

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 992**

**A TEMPORARY ZONING ORDINANCE AMENDING SUMMIT COUNTY CODE,  
TITLE 10, CHAPTER 3, TO ESTABLISH AN ADMINISTRATIVE DEVELOPMENT AGREEMENT  
PROCESS WITHIN THE SNYDERVILLE BASIN PLANNING DISTRICT CONSISTENT WITH THE  
REQUIREMENTS OF UTAH CODE §63N-3-603**

**PREAMBLE**

**WHEREAS**, during the 2025 General Legislative Session, the Utah Legislature enacted Senate Bill 26 ("SB 26"), which was signed into law by Governor Cox on March 12, 2025; and,

**WHEREAS**, SB 26 modified Utah Code §63N-3-603 and had the effect of rezoning property within the unincorporated area of Summit County around the Kimball Junction Transit Center (the "State Imposed Rezone"); and,

**WHEREAS**, Utah Code §63N-3-603(8)(g) further requires that Summit County (the "County") implement that State Imposed Rezone through an administrative land use permit process; and,

**WHEREAS**, the most appropriate form of administrative land use permit to implement the State Imposed Rezone is an administrative development agreement; and,

**WHEREAS**, Summit County Code §10-3-19 provides for legislative development agreements, but does not have a stand-alone process for an administrative development agreement; and,

**WHEREAS**, the need for a stand-alone administrative development agreement process is time limited and project specific; and,

**WHEREAS**, Utah Code §17-27a-504 provides that a county may enact a temporary land use regulation without prior consideration or recommendation from the planning commission, including a public hearing, where the county's legislative body makes a finding of compelling, countervailing public interest; and,

**WHEREAS**, such a temporary land use regulation would be in effect for no longer than six months from the Effective Date (*defined below*), thus allowing adequate time for the County to process the implementation of the State Imposed Rezone; and,

**WHEREAS**, the Summit County Council, acting as the County's legislative body, finds it to be a compelling, countervailing public interest to provide a separate process for an administrative development agreement within the Snyderville Basin Planning District for a period of six (6) months so as to allow adequate time for the consideration of an administrative development agreement for the State Imposed Rezone.

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

**Section 1. Amendment:** The Summit County Code, Title 10, Chapter 3, is amended to add §10-3-19a, Administrative Development Agreements, as set forth in Exhibit A, which is incorporated herein by this reference.

**Section 2. Intent.** It is the intent of Summit County in enacting this temporary zoning ordinance to provide an adequate administrative process to implement the State Imposed Rezone consistent with the health, safety, and general welfare of the residents within the Snyderville Basin Planning District.

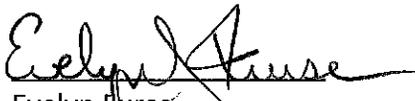
**Section 3. Effective Period.** This temporary zoning ordinance shall expire at 5:00 p.m. MST on September 9, 2025.

**Section 4. Effective Date.** This temporary zoning ordinance shall take effect upon publication as allowed by law.

Enacted this 9<sup>th</sup> day of April 2025.

ATTEST:

SUMMIT COUNTY COUNCIL

  
Evelyn Hulse  
Summit County Clerk

  
\_\_\_\_\_  
Tonja B. Hanson, Chair

APPROVED AS TO FORM

VOTING OF COUNTY COUNCIL:

  
~~David L. Thomas~~ Helen Strachan  
~~Chief~~ Civil Deputy

Councilmember Hanson  
Councilmember Robinson  
Councilmember Harte  
Councilmember Armstrong  
Councilmember McKenna

Aye  
Absent  
Aye  
Aye  
Aye



## EXHIBIT A

### 10-3-19a ADMINISTRATIVE DEVELOPMENT AGREEMENTS

- A. Authority: The county may, but under no circumstances is it required to, enter into an administrative development agreement with a property owner or applicant for development approval. The county, in its sole discretion, may opt to use an administrative development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. An administrative development agreement cannot be utilized to legislatively rezone property.
- B. Binding Agreement: Whenever the county opts to enter into an administrative development agreement, the agreement shall constitute a binding agreement between the applicant and the county. It shall contain those terms and conditions agreed to by the applicant and the county. The agreement shall describe all limitations, restrictions, and parameters associated with the development of the subject properties. The agreement shall describe all processes and procedures for obtaining final approval and building permits.
- C. Effect of Approval: Upon approval of the administrative development agreement, it shall constitute a vested right in the specific terms and proposals for a period of five (5) years from the date of approval, or longer when specifically allowed in the agreement, subject to any conditions agreed to and incorporated into the agreement.
- D. Criteria for Approval:
  - 1. The administrative development agreement shall include written consent from each landowner whose properties are included within the area subject to the agreement.
  - 2. The planning commission shall review and make a recommendation to the county manager based upon compliance with the zoning or specific rezone, the general plan and the code (*not otherwise modified by a specific rezone or applicable law*).
  - 3. Following receipt of a recommendation from the planning commission, the county manager shall conduct a public hearing.
  - 4. The county manager, acting as the administrative land use authority, shall review and consider the recommendation of the planning commission and the terms and conditions of the proposed agreement, and may approve the proposed agreement in accordance with applicable law and by making findings that such terms and conditions contained in the proposed agreement promote the intent of the zoning or rezone (*as applicable*), complies with the general plan and code (*not otherwise modified by a specific rezone or applicable law*) and effectively protects the health, safety and general welfare of the public.

5. Development allowed under this administrative development agreement shall comply with appropriate concurrency management provisions of this title, the infrastructure standards of this title, and all appropriate criteria and standards described in the administrative development agreement.
  6. When appropriate, based on the size of the project, the applicant agrees to, at a minimum, contribute all capital improvements and facilities necessary to mitigate the impacts of the project on the county and its special districts.
  7. Development shall not be permitted to create unacceptable construction management impacts.
  8. While a creative approach to the development and use of the land and related physical facilities may be allowed by an administrative development agreement, all development approved in the agreement shall meet or exceed development quality objectives of the general plan and this title, as affected by applicable law.
  9. The development shall be consistent with the goal of orderly growth and minimize construction impacts on public infrastructure within the Snyderville Basin.
  10. The development shall protect life and property from natural and manmade hazards.
  11. The development shall prevent harm to neighboring properties and lands, including nuisances.
- E. Appeal: A land use applicant or an adversely affected party, as defined in Utah Code, Title 17, Chapter 27a, may challenge a land use decision of the county manager to the county council, sitting in a quasi-judicial capacity as an administrative appeal authority and not as the county legislative authority.