

19.12.030 Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards."

The development services director may review and approve conditional use permits for ski resort facilities and improvements which satisfy the criteria set forth in subparts (E)(1) through (E)(4) of Section 19.12.020 of this chapter. In granting such approval within a foothills and canyon overlay zone, the development services director may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

Ski resort facilities and improvements which do not satisfy the criteria of Section 19.12.020, subparts (E)(1) through (E)(4) of this chapter, as well as those which are referred to the planning commission by the development services director in accordance with Section 19.84.080 provisions of this title, shall be subject to review and approval by the planning commission. In its consideration of ski resort, public use, and mineral extraction and processing development proposals in areas situated within the foothills and canyons overlay zone, the planning commission may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

A. Accessory uses and structures customarily incidental to a conditional use;

B. Bed and breakfast homestay; provided:

1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year, and
2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department prior to issuance of a license.

C. Commercial and private recreation;

D. Day care/preschool center, subject to the conditions set forth in Section 19.76.260;

E. Dwelling group, provided:

1. The parcel of ground on which the dwelling group, as defined in Section 19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group,
2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards,
3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative landscaping adjacent to the buildings in appropriate locations, and
4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department.

F. Home day care/preschool for no fewer than seven nor more than twelve children, subject to the conditions set forth in Section 19.04.293;

G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, provided that:

1. The area proposed for animals is not a watershed area, as determined by the health department, and
2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department

and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and

3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and

4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;

H. Living quarters for persons employed on the premises of any main use;

I. Logging and lumber processing, provided evidence is presented of approval by any federal or state agencies with jurisdiction over such use;

J. Mineral extraction and processing; provided that:

1. The applicant shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and

2. Such use shall not be located within one thousand feet of any residential use or lot, and

3. The perimeter of the site shall be screened from adjacent properties and roads with a buffer yard of adequate width and opacity as determined by the county, and

4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins,

5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and

6. The applicant shall present evidence of all necessary state and/or federal permits and approvals, and

7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic, and

8. A haul road entering the site from a public street or road shall be paved for at least a distance of five hundred feet from the public street or road, and

9. The property shall be posted with a notice of dangerous conditions and warning trespassers away, and

10. Operations shall be conducted in compliance with health department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality, and

11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (see Sections 19.72.030H, "Tree and Vegetation Protection," and 19.72.030C, "Grading Standards"), and

12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner, and

13. Any suspension or revocation of required state or federal permits shall constitute a violation of this chapter and will result in automatic suspension or revocation of all county approvals and permits, and

14. The county may require a bond in favor of the county to be posted by the applicant to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation, and

15. The county may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets.

K. Offices incidental to main use;

L. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, “Planned Unit Developments”;

M. Public and quasi-public uses;

N. Residential facility for elderly persons;

O. Short term rentals provided that:

1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E, and

2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and

3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license.

P. Ski resorts;

Q. Temporary structures;

R. Underground record storage vaults, provided:

1. The facility complies with the requirements for development set forth in Chapter 19.72, “Foothills and Canyons Overlay Zone” and Chapter 19.73, “Foothills and Canyons Site Development and Design Standards,” including but not limited to development standards for grading, wildlife habitat protection, tree and vegetation protection, outdoor lighting, natural hazards, and utilities, and standards for establishing limits of disturbance, and

2. Excavation of the site to construct the underground vaults shall be conducted as follows:

a. Access to the site shall be controlled through one point, and

b. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away, and

c. The excavator shall take care that trucks leaving the property are not overloaded and that spilled material is removed from adjacent public roads not less frequently than once every twenty-four hours while the excavation is in progress, and

d. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and

e. When the operation ceases for a period of at least ninety days or moves from one area of the site to another, slope and graded areas remaining shall be left in accordance with the requirements for grading and revegetation set forth in Sections 19.72.030B and C of the foothills and canyons overlay district, and

f. The county may require a bond in favor of the county to be posted by the excavator to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation.

3. The applicant shall submit a general plan for proposed rehabilitation of the excavated site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the excavation.

S. Wireless telecommunication facilities, as that term and all related terms are defined in Section 19.83.020, provided:

1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited, and

2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code, and

3. The facility complies with the requirements for development set forth in the foothills and canyons overlay zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of

disturbance, and

4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings, and 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities, and

6. The maximum height for monopole facilities shall be sixty feet, and

7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and all other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied. (Ord. 1473 (part), 2001; Ord. 1454 § 3 (part), 1999; Ord. 1417 § 5 (part), 1998)