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JEFFERY SMITH  
UTAH COUNTY RECORDER  
2020 Oct 27 12:37 pm FEE 0.00 BY MA  
RECORDED FOR UTAH COUNTY COMMISSIONERS

**ORDINANCE NO. 2020- 898**

**AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 6 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE ALLOCATION OF DEVELOPMENT CREDITS FOR HOTELS IN RECREATIONAL RESORTS**

**WHEREAS**, the Utah County Commission initiated a review of Chapter 2 and Chapter 6 of the Utah County Land Use Ordinance (UCLUO) to clarify the allocation of development credits for hotels in recreational resorts; and

**WHEREAS**, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on September 15, 2020, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

**Part I:**

Section 2-2-A of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

2-2: DEFINITIONS

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any

term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

**41. Development Credit:** A right or entitlement to construct a dwelling unit or its equivalent, which may be transferred and used within another zone or situation, where specifically authorized under the provisions of this land use ordinance.

**80. Hotel Room:** Any room, or group of rooms, with common interior access (commonly referred to as a "suite") located in a hotel situated on a single lot or parcel, or two or more immediately adjacent lots or parcels: (a) designed and intended for temporary occupancy by visitors, guests, individuals, or families for living and sleeping purposes on a short-term rental basis; (b) including at least one(1) bathroom for the exclusive use of the hotel room occupants; (c) which may or may not contain an area used or designed for the preparation of food including one or more kitchen appliances, but not including an oven operating on 220V power; and (d) that is accessible from one or more access point(s) located in a common hallway, ground-level path, sidewalk, or other walkway of any type without passing through any other hotel room or dwelling. Separate lockout rooms included as part of platted condominium units, but which may be separately rented, are not hotel rooms.

## **Part II:**

Section 6-5-D-5 of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

### 6-5: RECREATIONAL RESORTS

#### D. STANDARDS AND CONDITIONS

##### 5. Density of Housing Facilities Within the Resort

###### a. Number of Units Permitted.

The maximum number of development credits permitted within a recreational resort shall be determined by the slope of the land within the development according to the following schedule:

- i. One development credit per 1 acre having a slope of 10 percent or less;
- ii. One development credit per 10 acres having a slope of more than 10 percent but less than 30 percent;
- iii. One development credit per 20 acres having 30 percent or greater slope. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed maps may be used when approved by the Zoning Administrator.

###### b. Development Credits Increased.

The number of development credits permitted within a recreational resort may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- i. The land from which the development credits are transferred:
    - (A) Is situated entirely within the CE-1 Critical Environmental Zone;
    - (B) Is located contiguous to or within two miles of the boundary of the recreational resort; and
    - (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the resort.
  - ii. The number of residential development credits received shall be at the rate of one development credit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.
  - iii. There is sufficient area for development within the plat to accommodate the increased number of development credits and meet the common open space requirement.
  - iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assignees) and the County, and shall be recorded in the office of the County Recorder.
- c. Slope.  
No dwelling shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.
- d. Density and Building Lot Size.  
Individual building lots for detached one- and two-family dwellings shall be not less than ten thousand (10,000) square feet in area.
- e. Development Credit Equivalency Ratios.
  - i. Hotels: One(1) development credit shall be equal to each increment of seven(7) hotel rooms designated for transient lodging contained within a permitted hotel. If the total number of rooms in the hotel is not a factor of seven(7), the remaining increment of rooms less than seven(7) shall be considered one(1) development credit.

**Part III:**

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

**Part IV:**

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

**Part V:**

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 21<sup>st</sup> day of October 2020.

**UTAH COUNTY COMMISSION**

DocuSigned by:  
*Tanner Ainge*  
TANNER AINGE, CHAIR

DocuSigned by:  
*Nathan Ivie*  
NATHAN IVIE, VICE-CHAIR

DocuSigned by:  
*William C. Lee*  
WILLIAM C. LEE, COMMISSIONER



**VOTE**

YEA

YEA

YEA

**ATTEST:**  
**AMELIA A. POWERS**  
Utah County Clerk/Auditor

By: *Alice Black*  
Deputy

**APPROVED AS TO FORM:**  
**DAVID O. LEAVITT**  
Utah County Attorney

Approved

Disapproved

By: *Robert J Moore*  
Deputy

Date of Publication: Once only, as soon as possible