

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 991**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTIONS 10-3-20, BUILDING PERMIT AND CERTIFICATE OF
OCCUPANCY; 10-4-3, CRITICAL LANDS; 10-4-22, HEIGHT REGULATIONS; 10-8-18, WIRELESS
COMMUNICATIONS; AND 10-11-1, DEFINITIONS**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-503(1) provides that counties can amend any regulation of or within the zoning district or any other provision of a land use regulations; and,

WHEREAS, Section 10-7-3 of the Snyderville Basin Development Code provides that the County Council may from time to time amend, supplement, or repeal the provisions and regulations of such Code; and,

WHEREAS, the Snyderville Basin General Plan includes Objective B which states: “Identify and protect Critical Lands throughout the Basin, and ensure that development is limited or prohibited as appropriate;” and,

WHEREAS, the proposed amendments will clarify that critical lands include only natural slopes exceeding thirty percent, and not man-made slopes exceeding thirty percent. Additionally, the proposed code amendment will clarify what specific criteria must be met to allow for development on natural slopes exceeding thirty percent; and,

WHEREAS, the amendments do not affect existing land uses, density, or other substantive development standards; and,

WHEREAS, the proposed amendments apply to the entire Snyderville Basin Planning Area; and,

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on February 11, 2025 and unanimously forwarded a positive recommendation to the Summit County Council for the proposed amendment; and,

WHEREAS, the Summit County Council held a public hearing on March 26, 2025; and,

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

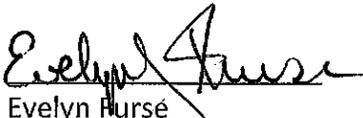
Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. Effective Date. This Ordinance shall take effect immediately after publication.

Enacted this 26th day of March, 2025.

ATTEST:

SUMMIT COUNTY COUNCIL


Evelyn Hursé
Summit County Clerk



Tonja Hanson, Chair

APPROVED AS TO FORM

VOTING OF COUNTY COUNCIL:



David L. Thomas
Chief Civil Deputy

Councilmember Hanson	<u>Aye</u>
Councilmember Robinson	<u>Aye</u>
Councilmember Harte	<u>Aye</u>
Councilmember Armstrong	<u>Aye</u>
Councilmember McKenna	<u>Aye</u>



Exhibit A

10-3-20: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

[...]

- G. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of eleven inches by seventeen inches (11" x 17") (must be legible) and a maximum size of thirty-six inches by forty-eight inches (36" x 48") shall be submitted with all building permit applications for all new construction, including additions, accessory buildings, and garages.
1. Preparation Of Site Plan: If any of the following criteria apply, the site plan shall be prepared by a licensed surveyor, architect, landscape architect, or engineer, registered in the state of Utah:
 - a. Parcels/lots that contain a designated building pad identified on a subdivision plat.
 - b. Building areas or building pads having an average grade steeper than five percent (5%) (some elevation information may be required to verify grade).
 - c. Proposed structure heights greater than twenty-eight feet (28').
 - d. Proposed structure setbacks closer than three feet (3') to the required setback line, excluding decks, lean-tos, or other similar structures.
 - (1) Agricultural exempt buildings that comply with section 17-27a-605 of the Utah Code Annotated are excluded from these site plan requirements. However, agricultural exempt buildings closer than three feet (3') to the required setback line or are greater than twenty-eight feet (28') in height will require an inspection by the community development department to ensure that setback and height requirements for the zone district in which they are located are being met.
 - e. Parcels/lots that do not have existing property corners set by a licensed surveyor.
 2. Site Plan Information Required: When the site plan is required to be prepared by a licensed surveyor, architect, landscape architect, or engineer, each copy shall be wet stamped by each professional involved in its preparation. Redline corrections/additions to the site plan or elevation page items may be accepted if determined by staff to be minor in nature. All corrections shall be approved by the person who stamped the site plan. The site plan shall contain the following information:
 - a. Scale.
 - b. North arrow.
 - c. Information box showing the name of the applicant, subdivision and lot number or parcel number (tax identification number), address, section, township, and range, acreage (or square footage) of the lot or parcel.
 - d. Map of the parcel. For parcels larger than one acre, provide large scale drawing of the entire parcel (i.e., vicinity map, 1 inch = 100 feet), with bearing and distance calls, and a smaller scale (1 inch = 20 feet), detailed map of the area of the parcel being developed. The map shall contain the following minimum information:
 - (1) Property lines, designated building pad, platted setback lines, rights of way and easements, all adjacent streets/roadways.
 - (2) Proposed setbacks of all new structures to the property lines.
 - (3) A topographical map, prepared by a licensed surveyor, including both existing and proposed contours. Two foot (2') minimum contour intervals are required for all parcels/lots which have an average grade greater than five percent (5%) (some elevation information may be required to verify grade) and/or structure heights that exceed twenty-eight feet (28') (measure from the ridgeline to existing Natural or Finished grade, whichever is greater). Existing contours must be shown through the proposed structures.
 - (A) For lots/parcels one acre or less in size, contours are required for the entire lot/parcel.
 - (B) For lots/parcels greater than one acre in size, contours are required one hundred feet (100') on each side of all proposed structures and all other areas of disturbance proposed for the lot/parcel, such as the driveway, accessory structures and yard areas. The contour map must include the opposite side of any existing roadway adjacent to the property.
 - (4) One fixed point near the proposed construction labeled "Benchmark" showing the elevation. The point may be a manhole cover, fire hydrant, or survey pin set so that it cannot be removed. The elevation of the point must be identified on a stake placed at or near the point.

Exhibit A

- (5) All elevations for the structure and driveway shall be referenced from the bench-mark.
- (6) All existing and proposed improvements.
- (7) All drainageways, ditches, streams, and wetlands within two hundred feet (200') of any proposed structure, area of disturbance and driveway, even if located on an adjoining parcel/lot.
- (8) The footprint of proposed structures. The footprint shall show roof ridgelines.
- (9) The proposed driveway width.
- (10) Proposed elevations, including:
 - (A) Top of the foundation walls at four (4) major corners.
 - (B) Roof ridge elevation(s) from existing grade.
 - (C) Garage floor elevations.
 - (D) Center of the driveway at the street, at twenty feet (20') from the street, at each grade break and at the edge of the "flat" parking area outside the garage.

Reason for Change: Correct minor grammatical errors and replace any reference to Existing Grade to instead refer to Natural Grade.

Exhibit A

10-4-3: CRITICAL LANDS:

A. Development Within Critical Lands Prohibited: Development within "Critical Lands", as defined in this title, is prohibited. Except as may be provided for in subsection B of this section, all structures, buildings, impervious surfaces and other development on a lot or unsubdivided parcel shall be clustered, to the greatest extent possible, on areas of the lot or parcel that do not contain Critical Lands.

B. Exceptions Allowing Development Within Critical Lands:

1. In the event a legally defined parcel or access to a legal lot of record consists of Critical Lands and there are not permissible locations to develop on the parcel, then the property owner will be allowed to locate development on the parcel in the most sensitive manner for both access and structure location.
2. Road and driveway crossings shall bridge over all floodplains. The installation of culverts for such purposes shall be minimized and is generally not appropriate.
3. Development may occur in jurisdictional wetlands only if the applicant obtains from the U.S. Army Corps of Engineers a permit for such development, which shall be delivered to the County Community Development Department for review prior to final approval of a development permit.
4. Development upon lands containing geologic hazards may be allowed by approval of the county manager in cases where the developer demonstrates that the geologic hazard is fully mitigated by appropriate design and construction techniques.
5. In the event a Lot of Record has no locations (or insufficient area) for otherwise permissible development without violating subsection A of this section, or in the event access to a suitable development area on a conforming parcel requires the crossing of an area of Natural Grade exceeding thirty percent (30%) slope, the Community Development Director may approve development as a Low Impact Permit subject to the findings in section 10-3-4 of this title and the following additional findings:
 - a. The proposed development is located on the least environmentally sensitive portion of the site. The development is designed so that existing significant vegetation can be maintained to the greatest degree possible;
 - b. Development is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area;
 - c. To the greatest extent possible, all driveways and walkways shall parallel Natural Grade slope contours;
 - d. The structure is designed to be stepped to follow the natural line of the existing topography; and
 - e. The applicant demonstrates to the satisfaction of the building official that the soil is stable and suitable for construction activity.

....

Formatted: Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75", Tab stops: Not at 1"

Reason for Change: Staff proposes adding criteria for development on Critical Slopes. The remaining changes to this section are to correct minor grammatical errors and capitalize Defined Terms used in this Section.

Exhibit A

10-4-22: HEIGHT REGULATIONS:

- A. Height Maximum: Building height maximum shall be as stated in Chapter 2 of this Title.
- B. Height Measurement: Height of the perimeter of a structure shall be measured from existing Natural Grade or Finished Grade, whichever measurement is greater. Roof ridges in the center of a structure shall be measured from the roof ridge to the existing Natural Grade directly below that point. A facade shall shift at least ten feet (10') from the perimeter of the structure to qualify for existing Natural Grade measurement. Roof vents, chimneys, furnace vents, plumbing vents, and antennas are exempt from the height regulations may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) or International Residential Code (IRC) requirements, as applicable. Window wells, basement stairwells, and patios that do not project more than five feet (5') horizontally from the foundation walls (or in some cases, more than 5 feet horizontally may be warranted or required for egress) are not used as Finished Grade when determining Height of the Building exempt from the height regulations; in some cases more than five feet (5') may be warranted for egress.
- C. Height Submission Requirements: The following information shall be shown on plans submitted for building permit consideration:
1. Site plans shall show a bench-mark elevation that is a fixed point, i.e., manhole cover, top back of curb at property line, or storm grate opening in curb.
 2. Site plans for residential buildings shall show the height of top of foundation at four (4) separate locations along with garage floor, main living level, and roof ridge elevations in relationship to the bench-mark elevation. Site plans for commercial buildings shall show the height of the top of foundation of at least four (4) corners of the building.
 3. Site plans shall show existing Natural and Finished Grades. Existing Natural Grade lines shall be depicted by dashed lines. Finished Grade lines shall be depicted by solid lines.
 4. Elevation drawings shall show Finished and existing Natural Grades. Grade lines shall show how existing Natural and Finished Grades would strike the building.

Reason for Change: Staff proposes to correct a any reference to "Existing Grade" to the new proposed term of "Natural Grade." The remaining changes to this section are to correct minor grammatical errors and capitalize Defined Terms used in this Section.

Exhibit A

10-B-18: WIRELESS COMMUNICATIONS:

[...]

D. General Requirements:

1. **Setbacks:** A telecommunications facility shall be set back one hundred fifteen percent (115%) of the tower's height from the property line, or such facility shall meet the zone required setback, whichever is greater. The telecommunications facility shall be at least one hundred feet (100') from any public trail, park or outdoor recreation area. Guywire anchors shall be set back at least twenty feet (20') from any property line. The CDD or designated planning staff member can approve varied setbacks if the telecommunications facility can be screened more appropriately by topography, vegetation or existing structures; however, the adjacent landowner(s) must sign a written agreement authorizing the decreased setback(s) from their property line(s). If telecommunications facilities are located in commercial or industrial zones or on County owned property, they shall only be allowed in the rear yard. Facilities located within the County right-of-way shall be subject to the approval of the County Engineer. Setbacks for facilities located within the County right-of-way are subject to County Engineer approval.
2. **Signage:** Signs shall be limited to nonilluminated warning and equipment identification signs, unless additional signs are warranted by the FAA, FCC, or any other agency of the State or Federal government with the authority to regulate telecommunications facilities.
3. **Access Roads:** Access roads shall be limited to ten feet (10') in width, unless otherwise approved by the fire district or Summit County Engineering Office because of safety considerations. Access roads shall contain gravel or other nonpaved surface. Existing roads shall, whenever possible, be upgraded to the minimum amount necessary.
4. **Colocation:** Colocation shall be allowed on all existing and new towers. Colocation shall not result in height increases beyond the fifty-foot (50') height limit outlined in the use table.
5. **Equipment Enclosures:** Every effort shall be made so that equipment enclosures or other structures are designed whereby the incorporation of stealth design technology or other visual screening (topography or vegetation) is utilized that readily conceals the appearance of the structure.
6. **Height Measurement:** Height of standalone telecommunication facilities shall be measured from existing ~~Natural~~ **Natural** gGrade or ~~Finished~~ **Finished** gGrade; whichever measurement is greater. Roof mount antennas shall not exceed the greater ten feet (10') above roof height or shall not the height of the existing rooftop mechanical equipment and/or associated screening. Roof mount antennas not attached to mechanical equipment and/or associated screening shall be set back from the edge of the building façade two (2) horizontal feet to one (1) vertical foot of antenna.

Reason for Change: Staff proposes to correct any reference to "Existing Grade" to the new proposed term of "Natural Grade." The remaining changes to this section are to correct minor grammatical errors and capitalize Defined Terms used in this Section.

10-11-1 TERMS DEFINED:

[...]

Formatted: Font: (Default) Calibri, 9 pt

Formatted: Font: (Default) Calibri, 11 pt, Bold, Underline

Exhibit A

BUILDING HEIGHT: The maximum distance possible measured vertically from Grade at any point to the top of a flat or pitched roof or other portion of a Structure. (See definitions of Grade, Natural Existing and Grade, Finished.)

[...]

Formatted: Font: (Default) Calibri, 9 pt

CRITICAL LANDS: For the purpose of this title, critical lands shall be deemed to be the following:

Formatted: Font: (Default) Calibri, 8 pt

- A. Critical Slopes: Land areas having Natural Grade slopes of thirty percent (30%) or greater.
- B. Floodplains: All areas within a 100-year floodplain, as mapped for the federal flood insurance program, or as calculated by a qualified engineer, or where the prevailing or potential natural vegetation is riparian.
- C. Wetlands: Areas identified as "jurisdictional wetlands" by the U.S. Army Corps of Engineers.
- D. Avalanche Zones: Avalanche zones contain three (3) points: the point of origin, the slide track, and the runout area. The development layout and design shall avoid areas which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical lands because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and, possibly, injury or loss of life to occupants.
- E. Geologic Hazards: Geologic hazards include any kind of slope instability (landslides, rockfall, mudflows) or ground subsidence that may result from natural or manmade conditions and also any kind of seismic activity.
- F. Ridgelines: Those areas identified on the ridgeline overlay zone map.

Formatted: Font: (Default) Calibri, Not Highlight

[...]

FINISHED GRADE: The finished or resulting grade where earth meets the structure after completion of the proposed development activity. (See also: Grade, Finished)

Formatted: Font: (Default) Calibri, 9 pt

[...]

GRADE, EXISTING NATURAL: The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. When Natural Grade does not exist due to excavation, landslide or other disturbances regardless of cause, estimated Natural Grade will be determined by the Community Development Director based on best available information, including referencing elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land or redirecting the flow of run-off water.

Formatted: Font: (Default) Calibri, 8 pt

GRADE, FINISHED: The finished or resulting grade where earth meets the structure after completion of the proposed development activity.

Formatted: Font: (Default) Calibri, 9 pt

[...]

Formatted: Font: (Default) Calibri, 8 pt

HEIGHT: The maximum height to any point of a structure above grade (see definitions of Grade, Existing Natural and Grade, Finished).

Formatted: Font: (Default) Calibri, 9 pt

[...]

Formatted: Font: (Default) Calibri, 8 pt

NATURAL GRADE: The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. When Natural Grade does not exist due to excavation, landslide or other disturbances regardless of cause, estimated Natural Grade will be determined by the Community Development Director based on best available information, including referencing elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the

Exhibit A

elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land or redirecting the flow of run-off water. (See also: Grade, Natural)

Reason for Change: Staff proposes to modify the term Existing Grade to be Natural Grade and to add clarification to the existing definition. Staff all proposes to correct any reference to "Existing Grade" to the new proposed term of "Natural Grade". Staff also proposes to add the terms "Finished Grade" and "Natural Grade." Finally, staff proposes capitalizing Army Corps of Engineers.