



## STAFF REPORT

**To:** Summit County Council  
**From:** Sean Lewis, County Planner  
**Date of Meeting:** October 24, 2018  
**Type of Item:** Code Amendment – Public Hearing  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the County Council review the proposal to allow Recreation and athletic facilities, commercial from prohibited to Low Impact Use in the Service Commercial Zoning District in the Snyderville Basin Development Code via Summit County Ordinance 889 per the findings of fact and conclusions of law written in this staff report.

### Proposal

The purpose of the amendment is to amend Section 10-2-10 of the Snyderville Basin Development Code (Use Table) to allow Recreation and athletic facilities, commercial from prohibited to Low Impact Use in the Service Commercial Zoning District.

### Background

Staff has received an application to amend the use chart. Currently, the use of Recreation and athletic facilities, commercial is shown on the Use Table as a prohibited use in the Service Commercial Zoning District and as a Low Impact use in the Community Commercial Zoning District and a Conditional Use in the Neighborhood Commercial Zoning District.

As defined in the Snyderville Basin Development Code, Recreation and athletic facilities, commercial: “A recreation facility operated as a business on private or public property and open to the public for a fee, such as a tennis court, skating rink, or substantially similar use, and support facilities customarily associated with the development.”

Per the Snyderville Basin Development Code “The purpose of the service commercial/light industrial (SC) zone district is to provide appropriate locations within the Snyderville Basin for service commercial and light industrial uses, recognizing that such uses provide vital support functions for the basin's resort and residential economy.”

The Park City Business Center area, located east of US 40 near Quinn’s Junction, is the only area of the Snyderville Basin Planning Area where the Service Commercial Zoning district is found.

Per the application: “The applicant is interested in proposing a Commercial Recreational Facility (climbing gym) on Lot 12 in the Park City Business Center (PCBC) Subdivision, the amendment would apply to all properties within the Snyderville Basin that are zoned Service Commercial.”

On September 11, 2018, the Snyderville Basin Planning Commission voted unanimously (4-0, three members absent) to forward a positive recommendation to the County Council to approve the proposed change, adding a list of examples to the definition found in Section 10-11-1 of the Snyderville Basin Development Code.

## **Analysis**

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, 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, shall approve, approve with modifications or deny the amendment according to the following criteria.

**Criteria 1:** The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

**Analysis:** Chapter 4, Objective B of the Snyderville Basin General Plan (Recreation and Trails) States:

“Encourage neighborhood recreation facilities that are intended to serve neighborhoods or individual developments. These facilities should be designed to enhance a neighborhood as a part of good project design and to provide a higher quality of life for the residents. Neighborhood facilities are not intended to attract persons from the community as a whole, but rather function as public gathering places within the neighborhood.”

Objective C of the same chapter continues:

“Recognize the desirability of multiple types of recreational services to meet the broad range of health, wellness and leisure interests of Basin residents and visitors. Several different types of opportunities exist to meet this need.

Policy 4.20: Private commercial ventures are an important aspect of providing recreation services for residents and visitors of the Basin. They typically operate as independent businesses that provide facilities, amenities and programs. Ski and golf resorts, commercial outfitters and sports, health, wellness and fitness clubs fall into this category.”

The proposed amendments to the Snyderville Basin Development Code will allow an existing use in the Snyderville Basin to be located in a specific neighborhood. The

Snyderville Basin General Plan encourages this type of development in most neighborhoods.

**Criteria 2:** The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

**Analysis:** “The purpose of the service commercial/light industrial (SC) zone district is to provide appropriate locations within the Snyderville Basin for service commercial and light industrial uses, recognizing that such uses provide vital support functions for the basin's resort and residential economy.”

The surrounding uses currently found in the Service Commercial Zoning District include, offices, warehouses, service retail (auto body/tire repair) and storage. Adding commercial recreational facilities would be consistent with the existing uses.

**Criteria 3:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Analysis:** Uses permitted within the PCBC Development Agreement specifically called out as those found in the current Use Table for the Service Commercial Zoning District. This provision of the PCBC Development agreement anticipates changing the Use Table for the changing needs of Summit County.

**Criteria 4:** The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

**Analysis:** The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners. Additionally, by permitting the use as a Low Impact use, there will be review by Staff and potentially the SBPC prior to any use receiving a permit.

**Criteria 5:** The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

**Analysis:** Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner as the uses would be applied in the Service Commercial Zoning District, wherever that zone may be applied in the future. The Low Impact use nature of the proposal also allows for review of impacts by Staff or the SBPC prior to specific uses being approved.

**Criteria 6:** The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

**Analysis:** As noted above, the Snyderville Basin General Plan and the community at large support healthy lifestyles and recreation opportunities. By amending the Use Table, the community would have another area where recreational opportunities would be allowed.

## **Recommendation**

Staff recommends that the Council review the proposal to allow Recreation and athletic facilities, commercial from prohibited to Low Impact Use in the Service Commercial Zoning District in the Snyderville Basin Development Code and vote to approve Summit County Ordinance 889 per the findings of fact and conclusions of law written in this staff report.

## **Findings of Fact**

1. Chapter 1 of the Snyderville Basin General Plan notes that social and economic diversity and its associated demands are encouraged for the long term health of the Basin.
2. Chapter 4 of the Snyderville Basin General Plan encourages neighborhood recreation facilities that are intended to serve neighborhoods or individual developments. These facilities should be designed to enhance a neighborhood as a part of good project design and to provide a higher quality of life for the residents.
3. Currently, the use of Recreation and athletic facilities, commercial is shown on the Use Table as a prohibited use in the Service Commercial Zoning District and as a Low Impact use in the Community Commercial Zoning District and a Conditional Use in the Neighborhood Commercial Zoning District.
4. Recreation and athletic facilities, commercial is defined in the Snyderville Basin Development Code as “A recreation facility operated as a business on private or public property and open to the public for a fee, such as a tennis court, skating rink, or substantially similar use, and support facilities customarily associated with the development.”
5. The proposed amendment would modify Section 10-2-10 of the Snyderville Basin Development Code (Use Table) to allow Recreation and athletic facilities, commercial from prohibited to Low Impact Use in the Service Commercial Zoning District.
6. The proposed amendment does not remove any existing restrictions that would unduly affect nearby property owners.
7. The Snyderville Basin Planning Commission voted unanimously to forward a positive recommendation to the Summit County Council on September 11, 2018.

## **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.

3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

## **Exhibits**

- Exhibit A. Proposed Language  
Exhibit B. Application Documents

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 889**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN  
DEVELOPMENT CODE SECTION 10-2-10 MODIFYING THE USE OF RECREATION AND ATHLETIC  
FACILITIES, COMMERCIAL FROM PROHIBITED TO LOW IMPACT USE IN THE SERVICE  
COMMERCIAL ZONING DISTRICT.**

**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; and,

**WHEREAS**, Chapter 4 of the Snyderville Basin General Plan encourages neighborhood recreation facilities that are intended to serve neighborhoods or individual developments. These facilities should be designed to enhance a neighborhood as a part of good project design and to provide a higher quality of life for the residents; and

**WHEREAS**, Currently, the use of Recreation and athletic facilities, commercial is shown on the Use Table as a prohibited use in the Service Commercial Zoning District and as a Low Impact use in the Community Commercial Zoning District and a Conditional Use in the Neighborhood Commercial Zoning District; and,

**WHEREAS**, Recreation and athletic facilities, commercial is defined in the Snyderville Basin Development Code as “A recreation facility operated as a business on private or public property and open to the public for a fee, such as a tennis court, skating rink, or substantially similar use, and support facilities customarily associated with the development.”; and,

**WHEREAS**, The proposed amendment would modify Section 10-2-10 of the Snyderville Basin Development Code (Use Table) to allow Recreation and athletic facilities, commercial from prohibited to Low Impact Use in the Service Commercial Zoning District; and,

**WHEREAS**, the Snyderville Basin Planning Commission held a public hearing on September 11, 2018; and

**WHEREAS**, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on September 11, 2018; and

**WHEREAS**, the County Council held a public hearing on October 24, 2018; and,

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

**Section 1.** **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

**Section 2.** **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

SUMMIT COUNTY COUNCIL

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

\_\_\_\_\_  
Kim Carson, Chair

APPROVED AS TO FORM

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

VOTING OF COUNTY COUNCIL:

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

**Exhibit A**  
**PROPOSED AMENDMENT TO CHAPTER 10-2-10**

**10-2-10 USE TABLE:**

<b>Use</b>	<b>RR</b>	<b>HS</b>	<b>MR</b>	<b>CC</b>	<b>SC</b>	<b>NC</b>	<b>Additional Information</b>
Recreation and athletic facilities, commercial	*	*	*	L	L	C	