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 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 Oct 13 12:20 pm FEE 0.00 BY SW
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011- 37

AN ORDINANCE AMENDING SECTION 3-47, ACCESSORY SKI LIFTS AND ASSOCIATED FACILITIES IN THE CE-1 ZONE, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the application by Snowbird Resort initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amendments to accessory ski lifts and associated facilities in the CE-1 Zone; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 3-37, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-47: ACCESSORY SKI LIFTS AND ASSOCIATED MOUNTAIN RESORT 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 mountain resort 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 Board of Adjustment, in accordance with the provisions of chapter 7, Utah County Land Use Ordinance, may approve a conditional use permit for accessory ski lifts and certain associated ancillary mountain resort facilities in the CE-1 Zone provided that all of the requirements contained in this section are met, in addition to the general standards for issuing a conditional use permit found in chapter 7 of this land use ordinance.

C. PERMITTED FACILITIES

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

1. Accessory ski lifts (e.g., towbars, chairlifts, gondolas) and lift operator shelters.
2. Ski and snow-boarding runs.
3. Trails for cross-country skiing, snow-cat skiing, hiking, mountain biking, and horseback riding.
4. Avalanche control facilities and structures.
5. Skier and ski patrol warming facilities.
6. Zip lines, alpine slides, and alpine rail slides, which are integrated into the mountain features (not stand alone carnival or amusement park type rides or facilities), provided that such facilities utilize the change in elevation down the mountain slope as the sole energy source.
7. Snowmobile, all terrain vehicle, and horseback riding concessions; provided that all terrain vehicle use shall be restricted to designated roads and designated all terrain vehicle trails.
8. Restrooms and pre-cooked food and beverage facilities for use by patrons of the resort.
9. Service roads and utility lines.

D. SITE PLAN

An applicant for a conditional use permit for the accessory ski lifts and associated mountain resort 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 Board of Adjustment finds it needs to determine whether the use meets the standards of approval or needs to set conditions in accordance with land use ordinance, chapter 7.

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 all of the standards for approval as contained in this section, and presents proposed mitigation alternates to compensate for impacts to be caused by the accessory ski lift development.

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

The accessory ski lift and associated mountain resort facilities must meet all of the following standards:

1. The land on which the development lies must be 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. Both the land on which the development will be located, and the land on which the ski resort to which the proposed development is appurtenant is located, must be in the same ownership.

3. The Board of Adjustment must find 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.
4. The Board of Adjustment must find that the costs of providing governmental services generated by the development have been considered.
5. The Board of Adjustment must find that there is adequate evidence that the facilities will have a safe design, and that the risks associated with avalanches, rock fall and other natural hazards have been addressed.
6. The Board of Adjustment must find that the accessory ski lifts and associated mountain resort facilities will not significantly reduce property values of adjacent parcels of land.
7. The Board of Adjustment must find that the accessory ski lifts and associated mountain resort facilities are designed in a manner to be (i) harmonious with the alpine setting, (ii) as unobtrusive as reasonably possible, (iii) environmentally sensitive, (iv) esthetically acceptable, and (v) adequately integrated into the existing ski resort to which the proposed development is appurtenant.
8. The Board of Adjustment must find that 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 ski resort to which the subject accessory ski lift area will be appurtenant.
9. All access to the accessory ski lift and associated mountain resort facilities must be exclusively from and through the ski resort to which the subject accessory ski lift and associated mountain resort facilities will be appurtenant. Direct access to the accessory ski lift and associated mountain resort facilities shall not be permitted.

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

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:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 4th day of October, 2011.

UTAH COUNTY COMMISSION

VOTE

[Signature]
GARY J. ANDERSON, CHAIR

aye

[Signature]
DOUG WITNEY, COMMISSIONER

aye

[Signature]
LARRY A. ELLERTSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: [Signature]
Deputy



Approved

Disapproved

By: [Signature]
Deputy

Date of Publication: Once only, as soon as possible