

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 983**

**AMENDING TITLE 11-4-5 SUBDIVISIONS, CONDOMINIUMS, SUBDIVISION PLAT
AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-
DEVELOPMENT PURPOSES, TITLE 11-4-12: MASTER PLANNED DEVELOPMENTS AND TITLE 11-
7-5 PLANNING COMMISSION OF THE EASTERN SUMMIT COUNTY CODE.**

PREAMBLE

WHEREAS, during the 2023 Utah State Legislative session, the Utah State Legislature (“Legislature”) enacted Senate Bill 174 (“SB 174”), a bill that included amendments to Utah Code sections specifically applicable to counties, 17-27a-408, 17-27a-526, and 17-27a-608, and enacted county-specific sections 17-27a-604.1, 17-27a-604.2, and 17-27a-604.9; and

WHEREAS, SB 174, among other things, created a new process for subdivision review and approval, changed a county’s authority with respect to restrictions and requirements for the processing of subdivisions and plat amendments for single-family, dwellings; and

WHEREAS Utah Code sections 17-27a-604.1, Process for subdivision review and approval and 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2 mandate Summit County’s compliance with Utah Code sections 17-27a-604.1 and 17-27a-604.2, Review of subdivision land use applications and subdivision improvement plans, prior to February 1, 2024; and

WHEREAS, on January 31, the Summit County Council adopted a six-month temporary zoning ordinance to give the County sufficient time to ensure compliance with SB 174 and any potential legislation that the Legislature may adopt during its 2024 General Session, which may further amend and/or clarify the requirements found with SB 174 and Utah law; and

WHEREAS the attached language incorporates changes made to state law during the 2024 legislative session.

WHEREAS the Eastern Summit County Planning Commission held a public hearing on June 27, 2024.

WHEREAS the Summit County Council held a public hearing on July 31, 2024, and August 21, 2024.

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

Section 1. Exhibit A is hereby adopted.

Section 2. Effective Date. This ordinance shall take effect upon publication as allowed by law.

Enacted this ^{21st} day of August 2024.

ATTEST:

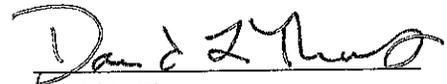
SUMMIT COUNTY COUNCIL


Evelyn Furse
Summit County Clerk


Malena Stevens, Chair

APPROVED AS TO FORM

VOTING OF COUNTY COUNCIL:


David L. Thomas
Chief Civil Deputy

Councilmember Stevens	<u>Ass</u>
Councilmember Robinson	<u>Ass</u>
Councilmember Harte	<u>Ass</u>
Councilmember Armstrong	<u>Ass</u>
Councilmember Hanson	<u>Absent</u>



EXHIBIT A: Proposed Amendments

To Be Added to TITLE 11, Chapter 4-5

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

- A. **Purpose:** The purposes of this section are to:
1. Guide the future growth of the Eastern Summit County Planning District in a manner consistent with the Eastern Summit County General Plan.
 2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Eastern Summit County Planning District.
 3. Provide Development opportunities for property owners and residents to live, work, and conduct business within the Eastern Summit County Planning District.
 4. To direct Development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.
 5. Encourage Development that adequately mitigates any potential adverse effects on adjacent properties.
 6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, ridgelines, and other environmentally sensitive areas wherever practicable.
 7. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly Development.
 8. Provide for the division of land for non-Development purposes.
- B. **Definitions:** As used in this Chapter:
1. "Review Cycle" means the occurrence of:
 - a. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
 - b. the Community Development Department's review of that Application for Subdivision; and
 - c. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
 - d. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.
 2. "Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a Subdivision.

3. "Subdivision Ordinance Review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.
4. "Subdivision Plan Review" means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation standards and inspection specifications for infrastructure improvements.

C. **Subdivisions:**

1. **Special Provision:** When a single parcel includes multiple Zones, Density may be located upon the Parcel in the most appropriate manner irrespective of the boundaries of the Zones.
2. **Plat application required when land is subdivided:** Whenever any land is laid out and platted, the owner of the land shall provide to the County an accurate Plat that describes or specifies:
 - a. A subdivision name that is distinct from any subdivision name on a Plat recorded in the County Recorder's office; and
 - b. The boundaries course and dimensions of all the parcels of ground divided, by their boundaries, course and extent, whether the owner proposed that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
 - c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, unit or lots, and length and width of the blocks and lots intended for sale; and
 - d. Every existing right-of-way and recorded easement located within the Plat for:
 - i. An underground facility; and
 - ii. A water conveyance facility; or
 - iii. Any other utility facility.
 - e. Any water conveyance facility located, entirely or partially, within the Plat that:
 - i. Is not recorded; and
 - ii. Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this

section and shall provide all information required by the Subdivision Application. The CDD may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

3. **All Land Necessary for Density Required:** All of the land required for the Density needed to create the Lots within the Subdivision, including a remnant Parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision Plat, and any remnant Parcel shall bear a Plat note stating that no Density exists on such remnant Parcel until such time (if ever) as the Zone is changed to permit additional Density rights and the remnant Parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant Parcel is other wise vacated from the Final Subdivision Plat for the purposes of a Parcel Boundary Adjustment, which shall constitute good cause for thereof under State law.
4. **Remainder Parcel:** In the event that the Parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such remainder Parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such remainder Parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the remainder parcel(s) located outside of the Final Subdivision Plat stating that such remainder parcel(s) are conforming Parcels pursuant to this Chapter.
5. **Separate Review:** Preliminary Subdivision Plats and Final Subdivision Plats shall be processed as separate Applications.
6. **Land Use Authority:** The Land Use Authority for Preliminary Subdivision Plats shall be the Planning Commission and the County Manager for Final Subdivision Plats.
7. **Subdivision Improvement Plan:** A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the Final Subdivision Plat process.
8. **Preliminary Subdivision:**
 - a. **Pre-Application Meeting.**
 - i. A pre-application meeting is not required for Subdivision Applications subject to this Chapter but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this

Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.

- ii. The CDD shall provide at the pre-application meeting or have available on the County website the following:
 - 1. copies of applicable land use regulations; and
 - 2. a complete list of standards required for the project; and
 - 3. preliminary and final application checklists; and
 - 4. feedback on the concept plan.

b. Notification of Water Conveyance Facility:

- i. Within 20 days after the day on which an owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed subdivision to the facility owner or any water conveyance facility located, entirely or partially, within 100 feet of the Subdivision Plat.
- ii. The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:
 - 1. Access to the water conveyance facility; and
 - 2. maintenance of the water conveyance facility; and
 - 3. protection of the water conveyance facility integrity; and
 - 4. safety of the water conveyance facility; or
 - 5. any other issue related to water conveyance facility operations.

c. **Subdivision Review:** The CDD or designated planning staff member shall conduct a review that includes all affected agencies and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the CDD or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.

d. **Subdivision Review Standards:** The following Subdivision Review standards apply. Because of the limited time frame for preliminary review, compliance with standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision Plat.

- 1. The Subdivision is compliant with the Eastern Summit County General Plan.

2. The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
3. The Subdivision considers adjacent land uses. Site design shall mitigate any potential adverse impacts including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
4. Where appropriate, subdivisions shall be designed to accommodate a variety of transportation modes.
Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
5. Each proposed Lot shall have legal Access through a recorded Right-Of-Way or Easement. The Applicant shall demonstrate that adequate Access to the property from a Public Road may be granted by the State or County, whichever is applicable.
6. Compliance with the Development Evaluation Standards provided in chapter 2 of this title.
7. Compliance with the infrastructure standards in chapter 6 of this title.
8. The minimum Lot size for new Lots created through this process will meet the minimum Lot size requirements for the applicable Zone.

e. **Public Hearing:** The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.

f. **Preliminary Subdivision Approval:** If a preliminary Subdivision complies with this title and all other applicable standards and specifications, the Planning Commission shall approve the preliminary Subdivision Plat. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the CDD or designated planning staff member. After preliminary Subdivision Plat approval, the Applicant may submit a Final Subdivision Plat Application.

9. **Final Subdivision:**

- a. Upon approval of the preliminary subdivision, the Applicant shall submit a final subdivision application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.

- b. No later than 20 business days after the day on which an Applicant submits all the required materials for the final subdivision, the CDD or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
- c. Review Cycles: After conducting the Subdivision Plan Review, the CDD may require that the Applicant provide:
 - i. additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved standards and specifications for construction of Public Improvements; and
 - ii. modification to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.
- d. The CDD 's request for additional information or modifications to plans under (c)(i), and (ii) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific Development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the CDD requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous review cycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code Section 17-27a-604.2(5)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:

- k. In addition to revised plans submitted during final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the CDD 's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
- l. The Applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- m. If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
- n. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property owner, and within 10 business days after the day on which the request is received:
 - i. For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) of Utah State Code to review and approve or deny the final revised set of plans; or
 - ii. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Summit County Council.
- o. The County Manager shall approve a Final Subdivision Plat if the Final Subdivision Plat complies with the Planning Commission's preliminary Subdivision approval, applicable Eastern Summit County Development Code regulations, and all other applicable standards and specifications.

10. Plat Preparation:

In addition to all requirements in Section C.2 of this chapter, prior to recordation, the final Plat shall contain the following:

- a. Notarized signatures of each owner of record of land described in the Plat in the owner's designation part of the Plat.
- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all

covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.

- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.
- e. Notes stating the following:
 - i. *"Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code."*
 - ii. *"The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot have/has been given notice and recognize(s) that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving livestock, and other attributes associated with normal agricultural operations and rural businesses."*
 - iii. *For Subdivisions of 3 lots or less: "Water has not been approved for this Subdivision. It shall be the responsibility of each lot owner to demonstrate that water of adequate quality and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the Utah Water State Engineer for a private well or a written commitment from a municipality or private company."*

11. Plat Recordation

1. After the Plat has been acknowledged, certified and approved, the owner of the land seeking to record the Plat shall record the Plat in the County Recorder's office per the requirements in Section 11-6-13 of this Title.

2. The County may withhold an otherwise valid Plat approval until the owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing the land have been paid.
3. Within 30 days after approving a Final Plat, the County shall submit to the Utah Geospatial Resource Center:
 - ii. An electronic copy of the approved Final Plat; or
 - iii. Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

~~A. Purpose: The purposes of this section are to:~~

- ~~1. Guide the future growth of the Eastern Summit County Planning District in a manner consistent with the Eastern Summit County General Plan.~~
- ~~2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Eastern Summit County Planning District.~~
- ~~3. Provide development opportunities for property owners and residents to live, work, and conduct business within the Eastern Summit County Planning District.~~
- ~~4. To direct development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.~~
- ~~5. Encourage development that adequately mitigates any potential adverse effects on adjacent properties.~~
- ~~6. Encourage clustered development to protect wetlands, riparian areas, steep slopes, ridgelines and other environmentally sensitive areas wherever practicable.~~
- ~~7. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly development.~~
- ~~8. Provide for the division of land for non-development purposes.~~
 - ~~a. Completed subdivision application signed by the owner(s);~~
 - ~~b. The payment by the applicant of the subdivision application fee;~~
 - ~~c. The subdivision shall contain sufficient land area necessary to meet the density requirements of the zone;~~
 - ~~d. Name and address, including telephone number, of all the owner(s), and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;~~

~~e. One (1) copy of a survey prepared by a surveyor licensed in the State of Utah including the following information:~~

~~(1) The name of the land surveyor;~~

~~(2) Approximate true north arrow;~~

~~(3) Legal description and location of property, including citation of any existing legal rights of way, public and private roads, streets, irrigation ditches, water bodies, water wells, streams/rivers, structures, and/or other physical improvements affecting the property and existing covenants on the property, if any;~~

~~(4) A delineation of environmentally sensitive areas, floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%);~~

~~f. Two (2) copies (one 11" x 17" copy and one 24" x 36" copy) of the proposed final subdivision plat and one (1) electronic copy of a scaled final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including:~~

~~(1) The subdivision name and date of plat creation. The subdivision name may not be the same name as any existing recorded subdivision in Summit County, Utah;~~

~~(2) The name of the land surveyor;~~

~~(3) Approximate true north arrow;~~

~~(4) The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lots, rights of way, and easements;~~

~~(5) Consecutively numbered or lettered lots with addresses (subject to final review and approval by the County);~~

~~(6) Notation of any self-imposed plat restrictions;~~

~~(7) Signature blocks for the County Recorder, Land Use Authority, County Engineer, Public Health Officer, County Attorney, applicable fire district, local electrical power provider, local natural gas provider (if applicable), local sanitary sewer provider (if applicable), Eastern Summit County Water Conservancy Special Service District (if required per Title 2, Chapter 20), and local culinary water provider (if applicable);~~

~~(8) Notarized signatures on the plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by the County;~~

~~(9) All monuments erected, corners, and other points established in the field;~~

~~(10) Plat notes stating that:~~

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

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

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

~~g. Following final action on the final subdivision plat which results in an approval, a current (within 30 days) preliminary title report covering all property located within the subdivision;~~

~~h. Following final action on the final subdivision plat which results in an approval, a 24" x 36" mylar of a scaled (1" = 100') final subdivision~~

plat prepared by a surveyor or civil engineer licensed in the State of Utah, including all items listed in subsection B2f of this section.

3. Review Procedure:

a. Optional Sketch Plan: Prior to submitting a formal application for a subdivision review, an applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch Plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 100'), unless otherwise approved by the Community Development Director.

(1) Sketch Plan Review: The Community Development Director shall review the Sketch Plan and identify any relevant issues for the applicant to address with the final subdivision plat application, as well as any additional information necessary to establish the project's compliance with the standards and requirements of this chapter. A Sketch Plan may be reviewed by the Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

b. Final Subdivision Plat Review Procedure:

(1) The Community Development Director shall secure input regarding the proposed subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable fire districts, and the County Public Works Department. Upon receiving such input, the Community Development Director shall prepare a staff report analyzing the proposed final subdivision plat's compliance with the review standards set forth herein and identifying any compliance-related issues related to the application.

(2) The staff report and all application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed subdivision plat application to all adjacent property owners in the manner set forth in this chapter. Following the completion of the required noticing period, the Community Development Director shall be authorized to take final action upon the application. The Community Development Director

~~_____ has the discretion to refer the application to the Planning
_____ Commission pursuant to subsection B3b(3) of this section.~~

~~(3) _____ The Community Development Director may refer any
_____ subdivision application to the Planning Commission due to the
_____ complexity of the application or the significance in change to
_____ the property or the surrounding area. The Community
_____ Development Director shall schedule the matter before the
_____ Planning Commission for a public hearing and possible action.
_____ Following the public hearing, the Planning Commission shall
_____ make a recommendation to the Community Development
_____ Director regarding an approval, approval with conditions or
_____ denial of the application.~~

~~(4) _____ Once the final subdivision plat is approved and all applicable
_____ signatures are obtained on the final mylar, the County Attorney
_____ will review the preliminary title report for acceptability. The
_____ title report must be current (within 30 days).~~

~~(5) _____ Upon approval of the County Attorney and once all required
_____ signatures are obtained on the final mylar, the final subdivision
_____ plat shall be recorded in the records of the County Recorder.~~

~~4. _____ Criteria For Approval: Before a subdivision can be approved; it must conform
_____ to all of the following criteria:~~

~~a. _____ All of the land required for the density needed to create the lots
_____ within the subdivision, including a remnant parcel, which on its own
_____ would not be large enough to qualify for any density, shall be
_____ contained within the boundaries of the final subdivision plat, and any
_____ remnant parcel shall bear a plat note stating that no density exists on
_____ such remnant parcel until such time (if ever) as the zone is changed to
_____ permit additional density rights and the remnant parcel is, if
_____ necessary, re-subdivided in accordance with this chapter; or the
_____ remnant parcel is otherwise vacated from the final subdivision _____ plat
_____ for the purposes of a parcel boundary adjustment, which shall
_____ constitute good cause thereof under State law.~~

~~b. _____ In the event that the parcel(s) being subdivided contain more land
_____ than that which is needed to establish the density for the subdivision,
_____ such remainder parcel(s) do not need to be included within the
_____ boundaries of the final subdivision plat if each of such remainder
_____ parcel(s) (or such number of them if contiguous) conform to the
_____ minimum size requirement of the applicable zone at the time. In such
_____ cases, a certificate executed by the County shall be recorded with the
_____ County Recorder, at the same time as the final subdivision plat is~~

~~recorded, against the remainder parcel(s) located outside of the final subdivision plat stating that such remainder parcel(s) are conforming parcels pursuant to this chapter.~~

~~c. Each proposed lot shall have legal access through a recorded right-of-way or easement. The applicant shall demonstrate that adequate access to the property from a public road may be granted by the State or County, whichever is applicable.~~

~~d. Compliance with the development evaluation standards provided in chapter 2 of this title.~~

~~e. Compliance with the infrastructure standards in chapter 6 of this title.~~

~~f. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.~~

~~g. If the subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Director shall:~~

~~(1) Within thirty (30) days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Utah Code Annotated 17-27a-211.~~

~~(2) Wait at least ten (10) days after the day on which the Community Development Director notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.~~

~~h. An approval from either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the subdivision's type of approved wastewater system as required per Title 2, Chapter 20.~~

~~i. Proof that property taxes for the applicable property have been paid.~~

~~j. Compliance with all applicable County regulations.~~

~~C. Subdivisions Consisting Of Four Or More Lots:~~

~~1. Master Planned Development Required: In the following cases, a master planned development approval is required pursuant to section 11-4-12 of this chapter:~~

~~a. Any application to subdivide at base density resulting in four (4) or more lots or parcels.~~

~~b. Any proposal which includes the movement of density between zones on a single parcel which results in the creation of four (4) or more lots.~~

~~2. Submission Requirements: An application for subdivision consisting of four (4) or more lots shall include the information set forth below. The Community Development Director may waive specific submittal requirements if he or she determines that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.~~

~~a. Completed subdivision application signed by the owner;~~

~~b. Subdivision application fee payment;~~

~~c. The subdivision shall contain sufficient land area necessary to meet the density requirements of the zone;~~

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

~~e. One (1) copy of a survey prepared by a surveyor licensed in the State including the following information:~~

~~(1) The name of the land surveyor;~~

~~(2) Approximate true north arrow;~~

~~(3) Legal description and location of property, including citation of any existing legal rights-of-way, public and private roads, streets, irrigation ditches, water bodies, streams/rivers, structures, and/or other physical improvements affecting the property; including existing covenants on the property, if any;~~

~~(4) A delineation of environmentally sensitive areas, including floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%);~~

~~f. Two (2) copies (one 11" x 17" copy and one 24" x 36" copy) of the proposed final subdivision plat and one (1) electronic copy of a scaled final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including:~~

~~(1) The subdivision name and date of plat creation. The subdivision name may not be the same name as any existing recorded subdivision in Summit County, Utah;~~

~~(2) The name of the land surveyor;~~

- ~~(3) Approximate true north arrow;~~
- ~~(4) The plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights of way, easements; consecutively numbered or lettered lots with addresses (subject to final review and approval by the County);~~
- ~~(5) Notation of any required plat restrictions;~~
- ~~(6) Signature blocks for the County Recorder, Land Use Authority, County Engineer, Public Health Officer, County Attorney, applicable fire district, local electrical power provider, local natural gas provider (if applicable), local sanitary sewer provider (if applicable), Eastern Summit County Water Conservancy Special Service District (if required per Title 2, Chapter 20), and local culinary water provider (if applicable);~~
- ~~(7) Notarized signatures on the plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by the County;~~
- ~~(8) All monuments erected, corners, and other points established in the field;~~
- ~~(9) Plat notes stating that:~~

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

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

animals, and other attributes associated with normal agricultural operations and rural businesses."

"Water has not been approved for this Subdivision. It shall be the responsibility of each Lot owner to demonstrate that water of adequate quality and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the Utah Water State Engineer for a private well or a written commitment from a municipality or private company."

g. Following final action on the final subdivision plat which results in an approval, a current (within 30 days) preliminary title report covering all property located within the subdivision;

h. Following final action on the final subdivision plat which results in an approval, a 24" x 36" mylar of a scaled (1" = 100') subdivision final plat prepared by a surveyor or civil engineer licensed in the State of Utah, including all items listed in subsection C2f of this section.

3. Review Procedure:

a. Optional Sketch Plan: Prior to submitting a formal application for a subdivision review, an applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development.

Sketch Plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 100'), unless otherwise approved by the Community Development Director.

(1) Sketch Plan Review: The Community Development Director shall review the Sketch Plan and identify any relevant issues for the applicant to address with the final subdivision plat application, as well as any additional information necessary to establish the proposed subdivision's compliance with the standards and regulations of this chapter. A Sketch Plan may be reviewed by the Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

b. Final Subdivision Plat Review Process:

(1) The Community Development Director shall secure input regarding the proposed subdivision from all affected agencies

and service providers including, but not limited to utility providers, the County Health Department, all applicable fire districts, and County Public Works Department. Upon receiving such input, the Community Development Director shall prepare a staff report analyzing the proposed final subdivision plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.

(2) The staff report and all application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed final subdivision plat application to all property owners in the manner set forth in this chapter and schedule the application for a public hearing before the Planning Commission.

(3) The Planning Commission shall hold a public hearing on the proposed final subdivision plat and forward a recommendation to the County Council.

(4) The County Council shall take final action on the proposed final subdivision plat.

(5) Once the final subdivision plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary title report for acceptability. The title report must be current (within 30 days).

(6) Upon approval of the County Attorney and once all required signatures are obtained, the detailed final subdivision plat shall be recorded in the records of the County Recorder.

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

a. All of the land required for the density needed to create the lots within the subdivision, including a remnant parcel, which on its own would not be large enough to qualify for any density, shall be contained within the boundaries of the final subdivision plat, and any remnant parcel shall bear a plat note stating that no density exists on such remnant parcel until such time (if ever) as the zone is changed to permit additional density rights and the remnant parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant parcel is otherwise vacated from the final subdivision plat

~~for the purposes of a parcel boundary adjustment, which shall constitute good cause thereof under State law.~~

~~b. In the event that the parcel(s) being subdivided contain more land than that which is needed to establish the density for the subdivision, such remainder parcel(s) do not need to be included within the boundaries of the final subdivision plat if each of such remainder parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the final subdivision plat is recorded, against the remainder parcel(s) located outside of the final subdivision plat stating that such remainder parcel(s) are conforming parcels pursuant to this chapter.~~

~~c. Each proposed lot shall have legal access through a recorded right of way or easement. The applicant shall demonstrate that adequate access to the property from a public road may be granted by the State or County, whichever is applicable.~~

~~d. Compliance with the development evaluation standards provided in chapter 2 of this title.~~

~~e. Compliance with the infrastructure standards in chapter 6 of this title.~~

~~f. If the subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Director shall:~~

~~(1) Within thirty (30) days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Utah Code Annotated 17-27a-211.~~

~~(2) Wait at least ten (10) days after the day on which the Community Development Director notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.~~

~~g. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.~~

~~h. An approval from either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the subdivision's type of approved wastewater system as required per Title 2, Chapter 20.~~

~~i. Proof that the taxes for the applicable property have been paid.~~

~~_____ j. _____ Compliance with all applicable County regulations.~~

D. Condominium Plats:

~~_____ 1. Plat Requirements: A plat is required in all cases which satisfy the definition of condominium. A condominium plat shall contain the information required for a Final Site Plan as identified in section 11-4-6 of this chapter. Covenants, Conditions and Restrictions for the development shall also be submitted for review by the County Attorney prior to recordation of the condominium plat.~~

~~_____ 2. Review Procedure: The review procedure for a condominium plat shall be the same as the review procedure for a final site plan, as outlined in section 11-4-6 of this chapter.~~

~~_____ 3. Issuance Of Building Permit: A building permit for condominium units can be issued following approval of the condominium plat by the Planning Commission as provided in this chapter. A building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.~~

~~_____ 4. Filing: All condominium plats shall be filed with the County Recorder following completion of construction and before acceptance of improvements.~~

1. **Plat Requirements:** A Condominium Plat is required in all cases which satisfy the definition of "Condominium" contained in Appendix A of this title.
2. **Submission Requirements:** An Applicant shall submit a Condominium Plat application and pay the fee for the review thereof; the Condominium Plat shall contain enough information, in graphic and text form to adequately describe the Applicant's intentions regarding the layout and compliance with the general plan, this title, and any applicable Development Permit, consent agreement or Development Agreement, including, but not limited to:
 - a. One (1) copy of the Condominium declarations; and
 - b. One (1) copy of the Condominium Plat prepared by a surveyor licensed in the State of Utah, including:
 - i. a description of the surface of the land included within the project, including all angular and linear data along the exterior boundaries of the property; and
 - ii. The linear measurement and location, with reference to the exterior boundaries of the Building or Buildings, if any, located or to be located on the property other than within the boundaries of any convertible lands; and
 - iii. diagrammatic floor plans of the Building or Buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, in sufficient details to identify each convertible space and physical unit contained within a Building, including its identifying

number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions, of every such convertible space and unit; and

- iv. a description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a Building or whose boundaries are not to be coextensive with walls, ceilings, or floors within a Building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or perimetric) boundaries; and
 - v. a distinguishing number or other symbol for every physical unit identified on the Condominium Plat; and
 - vi. to the extent feasible, the location and dimensions of all Easements appurtenant to the land included within the project; and
 - vii. the label "convertible space" for each such space, if any; and
 - viii. the location and dimensions of any convertible lands within the Condominium project, with each such convertible land labeled as such, and if there be more than one such land, with each labeled with a different letter or number; and
 - ix. the location and dimensions of any withdrawable lands, with each such withdrawable land labeled as such, and if there be more than one such land, with each labeled with a different letter or number; and
 - x. if with respect to any portion or portions, but less than all, of the land included within the project the unit owners are to own only an estate for years, the location and dimensions of any such portion, with each labeled as a leased land, and if there be more than one such land, with each labeled with a different letter or number; and
 - xi. any encroachments by or on any portion of the Condominium project; and
 - xii. Signature blocks of the County Recorder, Land Use Authority, County Engineer, and County Attorney; and
 - xiii. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Preliminary title report covering all property located within the Condominium Plat.
 - d. Following final action on the Condominium Plat which results in an approval, a 24" x 36" mylar of a Condominium Plat prepared by a surveyor licensed in the State of Utah.
 - e. Following preparation of the mylar, a current title report (dated within 30 days) covering all property located within the Condominium Plat.

3. Review Procedure:

- a. The CDD shall review the Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and make a recommendation to the County Manager for approval, approval with conditions, or denial after a public hearing.
- b. The County Manager shall review the staff report and Planning Commission' findings and recommendations and thereafter approve, approve with conditions, or deny the proposal.
- c. Upon approval of the County Attorney, and once all signatures are obtained, the Condominium Plat shall be recorded in the records of the County recorder.

4. Issuance Of Building Permit: A building permit for condominium units can be issued following approval of the condominium plat by the Planning Commission as provided in this chapter. A building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.

5. Filing: All condominium Plats shall be filed with the County Recorder following completion of construction and before acceptance of improvements.

To be added to TITLE 11 chapter 4-12: Master Planned Developments

11-4-12: MASTER PLANNED DEVELOPMENTS:

A. Intent: A master planned development (MPD) is a comprehensive project design strategy to create projects that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the General Plan and this chapter.

B. Applicability: The master planned development process shall be required in all zones for the following applications:

- 1. Any application for a rezone.
- 2. A subdivision application with a request for a density bonus per Appendix B of this Chapter.
- ~~3. Any application to subdivide at base density resulting in four (4) or more lots or parcels.~~
- ~~4. Any application which includes the movement of base density or uses between zones on a single parcel which results in the creation of four (4) or more lots or parcels.~~
- ~~5. Any application which includes a density bonus within a residential zone.~~

6. All applications for commercial uses, retail commercial establishments, offices, institutional uses or industrial uses with more than twenty thousand (20,000) square feet of floor area.

C. Uses: A master planned development can only contain uses which are permitted or conditional within the zone(s) in which such are located, including rezones.

1. When the project area includes parcels with differing zones, uses may be relocated across zone boundaries so long as the application is for a rezone and the Planning Commission determines that relocation results in a project design that advances the goals set forth in the General Plan.

D. Process:

1. Pre-Application Conference: A required pre-application conference shall be held with staff so the applicant can become acquainted with the master planned development procedures and related County requirements and schedules. Staff may give preliminary feedback to the applicant based on information available at the conference and may inform the applicant of potential issues or special requirements which may result from the proposal.
2. The Master Planned Development Application: A plan for the master planned development shall be submitted with a completed application form supplied by the County. A list of minimum requirements will accompany the application form. The application must include written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be assigned to a staff planner who will review the application for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.
3. Planning Commission Review and Public Hearing: Except in the case of MPDs that include a rezone, the Planning Commission shall approve, approve with modifications, or deny an MPD. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in section F herein. In the case of MPDs that include a rezone, the Planning Commission shall review and forward a recommendation to the County Council, including findings of fact, conclusions of law and conditions of approval.
4. County Council Review and Public Hearing: In the case of MPDs that include a rezone, the County Council shall approve, approve with modifications, or deny an MPD. The County Council's action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the County Council will be required to make the findings outlined in section F herein.

~~Planning Commission Review And Public Hearing; County Council Action: The County Council is the Land Use Authority for master planned developments. Prior to final action by the County Council, the Planning Commission is required to hold a minimum of one (1) public hearing prior to forwarding a recommendation to the County Council. The County Council shall take final action on the application for a master planned development. County Council action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.~~

5. Development Agreement As Part Of A Rezone: All approvals for a rezone shall be put in the form of a development agreement. The document shall be reviewed by the County Attorney's office and shall contain, at a minimum, the following:
 - a. A legal description of the land;
 - b. All conditions of approval, relevant zoning, and development code parameters, including all findings of fact and conclusions of law, specifying any exceptions, including but not limited to those outlining more or less restrictive height or setbacks;
 - c. An express reservation of the future legislative power and zoning authority of the County;
 - d. A copy of the approved site plan, architectural plans, landscaping plans, grading plan, trails and open space plans, and other plans, which are a part of the approval;
 - e. A description of all developer exactions or agreed upon public dedications;
 - f. The developers agreement to pay all specified impact fees;
 - g. The form of ownership anticipated for the project;
 - h. A specific project phasing plan; and

The development agreement shall be signed by the Chair of the Planning Commission and recorded with the Summit County Recorder. The development agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The development agreement shall be reviewed and signed as part of the final rezone approval by the County Council.

6. Vesting Of Approval:
 - a. Master Planned Developments ~~Not Associated With A Final Subdivision Plat:~~ Construction within the MPD area will be required to commence within five (5) years of the date of the Planning Commission MPD approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved Final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project.

~~— b. Master Planned Developments Not Associated With A Rezone, But Requiring A Final Subdivision Plat: A final subdivision plat must be recorded within five (5) years of the date of the County Council MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.~~

c. Master Planned Developments Associated With A Rezone, But Not Requiring A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project. In the event that the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

~~d. Master Planned Developments Associated With A Rezone And Final Subdivision Plat: Unless otherwise extended per the provisions set forth in this chapter, a final subdivision plat associated with a rezone must be recorded within five (5) years of the date of the County Council MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.~~

~~After recordation of the final subdivision plat and the commencement of construction, the MPD shall remain valid as long as it is consistent with the approved specific project plan and associated documents.~~

~~— e. Master Planned Developments Associated With A Density Bonus And Final Subdivision Plat: A final subdivision plat associated with a density bonus must be recorded within five (5) years of the date of the County Council MPD approval. For phased developments, it shall be necessary to record the Phase 1 final subdivision plat within the prescribed five (5) year timeframe to vest the entire master planned development and density bonus. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.~~

7. MPD Modifications:

a. Minor Amendment: A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved master planned development. A minor amendment shall be processed as a low impact permit.

b. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved master planned development. A major amendment shall be processed as a master planned development.

E. MPD Requirements: All applications for a master planned development shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.

1. Density: The maximum density permitted on the project site will be determined as a result of a site analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zone, the Planning Commission may permit the clustering of density irrespective of zone boundaries so long as the relocation results in the project advancing the goals set forth in the General Plan.

2. Density Bonus: A density bonus may be permitted in accordance with appendix B of this title.

3. Setbacks: The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The Planning Commission may reduce or increase setbacks within the project from those otherwise required provided the project meets minimum Building Code and Fire Code requirements and can demonstrate that such change:

- a. Maximizes agricultural land or open space; and/or
- b. Avoids important natural features of the site.

4. Building Height: The maximum building height for all structures within a master planned development shall not exceed the zone standard. The County Council (in the case of a rezone) or Planning Commission may grant additional building height beyond the maximum zone standard up to forty-five feet (45') based on demonstrated good cause related, but not limited to, structured parking, affordable housing, deed restricted open space, community outdoor common area improvements or superior architectural design.

5. Reduction Of Minimum Lot Size Requirements: The County Council (in the case of a rezone), or Planning Commission may reduce the minimum lot size specified in a zone if it finds the proposed decrease in minimum lot size improves the site design, clustering of buildings, and/or preservation of agricultural land or open space.

6. Open Space: Master planned developments shall provide for open space of at least ten percent (10%) of the site area.

7. Off-Street Parking: Master planned developments shall meet the following off-street parking standards:

a. Residential uses:

- (1) Single family dwelling unit

Minimum 2 spaces/unit

- (2) Duplex dwelling unit

Minimum 2 spaces/unit (total of 4/building)

- (3) Accessory dwelling unit

Minimum 1 space/unit

- (4) Guest house

Minimum 1 space/unit

- (5) Multi-unit (3 or more units)

Minimum 1 space/unit

b. Non-residential uses:

- (1) Commercial/retail

3 spaces/1,000 sq. ft. of net leasable floor area

- (2) Commercial/restaurant-cafe

3 spaces/1,000 sq. ft. of net leasable floor area

- (3) Hotel/lodging

1 space/guest room or suite; 2 spaces/1,000 sq. ft. support commercial

- (4) Offices

2.5 spaces/1,000 sq. ft. net leasable area

The off-street parking requirements for any other uses not listed above shall be determined by the Planning Commission based on a project-specific parking study. The Planning Commission may reduce or increase the overall parking requirement for a master planned development based upon the applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.

The Planning Commission may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

8. Designing With The Topography: Master planned developments shall be designed to fit into the topography of the site. The Planning Commission may consider flexibility in the siting of development so as to best fit into the natural terrain, minimize excessive site grading and

mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

9. Designing With Adjacent Uses: The master planned development plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

10. Access: All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the County Engineer and/or Fire Marshal. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.

11. Utilities: Existing or proposed utilities, including private and public services for master planned developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in chapter 6 of this title.

12. Building Locations: All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.

13. Connectivity: Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the Planning Commission. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.

14. Snow Storage: Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.

15. Outdoor Lighting: All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.

16. Compliance With Development Evaluation Standards: Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in chapter 2 of this title.

17. Site Design Narrative: An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:

a. Neighborhood Connectivity: How does the proposed development interconnect and the surrounding properties, neighborhood, and area? Including but not limited to:

(1) Where will vehicles enter and exit the site?

(2) Where will new streets be developed?

(3) Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area? If so, how are such needs addressed?

b. Availability Of Neighborhood Facilities And Services: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

c. Meeting Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability?

d. Character: What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, climate, and/or community needs?

e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?

f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?

h. Public And Private Outdoor Spaces: What are the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?

i. External Storage: How does the proposed project address needs for garbage collection, equipment storage, etc.?

F. Required Findings And Conclusions Of Law: The Planning Commission must find sufficient evidence that supports the following conclusions in order to approve a master planned development. In some cases, conditions of approval will be attached to the final action to ensure compliance.

1. The master planned development is designed to fit well into the natural terrain, minimize excessive site grading and protect and preserve the surrounding area.

2. The master planned development makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features.

3. The master planned development takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.

4. The master planned development has direct vehicular access from a public road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshal.

5. The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshal.

6. All roads/streets within master planned development follow the natural contours of the site wherever possible to minimize the amount of grading.

7. Existing or proposed utility and public services are adequate to support the proposed master planned development at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.

8. The proposed structures within the master planned development are located on reasonably developable portions of the site. The open areas within the master planned development are designed so that existing significant vegetation can be maintained to the greatest degree possible.

9. The master planned development includes adequate internal vehicular and, where deemed necessary, pedestrian/equestrian/bicycle circulation.

10. The master planned development includes adequate areas for snow removal and snow storage.

11. All exterior lighting within the master planned development is down directed and fully shielded.

12. The master planned development, as conditioned, complies with all the requirements of this chapter.

13. The master planned development, as conditioned, is consistent with the General Plan.

14. The master planned development has been noticed and a public hearing held in accordance with this chapter.

15. An approval from either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the type of approved wastewater system, as required per Title 2, Chapter 20.

TO BE ADDED TO CHAPTER 11-7-5

11-7-5: PLANNING COMMISSION:

A. Creation:

- a. There is hereby created an Eastern Summit County Planning District, consisting of the area described in Section 11-7-3 of this Chapter.
- b. There is hereby established an Eastern Summit County Planning District Planning Commission ("Planning Commission").

B. Powers And Duties: The planning commission shall have the following powers and duties:

- a. To prepare or cause to be prepared a general plan or element thereof and to recommend the proposed general plan or element to the County Council;
- b. To prepare or cause to be prepared amendments to the general plan or elements thereof and to recommend the amendments to the County Council;
- c. To review and make recommendations to the County Council in regard to amendments to the zone district map;
- d. To initiate, hear, review and make recommendations to the County Council on applications for amendments to this title;
- e. To initiate a subpoena to compel documents and testimony required in the normal processing and review of matters pertaining to the Planning Commission;
- f. To hear, review and approve or disapprove all applications for conditional uses and long-term temporary uses. To hear, review and recommend approval or disapproval of all applications for ~~minor~~ the subdivision of property, ~~cluster bonus/agricultural preservation subdivisions, major development review,~~ development agreements or other procedures identified in this title, in accordance with the rules and regulations established by the County Council and as stated in this title; and