AGENDA
EASTERN SUMMIT COUNTY PLANNING COMMISSION
Thursday, July 20, 2023

NOTICE is hereby given that the Eastern Summit County Planning Commission will meet, on
Thursday, July 20, 2023
electronically, via Zoom, and at the anchor location of Summit County Courthouse, Council
Chambers
60 North Main
Coalville, UT 84017

(All times listed are general in nature, and are subject to change by the Board Chair)

You may attend in person or Join Zoom webinar:
https://summitcountyut.zoom.us/j/99249026124

OR To listen by phone only: Dial 1-301-715-8592,
or 1-253-215-8782, Webinar ID: 992 4902 6124

Agenda items may or may not be discussed in the order listed.

1. 6:00 P.M. Regular Session
   A. Public input for items not on the agenda or pending applications.
   B. Public Hearing and possible recommendation regarding amendments to the Moderate-Income Housing Element of the Eastern Summit County General Plan.

   Jennifer Strader, Senior County Planner.

   7.20.23 ESCPC PH Staff Report.pdf

   C. Public hearing and possible action regarding amendments to Chapter 11-6 General Regulations, 11-3-16 Chart of Allowed and Permitted Uses and Appendix A: Definitions of the Eastern Summit County Development Code relating to Off-Site Parking Lots for Guest Ranch Uses.

   Ray Milliner, Principal Planner.


   D. Public hearing and possible action regarding amendments to Chapter 11-6 General Regulations, 11-3-16 Chart of Allowed and Permitted Uses and Appendix A: Definitions of the Eastern Summit County Development Code relating to Contractor's Yards.

   Ray Milliner, Principal Planner.

   Staff Report July 20, 2023 Contractor Yards.pdf
E. Approval of Minutes: June 15, 2023.
ESCPC Draft Minutes 6.15.23.pdf

Commission Items

Director Items

Adjourn

To view staff reports available at the end of the Friday before the meeting please visit www.summitcounty.org

Individuals needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Vicki Geary, Summit County Community Development Department at (435) 336-3123.
STAFF REPORT

To: Eastern Summit County Planning Commission
From: Jennifer Strader, Senior Planner
Date of Meeting: July 20, 2023
Type of Item: General Plan Amendment
Process: Legislative Review

Recommendation
Staff recommends the Eastern Summit County Planning Commission review the amendments to the Moderate Income Housing Element of the General Plan, conduct a public hearing, and vote to forward a positive recommendation to the Summit County Council.

Background
House Bill 462 (HB 462), Utah Housing and Affordability Amendments was approved during the 2022 legislative session. If a jurisdiction met certain criteria, it was required to:

- Include a moderate income housing element in the General Plan, and
- Report on its compliance with the requirement and inventory of moderate income housing.

The Moderate Income Housing Element was approved by the Summit County Council, via Ordinance No. 951, on September 19, 2022.

On October 1, 2022, jurisdictions were required to submit their annual report to the State Housing and Community Development Division. The annual report was required to identify the selected strategies, the implementation plan for each strategy, and specific examples of what was done within the jurisdiction to implement the strategies. Summit County submitted the report and was provided with a Notice of Compliance (Exhibit A).

The Notice of Compliance requires changes to be made to the Snyderville Basin Moderate Income Housing Plan; specifically, it requires the Strategies in the Plan to match the Strategies in the State Statute. While the Notice of Compliance did not state changes were necessary to the Eastern Summit County Moderate Income Housing Plan, Staff amended the language in the Plan to match that in the State Statute to ensure consistency between the Snyderville Basin and Eastern Summit County Planning Districts. This requires one change to Strategy B (Exhibit B).

Timeline for Reporting
HB 364 was approved in the 2023 Legislative Session. Among other things, the bill modified provisions related to the moderate income housing reporting requirements. Specifically, the bill requires a county to annually submit to the State Housing and Community Development
Division a progress report by August 1 of each year. The proposed amendments to the Plan are part of the progress report required to be submitted by August 1, 2023.

**Recommendation**
Staff recommends the Eastern Summit County Planning Commission review the amendments to the Moderate Income Housing Plan, conduct a public hearing, and vote to forward a positive recommendation to the Summit County Council pursuant to the following Findings of Fact and Conclusions of Law.

**Findings of Fact**
1. House Bill 462, Utah Housing and Affordability Amendments was approved during the 2022 legislative session.
2. If a jurisdiction met certain criteria, it was required to:
   - Include a moderate income housing element in the General Plan, and
   - Report on its compliance with the requirement and inventory of moderate income housing.
3. The Moderate Income Housing Element was approved by the Summit County Council, via Ordinance No. 951, on September 19, 2022.
4. On October 1, 2022, jurisdictions were required to submit their annual report to the State Housing and Community Development Division.
5. The annual report was required to identify the selected strategies, the implementation plan for each strategy, and specific examples of what was done within the jurisdiction to implement the strategies.
6. Summit County submitted the report and was provided with a Notice of Compliance.
7. The Notice of Compliance requires changes to be made to the Snyderville Basin Moderate Income Housing Plan; specifically, it requires the Strategies in the Plan to match the Strategies in the State Statute.
8. The Notice of Compliance did not state changes were necessary to the Eastern Summit County Moderate Income Housing Plan.
9. Staff amended the language in the Plan to match that in the State Statute to ensure consistency between the Snyderville Basin and Eastern Summit County Planning Districts.
10. Staff amended the Moderate Income Housing Element based on the information provided in the Notice of Compliance.
11. HB 364 was approved in the 2023 Legislative Session. Among other things, the bill modified provisions related to the moderate income housing reporting requirements.
12. The bill requires a county to annually submit to the State Housing and Community Development Division a progress report by August 1 of each year.
13. The proposed amendments to the Plan are part of the progress report required to be submitted by August 1, 2023.

**Conclusions of Law**
1. The proposed amendment to the General Plan will not affect the existing character of the surrounding area in an adverse or unreasonable manner.
2. The amendment is consistent with the general plan goals, objectives, and policies.
3. The public health, safety, and welfare will not be adversely impacted by the proposed amendment.

EXHIBITS
Exhibit A: Notice of Compliance Letter
Exhibit B: Proposed Amendments
To:  County Council  
Summit County  

From:  Department of Workforce Services  
Housing and Community Development Division  

Re:  Moderate Income Housing Report – 2022 Notice of Compliance  

Dear Summit County Council,

Thank you for submitting your County’s Moderate Income Housing report for the Snyderville Basin Planning District and the Eastern Summit County Planning District in fulfillment of requirements set forth in State Code section 17-27a-408(2)(b). The Housing and Community Development Division has reviewed the plans and reports and finds that both districts comply with the requirements set forth in section 17-27a-403(2)(b).

Summit County has met the necessary requirements for 17-27a-408(5)(a)(ii) and is eligible for Priority Consideration in the 2024 fiscal year for Transportation Commission funding for transportation projects within the boundaries of the County and Governor’s Office of Planning and Budget Covid-19 Local Assistance Matching Grant Program. The Snyderville Basin Moderate Income Housing Element included six compliant strategies, three more than are required, and the Eastern County Moderate Income Housing Element included five compliant strategies, two more than required.

The Division of Housing and Community Development did identify some deficiencies which the County should address prior to submitting the report in 2023. In the Snyderville Basin plan strategies A, F, E, I, M, and T do not match the strategy language included in State Statute. Strategies E and M are minor typos in the text of the strategy and have been counted toward the compliant strategies. Substantive and specific changes were made to the legislation by HB462 and compliant communities must reflect those updates in their general plans. Strategies F, I, and W in the Snyderville Basin plan require additional detail in the implementation plan. Strategies F and I do not include a timeline, and strategy W states that there are ongoing activities. Ongoing,
complete, or current activities must include a description of the timeline and any reoccurring or planned activities, like monitoring, to support the strategy.

Section 17-27a-408(2)(c) requires each county’s report starting in 2023 to describe action taken by the county towards implementation of the selected strategies, including how each land use decision or regulation supports the implementation of the moderate income housing strategies, barriers encountered, accessory dwelling unit information, the market’s response to the strategies and implementation plans, and recommendations to the State regarding how the State can support the county in implementing strategies. As you prepare for next year’s reporting, please keep those key points in mind and start collecting any necessary information now. The Division is working on a database of information to help you complete those reports and should have that available soon.

If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov or 385-249-4808. I am available to discuss any questions, comments, or concerns. You may add a time to my calendar using this link: https://calendar.app.google/GWQagr3YuLmKxkaJ7.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services
Chapter 7
Moderate Income Housing

INTRODUCTION

Rather than being monolithic, moderate-income housing is a multifaceted challenge for Summit County. It is tied closely to a variety of challenges including extremely high median housing costs; traffic congestion and legacy transportation issues; availability of sufficient local laborers; business challenges due to lack of access to labor; an increasingly non-diverse community; a shrinking number of full-time residents with long-term community and generational ties; increasing environmental degradation due to increasing development pressures; concerns about sustainability of air, land, and water natural resources; and the critical need to manage and limit rapid growth in a County that seeks to preserve open spaces, agricultural and cultural heritage (collectively, “Critical Concerns”). Accordingly, creating standards and strategies concerning moderate-income housing in this Chapter would be incomplete, ineffective, and potentially harmful to the vision and goals of this General Plan as well as the County Council’s vision, values, and strategic goals without carefully evaluating the impacts of any such standards and strategies on the Critical Concerns to determine if they will aggravate or mitigate and provide solutions to those Critical Concerns. All such standards and strategies and the Critical Concerns should continually be evaluated given the dynamic nature of growth in and on the borders of the County.

The Summit County Manager, relevant staff as determined by the County Manager, and the County Council should regularly assess the County’s moderate-income housing needs and seek to articulate where such housing is most appropriate and for whom the need is greatest at any given moment always taking into careful consideration the Critical Concerns (“Moderate-Income Housing Assessment”). A priority of any such assessment should seek to identify if housing challenges are creating significant labor shortages in critical areas such as law enforcement, emergency medical services, education, doctors and nurses and other health care professionals, and local government workforce. In addition, the Moderate-Income Housing Assessment should examine the needs of long-term resident seniors seeking to age in place in the County as well as the County’s tourism industry’s workforce. With respect to tourism workforce, any strategies developed in this Chapter 7 should seek to require major employers to bear some of the burden of providing employees with housing opportunities as well as reasonable wages that consider the high housing costs in resort counties much like the difference in wages paid in rural Utah compared to San Francisco, California.

External influences also need to be part of the Moderate-Income Housing Assessment, such as whether nightly rentals are removing long-term housing from the available housing capacity with a result of hollowing out formerly well-established neighborhoods, particularly outside of resort cores. Such assessment should consider any moderate-income housing permitted, platted, commenced and/or built since the prior Moderate-Income Housing Assessment. Careful consideration of where to locate housing is a fundamental question the Moderate-Income Housing Assessment needs to examine in
each instance with a focus on the Critical Concerns. For example, building or incentivizing affordable housing in the Snyderville Basin for County workforce that work primarily in County offices in Coalville requires commuting, which the moderate-income housing plan should seek to reduce. In addition, approving a large ratio of market rate housing to obtain a smaller ratio of affordable housing exacerbates the dearth of affordable housing given the additional services and workers required to service the market rate housing, and should be avoided.

The critical questions of each Moderate-Income Housing Assessment should include for whom, ideal location(s), transit and transportation access, trails access, and access to services to reduce commuting and car trips, as well an assessment of the state of each of the Critical Concerns. Those preparing the Moderate-Income Housing Assessment need to include specific metrics that are transparent, effective, and easy to understand that can be used to provide of positive or negative impacts that may be used by the County to adjust the goals and strategies contained in this Chapter 7.

With respect to all analyses and changes to land use regulations contained in this Chapter 7, the County should carefully consider the positive and negative impacts on each of the Critical Concerns to make sure any such changes are likely to reduce deficits identified in the Moderate-Income Housing Assessment and do not result in unintended consequences that negatively impact the Critical Concerns.

**Moderate income housing is defined as:** “Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.” However, given that the median gross income for the County is substantially higher than the national average, consideration should be given to requiring moderate-income housing that is targeted to lower median gross income depending upon the intended solutions sought as identified in the Moderate-Income Housing Assessment.

**GOAL:** Provide moderate-income housing opportunities that address the moderate-income housing needs identified in the Moderate-Income Housing Assessment, as updated in accordance with the Introduction of this Chapter. Due to already aggressive market rate housing growth pressures, it is essential that moderate-income housing does not come as a trade-off for additional market rate housing that may ultimately increase the moderate-income housing deficit due to the additional impacts created by the market rate housing and coincident infrastructure, services, and other needs that generate requirements for additional workforce. The primary goal should be meaningful reductions in existing deficits identified in the Moderate-Income Housing Assessment.

**OBJECTIVE A:** Develop strategies to facilitate an adequate supply of moderate-income housing to reduce the identified deficits of housing in Eastern Summit County for various moderate- and low-income groups living, working, or desiring to work in Summit County, all as identified and prioritized in the Moderate-Income Housing Assessment, as updated, while minimizing negative impacts on the Critical Concerns.
The County shall measure demand and the County's progress toward meeting such demand through annual reporting, consistent with the requirements of Utah law.

**STRATEGY A:** Demonstrate implementation of any other program or strategy to address the housing needs of residents of the County who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing (Utah Code § 17-27a-403(2)(b)ii(W)).

**Implementation Measure 7.1:** Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the County Council should, amend the Development Code to provide incentives for a developer who agrees to include moderate income housing units in a project. Incentives could include, but are not limited to, additional units as part of the Master Planned Development Deed Restricted Open Space Land Calculation Process, or as a negotiated component of the Village Overlay process.

**STRATEGY B:** Identify possible changes to land use regulations including, Development Code amendments and zoning changes including, rezones and the creation of new zones, all narrowly tailored to further the purposes of this Chapter. All such changes should be targeted to creating appropriate densities necessary to facilitate the production of moderate-income housing to reduce housing deficits identified in the Moderate Income Housing Assessment, as modified, while minimizing negative impacts on Critical Concerns. All such strategies should include well-crafted, understandable, and enforceable deed restrictions to ensure that all such moderate-income housing meets the goals of this Chapter over the long term. Rezone for densities necessary to facilitate the production of moderate income housing.

(Utah Code § 17-27a-403(2)(b)iii(A))

**Implementation Measure 7.2:** Summit County shall facilitate an annual review of the Annexation Declaration Area overlays with local municipalities to ensure on-going communication and cooperation on matters related to moderate income housing. In trying to identify the most appropriate locations for moderate income housing, decision makers should consider land use; transportation/mobility; infrastructure; water resource protection; and open space.
Implementation Measure 7.3: Identify appropriate locations for moderate income units, multifamily residential, and mixed-use developments through the Village Overlay process.

Implementation Measure 7.4: Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should review and, if necessary, update existing infrastructure, transportation, and water quality studies.

Implementation Measure 7.5: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the Planning Commission should use existing infrastructure, transportation, and water quality studies to create a Future Land Use Map in the General Plan that identifies potential locations for multifamily residential and mixed-use developments.

Implementation Measure 7.6: After the creation of the Future Land Use map, create multifamily and mixed-use zoning districts in the Development Code. These zoning districts would be eligible only in areas identified on the Future Land Use Map as mixed-use areas.

Implementation Measure 7.7: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to create a process and definitions to allow duplex and triplex dwelling units in the AG-2.5, C, and VO zones.

STRATEGY C: Identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate-income housing (Utah Code § 17-27a-403(2)(b)ii(D)).

Implementation Measure 7.8: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, the County Council should amend the Development Code to make deed restricted moderate income units eligible for waivers from Building and Planning Department application and permit fees. Ensure that the waivers apply only to moderate income units and not to market rate units and/or lots in a development containing moderate income units.

Implementation Measure 7.9: Annually review, and amend as necessary, the Summit County Transportation Impact Fee waiver for moderate income housing as set forth in Summit
STRATEGY D: Create or allow for, and reduce regulations related to, internal and detached accessory dwelling units in residential zones (Utah Code § 17-27a-403(2)(b)(ii)(E)).

Implementation Measure 7.10: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to reduce regulations related to accessory dwelling units.

Implementation Measure 7.11: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to make accessory dwelling units an allowed use in the AG-2.5, AG-5, AG-10, AG-20, AG-40, AG-80, VO, and C zones.

Implementation Measure 7.12: Clarify accessory dwelling unit regulations to ensure that fee waivers, or other benefits apply only to deed-restricted long-term moderate-income housing units.

STRATEGY E: Implement zoning incentives for moderate income units in new developments (Utah Code § 17-27a-403(2)(b)(ii)(J)).

Implementation Measure 7.13: Within two years of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend Development Code language in the Village Overlay (VO) and Commercial (C) zones to incentivize the creation of moderate-income housing units. Incentives may include:

- increased building height
- expedited building permit reviews
- building and planning department fee waivers

Implementation Measure 7.14: Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, amend the Development Code to incentivize the creation of deed restricted affordable senior living communities for residents that are 55 years old or older.

STRATEGY F: Demonstrate creation of, or participate in, a community land trust program for moderate income housing (Utah Code § 17-27a-403(2)(b)(ii)(M)).

Implementation Measure 7.15: Within two years of the
approval of the Summit County Moderate Income Housing Plan by the State of Utah, study and implement the creation of a Summit County Housing Authority and/or regional housing authority.

**Implementation Measure 7.16:** Annually meet with local non-profit organizations who support the creation of and intend to ensure the long-term affordability of moderate-income housing to establish on-going cooperation and coordination and to maintain public/private partnerships.

**Implementation Measure 7.17:** Within one year of the approval of the Summit County Moderate Income Housing Plan by the State of Utah, establish a stakeholder committee comprised of local governments, community housing agencies, and residents to establish numerical goals and associated milestones to track and monitor progress of creating moderate income housing and to uncover shortfalls.
RECOMMENDATION: Staff requests that the Eastern Summit County Planning Commission review the attached Off-site Parking lot language proposed for the Eastern Summit County Development Code, conduct a public hearing, and forward a positive recommendation to the County Council.

BACKGROUND
On October 23, 2006, the Planning Commission approved a CUP for the use of a “Guest lodge or ranch intended to attract visitors/patrons on a daily basis or an extended stay”. Facilities included a conference center, wellness center, lodging, agricultural buildings associated with the agricultural use of the property, incidental structures such as a maintenance services building and administration buildings, and a single-family residence. Other anticipated uses included traditional conferences, weddings and other special events, corporate training, food and beverage services, and recreational activities such as horseback riding and mountain bike riding.

In October of 2022, the Planning Commission reviewed an application for an amendment to the CUP to add additional uses and square footage. One of the concerns raised by the Commission was Increased traffic from visitors, employees, and construction personnel existing I-80 and going through Wanship to get to the site. The applicant responded that they would utilize Parcel NS-162-A for employee parking, when necessary. The problem is that Parcel NS-162-A is zoned AG-40 and is not part of Blue-Sky Ranch, and a parking lot is not identified in the chart of allowed and permitted uses in Section 11-3-16 of the Code.

To remedy the problem, the Commission directed the applicant to apply to amend the development code to allow off-site parking lots in the Chart of allowed and permitted uses. A work session was held on June 18, 2023, where the language was discussed, and direction was given. The applicant and staff have worked on amendments to the original language and are requesting additional review and a recommendation to the County Council.
Analysis

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code; it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve modifications, or deny the amendment. There are no criteria.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. States:

“Develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

The proposed language establishes criteria for off-site parking areas and limits them to certain zoning districts. This will give operators options for locating parking areas as well as protecting residential, agricultural, and commercial uses.

Recommendation

Staff requests that the Eastern Summit County Planning Commission review the attached Contractor’s Yard language proposed for the Eastern Summit County Development Code and provide direction.

Findings of Fact

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural, and small-town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper, and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. Currently Off-Site Parking Lots for Event Centers or Ranches or Lodges are not allowed in any zoning districts within the Eastern Summit County Planning Area.
4. Due to the nature of the Event Center and Ranch/Lodge use, it may be necessary from time to time to have overflow parking to prevent negative effects on the health, welfare and safety of persons and livestock in those areas.
5. The creation of regulations and criteria limiting the scope and location of these parking lots to certain places will mitigate the negative effects of the use on persons and livestock.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety, and welfare.

Recommendation

Staff requests that the Eastern Summit County Planning Commission review the attached Off-site Parking lot language proposed for the Eastern Summit County Development Code, conduct a public hearing, and forward a positive recommendation to the County Council.

Exhibits

Exhibit A. Proposed Ordinance With Language
SUMMIT COUNTY, UTAH  
ORDINANCE NO. _____  

AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE SECTION 11-3-16 CHART OF ALLOWED AND PERMITTED USES, APPENDIX A, DEFINITIONS, AND CREATING SECTION 11-6-24 OFF-SITE PARKING LOTS FOR EVENT CENTERS OR GUEST RANCHES OR LODGES

PREAMBLE

WHEREAS, Utah Code Annotated ("UCA") §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, Off-Site Parking Lots for Event Centers or Ranches or Lodges; and,

WHEREAS the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights; and

WHEREAS, in furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that "The eastern Summit County general plan was developed to ensure that the rural, agricultural, and small-town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper, and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.” and,

WHEREAS Currently Off-Site Parking Lots for Event Centers or Ranches or Lodges are not allowed in any zoning districts within the Eastern Summit County Planning Area; and,

WHEREAS due to the nature of the Event Center and Ranch/Lodge use, it may be necessary from time to time to have overflow parking to prevent negative effects on the health, welfare and safety of persons and livestock in those areas; and,

WHEREAS the creation of regulations and criteria limiting the scope and location of these parking lots to certain places will mitigate the negative effects of the use on persons and livestock.

WHEREAS the Eastern Summit County Planning Commission held a public hearing and recommended adoption of the amended sections of the Eastern Summit County Development Code on July 20, 2023; and

WHEREAS the Summit County Council held a public hearing on _____; and,

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

Code Amendments
Section 1. The Eastern Summit County Development Code is amended as depicted in Exhibit A.

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

Enacted this ___ day of ____ 2023.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by___________________________________
Roger Armstrong, Chair

Councilmember Robinson voted
Councilmember Harte voted
Councilmember Armstrong voted
Councilmember Hanson voted
Councilmember Stevens voted

ATTEST:

______________________________________________________
Evelyn Furst, County Clerk, Summit County, Utah
11-6-23: Off-Site Parking Lots for Event Centers or Guest Ranches or Lodges

**Purpose:** The purpose of this Section is to set standards that will allow Event Centers and Guest Ranches or Lodges to operate off-site parking lots without causing serious detriment to the public health, safety, and welfare of Summit County residents.

**Standards.** In addition to the standards for a Conditional Use in Chapter 11-4-7 of this Title the following standards will apply to all Off-Site Parking Lots for Event Center/Guest Ranches or Lodges:

1. **Distance and Route:** The route between the Off-Site Parking Lot and the Event Center/Guest Ranch or Lodge, including shuttle routes, bike paths and pedestrian walkways shall be designed to mitigate impacts of the off-site parking lot on surrounding uses. If there is more than one possible route between the sites, the Planning Commission shall determine which shall be used based on impacts to surrounding uses.

2. **Safety:** If deemed necessary by the County Engineer, the applicant shall provide improvements to the route between an off-site parking lot and the Event Center/Guest Ranch as necessary to accommodate larger vehicles (e.g., shuttle buses).

3. **Size:** There shall be no more than 30,000 square feet of area for vehicle parking and transporting guests to the event.

4. **Traffic Mitigation:** The applicant must demonstrate that the off-site parking area will mitigate impacts from large events that require additional parking for short periods of time, and that the Off-Site Parking Lot will help reduce traffic impacts from the Event Center/Guest Ranch or Lodge and the surrounding neighborhood.

5. **Setbacks:** The off-site parking area must meet all applicable zone setbacks except, to mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the Planning Commission may modify the setbacks around the exterior boundary of the project. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The Planning Commission may reduce setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.

6. **Buffer:** The Off-Site Parking Lot must be located a minimum distance of three hundred feet from any residence, except for the Event Center/Guest Ranch or Lodge owner’s residence.

7. **Design:** Off-Site Parking Lots shall be designed in accordance with the following:
   a. **Paving:** The proposed development must provide paving in any parking area by one of the following methods:
      i. Asphaltic concrete.
      ii. Cement concrete
      iii. Penetration treatment of bituminous material and a seal coat of bituminous and mineral aggregate.
      iv. The equivalent of the above as recommended by the County Engineer.
   b. **Circulation Pattern:** The off-site parking area shall have a through circulation pattern if it has more than ten (10) parking spaces, unless there is suitable turnaround space at the end of the parking lot. Public roads shall not be used as part of a parking lot circulation pattern.
   c. **Grade:** Parking areas shall have a minimum grade (in any direction) of one percent (1%), a maximum grade of five percent (5%), and an average grade of two percent (2%).
   d. **Ingress And Egress:** Parking spaces and driveways shall be arranged to require ingress and egress from the lot to a road by forward motion of the vehicle. Access to parking spaces shall be from private roadways and not from public streets.
   e. **Screening:** All parking areas shall be screened from adjacent properties. Screening may be done through fences, walls, or a planted landscape buffer. Fences shall be a minimum of six (6) feet in height.
f. **Lighting**: Any lights used to illuminate parking spaces shall fully comply with the lighting regulations outlined in section 11-6-20 of this chapter.

g. **Markings**: Required parking spaces shall be adequately marked or defined. At least one clearly marked and appropriately situated handicapped parking space shall be provided.

h. **Snow Storage Areas**: Uncovered parking lots shall provide snow storage areas equal to ten percent (10%) of the uncovered parking lot surface area, unless otherwise approved by the Planning Commission.

i. **Parking Stall Size**: Each off street parking stall shall be at least nine feet by eighteen feet (9' x 18') for diagonal or ninety-degree (90°) spaces, or eight feet by twenty feet (8' x 20') for parallel spaces, exclusive of access drives or aisles. Parking stalls adjacent to a column or wall must have an additional two feet (2') of width to accommodate ingress/egress from the vehicle.

j. **Parking Aisle Width**: The minimum aisle width for diagonal parking is eighteen feet (18') and the minimum width for ninety-degree (90°) parking is twenty-four feet (24'). The minimum aisle width may be increased at the discretion of the applicable fire district.

**Prohibitions.** The following shall be prohibited in an Off-Site Parking Lot.

1. **Waste/Debris**: No debris or other garbage/waste may be hauled on site, stored on site, or processed on site at any time.

2. **Storage**: No storage of “back of house” materials such as mechanical equipment, tents, grandstands, trailers, etc. is allowed on the Off-Site Parking Lot at any time.

3. **Long Term Parking**: For the purposes of this section, long term parking shall mean parking a vehicle in one location without moving it for more than fourteen (14) consecutive days. No long-term parking of vehicles, including but not limited to, shuttle buses, snowplows, and recreational vehicles, is allowed on the off-site parking lot.

**To be Added to the Use Table**

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>R-2.5</th>
<th>AG-5</th>
<th>AG-10</th>
<th>AG-20</th>
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<td>Off-site Parking Lot for Event Centers or Guest Ranches</td>
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**To be Added to Appendix A: Definitions.**

**Off-Site Parking Lot for Event Centers or Guest Ranches or Lodges**: An Off-Site Parking Lot is a parking lot for Event Centers and Guest Ranches or Lodges that is located outside the property boundary described in the approved site plan for the Event Center or Guest Ranch or Lodge.
RECOMMENDATION: Staff requests that the Eastern Summit County Planning Commission review the attached Contractor’s Yard language proposed for the Eastern Summit County Development Code and Conduct a public hearing and forward a positive recommendation to the County Council.

BACKGROUND

The Development Code lists Contractor’s Yards as conditional uses in all zones in Eastern Summit County. There are no performance criteria or limitations on where a Contractor’s Yard can be located. If a contractor applies for the use in the middle of a residential subdivision or adjacent to a wetland, stream or other critical land, the ability of the Planning Commission is limited to mitigation of potential impacts (State Law says that a Conditional Use is an allowed use provided the impacts of the use can be reasonably mitigated).

To mitigate the issues relating to Contractor’s Yards and their impacts on adjacent properties, staff has drafted draft criteria for yards as well as amendments to the Chart of Allowed and Permitted Uses (Language attached as Exhibit A of the Draft Ordinance).

On June 18, 2023, the Planning Commission conducted a work session to review the proposed language. As part of the work session, the Commission recommended changes to the document. Changes include:

1. Replaced minimum size requirement with a maximum disturbance area of 2 acres.
2. Returned contractor’s yards to the AG-10 zone.
3. Inserted language requiring Commission review and approval of screening materials as part of the CUP process.
4. Bolstered prohibitions of disposal of hazardous materials and dumping on site.

Item for Discussion

As part of the review, the Commission discussed the possibility of requiring a 1,000-foot setback from major highways and roadways (HWY 32, HWY 35, East Hoytsville Road etc.). Most of the
ground along these roads is zoned either AG-10 or AG-5. At the meeting, it was unclear if there was a majority opinion on this requirement.

Staff requests that the Commission provide further direction.

- Which roads should be required to have the setback? Main roads, all roads?
- The requirement would provide a buffer from view from the street but could cause the yards to encroach into farm areas.

Analysis

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code; it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The county council, after holding a public hearing, can approve, approve with modifications, or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. States:

“Develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

The proposed language establishes criteria for Contractor’s Yards and limits them to certain zoning districts. This will give contractors options for locating yards as well as protecting residential, agricultural, and commercial uses.

Recommendation

Staff requests that the Eastern Summit County Planning Commission review the attached Contractor’s Yard language proposed for the Eastern Summit County Development Code and Conduct a public hearing and forward a positive recommendation to the County Council.

Findings of Fact

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural, and small-town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper, and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. The Development Code lists Contractor’s Yards as a conditional use in all zones in Eastern Summit County.
4. There are no performance criteria or limitations on where a Contractor’s Yard can be located.
5. If a contractor applies for the use in the middle of a residential subdivision or adjacent to a wetland, stream or other critical land, the ability of the Planning Commission is limited.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety, and welfare.

Exhibits
Exhibit A. Proposed Ordinance
SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY
DEVELOPMENT CODE SECTION 11-3-16 CHART OF ALLOWED AND PERMITTED USES AND
CREATING SECTION 11-6-23 CONTRACTORS YARDS

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all
ordinances that they consider necessary or appropriate to govern, among other things,
Contractor’s Yards; and,

WHEREAS the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land
use codes which balance the diversity of desires of Eastern Summit County residents,
including private property rights; and

WHEREAS, in furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that
“The eastern Summit County general plan was developed to ensure that the rural,
agricultural, and small-town character of the eastern portion of the county shall remain,
even in the presence of growth and change. The intention of the county is to assure the
managed, proper, and sensitive development of land to protect and enhance these desired
qualities and the lifestyle that exists.” and,

WHEREAS Currently Contractor’s Yards are a conditional use in all zoning districts within the
Eastern Summit County Planning Area; and,

WHEREAS the placement of a Contractor’s Yard within a residential area or agricultural area
could have negative effects on the health, welfare and safety of persons and livestock in
those areas; and,

WHEREAS the creation of regulations and criteria limiting the scope and location of Contractor’s
Yards to certain places will mitigate the negative effects of the use on persons and livestock.

WHEREAS the Eastern Summit County Planning Commission held a public hearing and
recommended adoption of the amended sections of the Eastern Summit County
Development Code on June 18, 2023; and

WHEREAS the Summit County Council held a public hearing on ____; and,

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

Section 1. The Eastern Summit County Development Code is amended as depicted in Exhibit
A.
Section 2. Effective Date: This Ordinance shall take effect immediately after publication.

Enacted this ___ day of ____ 2023.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by_________________________________
Roger Armstrong, Chair

Councilmember Robinson voted
Councilmember Harte voted
Councilmember Armstrong voted
Councilmember Hanson voted
Councilmember Stevens voted

ATTEST:

______________________________________________________
Evelyn Furst, County Clerk, Summit County, Utah
**11-6-23: Contractor’s Yards**

**Purpose**: The purpose of this Section is to set standards that will allow operation of Contractor’s Yards in appropriate locations without causing serious detriment to the public health, safety, and welfare of Summit County residents.

**Standards.** The following standards apply to all Contractor’s Yards:

1. **Review**: The applicant shall submit a site plan and written narrative that clearly identifies and explains the location and size of all proposed structures, parking areas, and outdoor storage areas.
2. **Disturbance Area**: The maximum disturbance area of a Contractor’s Yard shall be 2 acres.
3. **Buffer**: The Contractor’s Yard shall be located a minimum distance of three hundred feet from any residence, except for the owner’s residence.
4. **Screening**: All outdoor storage and vehicle parking areas shall be screened from view from adjacent properties. Appropriate screening may include fencing, berms, or vegetation. The Planning Commission shall determine the most appropriate screening material/method as part of the Conditional Use Permit.
5. **Dust/Mud**: The applicant shall submit a dust and erosion control plan that demonstrates no migration of soil beyond the subject property boundary, as well as mitigation to prevent vehicles from tracking mud onto the right-of-way.
6. **Maintenance Pad**: The applicant shall install an impervious pad with containment borders and a filtration system to address run off for the storage and maintenance of vehicles/equipment.
7. **Office**: The contractor’s business office may be an accessory use to a Contractor’s Yard.
8. **Employee Parking**: All employee parking, including any ADA spaces, shall be onsite.
9. **Lighting**: Architectural and safety lighting compliant with Section 11-6-20 of this title is allowed. Parking lot lighting, and flood lighting are prohibited.

**Prohibitions.** The following shall be prohibited.

1. **Location**: The placement of a Contractor’s Yard within a platted residential subdivision.
2. **Waste/Debris**: The disposal of construction waste or vegetation.
3. **Burning**: The burning of vegetation from construction sites or construction waste.
4. **Hazardous Fluids**: The storage of hazardous materials (gas, oil, etc.) exceeding levels established in Table 307.1(1) of the International Building Code.
5. **Contaminated Soils**: The dumping or storage of contaminated soils or materials for any reason.
6. **Parking Within the Setback**: The parking of vehicles or machinery within the building setback lines of the zone.
7. **Fill**: The use of a Contractor’s Yard as a repository for excess soils or materials from other work sites, whether they be from the applicant or from other contractors.
8. **Mining of Earth**: Excavation or mining of earth.
9. **Retail Sales**: Retail sales of products to customers.

**To Be Added to 11-3-16: Chart Of Allowed And Permitted Uses**

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<th>Permitted Uses</th>
<th>R-2.5</th>
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Code Amendments
MINUTES

SUMMIT COUNTY
Eastern Summit County Planning Commission
SUMMIT COUNTY COURTHOUSE, COUNCIL CHAMBERS
60 N MAIN ST, COALVILLE, UT, 84017
THURSDAY, JUNE 15, 2023

Meeting also conducted via Zoom.

DRAFT

Welcome/Attendance

Rich Sonntag          Ray Milliner
Clinton Benson        Peter Barnes
Bill Wilde            Ron Boyer
David Darcey         Jessika O'Brien
Don Sargent           Mike Phillips
Marion Wheaton        Bob Sherry
Alex Peterson

The Commission was called to order at 6:00 P.M.

Regular Session (6:00 P.M.)

1. Public input for items not on the agenda or pending applications. (6:01 P.M.)

   Chair Sonntag opened the meeting for public input. (6:01 P.M.)
   No public input was offered.
   Chair Sonntag closed the meeting for public input. (6:01 P.M.)

2. Approval of Minutes: June 1, 2023 (6:01 P.M.)

   Alex Peterson made a motion to approve minutes dated June 1, 2023. Rich Sonntag seconded, and all voted in favor, (7-0).
Work Session (6:02 P.M.)

1. Amendments to Chapter 11-6 General Regulations, 11-3-16 Chart of Allowed and Permitted Uses and Appendix A: Definitions of the Eastern Summit County Development Code relating to Contractor's Yards. Ray Milliner, Principal Planner. (6:02 P.M.)

Ray Milliner, Principal Planner, presented for discussion language amendments for the Eastern Summit County Development Code relating to Contractor's Yards.

Commissioners provided comments on the proposed language amendments and asked questions. Mr. Milliner responded.

Attachment: Staff Report June 15, 2023 Contractor.pdf


Ray Milliner, Principal Planner, presented for discussion language amendments for the Eastern Summit County Development Code relating to Off-Site Parking Lots for Guest Ranch Uses.

Commissioners provided feedback on the proposed language amendments and asked questions. Mr. Milliner responded.

Mike Phillips, Blue Sky, and Bob Sherry, Blue Sky, contributed to the discussion.


Commission Items (7:02 P.M.)

No Commissioner items were given.

Director Items (7:02 P.M.)

Peter Barnes, Director of Planning, Zoning and Design, provided a preview of upcoming agenda items and meetings.

Adjourn (7:04 P.M.)

Rich Sonntag made a motion to adjourn. Marion Wheaton seconded, and all voted in favor, (7-0).