

Affidavit

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ALAN SPRIGGS, SUMMIT CO RECORDER
2006 JAN 05 16:07 PM FEE \$1.00 BY GGB
REQUEST: SUMMIT COUNTY CLERK

State of Utah)
) ss.
County of Summit)

RECORDER'S NOTE

LEGIBILITY OF WRITING, TYPING OR
PRINTING UNSATISFACTORY IN THIS
DOCUMENT WHEN RECEIVED.

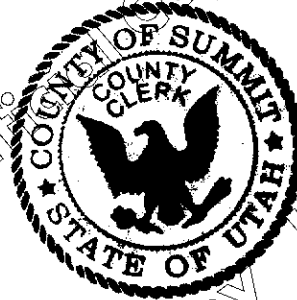
Susan Follett, being first duly sworn states upon this oath deposes and says:

1. That she is the Summit County Clerk and in that capacity is duly authorized to execute this Affidavit.
2. On July 28, 2005 caused to be recorded Ordinance 563. Said Ordinance was recorded as Entry 00744845 in Book 01719 Page 01572-01573, Records of Summit County, UT.
3. Appendix "A" was found to have not been included:

Therefore, Appendix A is attached for recording.

Susan Follett
Susan Follett, Summit County Clerk

Date: 5 January 2006



Appendix A

COMMERCIAL AND INDUSTRIAL USE DEFINITIONS

Retail Commercial Establishments: An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use serving the immediate or surrounding neighborhood. Typical uses include apparel stores, drug stores, grocery stores, book stores, auto parts stores, and other similar uses.

Service Commercial Establishments: An establishment primarily engaged in providing personal services to the immediate or surrounding neighborhood. Typical uses include restaurants, gas stations, auto repair garages, banks or financial institutions, equipment rental and storage facilities, and other similar uses.

Professional Offices: A building or space used by persons such as accountants, architects, engineers, artists, dentists, designers, lawyers, physicians, realtors, and others by virtue of their training and/or license, are qualified to perform services of a professional nature and where no goods or merchandise are sold or stored.

Industrial Uses: Operations which include the storage, manufacturing and processing of agricultural or timber products, minerals extraction and production, treatment, packaging, wholesaling, fabrication, assembly and warehousing.

Railroad Industrial Uses: Industrial uses and activities associated with the railroad including shipping and distribution of agricultural, timber products, minerals and other similar materials.

Municipal Landfill: A non-commercial municipal landfill for non-hazardous municipal solid waste or of construction and demolition waste as defined by Section R315-301-2 of the Utah State Code. Municipal Landfill also includes the construction, operation and maintenance of recycling centers and facilities.

Floor Area and Lot Coverage: The combined area of all floor space associated with a commercial or industrial use including floors above or below the ground floor. Also, any areas outside of structures and associated with the use including storage areas, parking lots, driveways and similar areas.

11-3-11: **ALLOWED, CONDITIONAL, LOW IMPACT AND TEMPORARY USES:**

- A. To facilitate public understanding of the Code and for better administration, convenience, and use thereof, those uses designated as "allowed" are permitted as a matter of right without special authorization, provided the use complies with all requirements of the zone district as described in this Chapter. The establishment of any allowed use is subject only to obtaining a building permit, business license, and/or road encroachment permit.
- B. Conditional Uses are those uses which are permitted in a particular zone district upon showing that such use at a specific site within that zone district will comply with all conditions and standards specified in the Code for ensuring compatibility with surrounding land uses. Conditional uses that are not capable of meeting the Development Evaluation Standards described in Chapter 2.0 of the Code at a specific location shall not be approved at that location. However, the Conditional Use maybe acceptable at another location where it can comply with the Development Evaluation Standards.
- C. Low Impact Uses are uses, projects and activities that are considered to have little or no impact on the public health, safety and general welfare. Low Impact Uses determined to be in compliance with the development evaluation standards and general regulation of the Code and provisions of the General Plan may be approved administratively by the Community Development Director.
- D. A Temporary Use is a use that can be established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Any use not listed as an allowed use or a Conditional Use within a zone district may be considered as a Temporary Use pursuant to and in accordance with the provisions of Section 4.70 of the Code

11-3-12: **CHART OF ALLOWED AND CONDITIONAL USES:**

- A. The following chart titled "Chart of Allowed and Conditional Uses" defines Allowed, Conditional and Low Impact Uses for the various zone districts. Those uses designated by the letter "A" shall be considered allowed uses in the particular zone district; the letter "C" shall represent those uses that require Conditional Use approval and the letters "L" shall represent those uses that require Low Impact Permit approval.
- B. Determination as to the classification of uses not specifically listed in the chart shall be made by the Planning Commission. The procedure shall be as follows:

1. A written request for such determination shall be filed with the Community Development Director. The request shall include a detailed description of the proposed use and such other information as may be required. The request shall be scheduled at a regularly scheduled meeting of the Planning Commission as soon thereafter as may be practicable.

2. The Planning Commission shall compare the nature and characteristics of the proposed use with those of uses specifically listed in the chart and make a determination of the classification of the proposed use. A determination regarding the proposed use shall indicate the zone district in which the use may be an allowed use, a Conditional Use, or prohibited use. When the use is determined to be an allowed or Conditional Use, the Planning Commission shall include findings which establish that such use is of the same characteristics as other allowed or Conditional Uses in the zone district.

3. Any person shall have the right to appeal the decision of the Planning Commission to the Board of County Commissioners by filing an appeal with the County Clerk within thirty (30) days of the Planning Commission's action. The appeal shall state the reasons for the appeal and request a hearing before the Board of County Commissioners at a regularly scheduled meeting as soon thereafter as may be practicable.

4. The determination and all information pertaining thereto shall become a permanent public record in the office of the Community Development Director. Once approved, the use shall thereafter become an allowed or Conditional Use in the zone district(s) specified in the determination.

11-3-12:

CHART OF ALLOWED AND CONDITIONAL USES*

Permitted Uses	AP	AG-100	AG-160	HC	C	I	RI
Agriculture buildings and uses customarily associated with traditional agriculture operations as defined in Appendix A.	A	A	A	A			
Dwelling unit, one family.	A	A	A	A	L		
Dwelling unit, single family attached.	C			L	C		
Dwelling unit, multi-family.	C			C	C		
Accessory dwelling unit, only as described in Section 11-6-5 of the Code.	L	L	L		L		
Agricultural Employee Dwelling Unit, only as described in Section 11-6-5 of the Code.	L	L	L	L			
Agricultural Employee Facility for the purpose of providing shelter for more than one family.	C	C	C	C			
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet.	A	A	A	A	L		
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet.	C	C	C	C	C		
Mobile home with foundation (refer to Prefabricated Home definition.)	A	A	A	A	L		
Mobile home without foundation.	C	C	C	C			
Mobile home park.	C			C			

Permitted Uses

AP AG-100 AG-160 HC C I RI

Bed and Breakfast Inn.	C		C	C		
Home Occupation.	A	A	A	A	A	
Day care facility.	C				C	
Cemetery.	C	C	C	C	C	C
Commercial stables.	C	C	C			
Kennels for commercial or private use for more than five (5) dogs.	C	C	C	C	C	C
Retail commercial establishments, not to exceed 2,000 square feet					L	
Retail commercial establishments, exceeding 2,000 square feet					C	
Service commercial establishments, not to exceed 2,000 square feet					L	C
Service commercial establishments, exceeding 2,000 square feet					C	C
Nursery/greenhouse.	C	C		C	A	
Expansion of lawful non-conforming commercial and light industrial uses and buildings.	C	C	C	C	C	C
Professional offices.					A	
Guest Ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay.	C	C	C		C	
Industrial Uses and operations including storage, manufacturing and processing						C
Railroad Industrial Uses including shipping and distribution						C
Petroleum refineries.	C	C	C			C
Oil wells, natural gas wells and steam wells (refer to Section 11-4-8.F for conditions).	L	L	L			L
Underground transmission lines exceeding 12 inches diameter, (i.e. gas, oil, water, etc.)	C	C	C	C	C	C
Underground utility uses including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	A	A	A
Telecommunication Facilities-Co-Location.	A	A	A	A	A	A
Telecommunication Facilities- Stealth.	A	A	A	A	A	A
Utility structures and related facilities (refer to Section 11-6-7 for conditions.)	C	L	L		C	C

Permitted Uses

	AP	AG-100	AG-160	HC	C	I	RI
Warehousing and commercial storage (refer to Section 6.55 for conditions.)	C	C	C		C	C	C
Wind power generation facilities (refer to Section 11-4-8.G for conditions).	C	L	L			C	
Forest, meadow lands, and open space.	A	A	A	A	A	A	A
Open Recreation Uses.	C	L	L	C	C	C	
Horse Drawn Sleigh Ride.	A	A	A	C	A	A	
Sexually Oriented Businesses (refer to Section 4.60(E) and Appendix B.)						C	
Municipal Landfill						C	

*A Temporary Use is a use that can be established for a limited duration with the intent to discontinue such use upon the expiration of the period. Any use not listed as an allowed use or a Conditional Use within a zone district may be considered as a Temporary Use pursuant to and in accordance with the provisions of Section 4.70 of the Code.

Zoning Legend

(Refer to Section 11-3-10 for greater detail on zoning specifications)

AP	Agriculture Protection (1 dwelling unit /40 acres)		C	Commercial
AG-100	Agriculture Protection (1 dwelling unit /100 acres)		I	Industrial
AF-160	Agriculture Protection (1 dwelling unit /160 acres)		RI	Railroad Industrial
HC	Highway Corridor			

Use Legend

(Refer to Section 11-3-11 for greater detail on use specifications)

A	Allowed		T	Temporary
C	Conditional			
L	Low Impact			

11-6-2

Non Conforming Uses, Structures, Lots

A. Within the zone districts established in Chapter 3.0 of the Code, there may exist lots, structures, and uses of land and structures, which were lawfully established before the adoption of the Code, but which are now prohibited, regulated, or restricted. It is the intent of this section to allow these uses and structures to continue until such time as they are removed or abandoned.

B. When a lawful use of the land and structure existed prior to the adoption of the Code but is not permitted by the regulations now imposed by the Code, the use of a structure, or portion thereof, and associated land may continue, provided that:

- (1) The non-conforming structure and use of land shall not be enlarged in any way that increases the non-conformity except through the Conditional Use review process. This does not include remodeling or normal maintenance and repair of an existing non-conforming structure, which is permitted. A structure may be altered to decrease its non-conformity.
- (2) Additional structures not conforming to the requirements of the Code shall not be erected in connection with a non-conforming use of land and structure, except when approved as a Conditional Use.
- (3) If any such non-conforming use of a structure and land, or portion thereof, ceases for any reason for a period of one (1) year, any subsequent use of such land, structure, or portion thereof, shall thereafter be required to conform to the regulations specified in the Code for the zone district in which it is located, unless a Conditional Use is approved.
- (4) If any non-conforming structure, or portion thereof, is destroyed by fire or other natural cause and is not repaired, or replaced within one (1) year from the date of loss, it shall not be reconstructed except in conformance with the provisions of the Code, unless the Community Development Director grants an extension of time based on demonstrated progress toward compliance with this requirement.

C. No lot, parcel of land, or interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part so as to create a new non-conforming use, structure, or lot/parcel, to avoid or circumvent the requirements of the Code. No building permit will be issued for any lot, parcel, or structure which has been transferred, conveyed, sold, subdivided or acquired in violation of the Code.

D. A parcel/lot that was lawfully created but does not conform to the minimum area per dwelling unit requirement of the zone district in which it is located is entitled to one, but not more than one, dwelling unit thereon.

11-3-6: **COMMERCIAL (C):**

- A. District Intent: This zone district is established for the purposes of providing the general public with access to a limited range of neighborhood commercial and service related uses necessary to support the needs of residents in the surrounding area. This zone district allows existing commercial uses to be expanded and new commercial uses to be established within the commercial zone of the town center area of an unincorporated community. All commercial uses exceeding 2,000 square feet are reviewed through the Conditional Use review process.
- B. Existing Legal Non-Conforming Commercial Uses: Existing legal non-conforming commercial uses not located within a commercial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Commercial Use Criteria listed in Subsection C hereunder.
- C. Commercial Zone and Use Criteria: New commercial uses shall not be established nor shall existing commercial uses be expanded within the commercial zone unless the use complies with all of the following criteria.
1. The commercial use provides goods and/or services and employment opportunities to the residents of Eastern Summit County.
 2. There is sufficient off-street parking at a minimum ratio of 3 spaces per 1000 square feet of floor area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
 3. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the commercial use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
 4. The property does not contain sensitive lands that are negatively impacted by the commercial use.
 5. The commercial use is compatible and consistent with or supports other nearby uses and/or property conditions and has frontage along a public roadway.
 6. The commercial use will not substantially alter the essential character of the surrounding area.
 7. The commercial use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
 8. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, low impact permit, rezoning or expansion

of a commercial use to fully address potential impacts to neighboring uses or the community at large.

D. **Floor Area and Lot Coverage:** Floor area and lot coverage requirements in the Commercial Zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.

E. **Lot Width:** There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.

F. **Setback Requirements:** Minimum front yard setbacks shall be twenty (20) feet from any roadway right-of-way. Minimum side yard setbacks shall be twelve (12) feet from the side property line. Minimum rear yard setback shall be twenty four (24) feet from the rear property line to provide adequate alleyways for deliveries. Variances to the required setbacks to facilitate the use of existing buildings may be considered.

G. **Parking:** Parking shall generally be located at the side or rear of commercial buildings with only limited parking allowed at the front of the building between the roadway and the building.

H. **Building Height:** Maximum building height shall be thirty (30) feet unless additional building height is required for the commercial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.

I. **Special Requirements:** Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

J. **Low Impact (LI) Permit Review and Approval Process**

The purpose of the low impact permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying the following uses in the Commercial Zone:

- a) Dwelling unit one family
- b) Accessory dwelling unit
- c) Accessory buildings and uses to the principal residential dwelling unit not to exceed 2000 square feet
- d) Mobile home with foundation
- e) Retail commercial establishments not to exceed 2000 square feet
- f) Service commercial establishments not to exceed 2000 square feet

Upon compliance with the provisions of this Section a Low Impact Use approval may be granted by the Community Development Director, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.

The Low Impact Review Process may be utilized to obtain administrative approval for the above stated uses in the Commercial Zone and which are in conformance with the development evaluation standards and general regulations of the Code and provisions of the General Plan. An application for approval of a Low Impact Permit shall be commenced by filing a sketch plan and paying the applicable fee with the Community Development Department.

1. Review Procedure

- a) The applicant shall provide a sketch plan and description of the proposed project. The Sketch Plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director the applicant's intentions with regard to use, site layout and compliance with the "General Plan," the "Code," and any applicable ordinance, development permit, or development agreement.
- b) In proposals where the Community Development Director determines that potential issues may arise or additional comment is needed from the community, a public hearing on the application may be scheduled with the Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation to the Director regarding an approval, approval with conditions or denial of the application.
- c) The Community Development Director shall determine whether the application is sufficient and in compliance with the provisions of the Code and the General Plan. The Director may require the applicant to submit such additional information as may be necessary to determine whether the application conforms to the requirements of the Code and General Plan.
- d) The Community Development Director shall approve, approve with conditions or deny the Low Impact Permit application and shall communicate the decision to the applicant. The Director may impose all reasonable conditions necessary to ensure compliance with the goals, objectives and policies of the General Plan and applicable provisions of the Code. The Director may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code.

2. General Criteria. No low impact permit shall be approved unless the applicant demonstrates that:

- a) The use is in compliance with the provisions of the General Plan;
- b) The use conforms to all applicable requirements of the Code and State and Federal regulations;
- c) The use is not detrimental to public health, safety and welfare;
- d) The use is appropriately located with respect to public facilities and services;
- e) The use is compatible with the existing neighborhood character, is generally compatible with the zone in which the use is proposed and will not adversely affect surrounding land uses;
- f) Exterior lighting will be directed downward and not be reflected upon adjoining land.
- g) The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

11-3-7: INDUSTRIAL (I):

A. District Intent: This zone district is established for the purposes of providing locations for those industrial land uses that are consistent with and supportive of the goals of the Eastern Summit County General Plan. This zone district is intended to encourage industrial development near incorporated municipalities, where adequate services are generally available. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the needs of Eastern Summit County residents when appropriate services can be made available and the use is compatible with its surroundings. Industrial uses are reviewed through the Conditional Use review process.

B. Existing Legal Non-Conforming Industrial Uses: Existing legal non-conforming industrial uses not located within an industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 6.20 of the Code and the Industrial Use Criteria listed in Subsection C below.

C. Industrial Zone and Use Criteria: New industrial uses shall not be established nor shall existing industrial uses be expanded within the industrial zone unless the use complies with all of the following criteria.

- 1. There is adequate off-street parking and circulation areas and direct access to a major roadway from the property where heavy equipment or truck traffic will not travel through established residential neighborhoods.

2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the industrial use without negatively impacting the level of service to adjoining uses or existing industrial uses.
3. The industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.
4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the industrial use.
5. A Final Site Plan, Design Guidelines and Operational Management plan will be required as part of any conditional use, rezoning or expansion of an industrial use to fully address potential impacts to neighboring uses or the community at large.

D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the Industrial Zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the lot.

E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.

F. Setback Requirements: Minimum setbacks for industrial uses shall be determined through the Conditional Use Review Process.

G. Parking: Parking shall generally be located at the side or rear of industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.

H. Building Height: Maximum building height shall be thirty (30) feet unless additional building height is required for the industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.

I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the Conditional Use review processes.

11-3-8: RAILROAD INDUSTRIAL (RI):

A. District Intent: This zone district is established for the purpose of providing locations for those industrial land uses associated with the railroad that are consistent with and supportive of the goals of the Eastern Summit County General Plan. This zone district is intended to provide industrial shipping and distribution opportunities along the railroad, where adequate services are generally available and the use is compatible with its surroundings. Typical

manufacturing and processing industrial uses are not intended for the railroad industrial zone. The transfer and loading of hazardous materials is also prohibited. Railroad industrial uses are reviewed through the Conditional Use review process.

- B. Existing Legal Non-Conforming Railroad Industrial Uses: Existing legal non-conforming railroad industrial uses not located within a railroad industrial zone district may continue and may be enlarged and/or expanded in accordance with Section 11-6-2 of the Code and the Railroad Industrial Use Criteria listed in Subsection C below.

C. Railroad Industrial Zone and Use Criteria: New railroad industrial uses shall not be established nor shall existing railroad industrial uses be expanded within the railroad industrial zone unless the use complies with all of the following criteria.

1. There is adequate off-street parking and circulation areas and direct access to the property and rail line from a major roadway where heavy equipment or truck traffic will not travel through established residential neighborhoods.
2. Public services are readily available to the property and can be provided at adequate levels to serve the demands of the railroad industrial use without negatively impacting the level of service to adjoining uses.
3. The railroad industrial use is compatible and consistent with or supports other nearby uses and/or property conditions.
4. The property does not contain sensitive lands that cannot be mitigated if negatively impacted by the railroad industrial use.
5. The use shall be limited to only shipping and distribution associated with the railroad including agricultural, timber products, minerals and other similar materials.
6. All dust and noise impacts of the use shall be reviewed and evaluated with the Conditional Use application and shall be in compliance with county, state and federal regulations.
7. Any associated staging or storage area for the use shall be identified on the property and shall be buffered or screened from all public roadways or uses to the extent practical and reasonable.
8. Railroad crossings shall be kept to a minimum and be located only where there is adequate sight distance of approaching trains. Improvements for railroad crossing safety shall be reviewed and evaluated with the Conditional Use application.
9. A Site Plan, Building Architectural Drawings and Operational Management plan will be required as part of any conditional use, rezoning or expansion of a railroad industrial use to fully address potential impacts to neighboring uses or the community at large.

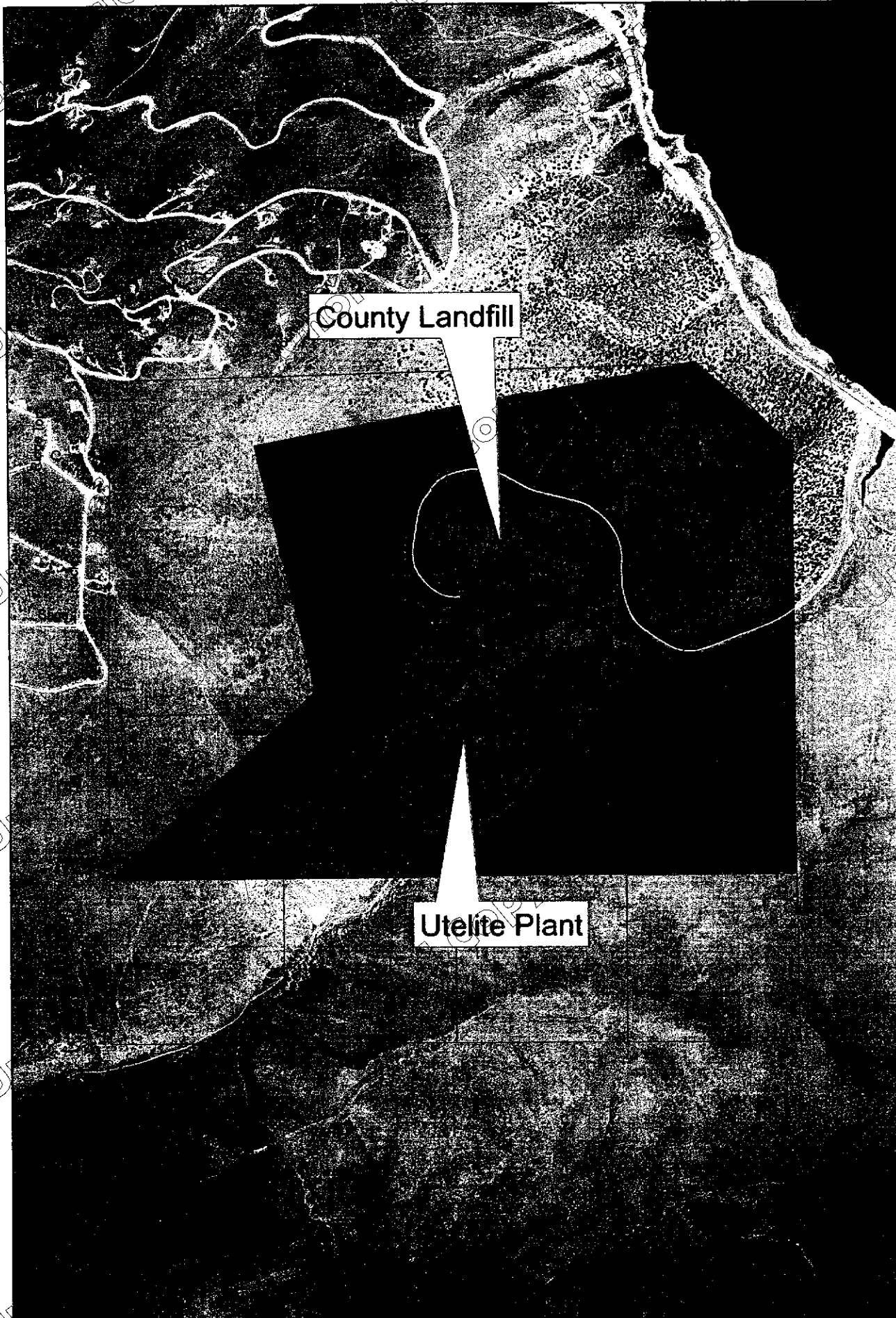
- D. Floor Area and Lot Coverage: Floor area and lot coverage requirements in the railroad industrial zones shall be dictated by off-street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty (60) percent of the parcel.

- E. Lot Width: There shall be no requirement for lot width, provided all off-street parking and circulation requirements can be satisfied.

- F. **Setback Requirements:** Minimum setbacks for railroad industrial uses shall be determined through the Conditional Use Review Process.
- G. **Parking:** Parking shall generally be located at the side or rear of railroad industrial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. **Building Height:** Maximum building height shall be thirty (30) feet unless additional building height is required for the railroad industrial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty (50) feet.

Three Mile Canyon: Industrial

Adopted 6/8/05



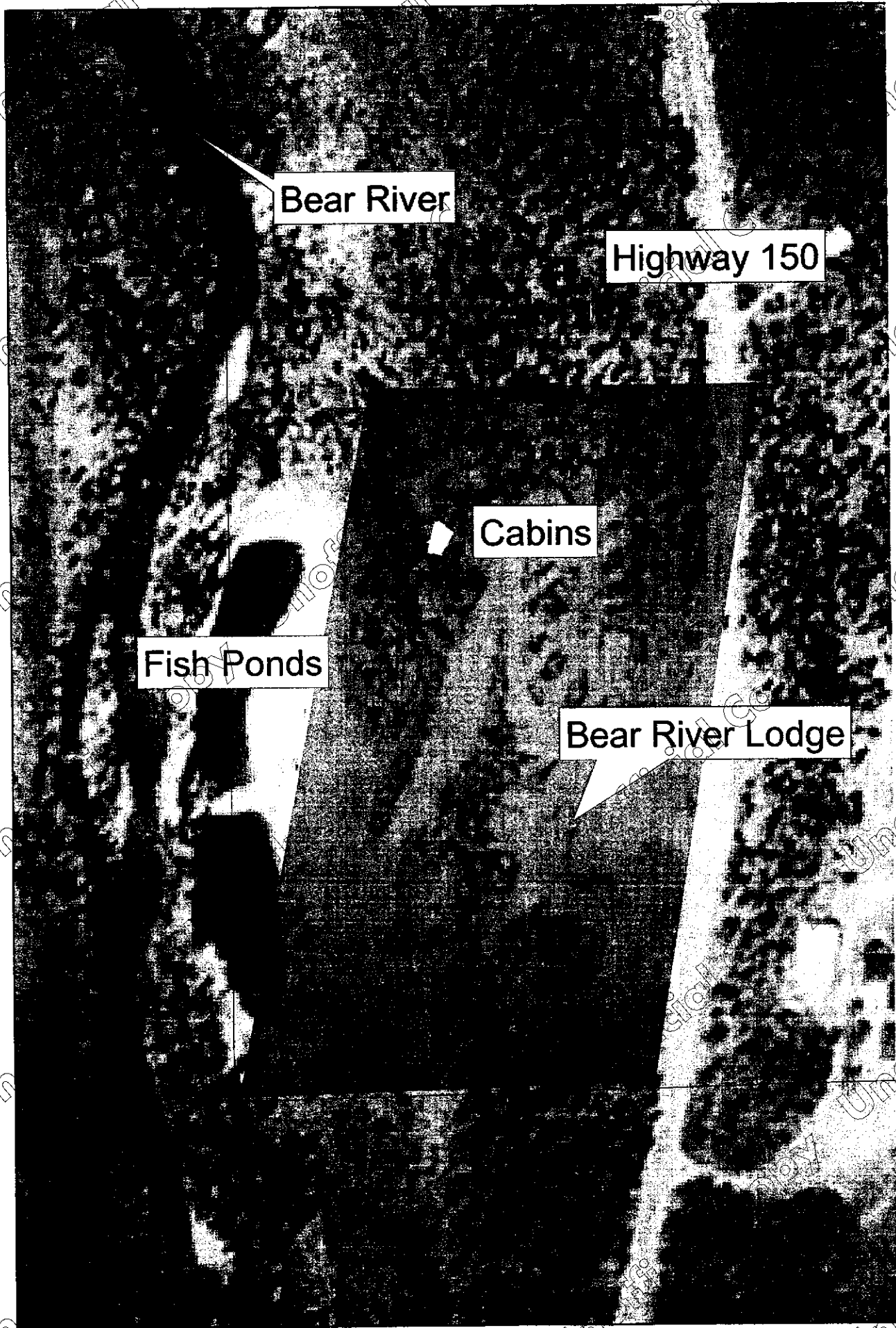
County Landfill

Utelite Plant

BK1763 PC0592

Bear River Lodge: Commercial

Adopted 6/8/05



Bear River

Highway 150

Cabins

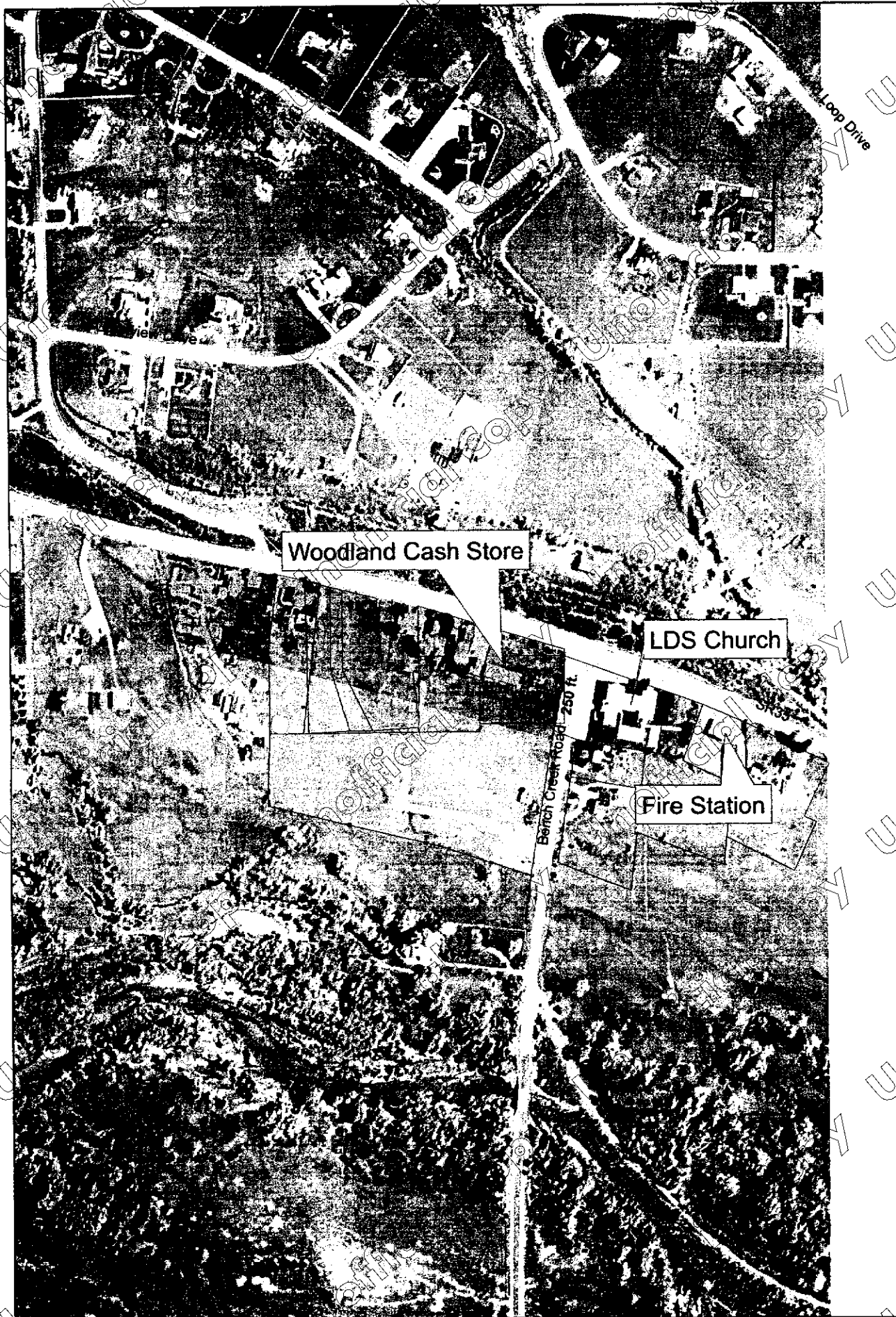
Fish Ponds

Bear River Lodge

BK1763 PG0593

Woodland: Commercial

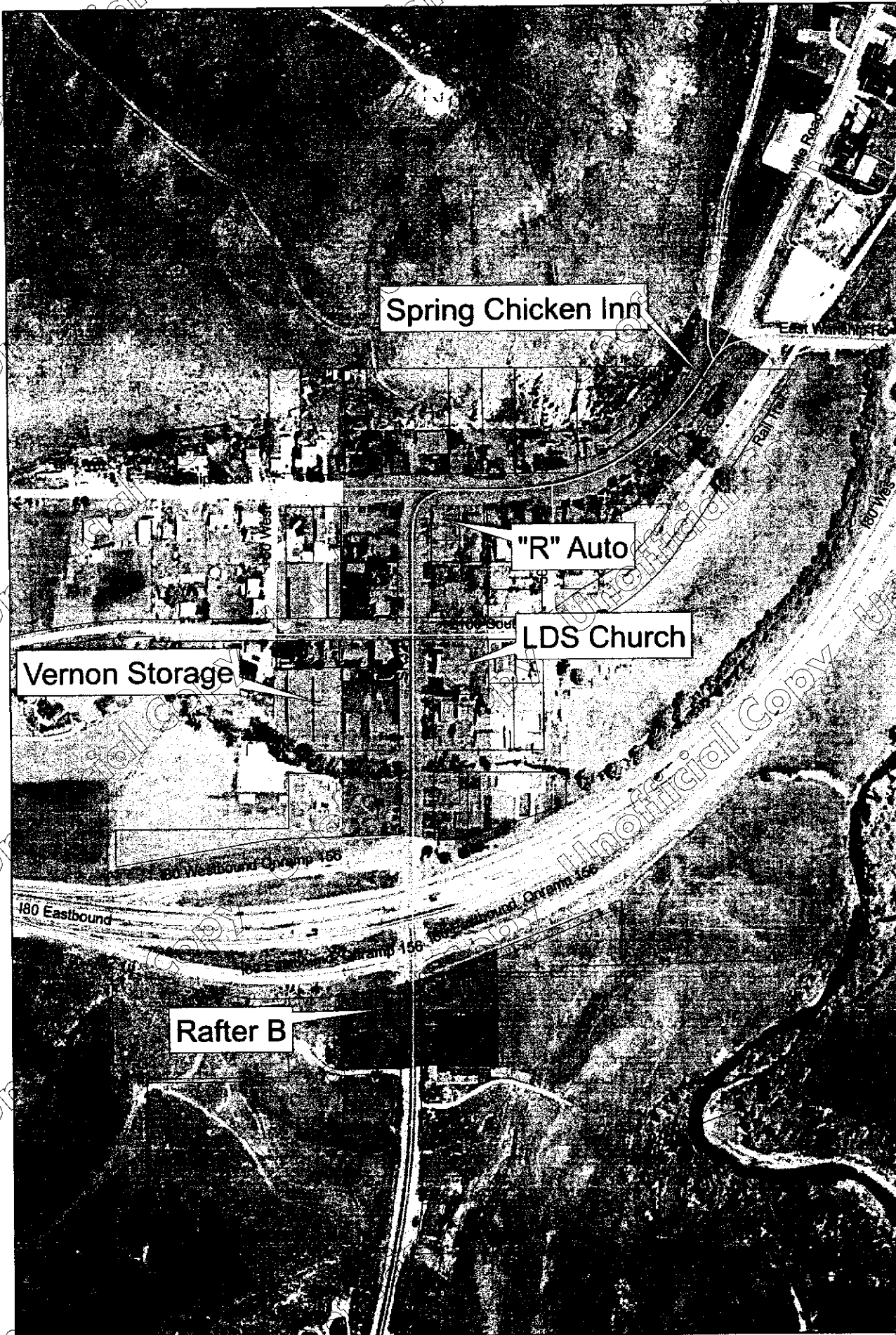
Adopted 6/8/05



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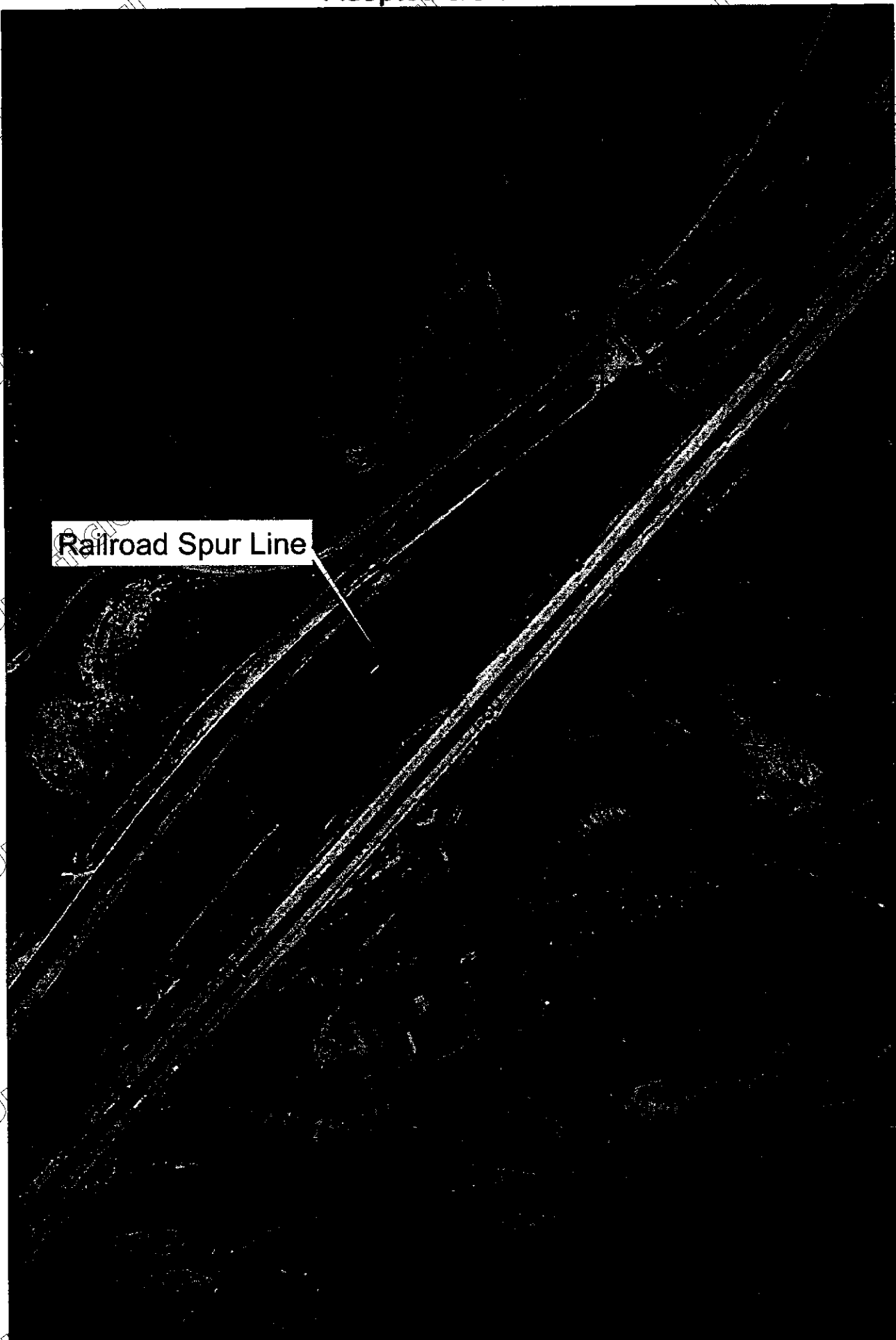
Wanship: Commercial

Adopted 6/8/05



Wahsatch: Industrial (Railroad)

Adopted 6/8/05



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Heneter: Industrial

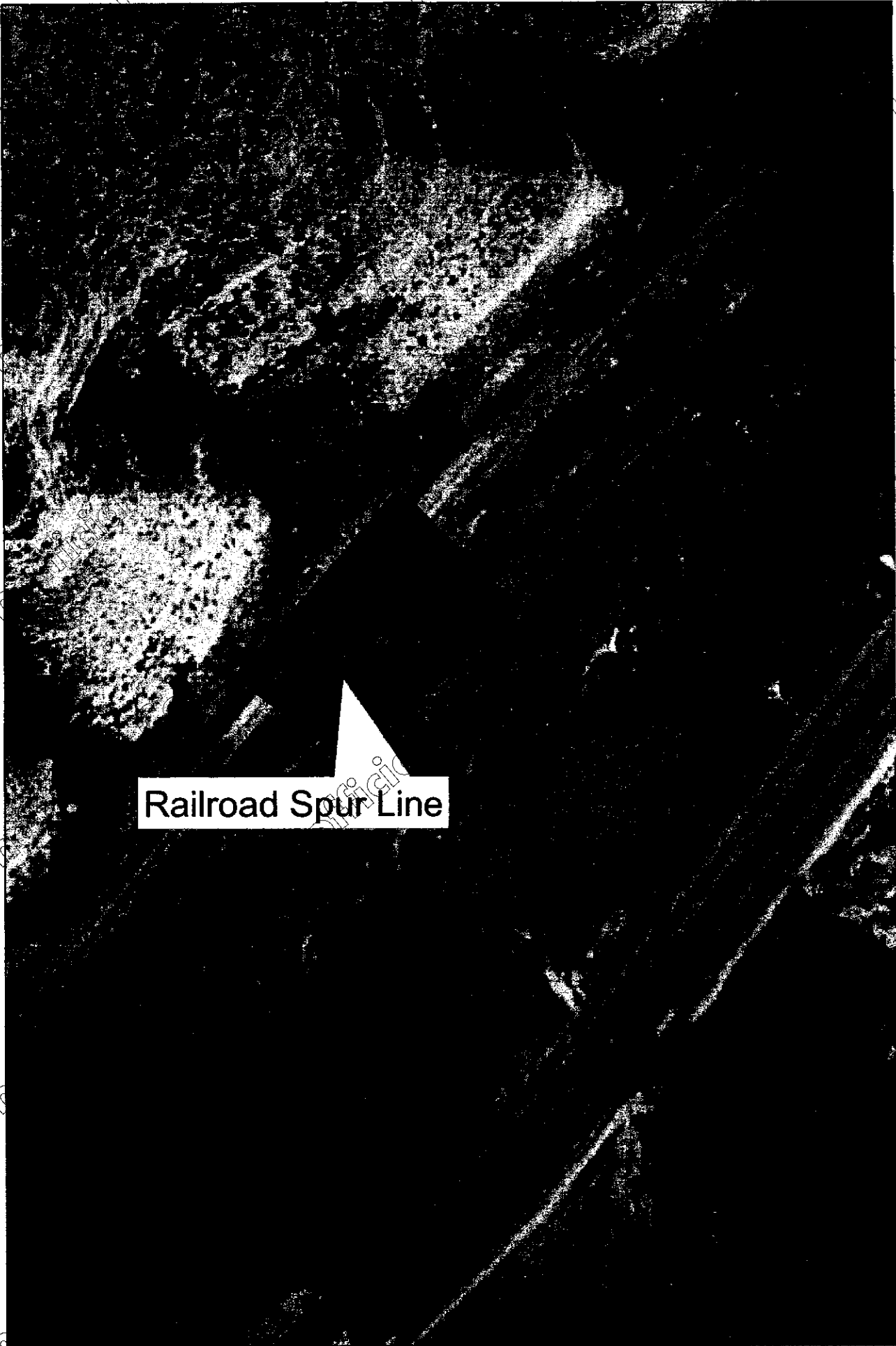
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BK1763 PC0597

Emory: Industrial (Railroad)

Adopted 6/8/05

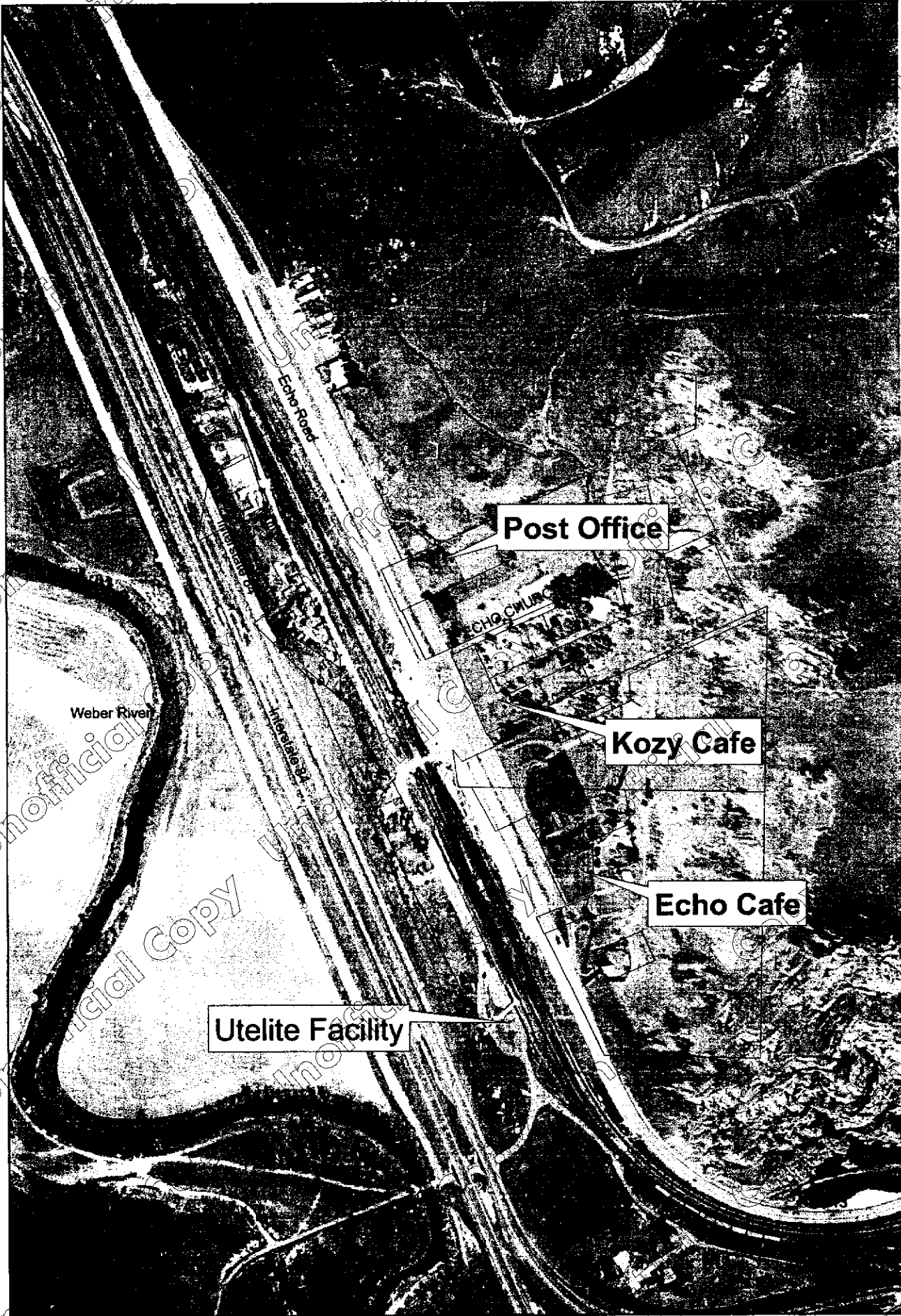


Railroad Spur Line

BK1763 F60593

Echo: Industrial

Adopted 6/8/05



BK1763 PG0593