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March 14, 2017

Mr. Curtis Woodward, Planner
Planning & Development Services Division
Rm. N3-600, Government Center
Salt Lake City, Utah

Dear Mr. Woodward:

The Salt Lake County Council, at its meeting held this day, approved the following ordinance amendment:

Application No. 29717 – **Salt Lake County** enacting a new Mountain Resort Zone to govern land use for the specific issues raised by mountain resorts.

The Council also approved Ordinance No. 1809 relating to this amendment.

The ordinance summary has been sent to the newspaper for publication

Respectfully yours,

SALT LAKE COUNTY COUNCIL

SHERRIE SWENSEN, COUNTY CLERK

By *Gaylene Gudmundson*
Deputy Clerk

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SALT LAKE COUNTY
ORDINANCE

Ordinance No. 1809

March 14, 2017

AN ORDINANCE AMENDING TITLE 19 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, BY ENACTING A NEW CHAPTER, 19.13, ENTITLED "MOUNTAIN RESORT ZONE." THIS CHAPTER IS BEING ENACTED AS A NEW ZONING DISTRICT TO GOVERN LAND USE FOR THE SPECIFIC ISSUES RAISED BY THE UNIQUE, YEAR-ROUND NATURE AND FUNCTIONS OF MOUNTAIN RESORTS. THE CHAPTER OUTLINES QUALIFICATIONS TO OBTAIN THIS ZONING, THE USES AND OTHER REGULATIONS OF THE RECREATION DISTRICT AND VILLAGE DISTRICT THAT COMPRISE THE ZONE, HOW THE ZONE INTERACTS WITH THE FOOTHILLS AND CANYONS OVERLAY ZONE, THE PROCESS FOR REZONING AND DEVELOPMENT UNDER THE MOUNTAIN RESORT ZONE, DEFINES TERMS, AND OTHER RELATED PROVISIONS.

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

SECTION I. Title 19 of the Salt Lake County Code of Ordinances, 2001, entitled "Zoning" is hereby amended to enact Chapter 19.13, entitled "Mountain Resort Zone" as follows:

CHAPTER 19.13 – MOUNTAIN RESORT ZONE

- 19.13.010 PURPOSE STATEMENT**
- 19.13.020 MINIMUM REQUIREMENTS**
- 19.13.030 MRZ-RECREATION DISTRICT**
- 19.13.040 MRZ-VILLAGE DISTRICT**
- 19.13.050 MRZ AREA PLAN**
- 19.13.060 MRZ VILLAGE DEVELOPMENT PLAN**
- 19.13.070 REGULATIONS THAT APPLY TO BOTH MRZ-RECREATION AND MRZ-VILLAGE DISTRICTS**
- 19.13.080 DEFINITIONS**

19.13.010 PURPOSE STATEMENT

The purpose of the Mountain Resort Zone (MRZ) is to provide a base zone that is suited for a mountain resort's year-round recreation function and provides for the residential and commercial needs of visitors and residents of the resort. It is intended to maintain the environmental, watershed, and aesthetic protections of the Foothills and Canyons Overlay Zone (FCOZ), with appropriate flexibility to accomplish a resort's year-round recreational functions. It is intended to encourage higher density mixed-use village centers that reduce sprawl in the canyons and are compatible with the natural and scenic resources of the canyons.

19.13.020 MINIMUM REQUIREMENTS

A. Minimum Area

The minimum area requirement for a Mountain Resort Zone shall be 1,000 contiguous acres located within the Salt Lake County Mountainous Planning District, and be identified as one of the ski resorts or mountain resorts as adopted in the County General Plan. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan. At least one of the owners must be a Mountain Resort. Lands under contract or agreement with a local, state, or federal agency may satisfy the contiguous requirement and the minimum area requirement, although land owned by the federal government is not subject to the requirements of this Chapter. The resort area shall be primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.

B. Required Recreation and Village Districts within the MRZ

To qualify for an MRZ, the applicant shall designate both a Recreation and Village District for its property. The proposed boundaries of the MRZ-Recreation and MRZ-Village Districts shall be shown on the Area Plan (*see* section 19.13.050).

19.13.030 MRZ-RECREATION DISTRICT

A. Permitted Uses

Permitted uses in the MRZ-Recreation District are as follows:

- Accessory buildings and uses customarily incidental to permitted use
- Class B Beer outlet
- Class C Beer outlet
- Conservation activity
- Trail and trailhead improvement
- Employee and maintenance parking area with four (4) or fewer spaces
- Temporary construction improvement

- Minor ski or mountain resort improvements
- Mountain resorts, including the following:
 - Recreational outdoor and trail lighting
 - Passenger ski or tramway station and ski base/terminal facility
 - Ski tow rope, ski lift, ski tram, ski run
 - Outdoor event, outdoor music
 - Resort support, commercial
 - Ropes course
 - Mountain bike trails
 - Frisbee golf course

B. Conditional Uses

Conditional uses in the MRZ-Recreation District are as follows:

- Accessory buildings and uses customarily incidental to conditional use
- Employee and maintenance parking area or structure with five (5) or more spaces
- Food and beverage businesses, including alcoholic beverage licenses
- Recreation equipment including swing sets, slides, jungle gyms, sand boxes, picnic tables and volleyball nets, but excluding baseball backstops, basketball standards, soccer goals, and tennis courts
- Ski bridge
- Natural resource based recreational activities and associated facilities, provided that:
 1. The planning commission determines as part of a conditional use application all of the following:
 - a. The facility or activity does not change the primary purpose of the mountain resort to other than snow sports;
 - b. The facility or activity encourages outdoor recreation and enjoyment of nature;
 - c. To the extent practicable, the facility or activity is located within the portions of the ski area that are developed or that will be developed pursuant to the Area Plan;
 - d. The facility or activity is consistent with the zoning established in the Area Plan;
 - e. To the extent practicable, the facility or activity harmonizes with the natural environment of the site in which it is located by:
 - i. Being visually consistent with or subordinate to the mountain resort's existing facilities, vegetation and landscape; and
 - ii. Not requiring significant modifications to topography to facilitate construction or operations, and;
 - f. The facility or activity does not require extensive new support facilities, such as parking lots, restaurants, and lifts.
 2. In determining if a proposed use qualifies as a natural resource based recreational facility or activity, the Planning Commission shall also consider the following additional factors:
 - a. The degree to which visitors are able to engage with the natural setting;

- b. The similarity of the facility or activity to other permitted and conditional uses in the MRZ Recreation District; and,
- c. The extent that a visitor's experience is interdependent with attributes common to the natural setting.

C. FCOZ Exceptions

- 1. The following uses in the MRZ-Recreation District are exempt from all requirements of Section 19.72.060 (Slope Protection and Development on Ridgelines), subject to reasonable conditions that may be imposed under subsection (2) below.
 - a. Accessory buildings and uses customarily incidental to the permitted uses in this subsection (C)(1).).
 - b. Conservation activity
 - c. Trail/trailhead improvement
 - d. Passenger ski or tramway station, ski base/terminal facility, & ski bridge
 - e. Ski tow rope, ski lift, ski tramway, run
 - f. Ropes course
 - g. Mountain trails
 - h. Frisbee golf course
 - i. Minor ski or mountain resort improvements
 - j. Natural resource based recreational facilities.

- 2. For the above uses, the Director (for permitted uses) and the planning commission (for conditional uses) shall, as necessary, impose reasonable conditions to accomplish any or all of the following:
 - a. Preserve area views;
 - b. Reduce adverse impacts on existing trees and vegetation;
 - c. Reduce overall degree of disturbance to steep slopes over 30%;
 - d. Protect wildlife habitat;
 - e. Protect stream corridors, wetlands, rock outcrops & other sensitive environmental features in vicinity of proposed improvements.
 - f. Discourage unintended trespass onto adjoining land.

D. Lot and Site Requirements

All structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district, or public right-of-way. However, fences, walls, stairs, paths, trails, sidewalks, patios, driveways, accessory structures, approved parking areas, and screened mechanical and utility equipment are allowed as exceptions in the front, side, and rear yards.

E. Building Height

No structure may be erected to a height greater than thirty feet (30') from existing grade. This is the District Height.

1. **Building Height Exceptions.** To allow for a pitched roof and to provide usable space within the structure, the following height exceptions shall apply:
 - a. A gable, hip, or similar pitched roof may extend up to five feet (5') above the District Height, if the roof pitch is 4:12 or greater.
 - b. An antenna, chimney, flue, vent, or similar structure may extend up to five feet (5') above the highest point of the building to comply with International Building Code (IBC) requirements.
2. **Other Height Exceptions.** Subject to Director approval for permitted uses and planning commission approval for conditional uses, the following structures may exceed the standard District Height limit:
 - a. Ski lift towers and tramway towers. Submittal of a computer-generated visual simulation showing all structures is required.
 - b. Public or quasi-public uses.
 - c. Telecommunication facilities

F. Tree Replacement.

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

19.13.040 MRZ-VILLAGE DISTRICT

A. Permitted Uses

Permitted uses in the MRZ-Village District are as follows:

- Accessory buildings and uses customarily incidental to permitted use
- Bed and breakfast homestay
- Bed and breakfast inn
- Boardinghouse
- Class B beer outlet
- Class C beer outlet
- Day care/preschool center
- Dwellings, one-, two-, three-, four-family
- Home day care/preschool for six or fewer children
- Living quarters for persons employed on the premises of any principal use
- Lodginghouse
- Minor ski or mountain resort improvements

- Mountain resorts, including the following:
 - Recreational outdoor and trail lighting
 - Passenger ski and tramway station and ski base facility
 - Ski tow rope, ski lift, ski tram, ski run
 - Skateboard park
 - Outdoor event, outdoor music
 - Resort support, commercial
 - Ropes course
 - Mountain bike trails
 - Frisbee golf course
- Office incidental to main use
- Package agency
- Parking area or structure with 10 or fewer spaces
- Public and quasi-public use structure
- Residential facility for elderly persons
- Residential facility for persons with a disability
- Restaurant, excluding drive-through
- Restaurant liquor license
- Retail goods establishment
- Short-term dwelling rental
- State store
- Trail and trailhead improvement
- Temporary construction improvement

B. Conditional Uses

Conditional uses in the MRZ-Village District are as follows:

- Accessory buildings and uses customarily incidental to conditional use
- Dwelling group
- Dwellings, multiple-family
- Hotel/resort hotel
- Motel
- Recreation equipment including swing sets, slides, jungle gyms, sand boxes, picnic tables, tennis courts, volleyball nets, basketball standards, baseball backstops and soccer goals
- Parking area or structure with 11 or more spaces
- Natural resource based recreational activities and associated facilities, provided that:
 1. The planning commission considers as part of a conditional use application all of the following:
 - a. The facility or activity does not change the primary purpose of the mountain resort to other than snow sports;
 - b. The facility or activity encourages outdoor recreation and enjoyment of nature;

- c. To the extent practicable, the facility or activity is located within the portions of the ski area that are developed or that will be developed pursuant to the Area Plan;
 - d. The facility or activity is consistent with the zoning established in the Area Plan;
 - e. To the extent practicable, the facility or activity harmonizes with the natural environment of the site in which it is located by:
 - i. Being visually consistent with or subordinate to the mountain resort's existing facilities, vegetation and landscape; and
 - ii. Not requiring significant modifications to topography to facilitate construction or operations, and;
 - f. The facility or activity does not require extensive new support facilities, such as parking lots, restaurants, and lifts.
2. In determining if a proposed use qualifies as a natural resource based recreational facility or activity, the Planning Commission shall also consider the following additional factors:
- a. The degree to which visitors are able to engage with the natural setting;
 - b. The similarity of the facility or activity to other permitted and conditional uses in the MRZ Recreation District; and,
 - c. The extent that a visitor's experience is interdependent with attributes common to the natural setting.

- Skating rink
- Ski bridge
- Swimming pool

C. Height

Height limits in the MRZ Village District shall be determined by the County Council in the Area Plan, subject to the following limitations. In no case shall the height of single-family dwellings exceed thirty feet (30'). For uses in the MRZ Village District that are also listed in the MRZ Recreation District, the height shall be in accordance with 19.13.030(E). The height of any other use in the MRZ Village District shall be no greater than one hundred feet (100'); the County Council may consider the criteria in section 19.13.050(F) in making this determination.

D. Density (Dwelling Units per Acre)

Density limits in the MRZ Village District shall be determined by the County Council in the Area Plan, and shall be conditioned on water, sewer, and utility availability for the density proposed in the Area Plan. However, the maximum density for residential dwelling units shall be 20 dwelling units or 40 guestrooms per net developable acre.

E. Lot Area, Lot Width, and Setbacks

1. Minimum Lot Area

- a. Single-family residential: 6,000 Sq. Ft.
- b. All other uses, unless lot area otherwise specified in the Ordinance: No minimum lot area.

2. Minimum Lot Width

- a. Single-family residential: 60 feet.
- b. All other uses, unless lot width otherwise specified in the Ordinance: No minimum lot width.

3. Setbacks

- a. Front yard
 - i. Single, two, three, and four-family dwelling: 20 feet.
 - ii. Accessory building related to the above: 20 feet.
 - iii. All other uses, unless front yard setback otherwise specified in the Ordinance: 0 feet.
- b. Side yard
 - i. Single, two, three, and four-family dwelling: 8 feet, with a total of two required side yards of not less than 18 feet.
 - ii. Accessory building related to the above: 8 feet, except 3 feet when located at least 10 feet from the rear of the dwelling.
 - iii. All other uses, unless side yard setback otherwise specified in the Ordinance: 0 feet.
- c. Rear yard
 - i. Single, two, three, and four-family dwelling: 20 feet.
 - ii. Accessory building related to the above: 3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot.
 - iii. All other uses, unless rear yard setback otherwise specified in the Ordinance: 0 feet.
- d. Exceptions. An applicant may locate a structure closer to the property line than specified by the above setbacks if applicant can demonstrate to the land use authority that the structure will not place additional burden on neighboring properties by addressing the following factors: snow load, drainage, access, fire protection, and building code.

F. FCOZ Exceptions

- 1. The following uses in the MRZ-Village District are exempt from all requirements of Section 19.72.060 (Slope Protection and Development on Ridgelines), subject to reasonable conditions that may be imposed under subsection (2) below.
 - a. Conservation Activity
 - b. Trail/Trailhead Improvement
 - c. Passenger Ski and Tramway Station, Ski Base/Terminal Facility, & Bridge
 - d. Ski Tow Rope, Ski Lift, Ski Tramway, Ski Run

- i. Grading for these uses is exempt from Section 19.72.070 (Grading Standards), subject to the Director's authority to impose conditions pursuant to subsection (F)(2) of this section.
 - e. Ropes Course
 - f. Mountain Bike Trails
 - g. Frisbee Golf Course
 - h. Minor Ski or Mountain Resort Improvements
 - i. Natural resource based recreational activities and associated facilities
2. For the above uses, the Director (for permitted uses) and the planning commission (for conditional uses) shall, as necessary, impose reasonable conditions to accomplish any or all of the following:
- a. Preserve area views;
 - b. Reduce adverse impacts on existing trees and vegetation;
 - c. Reduce overall degree of disturbance to steep slopes over 30%;
 - d. Protect wildlife habitat;
 - e. Protect stream corridors, wetlands, rock outcrops & other sensitive environmental features in vicinity of proposed improvements.
3. Development of other permitted or conditional uses on slopes between 31% – 40%, may be accepted as suitable if adequate mitigation techniques acceptable to the Director are proposed by the applicant or required by the Director in conjunction with submittal by the applicant of the information outlined in subsections (a) – (f) below. The Director may consult with others to assist in determining compliance with the submittal requirements below and in requiring specific designs and mitigation techniques. The Director may require these specific designs and mitigation techniques, together with implementation timelines, to be defined and documented within the development agreement required by section 19.13.060.
- a. A soils report stamped by a person licensed as a professional engineer in the State of Utah (“professional engineer”);
 - b. A grading plan stamped by a professional engineer, which complies with I.C.C. standards, with a maximum finished grade of 2:1 (horizontal:vertical) unless otherwise approved by the Director with surface stabilization, and provided that no grading exceeds a one to one (1:1) ratio;
 - c. If a retaining wall(s) is used, a retaining wall submittal that includes the following:
 - i. Section detail for each type of wall proposed;
 - ii. Calculated factor of safety for overturning and sliding;
 - iii. Design parameters such as ϕ , γ , c, etc.;
 - iv. Any necessary design assumptions such as unique drainage conditions, load surcharge, utility impact, etc.;
 - v. Height, batter, adjacent slopes, bench widths, etc.;
 - vi. Comprehensive design calculations, wall profiles, and additional sections;
 - vii. Documentation of compliance with the International Building Code.

- d. A slope stability analysis that has been reviewed and approved by the County's contracted geologist, the review fee to be paid by applicant;
- e. Excavation stabilization plans prepared by a professional engineer, which includes the following:
 - i. Extent of the excavation;
 - ii. Cross section(s) of the excavation cut;
 - iii. Spot elevations of the top and bottom of cuts;
 - iv. Location of construction fences;
 - v. Site-specific construction drawings of excavation stabilization measures;
 - vi. Necessary erosion control measures;
 - vii. Location and depth of utilities located within 12 feet of the proposed system; and
 - viii. How service lines will be accommodated with the proposed system.

4. To the extent that FCOZ does not allow development of streets, roads, alleys, or driveways on slopes between 31% - 40%, the Director may accept these as suitable under the requirements in subsection (F)(3) of this section.

19.13.050 MRZ AREA PLAN

A. Purpose.

The purpose of an area plan is: 1) to acknowledge vested rights that a mountain resort already has in a previously approved master plan, 2) to establish boundaries of the MRZ-Recreation and MRZ-Village Districts, 3) to establish height and density limits for the MRZ-Village District, 4) to establish water, sewer, and utility availability for the proposed density, and 5) to map the location of current improvements and possible future projects.

B. Application.

An application for approval of an Area Plan shall be filed in conjunction with an application to rezone the property in the Area Plan to a Mountain Resort Zone. The application shall be made on a form provided by the Director and shall include a legal description of the property, a list of names and mailing addresses of all adjacent property owners and written consent of owners of all property to be included in the Area Plan, or their agents or authorized representatives. The application shall be accompanied by submittal requirements outlined in subsection D(2) of this section and an Area Plan as outlined in subsection C of this section. Notification of the application shall be provided to the U.S. Forest Service at least 30 days prior to the first planning commission hearing.

C. Contents of Proposed Area Plan.

The proposed Area Plan shall be comprised of materials submitted in accordance with subsection D(2) of this section. The Area Plan shall contain at minimum the following information:

1. A map that contains the following basic information:
 - a. The proposed boundaries for the MRZ-Recreation and MRZ-Village Districts.
 - b. Topography and natural water features (including wetlands) of the property within the area plan, including all adjoining areas owned or leased by the Mountain Resort as part of the resort.
 - c. Current improvements within the proposed MRZ-Village and MRZ-Recreation Districts, including buildings (and their uses), parking structures/lots, roads, etc.
 - d. Proposed building pads, housing areas, and parking areas/structures.
 - e. Proposed traffic circulation plans.
 - f. Current, and if applicable, proposed mass transit stops or centers.
2. A list of the proposed permitted and conditional uses for the MRZ-Village and MRZ-Recreation Districts, which complies with the MRZ zone.
3. Proposed total number of dwelling units and guestrooms for the MRZ-Village District, which complies with the MRZ zone or previously approved master plan.
4. Heights of existing buildings and proposed height limits of future buildings.
5. Water agreement with Salt Lake City, or service area as applicable, certifying water availability for the proposed number of dwelling units and guestrooms for the MRZ-Village District.
6. Approval of the proposed number of dwelling units and guestrooms for the MRZ-Village District by the Salt Lake County Health Department, or service area as applicable, after verification of water availability and sufficient sewer capacity; alternatively, approval from the Salt Lake County Health Department for a previously approved master plan for the same number of dwelling units and guestrooms is adequate.
7. “Will provide” letters from power and natural gas suppliers, certifying availability of those utilities for the proposed number of dwelling units and guestrooms for the MRZ-Village District, or such a letter for a previously approved master plan for the same number of dwelling units and guestrooms.

D. Area Plan Review Procedures.

1. **Pre-application Conference.** Prior to submittal of a formal application for an Area Plan and associated MRZ rezone, the applicant shall hold a pre-application conference with the Director or Director's designee. The purpose of this meeting shall be to discuss the goals of the proposed Area Plan and associated MRZ rezone, the relationship of the proposal to applicable elements of any applicable master plan or general plan, and the review procedure that will be followed for the application.
2. **Submittal Requirements.** The Director shall establish the submittal requirements for an approved Area Plan application. Certain submittal requirements may be waived or modified by the Director or the planning commission if it is demonstrated by the applicant that the information and materials required are not relevant to the proposed Area Plan. A complete list of the submittal requirements shall be maintained by the Director and filed in the Salt Lake County Office of Township Services.
3. **Planning Commission Recommendation.** The planning commission shall review the proposed Area Plan and associated MRZ rezone request at a regularly scheduled meeting. A report of the Planning staff's findings and recommendations shall be presented at a public hearing before the planning commission. The planning commission shall make a recommendation to the County Council whether the proposed rezone and associated Area Plan should be approved. The planning commission may consider the criteria in subsection E below when making its recommendation.
4. **County Council Final Review.** The final review of a proposed Area Plan and associated MRZ rezone shall be by the County Council at either a regularly scheduled meeting or a special meeting. Prior to this meeting, and at the discretion of the Director, a work session at a regularly scheduled public meeting may be held with the applicant, staff, and the County Council to discuss the Area Plan and associated MRZ rezone. A report of the Planning staff's findings and recommendations, together with those of the planning commission, shall be presented at a public hearing before the County Council. In making its determination whether to approve the Area Plan and associated MRZ rezone, the County Council may consider the criteria in subsection F below. The County Council may modify any element of the proposed Area Plan, so long as vested rights under a previously approved master plan are not modified, and subject to water agreements between the applicant and Salt Lake City, or service area as applicable.

E. Area Plan and MRZ Rezone Criteria. The following criteria may be considered in evaluating the merits of a proposed Area Plan and associated MRZ rezone.

1. **Compatibility.** Compatibility and sensitivity to the immediate environment, neighborhood, and adjacent properties.

2. **Relationship.** Uses, activity, and density, which provide a compatible, efficient, and workable relationship with surrounding uses and activity.
3. **General Plan.** Conformity with the applicable general plan.
4. **Protection of the natural setting.** Uses, activity, and density that are consistent with protecting the natural setting in which the property is located, based on the current environmental data available to Salt Lake County.
5. **Other criteria.** Other criteria deemed appropriate to ensure that the purposes of section 19.13.010 are met.

F. Previously Approved Master Planned Resort

In the event that a previously approved master planned resort makes application to rezone its property to a Mountain Resort Zone, it shall submit an Area Plan in accordance with this section. However, in doing so, it shall retain all vested rights in a previously approved master plan.

G. Plan Amendments

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

19.13.060 MRZ-VILLAGE DEVELOPMENT PLAN

A. Purpose.

The purpose of an MRZ-Village Development Plan is to provide for an integrated master plan for the Village or phases thereof, which outlines the details of projects to be built in areas such as parking; pedestrian, bicycle, and transit facilities; building scale, design, architecture, and materials; public infrastructure and utilities; access and circulation; landscaping; lighting; common areas; phasing of projects; natural hazards; grading and drainage; etc.

B. Process.

A Development Plan shall be in the form of a development agreement. If the Development Plan contains any deviations from FCOZ design standards in section 19.72.170, the applicant shall identify those deviations in the Development Plan, and the

planning commission has the authority to determine whether to approve, approve with modification, or deny the development agreement in accordance with subsection (C) below. Notification of the application shall be provided to the U.S. Forest Service 30 days prior to the first planning commission hearing. The Mayor shall sign the approved Development Plan.

1. **Consolidation of Processes.** A Development Plan for the entire Village, or phases thereof, may be presented to the planning commission as part of an application to rezone and submittal of an Area Plan. A Development Plan may also be submitted in conjunction with a conditional use application.
2. **Staff Review.** Planning staff shall review the proposed Development Plan and identify deviations from FCOZ design standards in section 19.72.170, in addition to those identified by the applicant, so that applicant can decide whether to retain those deviations and seek planning commission approval for the same.
3. **MRZ Standards for Adjusting FCOZ Design Standards.** The standards outlined in subsection (C) of this section for obtaining adjustments to the FCOZ Design Standards shall be in addition to those outlined in subsection 19.72.170(B), i.e., adjustments shall also be consistent with the purposes of FCOZ as stated in section 19.72.010.
4. **No Additional Conditional Use Permit Approval Required.** Once a Development Plan is approved, the applicant need not obtain separate conditional use permits when each component of that plan is developed, unless sufficient plans necessary to obtain conditional use approval were not submitted with the Development Plan application.

C. Factors for Approval of A Development Plan.

The planning commission shall consider the following factors, as it deems applicable, when determining whether to deny, approve, or approve with modifications a proposed Development Plan.

1. **Compliance with the General Plan.** Does the proposed development comply with the applicable general plan?
2. **Compatibility.** Is the Development Plan compatible with the context and visual character of the area? In considering this factor, the following criteria may be used:
 - a. Does the Development Plan respond to the site's natural characteristics and physical constraints such as steep slopes, vegetation, waterways, and any natural or man-made hazards and allow development to blend in with or enhance said features?

- b. Does the project preserve important geologic features, mature vegetation, and structures or features of the site that have historic, cultural, visual, or ecological importance or contribute to the identity of the community?
 - c. Are buildings oriented to public right of way and sited to reflect the neighborhood context? Are buildings and access ways arranged to allow effective emergency, maintenance, and service vehicle access?
 - d. Are the proposed building materials compatible with those typically seen in the immediate vicinity?
 - e. In assessing the impacts of the proposed development plan, has consideration been given to the current environmental data available to Salt Lake County?
3. **Building Scale.** Is the proposed scale/mass of buildings within the proposed project compatible with or enhance the cohesiveness or distinctive identity of the neighborhood and surrounding development patterns, including the scale and massing of nearby historical or cultural resources?
4. **Pedestrian, Bicycle & Transit Facilities.** Does the proposed development improve pedestrian, bicycle, and transit facilities? Are these facilities and improvements prioritized over vehicular facilities and improvements? Are specific designs, mitigation techniques, and implementation timelines defined as part of the Development Plan?
5. **Public Infrastructure and Facilities.** Are public infrastructure and facilities upgrades necessary to serve the project? If so, improvements shall be at the sole costs of the developer. The County may require specific designs, mitigation techniques, and implementation timelines within the development agreement.
6. **Access and Circulation.** Does the proposed development provide adequate access and circulation? Are traffic congestion mitigation techniques included as part of the Development Plan?
7. **Site grading and snow removal.** Do buildings and site grading provide simple, at-grade entrances and minimize extensive grade-changes along building exteriors? Is adequate snow storage accommodated?
8. **Parking.** Have the following issues been addressed? 1) The probable number of cars to be operated by those using the proposed development and the nature of the proposed uses; 2) the availability of public transit and other transportation facilities, including those for pedestrian access; 3) the commitment to utilize automobile disincentive techniques in the proposed development; and 4) the potential for joint use of common parking.

D. Development Plan Application Contents. The contents of the application for a Development Plan shall include the items listed below. Staff may recommend, and

the planning commission may require, that any of these items be incorporated into a development agreement. The Director may waive any of these items if the applicant demonstrates that the information and materials required are not relevant to the proposed Development Plan.

1. A completed application on a form provided by the Director, a legal description of the property subject to the Development Plan, and a list of names and mailing addresses of all adjacent property owners.
2. A description and depiction of the proposed development, including limits of disturbance and compliance with other FCOZ requirements, land uses, densities, natural features (including proximity of project improvements to wetlands or perennial streams), traffic and pedestrian circulation, parking, open space areas, landscaping, lighting improvements, and provision of services, such as water, sewer, gas, and electric. Issues resolved in the Area Plan stage may not be reconsidered at the Development Plan stage. Also, a statement of the objectives to be achieved by the Development Plan.
3. An architectural character plan showing the use, massing, scale and orientation of the proposed buildings, and their orientation to public spaces and other buildings, and other attributes which may significantly represent the proposed development.
4. A description, and depiction as needed, of deviations from FCOZ design standards in section 19.72.170 in the proposed development agreement, and justification for each deviation.
5. Studies and reports required by section 19.75.030 of the Ordinance, Geologic Hazards.
6. A statement prepared by a Utah registered professional engineer, and depiction or mapping as necessary, describing the potential infrastructure upgrades, alignment, design, and mitigation techniques that may be necessary for development of the site to be served by public infrastructure. The information shall be of sufficient detail to determine the acceptable location(s) and extent of development and to understand the necessary upgrades and the possible alignments, designs, or mitigation techniques that may be required.
7. A written response to each of the Factors for Approval outlined in subsection C of this section, as applicable.
8. A grading and drainage plan showing all grading and how drainage and stormwater is accommodated, which meets County requirements for grading, drainage, and stormwater.

9. If proposed, a description, and depiction as necessary, for specific pedestrian, bicycle, and transit facility designs, mitigation techniques, and implementation timelines. These plans shall provide sufficient detail to determine if the design or mitigation concept addresses the standards outlined in Chapter 19.80, Off-Street Parking Requirements, but do not need to be detailed construction documents.
10. A description of any proposed project phasing detailing the specific improvements within each phase.
11. Other submittal requirements that the Director establishes for a Development Plan application. A complete list of such requirements shall be maintained by the Director and filed in the Salt Lake County Office of Township Services.

19.13.070 REGULATIONS THAT APPLY TO BOTH MRZ-RECREATION AND MRZ-VILLAGE DISTRICTS

A. Limits of Disturbance

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance for permitted uses shall be determined on a case-by-case basis by the Director. Limits of disturbance for conditional uses shall be as finally approved by the planning commission upon the recommendation of the Director (see Section 19.72.160). All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the foothills and canyons overlay zone, section 19.72.160.

B. Water Supply and Quality

1. Salt Lake City Certification Required. Prior to planning commission or Director approval of a conditional use or site plan for all uses in the MRZ Districts, the plan shall be referred to Salt Lake City's Division of Public Utilities to ensure compliance with the City's applicable ordinances and watershed protection standards. If Salt Lake City's certification is not given within the time prescribed by County Ordinance for processing applications, the planning commission or Director may approve the application subject to Salt Lake City's certification.
2. Department of Health Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the MRZ Districts, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

3. Applicable State Regulations and Standards. Developments shall be in compliance with applicable state regulations for individual wastewater disposal systems and culinary water supply.
4. Subsequent Changes in Site Plan. If, after health department or Utah Department of Environmental Quality approvals, a site development plan is modified such that the original limits of disturbance change, the applicant shall submit the modified site plan to the health department for retesting and new approval. Evidence of such retesting and approval shall be submitted prior to final approval of the site development plan.

C. Utilities

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

19.13.080 DEFINITIONS

For the purposes of this Chapter, the following terms shall have the following meanings:

Conservation Activity

A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

Driveway

A private area used for ingress and egress of vehicles, which allows access from a street or road to a building, structure, or parking spaces.

Fence

A structure erected to provide privacy or security, which defines a private space or is used to constrain domestic animals.

Grading

Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

Limits of disturbance

The area(s) in which construction and development activity are to be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, septic tank drain fields and related system requirements, storm drainage, and other similar services or improvements. However, up to ten (10) feet of paved or unpaved shoulders for driveways are not included in the limits of disturbance.

Lot of Record

A lot or parcel of land established in compliance with all laws applicable at the time of its creation and recorded in the office of the county recorder either as part of a recorded subdivision or as described on a deed, having frontage upon a street, a right-of-way approved by the Land use hearing officer, or a right-of-way not less than twenty feet wide.

Minor ski resort improvements

Construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

Mountain resort or Ski resort

- A. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.

- B. Such uses, activities, and facilities may be conducted on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
 1. Snow related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow related activities.
 2. Accessory year-round and non-snow related activities include but are not limited to: alpine recreational activities; natural resource based recreational facilities; cultural events and festivals; and conference events.
 3. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.

Natural resource based recreational activities and associated facilities

Activities and facilities that encourage outdoor recreation and enjoyment of nature that, to the extent practicable, harmonize with the natural environment; including uses such as zip lines, mountain bike trails, disc golf courses, and ropes courses; but excluding tennis courts, water slides and water parks, swimming pools, golf courses, and amusement parks.

Net Developable Acreage

Land with all of the following:

1. Average slope less than thirty percent;
2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface water and groundwater quality;
3. Minimum distance from any stream corridor of one hundred feet; and
4. Free from any identified natural hazard such as flood, avalanche, landslide, high water table, and similar features. See Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

Open Space

Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

Parking Area

An unenclosed area or lot other than a street used or designed for parking.

Parking Structure

A fully enclosed structure designed and intended for parking.

Passenger Tramway

A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

Resort Support, Commercial

Use that is clearly incidental to, and customarily found in connection with, the principal building or use, and that is operated and maintained for the benefit and convenience of the owners, occupants, employees, customers, or visitors to the principal use or building.

Site plan

An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

Slope

The level of inclination from the horizontal, determined by dividing, in fifty (50) foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

Trails

A type of natural open space that is a system of public recreational pathways located within the unincorporated county for use by the public for purposes as designated.

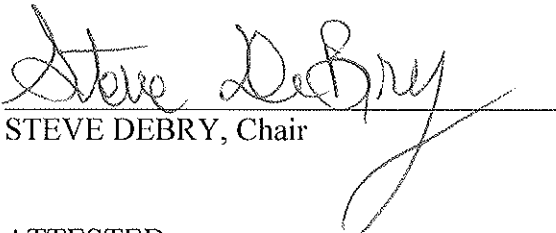
Vegetation

Living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

SECTION II: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this 14 day of March, 2017.


SALT LAKE COUNTY COUNCIL


STEVE DEBRY, Chair

ATTESTED:


Sherrie Swensen, County Clerk

APPROVED AS TO FORM

By 
Zach Shaw

Zachary D. Shaw
Deputy District Attorney
Date : 3-13-17

Vetoed and dated this _____ day of _____, 2017.

Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes ___ No ___ Date: _____

Ordinance published in newspaper: Date: _____

Effective date of ordinance: _____

Council Member Bradley voting	<u>"Aye"</u>
Council Member Bradshaw voting	<u>"Aye"</u>
Council Member Burdick voting	<u>"Aye"</u>
Council Member DeBry voting	<u>"Aye"</u>
Council Member Granato voting	<u>"Aye"</u>
Council Member Jensen voting	<u>"Aye"</u>
Council Member Newton voting	<u>"Aye"</u>
Council Member Snelgrove voting	<u>"Aye"</u>
Council Member Wilson voting	<u>"Aye"</u>

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. 1809

On the 14 day of March, 2017, the County Council of Salt Lake County adopted Ordinance No. 1809, amending Title 19 of the Salt Lake County Code of Ordinances, by enacting a new chapter, 19.13, entitled "Mountain Resort Zone." This chapter is being enacted as a new zoning district to govern land use for the specific issues raised by the unique, year-round nature and functions of mountain resorts. The chapter outlines qualifications to obtain this zoning, the uses and other regulations of the recreation district and village district that comprise the zone, how the zone interacts with the foothills and canyons overlay zone, the process for rezoning and development under the mountain resort zone, defines terms, and other related provisions.

SALT LAKE COUNTY COUNCIL:

By Steve DeBry
STEVE DEBRY, Chair

ATTEST:

Sherrie Swensen
Sherrie Swensen, County Clerk

Approved as to Form:

Zach Shaw 3-13-17
Zach Shaw

Voting:

Councilman Bradley	<u>"Aye"</u>
Councilman Bradshaw	<u>"Aye"</u>
Councilman Burdick	<u>"Aye"</u>
Councilman DeBry	<u>"Aye"</u>
Councilman Wilson	<u>"Aye"</u>
Councilman Granato	<u>"Aye"</u>
Councilman Jensen	<u>"Aye"</u>
Councilman Snelgrove	<u>"Aye"</u>
Councilman Newton	<u>"Aye"</u>

A complete copy of Ordinance No. 1809 is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.