

Chapter 4

Development Review Processes and Procedures

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11-4-1: PURPOSE: The purpose of this chapter is to provide clear and predictable standards of review and processes for the administration of Development and Land Use activities in Eastern Summit County.

11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT AND/OR LAND USE ACTIVITY: The establishment of a Lot or Parcel is required for Development and/or Land Use activity as set forth in this section:

1. Lot: A Lot is a Lot within a recorded Subdivision.

A Conforming Parcel is a Parcel of land conforming to the minimum parcel size requirement of the applicable zoning district at the time of a Land Use or Development request.

A Lot may be used for a Land Use activity and is eligible to apply for Development pursuant to the requirements of this Title.

A Conforming Parcel may be used for a Land Use activity and may be eligible to apply for a Development pursuant to the requirements of this Title, including but not limited to demonstrating compliance with all County requirements for example--access, water, and waste water.

Parcels created through the Divisions of Land for Non-Development Purposes process must be subdivided per the requirements of this title.

2. Non-Conforming Parcel: A Non-Conforming Parcel is a Parcel that does not conform to the minimum size requirements of the applicable zoning district at the time of a Development request.

A Non-Conforming Parcel is eligible for a non-Development land use pursuant to the requirements of this Title.

A Non-Conforming Parcel may be eligible to apply for Development pursuant to:

- a. An approved Grandfathered Right status determination by the Community Development Department.
 - b. Compliance with the requirements of this Title, including but not limited to demonstrating compliance with all County requirements for example--access, water, and waste water.
3. Grandfathered Right: A Grandfathered Right is a Development entitlement status accorded to Non-Conforming Parcel created prior to May 6, 1996 that does not conform to the minimum size requirements of the applicable zoning district at the time of a Development request.

An appeal of a Community Development Department decision regarding a Grandfathered Right may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with Section 11-7-16 of this Title.

11-4-3: PERMITS REQUIRED: No Development, Land Division or Land Use activity may be undertaken within the unincorporated areas of Eastern Summit County unless all Development permits applicable to the proposed Development, Land Division or Subdivision of land area are issued in accordance with the provisions of this Title.

11-4-4: GENERAL PROVISIONS:

1. Initiation: An application for Development, Land Division or a Land Use activity approval shall be initiated by submitting the appropriate application to the Community Development Department.
2. Community Development Department Review, Recommendation, and Action:
 - A. The Community Development Department shall review the application to determine that all necessary submittal requirements and information are provided. If the Community Development Department determines that the application does not contain the required information sufficient to determine the appropriate approval procedure and/or compliance with this Title, a Staff member shall provide a written notice to the applicant specifying the deficiencies of the application. Staff member may elect to

take no further action on the application until such time as all necessary submittal requirements are provided.

An application for Development and/or Land Use activity approval shall be deemed insufficient if:

1. any relevant information is not provided,
2. the application form is not signed by the property owner,
3. required fees are not paid,

If all required application submittal information is not provided within thirty (30) days of Staff notification, all application materials (including application fees) may be returned to the applicant.

- B. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this Title, nor shall it indicate that the information submitted by the applicant is accurate or has been verified. Additional information may be required at a later date throughout the approval process.
- C. All Development approvals shall be conditioned so that no final approval shall be issued on the subject property until all outstanding and current property taxes have been paid.
- D. The Community Development Director is the delegated authority to make administrative interpretations of this Title and to provide such guidance as is necessary to applicants for Development and/or Land Use activity approvals consistent with and in furtherance of this Chapter.
- E. Any person adversely affected by an administrative interpretation of this Title may appeal such interpretation to the Summit County Council, in accordance with the Appeals Procedures set forth in Section 11-7-16 of this Title.

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

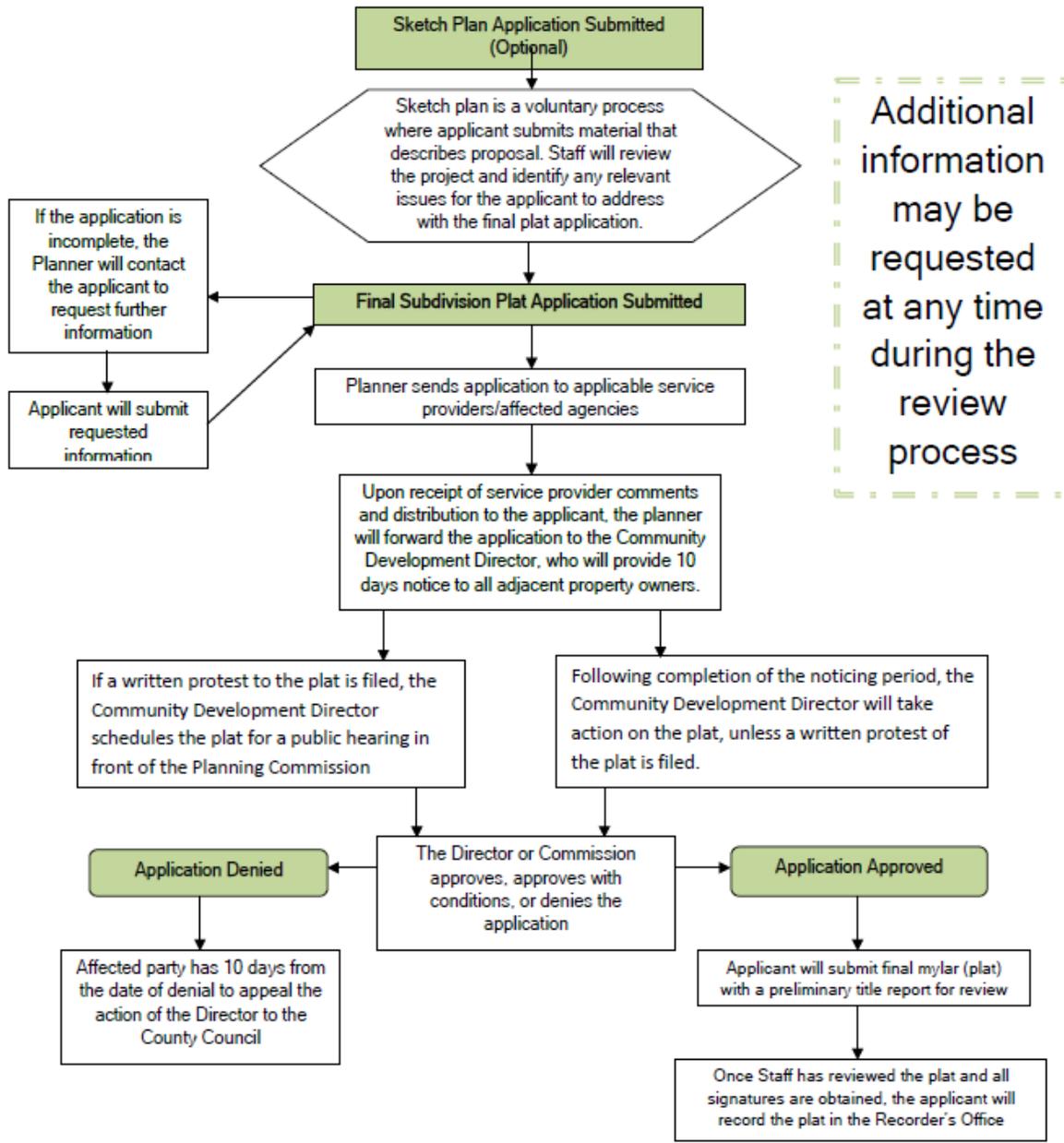
1. Purpose: The purposes of this section are to:
 - A. Guide the future growth of Eastern Summit County in a manner consistent with the Eastern Summit County General Plan;

- B. Advance the public, health, safety, and welfare of the property owners and residents of Eastern Summit County;
- C. Provide Development opportunities for property owners and residents to live, work, and conduct business in Eastern Summit County;
- D. Encourage new Development in areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services;
- E. Provide reasonable and predictable standards of review and preview processes which balance private property rights with the need to achieve orderly development;
- F. Establish a reasonable process for the division of land for non-Development purposes.

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SUBDIVISION CONSISTING OF 5 LOTS OR LESS



Additional information may be requested at any time during the review process

2. Subdivisions Consisting of Five (5) or Less Lots

- A. Submission Requirements: An application for a Subdivision consisting of five (5) lots or less shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.
1. Completed Subdivision application formed signed by the property owner(s);
 2. Proof that property taxes for the applicable property are paid;
 3. Subdivision application fee payment;
 4. Name and address, including telephone number, of legal owner, 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;
 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, 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;
 - d. A delineation of environmentally sensitive areas floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%).
 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. 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;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;

- d. 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, easements; and Remainder Parcels (if applicable);
- e. Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
- f. Notation of any self-imposed plat restrictions;
- g. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District Local Power and Gas Providers (if applicable);
- h. Endorsement on the plat by every person having security interest in the property 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 Summit County;
- i. All monuments erected, corners, and other points established in the field;
- j. 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 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 site. It shall be the responsibility of each lot owner to demonstrate that water of adequate 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 or a written commitment from a municipality or private company.”

“Septic or sewerage has not been approved for this site. The property owner shall demonstrate that the property can adequately support a septic system per state/county requirements or has access to an operational, approved sewer system prior to the issuance of a building permit through an approval letter from the County Health Department.”

7. Following final approval of the subdivision, a current (within 30 days) preliminary title report covering all property located within the subdivision;
 8. Following final approval of the subdivision, a 24”x36” Mylar of a scaled (1”=100’) a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.
- B. Review Procedure:
1. 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" = 1 00'), unless otherwise approved by the Community Development Director.
 - A. Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat application, as well as any additional information necessary to establish the project’s compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

C. Final Subdivision Plat Review Procedure:

1. The Community Development Department 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 Department shall prepare a staff report analyzing the proposed 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 Subdivision plat application to all adjacent property owners in the manner set forth in this title. Following the completion of the required noticing period, the Community Development Director shall take Final Action on the Subdivision plat if no protest(s) is filed.
3. If written protest to the proposed Subdivision Plat is filed in a timeframe and manner consistent with this code, the Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a public hearing and possible action. The Planning Commission's action on the proposed Subdivision Plat may be appealed to the Summit County Council.
4. Once the Subdivision Final 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 detailed final plat shall be recorded in the records of the County Recorder.

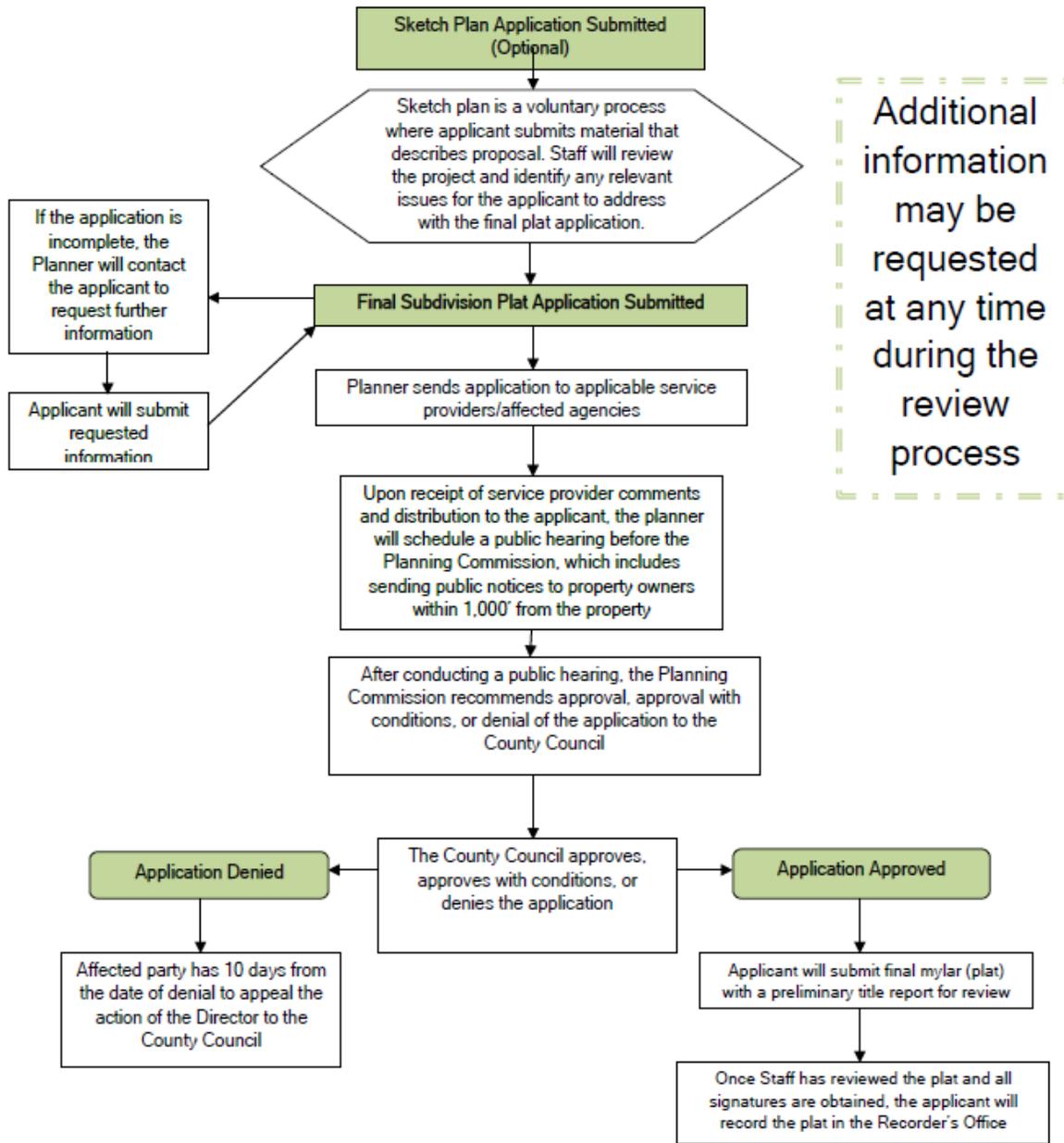
D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. Each lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is appropriate.
2. The project must comply with the development evaluation standards provided in Chapter 2 of this Title.
3. The project must comply with the infrastructure standards in Chapter 6 of this Title.

4. The minimum lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable zone.
5. Compliance with all applicable County Codes.



SUBDIVISION CONSISTING OF 6 LOTS OR MORE



3. Subdivisions Consisting of Six (6) or More Lots

- A. Submission Requirements: An application for Subdivision consisting of six (6) lots or more shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.
1. Completed Subdivision application formed signed by the property owner(s);
 2. Proof that property taxes for the applicable property are paid;
 3. Subdivision application fee payment;
 4. Name and address, including telephone number, of the legal owner, 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.
 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any.
 - d. A delineation of Environmentally Sensitive Areas, floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%).
 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. 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;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;

- d. 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; and Remainder Parcels (if applicable).
- e. Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
- f. Notation of any required plat restrictions.
- g. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
- h. Endorsement on the plat by every person having security interest in the property 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 Summit County;
- i. All monuments erected, corners, and other points established in the field.
- j. 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 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 site. It shall be the responsibility of each lot owner to demonstrate that water of adequate 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 or a written commitment from a municipality or private company.”

“Septic or sewerage has not been approved for this site. The property owner shall demonstrate that the property can adequately support a septic system per state/county requirements or has access to an operational, approved sewer system prior to the issuance of a building permit through an approval letter from the County Health Department.”

7. Following final approval of the subdivision, a current (within 30 days) preliminary title report covering all property located within the subdivision;
8. Following final approval of the subdivision, a 24”x36” Mylar of a scaled (1”=100’) a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

B. Review Procedure:

1. 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" = 1 00'), unless otherwise approved by the Community Development Director.

B. Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat application, as well as any additional information necessary to establish the project’s compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

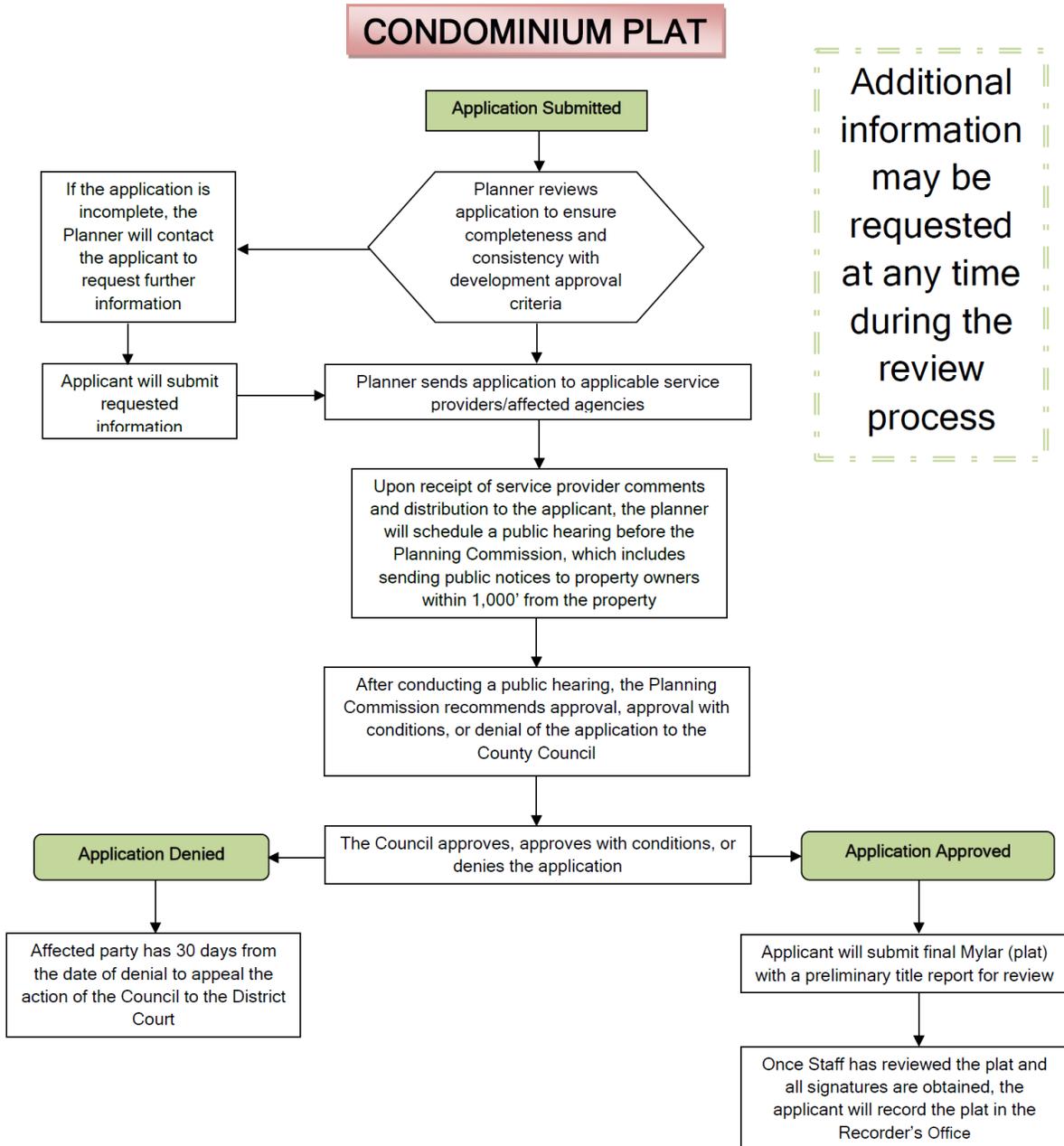
C. Final Subdivision Plat Review Process:

1. The Community Development Department 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 Department shall prepare a staff report analyzing the proposed 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 Subdivision plat application to all adjacent property owners in the manner set forth in this title and schedule the application for a public hearing with the Eastern Summit County Planning Commission.
3. The Eastern Summit County Planning Commission shall hold a public hearing on the proposed Subdivision plat and forward a recommendation to the County Council.
4. The County Council shall take Final Action on the proposed Subdivision Final Plat.
5. Once the Subdivision Final 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 plat shall be recorded in the records of the County Recorder.

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

1. Each lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is appropriate.
2. The project must comply with the development evaluation standards provided in Chapter 2 of this Title.
3. The project must comply with the infrastructure standards in Chapter 6 of this Title.
4. The minimum lot size for new lots created through this process will

meet the minimum Lot size requirements for the applicable zone.



4. CONDOMINIUM PLATS:

1. Submission Requirements: An application for a Condominium plat shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

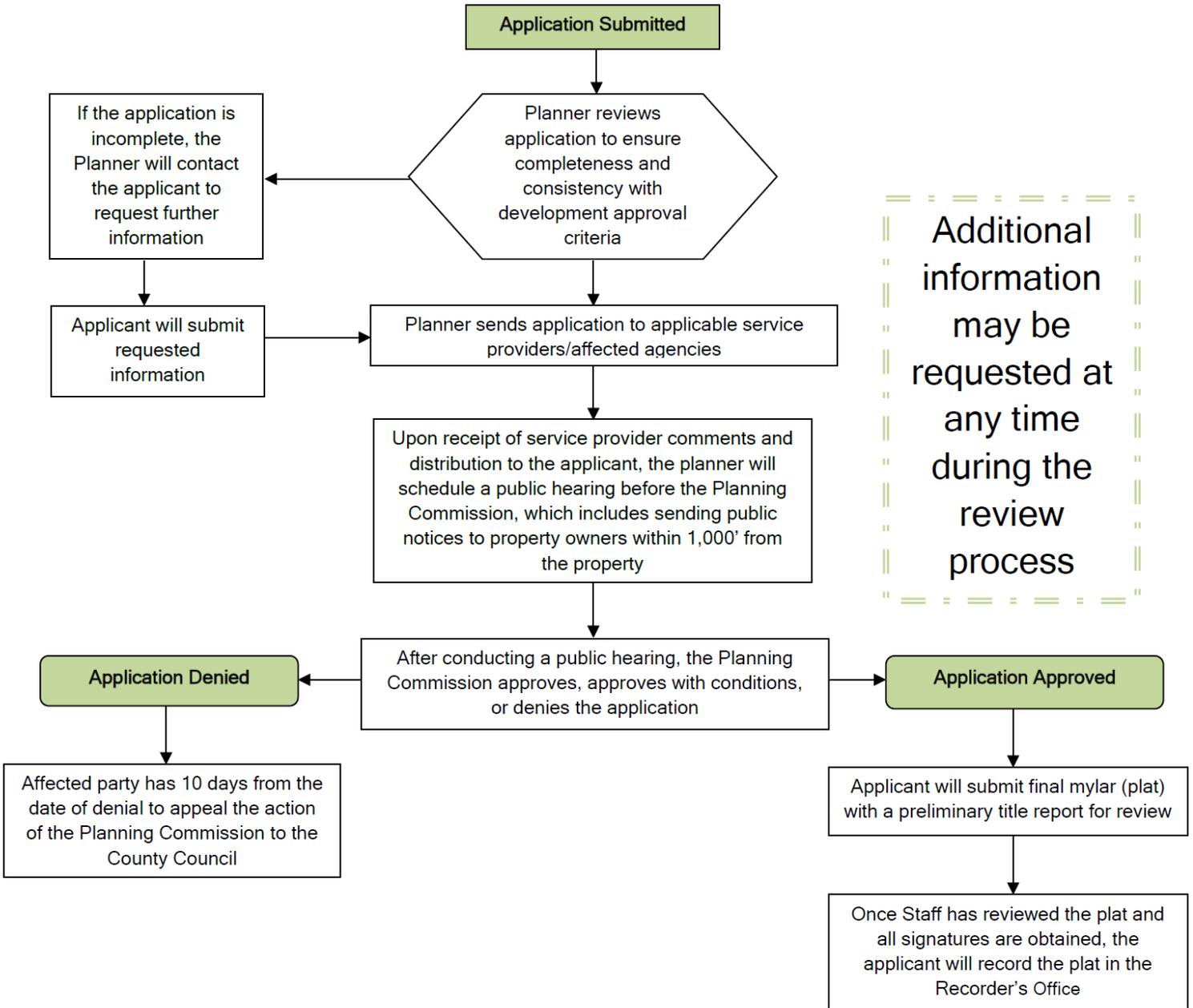
- a. Completed Condominium application formed signed for the property owner(s);
- b. Proof that property taxes for the applicable property are paid;
- c. Condominium application fee payment;
- d. Name and address, including telephone number, of legal owner, and citation of last instrument conveying title 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, roads, streets, irrigation ditches, water bodies, 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, and slopes exceeding thirty percent (30%).
- f. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Condominium plat and one electronic copy of a scaled Condominium Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 1. The Condominium name and date of plat creation. The Condominium 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; and Remainder Parcels (if applicable).
 5. All floor plans, and building elevations, including all residential and commercial units, unit square footage, common areas,

limited common areas, private areas; and all other ownerships areas

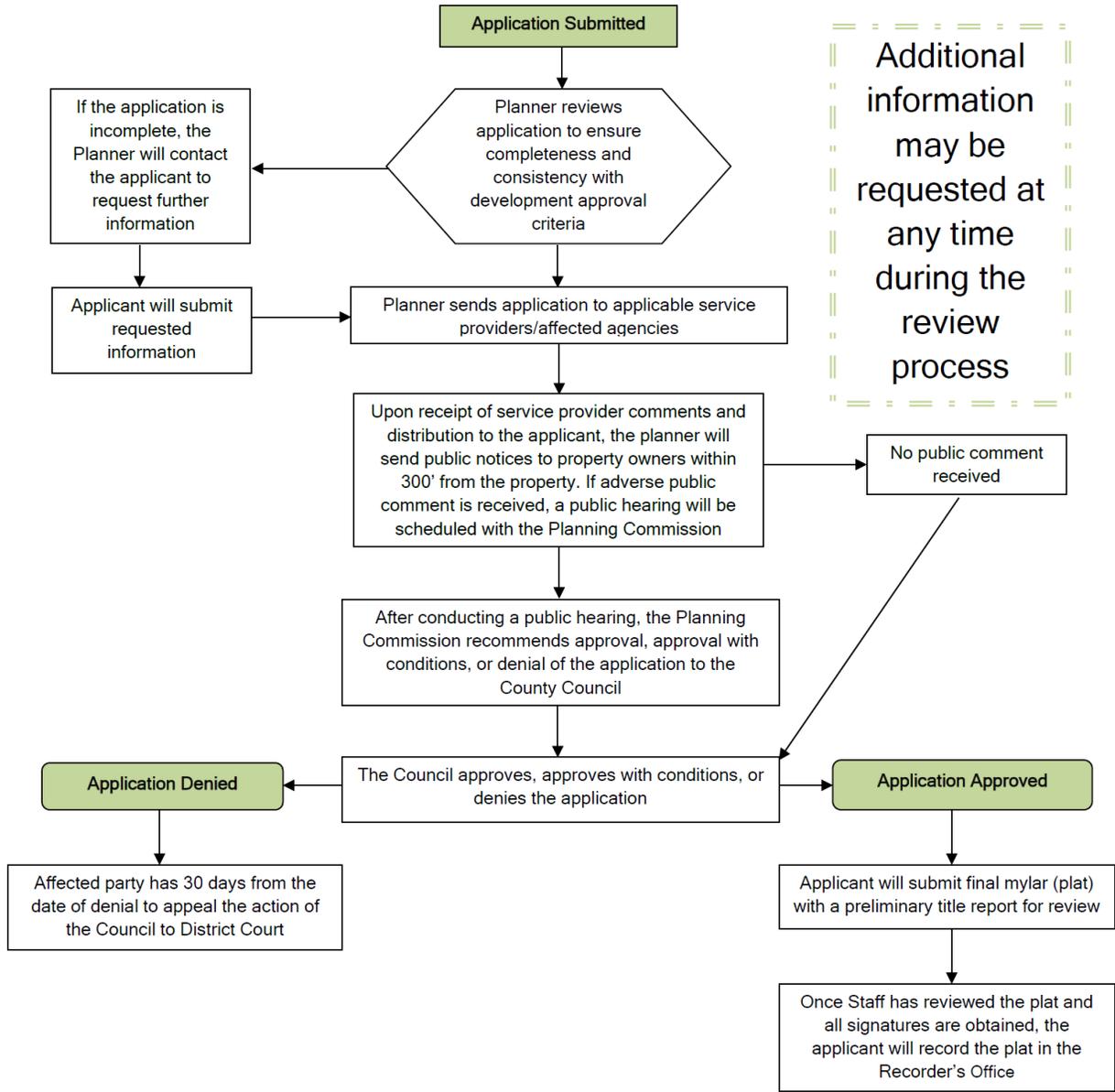
6. Notation of any self-imposed plat restrictions
 7. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
 8. Endorsement on the plat by every person having security interest in the property 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 Summit County;
 9. All monuments erected, corners, and other points established in the field.
 10. Following final approval of the plat, a current (within 30 days) preliminary title report covering all property located within the subdivision;
 11. Following final approval of the plat, a 24"x36" Mylar of a scaled (1"=100') a scaled Condominium Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item f above.
2. Review Procedure for a Condominium Final Plat:
- a. The Community Development Department shall secure input regarding the proposed Condominium plat 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 information, the Community Development Department shall prepare a staff report analyzing the proposed Condominium plat's compliance with the review standards set forth in this Title and identifying any compliance-related issues related to the proposal.
 - b. 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 Condominium plat application to all adjacent property owners in the manner set forth in this title and schedule the application for a public hearing with the Eastern Summit County Planning Commission.

- c. The Eastern Summit County Planning Commission shall hold a public hearing on the proposed Condominium plat and forward a recommendation to the County Council.
 - d. The County Council shall Final Action on the proposed Condominium plat.
 - e. Once the Condominium plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability.
 - f. Upon approval of the County Attorney and once all required signatures are obtained, the detailed Condominium plat shall be recorded in the records of the County Recorder.
3. Issuance of Building Permit: Building permits for condominium units can be issued following approval of the Condominium plat by the County Manager. The building permit will be issued based upon a certified architectural plan for the building elevation and floor plans as approved by the Building Official.
4. Filing: All Condominium plats shall be recorded in the office of the County Recorder following completion of construction and before acceptance of improvements.

PLAT AMENDMENT (Amendments that do not alter a public road)



PLAT AMENDMENT (Amendment that alters a public road)



5. PLAT AMENDMENTS

1. Submission Requirements: Any request to for a proposed vacation, alteration or amendment of a subdivision plat, any portion of such subdivision plat, or any road or lot contained in such plat shall require the application for a Subdivision Plat Amendment. An application for Subdivision Plat Amendment shall include the information set forth below. The Community Development

Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

- a. Completed Subdivision Plat Amendment application formed signed by the property owner(s) including a description of all proposed amendments to the Subdivision Plat;
 - b. Proof that property taxes for the applicable property are paid;
 - c. Subdivision Plat Amendment application fee payment;
 - d. Name and address, including telephone number, of legal owner, 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.
1. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:

The Subdivision Plat Amendment name and date of plat creation;

1. The name of the land surveyor;
2. approximate true north arrow;
3. 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; and Remainder Parcels (if applicable).
4. Consecutively numbered or lettered lots with addresses authorized by Summit County;
5. Notation of any self-imposed plat restrictions or revisions thereof;
6. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
7. Endorsement on the plat by every person having security interest in the property 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 Summit County;

8. All monuments erected, corners, and other points established in the field;
9. Following final approval of the subdivision, a current (within 30 days) preliminary title report covering all property located within the subdivision;
10. Following final approval of the subdivision, a 24"x36" Mylar of a scaled (1"=100') a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

2. Review Procedures:

A. Plat amendments that result in the combination of lots and adjusting and/or altering lot lines within a platted Subdivision:

1. Land Use Authority: The Community Development Director shall be the Land Use Authority for all plat amendments resulting in the combination of lots and adjusting and/or altering lot lines within a platted subdivision.
2. The Community Development Department shall give notice of the proposed plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within three hundred feet (1000') of the affected Subdivision Plat Amendment request as required by this Title. If no negative public comment is received by the Community Development Department within 10 days from the date of the notice, a public hearing will not be required and the Community Development Director shall take Final Action on the proposed Subdivision Plat amendment. If negative public comment concerning the proposed plat amendment is received by the Community Development Department within 10 days from the date of the notice, a public hearing shall be scheduled with the Planning Commission. The Planning Commission shall take Final Action on the proposed Subdivision Plat amendment. The Planning Commission's Final Action may be appealed to the County Council.

B. Plat amendments that result in building pad adjustments, Subdivision title changes plat note revisions, altering of utility easements, and all other amendments that do not affect a public or private road:

1. Land Use Authority: The Planning Commission shall be the Land Use Authority for all of the above-referenced plat amendments.
2. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a proposed plat amendment.

C. Plat amendments that alter a private road shown on a subdivision plat.

1. Land Use Authority: The Planning Commission shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a private road.
2. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a request to alter a private road within a Subdivision plat.

D. Plat amendments that alter a public road shown on a subdivision plat.

1. Land Use Authority: The County Council shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a public road within a Subdivision.
2. The Planning Commission shall hold a public hearing in accordance with this Title. The Planning Commission shall forward a recommendation to the County Council.
3. The County Council shall hold a public hearing in accordance to this Title prior to taking Final Action on a request to alter a public road shown on a Subdivision plat.

4. Required Notice of Public Hearings for Plat Amendments.

A. The Community Development Department shall give notice of any proposed plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within three hundred feet (300') and may also be mailed to each owner of property within one thousand feet (1000') for a representative public notice. In addition, notice may be sent to all owners within the affected plat and the affected Home Owners' Association. The notice shall fulfill the requirements of Utah State Code Annotated, Sections _____.

B. If the proposed plat amendment involves the vacation, alteration, or amendment of a road, the Community Development Department shall give notice of the date, place, and time of the public hearing by:

1. Mailing notice, as required in this Title; and
2. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

5. Required Public Hearing Timeframe.

Once a Subdivision Plat Amendment application/petition is filed and it is determined that a public hearing is required, the Land Use Authority shall hold the public hearing within forty-five (45) days following the receipt of a complete application.

6. Waiver of the Public Hearing Requirement.

At the discretion of the Community Development Director, the public hearing requirement may be waived for plat amendments if the following criteria are met:

- A. The name and address and consenting signatures of all owners of record of the land contained in the entire subdivision plat are submitted with the application; or
- B. The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended is submitted with the application; or
- C. The signatures of all owners within the subdivision acknowledging consent to the petition is submitted with the application.

7. General Criteria:

- A. Upon approval of the Subdivision Plat amendment, the following signatures are required on the final amended plat:
 1. Community Development Director: Subdivision Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines;
 2. County Manager: Subdivision Plat Amendments resulting in an alteration of a private road shown on a subdivision plat;
 3. Planning Commission: Subdivision Plat Amendments resulting in building pad adjustments, subdivision title changes, plat note revisions

and all other amendments that do not affect a public or private road, lot line adjustments, or the combination of lots);

4. County Council: Subdivision Plat Amendments resulting in an alteration a public road shown on a subdivision plat; and

5. County Recorder, County Engineer, County Attorney, and County Assessor. A "Certificate of Consent" from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.

B. Once the application is approved and all applicable signatures are obtained on the plat amendment mylar, the County Attorney shall review a preliminary Title Report for acceptability.

C. Upon approval of the County Attorney, and once all required signatures are obtained on the mylar, the Subdivision Plat amendment shall be recorded in the records of the County Recorder.

8. Vacation by County Manager, or County Council: When the County Manager or County Council proposes to vacate, alter or amend a subdivision plat, or any road or lot within a subdivision plat, the County Manager or County Council shall consider the issue at a public hearing after giving notice required by this Section.

9. Grounds for Vacating or Amending a Plat:

A. If the Final Land Use Authority is satisfied that the public interest will not be materially injured by the proposed vacation, alteration or amendment, and there is good cause for the vacation, alteration or amendment, the Final Land Use Authority, may vacate, alter or amend the plat, any portion of the plat, or any road or lot therein.

B. No plat amendment shall be approved which results in an increase in density.

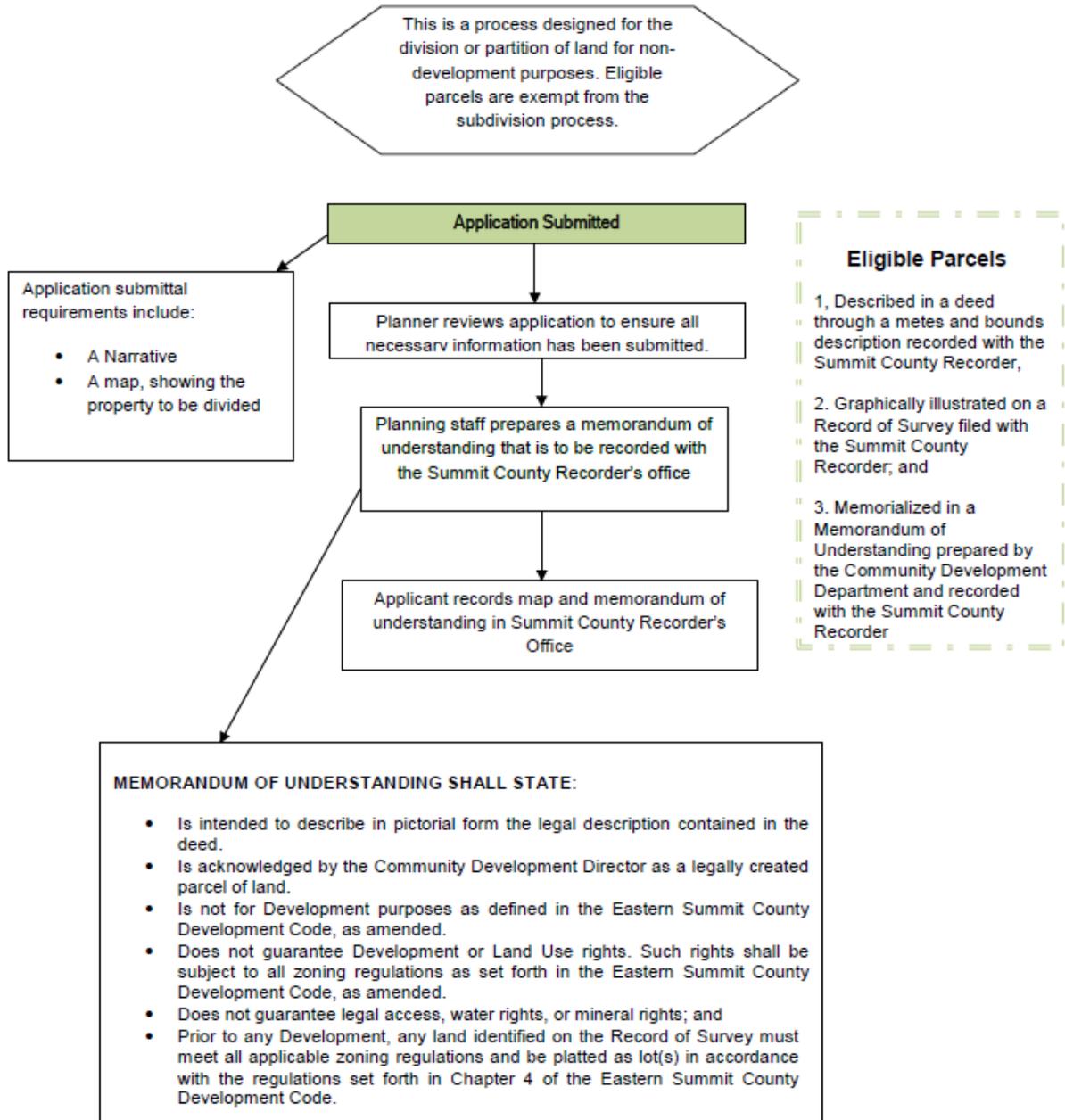
10. Appeal: An aggrieved party may appeal the final decision of a Subdivision Plat amendment in accordance with Appeals Procedures set forth in Section 11-7-16 of this Title.

6. PARCEL BOUNDARY ADJUSTMENTS

A. Exemption to Subdivision Regulations: Adjustments to boundary lines between adjacent properties that are not located within a Subdivision Plat are exempt from the provisions of this Title and not subject to the review of a Final Land Use Authority pursuant to Utah State Code Section 17-27a-522.



DIVISIONS OF LAND FOR NON-DEVELOPMENT



7. DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

A. This section sets forth a process and associated requirements wherein the Community Development Director may approve the division or partition of land into 10 parcels or less for non-Development purposes.

B. General Criteria

1. A courtesy notice shall be mailed to each owner of property located within three hundred feet (300') of the property to be divided.
2. The property to be divided may not be traversed by the mapped lines of a proposed street as shown in the Eastern Summit County Transportation Master Plan and does not require the dedication of any land for street or other public purposes.
3. Where applicable, the division has been approved by the culinary water authority and the sanitary sewer authority.
4. The property to be divided must be located in a zoned area.
5. The property to be divided must conform to all applicable provisions of this title or have properly received a variance from the requirements of this title.
6. The property must be described in a deed through a metes and bounds description recorded with the Summit County Recorder,
7. The proposed division must be graphically illustrated on a Record of Survey filed with the Summit County Recorder; and
8. The proposed divisions must be memorialized in a Memorandum of Understanding prepared by the Community Development Department and recorded with the Summit County Recorder.

C. Submittal Requirements

A Record of Survey for non-Development land division shall include the following information:

1. Narrative identifying:
 - a. Purpose of the Survey.
 - b. Basis upon which the lines were established.
 - c. Identification of which found monuments and deed elements controlled the lines established.
2. Map Requirements:
 - a. The map must be permanent in nature, drawn on a stable medium and reproducible.
 - b. The size of the map must be 24" x 36".
 - c. The scale must be shown and must be a scale found on a

- standard engineers rule.
- d. North arrow.
- e. Date of Survey.
- f. Client name for indexing purposes.
- g. Location by ¼ Section, Township, and Range.
- h. Basis of bearing shall include sufficient data for retracement.
- i. Tie to section corner.
- j. Distance and Courses of all lines traced or established.
- k. All measured bearings or angles and distances separately indicated from those of record.
- l. Relationship between monument found and monuments set.
- m. Legend (set and found monument separately indicated and described by size, length, type and how marked).
- n. Surveyors business name and address, certificate, license number, signature, and seal
- o. Legal description.

C. Review Procedure: Applications for the divisions of land for non-Development purposes shall be submitted to the Community Development Department. The Community Development Director shall review the application to ensure all necessary information has been provided in a manner consistent with this section. The Community Development Director shall prepare a Memorandum of Understanding to be recorded with the Summit County Recorder. The Memorandum of Understanding shall state that the non-Development land division Record of Survey:

1. Is intended to describe in pictorial form the legal description contained in the deed.
2. Is acknowledged by the Community Development Director as a legally created parcel of land.
3. Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
4. Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
5. Does not guarantee legal access, water rights, or mineral rights; and
6. Prior to any Development, any land identified on the Record of Survey must meet all applicable zoning regulations and be platted as lot(s) in accordance with the regulations set forth in Chapter 4 of the Eastern Summit County Development Code.

11-4-6: FINAL SITE PLAN REVIEW:

1. Information Required: A detailed final site plan is required for all Conditional Use Permits, Low Impact Permits, and Temporary Use Permits. Final Site plans shall

contain the information set forth in this section. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

- a. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
- b. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded plats. The legal description shall include the following data:
 1. Metes and bounds of all property lines;
 - (i) Total area of property;
 - (ii) North scale and north arrow; and
 2. Name and route numbers of boundary roads and the width of existing rights-of-way.
- c. Existing topography with maximum contour intervals of two feet (2').
- d. A final detailed land use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
 1. The location and arrangement of all proposed uses, including Building area.
 2. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
 3. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
 4. The yard dimensions from the development boundaries and adjacent roads and alleys.
 5. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.

6. Off road parking and loading areas and structures, and landscaping for parking areas.
7. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
8. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
9. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
10. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
11. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.
12. All existing monuments found during the course of the survey (including a physical description such as "brass cap").
13. All existing easements or rights-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County records.
14. All rights-of-way and easements and trails (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.
15. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
 - (a) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
 - (b) Total number of dwelling units, by development phase;
 - (c) Residential density and units per acre;
 - (d) Total floor area and floor area ratio for each type of use;
 - (e) Total area in open space and length of trails;
 - (f) Total area in developed recreational open space; and

(g) Total number of off road parking and loading spaces.

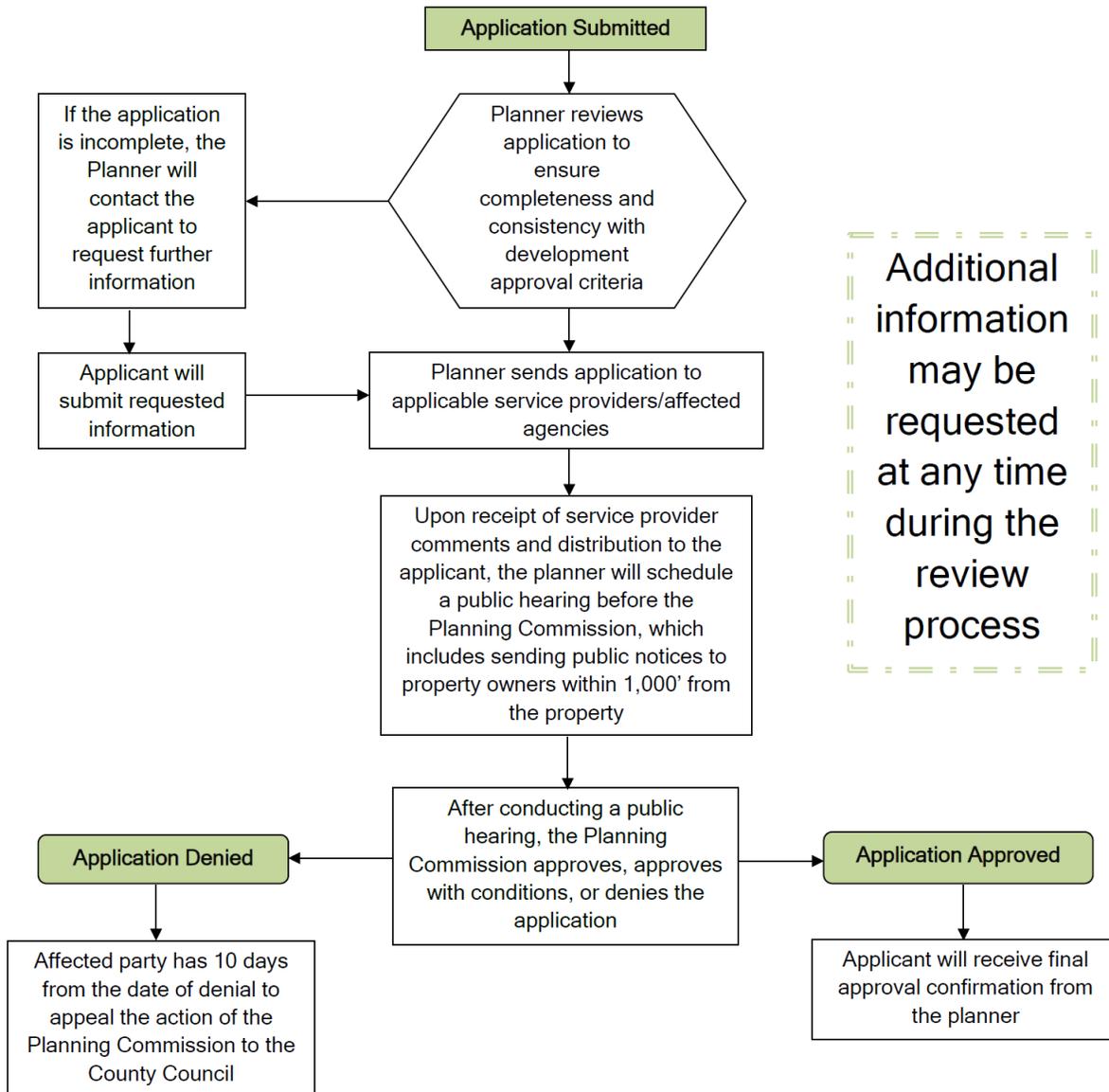
2. Site Plan Contents: In addition to the requirements of Subsection A of this Section, the final site plan shall conform to current surveying practice and shall show the following information:
 - a. A title block giving the subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and county of its location.
 - b. A notation of any adjoining plats or certificates of survey and titles thereto.
 - c. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.
 - d. The owner's certificate of consent, including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.
 - e. The owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
 - f. A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the subdivision. These certificates shall be signed, dated and notarized.
 - g. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
 - h. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, Rocky Mountain Power, Questar Gas (when applicable) and applicable Fire District. A signature block shall also be provided for the County Assessor indicating that all taxes, interest and penalties owing to the land have been paid.
3. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (Mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.
4. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). (Ord. 323, 3-9-1998)
5. Review Procedure:
 - A. The Community Development Director or designated planning staff member 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 approval, approve, approve with conditions or denial after a public hearing.

- B. Once the Planning Commission approves the application, all applicable signatures shall be obtained on the final site plan. The detailed final site plan and preliminary title report shall be reviewed by the County Attorney for acceptability.
- C. Upon approval of the County Attorney, and once all required signatures are obtained, the detailed final site plan shall be recorded in the records of the County Recorder.

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CONDITIONAL USE PERMIT



11-4-7: CONDITIONAL USE REVIEW:

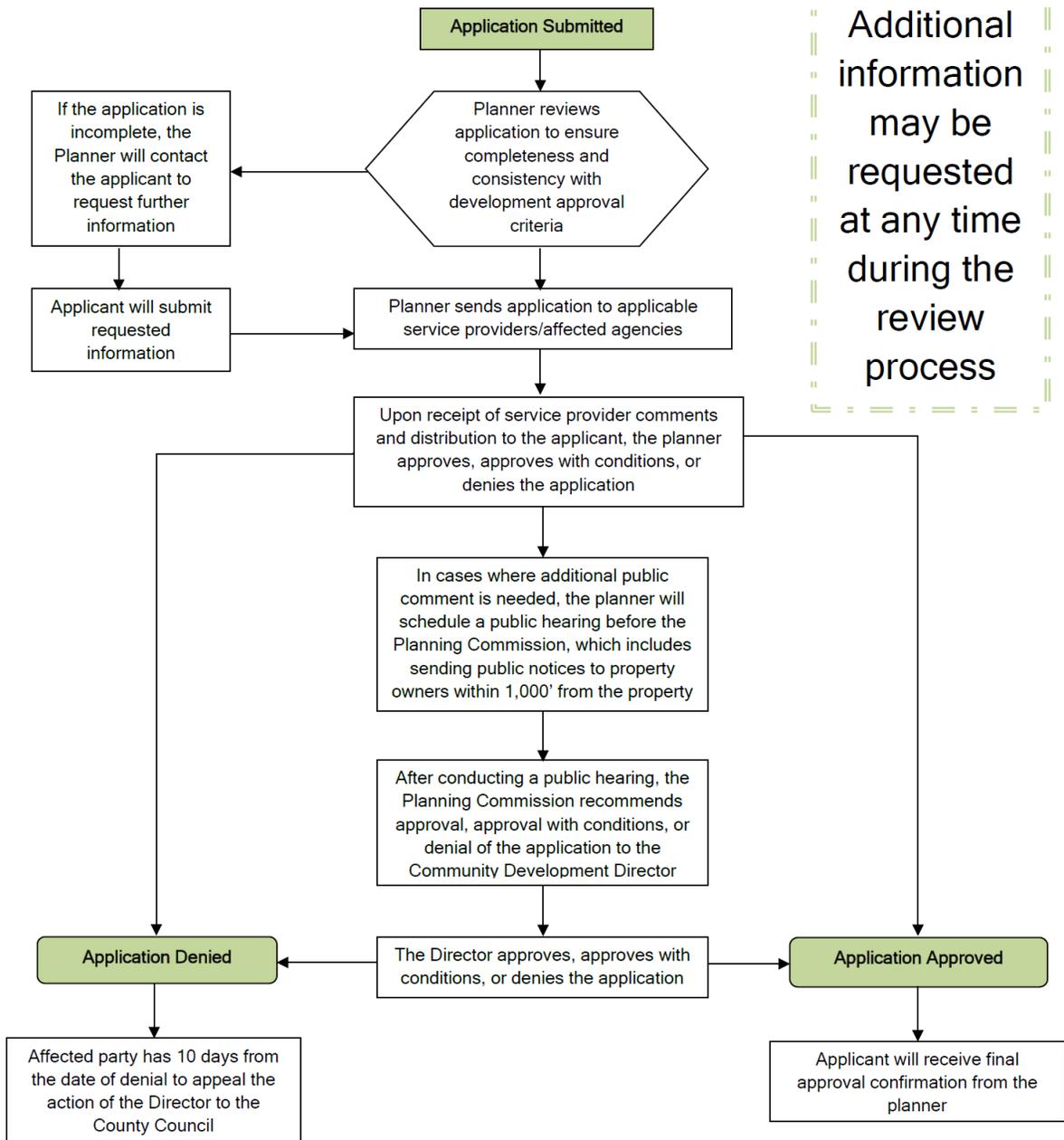
1. Purpose: It is recognized that there are activities which, because of the nature of the intended Land Use and potential impact upon the use and enjoyment of neighboring properties, require special review. These uses, referred to as Conditional Uses, are identified in the Chart of Allowed and Conditional Uses in Section 11-3-14 of this Title. Conditional Uses shall be reviewed in accordance with the following criteria and procedures.

2. Findings for Approval: Before an application for a Conditional Use Permit is approved, the Planning Commission must conclude that factual evidence exists to verify following findings:
 - a. The proposed use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.
 - b. The proposed use, as conditioned, shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - c. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, applicant shall submit proof of ownership.
 - d. The use will not adversely affect, in a significant manner, the public health, safety, and welfare.
3. Review Procedure:
 - A. The applicant shall submit a completed Conditional Use Permit application form and all information set forth in this section. The Community Development Director may waive specific submittal requirements based on a finding that the information is not necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or Planning Commission may require additional information based upon a finding that the information is necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or designated planning staff member shall review the application and shall make findings and recommendations and shall schedule a review before the Planning Commission as soon thereafter as may be practicable.
 - B. The Planning Commission shall review the application and the staff report. After holding a public hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Conditional Use.
4. Time Limit for Action: Unless otherwise approved by the Planning Commission, Conditional Use Permits shall expire in one (1) year from the date of Planning Commission approval unless the Conditional Use Permit activity has commenced.
5. Periodic Review Process: Conditional Use Permits are subject to periodic reviews by the Community Development Director or designated planning staff member to assess if the conditions of approval are being satisfied. If the original

conditions associated with the Conditional Use Permit are not being satisfied, the Planning Commission may commence a review of the Conditional Use Permit and possible revocation action.

6. Establishment of a Conditional Use Permit. Final approval of a Conditional Use Permit shall be in the form of a letter to the applicant specifically identifying each condition together with the approved site plan and any other accompanying documents determined to be relevant by the Community Development Director or designated planning staff member and stamped approved.
7. Amendments to Conditional Use Permits:
 - A. Minor Amendment: A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved Conditional Use Permit, which may be approved by the Community Development Department administratively.
 - B. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, and/or intensity of a previously approved Conditional Use Permit. A major amendment may be commenced by filing a Conditional Use Permit application and paying the fee for the review thereof.
8. Adult/Sex-Oriented Facilities: See Appendix B of this Title for Adult/Sex-Oriented Facilities and Businesses requirements. (Ord. 481, 3-1-2004)

LOW IMPACT PERMIT



11-4-8: LOW IMPACT PERMIT REVIEW:

1. Purpose: The purpose of the Low Impact Permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a Low Impact Use. Upon compliance with the provisions of this Section, a Low

Impact Use approval may be granted by the Community Development Director or designated planning staff member, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.

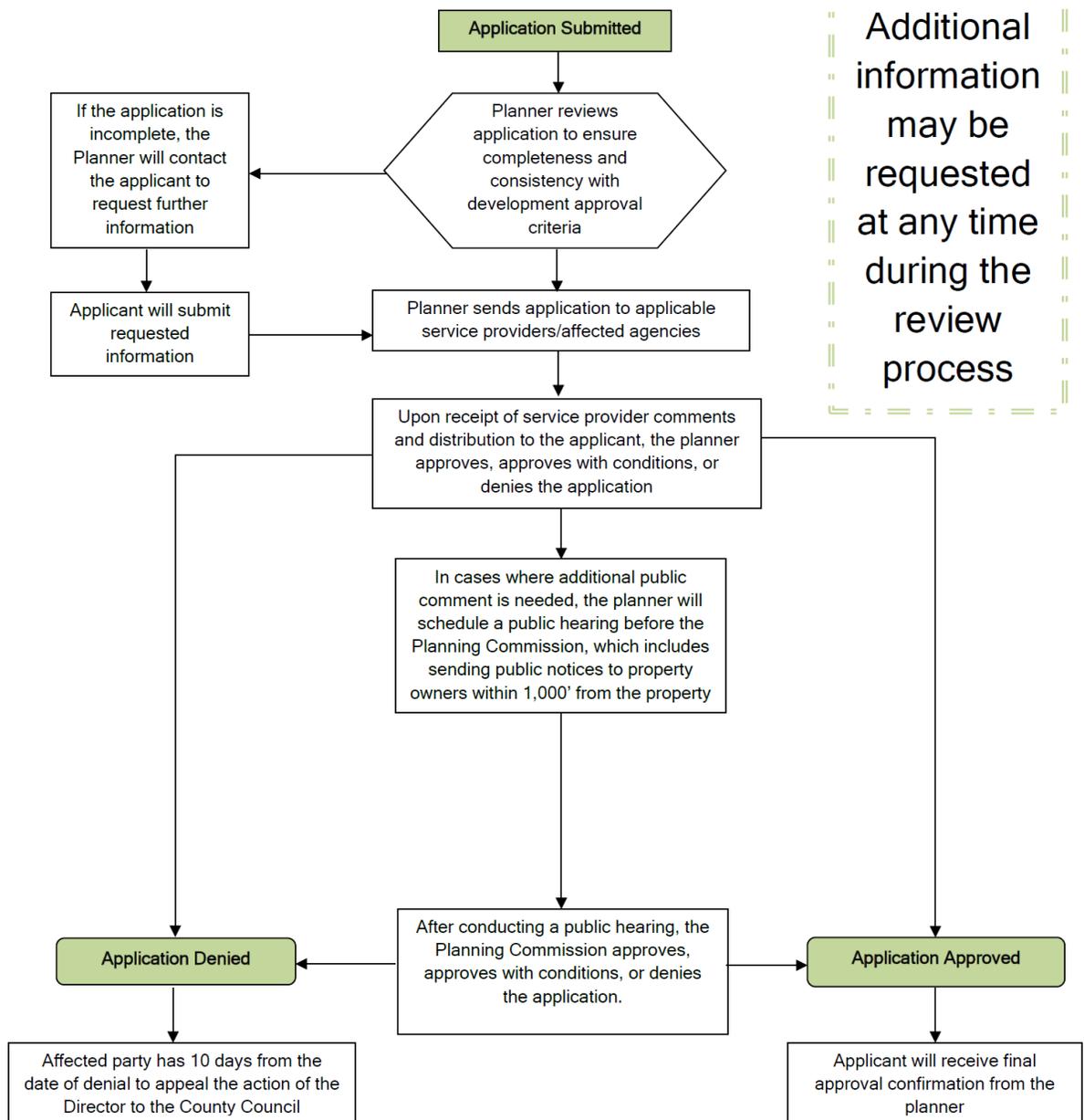
2. **Applicability:** The Low Impact Review Process can be utilized to obtain administrative approval for projects determined to be low impact and which are in conformance with the Development Evaluation Standards and general regulations of the Code. An application for approval of a Low Impact Permit shall be commenced by filing a Development plan and paying the applicable fee with the Community Development Department.
3. **Review Procedure:**
 - A. The applicant shall provide a Development plan and description of the proposed project. The Development plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director or designated planning staff member the applicant's intentions with regard to use, site layout and compliance with the "Code," and any applicable ordinance, development permit, or development agreement.
 - B. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise or additional comment is needed or has been received from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the application.
 - C. The Community Development Director or designated planning staff member shall determine whether the application is sufficient and in compliance with the provisions of the Code. The Community Development Director or designated planning staff member may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to the requirements of the Code.
 - D. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the Low Impact Permit application and shall communicate the decision to the applicant. The Community Development Director or designated planning staff member may impose all reasonable conditions necessary to ensure compliance with

applicable provisions of Chapter 2 of the Code. The Community Development Director or designated planning staff member may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code. Oil, gas and steam wells are exempt from this provision and are allowed by right according to the standards described in Section 11-4-10(F) below.

- E. The Planning Commission shall periodically be provided with a list of the Low Impact Permits that have been issued by the Community Development Director or designated planning staff member, or as requested.
4. Findings for Approval. Before a Low Impact Permit is approved, the Community Development Department must conclude that factual evidence exists to verify the following findings:
- A. The use conforms to all applicable requirements of the Code and state and federal regulations.
 - B. The use is not detrimental to public health, safety and welfare.
 - C. The use is appropriately located with respect to public facilities and services.
 - D. Exterior light will be fully shielded and downward directed.
 - E. The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.
6. Criteria for oil wells, gas wells and steam wells. A Low Impact Permit application shall be reviewed and approved for oil, gas, and steam wells according to the following criteria:
- A. Access to the drill site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to maintain existing drainage patterns.
 - C. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and drill site.
 - D. The drilling and production operation shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, and odors.

- E. All waste shall be disposed of in such a manner as to comply with the air and water quality regulations of state and county ordinances.
 - F. Firefighting apparatus and supplies as approved by the County Wildland Fire Marshall shall be maintained on the drilling site at all times during drilling and production operations.
 - G. Upon completion or abandonment of the well, all disturbed areas, including the drill site and staging areas shall be reclaimed by re-contouring the area blend with the natural terrain, replacing top-soil and re-vegetating. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - H. Drill sites and/or staging areas located on sensitive lands such as steep slopes and ridgelines or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as hours of operation, screening and buffering, fencing, traffic, and lighting.
7. Criteria for wind power generation facilities. A Low Impact Permit application shall be reviewed and may be approved for wind power generation facilities according to the following criteria:
- A. Access to the site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to blend into the natural terrain and maintain existing drainage patterns. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - B. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and facility site.
 - C. Transmission lines shall be located along existing roadways where possible or in other locations that avoid vegetation disturbance and visual scaring of prominent hillsides.
 - D. Facility sites located on sensitive lands such as steep slopes, ridgelines, view corridors or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as height, colors, and security fencing.

TEMPORARY USE PERMIT



11-4-9 TEMPORARY USE REVIEW:

1. Purpose: Upon compliance with the provisions of this section, a Temporary Use approval may be granted, upon reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare. This Section is intended to provide a process and procedure for reviewing and

approving, approving with conditions, or denying a temporary use, or limited duration activity that will provide an overall benefit to the community for the time frame during which it is permitted to exist.

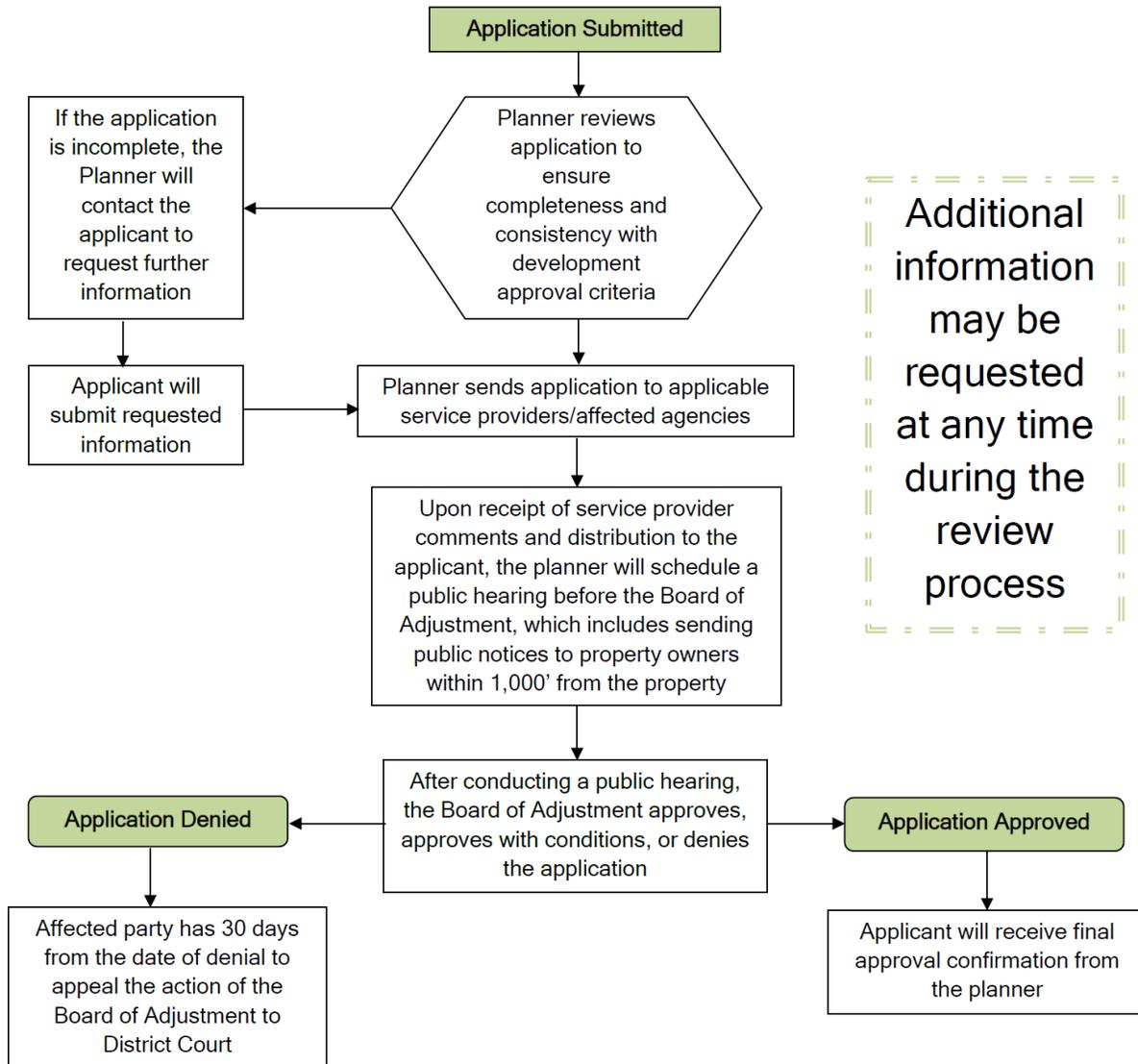
2. Findings for Approval: Before an application for a Temporary Use is approved, the Community Development Director or Planning Commission must conclude that factual evidence exists to verify following findings:
 - A. The proposed use shall be appropriate, on a temporary basis, in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.
 - B. The proposed use shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - C. The proposed use will not be in violation of any county, state, and federal laws.
 - D. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, the applicant shall submit proof of ownership.
 - E. The site shall be returned to its original condition or, when significant disturbance has occurred, to a condition approved by the Planning Commission.
 - F. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare.
3. Review Procedure:
 - A. Short Term Temporary Uses:
 1. Temporary uses that are intended for a limited duration shall not be permitted for a period to exceed one (1) year. The applicant shall submit a completed Temporary Use application form and all information deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the temporary use application and shall communicate the decision to the applicant. Approval of a Temporary Use shall not be considered valid unless a specific period of time during which the use may exist and operate designated. The Community Development Director or designated

planning staff member may consider and approve one six (6) month extension of a short-term temporary use. The Community Development Director may elect to seek Planning Commission input on a request for a short-term Temporary Use Permit extension.

2. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise, or additional comment is needed from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall approve, approve with conditions or deny the short term temporary use.

- B. Long Term Temporary Uses: The applicant shall submit a completed temporary use application form and all information, including a beginning and end date, deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Planning Commission shall review the application and the staff report. After holding a public hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Temporary Use. Approval of a Temporary Use shall not be considered valid without a specific designed period of time during which the use may exist and operate. (Ord. 481, 3-1-2004)

ZONING VARIANCE



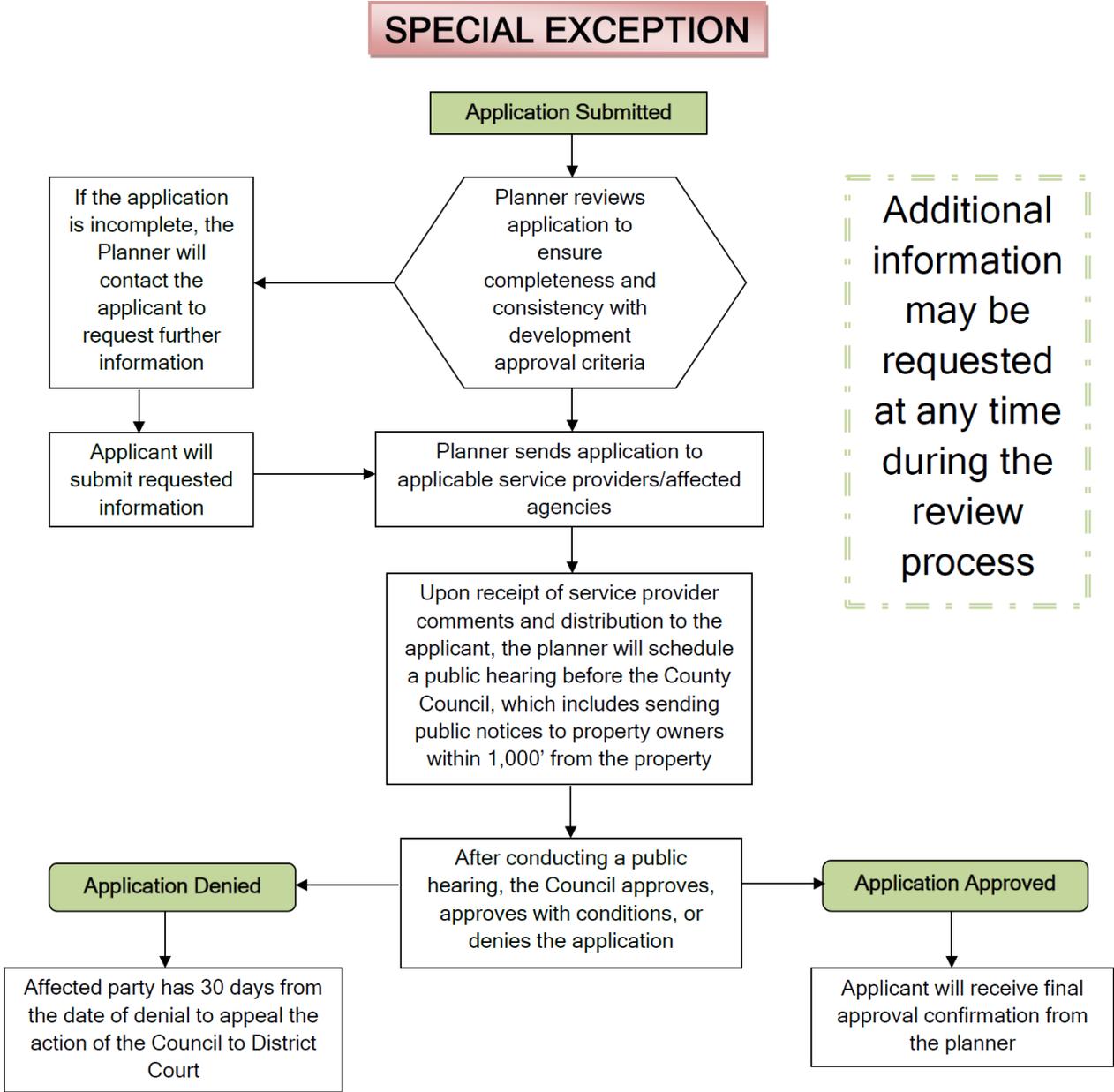
11-4-10: ZONING VARIANCES:

1. General: When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the effective date hereof, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property, the strict application of area zoning, as it pertains to minimum lot size, minimum setbacks, and other specific requirements of Chapter 3 of this Title, the Board of Adjustment (“BOA”) may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted

without substantial detriment to the public good and adjacent property owners and without substantially impairing the intent and purpose of this title.

2. Standards: The BOA shall not approve a variance unless it shall make findings, based upon the evidence presented to it in each specific case, that all of the following provisions apply:
 - A. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - B. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - D. The variance will not substantially affect the General plan and will not be contrary to the public interests; and
 - E. The spirit of the land use ordinance is observed and substantial justice done.
3. Conditions: In approving a variance, the BOA may require such conditions as will, in its judgment, mitigate any harmful effects of the variance and secure substantially the purposes of this Title.
4. Use Variances Prohibited: The BOA may not grant use variances.
5. Review Procedure:
 - A. The Community Development Director or designated planning staff member shall review the Board of Adjustment application and make preliminary findings as to whether the application complies with the standards for approving a variance established in this Title.
 - B. If applicable, the Community Development Director or designated planning staff member may secure input regarding the proposed request from any affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the BOA.
 - C. The BOA shall review the application and staff report. After conducting a public hearing, the BOA shall approve, approve with conditions, or deny the proposed request.
 - D. No petition for judicial review may be filed unless and until the applicant

has exhausted all manners or relief and processes as are provided herein and in this Title.



11-4-11: SPECIAL EXCEPTIONS:

1. Purpose: Where the County Council finds that an applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this Title unduly burdensome, it may, after a public hearing, approve special exceptions to the zoning provisions of this Title so that substantial justice may be

done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of this Title or any provision thereof.

2. Criteria for Approval: The County Council shall not approve a special exception unless the applicant demonstrates compliance with each of the following:
 - A. The special exception is not detrimental to the public health, safety, and welfare;
 - B. The intent of the Development Code and General Plan will be met;
 - C. The applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and
 - D. There are equitable claims or unique circumstances warranting the special exception.
3. Submission Requirements: An application for a Special Exception shall not be accepted as complete unless such application contains sufficient information in graphic and text form to adequately describe the applicant's objective and all applicable fees are paid.
4. Review Procedure:
 - A. If applicable, the Community Development Director or designated planning staff member may obtain input regarding the proposed Special Exception from all affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the County Council as soon thereafter as may be practicable.
 - B. The County Council shall review the application and staff report. After conducting a public hearing, the County Council shall approve, approve with conditions, or deny the Special Exception request.