



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** July 27, 2022  
**Type of Item:** Code Amendment – Public Hearing, Possible Action  
**Process:** Legislative Review

---

**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposed amendments to the Snyderville Basin Development Code, conduct a public hearing, and adopt the attached ordinance per the findings of fact, conclusions of law and conditions of approval in this staff report.

### Proposal

The purpose of this amendment is to insert setback language relating to front setbacks when the property line extends into the right-of-way into the Rural Residential (RR) zone that was mistakenly removed as part of a previous Code amendment. Proposed language would read:

**In cases where the property lines extend to the center of the road the minimum front setback from the centerline of the road shall be fifty-five feet (55').**

A public hearing for the proposal was conducted by the Snyderville Basin Planning Commission and a positive recommendation was forwarded to the County Council as part of a larger recommendation to the Council for amendments to the RR, HS, and MR zones. The remaining language is not ready for review by the Council because the Commission still needs to review related definitions.

It was determined that this amendment should be forwarded to the Council before the other amendments to clarify and eliminate confusion.

### Analysis

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, 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, shall approve, approve with modifications, or deny the amendment according to the following criteria.

**Criteria 1:** The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

**Analysis:** Chapter 2 of the Snyderville Basin General Plan States:

“Policy 2.5: Eliminate advisory language from the Code and include clear, predictable, and measurable standards.”

The proposed changes will clarify the front setback requirements for lots where the property line extends into the right-of-way. This language was mistakenly removed from the Code as part of a separate amendment and should be replaced.

**Criteria 2:** The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

**Analysis:** The purpose of the is to make the requirements in the Rural Residential zone consistent with the requirements in the Mountain Remote and Hillside Stewardship zones. The amendment will clarify front yard setback requirements for all properties in this zone.

**Criteria 3:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Analysis:** The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

**Criteria 4:** The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

**Analysis:** This amendment will replace restrictions that were removed by mistake.

**Criteria 5:** The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

**Analysis:** Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

**Criteria 6:** The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

**Analysis:** The proposed regulation will remedy an ongoing problem and clarify the rules for lots with a property line that extends into the r-o-w. Staff finds this will promote the health, safety, and welfare much better than before.

## **Recommendation**

Staff recommends that the Summit County Council review the proposed amendments to the Snyderville Basin Development Code, conduct a public hearing, and adopt the attached ordinance per the findings of fact, conclusions of law and conditions of approval in this staff report.

## **Findings of Fact**

1. The front yard setback in the RR zone is 30 feet regardless of whether the front property line extends into the r-o-w or not.
2. In the HR and MR zones, the front yard setback is 30 feet for a lot whose property line is adjacent to the r-o-w.
3. In the HR and MR zones, the front yard setback is 55 feet for a lot with a property line that extends into the r-o-w.
4. The front yard setback for a lot with a property line that extends into the r-o-w requirement was mistakenly removed from the RR zone as part of a previous Code amendment.
5. The purpose of this amendment is to insert a front yard setback for lots with a property line extending into the right-of-way back into the Rural Residential zone.

## **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

## **Exhibits**

Exhibit A. Proposed Ordinance

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 946**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN  
DEVELOPMENT CODE SECTIONS 10-2-4.E: RURAL RESIDENTIAL (RR) ZONE: SETBACKS**

**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, setbacks; and,

**WHEREAS** policy 5 of Chapter 2 of the Snyderville Basin General Plan is Eliminate advisory language from the Code and include clear, predictable, and measurable standards; and

**WHEREAS**, In furtherance of this goal, §10-1-1 of the Snyderville Basin Development Code provides that The Snyderville Basin General Plan was developed “to ensure that the resort and mountain character of the basin is to be embraced and protected, while suburban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited.” and,

**WHEREAS** The proposed amendments will remedy a mistake that was made when front yard setbacks for a lot where the property line extends into the right-of-way was deleted from the Rural Residential zone; and

**WHEREAS** the Snyderville Basin Planning Commission held a public hearing on July 13, 2021; and

**WHEREAS** the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on July 13, 2021; and

**WHEREAS** the Summit County Council held a public hearing on July 27, 2022; and,

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

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

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

Enacted this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Evelyn Furse  
Summit County Clerk

\_\_\_\_\_  
Chris Robinson, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

**EXHIBIT A**  
**PROPOSED AMENDMENTS**

**10-2-4: Rural Residential (RR) Zone**

E. Setbacks: Unless otherwise indicated below, on a recorded plat or an approved site plan the minimum setback shall be:

Front setback	30 feet
Side setback	12 feet
Rear setback	12 feet

1. On a corner lot, one minimum front setback and one minimum side setback is required with the following provisions:
  - a. Any frontage with a driveway leading to a garage or parking space shall have a front setback.
  - b. The county engineering department shall review the application to ensure that no obstruction shall be placed in the sight triangle as defined by the American Association Of State Highway And Transportation Officials (AASHTO) intersection control definitions.
2. The minimum setback from Highways 224, 40, 248 and Interstate 80 rights of way shall be one hundred feet (100').
3. The minimum setback from Kilby Road, Rasmussen Road, Bitner Road, North Pace Lane, the U.S. 40 Frontage Road, and other frontage roads rights of way shall be sixty feet (60').
4. The minimum setback from any wetland shall be forty feet (40').
5. The minimum setback from the centerline of East Canyon Creek shall be one hundred fifty feet (150').
7. The minimum setback from a naturally occurring year-round stream (other than East Canyon Creek) shall be one hundred feet (100') from the centerline of the stream.
1. The minimum setback from a lake, pond, or reservoir shall be one hundred feet (100') from the high-water mark.
2. In cases where the property lines extend to the center of the road the minimum front setback from the centerline of the road shall be fifty-five feet (55').