

ORDINANCE NO. 1997- 10

AN ORDINANCE AMENDING SECTION 5-5-C [CRITICAL ENVIRONMENTAL ZONE - PERMITTED CONDITIONAL USES] TO ALLOW ACCESSORY SKI LIFTS AND ASSOCIATED FACILITIES IN THE CE-1 ZONE

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH

ORDAINS AS FOLLOWS:

PART I:

Section 5-5-C [CE-1 Critical Environmental Zone - Permitted Conditional Uses] is amended to add a new subsection 10 for accessory ski lifts and associated facilities as a permitted conditional use, and to renumber the former subsections 10 to 13 to be subsections 11 to 14, without changing the latter's content or effect. The new subsection 10 shall read as follows:

10. Accessory ski lifts and associated facilities for which the Planning Commission has issued a conditional use permit according to the provisions of zoning sections 3-55 and 7-24-D

PART II:

Chapter 3 entitled "Supplementary Regulations and Procedures Applicable Within Zones" is amended to add a new section 3-55 entitled "Accessory Ski Lifts and Associated Facilities in the CE-1 Zone, which section shall read as follows:

3-55: ACCESSORY SKI LIFTS AND ASSOCIATED FACILITIES IN THE CE-1 ZONE

A. INTENT

It is the intent of this section to provide standards for the approval of accessory ski lifts and certain closely related facilities in the CE-1 Critical Environmental Zone in a way which follows the stated intent of the zone, protects the sensitive environment of the area, and assures that the cost of governmental services will be considered.

B. SCOPE

The Planning Commission, in accordance with the provisions of zoning section 7-24-D, may approve a conditional use permit for accessory ski lifts and certain associated ancillary facilities in the CE-1 Zone provided the following provisions are met:

C. PERMITTED FACILITIES

The following facilities may be permitted in association with a conditional use permit issued pursuant to this section:

1. Accessory ski lifts and lift operator shelters.
2. Ski and snowboarding runs.
3. Avalanche control facilities and structures.
4. Skier and ski patrol warming facilities.
5. Pre-packaged food vending machines and their shelters.
6. Restrooms.
7. Service roads and trails; utility lines.

Note: When lodging, food preparation, equipment sales or rental or other facilities are desired, they are to be located within a recreational resort lying in the CE-2 zone or outside of Utah County.

D. SITE PLAN

An applicant for a conditional use permit for accessory ski lifts and associated facilities shall submit a drawn-to-scale site plan of the subject property at a scale 200 feet per inch or larger (except the scale may be 1000 feet per inch or larger for portions of the lot where there will be no runs or other facilities placed) which shall contain:

1. The boundary of the zoning lot of record and the boundary of the project area if not coterminous with the lot boundary.
2. The location of any existing structures, roads, utilities and other uses of land.

3. The location of all proposed ski lifts, ski runs, shelters, restrooms, roads, utility lines and any other proposed facilities.
4. Topography, vegetation, and soil types.
5. Other information which the Planning Commission finds it needs to determine whether the use meets the standards of approval or needs to set conditions in accordance with zoning section 7-24-D-4.

E. OPERATIONS DISCLOSURE STATEMENT

In addition to the site plan, an application for a conditional use permit shall be accompanied by a disclosure statement stating:

1. The scope and purpose of the development.
2. The identification of ownership or leasehold interests; the job title, name, address, phone number and hours of service of the individual managing the area.
3. The provisions for trash removal, water, sewer, security, and access by governmental emergency services for the development.
4. The daily management and operations procedures.

F. DEVELOPMENTAL IMPACT REPORT

The applicant shall submit a developmental impact report prepared by an individual or individuals competent in the fields to be addressed in the report, which analyzes the impacts relative to the following and presents proposed mitigation alternates to compensate for problems to be caused, if any, by the accessory ski lift area. The report shall follow the format approved by the Planning Commission for such use.

G. FISCAL IMPACT REPORT

The applicant shall submit a fiscal impact report prepared by an individual or individuals competent in the fields to be addressed in the report. The report shall show:

1. The qualifications of those doing the report.
2. An itemized list of governmental services that will be needed by the proposed development under existing state mandates and governmental practices and the annual cost to the units of government that will provide those services.

3. An itemized list of governmental revenue sources available under existing state laws and governmental practices that is broken out by each source of revenue.
4. An analysis of costs of services and the availability of revenues during the construction phases and, when a development is to go up in phases, the costs and revenues during interim phases before the development is complete.
5. An analysis of the above costs and revenues when the development recommendations for mitigation of costs provides for the applicant to contract for or to provide some of the services traditionally provided by government.
6. An itemized analysis of potential liability and exposure of the County for governmental services to be handled by parties other than the County.

H. STANDARDS

1. The land on which the development lies is located in the CE-1 zone on a zoning lot which either abuts a recorded recreational resort plat in the unincorporated area of Utah County containing an existing ski resort or abuts an existing ski resort in an adjoining county.
2. The Planning Commission finds that neither flooding, water quality, nor other aspects of the environment will be unreasonably diminished by the approval of the development, and that conditions of approval can be attached which can reasonably be expected to mitigate the environmental impacts.
3. The Planning Commission finds that the costs of providing governmental services generated by the development have been considered.
4. The Planning Commission finds that there is adequate evidence that the facilities will have a safe design, and that the risks associated with avalanches, rockfall and other natural hazards have been addressed.
5. The Planning Commission finds that accessory ski lifts and associated facilities will not significantly reduce property values of adjacent parcels of land.
6. No lodging, food services, or other facilities besides those listed in this section will be present in the development.

7. Adequate parking (which may include off-site parking with transit access), patron access, and other public facilities exist for the increase in utilization of the resort to which the subject accessory ski lift area will be appurtenant.

PART III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

PART IV:

Insert pages reflecting the above amendments, including a title page which bears the enactment date of this ordinance, are hereby ordered to be filed in the three copies of the Utah County Zoning Ordinance which are on file with the Utah County Clerk-Auditor

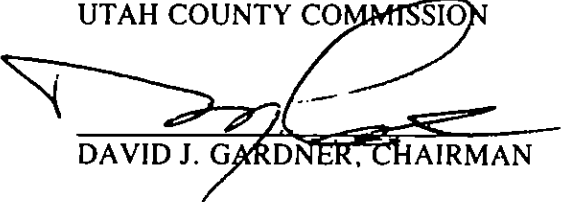
PART V:

This ordinance shall take effect: 1. sixteen (16) days after it is passed, or 2. after it has been published, whichever date is later.

PASSED AND ORDERED PUBLISHED THIS 29th DAY OF April, 1997.

UTAH COUNTY COMMISSION

VOTE




DAVID J. GARDNER, CHAIRMAN

Aye

GARY R. HERBERT, COMMISSIONER

(Absent)



JERRY D. GROVER, COMMISSIONER

Aye

ATTEST:
ARLIN V. KUHN
County Clerk/Auditor

By: [Signature]
Deputy

APPROVED AS TO FORM:
KAY BRYSON, County Attorney

X Approved

_____ Disapproved

By: [Signature]
Deputy

Date of Publication: May 7, 1997 [once only, as soon as possible]

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PROOF OF PUBLICATION **COPY**

from

The Daily Herald

STATE OF UTAH
Utah County

{ ss. _____

I, Konnie Lynn Davis, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, #102301-BO5637-Ordinance No 19, and which is a copy, was published in said newspaper FOR ONE (1) SINGLE ISSUE, the first publication having been made on the 7th day of May, 1997, and the last on the 7th day of May, 1997; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Konnie Lynn Davis

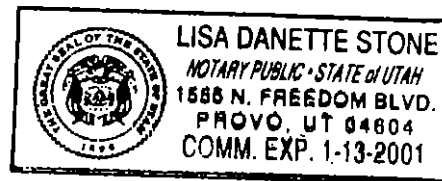
Subscribed and sworn before me
this 8th day of May, 1997

Lisa Danette Stone

Notary Public

Residence: American Fork, Utah

My commission expires January 13, 2001



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ACCESSORY SKI LIFTS AND ASSOCIATED FACILITIES IN THE
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5. The Planning Commission finds that accessory ski lifts and associated facilities will not significantly reduce property values of adjacent parcels of land.
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UTAH COUNTY COMMISSION

ATTEST:
ARLIN V. KUHN
By: Lee Ann Orton
Deputy

APPROVED AS TO FORM:
KAY BRYSON, County Attorney
By: David H. Shawcroft
Deputy