



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** October 4, 2017  
**Type of Item:** Code Amendment – Public Hearing Possible Action  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposal to amend Chapter 4 of the Eastern Summit County Development Code, conduct a public hearing and adopt the attached ordinance.

### Background

On June 14, 2017 the County Council approved amendments to the Eastern Summit County Development Code Chapters 2 and 4 as well as the Definitions. One of the significant changes to Chapter 4 was the elimination of Section 11-4-2 Lot of Record. It was replaced with Section 11-4-2: Lot/Parcel Requirement for Development, Subdivisions and/or Uses.

This new chapter replaced “lot of record” with “conforming parcel” and eliminated a section that featured a “Standards of Verification” section. The purpose of the Standards of Verification section was to provide direction on certain factors when determining whether or not a parcel constituted a lot of record.

On August 9, 2017 following input from members of the public, the County Council directed staff to reinstate those standards of verification into the Code. Staff prepared the amendments and took them to the Eastern Summit County Planning Commission on September 21, 2017. At that meeting, the Commission forwarded a positive recommendation to the Council.

### Proposed Language

Staff is proposing that the Standards for Verification language be reinstated into Chapter 4 of the Development Code as they were previously written. The only change proposed is that “lot of record” has been changed to “Conforming Parcel” to match the definition in Chapter 4.

Proposed language:

Standards for Verification: The following factors shall be taken into consideration in determining “Conforming Parcel” status, namely:

1. If a government action creates a public road that bisects a “Conforming Parcel,” the parcels on either side of the road are considered to be separate “Conforming Parcels.” If a government action results in the widening of a road within a “Conforming Parcel,” the parcel shall maintain its “Conforming Parcel” status.
2. If the Union Pacific Rail Trail which follows the historic rail bed divides a “Conforming Parcel,” then the parcels on either side of the Rail Trail are considered to be separate “Conforming Parcels.”
3. If a property owner petitions to have only a portion of a “Conforming Parcel” annexed into a City, the portion of the property remaining under County jurisdiction loses its “Conforming Parcel” status unless the property is Subdivided in accordance with this Title prior to or concurrent with the annexation.
4. Government Survey Lot(s), although shown as individual Lots on ownership plat maps, are not considered to be “Conforming Parcels” unless the Lot(s) otherwise conform to the definition of “Conforming Parcel” and there is clear evidence that the government survey Lot was owned, conveyed or patented independent of the quarter section of which it was part.
5. Section lines do not divide a parcel into two (2) or more “Conforming Parcels” unless the parcel(s) otherwise conform to the definition of a “Conforming Parcel.”
6. If the description of a “Conforming Parcel” has changed due to an updated survey for the purpose of confirming property boundaries, and the description does not create additional, separately described parcels, the “Conforming Parcel” status will remain intact.
7. Multiple Accessor Parcel or property tax identification numbers are not conclusive proof of “Conforming Parcel.”

## **Analysis**

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code, it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve with modifications or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. States:

“Develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.”

### Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

The proposed amendments to the Code provide property owners clarification on issues relating to conforming parcel status in areas that are not specifically called out in the existing Code language. The standards of verification were written with the goal of ensuring that conforming parcel status is defined and applied in a fair and balanced way.

### Recommendation

Staff recommends that the Summit County Council review the proposal to amend Chapter 4 of the Eastern Summit County Development Code, conduct a public hearing and adopt the attached ordinance.

### Findings of Fact

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The Eastern Summit County General Plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the County shall remain, even in the presence of growth and change. The intention of the County is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. On June 14, 2017 the County Council approved amendments to the Eastern Summit County Development Code Chapters 2 and 4 as well as the Definitions.
4. One of the significant changes to Chapter 4 was the elimination of Section 11-4-2 Lot of Record.
5. The lot of record process was replaced with Section 11-4-2: Lot/Parcel Requirement for Development, Subdivisions and/or Uses.
6. There was a section in the Lot of Record chapter that featured “Standards of Verification”.
7. The purpose of the Standards of Verification section was to provide direction on certain factors when determining whether or not a parcel constituted a lot of record.
8. The proposed amendments to the Code provide property owners clarification on issues relating to conforming parcel status in areas that are not specifically called out in the existing Code language.
9. On September 21, 2017 the Eastern Summit County Planning Commission conducted a public hearing and forwarded a positive recommendation to the County Council.

**Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety and welfare.

**Exhibits**

Exhibit A. Proposed Ordinance

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE SECTIONS 11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT,  
SUBDIVISIONS AND/OR USES:**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, air quality; and,

**WHEREAS**, the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights; and

**WHEREAS**, In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.” and,

**WHEREAS**, the proposed amendments create standards to take into account when verifying conforming parcel status; and,

**WHEREAS**, as currently drafted, the Code does not set forth clear standards of verification when determining conforming parcel status; and,

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing on September 21, 2017; and

**WHEREAS**, the Eastern Summit County Planning Commission recommended adoption of the amended sections of the Eastern Summit County Development Code on September 21, 2017; and

**WHEREAS**, the Summit County Council held a public hearing on October 4, 2017 and,

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.** **EASTERN SUMMIT COUNTY DEVELOPMENT CODE** The Eastern Summit County Development Code is amended as depicted in Exhibit A.

**Section 4.** **Effective Date.** This Ordinance shall take effect fifteen immediately after publication.

Enacted this \_\_\_\_\_, 2017.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Chris Robinson, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

#### 11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT, SUBDIVISIONS AND/OR USES

- D. Standards for Verification: The following factors shall be taken into consideration in determining “Conforming Parcel” status, namely:
4. If a government action creates a public road that bisects a “Conforming Parcel,” the parcels on either side of the road are considered to be separate “Conforming Parcels.” If a government action results in the widening of a road within a “Conforming Parcel,” the parcel shall maintain its “Conforming Parcel” status.
  5. If the Union Pacific Rail Trail which follows the historic rail bed divides a “Conforming Parcel,” then the parcels on either side of the Rail Trail are considered to be separate “Conforming Parcels.”
  6. If a property owner petitions to have only a portion of a “Conforming Parcel” annexed into a City, the portion of the property remaining under County jurisdiction loses its “Conforming Parcel” status unless the property is Subdivided in accordance with this Title prior to or concurrent with the annexation.
  7. Government survey Lot(s), although shown as individual Lots on ownership plat maps, are not considered to be “Conforming Parcels” unless the Lot(s) otherwise conform to the definition of “Conforming Parcel” and there is clear evidence that the government survey Lot was owned, conveyed or patented independent of the quarter section of which it was part.
  8. Section lines do not divide a parcel into two (2) or more “Conforming Parcels” unless the parcel(s) otherwise conform to the definition of a “Conforming Parcel.”
  9. If the description of a “Conforming Parcel” has changed due to an updated survey for the purpose of confirming property boundaries, and the description does not create additional, separately described parcels, the “Conforming Parcel” status will remain intact.
  10. Multiple Accessor Parcel or property tax identification numbers are not conclusive proof of “Conforming Parcel.”