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STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner & Helen Strachan, Deputy County Attorney
Date of Meeting: July 18, 2019
Type of Item: Public Hearing
Process: Legislative Review

Introduction and Background: The purpose of this public hearing is to propose some minor changes to the subdivision and MPD approval processes (Chapters 11-4-5 and 11-4-12 of the Eastern Summit County Development Code) as it relates to approval of waste water systems in Eastern Summit County. The Planning Commission held a work session on the subject in early June and was generally fine with the proposed amendments. Staff asks that the Planning Commission hold a public hearing and move to forward a positive recommendation on these code changes to the Summit County Council.

Eastern Summit County Water Conservancy Special Service District (the "District"): In the fall of 2007, in order to tackle the issues regarding waste water treatment in Eastern Summit County, Summit County created the Eastern Summit County Sewer Advisory Committee (ESAC) made up of staff representatives from the Community Development Department, Engineering Department, Health Department, Attorney's Office, Planning Commission, and other community members. ESAC was set up to address the growing demand for individual septic systems in Eastern Summit County. It was also set up to address the difficulties within the then-Eastern Summit County General Plan and Development Code for major developments with regard to sewer. At the time, Policy 6.2.5 of the General Plan included regulatory language that stated as follows:

All major development shall be required to connect to municipal infrastructure or install a package sewer treatment facility that can be connected to a municipal or sewer improvement district infrastructure in the future. Summit County may consider septic systems only on large lots that comply with the minimum area requirements of the agricultural zone district, including in the AP, AG-100, and AG-160, within which the property is located.

The Development Code further defined major development as subdivisions of six or more lots. This General Plan language was and still is consistent with Utah State's Department of Environmental Quality administrative rules, which require that a "body politic" such as a special service district "sponsor" all large underground wastewater disposal systems that are designed to handle more than 5,000 gallons per day of domestic wastewater. In 2007, the County did not have such a "body politic," separate and apart from the County itself to be a sponsoring body. Moreover, at the time, the Community Development Department had a pending application for a major subdivision, Indian Hollow an eighty-five lot subdivision (later amended to sixty-five) located off Democrat Alley, which added pressure for the County to move towards the creation of the District. The Indian Hollow subdivision was not in a position to connect to municipal sewer, leaving them with the requirement that they have a large system sponsored by a body politic.

In January of 2008, ESAC presented to the Board of County Commissioners (the "BCC") its findings and recommendations, which included the establishment of an Eastern Summit County special service district that would have management and oversight responsibilities over east side waste water facilities. The special service district would be the "body politic" necessary by Utah law to oversee larger systems for major developments. The BCC decided to move forward with the District's creation and it was established in December of 2008. The District, as it currently exists, consists of all of Eastern Summit County with the exception of the municipalities and the Promontory/South Point specially planned areas.

District Structure: The District's structure was codified in Title 2, Chapter 20 of the Summit County Code (see [Exhibit A](#), Title 2, Chapter 20, pages 1-8). The County Council sits as the District's governing board (the "Board"). The Board has appointed the County Manager as the General Manager of the District, whose role is to govern day-to-day operations, prepare an annual budget, provide recommendations to the Board on policies/procedures/regulations, and provide a recommendation on a fee structure. Currently, the County Manager, as the General Manager, is also considered the "final approval" of wastewater systems that serve ten or fewer lots, with the Board retaining the "final approval" for all wastewater systems that serve more than 10 lots. The Board also created ESAC (essentially the same board that was created as part of the District's genesis), as an advisory board to both the Board and the General Manager. ESAC's role is to analyze existing wastewater systems and conduct an inventory of existing systems, create a process for approval of wastewater systems, and review all proposed wastewater systems. ESAC's efforts in its review of wastewater systems essentially duplicates the efforts of what is being done at the staff level in the Health Department. They are to also assist the General Manager in all of his above-described duties and make recommendations to either the General Manager or the Board on all proposed wastewater systems. ESAC is *not* considered an administrative control board under Utah's special service district act and Chapter 20, at this time, does not call for the creation of such an administrative control board. Thus, ESAC is advisory only and does not have the legal authority to govern the District like an administrative control board does.

It is not a stretch to say that that the District is a skeletal district. While it is a legal entity, a dependent special service district created under the laws of the State of Utah, it is little more than that. ESAC

essentially only meets to make recommendations on proposed waste water systems, but has not actively fulfilled its other duties. Likewise, neither the Board nor the Manager have functioned beyond their roles as the approval body for proposed wastewater systems. The District has no policies, procedures, or regulations and has no fee structure. Since 2008, there has been very little need to create a full-fledged District. The County, like the Country, was in the midst of a recession and growth was stagnant in Eastern Summit County. With the exception of Indian Hollow (the proposed sixty-five lot subdivision, whose application goes back to 1998), there have been no pending applications for larger developments in Eastern Summit County. Things are beginning to change, which has led staff to the conclusion that the District needs meat on the bones.

The Master Planned Development Process: The County amended the Code, doing away with the specially planned area process and replacing it with a “master planned development” (“MPD”) process. The MPD process is triggered for, among other things, any subdivision resulting in four or more lots. The Community Development Department has received its first application for an MPD called “Trail Ridge,” a twenty-six lot subdivision in the Cherry Canyon area outside of Wanship. The application is in its infancy and has yet to be before the Commission, however, the developer has already approached the Summit County Health Department, wishing to install individual onsite wastewater systems on each individual lot, rather than installing a large, advanced package system. The proposed individual septic systems were denied by the Health Department and that denial was appealed to the Board of Health, who denied that appeal, favoring a package system for the development. If this MPD is approved and if, as a condition of approval an advanced system is required, the District, who has jurisdiction over this area outside of Wanship, would be the necessary “body politic” that would oversee this system. While staff understands that this project is in its infancy and there are still many moving parts, we anticipate more MPD applications in the near future.

Staff’s Recommended Changes: Earlier this year, Staff had a work session with the County Council to brief them on the fact that the District, as it currently exists, is not really in a position to take on private wastewater systems. We also briefed them on the fact that we will likely be receiving more and more MPD applications. Staff’s recommendation to the County Council was to make some amendments to the Title 2, Chapter 20 of the Code so that the District could be a full-fledged special service district. The County Council was not ready to go that far. Since the County Council, acting in the capacity as the Governing Body of the District, has never seen a wastewater system before them for approval, they decided that they wanted to retain control of the District and see how an application goes through the process first before making any large-scale changes to the District’s structure. What is being proposed then at this point are some minor changes to the District’ structure so that not every single application goes through the District. Here is a summary of the proposed changes. The proposed changes to Title 2, Chapter 20 **do not** go to the Commission since they are not within the Development Code, however these provide context for the changes we are suggesting in 11-4-5, which **do** require a recommendation from the Commission. The proposed changes that are truly before you are those found on pages 9-27.

Proposed Changes to Title 2, Chapter 20

Health Department Review:

- Proposed wastewater systems that serve three or less lots/parcels will be reviewed by the Summit County Health Department. This is consistent with prior practice, however, in the past, not only would these proposed systems be reviewed by the Health Department, but ESAC would make a separate recommendation as well, thus duplicating the efforts of the Health Department. We are doing away with ESAC review for subdivisions of three lots or less.
- Proposed wastewater systems that serve four or more lots (thus triggering the MPD process) will be reviewed by the Health Department, but only if the proposed lot sizes are 10 acres in size each or greater. The reason for this is because, with the larger lot sizes, you don't run into the same issues (i.e. septic density and private well setbacks) as it relates to individual systems.
- If the proposed development is close to public sewer and public sewer has been determined to be "reasonably available" by the Health Department then it is reviewed by the Health Department and the appropriate sewer provider.

ESAC Review:

- Proposed wastewater systems that serve four or more lots (thus triggering the MPD process), but only if the lot sizes are less than 10 acres in size each. Thereafter, depending on the number of lots (less than ten vs. ten or more), ESAC makes a recommendation to either the General Manager of the District (i.e. the County Manager) or the Governing Body of the District (i.e. the County Council).
- If the Health Department, in their sole discretion, thinks that, due to the intensity of the proposed use, it should go to ESAC, then they can send it their way.
- Also, if an applicant willingly decides to put in a community system, then it goes straight to the approving entity, and bypasses ESAC.

ESAC Submittal:

- We added language to Title 2, Chapter 20 that requires the applicant to provide sufficient information to ESAC in order for ESAC to make a recommendation. This can include a myriad of information such as locations of wetlands, wells, nearest connections to sewer and water, etc.

Proposed Changes to Title 11, Chapter 4: Based upon the above changes to Title 2, Chapter 20, staff is recommending some minor changes to the subdivision and MPD approval requirements.

- We have added language that requires the signature block of the District (if necessary).
- We have removed the "positive recommendation from the Eastern Summit County Water Conservation Special Service District" and instead simply state that the application needs a positive approval from either the Health Department or the District, depending on the subdivision's type of approved wastewater system. This is applicable to all subdivisions and MPD applications.

**Title 2, Chapter 20
EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT**

2-20-1: PURPOSE:

2-20-2: DEFINITIONS:

2-20-3: GOVERNING BOARD:

2-20-4: POWERS AND DUTIES:

2-20-5: GENERAL MANAGER:

2-20-6: SEWER ADVISORY COMMITTEE:

2-20-7: APPROVAL OF WASTEWATER SYSTEMS

2-20-78: OPERATION:

2-20-89: INDEMNIFICATION:

2-20-910: INSURANCE:

2-20-1011: ANNUAL REPORT:

2-20-1: PURPOSE:

To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of the eastern Summit County water conservancy special service district, the district is authorized to provide a system for the collection, treatment, and disposition of sewage through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift or condemnation or any combination thereof.

2-20-2: DEFINITIONS:

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The Summit County council who exercises legislative authority in the county.

COUNTY MANAGER: The chief executive officer of the county.

DISTRICT: The eastern Summit County water conservancy special service district.

ESAC: The ~~eastern~~Eastern Summit County ~~sewer~~Sewer ~~advisory~~Advisory ~~committee~~Committee or "the ~~committee~~Committee" comprised of Summit County staff from the community development department, engineering department, the health department, and two (2) members from the public at large.

GOVERNING BOARD: The county council of Summit County.

OWNERS: The owners of property within the boundaries of the eastern Summit County water conservancy special service district.

2-20-3: GOVERNING BOARD:

As provided pursuant to Utah Code Annotated sections 17D-1-102(5) and 17D-1-301, the district is hereby governed by the county council and is considered the governing board of the district.

2-20-4: POWERS AND DUTIES:

The governing board of the district hereby has all rights, powers, authority and duties to exercise all or any of the powers provided for in Utah Code Annotated sections 17D-1-103, 17D-1-105, 17D-1-106, 17D-1-301, and 17D-1-501 et seq. The governing board has control and supervisory authority of the district and may delegate such further powers and authority as provided by statute. In addition, the governing board shall have the following authority and duties:

- A. The board shall conduct its business according to bylaws, which it shall adopt, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the board.
- B. The board shall appoint the county manager as the general manager for the district, who shall have the duties described in section [2-20-5](#) of this chapter.
- C. The board shall appoint members of ESAC, on recommendation by the general manager.
- D. The board, with the guidance of the general manager and ESAC, shall adopt policies, procedures, and regulations for the district.

2-20-5: GENERAL MANAGER:

The governing board hereby delegates the following powers, authorities and duties to a general manager, who shall oversee the district:

- A. To govern the day to day operations of the district;
- B. To prepare, in cooperation with the governing board, an annual budget for the district, which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and recommend the budget so prepared to the county council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget;

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- C. To provide a recommendation to the board as to the operation of the district, including policies, procedures, and regulations for the district;
- D. To provide a recommendation to the governing board as to the establishment and collection of the fees and charges for the various wastewater management services provided to the owners with the fee schedules reviewed and approved by the county council.

~~E. To be the "final approval" for wastewater systems that serve ten (10) or fewer lots, as that term is defined in title 11, appendix A of this code. The county council, as the governing board of the district, shall be the final approval for any and all wastewater systems that serve more than ten (10) lots. This duty shall be made a part of the policies, procedures, and regulations, once adopted, for the district as described in section 2-20-4 of this chapter.~~

2-20-6: SEWER ADVISORY COMMITTEE:

A. Creation, Purpose, And Authority: The governing board hereby creates the "~~eastern~~Eastern Summit County ~~sewer~~Sewer advisory Advisory committeeCommittee", which shall act in an advisory capacity to the governing board and the general manager. ESAC shall generally advise the governing board and the general manager on wastewater issues and systems within eastern Summit County. There shall be no actual or apparent authority vested in this committee except for the authority granted herein.

B. Guiding Principles For ESAC: The following guiding principles shall exist for ESAC:

1. In conjunction with the Summit County health department and the municipalities of eastern Summit County, analyze the existing wastewater systems and conduct an inventory of existing wastewater systems.
2. Create an efficient process for the approval by either the general manager or the governing board of wastewater systems in eastern Summit County.
3. Jointly review all proposed wastewater systems with staff of the Summit County community development department, engineering department, and health department, who shall address regional impacts and opportunities of wastewater systems.

C. Powers And Duties: The governing board hereby delegates the following powers and duties to ESAC:

1. To assist the general manager in governing the day to day operations of the district.

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2. To assist the general manager with providing a recommendation to the governing board as to the operation of the district, including policies, procedures, and regulations for the district.
3. To assist the general manager with providing a recommendation to the governing board as to the establishment and collection of the fees and charges for the various wastewater management services provided to the owners with the fee schedules reviewed and approved by the county council.
4. To provide a recommendation to either the general manager or the governing board on wastewater systems, as described in subsection [2-20-5E](#) of this chapter.
5. To act in an advisory role to the general manager and the governing board or to other officials and departments in any matters pertaining to wastewater issues within eastern Summit County.
6. ESAC, through its chair, or his/her designee, shall make both an oral and written report annually to the governing board concerning its activities during the past year and its proposals for the coming year.
7. ESAC shall not have the power to obligate the county for funds and/or expenditures or incur any debt on behalf of the county.
8. All powers and duties prescribed and delegated herein are delegated to ESAC as a unit, and all action hereunder shall be of ESAC acting as a whole. No action of any individual committee member is authorized, except through the approval of the governing board.
9. ESAC shall have any other power and/or duty as prescribed and authorized by the governing board.

D. Membership:

1. ESAC shall consist of five (5) members who shall be appointed by the governing board, on the recommendation of the general manager.
2. Membership of ESAC shall be as follows:
 - a. One member from the community development department.
 - b. One member from the engineering department.
 - c. One member from the health department.
 - d. Two (2) members from the public at large.

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3. One representative of the county attorney's office shall serve as ex officio member of ESAC, but shall have no right to vote on any matter before the committee.
4. ESAC may, in its discretion, add up to three (3) ex officio members, to assist with the communications and functions of the committee. Said ex officio members shall not have any voting rights.
5. Members of ESAC serve at the pleasure of the general manager and may be removed and replaced at any time. There are no terms limits.

E. Officers:

1. The voting members of ESAC shall appoint a chair and vice chair. The chair shall prepare meeting agendas and shall preside over and conduct all meetings. The chair, or his/her designee, shall act as the representative to the general manager and the governing board for all committee transactions and shall have the responsibility of presenting all proposals from ESAC to the general manager and/or the governing board. The chair and vice chair shall serve a term of one year.

F. Meetings And Procedures:

1. ESAC shall meet as needed. A notice of the time and place of each meeting shall be given to ESAC members not less than three (3) days in advance of the meeting.
2. All meetings of ESAC shall comply with the Utah open meetings laws as found in section 52-4-101 et seq., Utah Code Annotated (1953), as amended.
3. Executive closed sessions may be scheduled whenever the chair deems such action permissible under the Utah open meetings act, and with the concurrence of the county attorney.
4. Written minutes of each open meeting shall be prepared, preserved and made available for public inspection.
5. A majority of the voting committee members shall constitute a quorum and the action of the majority of the members present shall be the action of the committee.
6. Committee members shall attend all meetings unless their absence is excused by the chairperson.
7. All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the committee and a statement of any conditions to be attached to the action.

2-20-7: APPROVAL OF WASTEWATER SYSTEMS

A. Summit County Health Department: The following shall be reviewed and approved by the Summit County Health Department pursuant to the Summit County Health Code:

1. Proposed wastewater systems that serve proposed subdivisions or development of three (3) or less lots or parcels pursuant to Title 11, Chapter 4 Section 5 (B) of the code; or

2. Proposed wastewater systems that serve proposed subdivisions of four (4) or more lots pursuant to Title 11, Chapter 4 Section 5 (C) of the code, but only if the proposed lot sizes are (10) acres in size each or greater.

3. Notwithstanding Section 2-20-7 (B) below, any proposed subdivision where the Summit County Health Department has determined that public sewer is reasonably available pursuant to the Summit County Health Code.

B. ESAC: The following shall be reviewed and a recommendation provided by ESAC:

1. Proposed wastewater systems that serve proposed subdivisions of four (4) or more lots pursuant to Title 11, Chapter 4 Section 5 (C) of the code, but only if the proposed lot sizes are less than ten (10) acres in size each.

a. For proposed wastewater systems that serve proposed subdivisions of ten (10) or less lots, ESAC shall review the application and make a recommendation on the proposed wastewater system to the General Manager of the District. The General Manager shall review the proposed wastewater system, ESAC's recommendation and make a final decision on the application's wastewater system. The General Manager's decision may be appealed to the Governing Board within ten (10) business days.

b. For proposed wastewater systems that serve proposed subdivisions of eleven (11) or more lots, ESAC shall review the application and make a recommendation on the proposed wastewater system to the Governing Board of the District. The Governing Board shall review the proposed wastewater system, ESAC's recommendation and make a final decision on the application's wastewater system. The Governing Board's decision may be appealed to 3rd District Court within thirty (30) calendar days.

2. Any development that, in the discretion of the Summit County Health Department, has been identified as requiring a recommendation and approval by the District due to, for example, the intensity of the proposed uses or the proposed daily septic flows of over 5,000 gallons of water per day.

2. Notwithstanding Section 2-20-7(A), above, if an applicant, as that term is defined in Title 11, Appendix A "Definitions," desires to install a community system, that proposed wastewater system shall be reviewed and a final decision made by either the General Manager or the

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Governing Body of the District depending on the size of the proposed subdivision as outlined in Section (B) above.

C. ESAC Submittals: Prior to the scheduling of any development application before ESAC, the applicant shall submit to the Community Development Department sufficient information in order for ESAC to make its recommendation. This may include, but is not limited to the following information:

1. The location of septic system(s) wetlands and setbacks of the septic system to the wetlands.
2. The location of any wetlands and setbacks of the septic system(s) to the wetlands.
3. The location of nearest connection for sewer and who the sewer provider is.
4. The location of nearest connection for water and who the water provider is.
5. Identify whether the proposed development will use a public water system or a private well.
6. Locations of any proposed wells.
7. Well logs.
8. Locations of adjacent wells and septic systems.
9. Evidence of any ground water;
10. Historic well water levels in the surrounding area;
11. Septic tank density of the surrounding area;
12. Proposed lateral distances for protection zones between septic tanks/drain fields and water supply wells; and
13. Percolation tests witnessed by a Summit County Health Department representative and no older than two (2) at time of submittal for each lot in the subdivision.
14. Identify whether the proposed development will use a public water system or a private well.
15. Other similar information to determine whether the proposed wastewater system is sufficient to serve the proposed development.

2-20-78: OPERATION:

The district may utilize the services of the county treasurer and auditor to assist in financial matters. All collections, investments, disbursements, procurement, and other financial transactions will be managed by the county treasurer, who is delegated the role of district treasurer. The governing board delegates the recording and safeguarding of all minutes of meetings of the board to the county clerk of Summit County, who shall act as secretary of the district.

2-20-89: INDEMNIFICATION:

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The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the general manager, a director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of the general manager, director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is not entitled to be indemnified by the district as authorized in this section.

The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the general manager, a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this section shall continue as to any person who has ceased to be the general manager, a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person.

2-20-~~910~~: INSURANCE:

The district shall have power to purchase and maintain insurance on behalf of any person who is the general manager, a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this section, or under law.

2-20-~~1011~~: ANNUAL REPORT:

The district shall make an annual presentation to the county council of its goals, budget and activities.

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

B. Subdivisions Consisting Of Three Or Less Lots:

1. Special Provision: When a single parcel includes multiple zones, density may be located upon the parcel in the most appropriate manner irrespective of the boundaries of the zones.
2. Submission Requirements: An application for a subdivision consisting of three (3) lots or less shall include the information or action 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 chapter.
 - a. Completed subdivision application signed by the owner(s);
 - b. The payment by the applicant of the subdivision application fee;
 - c. The subdivision shall contain sufficient land area necessary to meet the density requirements of the zone;
 - d. Name and address, including telephone number, of all the owner(s), 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, public and private 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;
 - (4) A delineation of environmentally sensitive areas, floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%);

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f. Two (2) copies (one 11" x 17" copy and one 24" x 36" copy) of the proposed final subdivision plat and one (1) electronic copy of a scaled final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including:

- (1) 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;
- (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 lots, rights-of-way, and easements;
- (5) Consecutively numbered or lettered lots with addresses (subject to final review and approval by the County);
- (6) Notation of any self-imposed plat restrictions;
- (7) Signature blocks for the County Recorder, Land Use Authority, County Engineer, Public Health Officer, County Attorney, applicable fire district, local electrical power provider, local natural gas provider (if applicable), local sanitary sewer provider (if applicable), Eastern Summit County Water Conservancy Special Service District (if applicable), and local culinary water provider (if applicable);
- (8) Notarized signatures on the plat by every person having a security interest in the property which sets forth 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 the County;
- (9) All monuments erected, corners, and other points established in the field;
- (10) 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 recognize(s) that there are active

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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 livestock, 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 quality and 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, spring or a written commitment from a municipality or private water company."

- g. Following final action on the final subdivision plat which results in an approval, a current (within 30 days) preliminary title report covering all property located within the subdivision;
- h. Following final action on the final subdivision plat which results in an approval, a 24" x 36" mylar of a scaled (1" = 100') final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including all items listed in subsection B2f of this section.

3. Review Procedure:

- a. Optional 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" = 100'), unless otherwise approved by the Community Development Director.

(1) Sketch Plan Review: The Community Development Director shall review the Sketch Plan and identify any relevant issues for the applicant to address with the final subdivision plat application, as well as any additional information necessary to establish the project's compliance with the standards and requirements of this chapter. A Sketch Plan may be reviewed by the Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

b. Final Subdivision Plat Review Procedure:

(1) The Community Development Director 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 the County Public Works Department. Upon receiving such input, the Community Development Director shall prepare a staff report analyzing the proposed final subdivision plat's compliance with the review standards set forth herein and identifying any compliance-related issues related to the application.

- (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 chapter. Following the completion of the required noticing period, the Community Development Director shall be authorized to take final action upon the application. The Community Development Director has the discretion to refer the application to the Planning Commission pursuant to subsection B3b(3) of this section.
- (3) The Community Development Director may refer any subdivision application to the Planning Commission due to the complexity of the application or the significance in change to the property or the surrounding area. The Community Development Director shall schedule the matter before the Planning Commission for a public hearing and possible action. Following the public hearing, the Planning Commission shall make a recommendation to the Community Development Director regarding an approval, approval with conditions or denial of the application.
- (4) Once the final subdivision 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 final subdivision plat shall be recorded in the records of the County

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

- a. All of the land required for the density needed to create the lots within the subdivision, including a remnant parcel, which on its own would not be large enough to qualify for any density, shall be contained within the boundaries of the final subdivision plat, and any remnant parcel shall bear a plat note stating that no density exists on such remnant parcel until such time (if ever) as the zone is changed to permit additional density rights and the remnant parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant parcel is otherwise vacated from the final subdivision plat for the purposes of a parcel boundary adjustment, which shall constitute good cause thereof under State law.
- b. In the event that the parcel(s) being subdivided contain more land than that which is needed to establish the density for the subdivision, such remainder parcel(s) do not need to be included within the boundaries of the final subdivision plat if each of such remainder parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the final subdivision plat is recorded, against the remainder parcel(s) located outside of the final subdivision plat stating that such remainder parcel(s) are conforming parcels pursuant to this chapter.

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- c. Each proposed lot shall have legal access through a recorded right-of-way or easement. The applicant shall demonstrate that adequate access to the property from a public road may be granted by the State or County, whichever is applicable.
- d. Compliance with the development evaluation standards provided in [chapter 2](#) of this title.
- e. Compliance with the infrastructure standards in [chapter 6](#) of this title.
- f. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.
- g. If the subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Director shall:
 - (1) Within thirty (30) days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Utah Code Annotated 17-27a-211.
 - (2) Wait at least ten (10) days after the day on which the Community Development Director notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.
- ~~h. A positive recommendation from the Eastern Summit County Water Conservation Special Service District on the proposed wastewater system.~~
- i. A positive approval from ~~the either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the subdivision's type of approved wastewater system. County Manager on the subdivision's proposed wastewater system.~~
- j. Proof that property taxes for the applicable property have been paid.
- k. Compliance with all applicable County regulations.

C. Subdivisions Consisting Of Four Or More Lots:

- 1. Master Planned Development Required: In the following cases, a master planned development approval is required pursuant to section [11-4-12](#) of this chapter:
 - a. Any application to subdivide at base density resulting in ten (10) or more lots or parcels.

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- b. Any proposal which includes the movement of density between zones on a single parcel which results in the creation of four (4) or more lots.
2. Submission Requirements: An application for subdivision consisting of four (4) or more lots shall include the information set forth below. The Community Development Director may waive specific submittal requirements if he or she determines that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.
 - a. Completed subdivision application signed by the owner;
 - b. Subdivision application fee payment;
 - c. The subdivision shall contain sufficient land area necessary to meet the density requirements of the zone;
 - d. Name and address, including email address and telephone number, of all the owners, 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 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, public and private roads, streets, irrigation ditches, water bodies, streams/rivers, structures, and/or other physical improvements affecting the property; including existing covenants on the property, if any;
 - (4) A delineation of environmentally sensitive areas, including floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%);
 - f. Two (2) copies (one 11" x 17" copy and one 24" x 36" copy) of the proposed final subdivision plat and one (1) electronic copy of a scaled final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including:
 - (1) 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;
 - (2) The name of the land surveyor;
 - (3) Approximate true north arrow;

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- (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; consecutively numbered or lettered lots with addresses (subject to final review and approval by the County);
- (5) Notation of any required plat restrictions;
- (6) Signature blocks for the County Recorder, Land Use Authority, County Engineer, Public Health Officer, County Attorney, applicable fire district, local electrical power provider, local natural gas provider (if applicable), local sanitary sewer provider (if applicable), Eastern Summit County Water Conservancy Special Service District (if applicable), and local culinary water provider (if applicable);
- (7) Notarized signatures on the plat by every person having a security interest in the property which sets forth 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 the County;
- (8) All monuments erected, corners, and other points established in the field;
- (9) 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 Subdivision. It shall be the responsibility of each Lot owner to demonstrate that water of adequate quality and 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 Utah Water State Engineer for a private well or a written commitment from a municipality or private company."

g. Following final action on the final subdivision plat which results in an approval, a current (within 30 days) preliminary title report covering all property located within the subdivision;

h. Following final action on the final subdivision plat which results in an approval, a 24" x 36" mylar of a scaled (1" = 100') subdivision final plat prepared by a surveyor or civil engineer licensed in the State of Utah, including all items listed in subsection C2f of this section.

3. Review Procedure:

a. **Optional 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" = 100'), unless otherwise approved by the Community Development Director.

(1) **Sketch Plan Review:** The Community Development Director shall review the Sketch Plan and identify any relevant issues for the applicant to address with the final subdivision plat application, as well as any additional information necessary to establish the proposed subdivision's compliance with the standards and regulations of this chapter. A Sketch Plan may be reviewed by the Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

b. Final Subdivision Plat Review Process:

(1) The Community Development Director 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 Director shall prepare a staff report analyzing the proposed final 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 final subdivision plat application to all property owners in the manner set forth in this chapter and schedule the application for a public hearing before the Planning Commission.

(3) The Planning Commission shall hold a public hearing on the proposed final subdivision plat and forward a recommendation to the County Council.

(4) The County Council shall take final action on the proposed final subdivision plat.

(5) Once the final subdivision 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 subdivision plat shall be recorded in the records of the County Recorder.

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

a. All of the land required for the density needed to create the lots within the subdivision, including a remnant parcel, which on its own would not be large enough to qualify for any density, shall be contained within the boundaries of the final subdivision plat, and any remnant parcel shall bear a plat note stating that no density exists on such remnant parcel until such time (if ever) as the zone is changed to permit additional density rights and the remnant parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant parcel is otherwise vacated from the final subdivision plat for the purposes of a parcel boundary adjustment, which shall constitute good cause thereof under State law.

b. In the event that the parcel(s) being subdivided contain more land than that which is needed to establish the density for the subdivision, such remainder parcel(s) do not need to be included within the boundaries of the final subdivision plat if each of such remainder parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the final subdivision plat is recorded, against the remainder parcel(s) located outside of the final subdivision plat stating that such remainder parcel(s) are conforming parcels pursuant to this chapter.

c. Each proposed lot shall have legal access through a recorded right-of-way or easement. The applicant shall demonstrate that adequate access to the property from a public road may be granted by the State or County, whichever is applicable.

d. Compliance with the development evaluation standards provided in [chapter 2](#) of this title.

e. Compliance with the infrastructure standards in [chapter 6](#) of this title.

f. If the subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Director shall:

(1) Within thirty (30) days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Utah Code Annotated 17-27a-211.

- (2) Wait at least ten (10) days after the day on which the Community Development Director notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.
- g. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.
- ~~h. A positive recommendation from the Eastern Summit County Water Conservation Special Service District on the proposed wastewater system.~~
- ~~i. A positive approval from either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the subdivision's type of approved wastewater system. In the case of a subdivision with between four (4) and ten (10) lots, approval from the County Manager for the proposed wastewater system. In the case of a subdivision with more than ten (10) lots, approval from the County Council for the proposed wastewater system.~~
- j. Proof that the taxes for the applicable property have been paid.
- k. Compliance with all applicable County regulations.

E. Subdivision Plat Amendments:

1. Submission Requirements: Any request for a proposed vacation, alteration or amendment of a final subdivision plat, any portion of such final subdivision plat, or any public or private road or lot contained in such plat shall require the application for a subdivision plat amendment. An application for a subdivision plat amendment shall include the information set forth below. The Community Development Director may waive specific submittal requirements if he or she determines that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.
- a. Completed subdivision plat amendment application including a description of all proposed amendments to the final subdivision plat;
- b. Proof that property taxes for the applicable property have been paid;
- c. Subdivision plat amendment application fee payment;
- d. Name and address, including email address and telephone number, of the owner(s), and citation of last instrument conveying title to each parcel of the property involved in the subdivision plat amendment, giving grantor, grantee, date, and land records reference;

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- e. The signature of each owner who consents to the subdivision plat amendment;
- f. Two (2) copies (one 11" x 17" copy and one 24" x 36" copy) of the proposed subdivision plat amendment and one (1) electronic copy of a scaled final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including:
 - (1) The subdivision plat amendment name and date of plat creation;
 - (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) Consecutively numbered or lettered lots with addresses authorized by the County;
 - (6) Notation of any self-imposed plat restrictions or revisions thereof;
 - (7) Signature blocks for the County Recorder, Community Development Director, County Engineer, Public Health Officer, County Attorney, fire district, local power and gas providers (if applicable), local sanitary sewer provider (if applicable), Eastern Summit County Water Conservancy Special Service District (if applicable), and local culinary water provider (if applicable);
 - (8) Endorsement on the plat by every person having a security interest in the property which sets forth 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 the County;
 - (9) All monuments erected, corners, and other points established in the field;
 - (10) Following final action on the subdivision plat amendment which results in an approval, a current (within 30 days) preliminary title report covering all property located within the subdivision;
 - (11) Following final action on the subdivision plat amendment which results in an approval, a 24" x 36" mylar of a scaled (1" = 100') final subdivision plat prepared by a surveyor or civil engineer licensed in the State of Utah, including all items listed in subsection E1f of this section.

11-4-12: MASTER PLANNED DEVELOPMENTS:

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A. Intent: A master planned development (MPD) is a comprehensive project design strategy to create projects that best address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The master planned development process also creates tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation so as to advance the goals of the General Plan and this chapter. (Ord. 868, 6-14-2017)

B. Applicability: The master planned development process shall be required in all zones for the following applications:

1. Any application for a rezone.
2. Any application to subdivide at base density resulting in four (4) or more lots or parcels.
3. Any application which includes the movement of base density or uses between zones on a single parcel which results in the creation of four (4) or more lots or parcels.
4. Any application which includes a density bonus within a residential zone.
5. All applications for commercial uses, retail commercial establishments, offices, institutional uses or industrial uses with more than twenty thousand (20,000) square feet of floor area.

C. Uses: A master planned development can only contain uses which are permitted or conditional within the zone(s) in which such are located, including rezones.

1. When the project area includes parcels with differing zones, uses may be relocated across zone boundaries so long as the application is for a rezone and the County Council determines that relocation results in a project design that advances the goals set forth in the General Plan.

D. Process:

1. Pre-Application Conference: A required pre-application conference shall be held with staff in order for the applicant to become acquainted with the master planned development procedures and related County requirements and schedules. Staff may give preliminary feedback to the applicant based on information available at the conference and may inform the applicant of potential issues or special requirements which may result from the proposal.
2. The Master Planned Development Application: A plan for the master planned development shall be submitted with a completed application form supplied by the County. A list of minimum requirements will accompany the application form. The application must include

written consent by all owners of the property to be included in the master planned development. Once an application is received, it shall be assigned to a staff planner who will review the application for completeness. The applicant will be informed if additional information is necessary to constitute a complete application.

3. Planning Commission Review And Public Hearing; County Council Action: The County Council is the Land Use Authority for master planned developments. Prior to final action by the County Council, the Planning Commission is required to hold a minimum of one (1) public hearing prior to forwarding a recommendation to the County Council. The County Council shall take final action on the application for a master planned development. County Council action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.
4. Vesting Of Approval:
 - a. Master Planned Developments Not Associated With A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved Final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project.
 - b. Master Planned Developments Not Associated With A Rezone, But Requiring A Final Subdivision Plat: A final subdivision plat must be recorded within five (5) years of the date of the County Council MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.
 - c. Master Planned Developments Associated With A Rezone, But Not Requiring A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project-phasing plan as set forth in the approved final site plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the development of the project. In the event that the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.
 - d. Master Planned Developments Associated With A Rezone And Final Subdivision Plat: Unless otherwise extended per the provisions set forth in this chapter, a final subdivision plat associated with a rezone must be recorded within five (5) years of the date of the County

Council MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

After recordation of the final subdivision plat and the commencement of construction, the MPD shall remain valid as long as it is consistent with the approved specific project plan and associated documents.

- e. Master Planned Developments Associated With A Density Bonus And Final Subdivision Plat: A final subdivision plat associated with a density bonus must be recorded within five (5) years of the date of the County Council MPD approval. For phased developments, it shall be necessary to record the Phase 1 final subdivision plat within the prescribed five (5) year timeframe to vest the entire master planned development and density bonus. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the County Council MPD approval. In the event that the required final subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final subdivision plat shall be void.

5. MPD Modifications:

- a. Minor Amendment: A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved master planned development. A minor amendment shall be processed as a low impact permit.
- b. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved master planned development. A major amendment shall be processed as a master planned development.

E. MPD Requirements: All applications for a master planned development shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.

1. Density: The maximum density permitted on the project site will be determined as a result of a site analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zone, the County Council may permit the clustering of density irrespective of zone boundaries so long as the relocation results in the project advancing the goals set forth in the General Plan.
2. Density Bonus: A density bonus may be permitted in accordance with appendix B of this title.

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3. Setbacks: The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The County Council may reduce or increase setbacks within the project from those otherwise required provided the project meets minimum Building Code and Fire Code requirements and can demonstrate that such change:
 - a. Maximizes agricultural land or open space; and/or
 - b. Avoids important natural features of the site.
4. Building Height: The maximum building height for all structures within a master planned development shall not exceed the zone standard. The County Council may grant additional building height beyond the maximum zone standard up to forty five feet (45') based on demonstrated good cause related, but not limited to, structured parking, affordable housing, deed restricted open space, community outdoor common area improvements or superior architectural design.
5. Reduction Of Minimum Lot Size Requirements: The County Council may reduce the minimum lot size specified in a zone if it finds the proposed decrease in minimum lot size improves the site design, clustering of buildings, and/or preservation of agricultural land or open space.
6. Open Space: Master planned developments shall provide for open space of at least ten percent (10%) of the site area.
7. Off-Street Parking: Master planned developments shall meet the following off-street parking standards:

a. Residential uses:		
(1) Single family dwelling unit		Minimum 2 spaces/unit
(2) Duplex dwelling unit		Minimum 2 spaces/unit (total of 4/building)
(3) Accessory dwelling unit		Minimum 1 space/unit
(4) Guest house		Minimum 1 space/unit
(5) Multi-unit (3 or more units)		Minimum 1 space/unit
b. Non-residential uses:		
(1) Commercial/retail		3 spaces/1,000 sq. ft. of net leasable floor area
(2) Commercial/restaurant-cafe		3 spaces/1,000 sq. ft. of net leasable floor area

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(3) Hotel/lodging	1 space/guest room or suite; 2 spaces/1,000 sq. ft. support commercial
(4) Offices	2.5 spaces/1,000 sq. ft. net leasable area

The off-street parking requirements for any other uses not listed above shall be determined by the County Council based on a project-specific parking study. The County Council may reduce or increase the overall parking requirement for a master planned development based upon the applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.

The County Council may grant additional exterior/surface parking provided such parking is designed to include permeable surfaces, additional landscaping and buffering.

8. Designing With The Topography: Master planned developments shall be designed to fit into the topography of the site. The County Council may consider flexibility in the siting of development so as to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.
9. Designing With Adjacent Uses: The master planned development plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.
10. Access: All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the County Engineer and/or Fire Marshal. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.
11. Utilities: Existing or proposed utilities, including private and public services for master planned developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in [chapter 6](#) of this title.
12. Building Locations: All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.

13. **Connectivity:** Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the County Council. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.
14. **Snow Storage:** Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.
15. **Outdoor Lighting:** All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.
16. **Compliance With Development Evaluation Standards:** Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in [chapter 2](#) of this title.
17. **Site Design Narrative:** An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:
 - a. **Neighborhood Connectivity:** How does the proposed development interconnect and the surrounding properties, neighborhood, and area? Including but not limited to:
 - (1) Where will vehicles enter and exit the site?
 - (2) Where will new streets be developed?
 - (3) Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area? If so, how are such needs addressed?
 - b. **Availability Of Neighborhood Facilities And Services:** Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?
 - c. **Meeting Housing Needs:** How does the proposed development advance the community need for a mix of housing types and affordability?
 - d. **Character:** What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, climate, and/or community needs?

- e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?
- f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?
- g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?
- h. Public And Private Outdoor Spaces: What are the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?
- i. External Storage: How does the proposed project address needs for garbage collection, equipment storage, etc.?

F. Required Findings And Conclusions Of Law: The County Council must find sufficient evidence that supports the following conclusions in order to approve a master planned development. In some cases, conditions of approval will be attached to the final action to ensure compliance.

1. The master planned development is designed to fit well into the natural terrain, minimize excessive site grading and protect and preserve the surrounding area.
2. The master planned development makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features.
3. The master planned development takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.
4. The master planned development has direct vehicular access from a public road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshal.
5. The master planned development has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshal.

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6. All roads/streets within master planned development follow the natural contours of the site wherever possible to minimize the amount of grading.
7. Existing or proposed utility and public services are adequate to support the proposed master planned development at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.
8. The proposed structures within the master planned development are located on reasonably developable portions of the site. The open areas within the master planned development are designed so that existing significant vegetation can be maintained to the greatest degree possible.
9. The master planned development includes adequate internal vehicular and, where deemed necessary, pedestrian/equestrian/bicycle circulation.
10. The master planned development includes adequate areas for snow removal and snow storage.
11. All exterior lighting within the master planned development is down directed and fully shielded.
12. The master planned development, as conditioned, complies with all the requirements of this chapter.
13. The master planned development, as conditioned, is consistent with the General Plan.
14. The master planned development has been noticed and a public hearing held in accordance with this chapter.
15. A positive approval from either the Summit County Health Department or the Eastern Summit County Water Conservancy Special Service District, depending on the type of approved wastewater system.