

IRON COUNTY, UTAH ORDINANCE - 205

AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO THE GENERAL PLAN OF IRON COUNTY, UTAH (the "General Plan"); SETTING POLICY FOR TIER REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in order to provide for the health, safety and general welfare of the citizens of Iron County, Utah, the County commission is committed to establish and keep current a General Plan that specifies goals relating to land use, housing, the environment, transportation and public facilities and services and policies that facilitate those goals; and

WHEREAS, on October 10, 1995, the County Commission adopted the General Plan of Iron County, Utah as Ordinance 137 in accordance with the provisions of Utah Code Annotated relating to the adoption and content of General Plans in the State of Utah; and

WHEREAS, since the adoption of the General Plan, changes have occurred in the land use patterns, demand for and potential supply of high quality real estate development located in the unincorporated areas of the County, the availability of alternatives for the provision of sewer and water and other public services, the state and local laws and policies related to annexation and development of lands outside of incorporated cities and towns; and

WHEREAS, the County has determined that it needs to make provision for the development of new communities on the condition that those communities demonstrate the ability to provide water, sewer and other traditional public services and to anticipate the economic development of potential of resort and recreation-oriented development; and

WHEREAS, the County has also determined that changes are required in the definition and application of its Tier system and availability of certain land uses for development occurring in certain portions of the County; and

WHEREAS, on June 12, 2000 the County adopted Chapter 13 of the Iron County Zoning Ordinance relating to Development Agreements to create a flexible tool for the implementation of the goals and policies of the General Plan and the County Commission believes the use of Development Agreements may be expanded to establish appropriate uses and development conditions for significant development projects; and

WHEREAS, the County Commission has also established a number of additional policies that should be implemented over the next several years in order to more fully achieve the goals and policies of the General Plan; and

WHEREAS, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the General Plan of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments and has forwarded a recommendation to the County Commission that the 2005 Amendments to the General Plan of Iron County, Utah be adopted; and

WHEREAS, the County Commission of Iron County has held a duly advertised and noticed public hearing on the proposed 2005 Amendments to the General Plan of Iron County, Utah for the purpose of receiving public comment regarding the content of the amendments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

1. The document “2005 Amendments to the General Plan of Iron County, Utah” attached hereto is hereby adopted, with necessary formatting, grammatical and spelling revisions as required.
2. All ordinances adopted subsequent to the 2005 Amendments shall comply with the goals and policies of the General Plan of Iron County, Utah as amended by the 2005 Amendments.
3. The provisions of the 2005 Amendments shall supersede any inconsistent provisions in the existing General Plan.
4. This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by law.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 9th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Dennis E. Stowell, Chairman

ATTEST:

David I. Yardley,
County Clerk

VOTING:

Gene E. Roundy _____

Wayne A. Smith _____

Dennis E. Stowell _____

2005 AMENDMENTS TO THE GENERAL PLAN OF IRON COUNTY, UTAH

SECTION I. INTRODUCTION TO GENERAL PLAN POLICY CHANGES

At the time of the consideration and adoption of the General Plan of Iron County, Utah in October of 1995 (the "General Plan"), the County Commission desired to encourage Urban Growth predominately in or adjacent to existing incorporated areas in Iron County. This general policy was consistent with existing Utah annexation law at that time. Prior to 1997, the State's annexation statute contained an annexation provision that contemplated mandatory annexation within the annexation policy boundaries of cities and towns. The General Plan implemented this policy by adopting Urban Growth Boundary and Tier policies favoring development within or immediately adjacent to cities and towns. Specifically, the General Plan designated significant parcels of land adjacent to municipalities as "Tier II" and contemplated that such areas would be municipal expansion areas, and receive municipal type services from those adjacent municipalities.

State law provisions requiring annexation were subsequently repealed, in part, on the basis that such a provision could adversely impact a county's tax base by allowing municipalities to annex only those urban developments that offer the greatest tax benefits. The Tier II policies as presently reflected in the General Plan may unnecessarily restrict and subordinate the County's approval authority over development in Tier II and, over time, may adversely impact the ability of the County to enhance the County's tax base. At present, the only provision of Utah law that restricts the approval of urban development within a municipality's expansion area requires the County to notify a municipality of a proposed development and either (i) the municipality consents in writing to the proposed development or (ii) the municipality objects in writing within 90 days of the notification of the proposed development and the County responds in writing to the municipality's objections.

Over the approximately ten years since the adoption of the General Plan, applications for development and subdivision approvals in unincorporated Iron County have increased significantly. During this period, most of the municipalities have adjusted their proposed annexation boundaries, and substantial inconsistencies presently exist between the boundaries of Tier II and the proposed annexation boundaries of the jurisdictions. These inconsistencies require the adoption of policies to address establishing and changing Tier boundaries and regulating development within different Tier and municipal expansion boundaries.

The County also desires to encourage the development of high quality projects within the County. The County will do so in areas Characterized by Urban Growth by requiring compliance with new Iron County Design and Construction Standards and by implementing more rigorous inspections of development. The County will also adopt policies designed to require connections to existing sewer where connections are reasonably feasible and the development of additional sewer capacity, where appropriate, in connection with the development of urban levels of density.

The County believes that such developments may occur not only as high quality projects adjacent to existing municipalities, but also as freestanding community developments with capacity to provide essential public utilities such as sewer and water independent of an existing municipality. On June 12, 2000 the County adopted Chapter 13 of the Iron County Zoning Ordinance relating to Development Agreements to create a flexible tool for the implementation of the goals and policies of the General Plan and the County Commission believes the use of Development Agreements may be expanded to establish appropriate uses and development conditions for significant development projects and new communities. The County therefore intends to change its policies to contemplate the development of new communities, villages and major resort projects in Tier III and in a new zone to be created, where such developments will be implemented and regulated by the use of Development Agreements.

The County also recognizes that certain types of development, especially development oriented to public or private recreational or resort amenities, second home communities or communities providing for financial mechanisms such as special service districts or private assessments that offset the typical costs of servicing urban growth, may result in improvements to the County's fiscal position over time and may be important to achieve the economic development goals of the General Plan.

SECTION II. CHANGES TO LAND USE ELEMENT

The following changes and additions to the Land Use Element of the General Plan are adopted to address the General Plan Policy Changes discussed in Section I above.

A. Amendment to Policies under the Heading "Annexation/Incorporation". The Policies on Page 25 of the General Plan under the heading "Annexation/Incorporation" are hereby replaced with the following:

Provision of Utilities and Services/Annexation/Incorporation and Alternatives

In order to best accommodate the needs of present and future Iron County residents, consideration must be given to the effective and efficient provision of utilities and public services to satisfy the needs of those residents. Through its land use goals, policies and mapping, the County will encourage Urban Growth with urban levels of density to occur where the development can be served by water and sewage treatment systems. Those areas are generally adjacent to existing city boundaries, in the vicinity of existing development served by existing infrastructure, in areas where extensions of existing infrastructure are contemplated within a reasonable period of time or in areas where water and sewer systems are proposed to be installed by a developer in connection with major development activity. These same areas are also the most likely to be served by other available governmental services. Other areas remote from existing or anticipated infrastructure development are appropriately limited to more traditional rural uses and lower residential densities.

As part of its land use goals and policies, the County has developed Urban Growth and Tier policies. As those policies have developed and been implemented over time, the Tiers have been used to describe geographic locations where certain types of development may be appropriate and has not been used to regulate the timing of that development. The Tier definitions going forward will be as follows:

Tier I, Urbanized Area - land available for Urban Growth within existing municipal boundaries;

Tier II, Urban Expansion Area - land available for Urban Growth within a reasonable proximity to existing municipal boundaries that is eligible to be annexed and served by existing municipal sewer and water capacity or that is not eligible to be annexed but can otherwise be served by existing or planned extensions of central sewer and water infrastructure and capacity;

Tier III, Urbanizing Area - land available for Urban Growth (whether or not in reasonable proximity to a municipal boundary and whether or not served by municipal sewer and water capacity) that can be developed as a new master planned community, village or resort project served with central sewer and water infrastructure and capacity provided through private development, incorporation, special districts, interlocal agreements or other methods and regulated by a County-approved development agreement); and,

Tier IV, Rural Area - areas generally appropriate for agricultural uses and rural densities due to remoteness from infrastructure and services that would support urban levels of density.

The County will develop a revised Tiered Growth Boundary Map and entertain landowner petitions to revise existing Tier boundaries based on the factors described in the 2005 Amendments.

B. Addition of New Policy LU6.4. The following additional policy LU6.4 is added to the General Plan:

Pol. LU6.4 The County may facilitate the development of public or private recreational facilities and related uses through the use of development agreements with private developers.

C. Amendment to Policy LU13.1. Policy LU13.1 is amended and restated as follows:

Pol LU13.1 Implement the Iron County General Plan land use element which provide opportunities for a range of housing densities and types within designated Tier II "Urban Expansion" and Tier III "Urbanizing" areas.

D. Amendment to Policies LU15.1.2 and LU15.1.3. Policies LU15.1.2 and LU15.1.3 are amended and restated as follows:

15.1.2 Tier II, Urban Expansion Area (land available for Urban Growth within a reasonable proximity to existing municipal boundaries that is eligible to be annexed and served by existing municipal sewer and water capacity or that is not eligible to be annexed but can otherwise be served by existing or planned extensions of central sewer and water infrastructure and capacity). Policies for designating land as Tier II and for approving projects in Tier II are included in policy 15.4.

15.1.3 Tier III, Urbanizing Area (land available for Urban Growth (whether or not in reasonable proximity to a municipal boundary and whether or not served by municipal sewer and water capacity) that can be developed as a new master planned community, village or resort project served with sewer and water infrastructure and capacity provided through private development, incorporation, special districts, interlocal agreements or other methods and regulated by a County-approved development agreement). Policies for designating land as Tier III and for approving Tier III projects are included in Policy LU15.5.

E. Amendment to Policy LU15.4. Policy LU15.4 is replaced with the following new policy:

Pol LU15.4 As of the date of the 2005 Amendments, existing Tier II boundaries have been established to reflect the annexation boundaries proposed by each of the County's municipalities as of the original date the General Plan was adopted (October 10, 1995). The County anticipates that the Tier II boundaries will be modified to cover areas that have the following characteristics:

(i) the areas are within reasonable proximity to the existing municipal expansion boundaries or existing urban growth areas with urban levels of density previously approved by the County under prior policies, and

(ii) the areas can currently be served by municipal or established service provider of sewer and water systems or with planned expansions of appropriate system infrastructure and capacity.

The County will initiate and consider proposals for the reclassification to Tier IV of land within existing Tier II boundaries that does not evidence the above characteristics. After the initial Tier adjustments are made, land classified as Tier IV may be reclassified to Tier II based principally upon the availability of sewer and water infrastructure. At all times and even if the above characteristics are evident, a parcel may be reclassified from Tier II or Tier IV to Tier III based on the policies set forth in Policy LU15.5. The tier boundary adjustments described in this paragraph may be made at any time during the calendar year, regardless of otherwise applicable time limitations for the consideration of General Plan amendments.

The County recognizes that residential development with urban level densities are appropriate within Tier II and Tier III. Lands proposed for rezoning to urban level densities, and are otherwise consistent with the policies set forth herein, are areas that may be considered appropriate for a Tier II or Tier III classification, with the following considerations:

(i) properties within the Tier II or Tier III that contain at least 40 acres of contiguous property may be considered for a zoning to an urban level density when located within reasonable proximity to other property zoned for residential uses, will be served by central sewer and water provided by a local municipality or other central service provider, and the considerations outlined in Exhibit A are satisfied.

Residential zones with urban level densities are not intended in Tier IV and are inconsistent with the General Plan and the rural purposes and design of Tier IV.

The County may also develop additional policies to be applied to projects in Tier II. Such policies may be adopted as rules and regulations and may be modified without a requirement to amend the General Plan. A preliminary draft of such policies is included in Exhibit A to the 2005 Amendments to provide examples of the types of policies that may be developed. In the absence of the development and adoption of additional or modified policies, the draft policies included in Exhibit A hereto shall be applied.

F. Addition of New Policy LU15.5. The following additional Policy LU15.5 is added to the General Plan:

Pol LU15.5 As of the date of the 2005 Amendments, Tier III Urbanizing Areas consist of Summit and New Castle. Those communities will not be affected by the change in the approach to Tier III described in the 2005 Amendments.

The County will consider the reclassification of land within the County from Tier II Urban Expansion or Tier IV Rural to permit the development of a significant project that is either

- a **new resort** (a development oriented to recreational amenities and generally including lodge or other short term rental accommodations),
- a **new village** (with under 1,000 proposed residential units and not meeting the description of a new resort), or
- a **new community** (with 1,000 or more proposed residential units and not meeting the description of a new resort),

provided the project is capable of meeting the following minimum standards:

(i) the project has minimum land area of 320 contiguous acres for a resort or village or 640 contiguous acres for a new community;

(ii) the project developer provides preliminary information that sewer and water capacity is available or can be feasibly provided by the developer, a special service district, a private association or other means;

(iii) the County approves a master concept plan depicting the general location of roads, development areas, amenities and essential facilities; and

(iv) the County approves, and the County and the developer execute, a development agreement describing the proposed uses, densities, development standards, approval processes, utility construction and service requirements, other matters reasonably required to direct and regulate development activity within the resort, village or community and with other mutually agreeable terms contemplated by the Development Agreement provisions of the Iron County Zoning Ordinance.

An application for reclassification of land as Tier III shall be processed and approved along with a development agreement and the master development plan. The reclassification of land to Tier III may be approved at any time during the calendar year, regardless of otherwise applicable time limitations for the consideration of General Plan amendments. Rules and procedures otherwise applicable to subdivision applications within Tier II shall not be applied to projects applying or approved for development agreements and reclassification to Tier III except to the extent required by applicable Utah state law, and when appropriate subdivision regulations are otherwise provided in the project development agreement.

Any development agreement that approves and regulates a new resort, village or community shall be approved by the same processes used to adopt or amend the Iron County Zoning Ordinance, and any such development agreement shall be deemed to create a separate zoning district and development regulations for the particular new resort, village or community.

The County may adopt a separate zoning district providing for the approval and regulation by development agreement of uses and development standards in new resorts, villages and communities contemplated by these Tier III policies. A preliminary draft of an ordinance containing such a zoning district is included in Exhibit B to the 2005 Amendments. Changes to the draft ordinance may be made without a requirement to amend the General Plan. The ordinance shall be adopted as an amendment to the Iron County Zoning Ordinance.

The County may also develop additional policies to be applied to projects in Tier III. Such policies may be adopted as rules and regulations and may be modified without a requirement to amend the General Plan. A preliminary draft of such policies is included in Exhibit C to the 2005 Amendments to provide examples of the types of policies that may be developed. In the absence of the development and adoption of additional or modified policies, the draft policies included in Exhibit C hereto shall be applied.

G. Amendment to Policy LU16.2. Policy LU16.2 is amended and restated as follows:

Pol LU16.2 The Urbanizing Areas shall relate to the long-range planning, capital improvement programming and service provision horizon, except where a new community, village or resort project can be developed that has the capability to provide central sewer and

water through private development, special districts or other methods as assured through a development agreement approved by the County.

H. Addition of New Goal LU21 and Policies LU21.1 and LU21.2. The following additional goal LU21 and policies LU21.1 and LU21.2 are added to the General Plan:

Goal LU21 Promote appropriate financial strategies to assist the County in better balancing the cost of municipal services provided by the County against tax revenue generated from development, in new subdivision development, as well as existing development.

Pol. LU21.1 The County may create municipal services taxes or other appropriate taxing districts county-wide, or in designated service areas.

Pol. LU21.2 Consider alternative funding mechanisms available to the County designed to supplement property taxes requiring development to come closer to 'paying its own way'.

I. Additional Land Use Element Policies.

In the process of evaluating the policy changes described above, the County has identified the need to address the additional policies, ordinances, rules and regulations described generally on Exhibit D to the 2005 Amendments.

SECTION 3. Appendix H is hereby deleted from the General Plan because it reflects an approach of regulating the timing of developments not used by the County.

SECTION 4. LIST OF EXHIBITS

Exhibit A Rules and Regulations to implement Tier II policies

Exhibit B Draft Zoning District Ordinance - Specially Planned Areas (SPA) to implement Tier III policies

Exhibit C Project evaluation criteria for Tier III - a policy guide

Exhibit D Future considerations to implement General Plan policies

Exhibit E General Plan Tier Map with Municipal Annexation Expansion Areas

EXHIBIT A

- Rules and Regulations to Implement Tier II Policies -

The following regulations shall guide any subdivision development in Tier II and Urban Expansion Areas, necessary to establish suitability and compatibility of the site for the proposed development with the appropriate municipality .

Within Municipal Annexation Expansion Area

1. Annexation

- Annexation is encouraged, if the property is, or can become, eligible for annexation according to Utah Law
- A municipality has 90 days to respond to notice given by the County of a proposed “expansion area urban development” (> 15 lots and less than one-acre density residential, or > \$750,000 value if industrial or commercial – UCA 10-2-402 (5))

If not annexed (or not eligible, or not an “expansion area urban development)...

2. Pre-Annexation Agreement

- Addresses steps 3-8 below
- If property is not eligible for annexation, prior to development with Iron County, a pre-annexation agreement between the developer and the municipality must be explored

Letter from municipality stating no interest in exploring a pre-annexation agreement is sufficient for development with Iron County to move forward without waiting the 90 days required above

Steps 3-8 assume that the subject property was not annexed nor a pre-annexation agreement solidified

Outside Municipal Annexation Expansion Area

1. Annexation

- Encouraged where possible, annexation not required

If not annexed (or not eligible)...

2. Pre-Annexation Agreement

- Addresses steps 3-8 below
- If property is not eligible for annexation, prior to development with Iron County, a pre-annexation agreement between the developer and the municipality is desirable

Letter from municipality stating no interest in exploring a pre-annexation agreement is sufficient for development with Iron County to move forward

Steps 3-8 assume that the subject property was not annexed nor a pre-annexation agreement solidified

3. Water and Sewer

- Letter of feasibility from the Central Iron County Water Conservancy District is required (if not provided by municipality), if eligible. Another water system connection or development approved by DEQ / SWUPH is optional if refused or not eligible from CICWCD
- Central sewer is required if central sewer is provided at municipality and available*
- If central sewer is not available, Dry sewerage of subdivisions is required, when:
 - unable to hook up immediately (if municipality is unable to serve development in short-term),
 - final sewer grades can be established, and
 - service is anticipated within 10 years
- Five acre minimum lot size required for septic if central sewer is not available* to project (for Tier II properties of Cedar City, Enoch, Parowan, Paragonah, & Brian Head)
- Ten acre minimum lot size required for septic if it is not available* to project (for Tier II properties of Kanarraville)

4. Development Standards

- Must comply with current Iron County Design and Construction Standards
- Inspections by Iron County/ DEQ / SWUPH / CICWCD * Establish provisions/ordinance to capture inspection fees

5. Land Use/ Density

- Increase from Iron County Zoning to municipal standard is eligible only through pre-annexation agreement establishing municipal jurisdiction for zoning
- No minimum lot size - established through zoning, and consistent with municipal standard

3. Water and Sewer

- Letter of feasibility from the Central Iron County Water Conservancy District is required (if not provided by municipality), if eligible. Another water system connection or development approved by DEQ / SWUPH is optional if refused or not eligible from CICWCD
- Central sewer is required when within 150 feet times the number of total proposed lots, to available* sewer
- Dry sewerage of subdivision is required when the development is within 300 feet times the number of proposed lots, to available sewer, and within the planned service area and service is anticipated within 10 years
- Five acre minimum lot size required for septic if central sewer is not available* to project (for Tier II properties of Cedar City, Enoch, Parowan, Paragonah, & Brian Head)
- Ten acre minimum lot size required for septic if it is not available* to project (for Tier II properties of Kanarraville)

4. Development Standards

- Must comply with current Iron County Design and Construction Standards
- Inspections by Iron County / DEQ / SWUPH / CICWCD * Establish provisions/ordinance to capture inspection fees

5. Land Use/ Density

- Land use determined by Iron County zoning and General Plan
- No Increases over County zoning to a municipal standard
- Encourage creative developments - open space, agriculture preservation, etc.
- Five or ten acre minimum lot size unless connected to central sewer and water (*no septic on less than 5 or 10 acres in Tier II – see item 3 above*)

6. Provision of 'Municipal Services'

- By Iron County unless otherwise determined through pre-annexation/development/ inter-local agreement
- Service evaluation must include at least
 - Fire protection
 - Emergency response - ambulance
 - Police / Sheriff
 - Street maintenance / snow plowing
 - Solid waste collection

7. Fiscal Implications

- Cost and Benefit analysis required
- Appropriate Impact / Development fees assessed

6. Provision of 'Municipal Services'

- By Iron County unless otherwise determined through pre-annexation/development/inter-local agreement
- Service evaluation must include at least
 - Fire protection
 - Emergency response - ambulance
 - Police / Sheriff
 - Street maintenance / snow plowing
 - Solid waste collection

7. Fiscal Implications

- Cost and benefit analysis required
- Appropriate Impact /Development fees assessed

Notes:

***Available Sewer**

Available service for central sewer is defined as follows: Central sewer service is 'available' to a property when the property is within the prescribed distance or boundary area of an existing sewer main line. Sewer main line means that portion of a central wastewater collection system (public system) that is used or designed to gather or collect sewage for delivery to an approved wastewater treatment facility, and is owned and maintained by a municipality or service district. Said central wastewater collection system includes gravity and pressurized sewer lines. The sewer main line and related treatment facility must have adequate capacity to collect and treat the sewer anticipated from the proposed project, or provisions can be made to expand said system to accommodate the proposed project's sewer needs. Plans to connect to a central sewer system (sewer main line) with temporary accommodations must also include provisions for connection to the master planned infrastructure, when installed.

Transition lots in two Tiers, or split by Municipal Annexation Expansion Boundary

Where a Tier line or a municipal annexation boundary line, as established, divides a lot which was a single ownership and of record at the time of this amendment, the use thereon and the other requirements applying to the least restricted portion of such lot under this amendment shall be considered as extending to the entire lot, provided the most restricted portion of such lot is less than one-half (1/2) of the entire lot area. The use so extended shall be deemed to be conforming.

EXHIBIT B

- Zoning District - Specially Planned Areas (SPA) -

Section 506 Specially Planned Area (SPA):

In addition to the Districts described in Section 501, Iron County may apply the **Specially Planned Area (SPA) District** described in this Section 506 to the land covered by a project that is a new community, a new village or a new resort as contemplated by the Tier III policies in the General Plan of Iron County, Utah as amended by the 2005 Amendments to the General Plan of Iron County, Utah (the "General Plan"). The SPA zone is provided and designed to allow, at the discretion of Iron County, flexibility in the use of land, densities, site layout, and project design. Iron County shall only use the SPA zone in connection with the approval of a new community, new village or new resort by development agreement consistent with the Tier III policies in the General Plan. The SPA zone may be designated by Iron County only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed new community, new village or new resort is in the best interest of the general health, safety, and welfare of Iron County.

The SPA is intended to:

- (1) permit innovative considerations in the development of land, to ensure that all development is undertaken in a manner that significantly further the goals and objectives of the General Plan;
- (2) allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities;
- (3) allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public;
- (4) better relate residential, commercial, and other development with community facilities and infrastructure location, size and design;

Requirements for Adopting a SPA zone

Before a SPA zone is designated in any area, the County Commission, after receiving a recommendation of the Planning Commission, shall determine the following:

- (1) that the proposed new community, village or resort to be regulated by the SPA zone may be approved consistent with the Tier III policies in the General Plan, and the County Commission is prepared to reclassify the subject land to Tier III at the time of rezoning the subject property to the SPA zone;
- (2) that the proposed new community, village or resort to be covered by the SPA zone may be approved consistent with the Development Agreement policies in Chapter 17.42 of the Iron County Zoning Ordinance and that the County Commission is prepared to approve and execute a Development Agreement authorizing and regulating the new community, village or resort at the time of rezoning the subject property to the SPA zone. For purposes of this

finding, the Development Agreement must contain the elements of a Development Agreement described in Chapter 17.42 of the Iron County Zoning Ordinance;

(3) that the proposed new community, village or resort is described in a conceptual master development plan showing the general configuration of the project, including the general location of development areas and including the types of uses contemplated within each development area, major community roads, recreational and open space amenity areas reasonably anticipated to meet the needs of the residents, any public facilities and other features of the project, which conceptual master development plan is incorporated into and to be adopted along with the Development Agreement;

(4) that the applicant has demonstrated the feasibility of obtaining centralized water and sewer services to serve the requirements of the community, village or resort and the Development Agreement contains a mechanism to assure the provision of such services in connection with any development approved pursuant to the Development Agreement;

(5) that the applicant has demonstrated the feasibility of obtaining police, public safety and fire services to the reasonable satisfaction of Iron County and the Development Agreement contains a mechanism to assure the provision and financing of such services in connection with any development approved pursuant to the Development Agreement;

(6) that the applicant has demonstrated the feasibility of providing fire flow, storage and other facilities relating to public safety as may be required by generally applicable standards of the County and the Development Agreement contains a mechanism to assure the provision of such facilities in connection with any development approved pursuant to the Development Agreement.

(7) that the applicant has demonstrated the feasibility of providing on and off-site drainage ways and facilities to adequately discharge surface run-off generated or increased by the project and the Development Agreement contains a mechanism to assure the provision of such facilities in connection with any development approved pursuant to the Development Agreement;

(8) that the applicant has demonstrated the adequacy of the proposed transportation systems, including consideration of efficient vehicular circulation to, from and within the development and the provision of pedestrian and bicycle trails and ways within the development and the Development Agreement contains a mechanism to assure the provision of such services in connection with any development approved pursuant to the Development Agreement;

(9) that the proposed new community, village or resort is reasonably likely to provide to Iron County and its residents benefits that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone district, considering (without limitation) an analysis of the costs and revenues of the proposed development that are likely to be incurred or received by governmental agencies;

(10) that the proposed development (considering such mitigating conditions as may be imposed) will not have a material adverse impact on other property in the vicinity of the development;

(11) that the proposed development will be regulated by development standards contained in the Development Agreement that meet or exceed the development standards contained in Iron County Ordinances or, with respect to any development standard that does not meet or exceed then existing County requirements, by development standards that are appropriate for the size and nature of the proposed project;

(12) that the applicant has a reasonable financial plan providing for the construction and maintenance of all reasonably required facilities and other improvements in connection with the development of the project;

(13) that the proposed development furthers the goals and objectives of the General Plan; and

(14) that approving an SPA zone district will not adversely affect the public health, safety, and general welfare.

Allowed Uses with a SPA Zone

The uses allowed in a SPA zone adopted pursuant to this ordinance shall be those uses specified in an approved Development Agreement for the subject project. The uses shall not be limited to those uses otherwise permitted in the Iron County Zoning Ordinance or otherwise permitted in any other SPA Zone. The Development Agreement may regulate the location, height, setbacks and other standards applicable to particular uses, which regulations may vary from regulations applicable to such uses in different zoning districts and in different SPA Zones.

Application and Review Procedure

Applications for the reclassification of property to a Tier III classification under the General Plan, to a SPA zone under the Zoning Ordinance and for a project Development Agreement (including a Master Development Plan) shall be considered together and approved or rejected at the same time by the County Commission. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for Tier III, SPA Zone and Development Agreement consideration and approval.

The applications shall include the following information:

- (1) A draft Development Agreement containing all of the information required by Chapter 17.42 of the Zoning Ordinance and a proposed set of development standards for the proposed development.
- (2) A draft conceptual master development plan containing the information described above in this SPA zone ordinance.
- (3) A statement addressing each of the above required findings and any findings required for the approval and adoption of a Development Agreement. The statement shall be accompanied by such information as may be necessary or appropriate to allow the County to assess the project in light of the required findings. Such additional information may include, without limitation, information addressing the feasibility of the project obtaining or providing central water and sewer, adequate storm drainage facilities, police, public safety and fire services, fire flows and storage. In addition, the applicant shall provide an analysis of the revenues and costs, including capital and operating expenditures, of affected governmental agencies and an evaluation of the overall fiscal impact of the proposed development on Iron County.
- (4) The County may require the submission of additional preliminary site development information including slope analysis, the location of wetlands, wildlife habitats, and other sensitive lands and other conceptual planning information to the extent reasonably necessary to permit the County to evaluate the proposed development.

The applicant is encouraged to have a pre-application conference with County planning and building officials to ascertain the appropriate scope of any additional information that may reasonably be expected in connection with any application for a SPA and Development Agreement approval.

In evaluating an application for a proposed 'new community' (involving more than 640 acres and 1000 housing units and not oriented to resort or recreational amenities) under the provisions of this SPA Zone ordinance, the Planning Commission and County Commission may consider additional factors such as housing mix, employment development, the availability of retail and health care options to serve the new community and the availability of school capacity and other similar community elements in approving any proposal.

The applications shall be processed in accordance with normal processes for the adoption or amendment of a General Plan and the adoption or amendment of a Zoning Ordinance and Zoning Map. Upon approval, the ordinance reclassifying the property to a SPA Zone and the ordinance adopting the Development Agreement and the conceptual master development plan shall be published as amendments to the Iron County Zoning Ordinance and shall be recorded against the land covered by the project approvals.

EXHIBIT C

- Project Evaluation Criteria for Tier III - A Policy Guide-

SECTION 1 GENERAL PROVISIONS

A. Purpose.

The purpose of this section is for evaluating a legislative process to determine General Plan amendment to Tier III - Urbanizing Area. An application for Tier III must be accompanied with a "Master Development Plan" to be approved by a Development Agreement.

This process is designed to be processed in conjunction with a 'Master Development Plan' and accompanying Development Agreement, and precede any application requiring action under the established land development ordinances and processes adopted for zoning, subdivision, or infrastructure build out.

B. Project Definitions.

The development size criteria for a Tier III - Future Urbanizing Area, is as follows:

Resort	320 acres minimum and oriented to recreational amenities and generally including a lodge or other short-term over-night accommodations
Village	320 acres minimum <u>and</u> less than 1000 housing units and not meeting the description of a Resort
New Community	640 acres minimum <u>and</u> 1000 housing units or more, and not meeting the description of a Resort

C. Continuation of Existing Tier III

Existing Tier III areas (Summit and New Castle) continue as Tier III communities without regard to the rules and regulations set forth in this section.

D. Permitted Land Uses

Land uses and zoning district are allowed in Tier III as follows:

- Residential (R4K, R-½, R-1, R-2, R-5), Commercial (C), and Light Industrial (LI).
- Additional uses determined and permitted through specific project Development Agreements or added to the zoning ordinance for residential or commercial purposes.

Land uses and zoning districts not allowed in Tier III are as follows:

- Industrial (I), Agriculture (A-20), and Intensive Agricultural (I-A)

E. Financial Capability

Consideration for private roads and other private infrastructure will be addressed in the

Development Agreement. Each development proposal will be required to show financial capacity to build all improvements and maintain all private facilities.

SECTION 2 CRITERIA FOR ESTABLISHING TIER III, FUTURE URBANIZING AREAS

The following criteria shall be used to evaluate all 'Tier III - Urbanizing Area' development proposals:

A. Resort - Village Development

1. The development proposal must include a 'master development plan' to be adopted through a development agreement.
2. The applicant must demonstrate feasibility for central water supply and distribution to provide for the needs generated by the proposed development.
3. The applicant must demonstrate feasibility for centralized sanitary sewer to dispose of and discharge the wastes generated by the proposed development.
4. The applicant must demonstrate feasibility for on and off site drainage-ways and facilities to adequately discharge and dispose of the surface runoff generated or increased by the proposed development, and historically entering the project area.
5. Feasibility of the Fire Department to provide fire protection according to the established fire- flow, storage and response standards of the County must be provided.
6. The applicant must demonstrate feasibility to provide Police and public safety protection and services to the satisfaction of Iron County.
7. Feasibility of the appropriate neighborhood school to absorb the children expected to inhabit a proposed development must be shown.
8. The demonstration of parks and open spaces to provide for the recreational needs of the residents of the proposed development is required.
9. An analysis of the costs and revenues for the proposed development or redevelopment based on objective studies that cover total expenditures, both capital and operating, by appropriate governmental agencies must be provided.
10. The extent to which the proposed development accomplishes the physical, social (housing), and economic goals of the County as expressed in adopted policies, ordinances, and resolutions, must be demonstrated.
11. The applicant must demonstrate the adequacy of transportation systems that

provide for efficient circulation (pedestrian and vehicle) to and from, as well as within, the development through existing and planned highways, roadways, streets, trails and other facilities.

12. An evaluation of the location and proximity of the proposed development to similar or different land uses, including the use of physical barriers or distance separation techniques that address the impact on neighboring communities and the proposed development is required.
13. The applicant must show provisions for the development to maintain infrastructure/facilities (O&M) and to provide for basic services identified by Iron County.
14. The applicant must provide evidence of the extent to which the proposed development exceeds the County "Subdivision Construction and Design Standards (i.e., curb, gutter and sidewalk, street profile/cross-section, lighting, fencing, pavement, etc.).
15. The applicant must show provisions for the collection of fees/funds that can adequately compensate the County for services provided. This may include provisions to create a special taxing district to pay for municipal type services.

B. New Communities

Large new developments on primarily vacant land require special consideration and guidelines. In general, new communities must be designed and located to ensure that future residents will be afforded an optimum balance of dwelling styles and prices, convenience shopping, office and similar business centers, and educational, cultural, recreational and health services and facilities, either within the community or nearby. Each community should contain a readily identifiable focus achieved through careful siting in the natural terrain.

The development of new communities should be reasonable and realistically phased. Unless this is done, urban sprawl resulting from premature scattered speculation in land development is inevitable. Resisting these pressures requires a strong community will and determined commitment, but if successfully achieved, can result in sound, stable development and attractive living environments.

1. Housing. Heavy emphasis must be placed on techniques to implement the housing element of the County and Community plans. This, in part, would include strong reliance upon a regulatory or review process that serves to avoid repetitive, standardized lot and street patterns and excessive cutting, scarring or other disruption of the natural environment.

Plans for new communities must result in balance in not only the physical but in the social and economic sense as well. Each community should provide real housing opportunities for all economic, racial and ethnic groups. It is essential that housing for low and moderate as well as high income groups is considered in the planning stages of new communities and that it be provided in their

actual development.

2. **Employment Centers.** Employment centers should be strategically located throughout the region so as to provide residents with a realistic alternative to the typical commuting burden fostered by sprawl. These employment centers could consist of a series of park complexes with office, commercial, and industrial activities.
3. **Transportation.** The siting of new communities should carefully consider locations that can most readily accommodate and support alternative transit corridors or methods other than those currently existing. These alternatives must be provided through transportation studies of sufficient scope to accommodate the determined needs.

The transportation system should also be used as a tool for shaping the environment. This can be accomplished by integrating the major system into the natural land forms and by complementing and providing public views and access to open space systems.

4. **Open Space.** Iron County's natural terrain with its mountains, hills, canyons and drainage systems provides an opportunity to create a system of large natural areas which preclude the merging of new development in a continuous pattern of urbanization and, therefore, forms communities which have identity and individuality. Open space not only provides opportunities for recreation and aesthetic enjoyment, but also preserves Iron County's unique natural features and resources.
5. **Cost / Benefit and Environmental Analysis.** Economic and fiscal studies must be undertaken to understand the cost / revenue impact of the proposed development in both capital and operating costs of all governmental agencies.

Ecological studies of the impact of urbanization throughout the area should be undertaken to quantify environmental values, which contribute to the "quality of life". At a minimum, these studies should serve to identify where environmental problems might occur.

EXHIBIT D

- Future Considerations to Implement General Plan Policies-

1. Design and Construction Standards (Development Standards)
2. Municipal services funding
 - develop financial strategies to pay for municipal type services
 - service and / or taxing districts
 - private vs. public developments

Impact fees on water and sewer

 - others may include septics, fire, police, roads, drainage, recreation, library, etc.
3. Zoning district additions
 - Considerations for R-1/4, R-1/3, or overlay zone for smaller lots when connected to services
 - Establish criteria for zoning consideration in Tier II and Tier III for urban level densities (R-1/2, R-1, R-2, R-5) and the SPA zone in Tier III
4. Tier Boundary Changes
 - establish criteria for making amendments to Tier II boundaries
 - consider County and Applicant initiated criteria
 - make County initiated boundary changes based on established criteria
 - establish clear difference for rules in Tier II from criteria for boundary change
5. Transportation plan update
 - identify major collectors and arterials vs. local streets
6. Establish septic density (minimum acreage) by area based on mass balance studies of UGS and USGS recommendations
 - groundwater study to establish districts and maximum number of septics
7. Refine criteria for cluster subdivision developments
 - development patterns - concentrated or dispersed open space
 - open space maintenance / ownership
 - future use options (annexed or not)
8. Zoning changes initiated by County to better conform to General Plan Tiers
 - conflicts with municipal general plan
 - conflicts with surrounding current land uses and county zoning
 - when R1/2, R1, R2, or R5 is in Tier IV and undeveloped
 - Tier II outside municipal expansion area boundary to R5

9. Mountain property subdivisions
 - special considerations to roads, fire protection, lot sizes, water requirements, etc
10. Family property splits (estates)
 - special considerations to holding in divided interest prior to subdivision or development