

ORDINANCE NO. 515

AN ORDINANCE ADOPTING CHANGES TO SECTIONS THREE, FIVE, SIX, AND SEVEN OF THE CARBON COUNTY DEVELOPMENT CODE

WHEREAS, Carbon County desires to amend Section Three, Section Five, Section Six, and Section Seven of the Carbon County Development Code, for the purpose of clarifying and adding to the provisions therein, and

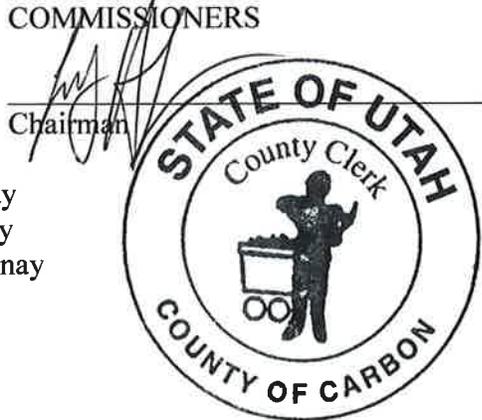
WHEREAS, Carbon County finds that adopting the proposed amendments to Sections Three, Five, Six, and Seven will more specifically define the general requirements that are imposed on property owners and developers in various zones within the County; and

NOW THEREFORE, THE CARBON COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

- A. Section Three of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit "A"** to this Ordinance.
- B. Section Five of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit "B"** to this Ordinance.
- C. Section Six of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit "C"** to this Ordinance.
- D. Section Seven of the Carbon County Development Code is hereby amended to read as set forth in **Exhibit "D"** to this Ordinance.
- E. Effective Date. This ordinance shall become effective May 1, 2019 or as soon thereafter as the Carbon County Clerk has met the publication requirements of U.C.A. §17-53-208(3).

ORDAINED, DECREED, and APPROVED this 1st day of May, 2019.

CARBON COUNTY BOARD OF COMMISSIONERS



Chairman

Voting:

Commissioner Jensen voted 29 yea ___ nay
 Commissioner Hopes voted 29 yea ___ nay
 Commissioner Martines voted ___ yea ___ nay

ATTEST:

Deth Mage
 Carbon County Clerk/Auditor

Published in the ETV10 News / Sun Advocate on the 5th day of JUNE, 2019.

Sam Leuz
 Deputy County Clerk

EXHIBIT "A"

SECTION 3

ZONING - GENERAL REQUIREMENTS

3.1 GENERAL PROVISIONS

3.1.1 Uses Prohibited in Zones Unless Expressly Permitted

It shall be a violation of law for any person to reside, or loiter in any building or structure which has not been authorized under this Code as a dwelling, as that term is defined herein. Uses of land which are not expressly permitted within a zone are hereby declared to be expressly prohibited therein.

3.1.2 Pre Existing Uses

Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provision of this Code.

3.1.3 Uses on Leased Land to Comply with Code

Any person who may obtain the use of property by lease must utilize such properties in accordance with the provisions of this Code.

3.1.4 Review Fees

All costs for the processing of applications for subdivisions, large-scale developments, zone changes, conditional use permits, Administrative Hearing Officer rulings, and similar actions required under the terms of this Code shall be borne by the applicant. The County Commission may, by resolution, establish fees for the processing of such applications and the administration of this Code and provide for the assessment and collection thereof.

3.2 NONCONFORMING BUILDINGS AND USES

3.2.1 Nonconforming Uses May Be Continued

The owners of land and buildings shall not be deprived of the use of any property for the purpose to which it is lawfully devoted at the time of the enactment of this Code. Nonconforming buildings or structures or uses of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.

3.2.2 Damaged Nonconforming Single Family Dwellings and Accessory

A nonconforming single family dwelling which is damaged or destroyed by fire, flood, or other calamity or act of nature, or a dwelling or residential structure, or accessory building which has become functionally obsolete may be restored or replaced. Such restoration, reconstruction, expansion or substitution shall be started within a period of three hundred sixty five (365) days from the date of destruction, damage or obsolescence and shall be diligently prosecuted to completion and approval for occupancy. The new

building construction shall comply with all applicable codes for setback, water, sewer and other requirements.

3.2.3 Expansion of or Damage to a Nonconforming Building or Use

Nonconforming uses within a building may be expanded, but only within the same building in which said nonconforming use is located, except that residential accessory uses may be expanded, provided that any expansion of the building shall conform to all building codes and the requirements of the zoning district in which it is located, except preexisting setbacks, and further provided that any restoration is started within a period of three hundred sixty five (365) days from the date of destruction and is diligently prosecuted to completion and approval for occupancy. The new building construction shall comply with all applicable codes for water, sewer and other building code requirements. Such restoration, except for single family dwellings and accessory buildings, shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building nonconforming. Should the construction not be diligently prosecuted, the building permit for said construction may be revoked after a hearing by Administrative Hearing Officer.

3.2.4 Discontinuance or Abandonment

A nonconforming building or structure or portion thereof, or a lot occupied by a nonconforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of 365 days or more, shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.

3.2.5 Change to a Conforming Use

Any nonconforming building or use which has been changed to a conforming building or use shall not thereafter be changed back to a nonconforming use.

3.2.6 Change to Another Nonconforming Use Prohibited

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

3.2.7 Reclassification of Territory

The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter becomes nonconforming due to an amendment in this Code or the official zone map.

3.2.8 Nonconforming Lots of Record

The Zoning Administrator may authorize and the Building Official may issue a building permit for construction of a single family dwelling on any nonconforming lot of record provided:

- A. That one family dwellings are listed as permitted use in the present zone, and;
- B. That all setbacks, heights, building size and special provision requirements of the existing zone and all applicable supplementary regulations can be met.

Any lot which becomes nonconforming by reason of dedication for a Public road shall become a nonconforming lot of record and the single-family dwelling or other buildings on the lot may continue.

Any lot created by means other than for a roadway or other public purpose shall, for purposes of this Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot. The Administrative Hearing Officer may not grant a variance for any illegal lot so created. No building permit shall be issued for any illegal building lot.

3.3 SUPPLEMENTARY REGULATIONS WITHIN ZONES

3.3.1 Intent

The intent of this section is to provide for several miscellaneous land development standards which are applicable in more than one zone. The requirements of this section shall be in addition to the requirements contained within the various zones. Where the provisions of this section are in conflict with other provisions of this Code, the more stringent shall prevail.

3.3.2 Yard Space For One Building Only

All required yard areas shall be situated on the same lot as the building or structure to which it applies. No required yard area or other open space around a building or use which is needed to comply with the area, setback, or open space requirements of this Code shall be considered as providing the required area, yard, setback, or open space for any other building or use; nor shall any area, yard, setback, or other required open space on an adjoining lot be considered as providing the area, setback, or open space requirement of a building or use.

3.3.3 Sale or Lease of Required Space Prohibited

No space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a designated road, or other requirement of this Code may be sold, bequeathed, or leased apart unless other space so complying is provided; and no portion of a larger parcel shall be sold off in such a manner as to leave a residual parcel that does not comply with all of the provisions of this Code. Any lot created in violation of this provision shall, for purposes of this Code, be classified as an illegal lot and shall not be considered as qualifying as a nonconforming lot.

3.3.4 Each Dwelling to be on Zoning Lot

Only one structure containing a dwelling shall be constructed on a zoning lot, except when included as a part of an approved planned unit development, condominium development or similar project.

3.3.5 Contiguous Parcels in Same Ownership

Two or more contiguous parcels owned by the same person, corporation or public entity as recorded on the County Plat Records, shall for purposes of this Code, be considered to be a zoning lot.

3.3.6 Area of Residential Accessory Buildings

Residential accessory buildings shall cover not more than thirty percent (30%) of the required rear yard area.

3.3.7 Accessory /Dwelling Units (ADUs)

Requirements:

- A. A continuing and sufficient supply of safe and potable hot and cold water under adequate pressure for all household uses.
- B. A safe and approved means of sewage disposal.
- C. Every ADU must have at least one bathroom, which must include at a minimum a lavatory, toilet and a bathtub or shower.
- D. Access to the ADU must be provided without passing through any other dwelling unit.

Development Standards:

- A. An ADU shall only be located on lots with an area of 10,000 square feet or larger.
- B. No more than one ADU shall be allowed per parcel.
- C. The property owner shall occupy either the primary dwelling or the ADU.
- D. An ADU shall not exceed 1000 square feet. If an ADU has an attached garage, the ADU square footage maximum applies to dwelling unit square footage and does not include the square footage of garage.
- E. An ADU shall be a permanent structure. No travel trailer, boat, or RV shall be used.
- F. An ADU shall meet the setback requirements for accessory structures related to the underlying zoning district.
- G. An ADU shall provide one additional off-street parking space for each bedroom in the ADU unless one of the following criteria are met, then no additional parking is required
 - 1. The ADU is located within an architecturally and historically significant historic district.
 - 2. The ADU is part of the existing primary structure or an existing accessory structure.
- H. Any additional parking space(s) required for an ADU may be provided as tandem parking on an existing driveway.
- I. Minimum size of an ADU shall follow the size requirements for the zone in which it is built.

3.3.8 Storage of Junk and Debris Prohibited

Yards and open space shall be prohibited from having injurious or noxious weeds, including uncultivated weeds and grass in excess of 12" in height from the ground, refuse, trash, debris and deleterious objects.

It is prohibited to park, store, and leave any discarded or inoperable truck, automobile, motorized or recreational vehicle which is not currently registered or licensed, or is wrecked, dismantled or inoperable.

Any truck, automobile, motorcycles, or other motorized vehicles, not exceeding two (2), in the process of being restored may be located on the premises of private residences and stored outside, provided that the vehicles are being kept solely for the express purpose of their restoration, inspection, registration, and licensing.

All industrial, commercial and residential properties, as well as agricultural, mining, grazing, recreation, and other lands, shall comply with current State and County nuisance regulations.

3.3.9 Storage of Commercial Vehicles in Residential Zones

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of 2.5 tons or having a registered gross vehicular weight exceeding 14,500 pounds shall be stored or parked on any lot or parcel in the R1-20,000, R1-8,000, R2-8,000, or R4-8,000 zones. Licensed and operation semi tractors, without a trailer, may be parked on the owner's property provided it does not obstruct the road, sidewalk, or any intersection.

The parking or storage of any trailer, camping trailer, snowmobile trailer, boat, boat trailer, construction materials trailer, or similar vehicle upon any public street for more than 48 continuous hours is prohibited.

3.3.10 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, bay windows and other ornamental features and unenclosed steps and unwalled stoops and porches, which may project up to six (6) feet into a required yard area. All decks shall be set back not less than one (1) foot from property lines.

3.3.11 Clear View of Intersecting Streets and Railroad to be maintained

No fence, wall, hedge or similar device which will obscure the view of automobile drivers nor be in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the adjacent street lines, or the street line and adjacent railroad right-of-way line, as appropriate, and a line connecting them at points thirty (30) feet from the intersection of said street line or railroad right-of-way line; provided, however, that trees may be permitted within said triangular area provided they are pruned to at least eight (8) feet above the grade of the adjacent road.

3.3.12 Setback of Buildings From Proposed Streets

The front or side setback for structures abutting on a proposed street which is shown on the Major Street Plan as a future street or upon an existing street which is shown on said plan as needing to be widened shall be measured from the planned street line. For purposes of determining the setback requirement and similar locational standards, said planned street line right-of-way shall be considered as the property line

3.3.13 Setback of Buildings Located on Existing Undedicated Streets

The front or side setback for structures abutting upon an existing but undedicated road shall be measured from twenty-five (25) feet from the center of the roadway, such that a minimum fifty (50) foot right-of-way is maintained. For purposes of determining the setback requirement and similar locational standards, said roadway edge or measurement line shall be considered as the property line.

3.3.14 Additional Height Allowed for Public Buildings

Public buildings and churches in all zones may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

3.3.15 Fences, Walls and Hedges

Fences, walls, and hedges shall be permitted to be constructed and maintained on all parcels and lots except as provided in Section 3.3.11 on corner lots and intersecting streets and railroads.

Whenever owners or lessees of land desire to prevent domestic livestock or wildlife from trespassing on lands due to a change of land use or other reason, they may construct a lawful fence as defined in Section 9 of this Code. Owners of domestic livestock, grazing on public or private lands, shall not be required to fence livestock under their control out of other adjoining lands, but shall comply with State regulations regarding strays and trespassing animals.

3.3.16 Home Occupations

A. Application and Approval Required

Home occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A home occupation is permitted in the zone.
2. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.
3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
4. The home occupation shall contain no facilities for the display of goods or services. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
5. No commercial vehicles are used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. The physical appearance, traffic and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values. Childcare, beauty shop, and similar occupations shall not change the character of the residential neighborhood.
7. Signs are limited to one non-flashing sign not larger in area than ten (10) square feet. If lighted, the light shall be diffused or shielded.
8. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
9. The owner of a home occupation shall apply for a business license to operate within the County.
10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the Health Department or other public agency. No on street parking of customer vehicles in connection with the operation of the business shall be allowed.

B. Continuing Obligation

All home occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for home occupations shall be valid for a period of one (1) year and will be automatically renewed by business licensure annually provided that operation of the home occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.17 Premise Occupations

A. Application and Approval Required

Premise occupations may be permitted by the Zoning Administrator following receipt of an application for such use and subject to the following conditions:

1. A premise occupation is specifically permitted in the zone.
2. All activities of the premise occupation shall be conducted entirely within an accessory building. Said building shall occupy not more than two thousand (2,000) square feet or not more than thirty (30) percent of the rear yard area of the lot, whichever is less. A premise occupation may be located in a pre-existing accessory building which has been limited to a maximum of 2,000 square feet by a firewall per the building code for the premise occupation. All on-site materials used in the conduct of the premise occupation shall be stored within said building.
3. The on-site activities of said premise occupation shall be carried on by members of the residing family, and not to exceed two non-residing persons or family members
4. The premise occupation shall contain no facilities for the display of goods or services. Any sale of goods and services at the premise shall constitute a clearly incidental part of the operation of the premise occupation.
5. No commercial vehicles shall be used except one delivery truck, which does not exceed two-and-one-half (2 ½) ton rated capacity.
6. The premise occupation shall be clearly incidental and secondary to the use of the property for dwelling purposes and will not change the character of area from that of a residential neighborhood. The physical appearance, traffic and other activities in connection with the premise occupation are not contrary to the intent of the zone in which the premise occupation is located and will not depreciate surrounding values or decrease the quality of life within the area.
7. Signs are limited to one non-flashing identification sign not larger in area than ten (10) square feet. The sign may identify the business or company name and logo, also the address and telephone number of the business or company. If lighted, the light shall be diffused or shielded. No signs advertising or drawing attention to the goods or services provided by the occupation shall be permitted.
8. The owner of the premise occupation shall purchase a business license to operate within the County.
9. A Site Plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties, and provisions for safe vehicular access and adequate off-street parking shall be submitted with the application.

B. Zoning Administrator to Approve - Appeal Permitted

Where, in the opinion of the Zoning Administrator a proposed premise occupation does not clearly conform to all the above criteria, or the characteristics of said use would require the attachment of conditions, he shall refer the application to the Planning Commission for action. Any applicant aggrieved by a decision may appeal said decision to the Administrative Hearing Officer, who shall have the authority to reverse, affirm, or modify any decision of the Planning Commission.

C. Conditions may be imposed

In order to achieve the objectives of the zone and to protect adjacent properties, the Zoning Administrator may, in approving a premise occupation, attach conditions to the operation of a premise occupation.

D. Continuing Obligation

All premise occupations shall be operated in compliance with the conditions herein above set forth and any other conditions attached as part of the approval. Approval for premise occupations shall be valid for a period of one (1) year and will be automatically renewed annually provided that operation of the premise occupation is substantially the same as initially approved by the County. The Zoning Administrator may, with cause, investigate compliance, and with written notice, revoke approval and zoning compliance for business licensure.

3.3.18 Moved Buildings

A. Intent

Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to ensure that the buildings meet current building standards and that the appearance of the premises is in keeping with buildings in the surrounding area.

B. Requirements

No conventional dwelling, modular or manufactured home or other structure intended for human occupancy, which has had prior use, shall be moved from one site within the County to another site within the County, or from a site outside of the County to a site within the County, without a pre-inspection being made by the Building Official and a permit issued therefore;

C. Standards and Procedures

1. Application to Move Building

An application for a building permit shall be made with the Building Official. Said application shall contain the following information:

- a. Location and address of the old and new sites.
- b. A plot plan of the new location, indicating all structures and improvements of said lot.
- c. Plans and specifications for the proposed improvements at the new locations.
- d. The make, model, serial number and year of manufacture of any manufactured home, or the certificate of factory inspection for all modular or factory built homes.
- e. Any other information required by the Building Official.

2. Zoning Administrator to Approve

The application shall then be submitted to the Zoning Administrator for approval. Before granting approval of the application, the Zoning Administrator shall find:

- a. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved.
- b. That the building is consistent with the quality of buildings existing in the area into which the building is proposed to be moved.
- c. That the building and the lot on which the building is to be located will conform to the requirements of this Code and the Building Code.

3. Standards Required Before Occupancy

The building and grounds shall be brought up to the standards required of a new building before it is occupied.

D. Financial Guarantee Required

Before a permit to move a building may be granted, the applicant shall post a bond or other assurance, as per Section 7 of this Code, to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions, the Planning Commission, after due notice and public hearing thereon, may declare the bond or other assurance forfeited.

E. Old Site to be Restored

The bond shall also cover the costs of cleaning up the vacated site in the County, and restoring it to a safe and sightly condition, in compliance with this Code and the current nuisance ordinance.

3.3.19 Location of Barns

Barns, corrals, and pens for the keeping of animals shall be located at least seventy-five (75) feet from the nearest dwelling. Such structures located less than seventy-five (75) feet from the nearest dwelling shall not be used to house animals.

3.3.20 Recreation Vehicles

It shall be unlawful to place any recreation vehicle on any lot or parcel of land in the area covered by the Zoning Map, and to use the same for human habitation, except when located in an approved recreational vehicle court, mountain recreation or institutional campground development or when used in compliance with Section 3.3.24 of this Code.

3.3.21 Mobile Homes

It shall be unlawful to place any mobile home manufactured prior to June 15, 1976 on any lot or parcel of land in the un-incorporated areas of the County, and to use the same for human habitation, or as an accessory building.

3.3.22 Temporary Dwellings – Permit Issued

A factory built home may be temporarily located on a lot on which a building is being constructed, but not to exceed one (1) year, provided that the factory built home is connected to approved water and sewer facilities, and provided further that a bond or financial guarantee in an amount as determined by the Building Official is posted with the County to guarantee the removal of said home from the lot upon completion of construction, but no later than one (1) year from the date of permit.

3.3.23 Manufactured Homes

In addition to the requirements of the zone in which it is located, each manufactured home shall be installed and comply with the following regulations.

- A. Each dwelling shall have a code-approvable site-built foundation which meets the requirements of the State of Utah and Carbon County adopted building codes, including any amendments or successors thereto, and must be capable of transferring dead loads, live loads, and other design loads unique to local home sites due to wind, seismic, soil, and water conditions, that are imposed by or upon the structure into the underlying soil or bedrock without failure. Non-structural loads are not required to comply with building codes. All tie-down devices must meet County adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with concrete, masonry, or man-made masonry materials per the building code. All manufactured home running gear, tongue, axles, and wheels must be removed at the time of installation.
- B. Except in the HMC zone - The roof of each dwelling shall have a minimum pitch of four (4) vertical to twelve (12) horizontal. At non-gable ends of the roof there shall be an overhang at the eaves of not less than six inches (6"), excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves, and other appendages.
- C. Exterior siding material shall consist of any material meeting the requirements of adopted building codes.

- D. Each manufactured home shall be taxed as real property. The personal property title shall be surrendered to the State Tax Commission, and the proper documents recorded in the County Recorders' Office as per Utah Code.
- E. Any previously occupied manufactured home which is to be moved from an existing location to a lot within the County shall be approved by the Building Official, per Section 3.3.
- F. The Building Official may approve deviations from one or more of the developmental or architectural standards contained in Subsections A through C above, if the Building Official finds that the architectural style proposed provided compensating features and that the proposed determination of the Building Official may be appealed to the Administrative Hearing Officer.
- G. No mobile or manufactured housing unit shall be placed or used as an accessory building in a residential or other zoning district. Manufactured or modular structures placed on industrial or commercial properties shall be constructed for the intended use, such as an office or restroom.

3.3.24 Modular Homes

Modular Homes constructed, inspected and approved by a third party inspector at the factory may be installed on a zoning lot within the County when installed per the manufacturer's installation instructions and the Building Codes. All such installations shall comply with the requirements of the zoning district in which they are located.

3.3.25 Caretaker Camps

Caretaker camps such as sheep camps and recreational vehicles may be placed in the WS, MR, PV, RFM and M&G zones for a period not to exceed six (6) months in any location for the care of domestic livestock such as sheep, cattle, horses and other animals needing seasonal care; or for other agricultural purposes such as silviculture, fencing, dude ranching, and similar activities.

3.3.26 Advertising Signs

- A. Signs Permitted in Certain Zones - Certain Signs Exempted – Permits Required
Advertising signs (accessory and non-accessory) shall be permitted only in those zones in which signs are listed as a permitted use, subject to compliance with the terms and conditions set forth herein. Provided however, that the types of signs hereinafter enumerated shall be permitted in all zone within the County:
 1. Real Estate Sale Signs – On premise signs advertising the sale or rental of the premises provided that the signs shall not exceed 32 square feet in size nor be more in number than one sign every 1320 feet of frontage, or portion thereof.
 2. Political Signs – Temporary signs not exceeding 32 square feet in size, promoting the candidacy of an individual for public office. Signs must be removed 15 days after applicable election.
 3. Unlighted Identification Nameplates – One on-premise sign not exceeding 10 square feet identifying the name of occupants in the attendant structure.
 4. Institutional Identification Signs – One on-premise sign not exceeding 32 square feet denoting the name of an appurtenant public, charitable, or religious institution.
 5. Government Signs – Signs erected and maintained by a governmental entity for information or regulatory purposes.
 6. Public Signs – Signs of a non-advertising nature intended to identify a condition or provide information. (i.e. public utility information signs, danger, trespass, exit and entrance signs).

7. Agricultural Products Signs – Signs not exceeding 32 square feet either temporary or permanent, advertising the sale of agricultural products which are produced on the same property.

It shall be unlawful for any person to erect a sign or advertising structure, except those specifically exempted pursuant to this paragraph, without first obtaining a permit therefore from the Zoning Administrator.

B. Location - Setback

No sign shall be positioned in such a manner as to result in the creation of an unsafe visual clearance at any intersection or driveway. All freestanding non-accessory signs or parts thereof shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located, except when approved by the Zoning Administrator

C. Freestanding Non-Accessory Signs

All freestanding non-accessory signs, which are not attached to main buildings, shall be maintained in a safe and orderly manner. The area around the base shall be free of noxious weeds and debris.

D. Signs Restricted

All non-accessory signs which are located within six hundred sixty (660) feet from the right-of-way of any Federal or state highway must first be approved by the Utah State Highway Department prior to construction, and after a permit has been issued by the County. This regulation shall not be construed to affect the use of signs which are not visible from such highways.

3.3.27 Caretaker Dwelling

Caretaker dwellings may be permitted upon approval by the Zoning Administrator following receipt of an application, and upon a finding that a proposed dwelling complies with all of the following conditions:

- A. The primary use for which the dwelling is requested is permitted within the zone.
- B. In the opinion of the Zoning Administrator, a caretaker dwelling is reasonably necessary for the successful operation of the primary use.
- C. The caretaker dwelling will be located on the same site as the primary use.
- D. The dwelling will be occupied only by individuals or families employed at the site in the capacity of a caretaker or watchman.

3.3.28 Recreation Vehicle Courts

Recreation vehicle courts may be constructed upon approval of the Planning Commission following the recommendation of the Planning Commission subject to the following conditions:

- A. Recreation vehicle courts are listed as a permitted use within the zone.
- B. The proposed site contains an area of at least three (3) acres, provided that when included as an integral part of an approved manufactured housing park, the minimum area may be reduced to not less than one (1) acre.
- C. A plan showing the design and layout of the proposed court shall have been submitted to and approved by the Planning Commission following the recommendation of County staff. Said plan shall be prepared in accordance with County standards as directed by the Planning Commission. The Planning Commission may attach reasonable stipulations on the construction and operation as a condition of approval.
- D. Adequate assurance shall be given that the court will be constructed and operated in accordance with plan and stipulations attached.
- E. An annual business license to operate shall be obtained from the County. It shall be unlawful to operate a recreational vehicle court without first obtaining a business license from the County and

said business license shall be refused or revoked upon failure of the owner or operator to maintain the court in accordance with the standards and requirements as herein set forth at the time of approval.

- F. Occupancy shall be limited to recreation vehicles. No recreation vehicle site shall be occupied by a mobile home, manufactured home, modular home or dwelling which does not qualify as a recreation vehicle.
- G. Must comply with water and sewer regulations.

3.3.29 Institutional Campgrounds and Campsite Facilities

Institutional campgrounds and campsite facilities may be permitted upon approval by the Planning Commission following receipt of a recommendation by County Staff and upon finding that proposed facilities comply with all of the following conditions:

- A. Such campground or campsite facility is listed as a permitted use within the zone.
- B. The Planning Commission has first received from the owner or agent of the owner of land in a qualifying zone, a site plan of the campground or campsite facility and a program of management, which plan and program are consistent with the requirements and standards of this and all other applicable sections of the Code. Said plan shall show the location of all significant natural features, the locations of all roads and travelways, the location and size of all structures, all areas to be used for camping, picnicking, and trailer or camper parking, the location and size of all waste water disposal fields and facilities and solid waste disposal sites, and shall indicate the maximum number of persons to be accommodated on the site.
- C. Such campground or campsite facility is for the non-commercial use of private individual or non-profit corporations (e.g., not public corporations or businesses).
- D. The campground or campsite facility contains an area of not less than fifty (50) acres.
- E. Parking and design of the campground or campsite facility is adequate for the anticipated use of the facilities.
- F. Documentation of adequate water rights, water supply and distribution systems design, and sewage disposal systems are provided which meet local health department and County standards.
- G. Solid waste (garbage) collection facilities and a program of disposal are provided which meet County standards.
- H. A performance bond, if such is required as a condition of approval, guaranteeing that such access, solid waste disposal, water and sewage facilities will be provided.
- I. The campground or campsite facility is primarily for camping or recreation vehicles. However, the camp may contain a caretaker dwelling, when considered necessary to the secure operation of the facility, and may also contain lodges, sheds, swimming pools, recreational facilities, equipment storage and similar structures as part of the campground or campsite facility.
- J. The design and operation of the facilities are consistent with the intent of the zone and will not significantly decrease the quality of the environment through the imposition of large volumes of traffic or produce levels of odor, noise, glare, light or similar conditions which are incompatible with the character of the area.
- K. The campsite or campground facility shall be located on a site of not less than three (3) acres.
- L. A conditional use permit may be approved by the Planning Commission following a recommendation from the County Staff at a public meeting. At such meeting, the Planning Commission shall act to:
 - 1. Approve the permit and state the conditions of approval and continued operations, or
 - 2. Deny the permit and state the reason(s) for denial, or
 - 3. Table the request for cause.

3.3.30 Water Connection/Access Required for Building Permit

No building permit shall be issued for the construction of a dwelling or other structure to be used for human habitation within the unincorporated portions of the County, without first providing to the Zoning Administrator satisfactory evidence of an entitlement to a firm right to the use of culinary water, as hereinafter set forth; provided that, where the water rights conveyance requirements have been previously satisfied as part of the approval of a subdivision or other development project, no further conveyance will be required.

- A. Buildings Located in a Zone Requiring Connection to a Central Water Distribution System
 1. Parcels or building lots whose nearest property line is within 1,000 feet of a water distribution system shall connect to the water distribution system.
 2. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing reliable ongoing supplies of culinary water in an amount not less than that required by local and state laws, rules and regulations, and that the petitioner has satisfied all requirements of said agency necessary to secure the status of perpetual user.
 3. Written approval from a recognized culinary water distribution entity granting permission to connect to the system.
 4. Satisfactory proof that the lines and other facilities have adequate pressure and line capacity to supply the additional demand for culinary and fire protection.
- B. Buildings Utilizing an Individual Cistern-Type System
 1. Written approval from a recognized water supply entity which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than 5,000 gallons per month. Said approval shall indicate that petitioner has satisfied all requirements of said agency necessary to secure the status of a perpetual user.
 2. Written approval from the County environmental health authority indicating that the size, design and other features of the proposed cistern will conform to minimum health requirements.
- C. Building Utilizing Individual Well or Spring Supplies

Approval from the State Engineer, authorizing the use of water from the proposed source for domestic purposes; also, written evidence from the Health Department to the effect that the water from the well conforms to minimum quality standards for culinary water.

3.3.31 Temporary Uses

- A. Intent

The following regulations are provided to accommodate certain uses, which are temporary or seasonal in nature.
- B. Permitted Temporary Uses

Certain uses may be permitted on a temporary basis in any zone when approved by the Zoning Administrator. Said temporary uses may include but will not be limited to:

 1. Carnivals and circuses
 2. Christmas tree sales lot
 3. Agricultural products, produce, fruit, hay, food, flower and plant stands
 4. Rummage sales and swap meets
 5. Promotional displays
 6. Tents for religious services
 7. Political rallies
 8. Music festivals
 9. Temporary construction camps

10. Exploratory wells and associated construction facilities
11. Research & development laboratories
12. Logging camps
13. Firefighting camps
14. Office trailers
15. Materials staging areas
16. Pod type storage units for disaster cleanup and mitigation

C. Application for Temporary Use

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Zoning Administrator. Said application shall contain the following information:

1. A description of the proposed use.
2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property and the use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
4. A plan for restoration and/or reclamation of the site, when required.

D. Approval Required

The Zoning Administrator may approve said application provided the Committee finds:

1. That the proposed use is listed as a permitted temporary uses or, in the opinion of the Zoning Administrator, is similar to those uses permitted.
2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant. The Zoning Administrator shall have the discretion to set the times for which the temporary use may be in effect. However, the following uses may only exceed the time periods set forth if the Zoning Administrator makes a finding in writing that good cause exists to grant additional time:

a. Agricultural products, fruit, food, flower and plant stands	90 days
b. Temporary construction camps	180 days
c. Exploratory wells	180 days
d. Logging camps	180 days
e. Firefighting camps	180 days
f. Research and development laboratories	180 days
g. Materials staging area	180 days
h. Pod type storage units	180 days
3. That the applicant will have sufficient liability insurance for the requested use or event.
4. That the applicant shall provide, at his own expense, for the restoration of the site to its original condition, including clean up, regarding re-seeding and replacement of facilities as may be necessary, and provided further that a bond or financial guarantee in an amount as

determined by the County Engineer and Building Official is posted with the County to guarantee such restoration by the end of the temporary use period.

5. The Zoning Administrator may place conditions on temporary uses to protect health safety or welfare.

3.3.32 Site Plan Review

Wherever the terms of this Code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions:

A. Site Plan to be approved

The Planning Commission, or Zoning Administrator as appropriate to the requested land use, after reviewing the site plan, shall have the function and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, and to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety and general welfare of the citizens of the County. Landscaping of all types may be required by the Planning Commission to ensure that the proposed project will not negatively impact the project neighborhood.

B. Application Required

Application for site plan approval, caretaker dwellings, conditional use, or other use requiring approval of a site plan shall be submitted on forms provided by the County for the land use requested and shall be accompanied by maps and drawings showing the following as applicable to the project:

1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
2. The location of any existing or proposed wells, production facilities, pipelines, utilities and roads or travelways. A plan to control all water used/produced on site, i.e. fencing around waste ponds, liners, etc.
3. The location of all parking spaces, driveways and points of vehicular ingress and egress.
4. A landscaping plan showing the location, types and initial sizes of all planting materials to be used, together with the location of fences, walls, hedges and decorative materials.
5. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used, and showing the project will blend into the area.
6. The locations of solid waste receptacles and trash pick-up areas.
7. A plan to restrict noise to that necessary for the project. The Planning Commission may set limits on noise.
8. A plan to control dust, restrict truck access, maintain a safe speed, repair any County roads damaged, and comply with other State and County road requirements.
9. A plan to restrict fumes, smoke, noise, vibration or odor emitted on and off site.
10. A plan to reclaim all disturbed lands within the next suitable growing season, and to control noxious weeds per County ordinance.
11. Evidence of satisfaction of all applicable water supply and sewage disposal requirements for the project, when required by this Code.

C. Issuance of a Permit

A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this Code. Any building permit issued

shall ensure that development is undertaken and completed in conformity with the plans as approved.

3.3.33 School Site Planning

Prior to the issuance of a building permit for any school or other school facility, a site plan shall be approved by the Planning Commission following the recommendation of County Staff. The plan shall indicate:

- A. The location and proposed use of all existing and proposed buildings.
- B. All open areas.
- C. Athletic areas and facilities.
- D. The location of access streets.
- E. Parking spaces.
- F. Driveways and points of ingress and egress.
- G. The location of all utilities serving the facility.

The Planning Commission may require adjustments in the plan and attach such conditions thereto as it may determine are necessary to further promote health, safety, convenience of the residents of the County, improve the accessibility of the school, and preserve the quality of the living environment within and surrounding the facilities.

3.3.34 Off Street Parking Standards:

- A. Off street parking spaces shall be provided, meeting the requirements of this section, for all new buildings, all additions, or enlargements to an existing building, the establishment of any new use, or the expansion of any existing use.
- B. Required off street parking spaces shall not be used for the repair of motor vehicles, or the display or the sale of goods and services of any kind, unless authorized by a land use application approval
- C. Off street parking is prohibited in all access ways, fire lanes or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required
- D. No off street parking area shall be used for the overnight occupancy of any vehicle including motor homes, campers, or trailers, unless authorized by a land use application
- E. The required off street parking facilities shall be a continuing obligation of the property owner, so long as the use requiring vehicle parking continues. It is unlawful for any property owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements
- F. Size of Off Street Parking- The minimum dimensions of each off street parking space shall be at least 9' in width, and 20' in length. The size of the parking stall may be increased for special circumstances, ADA requirements, frequent use, loading, location and end of aisle.
- G. Minimum Off-Street Parking Requirements

The number of required off street parking spaces shall be provided as required by table 3.3.34.G, "Minimum Off Street Parking Requirements", of this section and complying with the following:

1. All off street parking areas shall have appropriate bumper guards or curbs where needed, as determined by the Land Use Authority, to protect adjacent property owners or persons using a sidewalk.

Table 3.3.34.G

Use	Required Parking
Banks, business or professional offices	1 space of each 300 sq. ft. of gross floor space
Bowling alleys	2 spaces of each bowling lane plus 1 for each 2 employees
Churches and accessory uses	1 space of each 4 seats in the chapel or main assembly area, or if there no fixed seats, than 1 space for each 100 sq. ft. of floor space used for assembly purposes
Dwellings, Apartments, etc.	2 spaces per dwelling unit
Hospitals	1.5 spaces for each bed
Hotel/Motel	1 space for each sleeping or dwelling unit
Short-term vacation rentals	<ul style="list-style-type: none"> • Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental. • Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used. • All guest parking shall be contained on the site. The number of vehicles allowed to the occupants of a vacation rental home shall be restricted to the number of off-street parking spaces provided by the owner • No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
Libraries	1 space for each 300 sq. ft. of gross floor space
Museums and similar non-assembly cultural facilities	1 space for each 500 sq. ft. of gross floor area
Manufacturing uses, research, and testing laboratories	Not less than 1 space for each 800 sq. ft. of gross floor area
Mortuaries	1 space for each 100 sq. ft. of floor area of assembly rooms used for service
Motor vehicle repair	1 space for each 600 sq. ft. of gross floor area
Motor Vehicle sales	As approved by the land use authority
Nursing home	1 space for every 2 beds
Restaurants	1 space for each 4 seats, including stools, benches, booths; or 1 for each 500 sq. ft. of gross floor area when number of seats is unknown but in no case shall there be less than 5 spaces

Retail stores	1 space for each 350 sq. ft. of gross floor area on the ground floor, and 1 space for each 500 sq. ft. of floor area on all floors above or below the ground floor
Schools, private, vocational, etc.	1 space for each employee and 1 space for every 3 students of driving age
Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly and clubs and lodges having no sleeping quarters	1 space for every 6 seats and/or 1 space for each 100 sq. ft. of gross floor area used for assembly and not containing fixed seats
Swimming pools, commercial and public	1 space for every 10 persons based on the occupancy load
Theaters	1 space for every 4 seats based on the occupancy of the structure
Warehouses and wholesale storage buildings	1 space for every employee on the maximum shift

H. Requests to reduce off street parking requirements may be granted by the land use authority if the applicant shows, by the presentation of information and materials, that a reduced number of off street parking spaces will meet the demands of the proposed use without increasing traffic or on street parking problems in adjacent areas.

I. On-Street Parking

The County Commission, by resolution, may adopt regulations relating to on-street parking in order to protect the safety of the public.

3.3.35 Twin Homes

Prior to the construction of a twin home or the conversion of a duplex to twin home status, plans for the proposed twin home project shall be submitted to and approved by the Planning Commission. Said plan shall contain:

- A. The location or proposed location of the building and also the lot line separating the two units. The building shall conform to all setback and other requirements for twin homes as set forth in the zone.
- B. A copy of the proposed common wall agreement. Where a subdivision is also being proposed as a twin home project, the materials required above shall be submitted as part of the sub-division plan requirements and the approval procedures shall be combined.

3.3.36 Flag Lot Developments on Private Drives

A flag lot development may be approved by the Planning Commission upon submission of a site plan subject to the following findings and standards:

- A. The access requirements of the zone authorize the use of private drives.
- B. In the opinion of the Planning Commission, the site is not developable under conventional development procedures and that approval of the lot will not preclude the proper future development of the lot or adjacent properties.
- C. An access not less than twenty-four (24) feet in width and not more than thirteen hundred (1,300) feet long or the minimum depth of one lot depth in length, based on the actual frontage of the lot for the particular zoning, whichever is greater, shall connect the building site with a designated County, state, or federal road. Said access way shall be owned in fee as part of the building site.
- D. The area of the building site, exclusive of the access way portion, shall be not less than the minimum site area of the zone.
- E. The setbacks from the boundaries of the building site shall be the same as those required within the zone. Measurement of the front setback shall be from the line of the building site portion of the property line. Notwithstanding any other setback standard, no structure shall be located closer than ten (10) feet to an existing occupied structure.

3.3.37 Storage Containers

Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship shall not be moved on or set up as a storage structure or accessory building in a residential zone.

3.3.38 Requirements for exploratory and production wells near existing dwellings

In all zoning districts, exploratory and production wells shall be located not closer than six hundred sixty (660) feet from any existing dwelling. Production wells located closer than thirteen hundred twenty (1,320) feet from an existing dwelling shall be required to be housed in a non-combustible structure, which may be readily removable, to mitigate the visual effect of the well, and shall be insulated or otherwise made to restrict any noise from the operation of the well and associated equipment to fifty five (55) decibels at one hundred fifty (150) feet from the well head.

3.3.39 Requirements for Trucking Terminals

Where permitted, truck terminals shall have a density factor of no less than 5,000 square feet per truck.

3.3.40 Minimum lot frontage on a cul-de-sac

All lots fronting on a cul de sac shall have a minimum frontage of 35 feet.

3.3.41 Building Permit required

A building permit is required for the erection of any structure in the County, except as not required by the *International Residential Code*

3.3.42 Structures to be on approved parcel

All structures shall be located on a parcel approved by the land use authority or a legal non-conforming lot.

EXHIBIT “B”

SECTION 5

LARGE AND SMALL SCALE DEVELOPMENTS
CONDITIONAL USES, PLANNED MOUNTAIN HOME DEVELOPMENTS, LARGE
SCALE INDUSTRIAL PROJECTS, MINES, UTILITY TRANSMISSION PROJECTS,
PLANNED UNIT DEVELOPMENTS, CONDOMINIUM PROJECTS, FACTORY BUILT HOUSING
PARKS, SHOPPING CENTERS, MOUNTAIN RECREATION DEVELOPMENTS, GUEST
RANCHES, RESORTS, OIL AND GAS WELLS, MANMADE LAKES, AND OTHER PROJECTS.

5.1 GENERAL REQUIREMENTS FOR DEVELOPMENTS; CONDITIONAL USES

5.1.1 Developments Permitted

The following large and small scale developments may be authorized within the County, but only in those zoning districts in which the particular development type is specifically listed, as a permitted conditional use.

<u>Type of Development</u>	<u>Zoning Districts in which Authorized</u>
Planned Mountain Home Developments	MR, RFM, PV, SL
Large Scale Industrial Projects	I-1, I-2, M&G, RFM
Underground and Surface Mines	MR, M&G
Utility Transmission & Railroad Projects	All zoning districts except SC, SL, FPO
Planned Unit Developments	RR-5, RR-2.5, RR-1, R-1-20,000, R-1-12,000, R-4-8,000, R-2-8,000 R-1-8,000
Condominium Projects – new & conversion	RR-1, R-1-20,000, R-1-12,000, R-2-8,000, R-4-8,000, R-1-8,000, PV
Twin Homes	R-2-8,000, R-4-8,000
Factory Built Housing Parks	C-1, C-2
Recreational Vehicle Parks	C-1, C-2
Planned Shopping Centers and Malls	C-1, SC-1
Mountain Recreation Developments	PV, RFM, SL
Guest Ranches and Resorts	M&G, HMC

Gas and Oil Wells, exploratory and production All zoning districts except WS, SL, HMC,
R-1-20,000, R-1-12,000, R-4-8,000,
R-2-8,000, and R-1-8,000

Manmade Lakes & Reservoirs RFM, MR, WS, M&G

Hotels, Motels, and Apartments C-1, C-2

Residential treatment facilities shall be deemed to be permitted uses in all zoning districts in which residences are allowed as permitted uses.

Conditional use permit applications for other conditional uses authorized in particular zoning districts, as set forth elsewhere in the County Development Code, shall be administered according to this Section.

5.1.2 Definition of Conditional Use.

A conditional use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts of the land use.

5.1.3 Permit Required.

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations where they are, or will be located, or if the use is specified as a conditional use elsewhere in this Carbon County Land Use Ordinance.

5.1.4 No Presumption of Approval.

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of this Carbon County Land Use Ordinance for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

5.1.5 Application Requirements - Fee.

Only when the following elements are satisfied is a conditional use application deemed complete:

(1) An application for a conditional use permit shall be made to the Carbon County zoning administrator. All applications shall be signed by the property owner or certified agent thereof in writing upon the form designated by the zoning administrator.

(2) Detailed sites plans and specifications drawn to scale shall be submitted with the completed application form. The applicant shall provide a detailed estimate of the cost of the project. Additionally, the zoning administrator may require additional maps, drawings, statements or other documents, including water and waste water feasibility letters or studies; applicable impact studies; technical studies regarding grading, drainage, traffic, geologic hazards; and assurances, etc.

(3) The initial application fee for any conditional use permit shall be paid in full. The payment of a partial application fee, or the submittal of plans or other documents for a pre-submittal review, does not constitute a complete application.

Plans requiring review by the Planning Commission shall be provided 14 days in advance of the next regularly scheduled meeting of the Planning Commission so that staff can review the materials submitted for completeness and place the item on the agenda for consideration by the Planning Commission.

5.1.6 Application Review.

A. The zoning administrator or the zoning administrator's designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for anticipated detrimental effects.

B. The application review procedure shall contain the following components:

1. Referral of the application to all affected entities;
2. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance;
3. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.

C. The application review procedure may include the following:

1. Referral of the application to County departments, as well as to other outside governmental or regulating entities for recommendations and approvals;
2. A pre-application meeting, in which preliminary site plans are reviewed prior to finished plans being submitted for review. County staff may discuss the basic concept of the development and provide information concerning the County's and this Code's requirements for zoning approval and compliance, along with concept construction plans, and other required data to be submitted to obtain building permits. The County staff may suggest changes in the proposed development project so that the project may be more fully consistent with the County's development regulations, policies and this Code. The recommendations from the staff shall be purely advisory and in no way shall the conference be construed to constitute approval or disapproval of the plan.
3. An on-site review of the proposal by the director, director's designee or staff;
4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.
5. Any required development agreements, prepared at the expense of the developer, in a form acceptable to Carbon County.
6. Any required financial or performance guarantees.

D. For projects requiring the filing and recording of a plat:

- a. The original Mylar and one (1) print of the final plat.
- b. Final engineering drawings.

- c. Documents indicating full compliance with the culinary and fire water and sewage disposal requirements for each lot in the project, as determined by the County.
- d. An itemized estimate of the cost of constructing all required private or public improvements, prepared by the developer or his agent, engineer, or contractor, which has been approved by the County Engineer.
- e. A title report, covering the property within the final plat area, to identify all interests in the property which may have an effect on the title and to establish that the land proposed for subdivision is free of boundary conflicts and that the proper dedications can be made. This requirement shall also ensure that purchasers of lots will have a clear and marketable title.
- f. A storm drainage plan for the area effected by the development prepared by a professional engineer and which has been reviewed and approved by the County Engineer.
- g. Final copies of all other required documentation, when applicable.
- h. A performance guarantee in an amount determined by the cost estimate and Section 7 of this Code.
- i. A development agreement, which outlines the work to be performed, the duties of the developer, and any other pertinent details.

E. For Utility Transmission projects: A plan of the proposed transmission project shall be submitted. Said plan shall show:

- a. Location and width of rights-of-way.
- b. Proposed location of all lines and related structures.
- c. Summary of all proposed clearings, access roads, road construction activity or similar activity.
- d. Other data as required by the County.
- e. An environmental impact statement that identifies and evaluates the significant impacts upon the social, economic and natural environment of the County, when required by the Planning Commission.
- f. A reclamation plan.

5.1.7 Land Use Authority.

The zoning administrator shall act as the Land Use Authority with respect to all conditional use permits, except that the Planning Commission shall act as the Land Use Authority as to the following types of conditional use permits:

Large scale industrial projects;

Any industrial or energy related conditional use permit within the Watershed Zone;

Any conditional use permit for the approval of water diversions, and water storage and distribution systems, facilities, and infrastructure;

Correctional facilities;

Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities;

Exploratory, disposal, and production wells which are part of a large scale industrial project;

Major utility transmission and railroad projects;

Mines;

Petroleum products processing and storage yards;

Storage, processing, and loading of gravel and earth products;

Electric Power Generating Plants;

Trucking terminals;

Planned Mountain Home Developments, Planned Unit Developments, Recreation Vehicle Courts, and Mountain Recreation Developments;

Manmade Lakes and Reservoirs;

Planned Shopping Centers and Malls.

The zoning administrator may, in his discretion, designate the Planning Commission to consider any matter as the Land Use Authority with respect to any conditional use permit which he would otherwise be permitted to consider under this Ordinance. The zoning administrator shall approve an application within 30 days of its submission; otherwise, the applicant shall have the right to present the application to the Planning Commission for its approval.

When considering an application, the Planning Commission may recommend to the applicant that he revise his application and that the matter be continued prior to a decision being made on the application, but the Planning Commission shall not continue the matter unless the applicant consents to a continuation.

Any applicant may request that a conditional use permit that could otherwise be approved by the Zoning Administrator be considered instead by the Planning Commission, as set forth above.

5.1.8 Approval of Conditional Use Permits. The land use authority shall approve a conditional use permit if the applicant, after having submitted a completed application, brings forth substantial evidence to show that reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with applicable standards in which a conditional use permit is required by the regulations of that zone or elsewhere in these ordinances. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards the conditional use shall be denied. The effects of the proposed use shall include the effects upon adjacent or nearby properties and other nearby land uses, public facilities, and the public welfare. A conditional use permit shall not be

issued if the applicant has made a false, misleading or deceptive statement in providing the information required.

5.1.9 Standards governing conditions to be imposed.

A. The land use authority shall ensure that the conditions imposed are not capricious, arbitrary, nor contrary to any precedent set by permits issued by the Land Use Authority which are similar in use and zone, unless such previous permits were not issued in accordance with the provisions and standards of this Ordinance

B. Conditions which satisfy industry standards and regulating authorities shall be presumed by the Land Use Authority to constitute substantial evidence that such conditions can be reasonably anticipated to mitigate anticipated detrimental effects of the use. Such conditions include, but are not limited to, the following:

i. Conditions imposed by agencies or departments of the United States of America or of the State of Utah regulating or having jurisdiction over the particular use in question, or having authority over the detrimental effect sought to be mitigated, including but not limited to conditions imposed by:

- (a) the Utah Department of Environmental Quality (DEQ);
- (b) the Utah Division of Oil, Gas & Mining (DOGGM);
- (c) the Utah Department of Transportation (UDOT);
- (d) the Environmental Protection Agency of the United States (EPA);
- (e) the Occupational Safety and Health Administration of the United States (OSHA);
- (e) the State Fire Marshal.

The Land Use Authority may presume that the conditions required by any federal or state agency regulating the use for which the application is submitted are comprehensive and sufficient to mitigate all reasonably anticipated detrimental effects of the use.

ii. Conditions required by local regulatory agencies, including but not limited to the Southeastern Utah Health Department;

iii. Conditions required by the County Engineer or by a County department with authority to regulate the use or condition to be imposed;

iv. Conditions suggested or proposed by an engineer, architect, certified planner, building inspector, or other credentialed or experienced expert in the field of the conditional use or in the field of the detrimental effect sought to be mitigated, who demonstrates that the condition meets standards generally recognized in the State of Utah in his or her professional field. Such standards include but are not limited to:

- (a) AASHTO standards;
- (b) Utah Uniform Building Codes (including uniform plumbing, electrical, mechanical codes, etc.);

v. The following conditions shall be included in all conditional use permits, as applicable, unless substantial evidence can be shown that such conditions cannot be reasonably anticipated to mitigate the anticipated detrimental effects of the use:

- a. The applicant will abide by all other State and Federal laws governing the conditional use;
- b. The applicant will keep the area free of all trash and waste.

C. Conditions may be imposed without the recommendation of an industry or regulatory expert, or in addition to the conditions imposed by a State or Federal regulatory agency, if the Land Use Authority finds substantial evidence exists to require the imposition of such conditions in order to mitigate reasonably anticipated detrimental effects of the use to the health, safety comfort, order or general welfare of Carbon County and its citizens, residents, visitors, and businesses; to ensure that the use does not result in the creation of public or private nuisances; and to ensure that the use will not interfere with the rights of quiet enjoyment of property owners, residents, and other interests near the proposed use. Such conditions may include, but are not limited to the following:

(a) Requiring the posting of a reclamation bond or other security:

(i) for the restoration of real property to its previous state, including reestablishing previously existing contours and conditions;

(ii) for the removal of unsightly, dangerous, or hazardous conditions or waste;

(iii) for the removal of nuisances; or

(iv) for the removal or mitigation of any other conditions that are reasonably foreseeable to cause harm to the public welfare.

(b) Requiring a financial guarantee as required elsewhere in this Code that will insure installation of the project in accordance with the final plan. The financial guarantee shall be released by the Board of County Commissioners following completion of the project, but only after final inspection by the County Commission, or designated agent, to determine compliance with the final plan;

(c) requiring a development agreement for the installation of public works;

(d) requiring the site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, stormwater runoff, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

(e) requiring all required public facilities have adequate capacity to serve the proposal;

(f) limiting the hours, days, place and/or manner of operation;

(g) requiring site or architectural design features which minimize environmental impact such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;

(h) requiring larger setback areas, lot area, and/or lot depth or width;

(i) limiting the building height, size or lot coverage, and/or location on the site;

(j) designating the size, number, location and/or design of vehicle access points or parking areas;

(k) requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:

(1) an essential link exists between a legitimate governmental interest and each exaction;
and

(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development;

(l) requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

(m) limiting the number, size, location, height and/or lighting of signs;

(n) limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

(o) requiring berms, screening or landscaping and the establishment standards for their installation and maintenance;

(p) requiring and designating the size, height location and/or materials for fences;

(q) encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands.

(r) requiring the protection and preservation of groundwater recharge areas;

(s) limiting noise generation;

(t) minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

(u) turn-lane improvements at street intersections may be required when:

(1) an unsafe condition would be created by the development without the improvements;

or

(2) the projected increase in traffic generated by the new or expanded use will lower the level of service;

(v) providing for emergency response access;

(w) requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

(x) requiring the retention, detention, or discharge of stormwater or waste water in a reasonable manner;

(y) requiring applicant to keep the use in compliance with the general plan of Carbon County.

D. Conditions which do not meet the above listed standards may not be imposed unless such conditions are necessary to protect a compelling, countervailing public interest.

5.1.10 Issuance of Permit in Writing and Signature of Applicable Authority.

If a conditional use permit is granted by the applicable Land Use Authority, the conditional use permit shall be issued in writing and signed by the applicable authority. The permit shall set forth each and every specific condition imposed by the Land Use Authority. The applicant shall also acknowledge the terms and conditions of the permit by signing the same. The permit shall not be effective until it has been signed by both the applicable Land Use Authority and the applicant.

5.1.11 Compliance with Permit after Issuance. The applicant shall come into compliance with all conditions of the permit within 30 days of the issuance of the permit, or shall be deemed to be in violation thereof. The Planning Commission shall have the right to extend the term by which all conditions of the permit are satisfied if doing so will not materially affect the health and welfare of the general citizenry.

5.1.12 Appeal from Denial of a Permit.

Any party adversely affected by the granting or denial of a conditional use permit by the Land Use Authority may appeal to the Appeal Authority designated within the County Development Code within 30 days of the decision of the Land Use Authority.

5.1.13 Modifications of the Permit.

Modifications requested by the holder of the permit may be granted if it can be reasonably determined that such changes or modifications are necessary to accommodate special circumstances related to the location, siting, or implementations of the approve site plan and conditions, and such modifications are so insignificant and minor as to not measurably or unreasonably change the approved site plan or intent of the conditions imposed by the conditional use permit. Any modification which would enlarge the area of use, change the use to a different permitted use in the underlying zoning district, add to the number of structures or result in an increase in the number of structures, or otherwise significantly alter the intent of the approved conditions and the character of the neighborhood shall be considered to be a new application.

5.1.14 Expiration.

Unless there is substantial action under a conditional use permit within a period of one year from the date written approval of the conditional use permit is granted, the conditional use permit shall expire. The Planning Commission may grant a maximum extension of time of one year. Upon expiration of any extension of time granted by the Planning Commission, the approval for the conditional use permit shall expire and become null and void.

5.1.15 Discontinued Use

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application must be submitted.

5.1.16 Revocation of Permit and Conditional Use

A breach, violation or default of the terms of the conditional use permit may result in the revocation of the permit by the Planning Commission. The holder of the permit shall first be given notice of violation in writing, and shall be given 30 days to remedy the violation of the permit. In the event that

the violation of the permit materially affects the health and safety of the public, the zoning administrator may in his discretion require that the violation be remedied within a shorter period of time. In the event the violation has not been remedied within 30 days of the notice of the violation, the Planning Commission shall, after giving reasonable notice to the holder of the permit, require the holder of the permit to attend a public meeting and show cause why the permit should not be revoked. Multiple or repeated violations of the terms of the permit shall not require that 30 days' notice be given prior to a hearing before the Planning Commission, but in all cases the permit holder shall be afforded a hearing before the Planning Commission, and only the Planning Commission shall have the right to revoke the conditional use permit.

After considering the arguments and evidence put forth by the holder of the permit, the Planning Commission shall determine whether the permit will be revoked. The Planning Commission shall revoke the permit if it determines that the holder of the permit is unwilling or unable to abide by the terms and conditions of the permit, and the conditional use shall immediately cease.

5.2 PLANNED MOUNTAIN HOME DEVELOPMENTS

Planned Mountain Home Developments may be constructed in those zones in which they are specifically listed as a permitted use, subject to compliance with the intent of the zone in which they are situated and the following conditions and procedures:

5.2.1 Permitted Uses

- A. Any use permitted in the underlying zone, subject to all conditions relating thereto.
- B. Residential accessory structures.
- C. Common areas and recreation facilities for the use and enjoyment of the members of the development.
- D. Fences and walls.
- E. Trails.

5.2.2 Size of Development

The minimum acreage required to qualify for a Planned Mountain Home Development shall be eighty (80) acres.

5.2.3 Density

The maximum number of dwelling units within a Planned Mountain Home Development shall be in accordance with the following density schedule:

Zone	Method of sewage disposal	One dwelling per
MR	Sewer	3.5 acres
	Septic	4 acres
RFM	Sewer	3.5 acres
	Septic	4 acres
PV	Sewer	4 acres
	Septic	4 acres
SL	Sewer	5 acres
	Sewer	5 acres

Depending on proximity to water sources the Planning Commission may require a decrease in density following a hydrological study of the area.

5.2.4 Approval Procedures

Same as required under Section 5.14.

5.2.5 Design Criteria and Improvement Requirements

A. Development Clusters:

All dwelling sites shall be located within a designated development area. Each area shall contain not less than four (4) separate building lots or sites.

B. Size of Dwelling Sites or Lots:

Individual dwelling sites or lots within a cluster shall conform to the following schedule:

Minimum Lot Size

Zone	Central Sewer	Individual Septic System
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MR	20,000 square feet	one acre
RFM	20,000 square feet	one acre
PV	12,000 square feet	one acre
SL	12,000 square feet	not allowed

Each lot shall have the following minimum width:

Zone	Central Sewer	Individual Septic System
MR	130 feet	150 feet
RFM	130 feet	150 feet
PV	100 feet	130 feet
SL	100 feet	not allowed

C. Steep slopes to Remain in Natural State:

All land surface having a slope of thirty (30) percent or greater shall remain in its natural state.

D. Each Building Site to have Buildable Area:

Each lot or site shall contain a natural buildable area of not less than ten thousand (10,000) square feet in the MR and RFM zones, and not less than six thousand (6,000) square feet in the SL and PV zones. Buildings shall be located as per the location requirements of the underlying zone. No individual wastewater (septic) system shall be located closer than three hundred (300) feet from a lake or perennial stream.

E. Street System:

Each development cluster and each lot within a development cluster shall front upon and have access to an existing County road or a private vehicular travelway constructed to County standards. Where access to a development is over a private travelway and across private property, right of perpetual access to the development shall be guaranteed by a recorded surface easement with all intervening private property owners.

F. Grade of Travelways:

No roadway shall have a grade of more than fifteen (15) percent on minor streets (not to exceed 500' in length), or twelve (12) percent on collector streets (not to exceed 500' in length). No roadway shall be constructed in a location or such a manner which produces a slope face which exceeds the critical angle of repose.

G. Water Rights and Supply:

Satisfactory evidence of title and approval to use an ongoing water right approved for domestic purposes from a reliable water supply source, in the amount necessary to meet the requirements of this Code, the Utah Department of Environmental Quality, Drinking Water, and the Plumbing Code shall be submitted, see Section 3.3.30.

H. Domestic Sewage Disposal:

When located within the boundaries of a district or agency providing central sewer, the requirements of said district or agency should be met. When served by individual wastewater disposal systems (septic), the requirements of the Health Department shall be met prior to the issuance of a building permit. Satisfactory evidence of compliance shall be submitted in the form of a written statement from either the serving sewer district or agency, or the Health Department. The final plat for any Planned Mountain Home Subdivision shall bear the approval of the serving sewer district or agency and the Health Department. Each individual wastewater drain field shall provide a four (4) foot unsaturated horizon above any water table. Holders of an individual wastewater disposal permit shall be responsible for the maintenance of their system in the event of failure.

I. Open Space:

A. Open Space Areas to be Designated:

All land not included within building lots or sites or used for roadways, utilities, trails, developed common facilities, or other essential use shall be designated as natural open space for the common use of the occupants of the development by the developer.

B. Open Space Preservation Agreement:

The developers shall execute in the development agreement an open space preservation provision, in which the developer agrees for himself, his successors and assigns to refrain from excavating, constructing roadways, installing utilities, constructing dwellings or buildings, or other structures on the designated open space areas without prior approval of the County through an amendment of the Development Plan. All flood plain areas and floodways, if any, shall be included as part of the common open space.

5.2.6 Improvement Requirements:

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be in accordance with the provisions in Section 7.

- A. Roads, streets and travelways.
- B. Onsite and offsite water mains and supply facilities.
- C. Central sewer collection and treatment facilities, where required.

- D. Permanent survey markers.
- E. Trail improvements and markers, where required.
- F. Fire hydrants, per this Code.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a Planned Mountain Home Development.

5.2.7 Documentation Requirements:

- A. The following documents and statements shall be submitted as part of the application for approval:
 - 1. Statement from serving sewer district that the district can serve the development, or
 - 2. Statement from Health Department that preliminary requirements for septic approval have been met.
 - 3. Statement from State Engineer that water rights are owned by developer and may be approved for development.
- B. Prior to execution of the development agreement and recording of a plat, the following documents shall be submitted to the Zoning Administrator for approval:
 - 1. Covenants, conditions and restrictions.
 - 2. Statement from serving sewer district that requirements have been met, or
 - 3. A statement from the Health Department that each lot has been approved for an individual wastewater system.
 - 4. Development and open space agreement.
 - 5. Articles of incorporation of the homeowners association.
 - 6. Conveyance of water rights to homeowners association.
 - 7. An engineer's or contractor's estimate of the cost of required improvements.
 - 8. A financial guarantee per Section 7.

5.3 LARGE SCALE INDUSTRIAL PROJECTS

5.3.1 Intent

It is the intent of these provisions to permit the construction of major industrial activities under controlled conditions, which will best preserve the quality of life and protect the health, safety and general welfare of the public. These projects may include, but are not limited to manufacturing, fabrication, salvage yards, power plants and similar industrial activities which emit fumes, smoke, noise, vibration, dust, glare or odor in amounts that are discernable beyond the limits of the site.

5.3.2 Site Plan Required

A narrative description of the proposed project and a site plan drawn to scale of the proposed industrial development shall be submitted. Said plan shall show the following information:

- A. The location of existing and proposed structures and their intended use.
- B. The location of all access ways, driveways, parking areas, fences, walls, and proposed landscaping.
- C. The location of any outside storage areas.
- D. Provisions for and locations of water and sewage disposal lines.
- E. The location of all natural drainage channels and any live streams or bodies of water.
- F. Any other information requested by staff to show compliance with the zoning district, County Ordinance, or other regulation.

5.3.3 Design Criteria and Improvement Requirements

- A. All buildings used for human occupancy shall be served by an approved and recognized culinary and fire protection water supply and by a sewage disposal system which conforms to the requirements of the underlying zone.
- B. Each project shall abut upon and have access to a State Highway, Class B County road, or shall abut upon or have access to a restricted access road or private travelway which is constructed in accordance with County standards, and which is connected directly to a State Highway or County Class B road.
- C. The Planning Commission may require the installation of landscaping to buffer the effects of the proposed development from existing neighborhoods or other natural areas.

5.3.4 Performance or Financial Guarantee

The following improvements shall be installed in all developments. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the

project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvement shall be in accordance with the provisions in Section 7.

5.4 MAJOR UNDERGROUND AND SURFACE MINE DEVELOPMENTS

5.4.1 Intent

It is the intent of this Section to promote and regulate the health, safety, social, economic and environmental impacts to the County from mine developments and to regulate the location, construction, operation and reclamation of lands subjected to mineral extraction activities.

5.4.2 Application

This section shall apply to all new and expanded existing underground mines. In the case of conflicting provisions, The Utah Division of Oil Gas and Mining shall be considered the County's expert in determining the proper regulations necessary to protect the land and residents of the County.

The permits required and obtained from the State for the construction and operation of the mine shall be sufficient evidence of compliance with the onsite surface provisions of this section, except for the proper construction of any surface facilities regulated by the State and County Building Codes which shall be constructed in accordance with those adopted building codes.

Carbon County will regulate the off-site improvements and operations in compliance with this section and other County Ordinances.

5.4.3 Approval Procedures

Major mining developments shall be approved as required under Section 5.14.

5.5 MAJOR UTILITY TRANSMISSION AND RAILROAD PROJECTS

5.5.1 Intent

The intent of this section is to allow the installation of major electric power, petroleum, natural gas and water transmission lines and railroad tracks, while meeting the responsibility to provide for the health, safety and general welfare of the public.

5.5.2 Application

These provisions shall apply to major utility transmission lines and railroad projects as defined in this Code.

5.5.3 Approval Procedure

Major Utility Transmission and Railroad Projects shall be approved as required under Section 5.14 except that for electric power transmission lines of less than 138 KV capacity the approval procedure shall be as set forth under Section 3.3.32.

5.5.4 Special Provisions

Change of Official Map

The County shall add the project to the Official Map of the County, after the project receives final approval from the Legislative Body.

5.6 PLANNED UNIT DEVELOPMENTS

5.6.1 Intent

The intent of this section is to establish guidelines dealing specifically with design, construction and operation of planned unit developments.

5.6.2 Permitted Uses

- A. Any use permitted within the underlying zone.
- B. Common areas and recreational facilities including golf courses, swimming pools, tennis courts, clubhouses, recreational buildings, landscape parks and similar recreation facilities for the use and enjoyment of residents.
- C. Driveways, streets, trails, fences, walls, utility systems and facilities, common storage areas, ponds, landscape features and similar uses and structures incidental to the main use.

5.6.3 Area, Density, and Dwelling Units

The maximum number of dwelling units within a Planned Unit Development shall be in accordance with the following density schedule:

Zone Development (In Acres)	Min. Area in Sewage Disposal	Method of dwelling units per acre	Maximum number of
RR-5	10	Septic	1
		Sewer	1.25
RR-2.5	5	Septic	1
		Sewer	1.25
RR-1	5	Septic	1
		Sewer	1.5
R-1-20,000	2	Sewer	2.5
R-1-12,000	2	Sewer	2.5
R-1-8,000	2	Sewer	5.5
R-2-8,000	2	Sewer	7.0
R-4-8,000	2	Sewer	8.5

The proposed plan shall include all potentially developable property or shall be designed to permit the extension of the development into those areas not included within the original plan.

5.6.4 Open Space:

A. Open Space Areas to be Designated:

All land not included within building lots or sites or used for roadways, utilities, trails, developed common facilities, or other essential use shall be designated as natural open space for the common use of the occupants of the development by the developer.

B. Open Space Preservation Agreement:

The developers shall execute in the development agreement an open space preservation provision, in which the developer agrees for himself, his successors and assigns to refrain from excavating, constructing roadways, installing utilities, constructing dwellings or buildings, or other structures on the designated open space areas without prior approval of the County through an amendment of the Development Plan. All flood plain areas and floodways, if any, shall be included as part of the common open space.

5.6.5 Approval Procedure

Planned Unit Developments shall be approved as required under Section 5.14 of this Code.

5.6.6 Design Requirements

The layout and design of all planned unit developments, and the content of all required plats, engineering plans and other required submissions, shall be prepared in accordance with minimum County standards.

5.6.7 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterruptible right to the use of culinary and fire water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application as follows:

Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating:

1. That the developer has satisfied the agency's water rights conveyance requirements, and
2. That the agency is willing and able to provide a perpetual supply of water adequate for both culinary use and fire protection purposes, as determined by the County.

5.6.8 Improvement Requirements

The following improvements shall be installed in all Planned Unit Developments, if not existing. Said improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period of up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be in accordance with the provisions in Section 7.

- A. Streets and access driveways.
- B. Curbs, gutters, and walkways, in R-1-12,000, R-8,000, R-2-8,000 and R-4-8,000 zones.
- C. Drainage and flood control structures and facilities.
- D. Water mains, both on-site and off-site, if not existing, per State and County requirements.
- E. Sewer mains when required by the underlying zones, if not existing.
- F. Fire hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping in any common areas created. Natural areas shall remain undisturbed.
- J. Sprinkling or other suitable irrigation systems, to maintain common areas.
- K. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Common storage area, where deemed necessary.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a planned unit development.

5.6.9 Required Documents

The following documents shall be prepared and submitted by the developer for each development. All documents shall be prepared in accordance with County standards.

A. Where the development is to be retained in one ownership, required documents shall include:

1. Covenants, conditions, restrictions and management policies.
2. Maintenance agreement.
3. Open space easement (when required by County).
4. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
5. Improvements construction agreement.

B. Where the development has two or more owners, or where an existing development is being condominium-ized or otherwise divided into two or more ownerships, required documents shall include:

1. Articles of incorporation for homeowner's association.
2. Corporation by-laws.
3. Covenants, conditions, restrictions and management policies.
4. Maintenance agreement.
5. Open space easement (when required by County).
6. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
7. Improvements construction agreement.
8. Final subdivision plat or record of survey map, as applicable.

5.6.10 Special Provisions

Where the development is being developed for sale as a condominium the plans and documents shall also comply with the provisions of Section 5.7, and the approval process may be combined.

5.7 CONDOMINIUM PROJECTS – NEW CONSTRUCTION

5.7.1 Intent

The intent of this section is to establish guidelines dealing specifically with design, construction and operation of proposed new condominium projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained under Section 5.1 of this Code, and also the requirements of the Utah Code Annotated, 1953, as amended.

5.7.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone that underlies the area of the project.

5.7.3 Location and Design Requirements

Where the proposed condominium project consists of a use or structure that is authorized as a use-by-right within the zone, said use or structure shall comply to all applicable requirements of the underlying zone.

Where the proposed condominium project is to be developed under the provisions relating to a planned unit development, planned shopping center, or similar Planned Development, all uses or structures shall comply with the plans for such project as approved by the County.

5.7.4 Approval Procedure

The procedure leading to approval of a condominium project – new construction shall be the same as set forth in Section 5.14.

Where such condominium project is being developed as a planned unit development, planned shopping center, or similar planned development, the procedures for approval of said planned development and the approval of said development as a condominium project may be combined.

5.7.5 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium project:

- A. Articles of Incorporation
- B. Corporation By-laws
- C. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
- D. Management Agreement
- E. Open Space Easement, where deemed necessary
- F. Title Report
- G. Record of Survey Map/Final Subdivision Plat (when applicable)

Where, in the opinion of the Planning Commission, a particular document as required under this Section is inapplicable for the particular condominium project proposed, the County may waive the requirement for submitting said document.

5.7.6 Special Provisions

It shall be unlawful to record any record of survey map or declaration of a condominium project in the Office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure or condominium unit in such a purported condominium project, before obtaining the final approval by the Planning Commission on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

5.8 CONDOMINIUM CONVERSION PROJECTS

5.8.1 Intent

The intent of this Section is to establish guidelines and minimum requirements relating to the conversion of existing structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained under Section 5.1 of this Code, and also the requirements of the Utah Code Annotated, 1953, as amended.

5.8.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.

5.8.3 Layout and Improvement

Each proposed condominium conversion project shall conform to the following minimum standards:

A. Residential Conversion Projects

1. Off street Parking. Not less than two (2) off street parking spaces shall be provided for each dwelling unit, and at least one of the required spaces shall be covered. All driveways and off street parking areas shall be hard-surfaced.
2. Common Vehicle Storage Area. In all projects which contain one or more structures having three (3) or more dwelling units per structure, a common storage area in an amount of not less than two hundred (200) square feet per dwelling unit shall be provided for the storage of recreation vehicles, boats and similar items. Common storage areas shall be enclosed in a sight-obscuring fence or wall.
3. Common Open Space. In all projects which contain one or more structures having three (3) or more dwelling units per structure, an area containing not less than ten (10) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. Said area shall be landscaped in accordance with the approved plan. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses, and the areas required to meet the front setback or the area devoted to peripheral planting shall not be included in meeting this requirement.

B. Commercial and Industrial Conversion Projects

Each project shall conform to the minimum County standards with regard to location, parking, landscaping, access and similar issues which existed at the time the structure was established.

5.8.4 Utility and Facility Requirements

- A. All units shall be separately metered for water, gas, electricity and sewer unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.

- B. Each unit shall be provided with readily accessible individual shut-off valves.
- C. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

5.8.5 Approval Procedure

The procedure to be followed shall be the same as set forth in Section 5.14, except that where the conversion project consists entirely of a two-family dwelling located on conforming lots of record, the conversion shall be considered as a twin home project and shall be processed in accordance with the provisions relating thereto.

5.8.6 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium conversion project:

- A. Articles of Incorporation
- B. Corporation By-Laws
- C. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
- D. Management Agreement
- E. Open Space Easement
- F. Title Report
- G. Record of Survey Map
- H. Property Report

Where, in the opinion of the Planning Commission, a particular document required under this Section is inapplicable for the particular project proposed, the Planning Commission may waive the requirement for submitting said document.

5.8.7 Special Provisions

- A. Property Report (as required under Section 5.8.6.H above)

The developer shall submit two copies of a property report describing the condition, useful life and capacity of the roof, foundations, mechanical, electrical, plumbing and structural elements of all existing buildings and structures or uses, and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer and/or qualified licensed contractor(s) acceptable to the County. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.

B. Notification of Tenants

Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the County the following:

1. Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who want to move into the property after an application for conversion has been filed with the County shall be notified by the developer of his plans to convert the premises to condominiums, prior to occupancy by such tenant.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, providing that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months, or unless the tenant gives prior written notice of his/her intention not to exercise such right.

C. Unlawful to Record Unapproved Documents

It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

5.9 FACTORY BUILT HOUSING PARKS

5.9.1 Intent

The intent of these regulations is to establish guidelines dealing specifically with design, construction and operation of factory-built housing parks. These provisions shall be supplemental and in addition to the general requirements for large-scale developments.

5.9.2 Permitted Uses

Permitted uses within a factory-built housing park shall be limited to the following:

- A. Manufactured homes, modular homes, conventional construction.
- B. Caretaker dwellings.
- C. Accessory uses, including but not limited to swimming pools, carports, storage buildings for personal and household items, convenience establishments, childcare centers, clubhouses, recreation buildings and private golf courses.

5.9.3 Area and Density

Factory-built home parks shall have a minimum area of four (4) acres and a maximum density of seven and one-half (7.5) dwelling units per acre.

5.9.4 Approval Procedure

Factory Built Housing Parks shall be approved as required under Section 5.14.

5.9.5 Design Requirements

The layout and design of all manufactured housing parks and the content of all required plats, engineering plans and other required submissions shall be prepared in accordance with minimum County standards.

5.9.6 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application as follows:

- A. Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating
 - 1. That the Developer has satisfied the agency's water rights conveyance requirements, and
 - 2. That the agency is willing and able to provide a perpetual and uninterrupted supply of culinary and fire water to the project, as determined by the County.
- B. Written approval from an existing recognized culinary water delivery entity (water company, special district, etc.), granting permission of the developer to receive water service through company-owned facilities and /or copies of documents establishing a new water delivery agency.

5.9.7 Improvement Requirements

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards or the approved plan, and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Section 7.

- A. Streets, driveways and parking areas, which shall be graded, graveled and hard-surfaced.
- B. Curbs, gutters and walkways.
- C. Drainage and flood control structures and facilities.
- D. Water and sewer mains, both on-site and off-site, complying with the utility requirements of the underlying zone.
- E. Culinary water supply and domestic sewage collection and disposal facility, complying with the utility requirements of the underlying zone.
- F. Fire hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping.
- J. Sprinkling or other suitable irrigation systems.

- K. Fences, walls and all other common area, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Common storage area.
- M. Street lighting, if agreed to in approved plan.

5.9.8 Required Documents

The following documents shall be prepared and submitted by the Developer for each development. All documents shall be prepared in accordance with County standards.

- A. Open space easement.
- B. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
- C. Improvements construction agreement.

5.9.9 Special Provisions

- A. Prerequisite to the operation of any manufactured housing park shall be the obtaining and maintaining of an annual business license that shall be issued only after inspection by the Zoning Administrator. It shall be unlawful to operate a manufactured housing park without first obtaining a business license and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.
- B. Each space within a manufactured housing park shall be used for only one home at the same time, and shall not be used as a transient recreational vehicle site. No lot or space shall be rented or leased for a period of less than thirty (30) days.

5.10 PLANNED SHOPPING CENTER DEVELOPMENTS

5.10.1 Intent

The intent of this section is to promote the convenience of residents living beyond walking distance from the central business district, in obtaining a variety of goods and services, and to establish guidelines dealing specifically with the design and construction of shopping centers.

5.10.2 Permitted Uses

Uses within the zone shall be limited to the following:

- A. Retail and service outlets, including customary food stores, supermarkets, drug and variety stores, cosmetic, clothing, fabric and shoe stores, stationary and office supply stores, confectionary and ice cream stores, hardware, garden and home supply stores, clinics, medical and dental and other professional offices, barber, beauty and hair style shops, banks and loaning agencies, radio, television and electronic equipment sales and service establishments, automobile service stations, laundry pickup and similar retail and service establishments.
- B. Driveways, off-street parking facilities, walks, utility systems and landscaped areas.
- C. Identification signs.

5.10.3 Area Requirements

Each shopping center project shall contain not less than six (6) acres; provided, however, that additions of less than six acres may be made to an existing development.

5.10.4 Approval Procedure

Planned shopping center developments shall be approved as required under Section 5.14. The procedure for rezoning to SC-1 and approval of a planned shopping center development may be combined.

5.10.5 Design Requirements

The layout and design of all shopping center developments and the content of all required plats, engineering plans and other required submissions shall be prepared in accordance with minimum County standards.

5.10.6 Water Rights Requirements

Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary and fire water, from a recognized water supply agency, shall be submitted with each application as follows:

- A. Written approval by the Price River Water Improvement District or other recognized water supply entity, indicating:
 - 1. That the developer has satisfied the agency's water rights conveyance requirements, and

2. That the agency is willing and able to provide a perpetual supply of water adequate for both culinary and fire protection purposes, as determined by the county.

B. Written approval from an existing recognized culinary water delivery entity (water company, special district, etc.), granting permission for the developer to receive water service through company-owned facilities and/or copies of documents establishing a new water delivery agency.

5.10.7 Improvement Requirements

The following improvements shall be installed in all developments, if not existing. Said improvements shall meet minimum County standards or the approved plans, and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, driveways and parking areas.
- B. Curbs, gutters and walkways.
- C. Drainage and flood control structures and facilities.
- D. Onsite water and sewer mains.
- E. Offsite water and sewer mains.
- F. Fire Hydrants.
- G. Permanent survey monuments.
- H. Gas, electric and telephone lines (which shall be placed underground).
- I. Landscaping in the common area.
- J. Sprinkling or other suitable irrigation systems.
- K. Fences, walls and all other common areas, facilities, systems and structures proposed for the development as shown on the final plans.
- L. Street lighting.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a planned shopping center development.

5.10.8 Required Documents

The following documents shall be prepared and submitted by the Developer for each development. All documents shall be prepared in accordance with County standards.

A. Where the development is to be retained in one ownership, required documents shall include:

1. Covenants, conditions, restrictions and management policies.
2. Maintenance agreement.
3. Open space easement (when required by County).
4. Documents indicating satisfaction of water rights, water supply, and sewage disposal requirements.
5. Improvements construction agreement.
6. Title Report.

B. Where the development has two or more owners, or where an existing development is being condominium-ized or otherwise divided into two or more ownerships, required documents shall include:

1. Articles of incorporation for property owner's association.
2. Corporation by-laws.
3. Covenants, conditions, restrictions and management policies.
4. Maintenance agreement.
5. Open space easement (when required by County).
6. Documents indicating satisfaction of water rights, water supply, and sewage disposal requirements.
7. Improvements construction agreement.
8. Title Report.

5.11 MOUNTAIN RECREATION DEVELOPMENTS

5.11.1 Intent

Mountain Recreation Developments may be constructed only in those zones in which they are specifically a permitted use and shall be subject to compliance with the following conditions and procedures.

5.11.2 Permitted Uses

Uses permitted in a Mountain recreation development shall be limited to the following:

- A. Mountain recreation vehicle courts subject to all design and improvement standards for such uses as adopted by the County.
- B. Restaurants, gasoline service stations, convenience food stores, bait shops, and similar commercial establishments when included as an integral but incidental part of a mountain recreation vehicle court.
- C. Guest cabins.
- D. One-family dwellings, conventional construction and factory built when used as a caretaker dwelling subject to the conditions of Section 3.3.27 of this Code. Also, customary residential accessory structures.
- E. Camping and picnic facilities.
- F. Driveways, streets, parking areas, common storage areas, landscape features, and similar uses and structures.
- G. Recreation vehicle watering and sanitary dump stations.

5.11.3 Area Requirements

Each development shall contain not less than four (4) acres.

5.11.4 Approval Procedure

Planned mountain recreation projects shall be approved as required under Section 5.14.

5.11.5 Plan Required – Content

A detailed site plan of the proposed development shall be submitted. Said plan shall contain the following:

- A. A site plan showing the location of all buildings and facilities proposed for the development and designating the intended use of all areas.
- B. Engineering plans showing the location of proposed water and sewer lines and facilities, fire hydrants, and utilities.

5.11.6 Design Requirements

The layout and design of the development and the content of all required plats, engineered plans, and other required submissions shall be in accordance with County standards.

5.11.7 Water Rights Requirements

Satisfactory evidence of title to a permanent water right from a reliable water source in the amount necessary, as determined by the County, to meet minimum State Health requirements for all features of the project shall be submitted.

5.11.8 Improvement Requirements

The following improvements shall be installed in the developments, provided that where a particular improvement is inapplicable for the project proposed, the County may waive the requirement. All required improvements shall meet minimum County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, driveways, and off-street parking areas.
- B. Drainage and flood control structures and facilities.
- C. Water and sewer mains, both on-site and off-site.
- D. Culinary water supply and domestic sewage disposal facilities.
- E. Fire hydrants.
- F. Gas, electric, and telephone lines.
- G. Landscaping in the open space area.
- H. Fences, walls, and all other common areas, facilities, systems, and structures proposed for the development as shown on the final plans.
- I. Common storage area (when applicable).
- J. Overhead lighting.

Developers may install other improvements; however, the construction of other improvements shall not be required as a condition of approval of a mountain recreation development.

5.11.9 Required Documents

The following documents shall be prepared and submitted by the developer for each development, provided, that where a particular document required under this Section is inapplicable for the particular project proposed, the County may waive the requirement.

- A. Documents indicating satisfaction of water rights, water supply and sewage disposal requirements.
- B. Development agreement.

5.12 RECREATION VEHICLE COURTS

5.12.1 Intent

Recreational Vehicle Courts may be constructed only in those zones in which they are specifically a permitted use and shall be subject to compliance with the following conditions and procedures.

5.12.2 Permitted Uses

Uses permitted in a Recreational Vehicle (RV) Court shall be limited to the following:

- A. RV courts shall be constructed subject to all design and improvement standards for such uses as adopted by the County.
- B. Permanent occupancy is prohibited.
- C. Restaurants, gasoline service stations, convenience food stores, bait shops, and similar commercial establishments maybe when included as an integral but incidental part of a RV Court.
- D. One family dwellings, conventional construction or factory built, when used as a caretaker dwelling subject to the conditions of Section 3.3.27 of this Code. Also, customary accessory uses and structures.
- E. Guest cabins, conventional construction or factory built.
- F. Camping and picnic facilities.
- G. Driveways, streets, parking areas, common storage areas, landscape features, and similar uses and structures.
- H. RV watering and sanitary dump stations.

5.12.3 Area Requirements

- A. Recreational vehicle courts shall have a minimum court size of two (2) acres.
- B. Mountain recreational vehicle courts are permitted when included as part of a mountain recreation development.

5.12.4 Approval Procedure

Recreational Vehicle Courts shall be approved as required under Section 5.14.

5.12.5 Plan Required – Content

A detailed site plan of the proposed development shall be submitted. Said plan shall contain the following:

- A. Area and dimensions of the entire tract.
- B. The land uses and ownership of adjacent properties and the location and size of the access roads and off-site utility systems.
- C. The proposed location, width, surface treatment of all vehicular and pedestrian travelway and off-street parking areas.
- D. The location, size and number of proposed recreation vehicle sites.
- E. The location of all proposed service and recreation buildings, sanitary dump stations, caretaker dwellings, and other existing or proposed structures.
- F. The location and size of proposed water, sewer and outside lighting, refuse, disposal facilities and surface water drainage facilities and easements.
- G. Typical RV site details showing the location, size and proposed surface treatment of the pad, location and detail of utility connections, and provisions for landscaping.
- H. Identification of sites intended for use of independent, self-contained recreation vehicles or for tent camping.
- I. Plans and specifications of all buildings constructed or to be constructed within the court.
- J. The location of all open space for recreation and a general landscaping plan for such area.

5.12.6 Design Requirements

The layout and design of the development and the content of all required plats, engineering plans, and other required submissions shall be in accordance with County standards.

5.12.7 Water Rights Requirements

Satisfactory evidence of title to a permanent water right from a reliable water source in the amount necessary, as determined by the County, to meet minimum State Health requirements for all features of the project shall be submitted.

5.12.8 Improvement Requirements

The following improvements shall be installed according to County standards and shall be completed within one year from the date of final approval of the project by the Planning Commission; except that, upon a showing of good and sufficient cause, the Planning Commission may authorize an extension of the time limit for a period up to six (6) months. Financial assurances guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions of Section 7.

- A. Streets, access and circulation system.
- B. Campsites with a density of not more than twenty-four (24) campsites per gross acre.
- C. Buffering, setbacks and fencing per approved plan.
- D. Water and sewer per County standards.

5.13 HOTELS, MOTELS AND APARTMENTS

5.13.1 Intent

The intent of this section is to establish guidelines dealing specifically with design approval, construction and operation of proposed new hotels, motels, and apartments. These provisions shall be supplemental and in addition to the general requirements for large-scale developments contained under Section 5.1 of this Code.

5.13.2 Location and Design Requirements

Hotels, motels and apartments shall comply to all applicable requirements of the underlying zone, and where the proposed hotel, motel or apartment is to be developed under the provisions relating to a planned

unit development, all uses or structures shall comply with the plans for such project as approved by the County.

5.13.3 Approval Procedure

The procedure leading to approval of a hotel, motel or apartment – new construction shall be the same as set forth in Section 5.14.

Where such hotel, motel or apartment is being developed as a planned unit development, planned shopping center, or similar planned development, the procedures for part of approval of said planned development and the approval of said development as a hotel, motel or apartment project may be combined.

5.13.4 Required Documents

The following documents shall be prepared and submitted by the developer for each hotel, motel and apartment:

- A. Declaration of Covenants, Conditions, Restrictions and Management Policies.
- B. Management Agreement
- C. Open Space Easement, where deemed necessary
- D. Title Report
- E. Record of Survey Map/Final Subdivision Plat (when applicable)
- F. Statement from serving Sewer District that the District can serve the development.
- G. Satisfactory evidence of an entitlement to a firm and uninterrupted right to the use of culinary and fire water, from a recognized water supply agency for each lot or unit in the development, shall be submitted with each application. Where, in the opinion of the Planning Commission, a particular document as required under this Section is inapplicable for the particular hotel, motel, and apartment proposed, the County may waive the requirement for submitting said document.

5.14 ADMINISTRATIVE PROCEDURE FOR APPROVAL

- A. Review Fee

The Planning Commission shall set application and zoning administration fees by Resolution. Any additional fees for complex or unusual projects or extra costs incurred by the County for processing the application shall be based on the actual extra time and expense incurred in processing and reviewing the application. Documentation of the actual time and associated costs of the additional fees will be provided on request to the developer.

B. Developer Meets with County Staff

The Developer of the proposed project shall meet with County staff to discuss the basic concept of the development and to obtain information concerning the County's and this Code's requirements for zoning approval and compliance, along with concept construction plans, and other required data to be submitted to obtain building permits.

The purpose of the conference is to acquaint the developer with the range of opportunities for development under the provisions of this Code, and the requirements and procedures for approval by the Planning Commission. The County staff may suggest changes in the proposed development project so that the project may be more fully consistent with the County's development regulations, policies and this Code. The recommendations from the staff shall be purely advisory and in no way shall the conference be construed to constitute approval or disapproval of the plan.

C. Developer Submits Plans, Documents, Statements, and Data

The developer shall submit to County staff all of the required applications, plans, documents, statements, data, approval from other agencies, along with any other documents required. Also an itemized estimate of the cost to construct the project, along with payment of the applicable fees, no later than fourteen (14) days prior to the next regular scheduled meeting of the Planning Commission so that staff can review the materials submitted for completeness and place the item on the agenda for consideration by the Planning Commission.

D. Staff Review Plans, Documents, Statements and Data, Take Action

The County staff will review the plans, documents, statements and other data submitted for approval of the proposed project for completeness and conformance with County standards, the Master Plan, and this Code. After review the staff shall either:

1. Conclude that the application and documentation is complete and place the item on the agenda for approval by the Planning Commission, or
2. Conclude that the application and documentation are incomplete, then notify the developer that said application is incomplete, and inform the developer as to what portions of the application and documents are incomplete.

The item will not be placed on the agenda of the Planning Commission until such time as the developer submits a complete application and documents, after which time the item will be placed on the next available meeting agenda of the Planning Commission.

If the item is placed on the agenda for Planning Commission approval, the developer will also submit the plans, documents, statements, and data required by other agencies such as the County Engineer, Road

Supervisor, Weed Department Supervisor, County Attorney, Fire Marshal, Health Department, Utah Division of Oil, Gas & Mining, or other appropriate agency or official, as determined during the administration of the application.

E. Planning Commission Takes Action

The Planning Commission shall review and discuss the proposed project and staff recommendations at a regular or special meeting, and shall act to disapprove, table, approve, or approve with modifications, the proposed project.

If the proposed project is a subdivision, planned unit development, or other type of project which is required by this Code to receive other levels or stages of approval, the Planning Commission shall place the project item on the next Planning Commission agenda, and successive meeting agendas, for consideration of that next level of approval, as requested by the developer.

The final approval of the project shall be by passage of a motion by the Planning Commission, which outlines the project scope and identifies the territory to be included in the project plan. Upon completion by the developer, and acceptance of the project by the County, including the release of any financial guarantees, the approved project shall constitute the zoning requirements for the territory covered by the project. The specific requirements of the underlying zone shall be considered modified in conformance with the plans, plats, documents and agreements approved for the project.

If disapproved, no further action is required.

If approved as submitted, the developer will proceed to prepare final plans, documents, statements and data to be submitted to the Zoning Administrator who shall issue any Conditional Use or other Zoning Permits.

In the case of a Mountain Home or Recreation Development, Planned Unit Development, Condominium Project or other project requiring the filing of a plat, the developer shall prepare the required final plans, plats, documents, statements, data, financial guarantee, title report, or other documentation and permits required by other levels of government or agencies and officials, to be submitted to the Zoning Administrator. The Zoning Administrator shall review the plat and the documents and refer the plat to the County Surveyor or Engineer who shall review the plat for accuracy. Upon determining that the project is in full compliance with this Code and other applicable regulations, the Zoning Administrator shall submit the plat to the County Recorder for filing. The developer shall pay any recording fees.

If approved subject to modifications, the Planning Commission shall instruct the developer as to any modifications required, then refer the project to the Zoning Administrator who shall document that all such modifications have been made to the plans for the project, then either issue the appropriate permits or submit the plat to the County Recorder for filing and recording. The developer shall pay any recording fees.

No plat for a development approved under this section shall be recorded unless and until all of the requirements of this Code for such development has been received by Carbon County.

Planning Commission approval of any project administered under this section shall remain valid for a period of twelve (12) months, beginning from the date of approval by the Planning Commission. The time limit may be extended by action of the Planning Commission for periods not exceeding one (1) year. Any requests for extension of time shall be officially requested by the original developer in writing, and placed on the agenda of a Planning Commission meeting for approval no later than thirty-one (31) days prior to the expiration of the one-year period. No construction shall be permitted until final approval of the development has been obtained.

G. Required Documentation

After receiving authorization to proceed, the developer shall submit to the Zoning Administrator the following:

1. For projects considered for a Conditional Use Permit:
 - a. Payment in full of any required zoning administration fees.
 - b. One copy of the final plans, documents, statements and data for the project.
 - c. Any required development agreements, prepared at the expense of the developer, in a form acceptable to Carbon County.
 - d. Any required financial or performance guarantees.
2. For projects requiring the filing and recording of a plat:
 - a. The original Mylar and one (1) print of the final plat.
 - b. Final engineering drawings.
 - c. Documents indicating full compliance with the culinary and fire water and sewage disposal requirements for each lot in the project, as determined by the County.
 - d. An itemized estimate of the cost of constructing all required private or public improvements, prepared by the developer or his agent, engineer, or contractor, which has been approved by the County Engineer.
 - e. A title report, covering the property within the final plat area, to identify all interests in the property which may have an affect on the title and to establish that the land proposed for subdivision is

free of boundary conflicts and that the proper dedications can be made. This requirement shall also ensure that purchasers of lots will have a clear and marketable title.

- f. A storm drainage plan for the area effected by the development prepared by a professional engineer and which has been reviewed and approved by the County Engineer.
 - g. Final copies of all other required documentation, when applicable.
 - h. A performance guarantee in an amount determined by the cost estimate and Section 7 of this Code.
 - i. A development agreement, which outlines the work to be performed, the duties of the developer, and any other pertinent details.
3. For Utility Transmission projects: A plan of the proposed transmission project shall be submitted. Said plan shall show:
- a. Location and width of rights-of-way.
 - b. Proposed location of all lines and related structures.
 - c. Summary of all proposed clearings, access roads, road construction activity or similar activity.
 - d. Other data as required by the County.
 - e. An environmental impact statement that identifies and evaluates the significant impacts upon the social, economic and natural environment of the County, when required by the Planning Commission.
 - f. A reclamation plan.
4. Performance Guarantee

The Planning Commission may, if deemed necessary, require a financial guarantee per Section 7 of this Code that will insure installation of the project in accordance with the final plan. The financial guarantee shall be released by the Board of County Commissioners following completion of the project, but only after final inspection by the County Commission, or designated agent, to determine compliance with the final plan.

EXHIBIT "C"

SECTION 6
SUBDIVISIONS

6.1 INTENT

The intent of this chapter is as follows:

- A. To facilitate the orderly development of the County.
- B. To implement the County's Master Plan.
- C. To facilitate the development of a safe and efficient street system, through the Master Road Plan.
- D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with State Law.
- E. To provide adequate water, sewer, drainage, utilities, and other services to developing areas of the County.
- F. To establish the rights, duties, and responsibilities of developers with respect to the development of land within the County.

6.2 SUBDIVISION PLANS AND PLATS REQUIRED – EXCEPTIONS

6.2.1 Subdivision Plats Required – To Be Recorded

No person shall subdivide any tract of land within the unincorporated portion of the County; nor shall any person sell, exchange, purchase, or otherwise convey, or make an agreement to sell, exchange, purchase, or otherwise convey, a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this Code and State statutes, unless and until a final plat, prepared in accordance with the provisions of this Code, shall have been first approved by the Planning Commission, and recorded in the Office of the County Recorder.

6.2.2 Exemption from Plat Requirement – Agricultural Land

Any owner or agent of any owner of property who seeks to partition land without recording a plat by virtue of an exemption for agricultural land, shall first apply for an agricultural waiver on forms furnished by the County Zoning Administrator. The Zoning Administrator shall approve said waiver upon satisfactory completion of the application form by the applicant, and documentation from the County Assessor that the lands qualify and comply with Utah Code 59-2-502. (2009). Any parcel(s) so created shall comply with the minimum size requirement of this code. This waiver shall preclude the residential or other nonagricultural use of the land until the recording of a properly approved subdivision plat.

The waiver shall be recorded at the property owner's expense in the Office of the County Recorder. The Zoning Administrator shall inform the Planning Commission of all approved agricultural waivers.

Any sale or other transfer of land into two or more parcels without the owner or agent of the owner first having obtained a waiver from the Zoning Administrator, or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of this Code, and any parcel so created shall not qualify as a zoning lot as defined by this Code, nor shall a building permit be issued for any structure on said parcel until such time as either a bona fide waiver or subdivision plat is recorded for said land.

6.2.3 Agricultural Land Waiver

One new lot may be created from an original 100 or more contiguous acres of agricultural land by the owner of such lands by submitting to the Zoning Administrator for recording in the Office of the County Recorder:

- A. A recordable deed containing the legal description of the Minor Subdivision lot: and
- B. A notice indicating that the owner of the land to be divided is making a minor subdivision by referring to Utah Code 17-27a-605 (2016), and containing the legal description of the land to be divided and the Minor Subdivision lot.
- C. Such lot may not be less than one acre and may not be within 1,000 feet of another Minor Subdivision.
- D. Said lot is not subject to this code.

Land to be divided by a Minor Subdivision may not include divided land.

6.3 PROCEDURE FOR APPROVAL OF A SUBDIVISION (1) WITH PUBLIC IMPROVEMENTS INSTALLED BY THE DEVELOPER, (2) WITH PHASED DEVELOPMENT, OR (3) EXCEEDING NINE LOTS

6.3.1 Pre-Submission Conference

Any person wishing to subdivide land within the County shall secure from the Zoning Administrator information pertaining to the requirements for subdivisions and the County's plan of streets, parks, drainage, open space, access, zoning and other Master Plan requirements affecting the land to be subdivided.

6.3.2 Prepare Concept Plan

The developer shall then prepare a concept plan and shall submit (2) copies of the same to the Zoning Administrator, along with payment of zoning fees, not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting. Said plan shall be prepared in accordance with County standards.

Where a developer owns or controls more land than he proposes to submit for preliminary approval, the Planning Commission may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission.

Said plan shall contain at a scale of not less than one inch equals fifty (50) feet:

- A. Property boundary
- B. Adjacent property owners
- C. Natural water courses
- D. Location(s) of all existing utilities
- E. Proposed lots and their approximate dimensions
- F. Proposed surface drainage
- G. Other information required by staff or other public agencies

The Zoning Administrator may require that the concept plan be prepared by a Utah Licensed Professional Land Surveyor, (P.L.S.).

6.3.3 When Zone Change is Requested with Concept

Whenever the subdivision concept requires that a change of zoning district be approved by the County, a request to change the zone shall accompany the concept approval application.

Said zone change application shall include payment of administrative fees and all costs of public notice shall be borne by the applicant. The request to change the zone map shall be heard in tandem with the subdivision concept approval.

6.3.4 Obtain Planning Commission Approval of Concept Plan

Upon receipt of the concept plan, the Planning Commission or staff shall set the time and place for a public hearing at which time public input shall be taken, and the Planning Commission shall consider the plat and other documents and facts.

The Planning Commission shall review the concept plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications, or (d) where considered necessary or desirable, act to table further consideration of the plan.

Approval of the concept plan shall not be construed to constitute approval of the subdivision but shall be deemed as an expression of acceptance of the basic concept and feasibility of the proposed subdivision which the developer may use as a guide in the preparation of the preliminary plan.

6.3.5 Prepare Preliminary Plan and Improvement Drawings

Upon approval of the concept plan by the Planning Commission, the developer shall submit not less than two (2) copies of a preliminary plan of the subdivision prepared by a Utah licensed P.L.S. along with payment of zoning fees, to the Zoning Administrator not less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plan shall contain:

- A. The name of the proposed subdivision.
- B. The location of the subdivision as part of a larger tract where the plan submitted covers only part of the developer's tract.
- C. The surveyor's name and license number.
- D. The owners of all land immediately adjoining the land to be subdivided.
- E. A contour map at five (5) foot intervals when required by the Zoning Administrator or Planning Commission.
- F. Identification of elevations and/or flood plains as defined by FEMA and include the map number.
- G. The boundary lines of the tract and all existing or platted streets, roads, streams, waterways, utility lines, existing buildings, and other important features.
- H. The location, width, and other dimensions of proposed roads, streets, easements, parks, common drives, privately owned access ways, open space, trails, common facilities, and other improvements and dedications.
- I. A drainage plan of all areas of the proposed development including vacant or open space, proposed building sites, existing or proposed ditches, canals, curbs, storm drains, retention ponds, and other drainage facilities; the County Engineer will review the drainage plan for approval.
- J. North point, scale, date of drawing.
- K. Engineering calculations, drawings, typical cross sections, plans, schematics, or written statements regarding the plans. Engineer calculations and drawings shall include, but are not limited to:
 - a. Plans and profiles showing the finished grade at street locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location, elevation, depth, and size of all water, gas, or other underground utilities or structures.
 - b. Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection

to proposed facilities and utilities within the subdivision, and shall identify any utility and drainage conflicts.

- L. The proposed location of all utility improvements to be installed by the developer, such as water lines, sewer lines, gas lines, electrical power lines, cable TV lines, telephone lines, storm drains, secondary water, etc.

All plan documents and other data shall be prepared in accordance with County standards. Failure to submit all required material prepared in accordance with said standards shall be grounds for denial.

6.3.6 Obtain Planning Commission Approval of Preliminary Plan

The Planning Commission shall review the preliminary plan and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modification, or (d) where considered by the Planning Commission to be necessary or desirable, act to table further consideration of the plan.

Approval or denial of the plan shall be based upon compliance with the Master Plan, the Development Code, and with the standards and conditions of approval. The action of the Planning Commission shall be written on the face of two copies of the plan, one of which shall be retained in the files of the Zoning Administrator, and one of which shall be returned to the developer. If the plan is disapproved, the Planning Commission shall express in writing its reasons to the developer.

Upon approval of the preliminary plan, the Planning Commission shall be committed to grant final approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, preliminary approval was given based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property, not known or present at the time concept approval was given, which would result in a significant detrimental effect to the public if the project was carried out as initially approved.

Approval of the preliminary plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one year, upon receipt of a written request from the developer prior to expiration of first year.

6.3.7 Prepare and Submit Final Plat, Engineering Drawings, and Documents

Upon approval of the preliminary plan by the Planning Commission, the developer shall prepare the final plat, engineering drawings and documents and shall submit at least two (2) copies of the same, along with payment of zoning fees, to the Zoning Administrator no less than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting.

Said plats, drawings, and documents shall include:

- A. The original Mylar and one (1) print of the final plat.
- B. Engineering drawings.
- C. Documents indicating compliance with the water and sewage disposal requirements for each lot.
- D. An itemized estimate of the cost of constructing all required improvements, prepared by the developer or his agent, or contractor, who has been approved by the County Engineer. This estimate shall be used as the basis for settling the amount of the performance guarantee.
- E. A title report, covering the property within the final plat area, to identify all interests in the property which may have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of plots will have a clear and marketable title.
- F. Evidence of a satisfactory storm drainage plan.
- G. Final copies of all other required documentation, when applicable.

H. Evidence of payment of final zoning, recording, and any other fees.

The required copies of the final plans, plats, and documents shall be prepared in accordance with County standards, (see Section 5). Failure to submit the final material in accordance with said standards shall be grounds for denial of further action by the County.

6.3.8 Planning Commission Takes Action on Final Plat

The Planning Commission shall review the final plat, final engineering drawings, and other required submissions, and shall act to: (a) approve the plan, (b) disapprove the plan, (c) approve the plan subject to modifications or (d) where considered necessary or proper by the Planning Commission shall state its reasons therefore to the developer.

Upon approval by the Planning Commission, the Chairperson of the Planning Commission shall sign the approved plat and the proposed dedications shall be accepted

Approval of the final plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission for a period not to exceed one year, upon receipt of a written request from the developer 31 days prior to expiration of the first year.

6.3.9 Developer Posts Financial Guarantee

Upon approval by the Planning Commission, the developer shall deliver:

- A. A bond or other acceptable financial guarantee to ensure installation of improvements, in compliance with Section 7.
- B. An executed Development Agreement on a form provided by the County.
- C. Payment of any outstanding zoning fees.
- D. Final engineering plans, specifications and documents.

6.3.9 Final Plat Recorded in Office of County Recorder

Upon receipt of the executed final plat and the receipt of all outstanding submissions and fees, the Zoning Administrator shall, within seven (7) days thereafter, submit or cause to be submitted, said plat for recording in the Office of the County Recorder. Recording fees shall be paid by the developer.

6.4 **PROCEDURE FOR APPROVAL OF A SUBDIVISION WITHOUT PUBLIC IMPROVEMENTS. ALL NECESSARY IMPROVEMENTS EXISTING, TO NINE (9) LOTS**

6.4.1 Pre-Submission Conference

It shall be the responsibility of any person, firm, or corporation wishing to subdivide land within the County to secure from the Zoning Administrator information pertaining to the current zoning of the land to be developed along with requirements for subdivisions and the County's plan for roads, streets, parks, drainage, zoning and other Master Plan requirements affecting the land to be developed. The developer shall demonstrate to the satisfaction of the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities for the proposed development. The developer or subdivider shall also familiarize themselves with the Development Code and the procedures of the Planning Commission, and County staff.

6.4.2 Subdivisions Containing One to Nine Lots

Upon receipt of a report from the County Engineer that buildings and structures can be constructed on the proposed lot(s) without the necessity of constructing storm drainage facilities, and a subdivision plat and documentation for a subdivision containing three or less lots where no public improvements are required to be installed by the developer, the Zoning Administrator shall schedule it for approval at the next regular meeting of the Planning Commission. The Planning Commission shall review the plat and documentation for compliance with the Development Code, and consistency with the plans and programs of the County and their respective responsibilities therein. The Planning Commission will also consider recommendations from staff or others for correcting deficiencies, and shall take one of the following actions:

- A. Approve: The subdivision is in full compliance with County standards and consistent with plans and programs of the County.
- B. Disapprove: The subdivision is not in compliance with County standards and/or is inconsistent with plans and programs of the County.
- C. Table the application at the request of the applicant.

Any action to approve by the Planning Commission shall require a majority vote of the Commissioners present. If a developer is aggrieved by a determination of the Planning Commission, he may request a hearing on the decision before the Administrative Hearing Officer, which appeal shall be filed with the Zoning Administrator within thirty (30) days of the determination by the Planning Commission.

6.4.3 Zoning Administrator and Engineer Review

Following approval by the Planning Commission, the Zoning Administrator and County Engineer shall review the final plat and other documentation for compliance with County standards and requirements.

6.4.4 Subdivision Recorded

Following approval by the Planning Commission, Zoning Administrator, and County Engineer, and upon payment of any outstanding zoning fees, the Zoning Administrator shall within seven (7) days thereafter submit said plat for recording in the Office of the County Recorder. No lots shall be recorded or sold by metes and bounds description. Recording fees shall be paid by the developer.

6.5 SUBDIVISION OF EXISTING LOTS OF RECORD WITH MORE THAN ONE DWELLING

In order to reduce the burden on tax assessment and collection and to relieve certain property owners of the uncertainty of the ownership status of their properties, the following regulations apply to existing lots of record as of December 28, 1981:

6.5.1 Regulations

- A. The division shall result in not more than 2 lots.
- B. The building setbacks for existing buildings and structures shall meet the requirements of the building code.
- C. All drainage from each lot shall be controlled as approved by the County Engineer.
- D. No future buildings shall be constructed which violate the provisions of this code.

6.5.2 Approval Procedure

The subdivision shall be approved by the Planning Commission as a subdivision without public improvements and recorded in the office of the County recorder.

6.6 DESIGN AND DOCUMENTATION REQUIREMENTS

The layout and design of all subdivision developments and the form and content of all plats, engineering plans, documentation, and other required submissions shall be prepared in accordance with minimum County standards and specifications as provided for under Section 6.8.1.

6.7 WATER RIGHTS REQUIREMENTS

Satisfactory evidence of an entitlement to a permanent, ongoing right to the use of approved culinary water supplies, from a reliable water supply agency, approved spring or well, for each lot in a proposed subdivision, shall be submitted with each application for final approval of a subdivision, as follows:

6.7.1 Subdivisions Utilizing a Central Water Supply and Distribution System

- A. Written approval to connect to a recognized public water supply entity such as The Price River Water Improvement District (PRWID), or a private water company, which in the opinion of the County is capable of providing reliable ongoing supplies of approved culinary water in an amount not less than twelve thousand one hundred sixty-seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall state that all of the requirements of said agency have been met necessary to secure the status of a permanent user. Culinary and firewater adequacy shall be determined by the County, and
- B. Either of the following, as applicable:
 - 1. Written approval from an existing recognized culinary water purveyor (water company, special district, etc.) granting permission to receive culinary and fire protection water service through their lines, or
 - 2. Documentation establishing a new water company along with satisfactory proof that the supply facilities and lines have been approved by the Utah Department of Environmental Quality and have adequate pressure, storage, and capacity to meet both culinary and fire protection needs of the project, as determined by the County.

6.7.2 Subdivisions Utilizing a Private Cistern Type Water System

- A. Written approval from a recognized water supply entity in the vicinity such as PRWID, Price City, a private water company, a homeowners association which operates a private water company, or the like, which, in the opinion of the County, is capable of providing a reliable and ongoing supply of culinary water in an amount of not less than twelve thousand one hundred sixty seven (12,167) gallons per month for each proposed dwelling unit within the subdivision. Said approval shall indicate that the petitioner has satisfied all requirements of said agency necessary to secure the status of a permanent user. Surplus water purchase arrangements will not be considered as satisfying this requirement.
- B. As a guarantee that a satisfactory supply of water will be available for each dwelling when and if a central water system is extended to serve said lot(s), the subdivider shall also submit evidence of an irrevocable commitment of title to water rights, for each lot within the subdivision, in an amount and of placement of said rights in a trust or similar third party, under an agreement that ownership of said rights will pass to the water supply entity at the time that culinary water is delivered to the dwelling. The right of use of all water which is represented by rights placed in trust pursuant to this section shall be retained by the lot owner.

6.7.3 Individual Well or Spring Systems

Approval from the Utah Division of Water Rights, authorizing the use of water from the proposed source for domestic purposes; also written evidence to the effect that the water from the well or spring conforms to minimum quality standards for culinary water, as determined by the Building or Plumbing Official.

6.8 IMPROVEMENTS-WHEN REQUIRED

Improvements shall be existing or installed in all subdivisions. Said improvements to be installed shall meet minimum County standards and specifications and shall be completed within one (1) year from the date of recording of the final plat, for subdivisions without existing improvements. The Planning Commission may, upon a showing of good and sufficient cause, grant an extension of the time limit not to exceed six (6) months.

Off-site improvements may be required for all improvements, including, but not limited to roads, utilities, storm drains, and other improvements deemed related to, and proportionate to the expected impact from the development.

Financial assurances in the form of a letter of credit, bond, or other instrument guaranteeing the construction of all required improvements shall be required as a condition of approval. Said assurances shall be in accordance with the provisions in Section 7.

6.8.1 Streets, Roads, and Travel ways

All dedicated roads, streets, private drives, travel ways, or other required access ways shall either be in place, inspected, and approved, or shall be constructed or improved in conformance with the applicable financial guarantees and construction standards as currently adopted by the and this Code.

6.8.2 Culinary Water

- A. In zones which require connection to a central water system:
 - 1. Both “offsite” and “onsite” water mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.
 - 2. Water service laterals shall be installed from the main line to at least six (6) feet inside the lot line. Said lateral shall include the installation of a meter box and meter setter.
 - 3. The water flowing to said system shall be from a source and through lines which are sufficient in size to provide a volume of flow and level of pressure adequate for culinary use in accordance with State rules and County standards. In the absence of a specific standard, general engineering practices shall prevail.
- B. In zones which allow utilization of individual cistern type systems:

The construction of the cistern shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall be required as a condition of evidence of compliance with Health Department requirements.

6.8.3 Fire Water

- 1. The minimum pressure standard for fire flow shall be twenty (20) psi under static pressure.
- 2. The minimum fire flow standards for new residential subdivisions, condominium projects, planned unit developments, factory built housing parks, recreational vehicle courts, commercial and industrial developments within the Price River Water Improvement District boundaries, or served by other purveyors, shall be a minimum of five hundred (500) gallons per minute, with a reduction allowed for the development after consultation with the local fire chief having jurisdiction.
- 3. A reduction to two hundred fifty (250) gallons per minute shall be allowed if all new dwellings constructed in the development are equipped with an automatic fire sprinkling system.

4. The minimum fire flow standard for new developments in the M&G, RFM, WS, HMZ and MR zones, such as planned mountain home developments, mountain recreation developments, dude ranches, lodging houses, bed & breakfasts, guest cabins, commercial and industrial developments, shall be a minimum of two hundred fifty (250) gallons per minute. There shall be no requirement for individual cabins, dwellings, or accessory structures on existing lots of record or on 40-acre lots.

5. All required fire flow quantities may be reduced or eliminated by the Planning Commission following a recommendation of the Fire Chief and County Planning Staff during the process of the approval for that particular project or class of projects.

6.8.4 Fire Hydrants

All subdivisions for which a central water system is required shall have fire hydrants installed every 1000 lineal feet measured along the street or road in the subdivision or Planned Mountain Home Development. No lot shall be located farther than 500 feet from a fire hydrant. For dwellings served by a private drive, a hydrant shall be installed within 500 feet of each dwelling.

6.8.5 Sewers

A. In zones which require connection to a central sewer system:

1. Both "offsite" and "onsite" sewer mains sized per engineered design, as approved by the County, or as required by the serving entity shall be installed in such a way that each lot may be served there from.
2. Sewer service laterals shall be installed from the main to at least six (6) feet inside the lot line.
3. When located within boundaries of the Price River Water Improvement District or the Scofield Reservoir Special Service District, sewer main improvement requirements will be considered satisfied upon written notice of approval of the system from the district.

B. In zones which allow utilization of individual waste water disposal systems:

The construction of the individual wastewater disposal system (septic) shall be in accordance with Health Department rules and regulations. Completion, inspection, and approval by the Health Department shall be required as a condition of occupancy of the building. No permit for the construction of a building shall be granted without evidence of compliance with Health Department requirements.

6.8.6 Curb, Gutter, and Sidewalks

Curb, gutter and sidewalks shall be installed for all subdivisions located within an R-1-8,000, R-2-8,000, R-4-8,000, and the R-1-12,000 zones. Said improvements shall be constructed in accordance with County standards.

6.8.7 Permanent Survey Monuments

Survey monuments in an amount sufficient to re-survey each lot in the subdivision but not less than one (1) permanent survey monument shall be installed to current County standards in each subdivision. The location of the monuments shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be permanently marked.

6.8.8 Electrical Power

Electric power shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

Exception: Where it can be demonstrated that adequate electrical power from a continuous, reliable alternate source other than a commercial supply, i.e. solar, photovoltaic, wind, private generators, and other sources, these sources shall be considered, and may be approved as meeting the requirement for electrical power.

6.8.9 Telephone Service

Telephone lines shall be provided to each lot within new subdivisions. All lines and appurtenant facilities shall be located underground, except when the developer can show that the placement underground is not physically feasible. All facilities shall conform to current minimum County standards.

6.8.10 Street Signs

Street signs shall be installed at all locations indicated on the preliminary plan. The location and design of said signs shall conform to current minimum County standards.

6.8.11 Storm Drains and Facilities

Catch basins, piping, and other facilities for the disposal of storm water shall be installed in all new subdivisions, unless it can be demonstrated to the satisfaction of the County Engineer that buildings, roads, streets, curbs, utilities, and other facilities can be constructed without the necessity of constructing such facilities. The location, size and design of said facilities shall be in accordance with the County's current storm water disposal plans and standards, or as directed by the County Engineer.

6.8.12 Streetlights

The responsibility for providing streetlights within subdivisions lies with the developer of the subdivision, not the County. If a subdivision plan does not provide for streetlights, it shall be so agreed in the Development Agreement for the subdivision. If streetlights are desired by the future property owners, the cost of installing, maintenance, power, and other costs will be the responsibility of the property owners, and not the County. Street lighting shall not trespass or cause a nuisance to adjacent property owners.

6.9 GENERAL REQUIREMENTS

6.9.1 Standards and Specifications

The Planning Commission shall prepare and recommend standards and specifications for the content of subdivision plans and for the layout, design and construction of subdivisions and required improvements. Said standards and specifications shall be adopted by resolution of the County Commission. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions.

6.9.2 Partial Road and Street Widths Prohibited

All roads and streets in a subdivision shall conform to the current minimum standards, or the approved design for width and improvement.

6.9.3 Amended Plats

No change shall be made in a plat, nor shall a deed be recorded which would change a plat which has received final approval and has been recorded, unless and until approval for said change complies with State statutes for lot line

adjustments, or unless approval has been given by the Planning Commission. Any change in a subdivision plat shall be in compliance with the Utah Code, and this Code.

6.9.4 Work To Be Done By Professional Land Surveyor and Professional Engineer

All land surveying shall be done by, or under direction of, a Utah licensed Professional Land Surveyor. All required engineering shall be performed by, or under the direction of, a Professional Engineer. Some systems may be designed by an architect, surveyor, engineer, or contractor, or other design professional acceptable to the County.

6.9.5 Drawings of Record Required

Final as-built plans showing the location, size, grade and depth of all water and sewer mains, valves manholes, storm drains, electrical power, gas, cable TV, telephone, and other subsurface utility and service lines and facilities shall be required prior to the release of performance guarantees.

6.9.6 Definition of a Variance

To engage in an act different to a usual role based on undue hardship, practical difficulties, or geographical features peculiar to a particular development, in conformance with the spirit of this Code.

Variations to the strict application of the standards and specifications adopted pursuant to Section 6.8.1 may be authorized by the Administrative Hearing Officer. Such variations may be granted only upon a finding that, because of topographic or other unique physical condition, the standard appealed from may be granted a variance without any adverse effect on the health, safety, or welfare, of the present and future residents of the subdivision.

6.10 ENFORCEMENT

The Zoning Administrator or Building Official shall not grant any permit or license for the construction or use of any building or land within a subdivision unless and until said subdivision has been approved and recorded in accordance with the requirements of this Code, and the land, parcel or lot is in compliance with all County Ordinances regulating land use.

No excavation, installation of utilities, roadway or street construction, or other construction shall be authorized before and until the financial guarantee has been submitted to and accepted by the County and the subdivision plat has been recorded. Any excavation, installation of utilities, roadway or street construction, or other construction that commences before (1) final approval of the Planning Commission (2) the posting of a financial guarantee that has been accepted by the County, and (3) the recording of the approved subdivision plat, shall result in an administrative fine of \$10,000 and be deemed an illegal subdivision.

Whoever, being the owner or agent of the owner of any land located in a subdivision within the County, transfers or sells such land without having received approval in accordance with the provisions of this Code, shall be guilty of a Class B misdemeanor for each lot so transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties.

The County may, in addition to other remedies provided by law, institute injunctions mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, maintenance or use.

EXHIBIT "D"

SECTION 7

PERFORMANCE GUARANTEES

7.1 APPLICATION

Wherever a performance guarantee is required under the terms of this Code, said guarantee shall be submitted in conformance with this Section, and made a part of the Development Agreement executed for the Development.

7.2 TYPE AND AMOUNT OF GUARANTEE

The performance guarantee shall be one of the following:

- A. An irrevocable letter of credit from a financial institution acceptable to the County.
- B. A deposit of cash in a separate account, in the name of Carbon County and the developer.
- C. A performance bond from an institution acceptable to the County.
- D. A real property equity bond conforming to the specific requirements of paragraph 7.8.

Each performance guarantee shall be in an amount not less than 125 percent of the average of three (3) cost estimates from a qualified contractor or engineer experienced in constructing or engineering the type of public improvement for which the guarantee is requested. . In the event cost estimates cannot be readily obtained from three contractors or engineers, the County may accept a cost estimate from fewer than three contractors or engineers if, in the opinion of the County Engineer, the cost estimates received properly acknowledge the entire scope of work necessary to complete the public improvement and are reflective of local market costs. The guarantee, shall be posted in such a manner that any portion of the guarantee released shall require the advance written consent of the County. Any interest derived from cash guarantee accounts shall be the property of the developer.

7.3 DURATION OF GUARANTEE

The duration of the performance guarantee shall be for the applicable period of time specified for each particular type of development or activity. Said period shall begin on the date of final approval by the County.

7.4 FINAL DISPOSITION AND RELEASE

At the completion of the work, or not less than thirty (30) days prior to the release date of the bond or other assurance, the developer shall submit to the Zoning Administrator a Certificate of Completion. Following receipt of the certificate, the Zoning Administrator shall make a preliminary inspection and shall submit a report to the Chairman of the County Commission, setting forth the conditions of such facilities. The Zoning Administrator shall set the date and time of a staff meeting to review the status of the Development and to receive comments and recommendations from staff regarding the adequacy of the improvements and compliance with County Standards, Codes, and Ordinances. If the condition of said improvements or activities for which the guarantee is required are found to be satisfactory, and all liens are paid, the Chairman or their designated representative shall act to either:

- A. Approve and accept the improvements, at which time the guarantee of durability period shall begin; or
- B. Reject the improvements and notify the Developer of the deficiencies, and fix the time for said improvements to be complete; or
- C. Approve and accept portions or part of the improvements, at which time the guarantee of durability period shall begin on the improvements accepted; or
- D. Reject portions of the improvements and notify the Developer of the deficiencies, and fix the time for said improvements to be complete.

If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, or the terms of the guarantee have not been satisfied, the matter shall be referred to the County Commission and, in accordance with the provisions of 7.5, the Commission may declare the developer in default.

7.5 DEFAULT

Where, in the opinion of the County Commission, a developer fails or neglects to satisfactorily install the required improvements or make required corrections, or to pay all liens on connection with said improvements, or otherwise fails in carrying out the activity for which a financial guarantee was required, the Commission, after a public hearing with due notice on the matter may:

- A. Declare the performance guarantee forfeited and thereafter may install or cause the required improvement(s) to be installed using the proceeds from the guarantee to defray the costs; or
- B. Hold a public hearing to vacate the Subdivision Plat, Conditional Use Permit or other development for which the financial guarantee was posted
- C. Any funds remaining after completion of the required improvements or vacation of the project will be returned to the developer.

7.6 PARTIAL RELEASE PERMITTED

Where the guarantee is required to insure the timely installation of improvements, the County may authorize a partial release (s) of the performance guarantee in accordance with the following schedule:

Percent of Work Compete	Percent of Total Guarantee Amount Eligible for Release (less Retainage, see 7.7)
25	25
50	45
75	70
100 (upon satisfactory final inspection)	100

7.7 DURABILITY RETAINAGE

A retainage of not less than twenty-five percent (25%) of the total amount of the guarantee shall be retained by the County for a period of not less than one year following the date of final acceptance of the improvements by the County. Such retainage shall be a guarantee of the durability of all improvements. If during the one year period the durability of said improvements is found to be satisfactory, said retainage may be released following the procedure outlined under Section 7-4. If, however, during said period the condition, or material or workmanship, of the improvement(s) fail or show unusual depreciation, or if it becomes evident that certain work was not completed, or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the developer. If the corrections are not made within a reasonable time, the County Commission, in accordance with Section 7-5, may declare such person in default and use the retainage to defray the cost of any required work.

7.8 SPECIFIC CONDITIONS FOR REAL PROPERTY EQUITY BONDS

- A. A real property equity bond posted as a performance guarantee must be approved by the Zoning Administrator. The Zoning Administrator may approve the application and bond if the tax value of the

property offered as security is at least 250% of the estimated cost of performing the work for which the guarantee is requested, as determined by the County. The Zoning Administrator must deny the application for bond if there exist any encumbrances against the property.

- B. An application to post a real property equity bond as a performance guarantee must:
 - a. be accompanied by an application for real property equity bond in a form approved by the County;
 - b. be accompanied by a copy of the document vesting title in the owners;
 - c. be accompanied by a copy of the property tax statement for the current and previous year;
 - d. be accompanied by a current title report or such additional title information required by the County;
 - e. be accompanied by a Deed of Trust in a form approved by the County and meeting the following additional requirements:
 - i. be signed by all owners of record;
 - ii. contain the complete legal description of the property and the property tax identification number;
 - iii. be acknowledged before a notary public;
- C. The bond is not effective until the approved Deed of Trust is recorded with the county recorder of the county in which the property is located and proof of recording has been filed with the County as part of the Development Agreement.
- D. Upon release of the performance guarantee, the County will reconvey the Deed of Trust.

Lael White, Castle Dale City Recorder

Published in the ETV Newspaper and June 5, 2019.

**REQUEST FOR PROPOSAL
EMERY COUNTY SPECIAL SERVICE DISTRICT #1
SECRETARIAL SERVICES**

Performs a variety of routine administrative and clerical duties as required to meet Emery County's Special Service District #1 (SSD #1) goals and objectives.

Attends meetings; prepares agendas and publishes meeting notices; takes and transcribes official minutes for SSD #1 and other projects from tape recordings or hand written minutes; distributes minutes to board members and posts to Public Notice website.

Monitors SSD#1 calendar to assure against conflicts; schedules appointments; monitors deadlines for, legal notices, mailings, postings. Assists with grant applications and invoicing.

Operates computer and printer, transcribes material into documents, letters, reports, memos, minutes or other general correspondence; composes routine letters and notices; inputs and retrieves data; compiles reports and maintains various computerized files, records and documents;

Maintains financial records; receives, tracks, and invoices accounts payable and receivable, assists in the preparation of the budget.

Must be 21 years of age and reside in Emery County. The County reserves the right to accept or reject any and all proposals.

Opening of BIDS in SSD#1 meeting June 10, 2019, at 4:00 p.m.

SUBMIT SEALED BIDS: To the Emery County Clerk's Office, Box 907, Castle Dale, UT 84513 by 12:00 p.m. June 10, 2019

Published in the ETV Newspaper and June 5, 2019.

**LEGAL NOTICE
CARBON COUNTY, UTAH
SUMMARY OF ORDINANCE NUMBER 515**

In the regular meeting of the Board of Carbon County Commissioners on May 1, 2019, the following Ordinance was adopted. Copies of the complete Ordinance is available for review at the Office of the County Clerk, Carbon County Administration Building at 751 East 100 North, Price, Utah 84501

**Ordinance 515
An Ordinance adopting changes to sections Three, Five, Six and Seven of the Carbon County Development Code**

*/s/ Seth Marsing,
Clerk/Auditor*

Published in ETV News-Sun Advocate: June 5, 2019

NOTICE TO CREDITORS

Estate of Rebecca Lou Halverson, Deceased.

Section 17: SE4SW4SW4. Section 18: N2SE4, N2SW4SE, S2NE4SW4, SE4SW4, SE4SW4SW4. The Gordon Cree No. 2, 7 and 8 Mines are not operating and are in reclamation. Written comments, objections, or a request for an informal conference on this application for renewal should be directed to Utah Coal Program, Division of Oil, Gas and Mining, P.C. Box 145801, Salt Lake City, Utah 84114-5801. Comment must be submitted thirty (30) days from the date of the last publication of this notice. A copy of this application is available for public inspection at the Carbon County Courthouse in Price, Utah and the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City Utah 84114-5801.

Published in the ETV Newspaper May 15, 22 and 29 and June 5, 2019.

EMERY COUNTY RECREATION DISTRICT

Emery County Recreation is looking for an individual that is motivated and involved with Recreation activities to be a part of the Recreation Board. Emery County Recreation Board has an "At Large" opening position available. If are interested, submit your information by June 12th to the Emery County Recreation office P.O. Box 532 Castle Dale, UT 84513 or email them to recreation@emery.utah.gov. For any questions call, 435-381-3505.

Published in the ETV Newspaper May 29 and June 5, 2019.

INVITATION FOR PUBLIC COMMENT

Southeast Utah Health Department is accepting public comments for two separate regulations for 30 days beginning June 6, 2019 and ending July 6, 2019.

- Short Term Rental Pool/Spa Regulation
- Recreational Vehicle Park Regulation

The regulations will be adopted under the authority of the Southeast Utah Board of Health. They can be viewed on our website at www.seuhealth.com or the State's Public Meeting Notice website, www.pmn.utah.gov under interlocal (under Government). They will also be available from the front desk clerks at each office in our district.

Public comment is open for 30 days and may be made directly to Orion Rogers, Environmental Health Director, at orogers@utah.gov or 435-259-5602.

Published in ETV Newspaper June 5, 12, 19 and 26, 2019

NOTICE OF BUDGET HEARING

The San Rafael Conservation District will hold its annual budget hearing on Thursday, June 13, 2019 at 7:00 p.m. to receive comments and approve its annual budget for fiscal year 2020 and revise the budget for fiscal year 2019. This meeting will be held at the USDA Service Center, 1090 N. Des Bee Dove Rd. in Castle Dale, Utah. Copies of the proposed budget can be obtained by calling (435) 381-2300 ext. 101.

Published in ETV Newspaper June 5, 2019

NOTICE OF PUBLIC HEARING

Notice is hereby given that Huntington City will hold a public hearing on Wednesday, June 19, 2019 at 6:30 p.m. at Huntington City Hall, 20 South Main, in conjunction with the regular scheduled meeting.

