

## CHAPTER 12

### (MWP) MOUNTAIN DEVELOPMENT AND WATERSHED PROTECTION ZONE

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#### **14-12-101 PURPOSE AND OBJECTIVES**

The purpose of the Mountain Development and Watershed Protection Zone is to provide for the controlled development of the mountains and protection of the watershed areas east of Bountiful City. It is deemed in the public interest that unnecessary and scattered conversion of open space to developed uses be controlled and the resultant adverse impacts of development, conversion, and destruction of natural habitats be prevented and mitigated, including:

- A. despoliation of the area's natural environmental quality by air, water and noise pollution;
- B. destruction of scenic beauty;
- C. disturbance of the ecology and natural habitat;
- D. unnecessary roads;
- E. hazards related to geology, fire and flood;
- F. loss of lands which provide watershed for the urban areas; and
- G. excessive costs of providing the necessary public services and infrastructure to accommodate isolated and dispersed pockets of development.

#### **14-12-102 PERMITTED USES**

For each parcel within the Mountain Development and Watershed Protection Zone, the following uses are permitted to the extent otherwise permitted by law or ordinance:

- A. Continuation of the existing uses actually being made of each parcel as of the effective date of this Ordinance, as well as any uses made of such parcel of a substantial basis during the immediately preceding period of five (5) years, at the same general level of intensity and density of such uses.
- B. Crops, grazing, and other agricultural uses.
- C. Management for watershed, and for fish and wildlife habitat, hunting, and fishing.

- D. Accessory uses that are customarily incidental or subordinate to, or are reasonably necessary in order to continue and maintain, any of the foregoing principal uses that are actually being made.
- E. Any other uses, including recreational uses, that (a) are compatible with one or more of the foregoing uses actually being made or to which the parcel is suited, and (b) do not require substantial new construction, grading, fill, improvements, road-cutting, clear-cutting, draining, dredging, or other modifications of the existing surface features of the parcel.
- F. Municipal Facility
- G. No use.

### **14-12-103 SPECIAL USE PERMITS**

For a period of five (5) years from the effective date of this Ordinance, the City Council may, upon appeal and after review and recommendation from the Planning Commission, authorize special use permits for additional uses, or greater intensities or densities of use, of particular parcel within the Mountain Development and Watershed Protection Zone, provided that such special use permits will not be contrary to the public interest and, owing to special conditions unique to the parcel, a literal enforcement of the use limitations applicable to the parcel would cause extreme hardship to the owner. Any such special use permit which is granted shall thereafter expire unless the additional use, or greater intensity or density of use, permitted thereby is substantially commenced within one (1) year of the granting of the variance.

Extreme hardship shall be found to exist only if the permitted uses leave the owner no worthwhile use, no means of obtaining an appreciable economic return, and only a bare residual value under applicable market conditions. Hardship shall not include owner-created hardship, nor shall hardship include any condition that results from prior use or abuse of the land by any current or prior owner of an interest in it, including prior extraction or destruction of the land's natural resources. Hardship resulting from voluntary subdivisions may be considered only (a) to the extent the subdivisions were approved and completed prior to the effective date of this Ordinance or (b) if a finding is made that the original subdivided tract cannot be reconsolidated, in whole or in part, on an economically viable basis.

No special use permit shall be authorized merely because the permitted uses, or intensities or densities of use, (a) result in practical difficulty, (b) provide less than the highest or best return to the owner, or (c) prevent a return proportionate to the current owner's investment in the parcel if, under applicable market conditions, the amount of such investment exceeds the fair market value which the parcel had in light of its use, adaptations for use, intensity or density of use or surface features at the time that the investment was made.

### **14-12-104 CONDITIONAL USE PERMITS**

The City Council may, upon application by the owner and after review and recommendation by the Planning Commission, grant conditional use permits authorizing otherwise prohibited additional uses, or greater intensities or densities of use, of particular parcels within the Mountain Development and Watershed Protection Zone, including new construction, residential structures, grading, fill, improvements, road-cutting, clear-cutting, draining, dredging, or other modifications of

the existing surface features of the parcel, if the applicant makes an affirmative showing that:

- A. the public interest would be served by permitting such additional use, or greater intensity or density of use, at the proposed location;
- B. the same public interest cannot be reasonably served by the currently lawful use of other lands within or outside the Mountain Development and Watershed Protection Zone.

#### **14-12-105 CONDITIONS ON SPECIAL AND CONDITIONAL USE PERMITS**

Every special use permit or conditional use permit shall include such conditions as the City council shall determine to be necessary to ensure that any additional use, or greater intensity or density of use, authorized thereunder will be accomplished with the minimum possible modification of and impact on the existing surface features of the particular parcel, and without impairment of the uses for which the neighboring lands are reasonably adapted.

#### **14-12-106 SITE PLAN REVIEW**

All locations of buildings, accessory structures, roads and other improvements in the Mountain Development and Watershed Protection Zone shall be determined by site plan review at the time a special or conditional use permit is considered and authorized by the City Council.