



SALT LAKE COUNTY ORDINANCE

Ordinance No. _____

Date _____, 2015

MOUNTAINOUS PLANNING DISTRICT AND PLANNING COMMISSION

AN ORDINANCE ENACTING CHAPTER 2.75A AND CHAPTER 19.07 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, DESIGNATING A MOUNTAINOUS PLANNING DISTRICT, ESTABLISHING A PLANNING COMMISSION FOR THIS DISTRICT, AND PROVIDING FOR THIS PLANNING COMMISSION'S COMPOSITION, AUTHORITY, RULES AND PROCEDURES, AND MAKING OTHER RELATED CHANGES.

The County legislative body of Salt Lake County ordains as follows:

SECTION I. Chapter 2.75A of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

CHAPTER 2.75A MOUNTAINOUS PLANNING DISTRICT

- 2.75A.010 MOUNTAINOUS PLANNING DISTRICT CREATED**
- 2.75A.010 POWERS EXERCISED BY THE MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION**
- 2.75A.030 POWERS AND DUTIES NOT AFFECTED**

2.75A.010 MOUNTAINOUS PLANNING DISTRICT CREATED

Pursuant to the provisions of Section 17-27a-901 of the Utah Code, the county council has created a Mountainous Planning District as stated in Section 19.07.020 of this Code. The

Mountainous Planning District has boundaries as set forth in Section 19.07.010 of this Code, which includes portions of the unincorporated county previously under the jurisdiction of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission.

2.75A.020 POWERS EXERCISED BY THE MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION

1. The powers and duties of the Mountainous Planning District Planning Commission members are provided for in Chapter 19.07 of this Code. Those powers and duties shall be exercised within the geographical boundaries of the Mountainous Planning District as provided therein. All matters that were pending and had previously been under the jurisdiction of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission regarding property now within the geographical area of the Mountainous Planning District shall be considered to be under the jurisdiction and subject to all the powers and duties of the Mountainous Planning District as of the effective date of this ordinance.
2. The Salt Lake County Planning Commission and the Millcreek Township Planning Commission shall cease to exercise jurisdiction over all newly filed planning and zoning matters within the Mountainous Planning District area on the day this ordinance becomes effective.

2.75A.030 POWERS AND DUTIES NOT AFFECTED

This chapter does not affect the powers and duties of the Salt Lake County Planning Commission or the Millcreek Township Planning Commission, outlined in Chapter 19.05, Salt Lake County Code of Ordinances, 2001, over all pending and future land use applications regarding any property located in areas remaining within their jurisdictional boundaries and outside of the Mountainous Planning District.

SECTION II. Chapter 19.07 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

CHAPTER 19.07 MOUNTAINOUS PLANNING DISTRICT

- 19.07.010 MOUNTAINOUS PLANNING DISTRICT AREA DESIGNATED**
- 19.07.020 MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION**
- 19.07.030 LAND USE AUTHORITY**

19.07.010 MOUNTAINOUS PLANNING DISTRICT AREA DESIGNATED

A. Mountainous Planning District Map

The area of the Mountainous Planning District is hereby designated according to the Mountainous Planning District Map that is on file with the county clerk, and such map is made by this reference a part of this title as if fully described and detailed herein. The map of the Mountainous Planning District may be examined by the public subject to any reasonable regulations established by the county clerk. All of the area within the Mountainous Planning District Map meets the following criteria:

1. The area is primarily used for recreational purposes, including canyons, foothills, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas;
2. The area is used by residents of Salt Lake County who live inside and outside the limits of a municipality;
3. The total resident population in the Mountainous Planning District Area is equal to or less than 5% of the population of Salt Lake County; and
4. The area was within the unincorporated area of Salt Lake County before May 12, 2015.

B. Boundary Location Rules

Where uncertainty exists as to the boundary of the Mountainous Planning District, the following rules shall apply:

1. Wherever the boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line shall be construed to be the boundary of the Mountainous Planning District.
2. Whenever such boundary line of the Mountainous Planning District is indicated as being approximately at the line of any river, irrigation canal, or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such cases the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the Mountainous Planning District.
3. Where the application of the above rules does not clarify the Mountainous Planning District boundary location, the land use hearing officer shall interpret the map.

19.07.020 MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION

A. Creation.

1. There is hereby created a Mountainous Planning District, consisting of the area described in Section 19.07.010 of this chapter.
2. There is hereby established a Mountainous Planning District Planning Commission (“Planning Commission”).

A. Powers and Duties. The Planning Commission shall have the following powers and duties:

1. Make and recommend to the county council a general plan and amendments to the general plan for the Mountainous Planning District;
2. Prepare and recommend to the county council land use ordinances and a zoning map and amendments thereto for the Mountainous Planning District;

3. Consider and recommend to the county council a subdivision ordinance and amendments thereto for areas within the Mountainous Planning District;
4. Recommend proposed application processes and the appropriate delegation of power to at least one land use authority and at least one appeal authority as provided in Section 17-27a-302 of the Utah Code.
5. Act as the land use authority as provided in Section 19.07.030;
6. Advise the county council on matters that the county council directs;
7. Provide other functions as specified in this chapter or as directed by the county council.

B. Membership, Appointment, Terms, Removal, and Vacancies:

1. The Planning Commission shall be composed of nine (9) members to be appointed by the mayor with the advice and consent of the county council. The mayor, with the advice and consent of the county council may also appoint up to two (2) alternate members of the Planning Commission. Alternate members must meet the qualifications as the other Planning Commission members.
2. All members of the Planning Commission shall serve a term of three (3) years, except that in the case of the first Planning Commission appointed under the provisions of this section, three (3) members shall be appointed for an initial term of one (1) year, three (3) members shall be appointed for an initial term of two (2) years, and the remaining three (3) members shall be appointed to serve a full three-year term. Any alternate members of the Planning Commission shall be appointed to serve a term of four (4) years. In the event a term of a member shall expire without a successor having been appointed, the member shall continue to serve until a successor has been appointed and the term of the successor shall terminate on the

same day as though the successor was appointed in a timely manner. Any vacancy created during the term of a member shall be filled for only the remainder of the unexpired portion of that term. No member shall serve more than two (2) consecutive full terms.

3. The Planning Commission shall elect a chair and vice chair from among its members to sit for one year terms and may, by majority vote, adopt rules regarding its activities, which rules may not be in conflict with the Land Use, Management and Development Act, Utah Code Ann. §17-27a-101 *et. seq.*, or this Ordinance. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member.
4. Unless otherwise provided by law, any vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification shall be filled by the mayor with the advice and consent of the county council for the unexpired term of such member. The mayor with advice and consent of the county council may remove for cause a member of the Planning Commission upon the filing of written charges against the member and after a public hearing on the charges conducted by a hearing officer appointed by the mayor if requested by the member.
5. Quorum: No meeting of the Planning Commission shall be official or of any effect except when a quorum of the members are present. Five members of the Planning Commission shall constitute a quorum. All actions shall require the concurring vote of a majority of the members present, unless stricter voting procedures are established by the Planning Commission.

C. Qualifications for Membership:

1. Planning Commission members must be registered voters who reside either in the unincorporated or incorporated areas of Salt Lake County.
 2. At least one Planning Commission member shall reside within the Mountainous Planning District.
 3. Planning Commission members shall represent areas located in the unincorporated and incorporated county. In appointing Planning Commission members, the mayor and county council shall endeavor to provide as much geographically balanced representation as is practicable.
- D. Jurisdiction: The Planning Commission shall have jurisdiction regarding all pending and future planning and zoning matters and proceedings within the Mountain Planning District Area, including areas of the Mountainous Planning District that are also located within a municipality or are unincorporated.
- E. Meetings:
1. The Planning Commission shall establish a regular meeting schedule.
 2. The Planning Commission must comply with Title 52, Chapter 4, Open and Public Meetings Act.

19.02.030 LAND USE AUTHORITY

A. Land Use Authority Designation. Except as otherwise provided herein, the Planning Commission is designated as the land use authority pursuant to state law as provided in this Title and is authorized to act to the same extent as any other planning commission under this Code, including for the following land use applications:

1. Mobile home parks as provided in Title 15, Chapter 24
2. Subdivisions as provided in Title 18, Chapter 08
3. Preliminary plats as provided in Title 18, Chapter 12

4. Planned unit developments as provided in Title 19, Chapter 78
5. Conditional use permits as provided in Title 19, Chapter 84
6. Modifications to designated county historical sites as set forth in Title 19, Chapter 86
7. Nonconforming uses and special exceptions as set forth in Title 19, Chapter 88

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2015.

SALT LAKE COUNTY COUNCIL

By _____
Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

R. Christopher Preston
Deputy District Attorney
Date: _____

Voting:

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|--------------------------------|-------|
| Council Member Bradley voting | _____ |
| Council Member Bradshaw voting | _____ |
| Council Member Burdick voting | _____ |
| Council Member DeBry voting | _____ |
| Council Member Wilson voting | _____ |
| Council Member Granato voting | _____ |
| Council Member Jensen voting | _____ |

Council Member Snelgrove voting _____
Council Member Newton voting _____

Vetoed and dated this _____ day of _____, 2015.

By _____
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2015, the County Council of Salt Lake County adopted Ordinance No. _____, enacting chapters 2.75A and 19.07 of the Salt Lake County Code of Ordinances, 2001, regarding the creation of the Mountainous Planning District and the Mountainous Planning District Planning Commission and making other related changes.

SALT LAKE COUNTY COUNCIL:

By _____
RICHARD SNELGROVE, Chair

ATTEST:

Sherrie Swensen, County Clerk

Approved as to Form:

Voting:

| | |
|----------------------|-------|
| Councilman Bradley | _____ |
| Councilman Bradshaw | _____ |
| Councilman Burdick | _____ |
| Councilman DeBry | _____ |
| Councilman Wilson | _____ |
| Councilman Granato | _____ |
| Councilman Jensen | _____ |
| Councilman Snelgrove | _____ |
| Councilman Newton | _____ |

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-_____, Salt Lake City, Utah.