asked how he as a farmer, will he be able to get his cows and equipment across the road. He said this goes against the Planning Commission's General Plan to preserve and protect agriculture.

Commissioner Ure asked that speed limits are not placed on the bike trails. He said it causes the bikers to use the highways instead of the bike trails. He said he understood the reason that a speed limit was placed was so that adult bikers wouldn't run over the little bikers. He said that bikes on the road puts the bikers in danger and causes problems.

Commissioner Henrie said this is a wonderful first draft; however, the growth projections don't agree with Vision 2040 or the projections of Rocky Mountain Power. He said the agricultural committee needs to be involved in the process. Chair Brown said he likes the statement that Engineer Wilkerson made that science needs to be brought into the equation. Engineer Wilkerson said the political will can override the science. The leaders of the County or a Community can determine how they want the County or the Community to look. The benefits of a round-about versus signal lights were discussed. Engineer Wilkerson said that each intersection is looked at before either method is approved.

Commissioner Foster asked if there any parts of this project that Federal funding might be available. If so, what needs to be done to obtain that funding? Engineer Wilkerson said the first step is to have the vision in place. He said the second step is work through the Capital Facilities Plan. He said that half the cost in this draft plan will be paid for by the Utah Department of Transportation (UDOT). He said that UDOT just came out with a 2040 Master Plan. They have projected that for this area, the cost between now and 2040 will be approximately \$111,000,000. He said his estimate is \$115,000,000. Planner Lewis said it is vital to have this plan in place in order put the project on UDOT's planning list.

Planner Lewis said they will take this report to all of the municipalities. Commissioner Foster and Commissioner Clyde recommended that a Highway 32 discussion is held as soon as possible. Commissioner Clyde said depending on whose assumptions are correct, there will be a different set of problems to fix.

The Planning Commission thanked Engineer Wilkerson and said this is a great start.

2. Zoning/Infrastructure (Cabin Zone) Discussion – Adryan Slaght, Principal Planner

Commissioner Ure asked that the Commission be brought up to date on the Cabin Zone. Principal Planner Adryan Slaght said at the last meeting a discussion ensued that because of this new zone, there would no longer be non-conforming lots in these areas. He said further subdividing would not be allowed. What is currently on the plat map will be all that is allowed; the density cannot be increased.

Commissioner Ure asked if this will be the case with both new and existing developments. Planner Slaght said he believed the intent was to create the Cabin Zone for existing cabin areas, not for any new developments. Commissioner Ure said he had a question about the Chart of Allowed Uses. He said that guest ranches, lodges, houses of worship, and fire stations are prohibited in the Cabin Zone. He asked if the County has jurisdiction over houses of worship.

Commissioner Ure said there are already some of these structures in existence in the Cabin Zone areas. If they become prohibited, the County would be creating non-conforming structures, which they don't want to do. He said it is one thing if the home owners associations won't allow nightly rentals, but the County should not prohibit it. Commissioner Foster this zone isn't for every cabin area and these applications are few and far between. Planner Slaght said that churches are allowed in any residential zone.

Chair Brown said this is different than what he envisioned. If a landowner has 20 acres in a Cabin Zone, this would essentially be placing a deed restriction on that property. Commissioner Foster responded that this zone isn't for areas with 20-acre parcels. Planner Slaght said the average lot sizes are less than five acres. The intent has been to focus on the smaller, 1-5 acre lot subdivisions. Commissioner Clyde commented that presently all of these lots are non-conforming. Commissioner Foster said it would be best to bring this to a Public Hearing quickly in order to hear from the public. Commissioner Clyde recommended they first get word from the County Council, if this is something that they want to pursue.

3. Specially Planned Area Discussion – *Adryan Slaght, Principal Planner*

Principal Planner Adryan Slaght said that a Work Session has been scheduled to be held on November 2, 2011, with the Summit County Council to discuss the Service Commercial Zone, the Cabin Area Zone, and the Specially Planned Area.

Commission Items

The upcoming agendas were reviewed.

Staff Items

Principal Planner Adryan Slaght said he was asked to give an update on Danny Johnson's landscaping bond. Planner Slaght said Mr. Johnson had completed the landscaping and had addressed the driveway issue, and the bond was subsequently released in mid-September. He announced that a Transfer of Density Work Session will be held shortly.

Adjourn

At 9:30 p.m., Commissioner Wharton made the motion which was seconded by Commissioner Clyde to adjourn. All voted in favor.

of both the people doing this activity and the public. They want to get this right. Mr. Richins said that CWMUs bring business to the communities. There are a lot of dollars generated.

A five minute break was declared.

4. Zoning and infrastructure (Cabin Zone) discussion – Adryan Slaght, Principal Planner

Principal Planner Slaght said new subdivisions will not be allowed to use the Cabin Zone designation. The purpose is to turn these areas to what they are, residential not agricultural areas. Commissioner Clyde said when the Commission was reviewing the Use Chart, it occurred to him that dairy bottling, food processing, and a butcher shop would be allowed in these residential areas. He said hard-core agriculture use doesn't fit there.

Chair Brown said this is essentially spot zoning for every platted lot. Perhaps they should simply have a residential zone, not a cabin zone. He said the plat should show the designation as to whatever the existing boundary is. Commissioner Foster said that is exactly what they are doing, but naming it the Cabin Zone.

Commissioner Clyde said that Manor Lands Subdivision has an average acreage is 2.9 acres; there are 981 lots. All of Manor Lands would be in the Cabin Zone. The lots in Echo Creek Ranches are larger and have 209 lots. He said they should exclude the larger lots from the Cabin Zone, such as Garff Ranches, which generally has 40 acres per lot.

Commissioner Clyde pointed out that any parcel greater than 5 ½ acres can qualify for the greenbelt status. He said he wouldn't want to take away this possible designation. Commissioner Hanson said the taxes on these lots would change. Planner Slaght said the greenbelt status wouldn't be affected by the zone. He said anything over two acres in a subdivision and anything over five acres outside of a subdivision can have greenbelt status.

Chair Brown said if a parcel is residential it should not have an agricultural designation. Commissioner Clyde agreed and said that is what they are trying to do. Commissioner Foster said they should pick a test area and see how the residents feel about the creation of the Cabin Zone. Different possible subdivisions were considered like Manor Lands or Wanship View Estates. Commissioner Ure said they should pick a subdivision that has five-acre or greater lots and an area with half-acre lots. They would be enabled to hear from both sides.

Commissioner Clyde said they can relay this information in a non-controversial, non-threatening way. He suggested letting the landowner know they are currently in an agricultural zone, which would allow mink ranching, feed lots, and sorting pens. The goal of the new zone is to convert the designation of this area to the preexisting residential nature and apply more residential building standards. He said the landowner should also understand these are presently non-conforming lots. If the landowner ever wants to obtain a building permit, they will have to go through the hassle of modifying a non-conforming use. With the change to this new zone, their property becomes conforming. He said he doesn't think people will find the idea objectionable.

Planner Slaght said there have been a few people that have called regarding the Deer Meadow SPA application that have also heard about the proposed rezone. All comments on the rezone have been positive. Chair Brown said he objects to the wording in Section B of the ordinance. He doesn't think that further subdividing for increased density should be prohibited. He said if this is contingent on whatever the zoning of the day allows, then he doesn't have an issue.

Commissioner Clyde said clarification is also needed in Paragraph A of the ordinance. The Commission wants to make sure that people understand this zone applies only to pre-existing subdivisions. People shouldn't be under the misconception that they can apply for a cabin subdivision on 100 acres. It isn't intended to create new subdivisions.

Commissioner Clyde asked if calling this an overlay zone would further complicate the issue it for people. Planner Slaght said Staff has discussed this and felt that a straight zone would be better than an overlay zone. Commissioner Foster said maybe it could be referred to as a restricted zone.

Commissioner Clyde asked Planner Slaght to e-mail the cleaned up text to him. He could circulate it to the homeowners' associations that he deals with frequently in order to get their initial reaction. Commissioner Foster said if the input is negative, this wouldn't give the public a chance to provide input. How to gain public feedback was discussed. Planner Slaght said Staff has a list of HOAs which could be notified. Commissioner Clyde suggested that a letter of explanation of why the Cabin Zone is being proposed should be provided along with the notice there is more information on the County's website.

Commissioner Wharton asked if people living in the Cabin Zone would be allowed to have animals. He was told they would have to figure out the details in the Use Chart. There was a discussion on what subdivisions they may want to focus on initially. Samak, Rockport Estates, and Wanship Cottages were considered.

Commissioner Clyde suggested they invite the HOAs to come to a work session for the purpose of providing feedback. Chair Brown asked that the notice states that public comment will be accepted at this work session. The Planning Commission decided they will focus on smaller lots for the time being. Commissioner Clyde suggested eliminating anything that is 15 acres or larger from being included in the Cabin Zone. He said after they talk to the public, they may want to eliminate anything that is five acres or larger. Commissioner Foster noted the majority of these lots are small.

Commissioner Wharton said he has eight acres with a lot of farm animals. He said five acres can be agriculturally productive. As a Commission, they should be careful not to inhibit this. Both Commissioner Wharton and Commissioner Ure said they should only include parcels in the cabin zone that are less than 5 acres.

Commission Items

Direction was given to Engineer Wilkerson on what the Planning Commission would like. Engineer Wilkerson said there are great options and opportunities in this area. He said Staff will be visiting with the different municipalities to get their feedback.

4. Discussion of proposed Cabin Zone – Adryan Slaght, Principal Planner

Principal Planner Adryan Slaght said he sent postcards to the different Home Owners Associations that would be affected by this policy. He only received one comment back. Planner Slaght distributed an e-mail from Hutch Foster (President of the Pine Meadow Ranch Owner's Association) who stated the idea of the proposed Cabin Zone make sense. Planner Slaght said he has not heard from any of the other entities. It was decided to move this item to a public hearing.

Commission Items

The upcoming agenda was discussed.

Staff Items

Planner Lewis said that people will soon be able to apply for a Conditional Use or Low Impact Permit online. This will provide better customer service.

Adjourn

At 9:40 p.m., Commissioner Henrie made the motion which was seconded by Commissioner Clyde to adjourn. All voted in favor.

- **MOTION CARRIED (6 – 0)**

Signature/ Approval

Community Development Director Sargent outlined the procedure for the application. Mr. Gilwald said the applicants have been frustrated and confused because the SPA and the DA are connected to each other. This makes it a difficult process.

Commissioner Ure made a motion to continue this item. The applicant is to provide the draft Development Agreement, which will be consistent with the proposal that has been presented. Commissioner Henrie seconded the motion.

Those voting in favor of the motion were:

***Commissioner Henrie
Commissioner Ure
Commissioner Hanson
Chair Brown
Commissioner Wharton***

Those voting against the motion were:

***Commissioner Foster
Commissioner Clyde***

- **MOTION CARRIED (5 – 0)**

5. Public Hearing and Possible Recommendation regarding the creation of a “Cabin Area Zone” in the Eastern Summit County Development Code. – *Adryan Slaght, Principal Planner*

Principal Planner Adryan Slaght said that no formal comments have been received. He said that 12 Home Owners Associations which would be affected by the creation of this new zone had been contacted. There has only been a response from the Pine Meadows Ranch Association, who has indicated this may be a good idea. He said Staff was instructed to conduct a public hearing on this item.

A discussion ensued on how the Planning Commission may want to proceed in the processing of this item. Commissioner Clyde said it might be good to have a general idea from the County Council if the Commission should proceed on this item, before the public gets stirred up. Commissioner Ure said he is uncomfortable with some areas of the Use Chart. He suggested the larger lots are removed from the rezone, until they hear from the people. If a landowner wants to become a part of the Cabin Zone, they can make application. Commissioner Ure said he is concerned with the loss of the agricultural zoning for the larger lots. He suggested anything over five acres is not included in the rezone.

Chair Brown opened the public hearing. There were no comments made and the public hearing was closed.

Commissioner Henrie said that the first step is to create the Cabin Zone. The second step is to decide the way the zone will be applied. He suggested each HOA be contacted to see if they want to apply to be rezoned. Perhaps this should be done one association at a time. That way people can vote yes or no. Chair Brown said they should encourage the parcels to be called what actually exists on the ground. He said right now everything is zoned for agriculture. He suggested that a residential zone should be created instead. Commissioner Foster said that would be creating a different zone with different issues. Commissioner Clyde suggested that the Cabin Zone might be created using the existing residences. A Residential Zone could be for new subdivisions.

Commissioner Hanson said a definition should be created for an accessory dwelling unit. She was told that one already exists. The definition is “a mother-in-law apartment with 1,000 square feet maximum.” Commissioner Foster stated that mountain cabins tend to be more recreational than residential. It was noted that some cabin areas, like Samak, are mostly residential.

Commissioner Clyde said it would be helpful to determine how many of the structures are primary residences. Commissioner Foster cautioned that the Planning Commission isn't derailed from completing the creation of the Cabin Zone. She said they should go forward and get this completed, and then work on creating the Residential Zone.

Commissioner Henrie asked if nightly rentals would be allowed as part of the Cabin Zone. The Commission felt that question should be answered best by the public and the HOAs. Commissioner Henrie said he thought that Class I recycling should be allowed; the Commission agreed. A discussion ensued if storage units should be allowed. Commissioner Wharton suggested it might be listed as a Conditional Use Permit in the Use Chart.

Commissioner Hanson said she thought that a veterinarian clinic would be welcomed in the Cabin Zone. *She made a motion that a veterinarian clinic would be an allowed use in the Cabin Zone. Commissioner Ure seconded the motion.*

A vote was taken. Those voting in favor of the motion were Commissioner Hanson and Commissioner Ure. Those voting against were Commissioner Clyde, Commissioner Wharton, Commissioner Foster, Commissioner Henrie, and Chair Brown.

- **MOTION FAILED (2 – 5)**

Commissioner Foster made a motion that a veterinarian clinic would be listed as a CUP in the Use Chart. Commissioner Wharton seconded the motion. *A vote was taken. Those voting in favor of the motion were Commissioner Clyde, Commissioner Wharton, Commissioner Foster, Commissioner Henrie, and Chair Brown. Those voting against were Commissioner Hanson and Commissioner Ure.*

- **MOTION CARRIED (5 – 2)**

Commissioner Clyde made a motion to forward a positive recommendation to the Summit County Council for the creation of a Cabin Zone, with the following conditions:

- 1. An accessory dwelling unit will be a Low Impact Use***
- 2. A Home Occupation will be an Allowed Use***
- 3. Class I recycling will be an Allowed Use***
- 4. Commercial Storage will require a CUP***
- 5. Wind Power facilities 45 feet in height or less will be an Allowed Use***

Commissioner Henrie seconded the motion. Commissioner Ure said he would like the language to come back to the Planning Commission before it is passed on to the County Council.

A vote was taken. Those voting for the motion were Commissioner Clyde, Commissioner Henrie, Commissioner Foster, Commissioner Hanson, Commissioner Wharton, and Chair Brown. Voting against was Commissioner Ure.

- **MOTION CARRIED (6 – 1)**

WORK SESSION

1. Indian Hollow Major Development discussion. – Jennifer Strader, County Planner

Commissioner Hanson recused herself saying that she does not feel that she is able to look at this item objectively. Commissioner Foster stated she is working with Doug Rosecrans and Attorney Call on an item with her fulltime job, but she feels she can make a fair and impartial judgment. Commissioner Ure said the area designated as the Indian Hollow Subdivision borders his property. He also feels he can judge this item objectively.

Planner Jennifer Strader gave the background of the application. She said in 1998, an application was submitted to develop 37 lots. The parcel was a combination of the Highway Corridor Zone and the AP Zone. She explained that in 1998, the Highway Corridor Zone was 1 unit per .5 acre and the AP Zone was 1 unit for 40 acres. She added that because the plan was submitted under the 1998 Code (and has been ongoing since that time) the application is vested to be processed under the 1998 Code, although the density is not vested.

In 2002, the plan was submitted for 85 lots. There were numerous work sessions and public hearings held. On December 2, 2009, the Planning Commission unanimously sent a negative recommendation to the County Manager. A public hearing and final decision was scheduled before the County Manager on February 3, 2011. At that time, the applicants indicated they were willing to modify their proposal for further consideration. The County Manager reached the decision to remand the plan back to the Planning Commission if the revisions were substantially different.

The applicants submitted a revised plan on April 6, 2011 to the Community Development Director. Director Sargent deemed there were substantial enough changes to warrant a work

DRAFT

Conditions:

- CMRS - 1 - AM*
1. *This permit is for SS-2264-A and SS-2265-A as a primary base. The applicant is responsible to amend this permit to include any parcels on which guest ranch activities take place for more than 14 days out of a calendar year.*
 2. *All Service Provider requirements shall be met prior to issuance of this CUP.*

Commissioner Ure added the following condition:

3. *If any new structures are planned, the planning department will be notified so that it could be determined if building permits are needed.*

Commissioner Wharton seconded the motion. A vote was called for. All voted in favor.

- **MOTION CARRIED (4 – 0)**

5. Approval of Minutes: December 7, 2011

Commissioner Hanson made a motion to approve the minutes as corrected. The motion was seconded by Commissioner Ure. All voted in favor.

- **MOTION CARRIED (5 – 0)**

WORK SESSION

1. Review of proposed Cabin Area Zone language. – Adryan Slaght, Principal Planner

Commissioner Ure said he believed the Planning Commission had already voted to forward the Use Chart with the accompanying language to the County Council. He said if he remembers this accurately, then the Commission will be unable to make any alterations. Principal Planner Adryan Slaght confirmed that the Commission did vote to send this on the County Council and that no corrections can be added at this time; nevertheless, the Commission requested to have the completed language brought back before them. Attorney Strachan suggested in the future, the Commission should review the completed language before it is voted on.

Commissioner Ure said if the Commission wants to make changes all they can do is offer suggestions for Staff to pass along to the County Council. He said at this point they cannot alter the approved language. Commissioner Henrie said he would like to have it noted that the Use Chart lists wind towers, regardless of their height, as an allowed use. He thought the directive of the Planning Commission was that wind towers greater than 45 feet in height would require a Conditional Use Permit (CUP). Several of the Commissioners agreed that was their intention. Commissioner Hanson noted some inconsistency with utility towers and wind towers. In the Use Chart, utility towers over 45 feet are a conditional use and wind towers over 45 feet are an allowed use.

DRAFT

Commissioner Clyde stated an item of concern for him was the houses of worship. He would like to have this concern passed on to the County Council. He said houses of worship are listed as an allowed use in a zone where there may be an inadequate road system. He noted that in all other zones, a house of worship is a conditional use.

Commissioner Hanson said she wants to it be made clear, if this is approved, what will happen to the Stillman Ranch, which is operating commercial stables. She noted that under the Use Chart commercial stables are not allowed in the Cabin Zone. Commissioner Clyde said the Stillman Ranch isn't a platted subdivision and it wouldn't fall in the Cabin Zone.

Commissioner Hanson asked about the Bate Ranches. She said they have snowmobiling, horse-drawn sleigh rides, among other activities. Commissioner Ure said existing activities would be grandfathered. He added that as he understood the intent of the Cabin Zone, an application would have to be made to come into the Cabin Zone. It wouldn't automatically take place. Commissioner Clyde agreed and said the Cabin Zone would only be applied in areas where there is an existing platted subdivision.

Planner Slaght said the Cabin Zone would first be created, then, a list of subdivisions would be reviewed with an eye towards which would be appropriate to become a part of the Cabin Zone. A single subdivision would be selected and recommended for Cabin Zone designation. A public hearing would then be held to see how the people feel about this designation. If the majority were against it, most likely, it would not be approved. If the majority was in favor, most likely, it would be approved. He said the Commission wanted to take this in small bites, rather than all at once.

Commissioner Henrie said there are three things that concern him:

1. Why do this? What is the purpose of creating the Cabin Zone? Is the main purpose to help these units become conforming structures?

Commissioner Clyde answered that is one reason, but these are areas that allow the most aggressive agriculture. This will protect people from someone putting a feedlot next to them. It will prevent oil drilling in a residential area. Planner Slaght read the district intent. Commissioner Henrie said it doesn't come right out and say they want to create a Cabin Zone for any particular reason. Commissioner Wharton said this could be explained to the County Council when this is presented to them.

2. Commissioner Henrie said there is no designation of parcel size. It is whatever currently exists. He asked if a landowner with ten acres could subdivide his property, particularly if his neighbors have smaller lots.

Commissioner Clyde said the language of the ordinance froze the plat. Lot lines can be adjusted, but density cannot increase. Planner Slaght read language from the ordinance that stated an increase in density will not be allowed.

DRAFT

3. Commissioner Henrie asked if it would be possible for someone with 600 acres of mountain land to apply for Cabin Zone designation. Commissioner Clyde said this zone is being created to only be applied for what already exists on the land. In this circumstance, a landowner would have to use the SPA or some other method to develop their property. He said the Cabin Zone is only for existing subdivisions, not new subdivisions. Attorney Strachan added that zoning does not grant any type of subdivision.

Commissioner Henrie said he believes once the zone is on the records someone will want to create a subdivision utilizing this zone. Commissioner Clyde said the Commission doesn't intend to use this to create a Cabin Area zone in the future. He asked that a note be made on the Use Chart concerning institutional uses. Fire Stations would be appropriate in the Cabin Zone, but a school may not be. He would like to have these separated on the Use table. Schools should be treated separately from the rest.

Staff Items

Upcoming agendas were discussed.

Engineer Kent Wilkerson asked Planner Slaght to distribute an update on the Transportation Master Plan. Mr. Wilkerson will be on the agenda for the March 21 meeting. Vice-Chair Clyde requested that the annexation maps for Coalville, Kamas, and Oakley be made available at that meeting. Those maps will help define where the roads should go.

Adjourn

At 7:20 p.m. Commissioner Wharton made the motion, which was seconded by Commissioner Ure, to adjourn. All voted in favor.

- **MOTION CARRIED (5 – 0)**

Approval Signature

**SUMMIT COUNTY, UTAH
ORDINANCE # 774**

AMENDING SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS) OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE FOR THE CREATION OF A “CABIN AREA” ZONE

WHEREAS, there exist within Eastern Summit County a number of platted subdivisions that typically have smaller lot sizes, and are used for seasonal and recreational cabin uses; and

WHEREAS, many of these subdivisions were platted prior to the adoption of County zoning, and typically do not fit the intended uses and parcel sizes of the Agriculture Protection (AP-40), Agriculture Grazing 100 (AG-100), and Agriculture Grazing 160 (AG-160) zones within which they are located; and

WHEREAS, the Eastern Summit County Planning Commission has proposed the creation of a new “Cabin Area” zone and associated amendments to the Use Chart in order to recognize and more accurately convey the on-the ground conditions of these subdivisions via the Development Code, Zoning Map, and Use Chart; and

WHEREAS, the Eastern Summit County Planning Commission has conducted meetings since July, 2011 in an effort to define the zone intent and uses that would be associated with this “Cabin Area” zone; and

WHEREAS, following a public hearing held on December 7, 2011 the Eastern Summit County Planning Commission forwarded a positive recommendation on the proposed Code amendments to the Summit County Council; and

WHEREAS, the Summit County Council held a work session to consider the creation of the proposed “Cabin Area” zone on April 4, 2012; and

WHEREAS, The Summit County Council has conducted a public hearing to consider the merits of the proposed amendments;

NOW THEREFORE, the Legislative Body of Summit County, Utah, hereby ordains the following:

SECTION 1. APPROVAL OF AMENDMENT TO SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS) OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE (attached as Exhibit A of the Staff Report dated July 12, 2012):

The Summit County Council, acting in its legislative capacity, hereby approves the proposed amendments to Section 11-3 (Zoning Districts & Requirements) of the Eastern Summit County Development Code.

SECTION 2. EFFECTIVE DATE:

This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council,
this 18th day of July, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
David Ure, Council Chair

Council Member Elliott voted _____
Council Member Robinson voted _____
Council Member McMullin voted _____
Council Member Ure voted _____
Council Member Hanrahan voted _____

ATTEST:

County Clerk, Summit County, Utah

David Ure, Council Chair
Claudia McMullin, Council Vice Chair
Sally Elliott, Council Member
John Hanrahan, Council Member
Chris Robinson, Council Member

David Brickey, Attorney

Council Member McMullin made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

WORK SESSION

Chair Ure called the work session to order at 5:15 p.m.

- **Discussion of possible amendment to Chapter 3, Eastern Summit County Development Code; Creation of Cabin Area Zone – Adryan Slaght, Principal Planner**

Principal Planner Adryan Slaght presented the staff report and explained that the intent of the amendment is to create a Cabin Area Zone to recognize what exists on the ground. The Planning Commission would evaluate the subdivisions identified in the staff report and ask the homeowners associations if they would like to be included in that zone. He noted that modifications to the existing use chart have also been proposed to require a Conditional Use Permit for houses of worship and wind generation facilities higher than 45 feet. The Council is also being asked to consider whether to separate schools from other institutional uses to allow location of some fire district outbuildings in some areas. He requested feedback from the Council Members.

Council Member Hanrahan commented that this seems to be a good idea and asked if there was any negative comment. Planner Slaght explained that there was some discussion about the appropriateness of possibly limiting someone's ability to use their property if they are currently located in that AG100 zone. He stated that there were more concerns when parcels between 5 to 20 acres were included, but now the average lot size in the subdivisions where this would apply would be 5 acres or less.

Council Member Robinson asked if anyone showed up at the public hearings. Planner Slaght replied that Staff received comment from the Pine Meadow/Forest Meadow Ranch HOA. He also received input from the Mountain Lakes Subdivision asking if they could be included in the zone, but that subdivision contains 20-acre parcels, and the Planning Commission wanted to apply this zone to smaller parcels. Council Member Robinson asked how they would consider whether to rezone the cabin areas. Planner Slaght explained that the Planning Commission has identified the areas containing smaller lots and would start with one or two subdivisions, send out notices, and recommend those areas for rezoning to the Cabin Area Zone, relying on public input in making a determination. He verified that the existing setbacks in the Code would apply in the Cabin Area Zone.

The Council Members reviewed the use chart and discussed separating fire stations as a separate use in the chart. They suggested that institutional uses be left out of the use chart, and if a fire station is needed, it could be handled through a special exception. Council Member Elliott requested that language be included stating that nightly rentals are not allowed in this zone. Planner Slaght explained that the Planning Commission discussed that and suggested that be left up to the HOAs to address through their CC&Rs. The Council Members also requested that wind power generation facilities higher than 45 feet be a conditional use in this zone.

The Council Members requested that residential care facilities be placed on a future agenda for work session discussion.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member Elliott made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization was called to order at 5:34 p.m.

CONSIDERATION OF APPROVAL OF 2011 STIPULATIONS

Board Member Elliott made a motion to approve the 2011 stipulations as proposed. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

DISMISS AS THE BOARD OF EQUALIZATION

Board Member Robinson made a motion to dismiss as the Summit County Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member Hanrahan and passed unanimously, 5 to 0.

REGULAR MEETING

Chair Ure called the regular meeting to order at 5:40 p.m.

- **Pledge of Allegiance**

REQUEST FOR RELIEF OF PENALTY AND INTEREST DUE FOR 2010 AND 2011 PROPERTY TAXES ON 1252 AERIE DRIVE, PARK CITY (PARCEL AER-4); ANNAMARIE DEAN

County Treasurer Corrie Kirklen recommended that the Council approve the request based on the information presented in the staff report. She noted that she does not have authority to abate the penalty and interest as this a non-primary home.

Council Member Robinson made a motion to grant relief of penalty and interest due for 2010 and 2011 property taxes on 1252 Aerie Drive, AER-4, due to the special circumstances outlined in the staff report. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.



Amir Caus
County Planner

STAFF REPORT

To: Summit County Council (SCC)
Report Date: Wednesday, July 12, 2012
Meeting Date: Wednesday, July 18, 2012
Author: Amir Caus, County Planner
Title: Light Industrial Zone, Code Amendments, Use Chart Amendments, and Zone Map Amendments
Type of Item: Public Hearing, Legislative
Future Routing: N/A

EXECUTIVE SUMMARY: The Eastern Summit County Planning Commission (ESCPC) has requested that Staff provide draft language for a new Light Industrial Zone to be incorporated into the Eastern Summit County Development Code (Code). With the new language, existing non-conforming businesses in the County may have the ability to continue their operation as legal conforming or permitted uses rather than as Non-Conforming uses, provided the parcels they are on are re-zoned. Additionally, the Code Use Chart would be amended to reflect the creation of the new Light Industrial zone and additional uses that were not addressed by the Code.

The ESCPC has conducted numerous public hearings, taken public comment, discussed the amendments, and voted to forward a positive recommendation on the newly proposed Light Industrial Zone and proposed Use Chart and Definition Amendments to the SCC with findings found in Section G of the Staff Report.

A. **Project Description**

- Project: Light Industrial Zone Code Amendments
- Applicant(s): Eastern Summit County Planning Commission
- Location: Eastern Summit County

B. **Community Review**

The creation of the new Light Industrial zone and Use Chart / Definition amendments has been published in the *Summit County News* as a public hearing. Since the proposed changes do not affect any specific property owners, no postcards were sent out. As of the date of the writing of this report, no public comment has been received.

C. **Background**

In early 2011 Rees's Metalworks applied for a re-zone to designate their operation as a conforming use. The Industrial zone was the closest described zone in the Code that would allow for the type of operations that Rees's conducts. The Staff, Applicant, and the ESCPC were concerned with the ramifications of potentially allowing other coincidental uses that are identified in the Industrial zone. After a discussion at the May 18, 2011 ESCPC Meeting about the appropriateness of an Industrial zone, the ESCPC

decided that there are other businesses in the County that are similar to Rees's and that there should be a zoning designation that allows for some of the Industrial uses, but not all. The ESCPC directed Staff to reevaluate the language that was suggested and bring back language to create a new Light Industrial zone. ESCPC felt that if a general zone was created, the other businesses would likely wish to be appropriately zoned and drop the non-conforming title.

Project Background

In the time since the June 15, 2011 the Staff and the ESCPC have worked on revisions to the proposed amendments. During the process the ESCPC changed direction from a Light Industrial Zone to a Service Commercial Zone and back to a Light Industrial Zone.

At the March 21, 2012 work session, the ESCPC went through each use and the proposed language and felt comfortable enough to move forward with the public hearing process with the uses, definitions, language, and amendments as proposed in *Exhibits A, B, and C* of the Staff Report.

During the April 4, 2012 public hearing, the ESCPC forwarded a positive recommendation to the SCC for the proposed amendments.

On May 30, 2012 the SCC held a work session in which the proposed language and use chart were discussed. The SCC in general was in support of the amendments with very few minor changes to the recommended use chart and definitions. SCC recommended that Shooting Ranges, Indoor be included in the Light Industrial Zone as a Conditional Use Permit. SCC recommended that "horseback" be included in the Seasonal Recreation, Commercial (Non-Motorized) definition and that "all-terrain vehicles" be included in the Seasonal Recreation, Commercial (Motorized) definition. As a typo from previous years, the SCC recommended that "EI Zone" reference be taken out of the Sexually Oriented Business section, since the "Existing Industrial (EI) Zone" does not exist.

Staff has made the aforementioned changes accordingly.

D. Identification and Analysis of Issues

Proposed Changes

The proposed changes include the new Light Industrial Language, Use Chart amendments, Definition additions and amendments, removal of the Railroad Industrial zone and implementing it as a use in the Use Chart, and a Zone Map amendment to remove the Railroad Industrial Zone and replace it with the Industrial Zone.

Zone Code Language

Section 11-3-13 of the Code lists the uses that are allowed within each zone of the development district. The amended use chart in *Exhibit A* reflects the most recent discussions. The ESCPC and the Staff focused on ensuring that the proposed language and changes to the use chart, definitions, and zone language are compatible with the goals and intent of the proposed zoning change and to avoid unintended consequences.

Tax Ramifications

At the request of the ESCPC, Staff met with Summit County Assessor's Office and has confirmed the use of the land is the most important factor the Assessor's Office uses when determining the tax designation of a particular parcel. A zoning change would not necessarily cause an immediate change in tax status.

E. **General Plan Consistency**

There are a number of objectives and policies in the General Plan that Staff feels pertain to and support the creation of a new or Light Industrial zone.

3.1.6 POLICY: ...Maintain appropriate residential, commercial, and industrial zoning categories in the Development Code that effectively promotes all objectives of this Plan.

3.3.1 POLICY: Establish a Major Development review process in the Development Code under which all major development shall be reviewed. This process should represent an integration of site layout requirements and subdivision regulations. It should permit Summit County to direct all major residential, commercial and industrial development in a manner which protects actively farmed and ranched lands, clusters development, consolidates access, incorporates appropriate infrastructure standards based on location and proximity to existing County infrastructure and service areas, and preserves open space, wildlife habitat and other natural resources and scenic qualities.

3.4 OBJECTIVE:.... Allow appropriate land uses to be developed in Eastern Summit County that are consistent with the desired rural, agricultural character, but provide flexibility for other uses when they are found to be compatible and consistent with nearby uses and character in the specific area for which they are proposed.

7.2 OBJECTIVE: Encourage commercial and industrial activity that is compatible with Eastern Summit County's identity in order to enhance the County's valuation.

7.2.1 POLICY: Maintain the Commercial (C) and Industrial (I) zone districts in the Development Code.

7.2.2 POLICY: Establish flexible provisions in the Development Code that will permit appropriate commercial and industrial land uses at various locations within the unincorporated area of Eastern Summit County so long as:

- a. the specific use is consistent with the efficient use and development of adjacent lands given the zoning designation;
- b. the specific use is compatible and consistent with other nearby uses, will not affect, in a substantially adverse manner, the enjoyment of land in the vicinity of the propose use, including impacts related to but not necessarily limited to traffic, noise, light and privacy.
- c. the specific use will not substantially alter the essential character of the surrounding area; and
- d. the specific use will not substantially increase the danger of fire of otherwise endanger public safety, or substantially diminish or impair the values or property nearby.

F. **Findings/ Code Criteria and Discussion**

Section 11-5-3 of the Eastern Summit County Development Code requires that an approval of an amendment to the zone district map shall not be granted until both the ESCPC and SCC have reviewed the specific development proposal and determined:

- (1) The amendment complies with the goals of the General Plan;
As stated in Section E of the Staff Report, the General Plan calls for the Planning Commission and Staff to “Encourage commercial and industrial activity that is compatible with Eastern Summit County’s identity in order to enhance the County’s valuation.”
- (2) The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community;
There are multiple uses in the Eastern Summit County that are non-conforming and with the creation of the new Light Industrial zone district may be able to become conforming through the new Light Industrial designation.
- (3) The specific development plan is in compliance with all applicable standards and criteria for approval as described in Chapter 4 of the Eastern Summit County Development Code; and
As this amendment was suggested and developed by the ESCPC and Staff, there is no specific development plan for any particular project. Staff recognizes that there are special uses which, because of their unique character and unusual impact upon the use and enjoyment of neighboring properties, cannot be properly classified in any particular zone district(s) without special review and consideration of those impacts upon neighboring lands and upon the public need for a particular use at a particular location. With the new Light Industrial language, many of the non-conforming uses could become conforming where expansions would be regulated through appropriate permits.
- (4) The amendment does not adversely affect the public health, safety and general welfare.
New applications will be approved on a case by case basis to mitigate impacts to public health, safety, and general welfare. Staff plans on discussing site specific properties in future meetings.

G. **Recommendation(s)/Alternatives**

The ESCPC evaluated the proposed Light Industrial language, code amendments, and zone map amendments, in accordance with the Eastern Summit County Development Code and the Eastern Summit County General Plan. The ESCPC recommends that the SCC hold a public hearing to gather public comment, consider Staff’s analysis and vote to approve the proposed amendments with the following findings:

- (1) The amendment complies with the goals of the Eastern Summit County General Plan;
- (2) The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community; and

(3) The amendment does not adversely affect the public health, safety and general welfare.

Attachment(s)

Exhibit A – Proposed Use Chart

Exhibit B – Definitions

Exhibit C – Light Industrial Language

Exhibit D – Proposed Zoning Map

Exhibit E – March 21, 2012 and April 4, 2012 ESCPC Minutes

Exhibit F – SCC May 30, 2012 Work Session Minutes

Exhibit G – Ordinance 775 (Adding Light Industrial)

Exhibit H – Ordinance 776 (Deleting Railroad Industrial)

CHART OF ALLOWED AND ~~CONDITIONAL~~ PERMITTED USES*

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet.	A	A	A	<u>A</u>	A	L			
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet.	C	C	C	<u>C</u>	C	C			
Accessory Dwelling unit	L	L	L	<u>L</u>	<u>C</u>	L			Section 11-6-5
Agricultural Employee Dwelling unit	C	C	C		C				Section 11-6-5
Agricultural Employee Facility for the purpose of providing shelter for more than one family.	C	C	C		C				
Agriculture buildings and uses customarily associated with traditional agriculture operations as defined in Appendix A.	A	A	A		A	<u>L</u>			
<u>Auto Impoundment Yard and towing services</u>							<u>A</u>	<u>C</u>	
<u>Automotive Sales</u>						<u>L</u>			
<u>Auto Repair, Service and Detailing</u>						<u>L</u>	<u>A</u>		
<u>Auto Wrecking Yard</u>								<u>C</u>	
<u>Banks and Financial Services</u>						<u>C</u> <u>L</u>			
<u>Bars, Taverns, Private Clubs</u>						<u>C</u>			
Bed and Breakfast Inn.	C	<u>C</u>	C		C	<u>C</u> <u>L</u>			

EXHIBIT A.2

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
<u>Butcher, Retail</u>						C	L		
Cemetery	C	C	C		C	C		C	
<u>Child Care, In-home (4 children or less)</u>	L	L	L		L				
<u>Child Care, Family (fewer than 9 children)</u>	L	L	L		L				
<u>Child Care, Family (with 9–16 children) Daycare Facility</u>	GL	L	L		L	C			
<u>Child Care, Commercial</u>						C			
Commercial Kennels	C	C	C		C	C	C	C	
<u>Commercial Riding Arenas</u>	C	C	C		C				
Commercial Stables	C	C	C						
Dwelling unit, multi-family.	C				C	C			
Dwelling unit, one-family.	A	A	A	A	A	L			
Dwelling unit, single-family, attached.	GL				L	C			
<u>Forest, meadow lands and open space</u>	A	A	A		A	A		A	
<u>Food Processing, Commercial</u>						L		L	
<u>Funeral Services</u>	C	C	C		C	L			
<u>Gas and fuel, storage and wholesale</u>						C	C		
<u>Gasoline Service Station with or without Convenience Store</u>						L			
Guest ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay.	C	C	C		C	C			

EXHIBIT A.3

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
Historic Structures, preservation of, including related accessory and supporting uses	A	A	A	A	A	A	A	A	
Home Occupation.	A	A	A	A	A	A			Section 11-6-3
Horse Drawn Sleigh Ride.	A	A	A	A	C	A		A	
Houses of Worship including churches and other religious institutions.	LC	C	C	C	LC	L C			
Hospitals						C			
Hotel, Motel or Inn						L			
Indoor Entertainment such as bowling alleys, skating rinks, movie theater, performing arts center						L			
Indoor Riding Arenas not exceeding 2,000 square feet.	A	A	A		A	L			
Industrial Uses and operations including storage, manufacturing and processing.								C	
Institutional Uses including fire stations, private schools and public or quasi-public buildings.	C	C	C		C	C			
Logging Camp	C	L	L						
Manufacturing, custom	L				L	L	L	L	
Manufacturing, light							L	L	
Manufacturing, heavy								C	
Mobile Home Park	C				C				
Mobile home with foundation (refer	A	A	A	A	A	L			

EXHIBIT A.4

Permitted Uses	AP	AG-100	AG-160	CA	HC	C	LI	I	Additional Reference
to Prefabricated Home definition.)									
Mobile home without foundation	C	C	C	C	C				
Municipal Landfill								C	
Nursery/greenhouse.	C	C	C		C	A			
Oil wells, natural gas wells and steam wells	LC	LC	LC					LC	Section 11-4-10.F
Open Recreation uses.	C	L	L	C	C	CL		C	
Petroleum Refineries	C	C	C					C	
Professional Offices						AL			
Railroad Industrial Uses including shipping and distribution.							L	L	
Recreation and Athletic Facilities						L			
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances						L			
Recycling Facility, Class I	A	A	A	A	A	A	A	A	
Recycling Facility, Class II								L	
Residential Care Facilities	C	C	C		C	C			Section 11-6-16 & Appendix A
Restaurant, not exceeding 2,000 sq. ft.						A			
Restaurant, exceeding 2,000 sq. ft.						L			
Restaurant with a drive through						L			
Retail commercial establishments, exceeding 2,000 square feet.						CL			
Retail commercial establishments,						L			

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
not to exceed 2,000 square feet.						<u>A</u>			
Rock quarries, gravel pits, and associated surface mining uses including, but not limited to, filtering, sifting, and processing of soil.	C	C	C					L	
Service commercial establishments, exceeding 2,000 square feet.						<u>C</u>		<u>C</u>	
Service commercial establishments, not to exceed 2,000 square feet.						<u>L</u>		<u>C</u>	
Seasonal Recreation, Commercial (Non-Motorized)	<u>L</u>	<u>L</u>	<u>L</u>		<u>L</u>			<u>L</u>	
Seasonal Recreation, Commercial (Motorized)	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>			<u>C</u>	
Sexually Oriented Businesses								C	Appendix B
Shooting Ranges, Indoor						<u>C</u>	<u>C</u>	<u>L</u>	
Shooting Ranges, Outdoor	<u>C</u>	<u>C</u>	<u>C</u>						
Telecommunication Facilities - Co-Location	A	A	A	<u>A</u>	A	A	<u>A</u>	A	Section 11-6-7
Telecommunication Facilities - Stealth	A	A	A	<u>A</u>	A	A	<u>A</u>	A	Section 11-6-7
Underground transmission lines exceeding 12 inches diameter, (i.e., gas, oil, water, etc.).	C	C	C	<u>C</u>	C	C	<u>C</u>	C	
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	<u>A</u>	A	A	<u>A</u>	A	
Utility structures and related facilities	C	L	L	<u>C</u>	C	C	<u>L</u>	<u>C</u>	Section 11-6-6

EXHIBIT A.6

<u>Permitted Uses</u>	<u>AP</u>	<u>AG-100</u>	<u>AG-160</u>	<u>CA</u>	<u>HC</u>	<u>C</u>	<u>LI</u>	<u>I</u>	<u>Additional Reference</u>
Utility Towers and associated transmission and distribution lines 45 feet in height or less.	L	A	A	<u>L</u>	L	L	<u>L</u>	A	
Utility Towers and associated transmission and distribution lines greater than 45 feet in height.	C	C	L	<u>C</u>	C	C	<u>C</u>	L	
Veterinarian Clinic	<u>L</u>	<u>L</u>	<u>L</u>	<u>C</u>	<u>L</u>	<u>L</u>			
Warehousing and commercial storage.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>L</u>	C	
Water and Wastewater Treatment Plant	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	
Wind power generation facilities 45 feet in height and less	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
Wind power generation facilities greater than 45 feet in height.	C	L	L	<u>C</u>			<u>L</u>	<u>C</u> <u>L</u>	Section 11-4-10.G

Auto Impoundment Yard and Associated Towing Services: An outdoor storage facility for impound of automobiles brought there by a towing service.

Automotive Sales: An establishment primarily engaged in the sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

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

Auto Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

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

Bars, Taverns, Private Clubs: An establishment serving alcoholic beverages for consumption on the premises.

Butcher, Retail: An establishment for small-scale slaughtering of animals, dressing their flesh, and meat sales.

Child Care, In-home (4 children or less): Providing child care services within a dwelling home for four or less children.

Child Care, Family (fewer than 9 children): A child care facility operated by a party who resides at the premises used for child care services, which provides service for fewer than nine children.

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

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

Commercial Riding Arena: An establishment for boarding, breeding or raising or horses not owned by the occupants that includes rental of horses and includes a training program and riding lessons.

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

Food Processing, Commercial: An establishment that transforms raw ingredients into food or transforms food into other forms for consumption.

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

Gas and Fuel, Storage and Sales: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

Gasoline Service Station with Convenience Store: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

~~**Historic Structures, preservation of, including related accessory and supporting uses**~~

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

Hotel, Motel or Inn: An establishment containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated

with hotels, but not including lock-outs or boarding houses. Motels are generally an establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

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

Manufacturing, Custom: An establishment primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts, and the incidental direct sale to customers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturing.

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

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

Open Recreation Use: Land or the use of land intended for open recreational uses, including facilities such as playgrounds, campgrounds, golf courses, tennis courts, corrals, public riding arenas and other similar activities, but not including commercial snowmobile operations and shooting ranges, and other similar activities.

Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances: A recreation facility operated as a business on private or public property and open to the public for a fee, such as a dance studio, gymnastics studio,

music studio, or substantially similar use, and support facilities customarily associated with the development.

Recycling Facility, Class I: Recycling containers totaling up to 60 cubic yards of capacity per lot or residential/business development used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

Recycling Facility, Class II: A building, structure or designated area with recycling containers totaling over 60 cubic yards of capacity per lot or residential/business development used for the collection, and temporary storage or transfer of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard that may be for the use of the entire community and typically operates as a commercial *business*.

Seasonal Recreation, Commercial (Non-Motorized): Land or the use of land intended for commercial open recreational uses, including activities such as rafting tours, mountain biking tours, horseback riding, and other similar activities, but not including commercial snowmobile operations, shooting ranges, and other similar activities.

Seasonal Recreation, Commercial (Motorized): Land or the use of land intended for commercial open recreational uses, including activities such as commercial snowmobile tours, all-terrain vehicle tours, and other similar activities, but not including shooting ranges, and other similar activities.

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

Wind power generation facilities 45 feet in height and less

Wind power generation facilities greater than 45 feet in height

APPENDIX B of the Eastern Summit County Development Code

ADULT/SEX-ORIENTED FACILITIES AND BUSINESSES

A. Findings: The County Council finds that the appropriate location for adult/sex oriented facilities and businesses within the county is within concentrated areas of the county where it can be better regulated by county officials and law enforcement, and outside of residential or recreational (park) areas where the quality of life will not be as greatly impacted. Within the unincorporated county, adult/sex-oriented facilities and businesses shall be allowed as a Conditional Use within the Silver Creek Industrial Park and other industrial areas, as specified herein, and shall conform to the criteria mandated under this Subsection and Title 3, Chapter 5 of this Code, governing such activities. This Title and Title 10 of this Code, are hereby amended to allow adult/sex-oriented facilities and businesses as a Conditional Use in the ~~Existing Industrial (E) Zone (Snyderville Basin)~~ or Industrial (I) Zone (Eastern Summit County) and as a prohibited use in all other zone districts.

B. Conditional Use Permit Required: Adult/sex oriented facilities and businesses are Conditional Uses in existing Industrial Zones and must be approved in accordance with the provisions of this subsection and Title 3, Chapter 5 of this Code. In all cases, a design and site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to the issuance of a Conditional Use permit. The procedures for issuance of Conditional Use Permits, as found in the appropriate title, shall be followed in all cases. A final decision by the county as to the issuance of a Conditional Use Permit for an adult/sex-oriented facility or business shall be made within ninety (90) days of receipt of a completed application by the County Department of Community Development, unless a delay is requested or agreed upon by the applicant or where the applicant is causing the delay by not providing needed information.

C. Non-conforming Uses:

1. Right to Continue: Adult/sex-oriented facilities and businesses already existing within the unincorporated area of the county shall have the right to continue in their businesses without a Conditional Use Permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premises conditions, as provided in this subsection and Title 3,

Chapter 5 of this Code, within ninety (90) days of the adoption of the ordinance codified herein. A time extension may be granted where the County Council/County Manager determines, on a case by case basis, that a hardship exists for a business owner/operator.

2. Change or Extension/Enlargement of Use: Any non-conforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing Development Code.

3. Cessation of Use: If active and continuous operations are not carried on in a non-conforming use during a continuous period of one year, the building or land where such non-conforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

D. Right Of Appeal: All appeals from denials by the Planning Commission of Conditional Use Permit applications shall be as provided in Title 10 of this Code, the Eastern Summit County Development Code (this Title) (as applicable), and Utah Code Annotated, Section 17-271001, to the District Court within thirty (30) days of the Planning Commission's final action.

E. Penalty: Violations of any of the provisions of this section shall subject the offender to the penalties as provided in this title, other applicable state law, or where no penalty is otherwise provided, a fine of not more than seven hundred fifty dollars (\$750.00) and a ninety (90) day jail sentence. (Ord. 324, 3-9-1998)

CHAPTER 3 ZONING DISTRICTS AND REQUIREMENTS

SECTION:

- 11-3-1: Establishment of Zone Districts
- 11-3-2: Agriculture Protection (AP)
- 11-3-3: Agriculture-Grazing 100 (AG-100)
- 11-3-4: Agriculture-Grazing 160 (AG-160)
- 11-3-5: Highway Corridor (HC)
- 11-3-6 Cabin Area (CA)
- ~~11-3-67~~: Commercial (C)
- 11-3-8: Light Industrial (LI)
- ~~11-3-79~~: Industrial (I)
- ~~11-3-810~~: Railroad Industrial (RI)
- 11-3-~~910~~: Specially Planned Area (SPA)
- 11-3-~~1011~~: Annexation Declaration Area Overlay (ADA)
- 11-3-~~1112~~: Zone District Map
- 11-3-~~1213~~: Allowed, Conditional, Low Impact, and Temporary Uses
- 11-3-~~1314~~: Chart of Allowed and Conditional Permitted Uses

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

In order to carry out the purposes and provisions of this chapter, the following zone districts are permitted within the unincorporated area of the Eastern Summit County Planning District:

Agriculture Protection (AP)

Agriculture-grazing 100 (AG-100)

Agriculture-grazing 160 (AG-160)

Highway Corridor (HC)

Cabin Area (CA)

Commercial (C)

Light Industrial (LI)

Industrial (I)

Railroad Industrial (RI)

Specially Planned Area (SPA)

Annexation Declaration Area Overlay (ADA) (Ord. 481, 3-1-2004)

11-3-2: AGRICULTURE PROTECTION (AP):

- A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leap frog non-agricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of Eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.
- B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in Section 11-4-4 or Section 11-4-5 of this Title. (Ord. 481, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.
 - (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
 - b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that

decreased setbacks are justified due to the configuration of a lot, to

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maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

D. Height: Maximum building height shall be thirty-two feet (32').

11-3-3: AGRICULTURE-GRAZING 100 (AG-100):

- A. District Intent: The AG-100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of Eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.
- B. Area: Minimum land area for each dwelling unit for density purposes is one hundred (100) acres. (Ord. 48, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

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- (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
- b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)
- D. Height: Maximum building height shall be thirty-two feet (32').
- E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner

expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-4

11-3-4: AGRICULTURE-GRAZING 160 (AG-160):

- A. District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of Eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of Eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.
- B. Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres. (Ord. 481, 3-1-2004)
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public roadway right of way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Non-Conforming Lots:
 - a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.
 - (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
 - b. Non-Conforming Parcels Larger than Five (5) Acres: On non-

conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks.

The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

- D. Height: Maximum building height shall be thirty-two feet (32').
- E. Special Regulation: No subdivision plat shall be approved by the county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" containing the language stated below. The Memorandum of Understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-5: HIGHWAY CORRIDOR (HC):

- A. District Intent:
1. The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:
 - a. Ease of providing services.
 - b. Possibility of connection to a water system.
 - c. Existing land use patterns.
 - d. Annexation boundaries of cities.
 - e. Wetlands and water flow patterns.
 2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county roadways designated as Highway Corridor on the Zone District Map.
- B. Area: Minimum land area for each dwelling unit for density purposes is one acre.
- C. Lot Width: Minimum lot width shall be one hundred (100) lineal feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.
- D. Setbacks: Minimum setback shall be at least fifty feet (50') from any county designated roadway right of way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty-five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- E. Height: Maximum building height shall be thirty-two feet (32').
- F. Special Provision: For the purpose of locating development, density can be transferred between commonly owned property in the HC and abutting zone district to protect agriculture lands and open space based upon the findings of a site specific agricultural plan. (Ord. 481, 3-1-2004)

11-3-6: CABIN AREA (CA)

- A. District Intent: The Cabin Area (CA) zone district is established for the purpose of recognizing those subdivisions that were established typically in remote areas, and largely prior to the existence of planning and zoning in Eastern Summit County. The CA zone is to apply only to the subdivisions identified at the time of the creation of this zone. Subdivisions created after the adoption of this zone are not eligible to be rezoned to the Cabin Area. Uses permitted in the zone are those typically associated with seasonal or year-round residential and recreation.
- B. Area: Minimum land area for each dwelling unit for density purposes is the recorded lot size of the existing subdivision plats. No further subdivision of these lots is permitted for density purposes. Lot line adjustments that do not result in an increase of density may be permitted, pursuant to the requirements of this Title.
- C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be as provided below:
1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
 2. Lot Setbacks
 - a. Default setbacks shall be applied as described below:
 - (1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.
 - (2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.
- D. Height: Maximum building height shall be thirty-two feet (32').

11-3-67: COMMERCIAL (C):

- A. District Intent: This zone district is established for the purposes of providing the general public with access to a limited range of neighborhood commercial and service related uses necessary to support the needs of residents in the surrounding area. This zone district allows existing commercial uses to be expanded and new commercial uses to be established within the commercial zone of the town center area of an unincorporated community. All commercial uses exceeding 2,000 square feet are reviewed through the Conditional Use review process.

- B. Existing Legal Non-conforming Commercial Uses: Existing legal non-conforming commercial uses not located within a commercial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Commercial Use Criteria listed in Subsection C hereunder.
- C. Commercial Zone and Use Criteria: New commercial uses shall not be established nor shall existing commercial uses be expanded within the commercial zone unless the use complies with all of the following criteria.
1. The commercial use provides goods and/or services and employment opportunities to the residents of Eastern Summit County.
 2. There is sufficient off-street parking at a minimum ratio of 3 spaces per 1000 square feet of floor area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
 3. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the commercial use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
 4. The property does not contain sensitive lands that are negatively impacted by the commercial use.
 5. The commercial use is compatible and consistent with or supports other nearby uses and/or property conditions and has frontage along a public roadway.
 6. The commercial use will not substantially alter the essential character of the surrounding area.
 7. The commercial use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
 8. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, low impact permit, rezoning or expansion of a commercial use to fully address potential impacts to neighboring uses or the community at large.
- D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.

- E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum front yard setbacks shall be twenty (20) feet from any roadway right-of-way. Minimum side yard setbacks shall be twelve (12) feet from the side property line. Minimum rear yard setback shall be twenty four (24) feet from the rear property line to provide adequate alleyways for deliveries. Variances to the required setbacks to facilitate the use of existing buildings may be considered.
 - 1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of commercial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the commercial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

[11-3-8](#)

11-3-8: LIGHT INDUSTRIAL (LI):

- A. District Intent: This zone district is established for the purposes of providing the general public with access to a range of light industrial and service related uses that are consistent with and supportive of the goals of the Eastern Summit County General Plan, necessary to support the economic growth of Summit County. This zone district is also established to serve as the gap between the Industrial and Commercial zones. This zone district allows existing commercial and light industrial uses to be expanded and new commercial uses to be established within the Light Industrial Zone of the unincorporated community. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the economic growth of Eastern Summit County when appropriate services can be made available and the use is compatible with its surroundings.
- B. Existing Legal Non-Conforming Light Industrial Uses: Existing legal non-conforming light industrial uses not located within a Light Industrial zone district

may continue and may be enlarged and/or expanded in accordance with Section 11-6-2 of the Code and the Use Criteria listed in Subsection "C" below.

- C. Light Industrial Zone and Use Criteria: New light industrial uses shall not be established nor shall existing light industrial uses be expanded within the Light Industrial zone unless the use complies with all of the following criteria:
1. There is adequate off-street parking, circulation areas, and safe convenient access to the property.
 2. Public services (sewer, water, electric, phone, etc.) are readily available to the property and/or can be provided at adequate levels to serve the demands of the use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
 3. The property does not contain sensitive lands that are negatively impacted by the use.
 4. The light industrial use will not substantially alter the essential character of the surrounding area.
 5. The use will not substantially increase the danger of fire or otherwise substantially endanger public safety.
 6. A Site Plan, Building Architectural Drawings, and plan of operations will be required as part of any conditional use, low impact permit, rezoning or expansion of a light industrial use to fully address potential impacts to neighboring uses or the community at large.
- D. Lot Width: There shall be no requirement for lot width, provided all material handling, off-street parking and circulation requirements can be satisfied.
- E. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the subject use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- F. Setback Requirements: Minimum setbacks for light industrial uses shall be determined through the Low Impact or Conditional Use approval process. The minimum setback shall be at least fifty feet (50') from any county designated roadway right-of-way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').

For structures taller than thirty-two (32) feet and/or parcels larger than five (5) acres, the setbacks shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway, and the minimum side and rear setbacks shall be fifty feet (50').

Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

G. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the planning permit review processes.

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11-3-789: INDUSTRIAL (I):

- A. District Intent: This zone district is established for the purposes of providing locations for those industrial land uses that are consistent with and supportive of the goals of The Eastern Summit County General Plan. This zone district is intended to encourage industrial development near incorporated municipalities, where adequate services are generally available. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the needs of Eastern Summit County residents when appropriate services can be made available and the use is compatible with its surroundings. Industrial uses are reviewed through the Conditional Use review process.
- B. Existing Legal Non-Conforming Industrial Uses: Existing legal non-conforming industrial uses not located within an Industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Industrial Use Criteria listed in Subsection "C" below.
- C. Industrial Zone and Use Criteria: New industrial uses shall not be established nor shall existing industrial uses be expanded within the industrial zone unless the use complies with all of the following criteria.
1. There is adequate off-street parking and circulation areas and direct access to a major roadway from the property where heavy equipment or truck traffic will not travel through established residential neighborhoods.
 2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the industrial use without negatively impacting the level of service to adjoining uses or existing industrial uses.
 3. The industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.
 4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the industrial use.

5. A Final Site Plan, Design Guidelines and Operational Management plan will be required as part of any conditional use, rezoning or expansion of an industrial use to fully address potential impacts to neighboring uses or the community at large.
- D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Industrial zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.
- E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum setbacks for industrial uses shall be determined through the Conditional Use Review Process.
 1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

~~11-3-89: RAILROAD INDUSTRIAL (RI):~~

- ~~A. District Intent: This zone district is established for the purpose of providing locations for those industrial land uses associated with the railroad that are consistent with and supportive of the goals of the Eastern Summit County General Plan. This zone district is intended to provide industrial shipping and distribution opportunities along the railroad, where adequate services are generally available and the use is compatible with its surroundings. Typical manufacturing and processing industrial uses are not intended for the railroad industrial zone. The transfer and loading of hazardous materials is also prohibited. Railroad industrial uses are reviewed through the Conditional Use review process.~~

- ~~B. Existing Legal Non-Conforming Railroad Industrial Uses: Existing legal non-conforming railroad industrial uses not located within a Railroad Industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 11-6-2 of the Code and the Railroad Industrial Use Criteria listed in Subsection C below.~~
- ~~C. Railroad Industrial Zone and Use Criteria: New railroad industrial uses shall not be established nor shall existing railroad industrial uses be expanded within the Railroad Industrial zone unless the use complies with all of the following criteria:~~
- ~~1. There is adequate off-street parking and circulation areas and direct access to the property and rail line from a major roadway where heavy equipment or truck traffic will not travel through established residential neighborhoods.~~
 - ~~2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the railroad industrial use without negatively impacting the level of service to adjoining uses.~~
 - ~~3. The railroad industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.~~
- ~~11-3-89~~
- ~~4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the railroad industrial use.~~
 - ~~5. The use shall be limited to only shipping and distribution associated with the railroad including agricultural, timber products, minerals and other similar materials.~~
 - ~~6. All dust and noise impacts of the use shall be reviewed and evaluated with the Conditional Use application and shall be in compliance with county, state and federal regulations.~~
 - ~~7. Any associated staging or storage area for the use shall be identified on the property and shall be buffered or screened from all public roadways or uses to the extent practical and reasonable.~~
 - ~~8. Railroad crossings shall be kept to a minimum and be located only where there is adequate sight distance of approaching trains. Improvements for railroad crossing safety shall be reviewed and evaluated with the Conditional Use application.~~
 - ~~9. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, rezoning or expansion~~

~~of a railroad industrial use to fully address potential impacts to neighboring uses or the community at large.~~

- ~~D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Railroad Industrial zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the parcel.~~
- ~~E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.~~
- ~~F. Setback Requirements: Minimum setbacks for railroad industrial uses shall be determined through the Conditional Use Review Process.~~
- ~~1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~
- ~~G. Parking: Parking shall generally be located at the side or rear of railroad industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.~~
- ~~11-3-9~~
~~11-3-10~~
- ~~H. Building Height: Maximum building height shall be thirty-two (32) feet unless additional building height is required for the railroad industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.~~

11-3-10

11-3-910: SPECIALLY PLANNED AREA (SPA):

- A. District Purpose: The purpose of the SPA zone district is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design. The county shall only use the SPA Zone when it is clearly demonstrated that in doing so, substantial benefits will be derived by the residents of Eastern Summit County. The SPA zone may be designated by the county only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed SPA is in the best interest of the general health, safety, and welfare of Eastern Summit County residents. The SPA is intended to:

1. Permit innovative considerations in the development of land to ensure that development is undertaken in a manner that significantly further the goals and objectives of the Eastern Summit County General Plan;
 2. Allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities;
 3. Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public;
 4. Better relate residential, commercial, and industrial development with community facilities and infrastructure location, size, and design;
- B. Requirements for Approving an SPA: Before an SPA zone is designated in any area, the Planning Commission and County Council shall determine the following:
1. That there are substantial tangible benefits to be derived by the general public of Eastern Summit County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone district;
 2. That there are unique circumstances, above the normal limitations and allowances of the underlying zone, that justify the use of an SPA;
 3. That the development proposed in an application for SPA consideration is compatible with the rural, agricultural, and small town character of Eastern Summit County;
 4. That the development proposed in the application will not adversely affect the social, cultural, and rural values and institutions of Eastern Summit County;
 5. That the development proposed furthers the goals and objectives of the General Plan;
 6. That the development proposed complies with criteria described in this Title for approving a development project, including;
 - a. The development evaluation standards contained in Chapter 2 of this Title;
 - b. The criteria for approving an SPA that are described in Section 11-4-5 of this Title;
 - c. The provisional requirements of development agreements in Section 11-6-10 of this Title; and

7. That approving an SPA zone district will not adversely affect the public health, safety, and general welfare.
- C. Application and Review Procedure: The procedure for applying for an SPA is described in Subsection 11-5-3B of this Title. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for SPA consideration and approval. (Ord. 481, 3-1-2004)

[11-3-11](#)

11-3-~~10~~11: ANNEXATION DECLARATION AREA OVERLAY (ADA):

- A. District Purpose: The purpose of the ADA overlay is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design, and to permit a choice in living environments available in Eastern Summit County. The ADA overlay is intended to:
1. Ensure that development occurring in the annexation declaration area of each incorporated municipality is compatible with applicable and appropriate standards and policies of the municipality and the county;
 2. Better relate residential, commercial, and industrial development with municipal facilities and infrastructure location, size, and design; and
 3. Ensure that appropriate and reliable services and infrastructure are available to serve the development.
- B. Applicability: The location of the ADA overlay shall be identical to the annexation declaration area of each municipality within Eastern Summit County that has so designated such an area. The boundaries of the ADA shall automatically adjust to conform to all declared changes in annexation declaration areas by each municipality. In instances where parcels held under one ownership are divided by an annexation declaration area boundary, the entire parcel shall be considered to be located within the ADA overlay.
- C. Review Procedure: Before any development can occur on property containing an ADA overlay, it shall be reviewed in accordance with the appropriate development review procedure described in Chapter 4 of this Title. The underlying zone shall be used as a guide for determining use and density for the property. The county may impose certain other site layout requirements and infrastructure design requirements beyond those suggested in this title to ensure compliance with the standards and policies of the municipality and county for development in annexation declaration areas. (Ord. 481, 3-1-2004)

[11-3-12](#)

11-3-~~11~~12: ZONE DISTRICT MAP:

- A. Incorporation of Map: The location and boundaries of established zone districts

are set forth on the Zone District Map of the Eastern Summit County Planning District. The map, with all notations, references and other information shown thereon, is incorporated herein and is considered part of this Title.

- B. Amendments: If, in accordance with the provisions of Chapter 5 of this Title, changes are made in district boundaries or other matters portrayed on the Zone District Map, such changes shall be entered on the map promptly after amendment by the CDD or designated planning staff member.
- C. Official Copy on File: Regardless of the existence of purported copies of the Zone District Map, the official Zone District Map shall be located in the office of the Community Development Department and shall be the final authority as to the current zoning status of land, buildings, and other structures in Eastern Summit County.
- D. Uncertainty of Boundary: Where there is uncertainty as to the boundary of any zone district, the following rules shall apply: (Ord. 481, 3-1-2004)
 - 1. District boundaries in the AP, AG-100, and AG-160 zone districts shall follow township, range, or section lines wherever possible. However, due to rezoning, if the specific zone district is adjusted in a manner that does not coincide with these lines, specific property boundaries or prominent natural features shall be used. (Ord. 481, 3-1-2004; amd. 2004 Code)
 - 2. District boundaries in the HC zone district shall be located two hundred fifty feet (250') on either side of the centerline of only those county roads so designated on the Zone District Map.
 - 3. District boundaries in the "C", "I" and "RI" zone districts shall follow specific property lines, the centerline of adjacent roads, or prominent natural features.
 - 4. When, due to scale, the Zone District Map lacks detail, is illegible, or where there is uncertainty, contradiction, or conflict as to the intended location of any zone district boundary as shown thereon, the CDD or designated planning staff member shall make an interpretation of the map upon request of any person, and any person aggrieved by any such interpretation may appeal the same to the Planning Commission. (Ord 481, 3-1-2004)

[11-3-13](#)

11-3-~~12~~13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:

- A. To facilitate public understanding of the Code and for better administration, convenience, and use thereof, those uses designated as "allowed" are permitted as a matter of right without special authorization, provided the use complies with all requirements of the zone district as described in this Chapter. The

establishment of any allowed use is subject only to obtaining a building permit, business license, and/or road encroachment permit.

- B. Conditional Uses are those uses which are permitted in a particular zone district upon showing that such use at a specific site within that zone district will comply with all conditions and standards specified in the Code for ensuring compatibility with surrounding land uses. Conditional uses that are not capable of meeting the Development Evaluation Standards described in Chapter 2.0 of the Code at a specific location shall not be approved at that location. However, the Conditional Use maybe acceptable at another location where it can comply with the Development Evaluation Standards.
- C. Low Impact Uses are uses, projects and activities that are considered to have little or no impact on the public health, safety and general welfare. Low Impact Uses determined to be in compliance with the development evaluation standards and general regulation of the Code and provisions of the General Plan may be approved administratively by the CDD or designated planning staff member.
- D. A Temporary Use is a use that can be established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Any use not listed as an allowed use or a Conditional Use within a zone district may be considered as a Temporary Use pursuant to and in accordance with the provisions of Section 11-4-6 of the Code.

11-3-~~1314~~

11-3-~~1314~~: CHART OF ALLOWED AND CONDITIONAL PERMITTED USES:

- A. The following chart titled "Chart of Allowed and Conditional Uses" defines Allowed, Conditional and Low Impact Uses for the various zone districts. Those uses designated by the letter "A" shall be considered allowed uses in the particular zone district; the letter "C" shall represent those uses that require Conditional Use approval and the letters "L" shall represent those uses that require Low Impact Permit approval.

Zoning Legend

(Refer to Sections 11-3-2 through 11-3-~~8-9~~ for greater detail on zoning specifications)

AP	Agriculture Protection (1 dwelling unit/40 acres)	C	Commercial
AG-100	Agriculture Protection (1 dwelling unit/100 acres)	I	Industrial

AG-160	Agriculture Protection (1 dwelling unit/160 acres)	RI	Railroad Industrial
HC	Highway Corridor		

Use Legend

(Refer to Section 11-3-~~12~~13 for greater detail on use specifications)

A	Allowed	T	Temporary
C	Conditional		
L	Low Impact		

11-3-~~13~~14

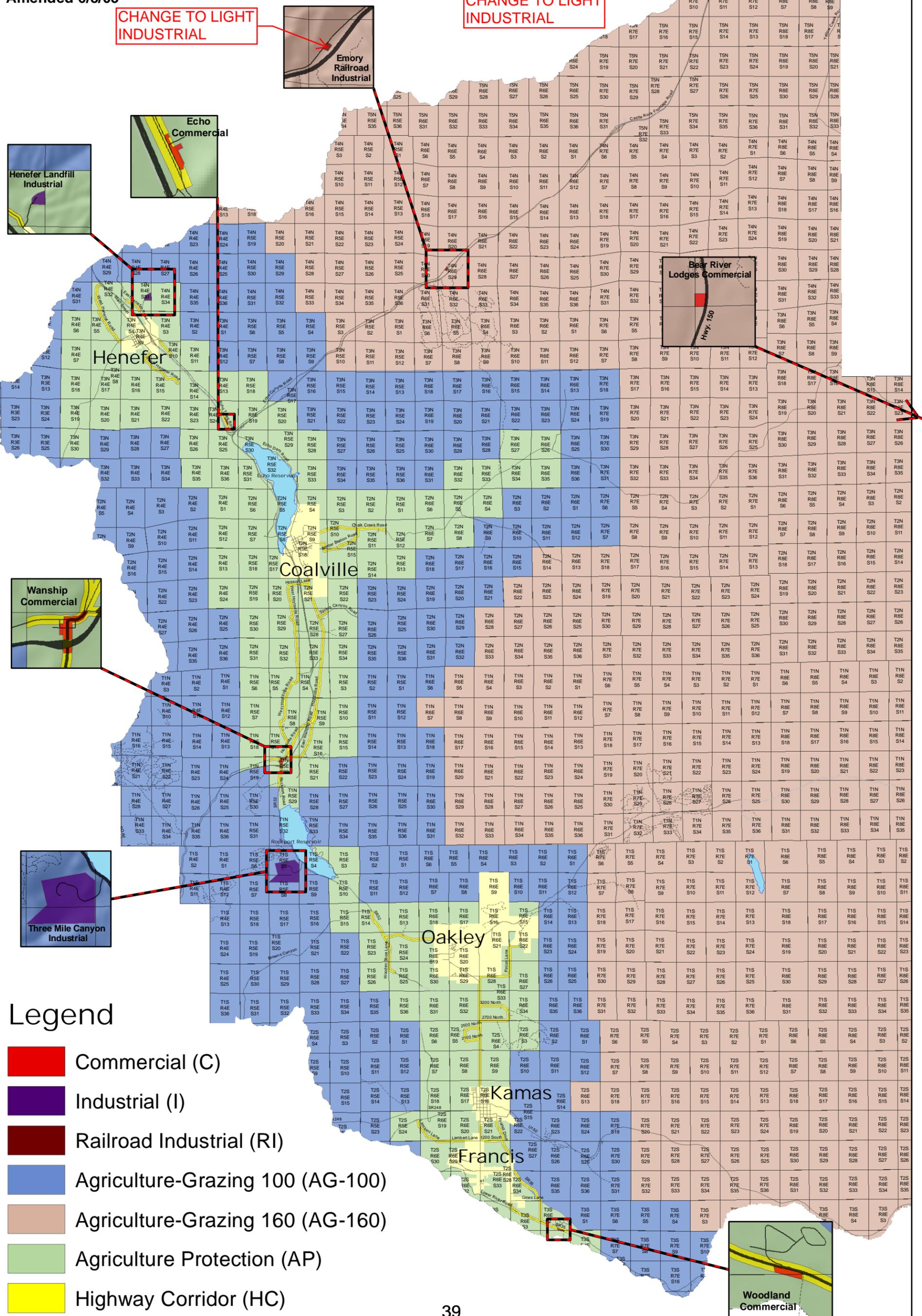
CHART OF ALLOWED AND **CONDITIONAL PERMITTED** USES*

Eastern Summit County Zoning Map

Amended 6/8/05

CHANGE TO LIGHT INDUSTRIAL

CHANGE TO LIGHT INDUSTRIAL



Legend

- Commercial (C)
- Industrial (I)
- Railroad Industrial (RI)
- Agriculture-Grazing 100 (AG-100)
- Agriculture-Grazing 160 (AG-160)
- Agriculture Protection (AP)
- Highway Corridor (HC)

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
 WEDNESDAY, MARCH 21, 2012
 CONFERENCE ROOM 1B
 SUMMIT COUNTY COURTHOUSE
 60 NORTH MAIN
 COALVILLE, UTAH

COMMISSIONERS PRESENT:

Michael Brown – *Chair*
 Tonja Hanson
 Ken Henrie

Chris Ure
 Sean Wharton

Regrets: Tom Clyde

STAFF PRESENT:

Amir Caus – *County Planner*
 Kimber Gabryszak – *County Planner*
 Sean Lewis – *County Planner*
 Adryan Slaght – *Principal Planner*

Helen Strachan – *County Attorney*
 Kent Wilkerson – *County Engineer*
 Kathy Lewis – *Recording Secretary*

Continued discussion regarding the creation of a new "Light Industrial Zone: and related Use Chart – Amir Caus, County Planner

Chair Brown said at the next meeting in April there will be a public hearing concerning the creation of the Light Industrial Zone. He asked that Staff bring the proposed language and the Use Chart to be assured that the Planning Commission is fully acquainted with this document before the public hearing occurs.

Planner Amir Caus reminded the Planning Commission that Staff was instructed to bring back the Light Industrial Zone in lieu of the Service Commercial Zone. Staff was also directed that the remaining Service Commercial Zone uses would be placed in the Commercial Zone. The Commission reviewed the document that was presented to them.

Commissioner Wharton noted that Class II Recycling is not included in the Light Industrial Zone. He asked if it should be. Commissioner Ure responded that the definition of Class II Recycling involves cars and heavier items. He thinks it belongs in the Industrial Zone only. Planner Caus recommended that Class II Recycling be removed from the Commercial Zone. He said it wouldn't mix well with restaurants or other uses in the Commercial Zone. The Commission decided to remove it from the Commercial Zone and leave it in the Industrial Zone only.

Chair Brown recommended they review the Use Chart for the Commercial Zone line by line. The following changes were made:

<u>USE CHART REVIEW</u>		
<u>Item</u>	<u>Change</u>	<u>Vote</u>
Automotive Sales	Change from Conditional Use to Low Impact Use	Unanimous Vote
Banks and Financial Services	Change from Conditional Use to Low Impact Use	Unanimous Vote
Bed and Breakfast Inn	Change from Conditional Use to Low Impact Use	Unanimous Vote
Cemetery	Leave as a Conditional Use	Unanimous Vote
Commercial Kennels	No change; stays as a Conditional Use	Vote: 3-2 For: Commissioner Hanson Commissioner Henrie Commissioner Wharton Against: Chair Brown Commissioner Ure
Funeral Services	Change from Conditional Use to Low Impact Use	Unanimous Vote
Gasoline Service Station with convenience Store	Change from Conditional Use to Low Impact Use	Vote: 3-2 For: Chair Brown Commissioner Ure Commissioner Henrie Against: Commissioner Hanson Commissioner Wharton
Houses of Worship	No change; stays as a Conditional Use	Vote: 4-1 For: Chair Brown Commissioner Hanson Commissioner Henrie Commissioner Wharton Against: Commissioner Ure
Hotel, Motel, or Inn	Change from Conditional Use to Low Impact Use	Unanimous Vote
Indoor Entertainment such as bowling alley, skating rinks,	Change from Conditional Use to Low Impact Use	Unanimous Vote

movie theater, performing arts center		
Institutional Uses including fire stations, private schools and public or quasi-public buildings	No change; stays as a Conditional Use	Unanimous Vote
Open Recreation Uses	Change from Conditional Use to Low Impact Use (non-motorized added)	Unanimous Vote
Recreation and Athletic Facilities	Change from Conditional Use to Low Impact Use	Unanimous Vote
Recycling Facility, Class II	Remove from the Commercial Zone	Unanimous Vote
Restaurant with a drive through	Change from Conditional Use to Low Impact Use	Unanimous Vote
Residential Care Facilities	No change; stays as a Conditional Use	Unanimous Vote
Shooting Range	No change; stays as a Conditional Use	Unanimous Vote
Underground transmission lines exceeding 12 inches diameter, (i.e., gas, oil, water, etc.)	No change; stays as a Conditional Use	Vote: 4-1 For: Commissioner Hanson Commissioner Henrie Commissioner Ure Commissioner Wharton Against: Chair Brown
Utility Structures and related facilities	No change; stays as a Conditional Use	Vote: 3-2 For: Commissioner Hanson Commissioner Henrie Commissioner Wharton Against: Chair Brown Commissioner Ure
Utility Towers and associated transmission and distribution lines greater than 45 feet in height.	No change; stays as a Conditional Use	Vote: 4-1 For: Commissioner Hanson Commissioner Henrie Commissioner Ure Commissioner Wharton Against: Chair Brown
Water and Wastewater	Removed from zone	Unanimous Vote

Treatment Plant		
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Following the review of the Use Chart the proposed language was reviewed and the following changes were made:

<u>PROPOSED LANGUAGE</u>		
<u>Paragraph</u>	<u>Change</u>	<u>Vote</u>
Paragraph A: District Intent	The following sentence will be removed: "This zone district is also intended to encourage light industrial development near incorporated municipalities, where adequate services are generally available." The last sentence of the paragraph should be altered to read "...to support the economic growth of Summit County."	Unanimous Vote
Paragraph B: Existing Legal Non-Conforming Industrial Uses	No changes made	Unanimous vote
Paragraph C: Light Industrial Zone and Use Criteria- The Criteria was reviewed and the following changes were made:	1. Delete	Unanimous Vote
	2. Keep this criterion, but put a period following the word "property." Delete the rest of the sentence.	Unanimous Vote
	3. Change the word "and" to an "or"	Unanimous Vote
	4. Delete	Unanimous Vote
	5. Leave as is	
	6. Delete	Unanimous Vote
	7. No changes made	Vote: 3-2

		<p>For: Commissioner Hanson Commissioner Henrie Commissioner Wharton</p> <p>Against: Chair Brown Commissioner Ure</p>
	<p>8. Insert the word "substantially" before "endanger public safety". Add a period and end the sentence at this point. The rest of the sentence will be removed.</p>	<p>Vote: 3-2</p> <p>For: Commissioner Hanson Commissioner Henrie Commissioner Wharton</p> <p>Against: Chair Brown Commissioner Ure</p>
	<p>9. Delete "Operational Management" from the sentence. Add "plan of operation" following "low impact use"</p>	<p>Vote: 4 -1</p> <p>For: Commissioner Hanson Commissioner Henrie Commissioner Wharton Commissioner Ure</p> <p>Against: Chair Brown</p>
<p>Paragraph D: Lot Width</p>	<p>No changes made</p>	<p>Unanimous vote</p>
<p>Paragraph E: Building Height</p>	<p>No changes made</p>	<p>Unanimous vote</p>
<p>Paragraph F: Setback Requirements</p>	<p>No changes made</p>	<p>Unanimous vote</p>
<p>Paragraph G: Parking Requirements</p>	<p>Delete</p>	<p>Unanimous vote</p>
<p>Paragraph H: Special Requirements</p>	<p>No changes made</p>	<p>Vote: 3-2</p> <p>For: Commissioner Hanson Commissioner Henrie Commissioner Wharton</p> <p>Against: Chair Brown Commissioner Ure</p>

Chair Brown thanked the Commission. He said this is a better product than what was before them one month ago.

Commission Items

Commissioner Henrie asked how the Lot of Record Ordinance that was just approved fixes all of the different situations. Planner Kimber Gabryszak said that it doesn't. Principal Planner Adryan Slaght said the County Council voted against approving amnesty. Commissioner Henrie said at some point in the future, the Planning Commission should address other ways that someone should be able to legally divide their lot.

Staff Items

When to hold the upcoming training was discussed along with the future agendas. It was decided that because the new Planning Commission may not be seated by April 4th to delay the training until April 18th.

Planner Gabryszak said the Staff Report will be available a day earlier. She informed the Commission that the County will begin to use an online filing system that will give the Commission access to the reports at an earlier date.

Planner Gabryszak said only the planner who is coordinating the meetings will be rotated. The projects will not be switching.

Adjourn

At 9:03 p.m. Commissioner Wharton made the motion to adjourn the meeting.

Approval Signature

DRAFT MINUTES**EASTERN SUMMIT COUNTY PLANNING COMMISSION**

REGULAR MEETING
 WEDNESDAY, APRIL 4, 2012
 KAMAS CITY OFFICE
 170 NORTH MAIN
 KAMAS, UTAH

COMMISSIONERS PRESENT:

Tom Clyde- Vice Chair
 Tonja Hanson
 Ken Henrie

Chris Ure
 Sean Wharton

Regrets: Michael Brown – *Chair*

STAFF PRESENT:

Amir Caus – *County Planner*
 Kimber Gabryszak – *County Planner*

Helen Strachan – *County Attorney*
 Kathy Lewis – *Recording Secretary*

Commission Vice-Chair Tom Clyde called the regular meeting of the Eastern Summit County Planning Commission to order at 6:00 PM. He announced that Chair Michael Brown was unable to be in attendance.

- Public hearing and possible recommendation regarding code amendments including the creation of a new Light Industrial Zone and potential Service Commercial Zone, as well as other amendments to the Commercial Zone, Use Chart, Zone Map, and definitions in the Eastern Summit County Development Code. - Amir Caus, County Planner**

Planner Amir Caus reminded the Planning Commission there have been 13 meetings on this subject since June 2011. Initially, the proposal was for the creation of the Light Industrial (LI) zone. The idea morphed into the creation of a Service Commercial Zone and Use Chart amendments. He said the decision was recently reached to return to the original proposal of a LI zone. The Commission reviewed the proposed Use Chart amendments with an eye towards which uses would be most appropriate in the LI zone. The remaining uses were placed in the Commercial Zone.

Planner Caus said the proposed use chart and definitions were reviewed at the last Commission meeting. The Commission requested a final review of the chart at this meeting. Vice-Chair Clyde opened the public hearing. There were no comments made and the public hearing was closed. He asked if the Commission felt that another public hearing to be held in Coalville would be needed. The Commission felt that it would not be necessary.

COMMISSION QUESTIONS AND COMMENTS

Commissioner Hanson asked about the statement in the Staff Report that read, "A zoning change would not necessarily cause an immediate change in tax status." She asked if that

statement applies to the property owner. Planner Caus answered that was correct. A zoning change would not cause a change in the taxes on the property, unless there is a change in the use of the property. Vice-Chair Clyde commented the property could remain in the greenbelt in the LI zone. Commissioner Henrie said he had several questions about the document. The following questions were considered:

- (Page 3: General Plan Consistency- 7.2.1)

Commissioner Henrie asked if the Industrial Zone was being eliminated. Planner Caus responded the Railroad Industrial zone was being removed. It was becoming a use rather than its own zone. The Industrial and the Commercial zones would remain.

- (Page 6: Use Chart- Automotive Sales AND Automotive Repair, Service and Detailing)

Commissioner Henrie said that many businesses that sell cars also repair and service them. He asked if this should be listed as a Low Impact use in the Commercial zone. This was discussed. Commissioner Ure said detailing is also part of automotive sales.

Commissioner Henrie made a motion that automotive repair, service and detailing should be listed as a Low Impact use in the Commercial zone. Commissioner Hanson seconded the motion. All voted in favor.

- **MOTION CARRIED (5 - 0)**

Commissioner Henrie questioned if the definitions associated with this category should be altered, but the Commission decided to leave it as is. It was felt that the change in the use chart will take care of any problems and would be reviewed under the same Low Impact Permit.

- (Page 7: Commercial Kennels)

Commissioner Hanson asked if commercial kennels should be listed in the Light Industrial Zone as a Conditional Use. Commissioner Ure agreed. He said they had decided to eliminate it from the Service Commercial Zone, but they never intended to remove it from the Light Industrial Zone.

Commissioner Hanson made a motion to allow Commercial Kennels in the Light Industrial Zone as a Conditional Use. Commissioner Ure seconded the motion. All voted in approval.

- **MOTION CARRIED (5 - 0)**

- (Page 7: Guest Ranches or Lodges)

Commissioner Henrie said this was listed as a conditional use in all of the agricultural zones. He stated no other conditions have been placed on these operations other than having a

business license and obedience to the law. Because of this, he questioned if this should be made a Low Impact use rather than a conditional use.

Commissioner Hanson responded that she felt it should remain as a conditional use because there are important unknown variables that would come into play. One would be if the road is private or public. Vice-Chair Clyde questioned if this meeting had been noticed in such a way that this item could be discussed. Planner Caus said it had been loosely noticed in order to allow the Planning Commission to discuss the Use Chart in a general manner. He said that other zones could be discussed if they so desire.

Commissioner Wharton gave the details of a phone call of a woman that desires to host receptions and elite parties a few times a year. He said there is a difference between a hunting lodge and a guest lodge. If a hunting lodge should be listed as a Low Impact use or a conditional use was discussed. Vice-Chair Clyde replied he thought this particular subject should be discussed in greater detail at a later date.

(Page 10: Seasonal Recreation, Commercial (non-motorized))

Commissioner Henrie questioned if the Temporary Use should be changed to a Low Impact Use. Vice-Chair Clyde said the Temporary Use was enacted to accommodate the Olympics. This was no longer needed.

Commissioner Ure made a motion to alter the Temporary Use for Seasonal Recreation, Commercial (non-motorized) to a Low Impact Use. Commissioner Wharton seconded the motion. All voted in approval.

- **MOTION CARRIED (5 - 0)**

(Page 12 (Definitions) and Page 7 (Use Chart)- Butcher, Retail)

The difference between meat sales vs. a slaughter house was discussed and if this should be defined. The Commission said they want to protect someone in the Commercial Zone from having a slaughter house move next door to them.

Commissioner Wharton made a motion that Butcher, retail would be a Low Impact Use in the Light Industrial Zone and a Conditional Use in the Commercial Zone. Commissioner Ure seconded the motion. All voted in approval.

- **MOTION CARRIED (5 - 0)**

(Page 13: (definition) Dwelling unit, Accessory)

Commissioner Henrie asked if there was a size limitation for an accessory dwelling unit. Planner Gabryszak answered that size limits have been established. Commissioner Wharton asked why they decided this would be a Conditional Use in the Highway Corridor Zone and a

Low Impact Use in all other zones. Planner Gabryszak said this is because it would be doubling the intensity along the Highway Corridor Zone.

(Page 14: Manufacturing, custom)

Commissioner Henrie said many household tools exceed what is being proposed. (2 horse power) He recommended there be no limit set. Planner Caus said that Staff would prefer to increase the horse power, over eliminating the requirement. Commissioner Ure said he would like to remove the referral to the horse power. Commissioner Wharton agreed and asked why there would be a need to regulate this. Planner Gabryszak responded the goal is to avoid this becoming a light industrial use. It should remain the type of activity that someone would do in a garage.

Commissioner Henrie made a motion that a portion of the sentence be removed and the sentence would now read as: "...which involves only the use of hand tools or domestic mechanical equipment, and the incidental direct sale..." Commissioner Ure seconded the motion. All voted in favor.

- **MOTION CARRIED (5 - 0)**

(Page 14: Rehearsal or Teaching Studio)

Commissioner Henrie said this seemed like an awkward definition. The Commission wondered if tennis courts and skating rinks, should be included in this definition. Planner Gabryszak suggested these be replaced with dance, gymnastic, or music studio. The Commission agreed.

(Page 15: Seasonal Recreation, Commercial (non-motorized))

Commissioner Henrie said the list of activities struck him as odd. He said that shooting ranges were not defined. He asked if the Commission wanted to include the word "tours" in the definition.

(Page 15: Veterinarian Clinic)

Commissioner Wharton said this definition lists small domestic animals. He asked where the large animals would be treated. Planner Caus said this definition was placed at the last meeting to help assure there would be no smells, and noises that would disturb the neighbors. Small animal and large animal veterinarian businesses were discussed.

Vice-Chair Clyde said when the impact is considered, treating large and small animals are two different types of businesses. Commissioner Ure pointed out that this is listed as a Low Impact use. If there are any questions, it will come before the Planning Commission. He said this should be left as is. A discussion ensued if a definition should be created on small animal care (dogs and cats) and large animal care (the taking care of livestock.)

The Commission also discussed the definition of "domestic animals." Attorney Strachan stated that under State law, cows and horses are domestic animals. Vice-Chair Clyde and Commissioner Wharton said it is the word "small" that is causing them concern. Commissioner Wharton said if they strike the word "small" any types of problems would be caught during the Low Impact review.

Planner Gabryszak suggested if the Commission is going to strike the word "small", they may also want to strike the word "domestic." She said if someone finds an owl with a broken wing, they would be able to bring it to their local veterinarian clinic. She also suggested they add the word "medical" to the "...care and the treatment of animals." She said without that verbiage, the facility might be a stable or dog kennel. Commissioner Ure suggested this language should also have the word "licensed" inserted.

Commissioner Wharton made a motion to amend to the definition of a veterinarian clinic as "An establishment for the licensed medical care and treatment of animals." Commissioner Hanson seconded the motion. All voted in approval.

- **MOTION CARRIED (5 - 0)**

Commissioner Ure made a motion to forward a positive recommendation to the Summit County Council of the creation of the Light Industrial Zone, with the amendments as outlined by the Planning Commission to the Use Chart and the Code language. Commissioner Henrie seconded the motion.

Before the vote was taken, Commissioner Wharton asked a question if the language outlined on page 18 (Section C.5) needed any adjusting. Does it say what the Commission intends for it to say. After a brief discussion the Commission decided no changes were necessary. A vote on the motion was taken and all voted in approval.

- **MOTION CARRIED (5 - 0)**

Signature of Approval

Ms. Geary stated that they want to get this up and running as soon as possible and let the community know what is available so they will shop at home first, which she hoped would generate revenue for local businesses. She recalled that another thing they were asked to address is an economic development website for Summit County.

Bill Malone explained that they have contracted with local firms to build a website. The concept is to provide statistical and demographic information on Summit County with sections of the site for each incorporated area of the County. Those areas will include information such as median income, population numbers, housing numbers, and links to the cities' websites. There is also an opportunity to put photographs from those communities online. There is also a section that is flexible so the communities can include what economic development information they want to feature. He anticipated that the site would be finished by the end of June, and it will include links to the Governor's Office of Economic Development, EDC Utah, and World Trade Center for Utah. The site will be hosted by Summit County and will be a quick link off of the County's website as well as a link from the Chamber Bureau and other organizations.

Ms. Geary commented that demographic information, especially for businesses interested in coming into the County, is important. Businesses interested in coming to Summit County need to be able to see what is in each community, and that is the first thing anyone looking for property wants to know. She stated that they have prepared a letter to send to businesses in eastern Summit County so they can form a separate eastern Summit County business alliance. The first meetings are scheduled for June 13 at North Summit High School and June 21 at South Summit High School at 7:00 p.m., and they will explain the purpose of the alliance to those who attend. She stated that another goal of the task force is to propose improvements on regulations.

Alison Weyher explained that they do not know what the big impediments to business in Summit County may be, because they do not know much about their business community. She and Ms. Lewis have been working with EDCU and GOED and applied for funding for the Business Establishment and Retention (BEAR) program, which the State has established for rural towns. It provides a way to identify businesses within rural counties and determine what kind of assistance they need. One thing rural businesses need help with is foreign exporting. Through the BEAR program they will interview businesses in the County and input the results into a program the State runs, which will link up the businesses with assistance. It will also tell them what Summit County's business community needs.

Ms. Geary stated that the next step will be to get direction from the County Council moving forward with their strategic plan. She explained that they would also like to develop some measurements to calculate whether this is doing anything good for businesses in Summit County.

- **Discussion of possible Code amendments, including the creation of a new Light Industrial Zone, as well as other amendments to the Use Chart, Zone Map, and definitions in the Eastern Summit County Development Code; Amir Caus, County Planner**

County Planner Amir Caus presented the staff report and explained that the Code amendment process started when Rees's Metalworks applied for a rezone to Industrial so they would no longer be a non-conforming use. Staff, the applicant, and the Planning Commission felt that was not the best way to address the issue, and the Planning Commission directed Staff to develop a

new zone. With these amendments, many service commercial uses would be changed to commercial, and the uses with a more industrial feel would be moved into the Light Industrial (LI) Zone. He noted that numerous additions have been made to the use charts to allow for more types of businesses. He explained that they are not currently zoning any specific location as the LI Zone but are discussing Rees's and the Utelite location. Another proposed change is removal of the Railroad Industrial Zone and designating it as Industrial, with the railroad use as a use in the use chart.

Carsten Mortensen commented that he believed the Planning Commission had made a lot of headway. He felt it was important to define where people are allowed to do things so they can get on with their business, and he thought they had done a wonderful job. He believes they need to be more efficient in what they are doing and not make more work for people.

Council Member Hanrahan asked why they would not allow a business like an auto repair service in the Industrial Zone. Planner Caus replied that was the Planning Commission's decision. Chair Ure verified with Staff that the Council would have the ability to amend that if they choose to.

Council Member Robinson asked why accessory dwelling units in the Commercial (C) Zone require a LIP rather than being an allowed use. Planner Caus replied that the C Zone is small, and the Planning Commission did not want to encourage accessory dwelling units in that zone. Council Member Robinson asked why oil, gas, and steam wells are more restricted in the agricultural zones. Planner Caus explained that a number of Planning Commissioners were concerned about environmental impacts and wanted to require a Conditional Use Permit (CUP) so they would have to come before the Planning Commission. Council Member Robinson asked why indoor shooting ranges would not be allowed in the LI Zone. Planner Caus replied that he did not recall much discussion of that use. Council Member Robinson suggested that they be allowed as a conditional use and stated that he did not understand why an outdoor range would not be allowed if it could be properly mitigated in an industrial area. Planner Caus explained that some of the Industrial Zones are very small, and an outdoor shooting range would not make sense. Council Member Robinson suggested that wind generation towers greater than 45 feet in height require a Low Impact Permit in the Cabin Area Zone. He also felt that the reference to small-scale slaughtering of animals might be too subjective. Planner Caus explained that the Planning Commissioners were not able to agree upon a number and left the wording as small scale. Chair Ure suggested that they take out the words "small scale," because nothing in Summit County would support a large slaughtering operation. Council Member McMullin noted that it took 14 meetings for the Planning Commission to decide on the language and suggested that they leave it as written. Council Member Robinson suggested that they add the word "retail" before meat sales. Chair Ure suggested that they leave the language as it is and allow enough latitude for the types of operations that exist in eastern Summit County. Council Member Robinson suggested additional language for the seasonal recreational paragraphs. He requested a discussion about what would be an appropriate setback from wetlands and streams.

SUMMIT COUNTY, UTAH
ORDINANCE # 775

AMENDING SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS) OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE FOR THE CREATION OF A “LIGHT INDUSTRIAL” ZONE

WHEREAS, there exist within Eastern Summit County a number of legal non-conforming businesses that operate within the existing residential/agricultural zones; and

WHEREAS, many of these businesses were operating prior to the adoption of County zoning, and typically do not fit the intended uses and parcel sizes of the Highway Corridor (HC), Agriculture Protection (AP-40), Agriculture Grazing 100 (AG-100), and Agriculture Grazing 160 (AG-160) zones within which they are located; and

WHEREAS, the Eastern Summit County Planning Commission has proposed the creation of a new “Light Industrial” zone and associated amendments to the Use Chart, Zone Map, and Definitions in order to provide a tool to become conforming via the Development Code, Zoning Map, Use Chart, and Definitions; and

WHEREAS, the Eastern Summit County Planning Commission has conducted meetings since June, 2011 in an effort to define the zone intent and uses that would be associated with this “Light Industrial” zone; and

WHEREAS, following a public hearing held on April 4, 2012 the Eastern Summit County Planning Commission forwarded a positive recommendation on the proposed Code amendments to the Summit County Council; and

WHEREAS, the Summit County Council held a work session to consider the creation of the proposed “Light Industrial” zone on May 30, 2012; and

WHEREAS, The Summit County Council has conducted a public hearing to consider the merits of the proposed amendments;

NOW THEREFORE, the Legislative Body of Summit County, Utah, hereby ordains the following:

SECTION 1. APPROVAL OF AMENDMENT TO SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS), USE CHART, AND APPENDIXES A & B OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE (attached as Exhibits A, B, C, and D of the Staff Report dated July 12, 2012):

The Summit County Council, acting in its legislative capacity, hereby approves the proposed amendments to Section 11-3 (Zoning Districts & Requirements), and Appendixes A & B of the Eastern Summit County Development Code.

SECTION 2. EFFECTIVE DATE:

This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council,
this 18th day of July, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
David Ure, Council Chair

Council Member Elliott voted _____
Council Member Robinson voted _____
Council Member McMullin voted _____
Council Member Ure voted _____
Council Member Hanrahan voted _____

ATTEST:

County Clerk, Summit County, Utah

SUMMIT COUNTY, UTAH
ORDINANCE # 776

AMENDING SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS) OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE FOR THE DELETION OF THE “RAILROAD INDUSTRIAL” ZONE

WHEREAS, the Railroad Industrial (RI) zone is a specific zone that addresses uses that involve railroads; and

WHEREAS, there are two (2) locations within Eastern Summit County that are designated as Railroad Industrial (RI) zone; and

WHEREAS, the Eastern Summit County Planning Commission has proposed the creation of a new “Light Industrial” zone and a deletion of the Railroad Industrial (RI) zone; and

WHEREAS, the new “Light Industrial” zone and the associated Use Chart, Zone Map, and Definitions will allow for the railroad uses to remain; and

WHEREAS, the Eastern Summit County Planning Commission has conducted meetings since June, 2011 in an effort to define the zone intent and uses that would be associated with this “Light Industrial” zone; and

WHEREAS, following a public hearing held on April 4, 2012 the Eastern Summit County Planning Commission forwarded a positive recommendation on the proposed deletion of the Railroad Industrial (RI) zone to the Summit County Council; and

WHEREAS, the Summit County Council held a work session on May 30, 2012 to consider the deletion of the Railroad Industrial (RI) zone; and

WHEREAS, The Summit County Council has conducted a public hearing to consider the merits of the proposed amendments;

NOW THEREFORE, the Legislative Body of Summit County, Utah, hereby ordains the following:

SECTION 1. APPROVAL OF AMENDMENT TO SECTION 11-3 (ZONING DISTRICTS & REQUIREMENTS), DELETION OF THE RAILROAD INDUSTRIAL (RI) ZONE OF THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE (attached as Exhibits A, B, C, and D of the Staff Report dated July 12, 2012):

The Summit County Council, acting in its legislative capacity, hereby approves the proposed amendments to Section 11-3 (Zoning Districts & Requirements), and Zone Map of the Eastern Summit County Development Code.

SECTION 2. EFFECTIVE DATE:

This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council,
this 18th day of July, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
David Ure, Council Chair

Council Member Elliott voted _____
Council Member Robinson voted _____
Council Member McMullin voted _____
Council Member Ure voted _____
Council Member Hanrahan voted _____

ATTEST:

County Clerk, Summit County, Utah

DAVID R. BRICKEY
COUNTY ATTORNEY

Criminal Division

JOY E. NATALE
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

MATTHEW D. BATES
Prosecuting Attorney

Summit County Courthouse, 60 N. Main #227, P.O. Box 128
Coalville, Utah 84017

Telephone (435) 336-3206 Facsimile (435) 336-3287
Email: (first initial)(last name)@co.summit.ut.us

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

LEGAL MEMORANDUM

To: Summit County Council

From: David L. Thomas, Chief Civil Deputy

Date: June 20, 2012

Re: Fire Cost Recovery

1. In reviewing the current Emergency Services provisions of the Summit County Code, it became apparent that the process for fire cost recovery from individuals who intentionally or negligently set wildfires was too complicated. Under the current system, the Local Emergency Planning Committee (LEPC) investigates and sends a letter to the potentially liable party. If the potentially liable party disagrees with the LEPC, they appeal to a hearing officer who conducts a full hearing and renders a recommendation to the County Manager, who then decides the appeal. All of this is a prerequisite to the filing of a lawsuit if the potentially liable party does not agree with the decision of the County Manager. This process is in serious need of revision.
2. This amendment simplifies the process. Under the new process, the County Manager investigates and sends a letter to the potentially liable party. If that party disagrees, then the County is free to file a lawsuit to recover the fire suppression costs.

ORDINANCE AMENDING EMERGENCY COST RECOVERY PROCEDURE

ORDINANCE NO. ____

PREAMBLE

WHEREAS, the Emergency Services provisions of the Summit County Code need to be amended so as to provide a more workable procedure for emergency cost recovery; and,

WHEREAS, this ordinance makes those changes;

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

Section 1. **Amendment.** Summit County Code §5-4-10 is amended in accordance with Exhibit A herein.

Section 2. **Effective Date.** In order to preserve the peace, health, or safety of the County and the inhabitants thereof, this Ordinance shall take effect immediately upon publication in a newspaper published in and having general circulation in the County.

Enacted this ____ day of _____, 2012.

ATTEST:

Summit County Council

Kent Jones
Summit County Clerk

David Ure, Chair

Approved as to Form
David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Elliott	_____
Councilmember Robinson	_____
Councilmember Ure	_____
Councilmember Hanrahan	_____
Councilmember McMullin	_____

EXHIBIT A

Chapter 4

EMERGENCY SERVICES

5-4-1: AUTHORIZATION OF COMMITTEE:

5-4-2: DIRECTOR AS LEPC'S AGENT:

5-4-3: APPLICABILITY OF EPCRA:

5-4-4: CIVIL FINE FOR VIOLATIONS:

5-4-5: NOTICE OF VIOLATION:

5-4-6: JUDICIAL REVIEW:

5-4-7: CIVIL ACTION TO COLLECT CIVIL PENALTY:

5-4-8: FEDERAL SUIT:

5-4-9: LEPC'S AUTHORITY:

5-4-10: RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES:

5-4-1: AUTHORIZATION OF COMMITTEE:

Summit County recognizes and authorizes a Summit County local emergency planning committee (LEPC) that exists pursuant to 42 USC section 1101 and Utah Code Annotated section 63-5-5(5). The LEPC through the bureau of emergency services is authorized by ordinance to enforce these provisions. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-2: DIRECTOR AS LEPC'S AGENT:

The director of emergency management or his designee may, upon the resolution of the LEPC, act as LEPC's agent for the enforcement, management and administration of the LEPC's duties set forth under the federal emergency planning and community right to know act of 1986 (EPCRA) 42 USCS sections 1101 through 11050. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-3: APPLICABILITY OF EPCRA:

The requirements of EPCRA shall be the law of Summit County and shall apply equally to federal, state, county or local government agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-4: CIVIL FINE FOR VIOLATIONS:

An owner or operator of a covered facility under the provisions of EPCRA who violates this chapter shall be subject to a civil administrative fine not to exceed one thousand dollars (\$1,000.00). The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of noncompliance, the economic benefit of noncompliance, the LEPC's or the county's investigative costs and the cooperation of the owner or operator in remedying the alleged violation. Any fines paid by the violators shall be paid to the LEPC. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-5: NOTICE OF VIOLATION:

Whenever the LEPC determines that any person or facility is in violation of any applicable emergency plan created by the LEPC pursuant to EPCRA, the requirements of EPCRA, or any rules of the LEPC, the LEPC through the director of emergency management or his designee may cause a written notice of violation(s) ("NOV") to be served on the owner or operator (hereinafter the "alleged violator"). The NOV shall specify the provisions of the emergency plan, the section of the law, or rule alleged to have been violated, the facts alleged to constitute the violation(s) and advise the alleged violator that an administrative hearing shall be held to determine if a civil administrative fine should be imposed for the alleged violation. The LEPC shall specify the time, date and place where the hearing shall be conducted.

A. Service Of Notice Of Violations: The NOV, the hearing examiner's recommendations to the LEPC and any order issued by the LEPC shall be served to the alleged violator and/or record owner of the facility upon which the violation is alleged to have occurred either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the facility where the violation is alleged to have occurred.

B. Hearing Examiner: The LEPC may, by resolution, appoint a hearing examiner in its place to conduct a hearing on the NOV. The hearing examiner shall make a written nonbinding recommendation to the LEPC on whether the violation occurred, which shall be duly served on the alleged violator. The alleged violator may, within fifteen (15) days after the date the recommendations of the hearing examiner were duly served, submit written objections to the LEPC in the event the hearing examiner makes an adverse recommendation. The LEPC shall review the hearing examiner's recommendations as well as any timely objections submitted by the alleged violator and may adopt or reject the examiner's recommendations. The LEPC, after review of the hearing examiner's recommendations, shall issue a written order which shall be served on the alleged violator in the same manner as the NOV. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-6: JUDICIAL REVIEW:

The alleged violator shall have thirty (30) days from the date affixed on the order in which to seek judicial review of the order in the appropriate court. The alleged violator shall serve a copy of the complaint seeking judicial review with the LEPC and the appropriate court. The LEPC shall promptly file in such court a certified copy of the record upon which such violation was found or fine imposed. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-7: CIVIL ACTION TO COLLECT CIVIL PENALTY:

If any person fails to pay a civil penalty imposed by the LEPC after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the LEPC, the LEPC may request the county attorney to institute a civil action to collect the fine imposed. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-8: FEDERAL SUIT:

Nothing contained in this chapter shall prohibit the county or the LEPC or any other person from initiating suit pursuant to 42 USCS sections 11045 and 11046 of EPCRA at any time during the pendency of the administrative proceedings authorized herein. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-9: LEPC'S AUTHORITY:

The LEPC shall have the authority to enter into informal settlement agreements with an alleged violator in lieu of seeking a civil administrative fine under this chapter. (Ord. 710, 12-17-2008, eff. 1-1-2009)

5-4-10: RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES:

Recovery for recovering costs incurred by the county for assistance rendered by the county in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

A. Definitions:

AGGRAVATED FIRE EMERGENCY: A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

1. Is caused or contributed to by the failure to comply with an order from any county agency, department or official, or
2. Occurs as a direct result of a deliberate act in violation of the ordinances or regulations of the county, or
3. Is caused by arson, or
4. Is an alarm that results in a county fire unit being dispatched, and the person transmitting, or causing the transmission of, the alarm knows at the time of said transmission that no fire or fire related emergency exists.

AGGRAVATED MEDICAL EMERGENCY: An alarm that results in a county fire unit or a county emergency medical unit being dispatched, and the person transmitting, or causing the transmission of, the alarm knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

EXPENSES: The actual costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and the costs of any contract labor and materials.

HAZARDOUS MATERIALS EMERGENCY: A sudden or unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

B. Procedure For Recovery Costs: The county is hereby empowered to recover expenses incurred by virtue of the county's response to a hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

1. The county shall investigate the circumstances of the emergency. Where liability can be assessed, the County Manager-LEPC shall notify the responsible party by mail of the LEPC's determination of responsibility and the expenses to be recovered.
2. The County Manager may provide for a payment plan to recover the costs of the emergency from a responsible party. The notice shall specify that the determined responsible party may appeal the LEPC's decision before a hearing officer designated by the county manager and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

3. A responsible party may appeal the determination of the County Manager de novo to the County Council within thirty (30) calendar days of receipt of the mailed determination.

3. ~~In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the county shall be entitled to present evidence in support of their respective positions.~~

4. ~~After the hearing, the hearing officer shall make a recommendation to the county manager who shall issue a decision determining responsibility and assessing expenses. The county manager may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The county manager may, in his sole discretion, hear additional evidence prior to issuing his decision.~~

5. ~~Any money recovered to reimburse expenses incurred by the county in responding to hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency shall be paid to the LEPC. The LEPC shall determine which entity or individual is entitled to receive the money.~~

C. Liability: The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages or a criminal fine.

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DD. Civil Suit To Collect Expenses: In the event the parties determined to be responsible for the repayment of expenses incurred due to the county's response to such an emergency fail to make payment to the county within thirty calendar (30) days after a final administrative determination of any appeal to the county or thirty calendar (30) days from the deadline for appeal in the event no appeal is filed, the county may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the county's reasonable attorney fees. (Ord. 710, 12-17-2008, eff. 1-1-2009)