

**To:** Summit County Council  
**From:** Matt Leavitt, Finance Officer  
**Date:** April 24, 2014  
**Subject:** First quarter finance update with executive orders recommended by the finance committee

#### FIRST QUARTER BUDGET TO ACTUAL REPORT

Attached is the budget to actual report (pp. 5-10) for the first quarter 2014. As of end of March there are two adjustments that will require a budget amendment in the fall. A significant adjustment will need to be made for CDBG pass through grants to both Peoa and Hoytsville. This will simply be a pass-through of funds, the grant requiring the county to be the conduit for the grants to pass to requesting entity.

In addition, a budget adjustment will need to be made to the administration department. The county has applied for a \$23 thousand restaurant tax grant to create an ad promoting Summit County's part in the 2014 Tour of Utah.

Comparing sales and use tax revenues to the same time period last year, revenues have increased 13.6 percent.

#### LONG-TERM PLANNING

The county manager has issued Executive Order No. 2014-\_\_\_\_\_ (p. 14) to address long-term financial planning of county operating funds. It is the recommendation of the finance committee to project future needs of operating funds in order to plan for future events, anticipate revenue streams, and address possible threats to county programs.

Attached on page 15 is the current template that is being recommended by the finance committee. The template attempts to follow the close to that of the manager's monthly budget report that was presented earlier. Columns include a prior year actual, current year budget, and projections for the next three years. Currently, I'm still working on some of the methodology for forecasting certain revenue sources or county programs, but the template is being presented to the council for approval as to the form. The intent is to prepare the template in order to be presented to the council as part of the tentative budget, which is presented by the manager to the council by the first of November.

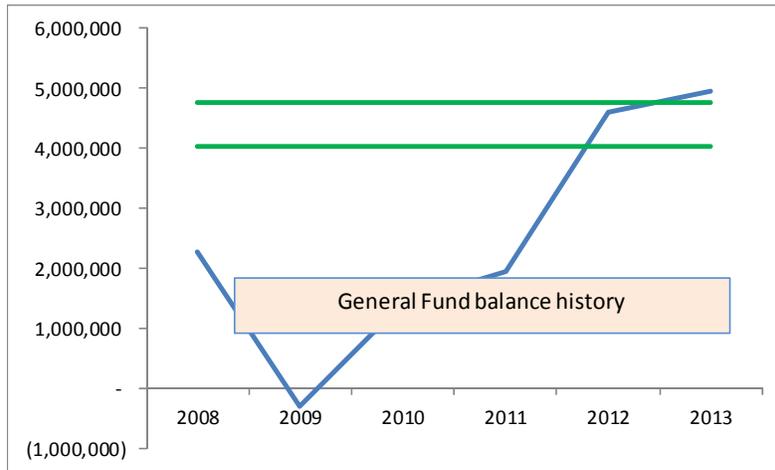
In addition to the projected operating budget, the template for a long-term capital improvement plan (p. 19-29) is also being presented. This plan is being created with the assistance of the facilities manager and the public works administrator. The intent is to numerate known projects and assign anticipated costs in current-year dollars. Currently, projects are still being added to the plan and departments have been invited to request capital projects to be added to the plan. The council is invited to request projects to be added to the plan. The template is also being presented to the council for approval as to the form of the template. A capital improvement plan will be presented, in accordance to Executive Order No. 2014-\_\_\_\_\_, as part of the tentative budget to the council in November.

#### EXECUTIVE ORDERS ESTABLISHING MINIMUM AND MAXIMUM FUND BALANCES FOR OPERATING FUNDS

Fund balance levels will depend on the county's approach to financially managing the acquisition of fixed assets, which coincides with long-term capital planning. If the county adopts a "pay-as-you-go" philosophy, then larger fund balances will need to be accumulated before purchasing the asset. After the purchase of the asset, fund balances will need to re-accumulate before the next purchase. The other end of the spectrum is debt financing.

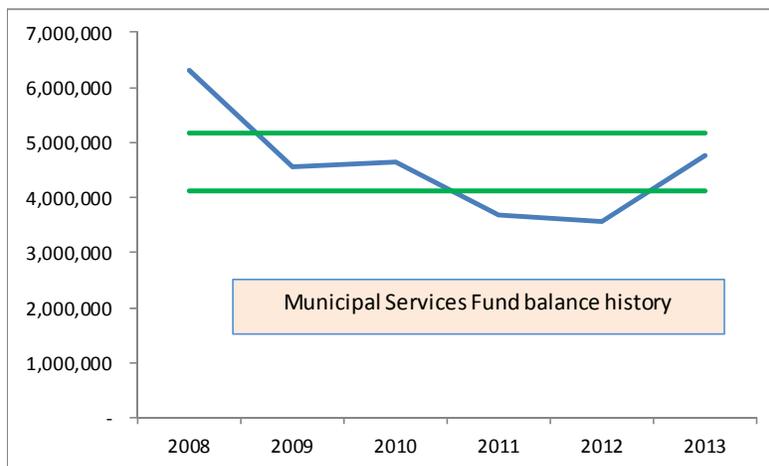
The recommended approach by the finance committee to capital financing is to blend both the pay-as-you-go with the debt financing. The county manager has issued the three following executive orders regarding minimum and maximum fund balance levels for the county’s operating funds.

General fund is the only fund with a minimum and maximum fund balance requirement, as required by Utah State Code (UCA §17-36). The Government Finance Officers Association (GFOA) recommends a minimum of two months operating expenses. For Summit County, that would be approximately \$4.0 million minimum for the current year and a fund balance of about 17 percent of unrestricted budgeted revenues. This is the minimum level established in Executive Order No. 2014-\_\_\_\_\_ (p. 30). The maximum fund balance established in the executive order is 20 percent, or approximately \$4.7 million. Excess unassigned fund balance amounts will be either appropriated in the current year budget or assigned to future capital projects as needed.

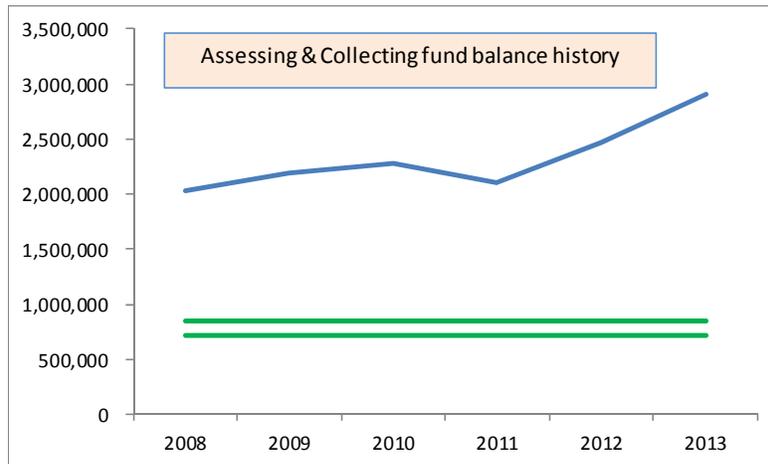


Charts show fund balance history in blue with approximate unassigned fund balance maximums and minimums in green lines.

The municipal services fund requires a larger fund balance minimum and maximum. Reasons for larger fund balance in the municipal services fund are 1) more volatile revenue sources (sales & use taxes); 2) used more to fund capital road projects than the general fund – more roads are not “general” county roads. Executive Order No. \_\_\_\_\_ (p. 31) establishes a minimum fund balance of 28% and a maximum of 35%. Excess unrestricted fund balance amounts will be either appropriated in the current year budget or assigned to future capital projects as needed.



The assessing and collecting fund is a smaller portion of the operating budgets. The purpose of this fund is to collect revenues to offset the costs, including administrative costs, for the appraisal of properties and the collection of property taxes. Reasons for smaller fund balance in the assessing and collecting fund: 1) less volatile revenue source – primarily property taxes; 2) no capital projects (maybe a portion of a facility). At year-end 2013, estimated unassigned fund balance for the assessing and collecting fund to be approximately \$3.0 million. Executive Order No. \_\_\_\_\_ (p. 32) establishes an assigned fund balance at a level of 17 percent and 22 percent of unrestricted budgeted revenues. Efforts will be made to spend down excess unassigned fund balances.



## HISTORY OF UNASSIGNED SUMMIT COUNTY FUND BALANCES

SUMMIT COUNTY UNRESTRICTED FUND BALANCE ESTIMATES							
	2008	2009	2010	2011	2012	2013	
<b>General Fund</b>	2,263,672	(307,265)	1,428,361	1,935,980	4,605,343	4,957,962	
<b>General fund balance unrestricted</b>							
% of total estimated revenue							
for the current year	9.87%	-1.38%	6.34%	7.45%	17.94%	21.41%	
<b>Estimated unrestricted revenue</b>	22,930,206	22,344,283	22,529,553	25,977,640	25,673,073	23,158,619	
<b>Municipal Fund</b>	6,306,286	4,542,796	4,643,682	3,678,255	3,558,540	4,760,733	
<b>Municipal fund balance unrestricted</b>							
% of total estimated revenue							
for the current year	45.31%	37.40%	30.54%	22.88%	24.29%	28.82%	
<b>Estimated unrestricted revenue</b>	13,916,662	12,145,795	15,204,727	16,078,472	14,650,858	16,519,087	
<b>Assessing &amp; Collecting</b>	2,024,249	2,188,852	2,285,185	2,102,886	2,472,032	2,906,351	
<b>Assess &amp; Collect fund balance unrestricted</b>							
% of total estimated revenue							
for the current year	67.77%	70.35%	69.39%	59.14%	62.03%	83.55%	
<b>Estimated unrestricted revenue</b>	2,987,128	3,111,281	3,293,098	3,555,603	3,985,279	3,478,438	

**SUMMIT COUNTY**

Finance Report (Partial)

Date: March 31, 2014

Percent of Year Elapsed: 25.0%

Operating Funds  Description	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
General Fund Total	2,063,852	24,729,239	8.3%	24,729,239	-	2,345,681	9.9%	23,149,717
Municipal Fund Total	2,861,775	15,013,597	19.1%	15,013,597	-	2,558,373	17.2%	16,339,797
Assess & Collect Fund Total	83,308	4,138,691	2.0%	4,138,691	-	182,103	4.8%	3,487,619
<b>Total Operating Funds</b>	<b>5,008,936</b>	<b>43,881,527</b>	<b>11.4%</b>	<b>43,881,527</b>	<b>-</b>	<b>5,086,157</b>	<b>12.0%</b>	<b>42,977,132</b>
<b>Taxes</b>								
General	-	11,082,577	0.0%	11,082,577	-	423	0.0%	10,609,678
Municipal	-	3,074,523	0.0%	3,074,523	-	890	0.0%	4,231,639
Assessing & Collecting	-	3,156,500	0.0%	3,156,500	-	67		-
Fee-In-Lieu	-	468,500	0.0%	468,500	-	73,472	15.7%	515,614
Redemptions	-	1,790,000	0.0%	1,790,000	-	541,686	30.3%	1,936,196
Sales & Use Tax-Muni	1,494,721	5,200,000	28.7%	5,200,000	-	1,360,749	28.3%	5,412,580
Sales & Use Tax-Gen	761,120	2,800,000	27.2%	2,800,000	-	733,347	26.2%	2,598,358
<b>Total Taxes</b>	<b>2,255,841</b>	<b>27,572,100</b>	<b>8.2%</b>	<b>27,572,100</b>	<b>-</b>	<b>2,710,634</b>	<b>9.7%</b>	<b>25,304,065</b>
<b>Licenses &amp; Permits</b>								
Business Licenses	245,325	270,000	90.9%	270,000	-	258,407	103.4%	312,782
Building Permits	175,541	900,000	19.5%	900,000	-	79,698	13.7%	1,008,830
Animal Licenses	4,057	17,000	23.9%	17,000	-	3,929	23.1%	16,344
Engineering Permits	10,443	45,000	23.2%	45,000	-	6,886	15.3%	56,982
<b>Total Licenses &amp; Permits</b>	<b>435,366</b>	<b>1,232,000</b>	<b>35.3%</b>	<b>1,232,000</b>	<b>-</b>	<b>348,920</b>	<b>7.9%</b>	<b>1,394,938</b>
<b>Intergovernmental</b>								
Federal Grants	144,596	1,252,530	11.5%	1,252,530	-	23,590	3.2%	188,346
Other Entity	-	-		-	-	-		-
Miscellaneous Grants	625	21,000	3.0%	21,000	-	313	1.5%	277,406
Dispatch Reimbursement	73,067	74,000	98.7%	74,000	-	-	0.0%	36,534

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State Jail Reimbursement	131,806	570,000	23.1%	570,000	-	90,287	20.1%	630,597
In Lieu of Taxes	6,185	1,270,000	0.5%	1,270,000	-	-	0.0%	1,285,769
State Grants	5,111	-	-	-	-	2,500	-	46,700
Class B Roads	428,275	1,280,000	33.5%	1,280,000	-	394,892	30.9%	1,340,278
State Liquor Enforcement	-	90,000	0.0%	90,000	-	-	0.0%	79,866
Court Security Reimburse	11,655	85,390	13.6%	85,390	-	15,983	12.3%	54,231
License Reimbursement	4,414	68,000	6.5%	68,000	-	3,791	5.6%	62,813
Fleet Maintenance	9,998	140,000	7.1%	140,000	-	28,944	19.3%	96,288
State Court Reimburse	98,778	145,000	68.1%	145,000	-	98,621	68.0%	141,334
Health Intergovernmental								
A&D State Prevention	-	524,114	0.0%	524,114	-	45,144	8.2%	549,510
Mental Health	-	499,533	0.0%	499,533	-	46,778	8.3%	543,094
MtnLand Title XX	-	-	-	-	-	2,269	-	4,767
DHS/UTCAN Fam Resource	-	-	-	-	-	706	-	8,468
WIC	-	557,765	0.0%	557,765	-	15,934	2.5%	530,642
Heart Disease/Stroke	-	27,482	0.0%	27,482	-	9,862	19.1%	49,546
Min Perform Standards	-	49,223	0.0%	49,223	-	12,204	25.0%	49,019
Immunization	-	124,658	0.0%	124,658	-	8,364	19.3%	173,458
MCH Block Grant	464	12,960	3.6%	12,960	-	3,372	26.0%	14,805
Clean Air	-	1,148	0.0%	1,148	-	-	0.0%	1,136
Community Transformation	-	39,000	0.0%	39,000	-	2,466	4.6%	32,662
Tobacco Comprehensive CDC	-	-	-	-	-	2,079	-	22,968
Tobacco Prevention & Cont	-	62,883	0.0%	62,883	-	5,624	31.5%	130,925

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Early Intervention	29,340	292,677	10.0%	292,677	-	17,292	4.1%	425,195
HIV-AIDS	-	5,118	0.0%	5,118	-	588	14.5%	1,000
TB	-	-	-	-	-	377	-	4,118
Enviro Health - DEQ	16,603	66,411	25.0%	66,411	-	16,657	25.0%	66,519
Enviro Health - DOH	-	12,500	0.0%	12,500	-	-	0.0%	12,500
S.T.D.	-	1,000	0.0%	1,000	-	1,000	100.0%	1,000
Injury Prevention	-	20,240	0.0%	20,240	-	2,760	13.6%	14,984
Cancer - UCCP/CDC	-	10,000	0.0%	10,000	-	-	0.0%	7,950
0-5 Prenatal	-	3,200	0.0%	3,200	-	800	25.0%	3,200
Target Case Management	-	15,000	0.0%	15,000	-	109	0.7%	422
Dental Health	-	20,000	0.0%	20,000	-	5,000	25.0%	20,000
Bio Terrorism	-	321,704	0.0%	321,704	-	10,562	3.8%	265,212
Summit Co Safe Community	750	7,984	9.4%	7,984	-	1,287	10.7%	11,571
Tobacco Compliance	-	41,727	0.0%	41,727	-	1,716	2.1%	6,138
Disease Outbreak/MRC	-	-	-	-	-	4,000	-	12,357
ELC-Affordable Care	-	6,707	0.0%	6,707	-	-	0.0%	6,707
MRC/NACCHO	-	-	-	-	-	-	0.0%	-
<b>Total Intergovernmental</b>	<b>961,665</b>	<b>7,728,484</b>	<b>12.4%</b>	<b>7,728,484</b>	<b>-</b>	<b>875,872</b>	<b>7.9%</b>	<b>7,210,591</b>
<b>Charges for Services</b>								
Clerk Fees	4,999	13,000	38.5%	13,000	-	5,585	37.2%	23,038
Recorder Fees	84,826	480,000	17.7%	480,000	-	102,777	27.0%	522,920
Engineering Fees	4,430	40,000	11.1%	40,000	-	6,670	20.8%	39,043

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Subdivision Fees	46,370	190,000	24.4%	190,000	-	35,837	23.9%	245,920
Development Code	881	1,800	49.0%	1,800	-	377	12.6%	988
Search & Rescue	-	10,000	0.0%	10,000	-	-	0.0%	23,638
Primary Residency Fee	12,085	20,000	60.4%	20,000	-	-	0.0%	36,255
Plan Check Fees	92,098	475,000	19.4%	475,000	-	43,831	15.9%	546,561
Fire Warden Fees	30	-	-	-	-	30	-	90
Sheriff Compliance	7,661	60,000	12.8%	60,000	-	9,206	15.3%	52,024
Sheriff Fees	841	18,000	4.7%	18,000	-	1,276	7.1%	4,208
South Summit Ambulance	23,877	125,000	19.1%	125,000	-	33,253	25.6%	126,061
North Summit Ambulance	21,388	125,000	17.1%	125,000	-	24,531	20.4%	106,560
Forest Law Enforcement	42,006	13,193	318.4%	13,193	-	-	0.0%	42,006
Park City Ambulance	379,813	1,600,000	23.7%	1,600,000	-	267,199	18.4%	1,600,841
Recycle Fees	-	-	-	-	-	12,094	-	4,344
Advertising Fees	-	-	-	-	-	-	-	120
Computer Fees	1,102	8,000	13.8%	8,000	-	770	9.6%	4,063
GIS Fees	196	-	-	-	-	1,161	-	1,956
Public Safety Special Event	7,838	120,000	6.5%	120,000	-	5,003	11.4%	105,105
Waste Disposal	-	-	-	-	-	95,176	58.6%	-
Household Hazardous Waste	-	-	-	-	-	9,507	-	-
Fair/Park Receipts	575	80,000	0.7%	80,000	-	1,050	1.3%	87,488
Offender Obligation	62	2,240	2.8%	2,240	-	250	-	1,826
Inmate Labor Fees	-	2,000	0.0%	2,000	-	-	0.0%	-
Snow Removal	18,007	25,000	72.0%	25,000	-	20,042	80.2%	54,617
Election Fees	12,832	3,000	427.7%	3,000	-	-	0.0%	7,700
Surveyor Fees	210	2,000	10.5%	2,000	-	320	16.0%	2,570
911 Services	104,479	450,000	23.2%	450,000	-	105,880	23.5%	423,472
Emergency Services	-	-	-	-	-	-	-	-
Television Franchise	97,621	210,000	46.5%	210,000	-	-	0.0%	145,927
Health Fees								
Water Concurrency	4,000	45,000	8.9%	45,000	-	10,371	23.0%	34,215
Lead Testing Fee	-	-	-	-	-	-	-	-

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Well Child	30	250	12.0%	250	-	40		346
Dental	300	750	40.0%	750	-	300		1,200
Immunization	13,651	70,000	19.5%	70,000	-	15,839	24.0%	84,917
TB	738	1,750	42.2%	1,750	-	985	65.7%	3,235
S.T.D.	935	2,000	46.8%	2,000	-	1,088	54.4%	3,758
HIV Testing	100	250	40.0%	250	-	145	60.4%	305
Lab Fees	8,270	55,000	15.0%	55,000	-	350	0.6%	58,205
Day Care Inspection	-	60	0.0%	60	-	30	15.0%	50
Food Service Permits	65,610	75,000	87.5%	75,000	-	46,210	66.0%	59,820
Food Handler Permit	5,060	15,000	33.7%	15,000	-	3,510	23.4%	24,694
Serve Safe Class	950	3,800	25.0%	3,800	-	1,205	31.7%	5,705
Vital Statistics	3,027	13,000	23.3%	13,000	-	2,441	24.4%	13,286
Reproductive Health	5,223	28,000	18.7%	28,000	-	6,684	23.9%	25,830
Cancer Screening	-	-		-	-	-		-
Septic Tank	1,800	7,500	24.0%	7,500	-	1,175	19.6%	16,130
Cholesterol Screen	-	250	0.0%	250	-	-		12
Pool & Spa Permit	-	6,000	0.0%	6,000	-	70	1.1%	5,980
Temp Mass Gathering	-	800	0.0%	800	-	-	0.0%	500
Tobacco Class	75	450	16.7%	450	-	-	0.0%	300
Liquid Scavenger Fee	-	500	0.0%	500	-	-	0.0%	-
Quinn's Maintenance	-	25,000	0.0%	25,000	-	-	0.0%	-
<b>Total Charges for Services</b>	<b>1,073,996</b>	<b>4,568,593</b>	<b>23.5%</b>	<b>4,568,593</b>	<b>-</b>	<b>872,270</b>	<b>7.9%</b>	<b>4,547,831</b>

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<b>Fines &amp; Forfeitures</b>								
Precinct Court	176,086	850,000	20.7%	850,000	-	214,578	26.0%	764,099
Admin Law Fines	5,679	18,000	31.6%	18,000	-	2,829	28.3%	23,669
Prosecution Fines	6,584	15,000	43.9%	15,000	-	4,068	27.1%	31,795
Public Defender Recovery	1,561	20,000	7.8%	20,000	-	1,995	39.9%	6,846
Library Fines	5,570	18,000	30.9%	18,000	-	5,917	34.8%	22,598
Evidence Forfeiture	2,950	30,000	9.8%	30,000	-	151	3.0%	31,154
Court Services	2,599	5,000	52.0%	5,000	-	2,710	9.0%	10,314
<b>Total Fines &amp; Forfeitures</b>	<b>201,028</b>	<b>956,000</b>	<b>21.0%</b>	<b>956,000</b>	<b>-</b>	<b>232,250</b>	<b>7.9%</b>	<b>890,475</b>
<b>Miscellaneous</b>								
Interest	56,971	156,000	36.5%	156,000	-	14,019	8.7%	124,369
TV Rent	8,805	46,000	19.1%	46,000	-	8,039	16.1%	46,210
Rental Property	4,703	270,000	1.7%	270,000	-	4,703	235.2%	367,125
Jail Reimbursements	1,312	4,500	29.2%	4,500	-	1,226	22.3%	5,916
Miscellaneous	9,000	42,000	21.4%	42,000	-	1,272	3.0%	104,951
<b>Total Miscellaneous</b>	<b>80,791</b>	<b>518,500</b>	<b>15.6%</b>	<b>518,500</b>	<b>-</b>	<b>29,260</b>	<b>7.9%</b>	<b>648,571</b>
<b>Contributions</b>								
From Room Tax	-	289,710	0.0%	289,710	-	-	0.0%	217,700
Contributions Other Funds	-	-	-	-	-	-	-	-
Livestock Corral Fees	(2)	2,500	-0.1%	2,500	-	255	10.2%	2,441
From Restaurant Tax	-	-	-	-	-	-	0.0%	-
Contributions From Surplus	-	772,290	0.0%	772,290	-	-	0.0%	38,413
Historical Society	-	-	-	-	-	-	-	-
<b>Total Contributions</b>	<b>(2)</b>	<b>1,064,500</b>	<b>0.0%</b>	<b>1,064,500</b>	<b>-</b>	<b>255</b>	<b>7.9%</b>	<b>258,555</b>
<b>Total Revenues</b>	<b>5,008,684</b>	<b>43,640,177</b>	<b>11.5%</b>	<b>43,640,177</b>	<b>-</b>	<b>5,069,460</b>	<b>12.0%</b>	<b>40,255,025</b>

**SUMMIT COUNTY BUDGET REPORT**

For the Period March 31, 2014  
 Percent of Year Elapsed: 25.0%  
 Number of Pay Periods Reported: 7 of 26 (27%)

Operating Fund	Curent Year (2014)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
General Fund Total	4,498,581	23,646,433	19.0%	23,646,433	-	4,429,727	23,646,433	18.7%
Municipal Fund Total	2,815,569	14,886,860	18.9%	14,886,860	-	2,661,063	14,886,860	17.9%
Assess & Collect Fund Total	976,277	3,885,883	25.1%	3,885,883	-	970,732	3,885,883	25.0%
<b>Total Operating Fund:</b>	<b>8,290,427</b>	<b>42,419,176</b>	<b>19.5%</b>	<b>42,419,176</b>	<b>-</b>	<b>8,061,522</b>	<b>42,419,176</b>	<b>19.0%</b>

**GENERAL GOVERNMENT**

Administration								
Council	61,508	223,460	27.5%	223,460	-	59,266	204,280	29.0%
Admin Services	188,552	600,123	31.4%	623,123	23,000	176,730	696,866	25.4%
Sustainability	22,937	555,980	4.1%	555,980	-	19,356	412,248	4.7%
Auditor	137,198	605,315	22.7%	605,315	-	133,165	492,048	27.1%
Clerk	82,385	328,190	25.1%	328,190	-	79,604	310,208	25.7%
Elections	8,655	85,005	10.2%	85,005	-	10,059	60,740	16.6%
Public Defender	75,169	242,500	31.0%	242,500	-	53,808	238,800	22.5%
Treasurer	82,196	303,227	27.1%	303,227	-	85,206	297,739	28.6%
Motor Vehicle	52,317	202,710	25.8%	202,710	-	50,720	204,341	24.8%
Recorder	144,595	587,348	24.6%	587,348	-	169,067	565,515	29.9%
Attorney	357,724	1,418,877	25.2%	1,418,877	-	340,053	1,332,442	25.5%
Assessor	187,349	873,605	21.4%	873,605	-	197,889	788,865	25.1%
Justice Court	99,208	440,458	22.5%	440,458	-	135,537	431,700	31.4%
Community Development	141,313	557,280	25.4%	557,280	-	150,131	537,300	27.9%
Planning & Zoning	162,744	756,510	21.5%	756,510	-	129,689	508,650	25.5%
Building	152,025	704,909	21.6%	704,909	-	122,109	608,490	20.1%
<b>Total General Government</b>	<b>1,955,873</b>	<b>8,485,497</b>	<b>23.0%</b>	<b>8,508,497</b>	<b>23,000</b>	<b>1,912,388</b>	<b>7,690,232</b>	<b>24.9%</b>

**PUBLIC SAFETY**

Law Enforcement								
Administration	153,625	898,227	17.1%	898,227	-	180,875	784,655	23.1%
Patrol	664,789	3,228,055	20.6%	3,228,055	-	593,993	2,831,765	21.0%
Special Operations	86,369	401,171	21.5%	401,171	-	91,865	422,636	21.7%
Criminal Investigations	201,740	809,024	24.9%	809,024	-	190,574	634,595	30.0%
Major Crimes Unit	151,238	640,311	23.6%	640,311	-	148,394	667,074	22.2%
Patrol Contracts	6,310	100,089	6.3%	100,089	-	6,965	106,500	6.5%
Reserves	5,556	74,450	7.5%	74,450	-	7,412	92,750	8.0%
Compliance	17,763	55,500	32.0%	55,500	-	17,733	60,000	29.6%

**SUMMIT COUNTY BUDGET REPORT**

For the Period March 31, 2014

Percent of Year Elapsed: 25.0%

Number of Pay Periods Reported: 7 of 26 (27%)

Operating Fund	Curent Year (2014)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
Corrections	634,559	2,341,000	27.1%	2,341,000	-	571,942	2,421,890	23.6%
Jail Kitchen	112,155	421,700	26.6%	421,700	-	107,090	404,092	26.5%
Court Services	231,260	946,514	24.4%	946,514	-	266,656	869,630	30.7%
Communications	275,665	1,003,262	27.5%	1,003,262	-	259,055	1,060,198	24.4%
E-911	40,236	369,560	10.9%	369,560	-	34,637	302,500	11.5%
Search & Rescue	-	80,950	0.0%	80,950	-	-	-	-
Sub-Total Sheriff	<u>2,581,265</u>	<u>11,369,813</u>	<u>22.7%</u>	<u>11,369,813</u>	<u>-</u>	<u>2,477,190</u>	<u>10,658,285</u>	<u>23.2%</u>
Animal Control	84,230	398,000	21.2%	398,000	-	67,872	368,474	18.4%
Emergency Management	22,217	80,618	27.6%	80,618	-	89	200,696	0.0%
Ambulance								
North Summit	-	264,148	0.0%	264,148	-	-	283,325	0.0%
South Summit	-	263,648	0.0%	263,648	-	43,494	220,589	19.7%
Park City	-	1,787,500	0.0%	1,787,500	-	-	1,581,550	0.0%
Total Public Safety	<u>2,687,712</u>	<u>14,163,727</u>	<u>19.0%</u>	<u>14,163,727</u>	<u>-</u>	<u>2,588,645</u>	<u>13,312,919</u>	<u>19.4%</u>
<b>PUBLIC WORKS</b>								
Administration & Shop	117,919	606,438	19.4%	606,438	-	126,653	678,162	18.7%
Class B Roads	18,044	1,236,000	1.5%	1,236,000	-	5,047	1,210,000	0.4%
County Roads	316,380	1,591,288	19.9%	1,591,288	-	257,414	1,457,490	17.7%
Storm Water Management	1,436	177,550	0.8%	177,550	-	2,651	158,700	1.7%
Weeds	34,409	366,824	9.4%	366,824	-	27,918	362,906	7.7%
Engineering	172,524	800,757	21.5%	800,757	-	143,860	689,490	20.9%
Fire Warden	750	103,700	0.7%	103,700	-	3,600	51,650	7.0%
Waste Disposal	385,967	2,488,130	15.5%	2,488,130	-	622,042	2,423,740	25.7%
Total Public Works	<u>1,047,430</u>	<u>7,370,687</u>	<u>14.2%</u>	<u>7,370,687</u>	<u>-</u>	<u>1,189,185</u>	<u>7,032,138</u>	<u>16.9%</u>
<b>GOVERNMENT SERVICES</b>								
Risk Management	201,483	675,000	29.8%	675,000	-	185,675	690,000	26.9%
Information Technology	353,867	1,178,505	30.0%	1,178,505	-	319,139	1,132,482	28.2%
Personnel	95,968	372,670	25.8%	372,670	-	91,744	338,417	27.1%
Facilities								
Coalville Area	104,846	658,649	15.9%	658,649	-	92,949	623,978	14.9%
Richins Building	27,238	156,505	17.4%	156,505	-	28,187	152,220	18.5%
Kamas Area	17,594	119,851	14.7%	119,851	-	18,256	96,799	18.9%
PW & Animal Shelter	23,728	180,250	13.2%	180,250	-	19,643	173,700	11.3%
Justice Complex	101,053	451,160	22.4%	451,160	-	84,551	443,428	19.1%
Parks & Grounds	47,905	260,380	18.4%	260,380	-	35,629	271,977	13.1%
Fleet Services	841	31,000	2.7%	31,000	-	606	30,940	2.0%
Quinn's Health Building	34,765	435,830	8.0%	435,830	-	35,455	435,940	8.1%

**SUMMIT COUNTY BUDGET REPORT**For the Period **March 31, 2014**

Percent of Year Elapsed: 25.0%

Number of Pay Periods Reported: 7 of 26 (27%)

Operating Fund	Curent Year (2014)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
<b>Recreation</b>								
County Fair	15,995	338,300	4.7%	338,300	-	1,450	291,020	0.5%
State Fair	-	1,500	0.0%	1,500	-	-	1,500	0.0%
No Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
So Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Snyderville Recreation	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Library	291,227	1,165,944	25.0%	1,165,944	-	256,516	1,134,072	22.6%
Historical	18,914	89,710	21.1%	89,710	-	20,763	109,454	19.0%
USU Extension	24,347	111,365	21.9%	111,365	-	22,087	108,910	20.3%
Total Government Services	1,464,770	6,331,619	23.1%	6,331,619	-	1,212,650	6,139,837	19.8%
<b>PUBLIC HEALTH</b>								
Administration	104,366	411,740	25.3%	411,740	-	95,156	403,284	23.6%
General Health	322,092	1,837,284	17.5%	1,837,284	-	323,898	1,685,728	19.2%
Environmental Health	156,763	545,111	28.8%	545,111	-	100,519	454,090	22.1%
Bio-Terrorism	47,000	331,704	14.2%	331,704	-	39,504	295,149	13.4%
Early Intervention	109,109	441,951	24.7%	441,951	-	104,833	452,353	23.2%
Mental Health	64,326	577,646	11.1%	577,646	-	84,290	622,477	13.5%
Prevention Center	12,221	564,951	2.2%	564,951	-	55,633	591,945	9.4%
Total Public Health	815,876	4,710,387	17.3%	4,710,387	-	803,834	4,505,026	17.8%
<b>OTHER DEPARTMENTS</b>								
Television	24,596	153,220	16.1%	153,220	-	25,713	128,000	20.1%
Non-Departmental	73,946	310,000	23.9%	310,000	-	68,044	310,000	21.9%
Debt Service	-	-	-	-	-	-	-	-
Contributions	71,287	174,870	40.8%	174,870	-	71,908	487,052	14.8%
To Other Funds	-	450,000	0.0%	450,000	-	-	1,825,612	0.0%
Miscellaneous	126,844	494,300	25.7%	494,300	-	74,168	907,500	8.2%
Total Other Departments	296,674	1,582,390	18.7%	1,582,390	-	239,833	3,658,164	6.6%
<b>TOTAL OPERATING FUNDS</b>	<b>8,268,335</b>	<b>42,644,307</b>	<b>19.4%</b>	<b>42,667,307</b>	<b>23,000</b>	<b>7,946,536</b>	<b>42,338,316</b>	<b>18.8%</b>

**EXECUTIVE ORDER NO. 2014- \_\_\_\_**

**AN EXECUTIVE ORDER PROVIDING FOR A TENTATIVE BUDGET WHICH INCLUDES PROJECTED BUDGETS FOR THREE SUCCEEDING CALENDAR YEARS**

**WHEREAS**, UCA §17-36-15.1 requires that counties adopt their annual calendar year budgets on or before December 31<sup>st</sup> of each year; and,

**WHEREAS**, while UCA §17-36-3.5(2) allows a county to adopt a biennial budget, it does not restrict a county from providing as part of its tentative budget projected future budgets, so long as all future budgets adhere to the annual statutory process; and,

**WHEREAS**, the County Manager is vested with the executive power pursuant to §1-14-12(B) of the Summit County Code to “prepare and present a proposed budget” to the County Council; and,

**WHEREAS**, the executive powers granted to the County Manager include, without limitation, the power to “[e]xercise control over county assets, funds, and property . . .”; and,

**WHEREAS**, the County Manager finds that it is in the best interests of the County to include as part of the tentative budget projected future budgets for three succeeding calendar years;

**NOW, THEREFORE**, I, Robert Jasper, Summit County Manager, do hereby provide that the Summit County tentative budget shall include projected budgets for three succeeding calendar years.

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Jasper  
County Manager

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

**SUMMIT COUNTY OPERATING FUNDS: PROJECTION ESTIMATES**

Description	Actual	Budget	Projected		
	2013	2014	2015	2016	2017
General Fund	23,149,717	24,729,239	27,417,537	28,168,075	28,916,563
Municipal Fund	16,339,797	15,013,597	16,744,441	17,480,497	18,214,541
Assess & Collect Fund	3,487,619	4,138,691	4,784,620	5,073,771	5,362,131
<b>Total Operating Funds</b>	<b>42,977,132</b>	<b>43,881,527</b>	<b>48,946,599</b>	<b>50,722,342</b>	<b>52,493,235</b>
<b>TAXES</b>					
Property Taxes	19,905,373	19,572,100	22,144,500	23,119,474	24,091,785
Sales & Use Taxes	8,010,938	8,000,000	8,213,557	8,543,900	8,873,340
<b>LICENSES &amp; PERMITS</b>	386,107	332,000	353,783	375,439	397,036
Building Permits	1,008,830	900,000	811,103	873,150	935,028
<b>INTERGOVERNMENTAL</b>					
Health Department	2,970,430	2,879,062	2,699,103	2,620,533	2,542,178
Other Departments	4,347,893	5,132,270	3,863,951	3,823,031	3,782,223
<b>CHARGES FOR SERVICES</b>					
Health Department	338,714	495,360	526,535	581,593	636,501
Community Development	793,470	666,800	669,892	740,829	811,573
Other Departments	2,655,591	2,566,073	2,913,390	2,774,266	2,635,522
<b>FINES &amp; FORFEITURES</b>	890,475	956,000	921,531	925,066	928,591
<b>MISCELLANEOUS</b>	648,571	518,500	2,733,497	3,109,275	3,484,026
<b>CONTRIBUTIONS</b>					
From Other Funds					
From Surplus					
	<b>41,956,392</b>	<b>42,018,165</b>	<b>45,850,841</b>	<b>47,486,556</b>	<b>49,117,803</b>

**SUMMIT COUNTY OPERATING FUNDS: PROJECTION ESTIMATES**

Description	Actual	Budget	Projected		
	2013	2014	2015	2016	2017
General Fund	22,485,263	24,726,239	21,975,698	21,587,892	21,201,147
Municipal Fund	13,396,036	15,013,597	13,946,634	13,947,715	13,948,793
Assess & Collect Fund	3,603,259	4,138,691	3,720,202	3,818,518	3,916,566
<b>Total Operating Funds</b>	<b>39,484,558</b>	<b>43,878,527</b>	<b>39,642,534</b>	<b>39,354,126</b>	<b>39,066,506</b>

**GENERAL GOVERNMENT**

## Administration

Council	224,934	213,460	73,033	30,409	(12,099)
Admin Services	635,399	570,123	569,506	599,291	628,993
Sustainability	309,319	555,980	265,873	313,366	360,730
Economic Development		120,000			
Auditor	486,109	605,315	498,888	509,575	520,233
Clerk	318,204	328,190	348,436	360,463	372,458
Elections	55,072	85,005	103,356	110,777	118,178
Public Defender	243,382	242,500	217,771	219,908	222,040
Treasurer	302,863	303,227	283,035	281,359	279,688
Motor Vehicle	194,589	202,710	201,436	202,690	203,939
Recorder	563,407	587,348	315,116	243,695	172,470
Attorney	1,371,764	1,418,877	1,347,283	1,361,321	1,375,320
Assessor	797,124	873,605	498,626	429,254	360,071
Justice Court	435,162	425,458	452,315	465,322	478,294
Community Development	614,128	607,280	418,116	399,408	380,751
Planning & Zoning	528,295	756,510	587,960	571,102	554,291
Building Inspection	554,226	704,909	142,275	33,545	(74,888)
<b>Total General Government</b>	<b>7,633,977</b>	<b>8,600,497</b>	<b>6,323,026</b>	<b>6,131,486</b>	<b>5,940,468</b>

**PUBLIC SAFETY**

## Law Enforcement

Administration	745,089	898,227	503,582	411,717	320,104
Patrol	2,879,351	3,228,055	2,699,297	2,614,557	2,530,049
Special Operations	354,364	401,171	476,386	479,977	483,559
Criminal Investigations	793,484	809,024	673,473	643,217	613,045
Major Crimes Unit	614,295	643,311	934,089	1,108,881	1,283,196

Description	Actual	Budget	Projected		
	2013	2014	2015	2016	2017
Patrol Contracts	90,829	107,589	41,324	45,230	49,124
Reserves	20,402	74,450	4,384	768	(2,837)
Compliance	59,716	55,500	129,431	145,073	160,674
Corrections	2,349,221	2,341,000	2,377,376	2,386,040	2,394,681
Jail Kitchen	440,663	421,700	408,215	410,196	412,172
Court Services	977,502	946,514	1,134,498	1,215,168	1,295,618
Communications	1,019,810	1,003,262	991,022	991,889	992,754
E-911	200,043	369,560	553,479	576,902	600,261
Search & Rescue	78,195	80,950	16,363	(14,787)	(45,851)
Sub-Total Sheriff	10,622,965	11,380,313	10,942,918	11,014,831	11,086,548
Animal Control	310,855	398,000	211,063	153,036	95,167
Emergency Management	44,363	165,623	(13,229)	(44,296)	(75,278)
Ambulance					
North Summit	282,549	264,148	238,151	232,394	226,653
South Summit	241,521	263,648	218,742	214,665	210,599
Park City	1,579,281	1,787,500	1,413,685	1,363,512	1,313,476
Total Public Safety	13,081,535	14,259,232	13,011,330	12,934,142	12,857,165
<b>PUBLIC WORKS</b>					
Administration & Shop	643,439	606,438	256,830	185,791	114,946
Class B Roads	1,129,755	1,300,000	1,173,288	1,174,567	1,175,842
County Roads	1,586,393	1,588,288	1,784,976	1,859,213	1,933,248
Storm Water Management	151,416	177,550	152,666	152,684	152,701
Weeds	339,230	366,824	324,638	324,565	324,492
Engineering	663,482	800,757	699,586	709,338	719,063
Fire Warden	189,295	80,700	(229,089)	(306,255)	(383,211)
Waste Disposal	2,313,085	2,489,780	4,043,960	4,063,352	4,082,692
Total Public Works	7,016,094	7,410,337	8,206,855	8,163,254	8,119,772
<b>GOVERNMENT SERVICES</b>					
Risk Management	609,376	675,000	701,509	720,532	739,503
Information Technology	1,136,449	1,178,505	1,101,088	1,114,667	1,128,209
Personnel	335,928	372,670	339,388	346,873	354,337
Facilities					
Coalville Area	574,068	658,649	523,509	502,565	481,678
Richins Building	154,784	156,505	125,724	122,546	119,375
Kamas Area	65,649	119,851	89,668	93,379	97,079
PW & Animal Shelter	161,733	180,250	59,365	49,716	40,092

Description	Actual	Budget	Projected		
	2013	2014	2015	2016	2017
Justice Complex	465,453	451,160	733,684	783,129	832,440
Parks & Grounds	238,538	260,380	208,800	202,834	196,884
Fleet Services	29,761	31,000	22,302	21,727	21,154
Quinn's Health Building	420,744	435,830	925,043	1,061,563	1,197,709
Recreation					
County Fair	284,217	343,300	238,614	245,593	252,554
State Fair	929	1,500	987	1,046	1,104
No Summit Youth Rec	35,000	35,000	28,349	26,531	24,718
So Summit Youth Rec	35,000	35,000	13,861	8,081	2,318
Snyderville Recreation	35,000	35,000	40,495	41,997	43,496
Library	1,069,906	1,165,944	998,253	998,561	998,869
Historical	110,428	89,710	95,886	99,232	102,569
USU Extension	111,535	111,365	117,643	122,400	127,144
Total Government Services	<u>5,874,500</u>	<u>6,336,619</u>	<u>6,364,169</u>	<u>6,562,971</u>	<u>6,761,230</u>
<b>PUBLIC HEALTH</b>					
Administration	395,462	411,740	370,528	372,098	373,665
General Health	1,749,209	1,809,349	1,268,900	1,141,253	1,013,955
Environmental Health	470,412	545,111	400,801	395,935	391,082
Bio-Terrorism	225,108	331,704	244,209	244,997	245,783
Early Intervention	417,446	441,951	778,912	892,457	1,005,692
Mental Health	657,162	577,646	498,882	479,403	459,976
Prevention Center	634,103	564,951	523,220	486,485	449,851
Total Public Health	<u>4,548,900</u>	<u>4,682,452</u>	<u>4,085,452</u>	<u>4,012,629</u>	<u>3,940,004</u>
<b>OTHER DEPARTMENTS</b>					
Television	133,593	153,220	123,163	116,185	109,226
Non-Departmental	336,202	415,000	317,543	323,652	329,743
Debt Service	-	-	-	-	-
Contributions	169,316	174,870	135,008	132,764	130,525
To Other Funds	400,000	650,000	516,016	439,589	363,371
Miscellaneous	290,443	1,196,300	558,410	535,469	512,592
Total Other Departments	<u>1,329,553</u>	<u>2,589,390</u>	<u>1,650,141</u>	<u>1,547,659</u>	<u>1,445,458</u>
<b>TOTAL OPERATING FUNDS</b>	<u><u>39,484,558</u></u>	<u><u>43,878,527</u></u>	<u><u>39,640,974</u></u>	<u><u>39,352,141</u></u>	<u><u>39,064,097</u></u>

## Summit County Capital Improvement Plan Summary 2014

Information last updated \_\_\_\_\_

Governmental Funds Projects Department/Division Project Description	Current Year Projects Total	Funding Sources								
		Current Year Resources			Impact Fees	Grants and Outside Sources	From Fund Balances			
		General Fund	Municipal Fund	Class B Road Funds			General Fund	Municipal Fund	Class B Road Funds	Other Funds
<b>Public Works/Roads Department</b>										
Reconstruction projects	\$ 5,188,700		\$ 897,382		\$ 500,000	\$ 1,202,000		\$ 472,318		\$ 2,117,000
<b>Facilities</b>										
Remodels (courthouse, justice complex)	1,140,000	60,760	60,760				1,000,000			18,480
Energy upgrades	380,000									380,000
Park improvements	2,000,000									2,000,000
<b>Solid Waste Department</b>										
<b>Echo Sewer Special Service District</b>										
Construction Projects	592,617					592,617				
Design	9,000					9,000				
<b>Information Technology Department</b>										
Council meeting room improvements	16,000	\$ 3,200	\$ 1,600							\$ 11,200
<b>Fleet Leasing Program</b>										
Vehicles	553,633									\$ 553,633
Equipment	2,025,351									2,025,351
CNG fueling station	23,000									23,000
<b>Total Governmental Funds Projects</b>	<b>\$ 11,928,301</b>	<b>\$ 63,960</b>	<b>\$ 959,742</b>	<b>\$ -</b>	<b>\$ 500,000</b>	<b>\$ 1,803,617</b>	<b>\$ 1,000,000</b>	<b>\$ 472,318</b>	<b>\$ -</b>	<b>\$ 7,128,664</b>

## Capital Projects Resources

	2014	2015	2016	2017	2018
<b>General Fund</b>					
Fund reserves	186,738	186,738	186,738	186,738	186,738
Current resources	1,000,000				
Current year projects	(1,000,000)				
Estimated carry-over	186,738	186,738	186,738	186,738	186,738
<b>Municipal Services Fund</b>					
Fund reserves	5,864,817	676,117	676,117	676,117	676,117
Current resources					
Current year projects	(5,188,700)				
Estimated carry-over	676,117	676,117	676,117	676,117	676,117
<b>Other Government Funds</b>					
Fund reserves		(5,188,700)	(5,188,700)	(5,188,700)	(5,188,700)
Current resources					
Current year projects	(5,188,700)				
Estimated carry-over	(5,188,700)	(5,188,700)	(5,188,700)	(5,188,700)	(5,188,700)
<b>Developer Contributions</b>					
Fund reserves		-	-	-	-
Current resources					
Current year projects					
Estimated carry-over	-	-	-	-	-
<b>Fleet Lease Fund</b>					
Fund reserves	3,140,391	3,140,391	3,140,391	3,140,391	3,140,391
Current resources					
Current year projects					
Estimated carry-over	3,140,391	3,140,391	3,140,391	3,140,391	3,140,391
<b>Total combined resources</b>					
Reserves	9,191,946	4,003,246	4,003,246	4,003,246	4,003,246
Current resources	1,000,000	-	-	-	-
Current expenses	(6,188,700)	-	-	-	-
Change in reserves	4,003,246	4,003,246	4,003,246	4,003,246	4,003,246







## Facilities

Project Description	Priority	2014	2015	2016	2017	2018	Unscheduled
<b>COURTHOUSE:</b>							
Remodel east area of building near Personnel	2	140,000					
Canopy over east handicapped entrance			65,000				
Energy efficiency upgrades	3	170,000					
Remodel Community Development Dept			65,000				
Replace roof over old courthouse					72,000		
<b>COALVILLE HEALTH/LIBRARY:</b>							
<b>COALVILLE USU EXTENSION SERVICES BUILDING:</b>							
Remodel facility interior			95,000				
<b>COALVILLE SEARCH &amp; RESCUE BUILDING:</b>							
<b>KAMAS HEALTH/LIBRARY:</b>							
Remodel facility (architect study in 2014)			1,200,000				
<b>KAMAS SEARCH &amp; RESCUE:</b>							
Expand facility adding new stall on east side			225,000				
<b>KAMAS AMBULANCE BUILDING:</b>							
Remodel upstairs of facility			35,000				
<b>QUINN'S HEALTH COMPLEX:</b>							
<b>SHELDON RICHINS BUILDING:</b>							
(architect study in 2014)							
Facility remodel				150,000			
Richins mirror building							2,500,000
<b>PUBLIC WORKS COMPLEX/ANIMAL SHELTER/WEEDS:</b>							
Heating upgrades at Public Works facility			42,000				
Additional inside truck parking				1,300,000			
<b>PUBLIC SAFETY COMPLEX/JAIL/COURTS</b>							
Remodel existing, expand courts	1	1,000,000					
Energy efficiency upgrades (architect study in 2015)	3	210,000					
Remodel attorney offices				3,500,000			
Additional jail pod							10,000,000
<b>PARKS &amp; GROUNDS:</b>							
Park improvements		2,000,000					
Park construction			8,500,000				
<b>TELEVISION ANTENNAE/TRANSLATOR BUILDINGS:</b>							
<b>LANDFILL SHEDS/PUBLIC WORKS BUILDINGS:</b>							
Remodel or replace existing sheds at both landfills			400,000				
Kimball Junction Transit hub							2,000,000
		\$ 3,520,000	\$ 10,627,000	\$ 4,950,000	\$ 72,000	\$ -	\$ 14,500,000









## CIP PROJECT REQUEST FORM

Department \_\_\_\_\_

Request Year \_\_\_\_\_

Project Title: \_\_\_\_\_

**Brief General Project Description:**

Cost Estimate Summary	
Cost Description	Total Costs
Contracted Professional Services	
Land and/or Right of Way Purchases	
Construction	
Furniture, Fixtures & Equipment	
Other	
Contingency	
<b>Total</b>	\$ -

**EXECUTIVE ORDER NO. 2014- \_\_\_\_****AN EXECUTIVE ORDER PROVIDING FOR A MINIMUM FUND BALANCE IN THE GENERAL FUND**

**WHEREAS**, UCA §17-36-3(17) defines the General Fund to be the “fund used to account for all receipts, disbursements, assets, liabilities, reserves, fund balances, revenues, and expenditures not required to be accounted for in other funds”; and,

**WHEREAS**, UCA §17-36-3(15) defines a fund balance to mean “the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account”; and,

**WHEREAS**, the County Manager is vested with the executive power pursuant to §1-14-12(B) of the Summit County Code to “prepare and present a proposed budget” to the County Council; and,

**WHEREAS**, the executive powers granted to the County Manager include, without limitation, the power to “[e]xercise control over county assets, funds, and property . . .”; and,

**WHEREAS**, UCA §17-36-17(2) requires that the General Fund have an ending fund balance in any calendar year of not less than “5% of the total revenue of the fund in the last completed fiscal period”; and,

**WHEREAS**, UCA §17-36-16(1) limits the uses of fund balances in the General Fund to financing current year expenditures, providing an emergency reserve, and covering unanticipated deficits for future years; and,

**WHEREAS**, UCA §17-36-16(2) limits the amount of fund balances in the General Fund to 50% of the total revenues of the General Fund for the current fiscal year; and,

**WHEREAS**, the County Manager finds that it is in the best interests of the County to set forth a minimum fund balance for the General Fund;

**NOW, THEREFORE**, I, Robert Jasper, Summit County Manager, do hereby provide that the minimum, unassigned fund balance in the Summit County General Fund shall be not less than 17% and no more than 20% of the current year’s unassigned budgeted revenues.

APPROVED AS TO FORM:

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Robert Jasper  
County Manager

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David L. Thomas  
Chief Civil Deputy

**EXECUTIVE ORDER NO. 2014- \_\_\_\_\_****AN EXECUTIVE ORDER PROVIDING FOR A MINIMUM FUND BALANCE  
IN THE MUNICIPAL SERVICES FUND**

**WHEREAS**, UCA §17-34-1(2) allows counties to create a Municipal Services Fund to “provide municipal-type services to areas of the county outside the limits of cities and towns without providing the same services to cities or towns”; and,

**WHEREAS**, UCA §17-36-3(15) defines a fund balance to mean “the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account”; and,

**WHEREAS**, the County Manager is vested with the executive power pursuant to §1-14-12(B) of the Summit County Code to “prepare and present a proposed budget” to the County Council; and,

**WHEREAS**, the executive powers granted to the County Manager include, without limitation, the power to “[e]xercise control over county assets, funds, and property . . .”; and,

**WHEREAS**, UCA §17-36-9(2) requires that the Municipal Services Fund be “subject to the same budgetary requirements as the county’s general fund”; and,

**WHEREAS**, UCA §17-36-16(1) limits the uses of fund balances in the General Fund to financing current year expenditures, providing an emergency reserve, and covering unanticipated deficits for future years; and,

**WHEREAS**, UCA §17-36-9(2) limits the “maximum accumulated unappropriated surplus in the municipal services fund, as determined prior to adoption of the tentative budget, may not exceed an amount equal to the total estimated revenues of the current fiscal period”; and,

**WHEREAS**, the County Manager finds that it is in the best interests of the County to set forth a minimum and maximum unassigned fund balance for the Municipal Services Fund;

**NOW, THEREFORE**, I, Robert Jasper, Summit County Manager, do hereby provide that the unassigned fund balance in the Summit County Municipal Services Fund shall be not less than 28% and no more than 35% of the current year’s unrestricted budgeted revenues.

APPROVED AS TO FORM:

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Robert Jasper  
County Manager

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David L. Thomas  
Chief Civil Deputy

**EXECUTIVE ORDER NO. 2014- \_\_\_\_\_**

**AN EXECUTIVE ORDER PROVIDING FOR A MINIMUM FUND BALANCE  
IN THE ASSESSING & COLLECTING FUND**

**WHEREAS**, UCA §59-2-906.3 allows counties to create an Assessing and Collecting Fund to “fund state mandated actions to meet legislative mandates or judicial or administrative orders which relate to promoting the accurate valuation of property, the establishment and maintenance of uniform assessment levels within and among counties, and the administration of the property tax system”; and,

**WHEREAS**, UCA §17-36-3(15) defines a fund balance to mean “the excess of the assets over liabilities, reserves, and contributions, as reflected by its books of account”; and,

**WHEREAS**, the County Manager is vested with the executive power pursuant to §1-14-12(B) of the Summit County Code to “prepare and present a proposed budget” to the County Council; and,

**WHEREAS**, the executive powers granted to the County Manager include, without limitation, the power to “[e]xercise control over county assets, funds, and property . . . .”; and,

**WHEREAS**, the County Manager finds that it is in the best interests of the County to set forth a minimum and maximum unassigned fund balance for the Assessing and Collecting Fund;

**NOW, THEREFORE**, I, Robert Jasper, Summit County Manager, do hereby provide that the unassigned fund balance in the Summit County Assessing and Collecting Fund shall be not less than 17% and no more than 22% of the prior year’s unrestricted revenues.

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Jasper  
County Manager

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy



## MEMORANDUM

**Date:** April 24, 2014  
**To:** Summit County Council  
**From:** Sean Lewis, County Planner; Jami Brackin, Deputy County Attorney  
**Re.:** Enclave at Sun Canyon Consent Agreement Amendment

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Staff has received a request from an attorney representing Synergy Development, the developer of the Enclave at Sun Canyon, to amend and extend the Enclave at Sun Canyon Consent Agreement.

The Enclave at Sun Canyon is located at the top of Bear Hollow Dr., South of the Olympic Park.

The Consent Agreement was entered into as a settlement to legal action on October 1, 2007 (recorded October 11, 2007). The Consent Agreement allows for construction of 35 townhouse units. As of March 31, 2014, only 8 of the 35 approved units have received building permits.

The applicant is requesting to reduce the overall density of the project from 35 units to 33 units by converting several of the development areas from multi-family to single family lots. To accomplish this amendment, the applicant is also requesting an extension of the terms of the Consent Agreement which is set to expire on September 30, 2014. The applicant has not specified a time period for the proposed Consent Agreement extension.

The Consent Agreement is silent in terms of a formal action or process to amend. The applicant has suggested that an administrative amendment to the Consent Agreement would be appropriate in this instance. However, the Council must be the decision maker as to whether or not to amend the Consent Agreement.

The Summit County Council has the authority to settle land use litigation matters; and it is the Council which would consider and/or approve amendments to prior settlements. Staff is requesting direction as to how to proceed with this request. Using

**the questions articulated below, Staff provides some options for the Council to consider. However, this initial discussion is to focus only on processes moving forward, and not on the merits of the actual amendment request.**

**The first question to answer is whether or not the Council has desire to entertain any amendment. If the answer is yes, Staff and the applicant can proceed with direction from the Council on process. If the answer is no, the item will be noticed on a future Council agenda for a decision on the request, so that the decision may be made in a formal setting. A “no” answer will leave the existing Consent Agreement in place “as is”.**

**Should the Council choose to entertain an amendment, then the next question to answer is what process should be followed? To amend a Development Agreement, public hearings are required before both the planning commission and the Council. Would the Council prefer to follow the same legislative type process? Would the Council prefer to have the planning commission review without a formal public hearing; or even Staff analysis only with the final decision made by the Council? If/when the Council hears the merits of the request, would the Council want a public hearing (not required) or would the Council prefer again to hear only from the applicant and Staff?**

**Staff recommends that the Council determine the answer to the initial question and if “yes”, process to complete the proposed amendment. Staff will follow the direction given, and prepare the item for a final decision by the Council at a future public meeting on the record.**

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March 6, 2014

DENVER  
LAS VEGAS  
LOS ANGELES  
LOS CABOS  
ORANGE COUNTY  
PHOENIX  
RENO  
SALT LAKE CITY  
TUCSON

**VIA EMAIL PPUTT@SUMMITCOUNTY.ORG AND U.S. MAIL**

Summit County Council  
c/o Patrick Putt  
P.O. Box 128  
Coalville, UT 84017

Re: Extension of Consent Decree Regarding the Sun Canyon Property in Summit County, Utah dated September 7, 2007 with an Effective Date of October 1, 2007 (the "Decree").

Dear County Council:

This firm represents Synergy Development, the developer of the Enclave at Sun Canyon development. As you may know, the Enclave development is a 35 lot subdivision located along Bear Hollow Drive near the Utah Olympic Park. My client has been developing this Planned Unit Development project since 2007 and has installed all of the horizontal development improvements and has several homes under construction presently.

The purpose for this letter is to request that the County Council consider a request to extend the term of the Decree, a copy of which is enclosed. Currently, the Decree is scheduled to expire September 30, 2014 at 5:00 p.m. By its terms, the Decree states that it may be amended by a document signed by Synergy and the County.<sup>1</sup> In addition, extensions were contemplated in the Decree as confirmed by the provision stating that the County will not unreasonably withhold approval of an extension request.<sup>2</sup> My client desires an extension so that it can pursue an amendment of its existing plat to revise the configuration of some of the lots and to reduce the project's overall density from 35 single family lots to 33 single family lots.<sup>3</sup>

Specifically, and in response to market developments, Synergy is considering an amendment along the lines of the enclosed Overall Site Plan. Sheet A1.0 shows both the existing

<sup>1</sup> Section 14(f) of the Consent Decree.

<sup>2</sup> Section 8 of the Consent Decree.

<sup>3</sup> To be clear, every lot within this project is a single family lot; there are no multi-family units or lots in this project.

Summit County Council  
March 6, 2014  
Page 2

lot lines and the proposed amended lot lines. Sheet A1.2 shows that the amendment would remove three 4-plex buildings and replace them with free standing single family lots. It also shows the proposal to remove three 3-plex buildings and to replace them with lots for three duplex buildings and three individual free standing lots. We also are adding a proposed single family lot at the end of the project. The net effect of these changes would be to reduce the total density of this project from 35 lots to 33 lots. All of the proposed changes conform to the requirements imposed by the County's ordinances and state law. My client has been careful to make sure that these changes would not exceed the approved total square footage for the project. Further, the modifications would reduce the overall density for the project while at the same time providing visual separation and improved circulation in this PUD. There are other benefits that we would be happy to explain to the Council in a meeting. We believe that these changes will make the project better for all concerned, including the County, the future residents within the project, and its neighbors.

We propose a meeting with the Council to discuss our overall concept. We would then desire to work with staff on an amended subdivision plat and an amended Consent Decree to incorporate these comments. We believe that these amendments can be processed administratively and presented to the Council for decision as the land use authority. But, should the Council desire that we seek a recommendation from the Planning Commission on our proposed revisions to the plat, we are willing to comply with that request.

Please advise if there is any additional information that you will need before you consider this request. Again, we are willing to make a presentation on our request at a time convenient to the Council.

Very truly yours,

**SNELL & WILMER**



Wade R. Budge

WRB

Enclosures

cc: Jami Brackin, Esq.  
Synergy Development

When Recorded Return to:

Summit County Clerk  
Summit County Courthouse  
Coalville, Utah 84017

**ENTRY NO. 00827633**

10/11/2007 10:31:42 AM B: 1893 P: 1553

Consent PAGE 1/39

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



## CONSENT DECREE REGARDING THE SUN CANYON PROPERTY IN SUMMIT COUNTY, UTAH

This Consent Decree Regarding the Sun Canyon Property in Summit County, Utah (the “**Agreement**”) is entered into as of September 7, 2007, by and among Terrace Development Partners, LLC, a Delaware limited liability company (“**Terrace**”); Synergy Development LLC, a Utah limited liability company (“**Synergy**”); Sun Peak Homeowners Association, a Utah non-profit corporation (“**Sun Peak HOA**”); and Summit County, a political subdivision of the State of Utah (“**County**”), by and through the Summit County Board of County Commissioners (“**Board**”).

### RECITALS

- A. Terrace owns that certain real property in Summit County, Utah, as more particularly described on **Exhibit “A”** attached hereto (the “**Property**”). The general factual background of the status of entitlements to the Property is as follows:
- (i) In 1994, a Stipulation for Exemption on Vested Rights Determination for the Sun Peak Development (the “**Stipulation**”) was entered into and recorded with the Summit County, Utah, Recorder. The Stipulation contained an option to develop on the Property a project described as “a 140 unit hotel/condominium complex” and a “hotel/restaurant” with 140 rooms.
  - (ii) Pursuant to an Annexation Declaration With Respect To Additional Property To Be Made Subject To Covenants, Conditions and Restrictions for Sun Peak, Summit County, Utah, dated January 31, 1996, duly recorded with the Summit County, Utah, Recorder (the “**Annexation Declaration**”), the Property was, for certain limited purposes, annexed into the Declaration of Covenants, Conditions and Restrictions for Sun Peak dated June 19, 1992 (the “**Master Declaration**”).
  - (iii) On November 20, 2001, the Board approved a preliminary site plan (the “**Approved Preliminary Plan**”) for a hotel complex of approximately 280,000 square feet containing, among other things, 140 units and up to 5,000 square feet

of commercial space (the “**Hotel Project**”). No party appealed the Approved Preliminary Plan.

- (iv) In August 2005, Terrace submitted its application for Final Site Plan Approval (the “**Final Site Plan Application**”) based on the Approved Preliminary Plan.
- (v) On or about March 29, 2006 the Board disapproved the Final Site Plan Application. Terrace filed an appeal of the Board’s March 29, 2006 decision with the Summit County Board of Adjustment (“**BOA**”). Sun Peak HOA moved to intervene in the BOA proceeding and that motion was granted. The BOA held a hearing on Terrace’s appeal on November 30, 2006.
- (vi) On January 25, 2007, the BOA rendered its decision, which affirmed the Board’s disapproval of the Final Site Plan Application, but found that the Board erred in its interpretation of the Approved Preliminary Plan. Acting sua sponte, the BOA granted Terrace a 248 day extension in which to submit to the County a final site plan in compliance with the BOA’s findings (the “**BOA Decision**”).
- (vii) On or about February 15, 2007, Sun Peak HOA filed a Motion to Reconsider and stay the portion of the BOA Decision that pertained to the Sua Sponte Decision of the Summit County Board of Adjustment. On February 26, 2007, the BOA denied Sun Peak HOA’s motion and reaffirmed the BOA Decision, but increased the 248 day extension to 290 days (the “**Extension Period**”).
- (viii) Sun Peak HOA filed with the Third District Court a Petition for Review of the Sua Sponte Decision of the Summit County Board of Adjustment naming only Terrace (the “**Sun Peak Appeal**”). On or about March 9, 2007, Sun Peak HOA filed an Amended Petition for Review of the Sua Sponte Decision of the Summit County Board of Adjustment substituting the County as the respondent therein. Terrace filed a Motion to Dismiss Sun Peak’s appeal. The court denied Terrace’s motion to dismiss as to the BOA, but did not dismiss the case. Thereafter, Terrace filed a motion to intervene in the Sun Peak Appeal. In addition, the BOA filed a Memorandum in Opposition to the Sun Peak Appeal. The Sun Peak Appeal is still pending as of the date hereof.
- (ix) On April 19, 2007, Terrace delivered to the County a draft of a revised site plan application, revised in accordance with the BOA Decision. On or about May 4, 2007, the County demanded that Terrace submit an application fee in the amount of \$40,500 (the “**Processing Fee**”) as a condition to processing the revised final site plan. Terrace paid the Processing Fee under protest on June 12, 2007, and filed an appeal with the BOA challenging the County’s imposition of such fee. Such appeal is still pending as of the date hereof (the “**Processing Fee Appeal**”).

B. Pursuant to the certain Purchase and Sale Agreement and Joint Escrow Instructions dated May 23, 2007 between Terrace and Synergy, as amended (the “**Purchase and Sale Agreement**”), Terrace has agreed to sell the Property to Synergy on the terms and

conditions described in the Purchase and Sale Agreement. Synergy intends to develop the property as a thirty five (35) unit townhouse project, and not as a hotel (the “**Synergy Project**”).

C. Given the numerous ongoing disputes between and among the parties hereto with respect to the existing development approvals and applications for the Hotel Project, the protracted entitlements history and litigation with respect to the Property, and the benefits to be derived by the County and Sun Peak HOA by virtue of the Synergy Project, the County and Sun Peak HOA believe that it is in their best interests that the Synergy Project proceed with development on and subject to the terms described herein, in lieu of the Hotel Project approved pursuant to the Stipulation, the Approved Preliminary Plan, and subsequent approvals.

D. Synergy is willing to comply with certain criteria for the use and design of the Property to address and satisfy certain of the concerns of the County. In exchange, the County is willing to allow development of the Property subject to the terms of this Agreement. The County, acting pursuant to its authority under Utah Code Annotated Section 17-27-101 et seq., has made certain determinations with respect to the Property and, in the exercise of its legislative discretion, has elected to process the development of the Property, resulting in the negotiation, consideration and approval, after all necessary public hearings, of this Agreement. The parties desire to enter into this Agreement to evidence the foregoing.

#### A G R E E M E N T:

NOW, THEREFORE in consideration of the mutual promises set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Development Approval; Termination. Upon execution of this Agreement by all parties hereto (the “**Effective Date**”), this Agreement shall vest Synergy with the right to develop the Property under the provisions of this Agreement and uses, densities, configurations, massing, design guidelines and methods, processes, road placements and road designs, road grades, and road curb cuts and connections, for the single family residential uses and units described on the approved final site plan and subdivision plat attached hereto as **Exhibit “B”** (the “**Final Site Plan and Subdivision Plat**”) and the Enclave Design Guidelines attached hereto as **Exhibit “C”** (the “**Design Guidelines**”). This Agreement shall be recorded with the Summit County, Utah, Recorder, and shall constitute a covenant running with the land and inure to the benefit of Synergy and any successor owners of the Property. By executing this Agreement, Sun Peak HOA acknowledges and certifies that the Design Guidelines have been approved by the Sun Peak HOA Design Review Committee and satisfy all architectural and design requirements under the Annexation Declaration and Master CC&Rs. Synergy agrees to use its best efforts to cause minimal disturbance to the unit pads until such time as construction of units on such pads is commenced.

2. Consent Decree Controls. In the event of a conflict between the terms of this Agreement and the 1998 Snyderville Basin Development Code, as amended (the “**Code**”), the terms of this Agreement shall control. In the event this Agreement subsequently expires pursuant to the terms hereof, the provisions of the then existing Code shall control.

3. Dismissal of Appeals. Upon the Effective Date (i) Terrace, Sun Peak HOA and the County shall execute and file with the Clerk of the Third District Court, Summit County, Utah, four (4) original counterparts of a Stipulation for and Joint Motion Dismissal with prejudice of the Sun Peak Appeal, with all parties thereto to bear their own costs and expenses, in the form of **Exhibit “D”** attached hereto (the “**Sun Peak Appeal Dismissal**”), (ii) Terrace and the County shall execute and file with the Summit County Department of Community Development four (4) original counterparts of a Stipulation for Dismissal With Prejudice of the Processing Fee Appeal with all parties thereto to bear their own costs and expenses in the form of **Exhibit “E”** attached hereto (the “**Processing Fee Appeal Dismissal**”); and (iii) the County shall deliver to Terrace a cashier’s check in the amount of \$40,500 payable to the order of Terrace representing a refund of the Processing Fee.

4. Impact Fees. In consideration of the covenants of the County contained in this Agreement, Synergy agrees that the Synergy Project shall be subject to all impact fees which are (i) imposed at the time of issuance of building permits, and (ii) generally applicable to other property within the Snyderville Basin, or any fees or special assessments for road maintenance and snow removal generally applicable in the same service area. Synergy waives its position with respect to any vested rights to imposition of such fees, but shall be entitled to similar treatment afforded any other vested projects if an impact fee ordinance makes any such distinction or any other vested project is afforded different treatment pursuant to decisions of the courts in the State of Utah. If fees are properly imposed under the preceding tests, the fees shall be payable in accordance with payment requirements of the particular impact fees ordinance and implementing resolution. Notwithstanding the foregoing, Synergy does not hereby waive its right under applicable law to challenge the reasonableness of the amount of fees within thirty (30) days following imposition of the fees on the Synergy Project.

5. Mutual Releases. Effective as of the Effective Date, Terrace, Synergy and Sun Peak, on behalf of themselves and their respective members, managers, partners, officers, directors, employees, agents and assigns, hereby release each other and the County and the County’s Board members, officials, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, and expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the Effective Date in connection with the application, processing or approval of the entitlements for the Property, including, but not limited to, the claims set forth in the various requests for development approvals previously submitted to the County on behalf of Terrace and its predecessors in interest. Likewise, effective as of the Effective Date, the County, on behalf of itself and the County’s Board members, officials, employees, agents, attorneys and consultants, hereby release Terrace, Synergy and Sun Peak and their respective members, managers, partners, officers, directors, employees, agents and assigns from and against any and all claims, demands, liabilities, costs, and expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the Effective Date, in connection with the application, processing or approval of the entitlements for the Property, including, but not limited to, the claims set forth in the various requests for development approvals previously submitted to the County on behalf of Terrace and its predecessors in interest.

6. Obligation to Develop; Successors and Assigns. This Agreement does not create any obligation upon Synergy or any subsequent owner of the Property to develop the Property. Should Synergy choose to develop the Property pursuant to this Agreement, the duties described in this Agreement will then be the responsibility of the owner of the Property and shall be imposed as the date of the first application for any development permit under this Agreement. This Agreement shall be binding on and inure to the benefit of the successors and assigns to the parties hereto.

7. Development; Force Majeure. Effective as of the Effective Date, this Agreement shall vest the Project under the Final Site Plan and Subdivision Plat which are hereby approved. No development of the Property shall commence without first receiving an appropriate development permit, which will include any grading permit, construction mitigation and management plan, final construction plans, building permit, or other permit required prior to commencing construction. All development commenced under the terms of this Agreement shall be completed by the expiration of this Agreement, however, in the event the construction is commenced, continuous and ongoing at the time this Agreement expires, Synergy shall have the right to complete construction so long construction remains continuous and ongoing until a certificate of occupancy is issued by the County. Prior to the issuance of any development permit under this Agreement, Synergy shall execute a Development Improvement Agreement with the County Engineer and Planning Staff, with sufficient bonds as may be required under the Code. Any deadlines for development contained in this Agreement shall be extended by delay caused by (i) fire or other casualty; (ii) war, riot, acts of terrorism or insurrections; (iii) adverse weather conditions, specifically, sustained winds, precipitation, or low temperatures, exceeding the previous ten (10) year average; and (iv) actions or decrees of governmental bodies.

8. Expiration. This Agreement shall be in effect for a period ending seven (7) years after the Effective Date, subject to the terms of **Section 7** hereof. Prior to the expiration of this Agreement and with the approval of the Summit County Board of Commissioners, Synergy may request an extension of the term of this Agreement in recognition of extenuating circumstances provided it has proceeded with reasonable and continuous diligence in satisfying the terms hereof. The Summit County Board of Commissioners' consent shall not be unreasonably withheld.

9. Legal Action. The parties to this Agreement recognize that the County has the right to enforce compliance with its rules, policies, regulations, and ordinances subject to the terms of this Agreement, and may, at its option, seek an injunction to compel such compliance. The parties to this Agreement further recognize that Synergy has the right to enforce the provisions of this Agreement by seeking an injunction to compel compliance to the extent not inconsistent with the County's reserved legislative and police powers. In the event that Synergy or any user of the Property violate the rules, policies, regulations or ordinances of the County, or violate this Agreement, the County may, without electing to seek an injunction, after thirty (30) days' prior written notice to correct the violation (or such longer period as may be established by the discretion of the Board or a court of competent jurisdiction if Synergy has used its reasonable best efforts to cure such violation within such thirty (30) days and Synergy is continuing to use its reasonable best efforts to cure such violation), take such actions as shall be deemed

appropriate under law until such conditions have been satisfied. In addition to any other rights or remedies hereunder, any party hereto may institute legal action to cure, correct or remedy any default or breach, to specifically enforce any covenants or agreements set forth in this Agreement, and/or to enjoy any threatened or attempted violation of this Agreement, and/or to obtain any remedies consistent with the purpose of this Agreement. Legal action shall be instituted in the Third Judicial District Court of Summit County, Utah.

10. Waivers. No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. Except as expressly provided in this Agreement, no waiver shall be binding unless executed in writing by the party making the waiver. Any party hereto may waive any provision of this Agreement intended for its benefit, provided, however, such waiver shall in no way excuse the other party from the performance of any of its obligations hereunder.

11. Notices. All notices shall be in writing and shall be made by hand delivery, express delivery service, freight prepaid, or by certified mail, postage prepaid, return receipt requested. Notices will be delivered or addressed to the parties at the addresses below or at such other address or number as a party may designate to the other party in writing. Any such notice shall be deemed to be given and received and shall be effective (a) on the date on which the notice is delivered, if notice is given by hand delivery; (b) on the date of actual receipt, if the notice is sent by express delivery service; or (c) on the date on which it is received or rejected as reflected by a receipt if given by United States mail, addressed and sent as aforesaid. The address for such notices is as follows:

Terrace: Terrace Development Partners, LLC  
c/o James G. Haft  
131 South Dearborn Ave. 30<sup>th</sup> Floor  
Chicago, Illinois 60603  
Facsimile: (312) 578-6666  
Email: james.haft@hklaw.com

Copy To: Bruce Baird, Esq.  
Hutchings Baird Curtis and Astill  
9573 South 700 East  
Sandy, Utah 84070

Synergy: Steven P. Urry  
Synergy Development, Inc.  
2189 White Pine Canyon Road  
Park City, Utah 84060

Copy To: Cary D. Jones, Esq.  
Snell & Wilmer, LLP  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101-1547

Sun Peak HOA: Sun Peak Homeowners Association  
Board of Trustees  
1950 Bear Hollow Dr.  
Park City, Utah 84098

Copy to:  
Bruce H. Shapiro, Esq.  
331 Rio Grande St. Suite 302  
Salt Lake City, Utah 84101

County: The Board of County Commission of  
Summit County  
Summit County Courthouse  
P.O. Box 128  
Coalville, Utah 84017

With copies to: Director of Community Development  
Summit County  
P.O. Box 128  
Coalville, Utah 84017

Summit County Attorney  
P.O. Box 128  
Coalville, Utah 84017

12. Counterparts. This Agreement may be executed in counterparts (and by different parties to this Agreement in different counterparts), each of which shall constitute an original, but all of which when taken together shall constitute a single contract. Delivery of an executed counterpart of a signature page of this Agreement by telecopy to the other party shall be effective as delivery of a manually executed counterpart of this Agreement.

13. Relationship of Parties. The contractual relationship between the parties arising out of this Agreement does not create an agency relationship, nor does this Agreement confer any third party beneficiary rights. It is specifically understood by the parties that (a) the Property is privately held; (b) the County has no interest in, responsibilities for or duty to third parties concerning any improvements to the Property unless the County accepts the improvements pursuant to the provisions of this Agreement or in connection with the subdivision plat or applicable approvals; and (c) from and after the Effective Date, Synergy shall have the full and exclusive control of the Property, subject to the obligations of Synergy as set forth in this Agreement.

14. Construction. Unless the context of this Agreement clearly requires otherwise or unless otherwise expressly stated in this Agreement, this Agreement shall be construed in accordance with the following:

(a) Use of Certain Words. References to the plural include the singular and to the singular include the plural and references to any gender include any other gender. The part includes the whole; the terms "include" and "including" are not limiting; and the term "or" has, except where otherwise indicated, the inclusive meaning represented by the phrase "and/or." The words "hereof," "herein," "hereby," "hereunder," and similar terms in this Agreement refer to this Agreement as a whole and not to any particular provision of this Agreement.

(b) Construing the Agreement. Each of the parties to this Agreement acknowledge that such party has had the benefit of independent counsel with regard to this Agreement and that this Agreement has been prepared as a result of the joint efforts of all parties and their respective counsel. Accordingly, all parties agree that the provisions of this Agreement shall not be construed or interpreted for or against any party to this Agreement based upon authorship or any other factor but shall be construed and interpreted according to the ordinary meaning of the words used so as to fairly accomplish the purposes and intentions of all parties to this Agreement.

(c) Partial Invalidity. If any portion of this Agreement is determined to be unconstitutional, unenforceable or invalid, such portion of this Agreement shall be stricken from and construed for all purposes not to constitute a part of this Agreement, and the remaining portion of this Agreement shall remain in full force and effect and shall, for all purposes, constitute the entire Agreement, provided the parties receive the substantial benefit of their bargain.

(d) Governing Law. This Agreement shall be construed according to the laws of the State of Utah, without giving effect to its conflict of laws principles.

(e) Time of Essence; Time Periods. Time is of the essence of this Agreement. The time for performance of any obligation or taking any action under this Agreement shall be deemed to expire at 5:00 o'clock P.M. (local Utah time) on the last day of the applicable time period provided for in this Agreement. If the time for the performance of any obligation or taking any action under this Agreement expires on a Saturday, Sunday or legal federal or Utah holiday, or any other day that Escrow Agent is closed for business, the time for performance or taking such action shall be extended to the next succeeding day which is not a Saturday, Sunday or legal holiday.

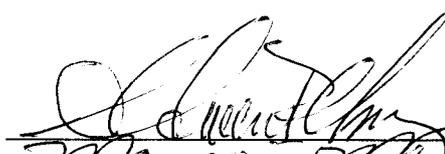
(f) Entire Agreement. This Agreement, which includes **Exhibits "A", "B", "C", "D" and "E"**, constitutes the entire agreement between the parties pertaining to the subject matter contained in this Agreement. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are superseded by and merged in this Agreement. No supplement, modification or amendment of this Agreement shall be binding unless in writing and executed by Synergy and County.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date herein first above written.

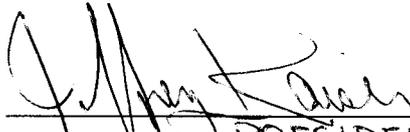
**TERRACE DEVELOPMENT PARTNERS, LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**SYNERGY DEVELOPMENT, LLC,**  
a Utah limited liability company

By:   
Its: Managing Member

**SUN PEAK HOMEOWNERS ASSOCIATION,**  
a Utah non-profit corporation

By:   
Its: PRESIDENT

**SUMMIT COUNTY BOARD OF COUNTY  
COMMISSIONERS**

Attest:

\_\_\_\_\_  
Summit County Clerk

By: \_\_\_\_\_  
Its: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date herein first above written.

**TERRACE DEVELOPMENT PARTNERS, LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_ *By member*

**SYNERGY DEVELOPMENT, LLC,**  
a Utah limited liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**SUN PEAK HOMEOWNERS ASSOCIATION,**  
a Utah non-profit corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**SUMMIT COUNTY BOARD OF COUNTY  
COMMISSIONERS**

Attest:

*Kurt G. [Signature]*  
\_\_\_\_\_  
Summit County Clerk

By: \_\_\_\_\_  
Its: \_\_\_\_\_ *Chair*

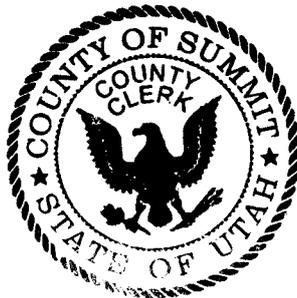


Exhibit A

EXHIBIT "A"

PARCEL 1:

A PARCEL OF LAND WITHIN THE SOUTH HALF OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 3613.35 FEET WEST AND 943.85 FEET NORTH FROM A FOUND BRASS CAP AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING BEING SOUTH 00°06'00" EAST BETWEEN SAID NORTHWEST CORNER OF SECTION 31 AND THE WEST QUARTER CORNER OF SAID SECTION 31) SAID POINT BEING ON A 510.00 RADIUS NON-TANGENT CURVE TO THE LEFT (CENTER BEARS NORTH 00°14'27" WEST) ON THE SOUTHERLY RIGHT OF WAY OF BEAR HOLLOW DRIVE, THENCE ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY 231.39 FEET THROUGH A CENTRAL ANGLE OF 25°59'44" TO THE TRUE POINT OF BEGINNING, THENCE DEPARTING SAID RIGHT OF WAY SOUTH 14°27'37" EAST 178.79 FEET, THENCE NORTH 69°41'55" EAST 276.09 FEET, THENCE NORTH 87°06'40" EAST 166.08 FEET THENCE NORTH 85°43'59" EAST 161.03 FEET, THENCE NORTH 77°52'35" EAST 80.76 FEET, THENCE NORTH 00°09'07" WEST 137.74 FEET, THENCE NORTH 44°25'56" EAST 89.13 FEET, THENCE NORTH 00°37'18" WEST 340.93 FEET TO A POINT ON A NON-TANGENT 165.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 10°38'21" EAST) SAID POINT ON A NON-TANGENT 165.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 10°38'21" EAST), SAID POINT ALSO LYING ON THE SOUTHERLY RIGHT OF WAY OF BEAR HOLLOW DRIVE, THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FIVE COURSES: 1) ALONG THE ARC OF SAID CURVE 132.57 FEET THROUGH A CENTRAL ANGLE OF 46°01'59", THENCE 2) SOUTH 33°19'40" WEST 22.34 FEET TO A POINT ON A 435.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 56°40'20" WEST, THENCE 3) ALONG THE ARC OF SAID CURVE TO THE LEFT (CENTER BEARS SOUTH 10°36'20" EAST) THENCE 4) ALONG THE ARC OF SAID CURVE 256.81 FEET THROUGH A CENTRAL ANGLE OF 35°27'21" TO A POINT OF 510.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT (CENTER BEARS NORTH 46°03'41" WEST) THENCE 5) ALONG THE ARC OF SAID CURVE 176.48 FEET THROUGH A CENTRAL OF 19°49'35" TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND WITHIN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WEST 4123.82 FEET AND NORTH 892.84 FEET FROM A FOUND BRASS CAP AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN WITH A BASIS OF BEARING BEING BETWEEN THE WEST QUARTER CORNER AND THE NORTHWEST CORNER OF SAID SECTION 31, BEING SOUTH 00°00'06" EAST SAID POINT OF BEGINNING ALSO BEING ON THE SOUTH RIGHT OF WAY OF BEAR HOLLOW DRIVE, THENCE ALONG SAID SOUTH RIGHT OF WAY NORTH 74°59'52" EAST 112.09 FEET TO A POINT ON A 615 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 15°00'08" EAST), THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°45'41" 158.45 FEET, THENCE NORTH 89°45'33" EAST 245.59 FEET TO A POINT ON 510 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 00°14'27" WEST) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°59'44" 231.39 FEET, THENCE DEPARTING THE SOUTH RIGHT OF WAY OF BEAR HOLLOW DRIVE SOUTH 14°27'37" EAST 234.85 FEET, THENCE WEST 759.24 FEET, THENCE NORTH 15°00'08" WEST 128.24 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

TOGETHER WITH AN ACCESS EASEMENT WITHIN THE SOUTH HALF OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, COUNTY OF SUMMIT, STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WEST 2443.38 FEET AND NORTH 1407.62 FEET FROM A FOUND BRASS CAP AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, WITH A BASIS OF BEARING BEING BETWEEN THE WEST QUARTER CORNER AND THE NORTHWEST CORNER OF SAID SECTION 31, BEING SOUTH 00°00'06" EAST SAID POINT BEING ON THE SOUTH RIGHT OF WAY OF BEAR HOLLOW DRIVE, THENCE SOUTH 25°32'18" EAST 66.50 FEET, THENCE WEST 206.37 FEET, THENCE NORTH 00°37'18" WEST 60.00 FEET, THENCE EAST 178.35 FEET TO THE TRUE POINT OF BEGINNING.

FIRST AMERICAN TITLE INSURANCE COMPANY

AS CREATED BY THAT CERTAIN EASEMENT AGREEMENT RECORDED FEBRUARY 2, 1996 AS ENTRY NO.  
447546 IN BOOK 942 AT PAGE 510 OF THE OFFICIAL RECORDS

LESS AND EXCEPTING ANY PORTION LYING WITHIN THE ENCLAVE AT CEDAR DRAW SUBDIVISION

TAX PARCEL NO. PP-63-C

FIRST AMERICAN TITLE INSURANCE COMPANY

Exhibit B

B

**EXHIBIT "B"**

**Final Development Plan**

1. 35 zero lot line townhouse units and one clubhouse and pool. See plat attached hereto as **Exhibit "B-1"** (the "**Plat**").

~~2. Building heights shall not exceed 40 feet offset from finished grade; Building heights for Buildings G and H shall be in accordance with the attached design.~~

SEE ATTACHED REVISED PARAGRAPH DATED OCTOBER 1, 2007

4. Synergy shall provide trail access easements through the open space parcels owned by Synergy for use by Sun Peak and Enclave Homeowners and guests. The trail use easement and rules shall be governed by the Enclave covenants, conditions and restrictions.

5. Fire District approval of 24 feet width on all roads measured from back of curb to back of curb.

6. Approved trail on Enclave at Cedar Draw along Bear Hollow drive shall be eliminated.

7. Project will be subject to covenants, conditions and restrictions attached hereto as **Exhibit "B-2."** Such are not binding upon Summit County.

8. No nightly or short term rentals.

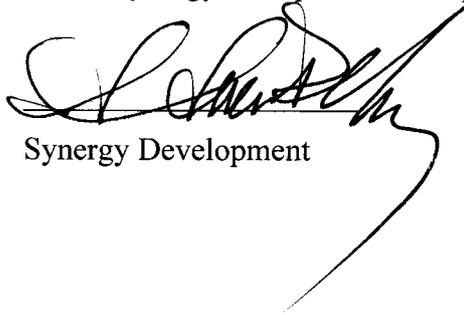
9. Synergy shall be entitled to retain 105 unused residential unit equivalents of density from the previously entitled hotel for the sole purpose of valuating TDR Open Space for an anticipated future Conservation Easement. The foregoing does not constitute an acknowledgement by Sun Peak HOA that such density was included in the Approved Preliminary Plan for the Hotel.

10. Synergy shall donate \$10,000 to Sun Peak Homeowners Association for future trail construction on other properties. The funds will be escrowed upon plat approval and recordation.

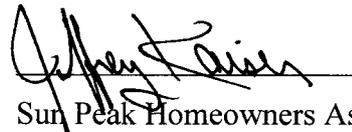
11. Synergy shall market the units as whole ownership units, and there shall be no timeshare ownership interest allowed (as defined in the Utah Timeshare Ownership Act).

October 1, 2007

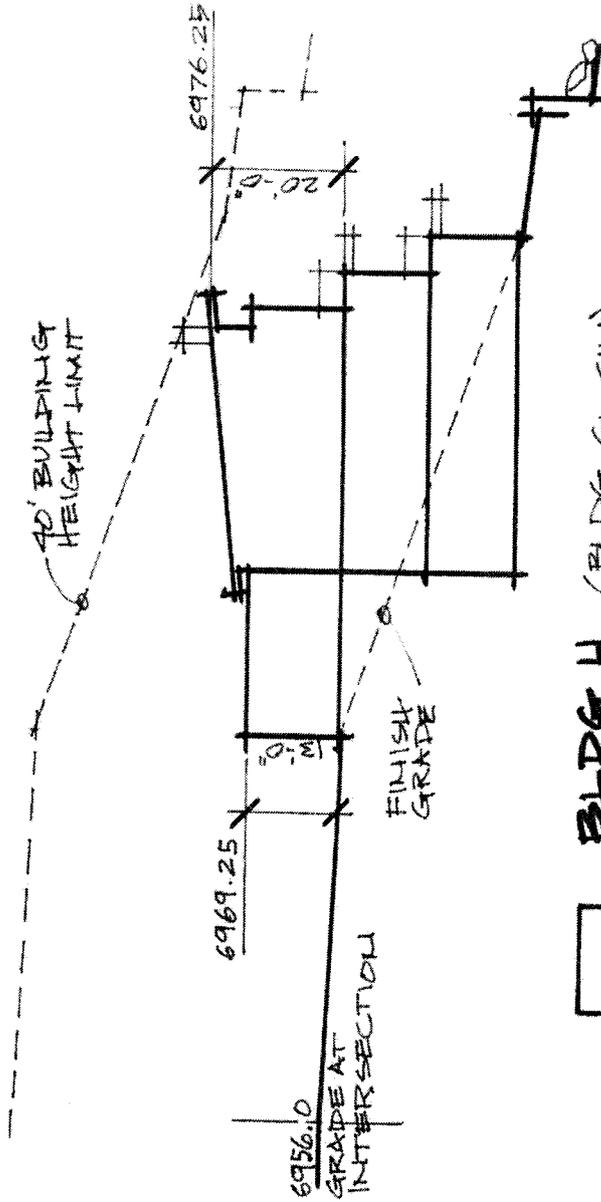
Building Heights shall not exceed 40 feet; the building heights (using the roof surface) for those buildings closest to Bear Hollow Drive (A, B, C,G, H) shall be further limited so that the building face of Building A, B, and C along Bear Hollow Drive in the middle of each building unit measured perpendicularly to the center line of Bear Hollow Drive does not exceed 15 feet above the road grade and the highest point of the roof does not exceed 22 feet above the road grade. And as to Buildings presently identified as G & H, shall be further limited so that the building face along Bear Hollow Drive in the middle of each building unit measured perpendicularly to the center line of Bear Hollow Drive does not exceed 13 feet above the road grade and the highest point of the roof does not exceed 20 feet above the road grade. The roof pitches shall be substantially similar to those depicted on the Synergy Site Section/Height Comparison drawing, page 5, dated July 31, 2007. Synergy shall place an adequate landscape buffer along Bear Hollow Drive.



Synergy Development



Sun Peak Homeowners Association



**BLDG. H. (BLDG. G. SIM)**

**SITE SECTION**

9.25.07 SCALE 1/16" = 1'-0"

ENCLAVE TOWN HOMES

Handwritten signature/initials





# ENCLAVE TOWNHOMES

## FINAL SITE PLAN DRAWINGS

Summit County, Utah

**GENERAL NOTES:**

1. Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utility Easements shown on this drawing. The utility easements shall be shown on the site plan. All services within and around the parcel identified hereon, including the right of access to the easements, shall be shown on the site plan. The utility easements shall be shown on the site plan. The utility easements shall be shown on the site plan.

2. All Parcels are subject to Park City Fire Service District (PCFSD) requirements, including the standards for access and water supply for fire protection.
3. **Automatic Fire-Suppression-Systems:** All dwellings, guest houses and out-buildings over 1,000 sq. ft. shall be equipped with automatic fire suppression systems. The fire protection system shall be designed and approved by the PCFSD. In some instances, building exterior walls for fire sprinkler systems, such as signs and operation of signs or building materials being used.

4. **Fire Department Access-Roads:** An all-weather fire department access road is required to be installed and made non-combustible prior to the issuance of a building permit for combustible construction being initiated. The all-weather fire department access road shall be constructed to meet the requirements of the PCFSD. The all-weather access is not mentioned in the Fire District reserves the right to stop work until required roads are placed back in service.

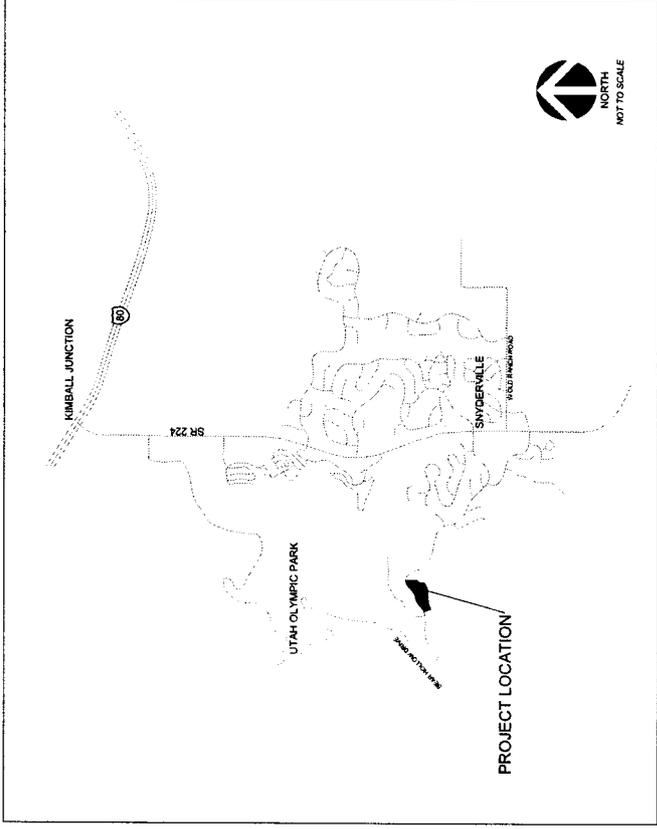
5. **Water-Sources-For-Fire-Protection:** Water supplies required for fire protection are to be shown on the site plan. The Fire District reserves the right to stop work until the water supply is provided. The Fire District reserves the right to stop work until the water supply is provided. The Fire District reserves the right to stop work until the water supply is provided.

6. **Materials-And-Clearance:** Materials and clearance for fire protection must be maintained in a manner to prevent obstruction by materials or other obstructions. Each water supply for fire protection must be maintained in a manner to prevent obstruction by materials or other obstructions.

### SHEET INDEX

00	COVER SHEET
01	PLAT MAP
02	PLAN MAP
03	IRIGATION PLAN
04	CONSTRUCTION PLAN
05	BUILDING NORTH & SOUTH ELEVATIONS
06	BUILDING WEST & EAST ELEVATIONS
07	MATERIALS AND CLEAR BOARD

### PROJECT VICINITY MAP



**MOUNTAIN REGIONAL DISTRIBUTION COMPANY**  
 Summit Water Production Company, 1000 West 1000 North, Provo, Utah 84601  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**SNYDERVILLE RANCH WATER RECLAMATION DISTRICT**  
 Summit Water Production Company, 1000 West 1000 North, Provo, Utah 84601  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**THE GARDENS RESORT VILLAGE HENRIET ASSOCIATION, INC.**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**ROCKY MOUNTAIN POWER EASEMENT APPROVAL**  
 The utility easements shown herein have been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**PARK CITY FIRE SERVICE DISTRICT APPROVAL**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**SUMMIT COUNTY PUBLIC WORKS APPROVAL**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**SNYDERVILLE RANCH SPECIAL RECREATION DISTRICT**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**QUESTAR GAS COMPANY**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**COMMENTS TO RECORD:**  
 This drawing is for the purpose of recordation. It is not to be used for construction. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**AREA DESIGNATIONS:**  
 The area shown on this drawing is designated as a residential area. The contractor shall be responsible for obtaining all necessary permits and approvals.

**APPROVED AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**APPROVAL AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**APPROVAL AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

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**APPROVAL AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**APPROVAL AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**APPROVAL AS TO FORM:**  
 Approved and stamped this \_\_\_\_\_ day of \_\_\_\_\_, 2007

**RECORDED**  
 COUNTY OF SUMMIT  
 DATE OF \_\_\_\_\_  
 RECORDED AND FILED AT THE REQUEST OF:  
 SUMMIT COUNTY ENGINEER

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007  
 SUMMIT COUNTY ENGINEER

**COUNTY PLANNING COMMISSION**  
 APPROVED AND ACCEPTED BY SNYDERVILLE  
 COUNTY PLANNING COMMISSION  
 DAY OF \_\_\_\_\_, 2007  
 CHAIRMAN

**COUNTY ENGINEER**  
 I HEREBY CERTIFY THAT I HAVE HAD THIS  
 DRAWING CORRECTLY REPRODUCED IN ACCORDANCE WITH INFORMATION  
 ON FILE IN THIS OFFICE.  
 DATE \_\_\_\_\_ SUMMIT COUNTY ENGINEER

**COUNTY PLANNING COMMISSION**  
 PRESENTED TO THE BOARD OF SUMMIT  
 COUNTY PLANNING COMMISSION  
 SUBCOMMITTEE WAS APPROVED AND ACCEPTED.  
 SUMMIT COUNTY ENGINEER

**COUNTY ASSESSOR**  
 APPROVED AND ACCEPTED BY THE SUMMIT COUNTY  
 ASSESSOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007  
 COUNTY ASSESSOR

**ARCHITECTS PLANNERS ENGINEERS**  
 IBI GROUP  
 500 LAKE CIRCLE, SUITE 4111  
 BOULDER, CO 80501





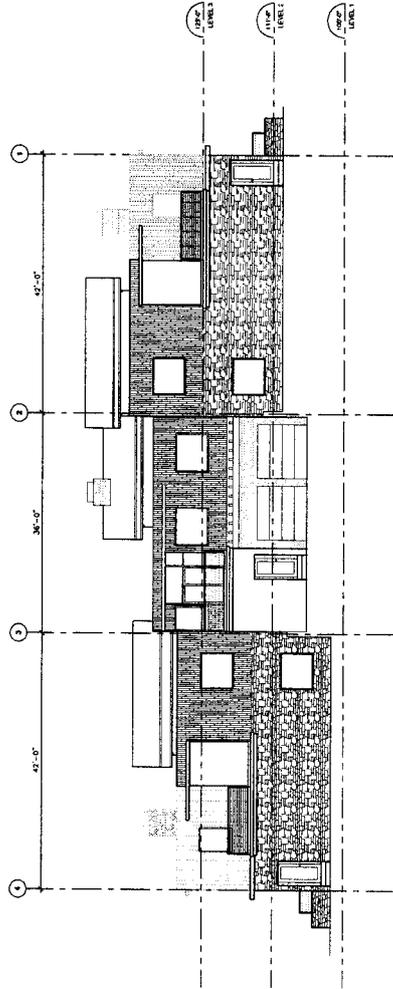




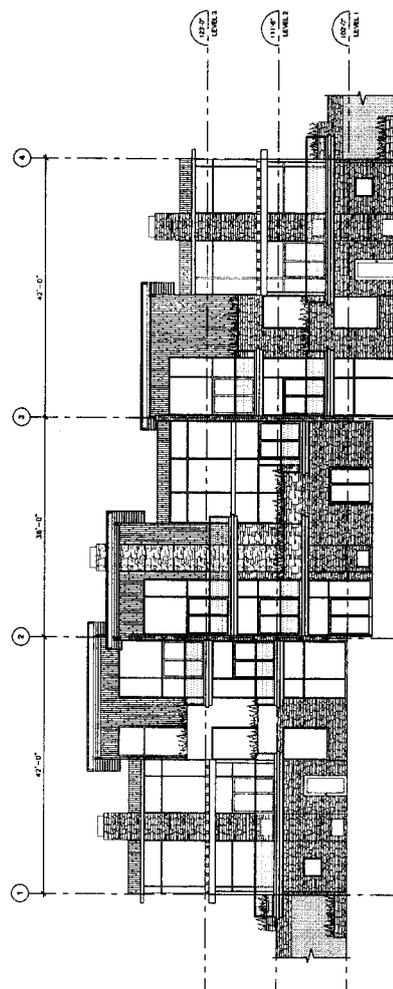


NO.	DATE	DESCRIPTION
1	10/11/11	ISSUED FOR PERMIT
2	10/11/11	ISSUED FOR PERMIT
3	10/11/11	ISSUED FOR PERMIT
4	10/11/11	ISSUED FOR PERMIT
5	10/11/11	ISSUED FOR PERMIT
6	10/11/11	ISSUED FOR PERMIT
7	10/11/11	ISSUED FOR PERMIT
8	10/11/11	ISSUED FOR PERMIT
9	10/11/11	ISSUED FOR PERMIT
10	10/11/11	ISSUED FOR PERMIT
11	10/11/11	ISSUED FOR PERMIT
12	10/11/11	ISSUED FOR PERMIT
13	10/11/11	ISSUED FOR PERMIT
14	10/11/11	ISSUED FOR PERMIT
15	10/11/11	ISSUED FOR PERMIT
16	10/11/11	ISSUED FOR PERMIT
17	10/11/11	ISSUED FOR PERMIT
18	10/11/11	ISSUED FOR PERMIT
19	10/11/11	ISSUED FOR PERMIT
20	10/11/11	ISSUED FOR PERMIT

ENCLAVE TOWNHOMES  
 FINAL SITE PLAN SUBMITTAL  
 BUILDING K NORTH & SOUTH ELEVATIONS  
 A-K301



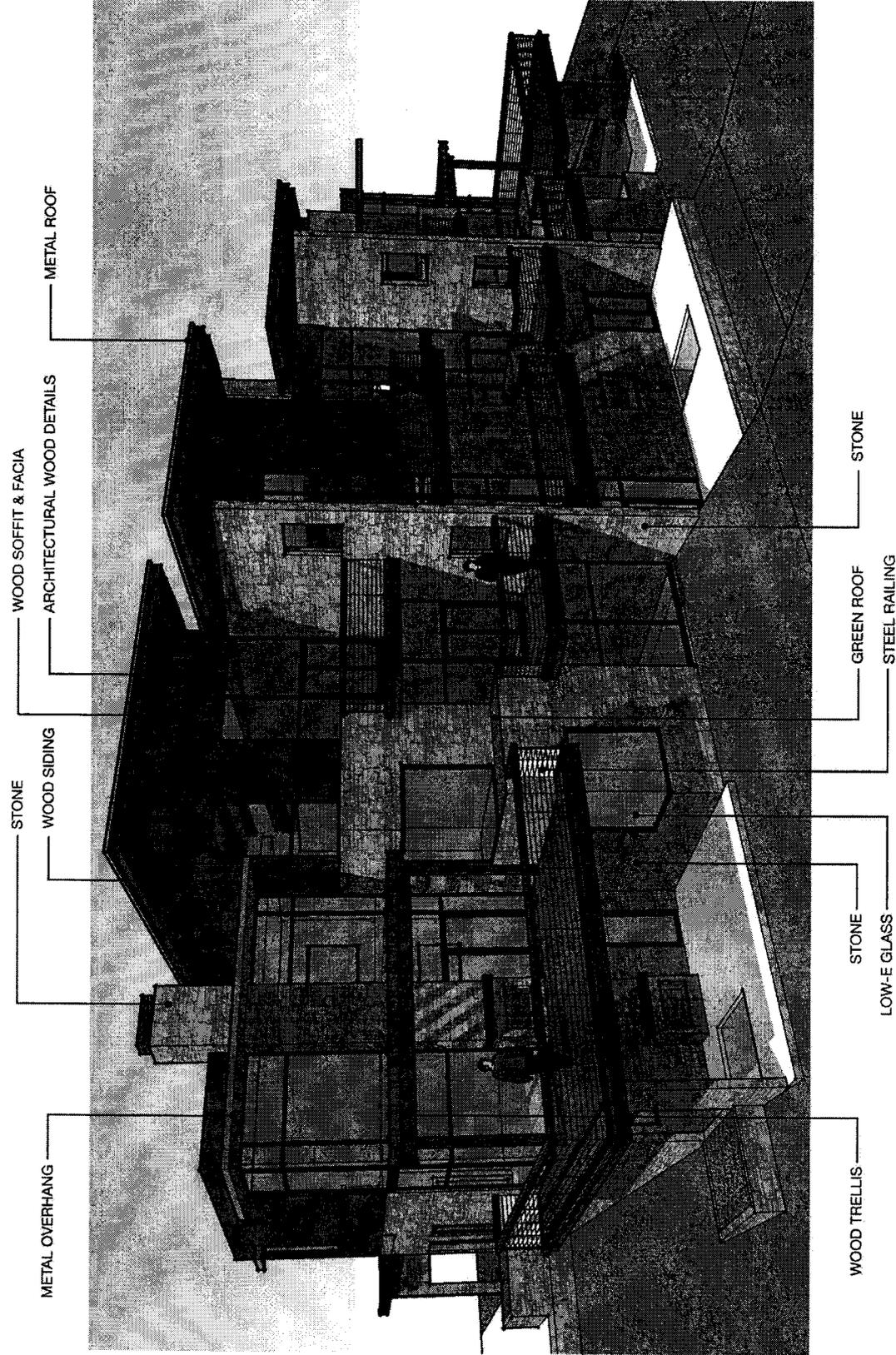
2 BUILDING K NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



1 BUILDING K SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION





10 Exchange Place  
 Salt Lake City, UT 84111  
 PH: 801-432-4223  
 www.ibigroup.com

340 Main Street, # 203  
 Park City, UT 84060  
 PH: 435-615-8394  
 F: 435-615-8397



# MATERIAL & COLOR BOARD

Enclave Townhomes  
 Summit County, Utah

August 22, 2007

Exhibit C

C

# Enclave Townhomes Design Guidelines:

- Simplified geometric massing
- Traditional Mountain architecture materials
  - Farmer's Stone from Oklahoma Quarry
- Floor to ceiling glass
- Outdoor fireplace
- Open metal railings
- Rubbed and stained vertical Douglas Fir siding
- Combination of metal shed roofs and green roofs
- Exposed heavy timber roof beams
- Low water consumption planting
- Metal clad wood windows with Low E glass



10 Exchange Place  
Suite 200  
P.O. Box 111  
CR, 801-532-4231  
F 801-532-4231  
www.ibigroup.com

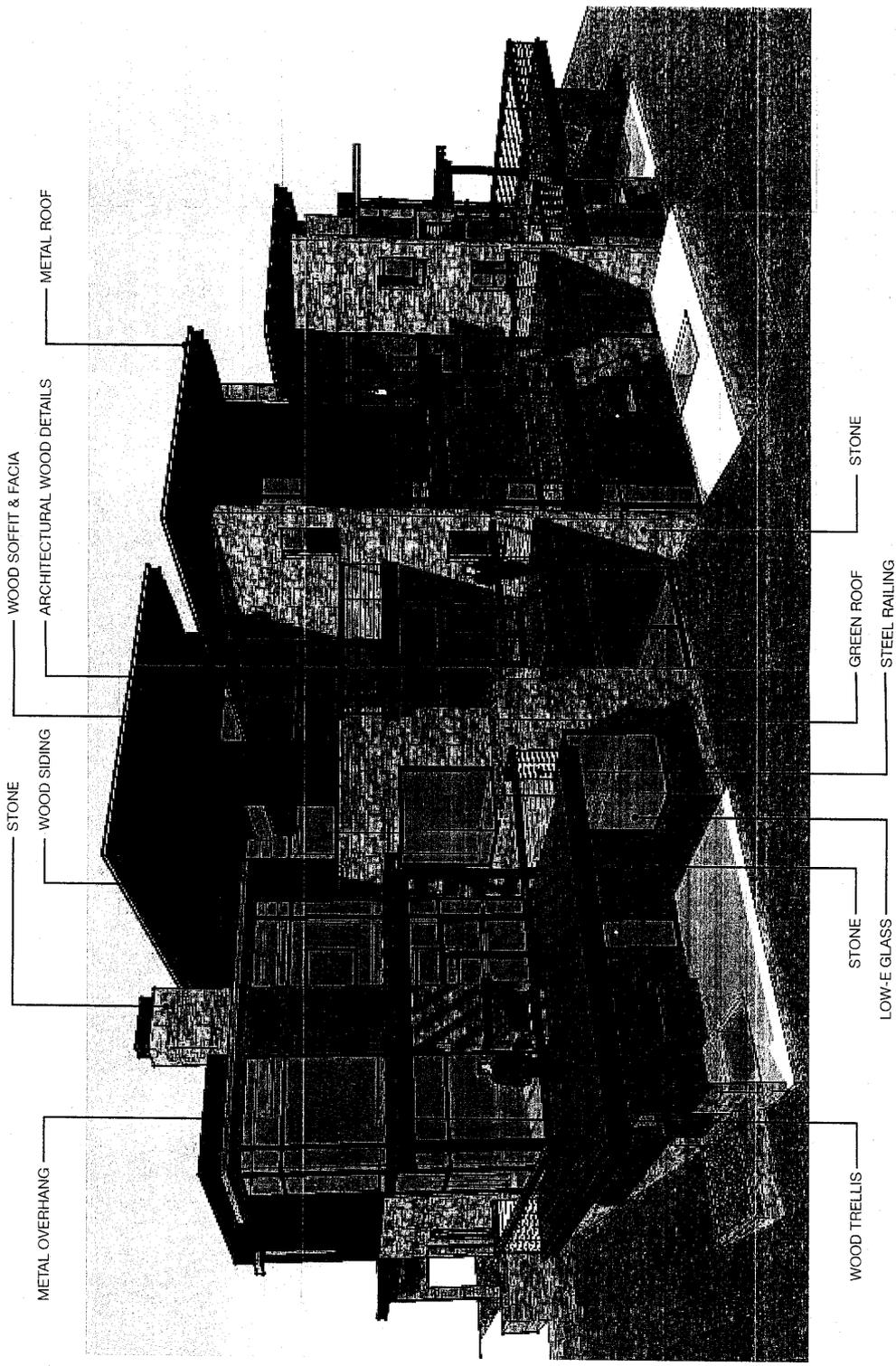
540 Main Street, # 203  
P.O. Box 1000  
CR, 435-615-8384  
F 435-615-8387

## DESIGN GUIDELINES

EXHIBIT C

Enclave Townhomes  
Summit County, Utah

Sep 04, 2007



Enclave Townhomes  
Summit County, Utah

Sept 04, 2007

# MATERIAL & COLOR BOARD

EXHIBIT C

340 Main Street, # 203  
Park City, UT 84060  
ph. 435-615-8394  
f. 435-615-8397

10 Exchange Plaza  
Salt Lake City, UT 84111  
ph. 801-532-4233  
f. 801-532-4231  
www.ibigroup.com



Exhibit D

D

**EXHIBIT "D"**

Bruce R. Baird (0176)  
**HUTCHINGS BAIRD CURTIS & ASTILL PLLC**  
9537 South 700 East  
Sandy, Utah 84070  
Telephone: (801) 328-1400  
Facsimile: (801) 328-1444

*Attorneys for Respondent*

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SUMMIT COUNTY, STATE OF UTAH**

**SUN PEAK HOMEOWNERS  
ASSOCIATION,**

Petitioner,

vs.

**TERRACE DEVELOPMENT,  
PARTNERS, LLC; SUMMIT COUNTY  
BOARD OF ADJUSTMENT,**

Respondents.

**STIPULATION AND JOINT  
MOTION FOR DISMISSAL**

Case No. 070500096

Honorable Bruce C. Lubeck

Pursuant to Utah Rule of Civil Procedure 41(a)(2), petitioner Sun Peak Homeowners Association and respondents Terrace Development Partners, LLC, and Summit County Board of Adjustment hereby stipulate, by and through their respective counsel, that this action may be dismissed, with prejudice. The parties hereby jointly move for entry of the order of dismissal, with prejudice, filed concurrently herewith.

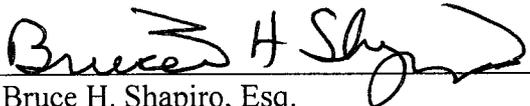
DATED this \_\_\_\_ day of September, 2007.

**HUTCHINGS BAIRD CURTIS & ASTILL PLLC**

---

Bruce R. Baird, Esq.  
*Attorneys for Terrace Development Partners,  
LLC*

**SHAPIRO PARTRIDGE, PLC**



---

Bruce H. Shapiro, Esq.  
*Attorneys for Sun Peak Homeowners  
Association*

---

Steven W. Allred, Esq.  
*Attorney for Summit County Board of  
Adjustment*

*Prepared by:*  
Bruce R. Baird (0176)  
**HUTCHINGS BAIRD CURTIS & ASTILL PLLC**  
9537 South 700 East  
Sandy, Utah 84070  
Telephone: (801) 328-1400  
Facsimile: (801) 328-1444

*Attorneys for Respondent*

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SUMMIT COUNTY, STATE OF UTAH**

**SUN PEAK HOMEOWNERS  
ASSOCIATION,**

Petitioner,

vs.

**TERRACE DEVELOPMENT,  
PARTNERS, LLC; SUMMIT COUNTY  
BOARD OF ADJUSTMENT,**

Respondents.

**ORDER OF DISMISSAL**

Case No. 070500096

Honorable Bruce C. Lubeck

Pursuant to the stipulation and joint motion of the parties, Rule 41(a)(2) Utah Rules of Civil Procedure, and good cause appearing,

IT IS HEREBY ORDERED that all of petitioner's claims and causes of action against respondents Terrace Development Partners, LLC and Summit County Board of Adjustment, are hereby dismissed with prejudice, and on the merits, both parties to bear their respective costs and fees.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2007.

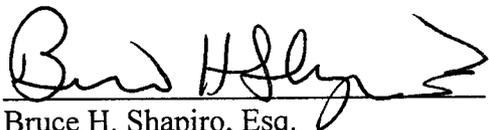
BY THE COURT:

---

Honorable Bruce C. Lubeck  
Third Judicial District Court Judge

APPROVED AS TO FORM AND CONTENT:

**SHAPIRO PARTRIDGE, PLC**



Bruce H. Shapiro, Esq.  
*Attorneys for Sun Peak Homeowners Association*

---

Steven W. Allred, Esq.  
*Attorneys for Summit County Board of Adjustment*

Exhibit E

E

Bruce R. Baird #0176  
HUTCHINGS BAIRD & CURTIS & ASTILL P.L.L.C.  
Attorneys for Applicant  
9537 South 700 East  
Salt Lake City, Utah 84070  
Telephone: (801) 328-1400  
Facsimile: (801) 328-1444  
Email: [bbaird@hbcaw.com](mailto:bbaird@hbcaw.com)

**BEFORE THE BOARD OF ADJUSTMENT  
OF SUMMIT COUNTY, STATE OF UTAH**

<p>In Re Application of:</p> <p>TERRACE DEVELOPMENT PARTNERS, L.L.C.,</p> <p>Applicant</p>	<p><b>STIPULATION FOR DISMISSAL</b></p>
--	---

Terrace Development Partners, L.L.C., hereby stipulates to the dismissal with prejudice of its appeal of the fees being charged to Terrace for the processing of its application for Final Site Plan approval.

DATED this \_\_\_\_\_ day of September, 2007.

HUTCHINGS BAIRD CURTIS & ASTILL P.L.L.C.  
Attorneys for Terrace

\_\_\_\_\_  
Bruce R. Baird

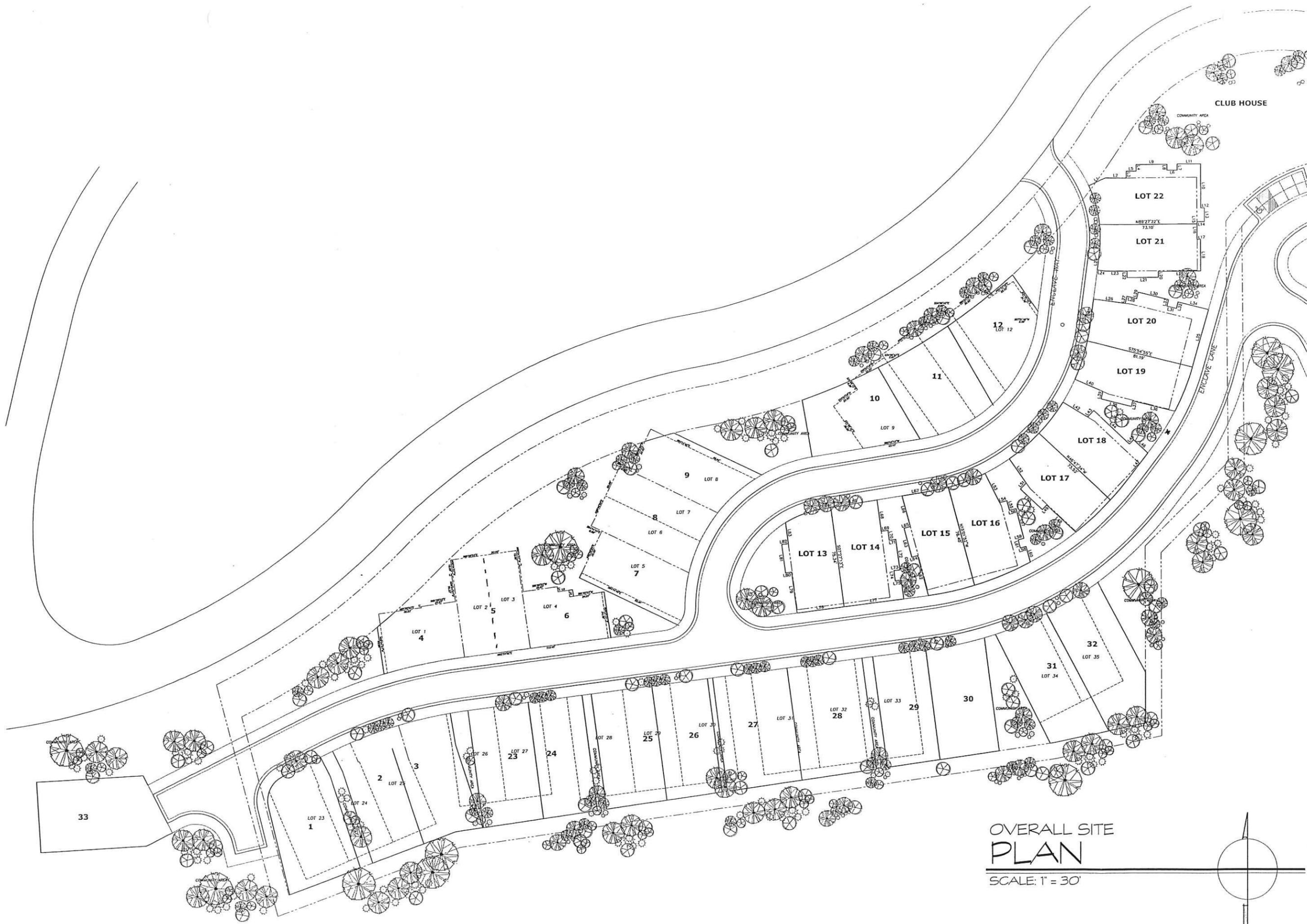
**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of September, 2007, I mailed, by First Class United States Mail, postage prepaid, a true and correct copy of the foregoing STIPULATION FOR DISMISSAL to the following:

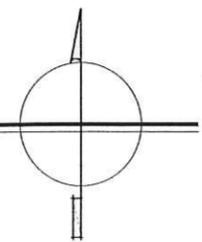
Steven W. Allred  
1007 North Bonneville Drive  
Salt Lake City, UT 84103

David L. Thomas  
Chief Civil Deputy  
Summit County Attorney's Office  
60 North Main  
P.O. Box 128  
Coalville, UT 84017

---



OVERALL SITE  
**PLAN**  
 SCALE: 1" = 30'



3-MARCH-2014

NO.	REVISIONS

THE ABOVE DRAWING AND SPECIFICATIONS ARE THE SOLE RESPONSIBILITY OF THE ARCHITECT AND ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE LAST VISUAL SURVEY. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE LAST VISUAL SURVEY. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE LAST VISUAL SURVEY.

**THE ENCLAVE**  
 SUN CANYON  
 ENCLAVE WAY  
 SUFFIT COUNTY, UT

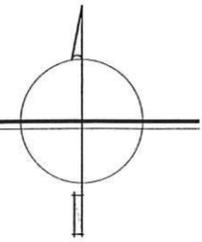
**UP WALL  
 DESIGN**  
 1025 EAST HOLLYWOOD AVE. S.L.C. UT (801)485-0708

A1.0



- LEGEND**
- ✦ FOUND SECTION CORNER
  - ⊕ FOUND STREET MONUMENT
  - - - - - ABANDONED LOT LINE
  - — — — — AMENDED LOT LINE
  - — — — — ENCLAVE AT SUN CANYON PUD BOUNDARY

OVERALL SITE  
**PLAN**  
 SCALE: 1" = 30'



3-ARC-2014  
 REVISIONS

THE ABOVE DRAWING AND SPECIFICATIONS ARE THE SOLE RESPONSIBILITY OF THE ARCHITECT AND SHALL BE USED AS A GUIDE ONLY. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

**THE ENCLAVE**  
 SUN CANYON  
 ENCLAVE WAY  
 SUMMIT COUNTY, UT

**UP WALL  
 DESIGN**  
 1025 EAST HOLLYWOOD AVE. S.L.C. UT (801)485-0708

A1.2

## **QUALIFICATIONS**

### **WILLIAM J. KRANSTOVER**

#### **GENERAL EDUCATION**

University of Wisconsin, Stevens Point, Bachelor of Science (1971)  
Graduate, Real Estate Training Program  
Home Savings and Loan Association  
Walnut Creek, California

#### **APPRAISAL EDUCATION**

Appraisal courses attended and successfully completed as sponsored and conducted by the Appraisal Institute (formerly known as the American Institute of Real Estate Appraisers), include the following:

Course 1-A: Real Estate Appraisal and Basic Valuation Procedures

Course 8: Residential Appraisal

Course 410: Standards of Professional Practice

Appraisal courses attended and successfully completed as sponsored and conducted by the former Society of Real Estate Appraisers (merged with the former A.I.R.E.A. to form the Appraisal Institute), include the following:

Course 201: Case Studies & Valuation Analysis (1986)

Course 2-2: Foundations of Real Estate Appraisal

Attended various workshops and seminars in relation to Computer Applications in Real Estate Appraisal, HP 12C Applications in Real Estate Appraisal, Component Depreciation and Understanding Limited Appraisal Reports (General).

#### **PROFESSIONAL EXPERIENCE**

Appraisal assignments include the valuation and analysis of single and multi-family residences (apartment complexes and condominium projects), detached commercial facilities, light industrial facilities, retail strip centers, proposed and existing residential subdivisions, farm and ranch properties and special use properties.

#### **PROFESSIONAL ASSOCIATIONS**

Certified General Appraiser, State of Utah, Certificate No. 5450227-CG00  
CREA, National Association of Real Estate Appraisers  
Licensed Utah State Real Estate Broker

William Randy Kelly  
581 E. 5350 So.  
Ogden, Utah 84405  
(801) 476-0209

### ***OBJECTIVE***

Position to utilize my appraisal experience and management background in an assessment related field.

### ***EMPLOYMENT HISTORY***

Board of Equalization, Hearing Officer for eleven (11) counties – State of Utah  
May 2003 to present - Special Projects Appraiser - Property Tax Division – Utah State Tax Commission  
Retired February 28<sup>th</sup> 2003 from the Weber County Assessor's Office.  
January 1999                      Weber County Assessment Director  
March 1989                      Weber County Chief Deputy Assessor  
December 1986                Administrative Assistant  
December 1983                Supervising Deputy  
May 1975                      Real Property Appraiser  
April 1974                    Personal Property Appraiser  
December 1971               Motor Vehicle Tech

### ***APPRAISAL EDUCATION***

IAAO Course 1	Fundamentals of Real Property Appraisal
IAAO Course 2	Income Approach to Valuation
State Certification Course	Assessment Practice In Utah
State Certification Course	CAAS Appraisal System
IAAO Course 201	Appraisal of Land
IAAO Course 3	Development & Writing of Narrative Appraisal Reports
Marshall & Swift	Residential Cost Handbook
IAAO Course 305	CAMA Valuation Model Building
IAAO Course 4	Assessment Administration
USPAP	Uniform Standards of Professional Appraisal Practice
Utah State Tax Commission	Agricultural Land Classification Greenbelt Seminar
Utah State Tax Commission	Residential Sub-Market Factor Analysis
Utah State Tax Commission	Adjusting For A Typical Financing Terms

### ***RELATED EDUCATION***

Utah Department of Human Resource Management (1995) Certified Public Manager

Weber State College (1968 - 1972) Business Management (3 years)  
Technical School (1972) Computer Programming (Graduated)  
DDI Interactive Management (1984)  
University of Utah (1996) Administrative Law Class

### ***RELEVANT SKILLS & EXPERIENCE***

- Certified General Appraiser—Utah Division of Real Estate
  - Personal Property 1974-1979
  - Residential Field Appraiser 1975-1983
  - Commercial Field Appraiser 1978-1983
- Wrote conversion manual and directed change to Computer Assisted Appraisal System 1986
- Supervised conversion to SIGMA Appraisal System
- Supervised conversion of Personal Property Appraisal System
- Supervised Motor Vehicle, Personal Property, and Real Property Departments
- Developed and instructed State Tax Commission Course **30 - Tax Appeals & The Valuation Process**
- Developed and instructed State Tax Commission Course on Self Storage Warehouse Valuation

# DAVID R. BRICKEY COUNTY ATTORNEY



Summit County Courthouse • 60 N. Main • P.O. Box 128 • Coalville, Utah 84017  
Telephone (435) 3363206 Facsimile (435) 3363287  
email: (first initial)(last name)@summitcounty.org

## Criminal Division

JOY NATALE  
Prosecuting Attorney

MATTHEW D. BATES  
Prosecuting Attorney

RYAN P.C. STACK  
Prosecuting Attorney

MARIAH HORNOK  
Prosecuting Attorney

## Civil Division

DAVID L. THOMAS  
Chief Deputy

JAMI R. BRACKIN  
Deputy County Attorney

HELENE. STRACHAN  
Deputy County Attorney

To: Summit County Council  
From: Helen Strachan and Justin Martinez on behalf of  
the Summit County Sheriff's Office  
Date: 4/30/2014  
Re: *Disposal of Property*

The Summit County Sheriff's Office has conducted an internal audit of funds in the Evidence Trust account 71-2965-300. As a result of that audit, the Sheriff's Office has discovered money within that account related to three closed criminal matters as follows:

SCSO Case #:	06-L25531	\$731.00
SCSO Case #:	04-L16347	\$199.00
SCSO Case #:	04-L16346	\$8,881.00

Utah Code Annotated, §24-3-103 et. seq. governs the disposal of property that is no longer needed as evidence. Under that section, if property is no longer needed as evidence and should be released to the owner, the Sheriff's Office must exercise due diligence to attempt to notify the rightful owner that the property is to be returned. Under the statute there is no time limit for how long we need to attempt to notify the true owner, but again, due diligence, a term not defined in that statute, must be exercised. We have attempted to notify the rightful owners through the following means: Notices sent to all owners via certified mail to all last known addresses on file. Public Notice was placed in the Park Record Newspaper for three consecutive weeks. Public Notice was advertised on the internet site Utah Legal Notices ([www.utahlegals.com](http://www.utahlegals.com)). The Sheriff's Office has exercised due diligence in attempting to notify the owners of the money and to date, no one has contacted the Sheriff's Office claiming that they own the property.

The statute above authorizes the Summit County Sheriff's Office to appropriate the property to "public interest use," sell the property at an auction and then apply the proceeds to a "public interest use," or destroy the property if unfit for public interest use or sale. "Public Interest Use" is defined as "use by a governmental agency as determined by the legislative body of the agency's jurisdiction" or "donation of the property to a nonprofit charity registered with the state." Prior to appropriating the money to public interest use, the Sheriff's Office must obtain from the County Council 1) permission to apply the property or the proceeds to public interest use and 2) the designation and approval of the public interest use of the property or the proceeds. There appears to be a certain amount of discretion given a legislative body in determining what "public interest use" is. The Sheriff's Office is therefore respectfully requesting permission to appropriate the above described money to public interest use and is seeking designation of the money. The Sheriff's Office shall use the money to purchase new bulletproof vests for the Summit County SWAT team. Bulletproof vests have expiration dates and after a recent audit of the SWAT team, it was determined that there is a need to start replacing some of the expired and/or expiring vests. The Sheriff's Office believes this to be a good use of disposed property and it is a reasonable determination but obviously, the decision is ultimately yours.



To: Summit County Council

From: Detective Sergeant Ronald C. Bridge, on behalf of  
Summit County Sheriff's Office

Date: April 30, 2014

Re: *Disposal of Property*

Recently, the Summit County Sheriff's Office conducted a drug investigation which resulted in the storage of one (1) 2002 red Ford Escort. As a result of that investigation, the Sheriff's Office temporarily stored the vehicle on the Summit County Sheriff's Office gun range since December 5, 2012.

Court Case #: 12-L29156 (1) 2002 red Ford Escort, VIN 1FAHP55S92G282239

Utah Code Annotated, §24-3-103 et. seq. governs the disposal of property that is no longer needed as evidence. Under that section, if property is no longer needed as evidence and should be released to the owner, the Sheriff's Office must exercise due diligence to attempt to notify the rightful owner that the property is to be returned. Under the statute there is no time limit for how long we need to attempt to notify the true owner, but again, due diligence, a term not defined in that statute, must be exercised.

With respect to the above case, we have attempted to notify the rightful owner through the following means: Two certified letters were sent to the registered owner, Rocio Gonzalez Guzman, at 3813 E. 9<sup>th</sup> Street, Des Moines, IA 50316. This address is listed on the State of Iowa vehicle title which was issued on November 13, 2012, only 3 weeks before the investigation began. These letters were returned as undeliverable. Furthermore, I have placed an advertisement in the Park Record for thirty days. This advertisement went unanswered. The Sheriff's Office has exercised due diligence in attempting to notify the owner of the vehicle.

The statute above authorizes the Summit County Sheriff's Office to appropriate the property to "public interest use," sell the property at an auction and then apply the proceeds to a "public interest use," or destroy the property if unfit for public interest use or sale. "Public Interest Use" is defined as "use by a governmental agency as determined by the legislative body of the agency's jurisdiction" or "donation of the property to a nonprofit charity registered with the state." Prior to appropriating the money to public interest use, the Sheriff's Office must obtain from the County Council 1) permission to apply the property or the proceeds to public interest use and 2) the designation and approval of the public interest use of the property or the proceeds. There appears to be a certain amount of discretion given a legislative body in determining what



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“public interest use” is. The Sheriff’s Office is therefore respectfully requesting permission to appropriate the above described property to public interest use and is seeking designation of the property. The Sheriff’s Office feels that the property shall be used in the continuation of drug investigations until such time the vehicle is deemed invaluable and sold at fair market value. If later sold, any proceeds from that sale shall be used for the continuation of drug cases by the Sheriff’s Office.



**MEMORANDUM:**

Date: April 30, 2014

To: Council Members

From: Annette Singleton

Re: Snyderville Basin Planning Commission

Appoint Canice Harte to the Snyderville Basin Planning Commission; his term to expire February 28, 2017.



**MEMORANDUM:**

Date: April 30, 2014

To: Council Members

From: Robert Jasper

Re: Recommendation to appoint members to the Summit County Library Board of Directors

Advice and consent of County Manager's recommendation to reappoint Shauna Wiest, and appoint Melissa Marsted, to the Summit County Library Board of Directors. Shauna and Melissa's terms of service to expire February 28, 2018.

Advice and consent of County Manager's recommendation to appoint Vic Jackson to fill the unexpired term of Renee Daines on the Summit County Library Board of Directors. Vic's term to expire February 28, 2015.

## COMMUNITY DEVELOPMENT

- The department received 8 new building applications and 8 new planning applications this past week as follows:

### NEW BUILDING PERMITS

April 17 - 23, 2014

Name	Address	Description
Jon Hellander	3936 S SR32	Single Family Dwelling
James Marshall	1096 Abilene Way	Porch
Rick Tabaracci	7005 N Greenfield Dr.	Single Family Dwelling
Hendrik Bessembinder	9266 Par Court	Shower Remodel
Brian Demmert	745 Hollyhock Dr.	Single Family Dwelling
Hendrik Bessembinder	9266 Par Court	Plumbing
PCPC LLC	215 N Huff Creek Rd	Demolition / Home
Kevin Sherry	9060 N Promontory Ranch Rd.	Single Family Dwelling

### NEW PLANNING APPLICATIONS

April 17 – 23, 2014

Project Number	Description
14-084	Canyons Resort Tent TUP Temporary Use Permit 4000 Canyons Resort Drive
14-085	Barking Cat Sign Sign Permit 1708 Uinta Way, #F-3 VKJ-SPA-1F
14-086	Angell Ag Exempt Ag Exempt 128 Westwood Road SL-C-134
14-087	PCPC Pole Barn Ag Exempt Ag Exempt 215 N. Huff Creek Road NS-1127
14-088	Historic Preservation White LIP Low Impact Permit Hwy 224 & Bobsled Blvd PP-93 & PP-93-A
14-089	O'Brian Glenwild LIP Low Impact Permit 1159 Snow Berry St GWLD-6
14-090	Frostwood Plaza LIP Low Impact Permit Frostwood Blvd/Cooper Lane
14-091	<b>Reese Spring Run PA</b> Plat Amendment 1227 N SR 32 SR5-3-2AM

Respectfully Submitted, Patrick Putt  
Community Development Director

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# MINUTES

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**SUMMIT COUNTY**  
**BOARD OF COUNTY COUNCIL**  
WEDNESDAY, APRIL 9, 2014  
COUNCIL CHAMBERS  
COALVILLE, UTAH

**PRESENT:**

**Chris Robinson, Council Chair**  
**Kim Carson, Council Vice Chair**  
**Roger Armstrong, Council Member**  
**Claudia McMullin, Council Member**  
**David Ure, Council Member**

**Robert Jasper, Manager**  
**Anita Lewis, Assistant Manager**  
**David Thomas, Deputy Attorney**  
**Kent Jones, Clerk**  
**Karen McLaws, Secretary**

**CLOSED SESSION**

**Council Member Ure made a motion to convene in closed session to discuss litigation. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.**

The Summit County Council met in closed session from 2:55 p.m. to 3:45 p.m. for the purpose of discussing litigation. Those in attendance were:

**Chris Robinson, Council Chair**  
**Kim Carson, Council Vice Chair**  
**Roger Armstrong, Council Member**  
**Claudia McMullin, Council Member**  
**David Ure, Council Member**

**Robert Jasper, Manager**  
**Anita Lewis, Assistant Manager**  
**Dave Thomas, Deputy Attorney**

**Council Member McMullin made a motion to dismiss from closed session to discuss litigation and to convene in closed session to discuss personnel. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.**

The Summit County Council met in closed session from 3:45 p.m. to 3:50 p.m. for the purpose of discussing personnel. Those in attendance were:

**Chris Robinson, Council Chair**  
**Kim Carson, Council Vice Chair**  
**Roger Armstrong, Council Member**  
**Claudia McMullin, Council Member**  
**David Ure, Council Member**

**Robert Jasper, Manager**  
**Anita Lewis, Assistant Manager**  
**Dave Thomas, Deputy Attorney**

**Council Member Carson made a motion to dismiss from closed session and to convene in regular session. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.**

## **REGULAR MEETING**

Chair Robinson called the regular meeting to order at 4:00 p.m.

- **Pledge of Allegiance**

### **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2014-11, A RESOLUTION SETTING FORTH A PROCESS FOR DETERMINATION OF PRIMARY RESIDENTIAL PROPERTY TAX EXEMPTIONS PURSUANT TO SUMMIT COUNTY CODE §1-12B-1(F); STEVE MARTIN, ASSESSOR**

County Assessor Steve Martin explained that this process was developed in response to a meeting in December where the Council discussed their involvement in the process of approving primary residential exemptions.

Council Member Armstrong commented that this appears to be drafted by someone who knows the process, but if he were a resident trying to figure out what to do, he would not know when to use the Tier 1 or Tier 2 process. He suggested that introductory information be included to clarify when Tier 1 and Tier 2 would apply and the criteria for each. Mr. Martin explained that instructions showing how to apply for the residential exemption are on the County website, and this process was intended to be used internally.

Deputy County Attorney Dave Thomas explained that this process was added to implement the changes to the statute regarding primary residency tax exemptions without every application having to come to the Council for a hearing. Tier 1 would include applications where there does not seem to be any question about eligibility, and they would be put on a list for the Council to approve monthly. Tier 2 would include applications that require more than the normal review process and may require presentation of some evidence, and those applications would go to a hearing officer, who would make a recommendation to the Council. The citizens do not necessarily decide which tier they fall into, but this would establish an administrative process for the Assessor's office to determine how it will deal with the applications as they come in.

Council Member Armstrong reiterated that he would still like some introductory information that informs the public of the process that would be followed under Tier 1 or Tier 2.

Chair Robinson asked about the provision for the homeowner to request removal of an exemption. Mr. Martin explained that some states are very strict with their exempt status, and when someone moves to another state, they may contact his office and ask to be removed from exempt status here so they can obtain exempt status in the state to which they have moved. Chair Robinson noted that the language only refers to applications requesting residential property tax exemptions and asked if they need to include a process for removing exemptions. He suggested that they include language referring to both the approval and the removal of primary residential property tax exemptions. Council Member Carson suggested that the language state "any action," because other options may need to be considered.

Council Member Ure requested that Staff made the edits requested by the Council before approving this resolution.

Mr. Martin stated that he has 650 applications for primary exemptions and requested that the Council approve them. Mr. Thomas noted that approval of the applications is not on the agenda, and that will have to be placed on the agenda for the next meeting for approval.

### **MANAGER COMMENTS**

County Manager Bob Jasper referred to previous discussions with Service Area 3 about the County maintaining their roads. He met with the Service Area 3 board recently to discuss how they might accomplish that, noting that he does not want the general fund, municipal fund, or Service Area 6 to subsidize Service Area 3 road issues in any way. He has proposed that, if Service Area 3 wants to contract with the County, the County would use Service Area 3 money to purchase additional equipment and hire additional staff to maintain their roads. The County has economies of scale that would allow them to obtain materials less expensively. He believed the County is close to having an agreement with the Service Area 3 board.

Mr. Jasper reported that he had discussions with The Boyer Company regarding the tech park at the request of Jacob Boyer. Mr. Boyer was concerned that they do not know what they can do with the property in terms of uses, and he felt they needed a process that would provide clarity regarding the uses so they can find tenants that fit. Mr. Jasper stated that he will be signing an administrative addendum to the development agreement which states that the County Manager will determine whether a use is appropriate, based on advice from Planning Staff. If one side or the other does not like the use determination, it can be appealed to the County Council.

Chair Robinson asked about the process for disclosing the administrative amendment to the County Council. Mr. Jasper explained that the amendment will go to the Planning Commission for a recommendation.

Community Development Director Patrick Putt explained that the Planning Commission will review the administrative amendment on April 22 in a public meeting. Chair Robinson asked if it would be a public hearing. Mr. Thomas explained that a public hearing is not required, but they can include public input on the agenda for that item, and he recommended that they do so.

Council Member McMullin asked Mr. Putt to discuss how a use determination is currently made and how it would be determined under the new process. Mr. Putt explained that the first step in the current process is for the developer to take a complete plan to the design review committee (DRC), including the use, civil, project design, site plan, parking, architecture, etc. After the DRC review, a sketch plan is submitted to the County, which is the County's first opportunity to review the project, and they review the plan against the design guidelines in the development agreement. After that, a final site plan goes to the Planning Commission for review and a public hearing. The Planning Commission makes a recommendation to the County Manager, who is the final land use authority. The dilemma has been that there is no process for reviewing a potential use to determine whether it is consistent with the allowed uses in the development agreement. The only process now is to send a comprehensive plan to the DRC, and a potential business or industry does not want to go to the extensive costs associated with developing a comprehensive plan and then find out from Staff or the Planning Commission that the use is inappropriate. This amendment would provide an opportunity for a potential business or industry to have that use

determined up front. The proposed amendment would allow the potential business or industry to provide to the County Manager a narrative describing the use, and he would review it against the uses in the development agreement, seeking input from Staff and the Planning Commission if he wishes, and his determination would state that the use is consistent with the uses shown in the land use table. His decision would not represent approval of a project. It would simply affirm that what is proposed is consistent with the development agreement, without the developer having to move forward with an expensive overall plan. The Manager's determination could be appealed by any party to the County Council. He explained that they are trying to develop a predictable and transparent step early in the process that is accountable to the Planning Commission, the public, and the Council which allows a potential industry to determine whether the use is appropriate without having to go through the design review process up front.

Council Member Armstrong verified with Mr. Putt that there would be no changes in the uses and restrictions in the current development agreement and that the County Manager's decision would have to conform to those uses.

Chair Robinson asked if the administrative amendment would come to the Council at all. Mr. Thomas explained that all that is required is for the Manager to post notice on the website that he will be signing the amendment at his regular Thursday meeting. In this case, he will take the amendment to the Planning Commission to get input from them and from the public through the Planning Commission and put it on his normal Thursday calendar for consideration.

Mr. Putt explained that, if a potential business were to ask him if their use would be approved, he is responsible for administering what is currently in the development agreement, which requires a full package to be presented to the DRC. Chair Robinson asked if it should be mandatory that a potential applicant ask whether their use is acceptable. He expressed concern that, if the space in the tech park is already built out, and the business already exists elsewhere in the County and does not require a new business license, the County might not have an opportunity to scrutinize the use. Mr. Putt clarified that this amendment would not expedite any process associated with the development agreement but would simply clarify up front that the use is consistent with the uses permitted within the development, and there is no way to make a use determination under the existing development agreement. He believed it would make sense to develop a process that is open, predictable, transparent, and has the ability to be reviewed on an appeal level. If applicants can find out up front that their project does not fit, they can go somewhere else and not spend a significant amount of money and time to develop a full plan to go to the DRC.

Mr. Thomas explained that there is a process in the current Snyderville Basin Development Code for making a use determination up front, and it can be appealed to the County Council. This development agreement did not include that provision. The concern about making it mandatory for an applicant to obtain a use determination under the development agreement is that the County would have to treat all applicants the same way. When tenants move in and out of buildings, the County relies on Code enforcement to monitor the uses if they are not caught at the business license or building permit stage.

Council Member Carson expressed concern that a use might fall through the cracks if the applicant does not get a business license. She believed that should be addressed in the process somewhere. Mr. Jasper offered to look at that with the County Clerk. He stated that they have not solved every issue related to the Boyer project, but this is progress.

Chair Robinson disclosed that he has been a business partner in the past with David Allen, who is currently acting as lead with The Boyer Company on the technology park. Chair Robinson explained that he and his son-in-law are in the process of buying back some of the land Mr. Allen received when their business partnership dissolved, and he would recuse himself from any involvement with the technology park.

### **COUNCIL COMMENTS**

Council Member Carson reported that she and Council Member Armstrong went to the North Summit Fire District Office on Saturday, April 5, read two student essays, and presented the winners with their awards. She stated that they had a good turnout with citizens coming to learn about public safety and preparedness. Then she joined Chair Robinson at the celebration on Main Street in Park City to honor the Olympians and Paralympians. She reported that she attended the UDOT annual local governments visit last Thursday. She went on a tour of Mountainlands Community Housing Trust properties yesterday. On Monday, she attended a drug court graduation, and she looks forward to seeing more graduates in the future. She noted that next week will be the UAC management conference.

Council Member Ure reported that the Hoytsville project was awarded about \$95,000, and the Peoa project was awarded everything they requested through the CDBG block grant process. Awards were also made to Wallsburg and Heber City, and approximately \$25,000 will be carried over to next year. He requested that Summit County apply for a CDBG grant where possible. He also reported that someone is building a fence on Lower River Road in Francis about 3 feet from the road. He suggested that Staff talk to the owners and ask them to move the fence, because there will not be room to push the snow in the winter. He received a call from someone in the Monviso development who feels they do not receive any services from the County, although they pay the full tax rate for their second home. He suggested that the individual talk to the County, because he believed there are some things the County can do, and it is using this taxpayer's money for the benefit of the whole County. Council Member Ure reported that he was contacted by an organization in Utah and California that wants to make the immigration issue a national issue for the next 60 days to put pressure on Congress to do something. He asked if the Council would like to sponsor a resolution supporting that issue. Chair Robinson requested that Mr. Thomas draft a resolution and put it on the agenda for the next meeting.

Chair Robinson reported that the County received a letter dated March 28 from the Forest Service regarding the Uinta Express Pipeline. They had an old address on their website and an incomplete address on the cards they sent to the public. They have extended the comment period to 21 days from the publication date of legal notice in the *Tribune*, which is anticipated to be April 1. Council Member Armstrong asked the media to help get the word out to the public that their comments may not have been received and that the comment period has been extended. County Engineer Leslie Crawford reported that she confirmed that the County's comments had been received. Public Information Office Julie Booth explained that the only thing that was incorrect in the first published notice was the email address, and if someone mailed comment, it would have been received.

## APPROVAL OF COUNCIL MINUTES

MARCH 19, 2014

MARCH 24, 2014

**Council Member Carson made a motion to approve the minutes of the March 19, 2014, and March 24, 2014, Summit County Council meeting as written. The motion was seconded by Council Member Armstrong. The motion for the March 19 minutes passed unanimously, 4 to 0, with Council Member Ure abstaining from the vote, as he did not attend the March 19 meeting. The motion for the March 24 meeting passed unanimously, 5 to 0.**

## WORK SESSION

Chair Robinson called the work session to order at 4:55 p.m.

- **Discussion regarding Road Respect Program and bicycle ride occurring in June; Leslie Crawford, County Engineer**

Ms. Crawford reported that UDOT, Utah Department of Public Safety, Zero Fatalities, and Bike Utah are planning a bicycle ride from Park City to Coalville on June 19, and they plan to spend the night in Coalville. She, Julie Booth, and Alison Weyher have been working with these entities to put on this ride. The ride will include representatives from Public Safety, and they would like elected officials to participate. The purpose of the ride is to promote safety, show that riders and motorists can be committed to get along, and for riders to learn the rules of the road.

Chair Robinson stated that he would be interested in participating.

Council Member Ure asked if road signs will be posted to let drivers know the roads will be impacted on that day. Ms. Weyher replied that they are working with UDOT on the signage. She explained that the riders will be riding single file, and there will only be about 30 riders. She stated that the elected officials can take part in any portion of the ride. They are also making arrangements for food from local restaurants in Kamas and Coalville. Ms. Crawford clarified that the riders will follow the rules of the road and will not be in a formation that will impede traffic. She stated that when the riders arrive in Coalville, they will hold a forum for eastern Summit County residents and the cyclists to discuss some of the friction that exists in this portion of the County and hopefully relieve some of the tension that exists with regard to cyclists. She requested the Council's support and stated that they would be pleased to have the Council participate at any level they can.

Chair Robinson asked about the issue raised by Michal Watson about sharrows on Highland Drive. Ms. Crawford stated that the Engineer's Office is looking into that, including the costs and the impact on traffic.

- **Update on Sage Grouse; Lisa Yoder, Sustainability Coordinator**

Sustainability Coordinator Lisa Yoder recalled that in 2010, the U.S. Fish and Wildlife made a determination that listing the greater sage grouse as an endangered species was warranted, but it was precluded. As a result, the BLM and U. S. Forestry Service developed conservation measures in their land use plans. She recalled that the State of Utah recently adopted a

conservation plan for greater sage grouse in Utah to regulate the loss of habitat and show Fish and Wildlife that they are protecting sage grouse. If they make adequate progress, it will prevent the species from being listed. She provided a map showing that sage grouse habitat encompasses most of the West. She noted that Summit County is between two management areas based on the BLM and Forestry map. She also presented a map showing the management areas shown in the Utah plan.

Principal Planner Ray Milliner reported on the wildlife summit he attended in February. He reported that the Governor gave the keynote speech and emphasized that something needs to be done to keep sage grouse from being listed on the endangered species list, as that would have negative economic, social, and recreational impacts on the State. The Governor also addressed the plan adopted by the State. Planner Milliner reported that the participants discussed various plans and options in great detail as well as the objections of the large property owners. There was a presentation that discussed property owners entering into agreements on a management plan with the federal agencies, and once that is agreed upon, if the listing were to occur, no further regulations would be placed on the property owners.

Pam Kramer, wildlife biologist with the Utah Division of Wildlife Resources explained that the western states have formed local working groups to allow local people to provide input into planning efforts for the grouse in their areas. In Utah, there are 10 or 11 local working groups, one of which is Morgan-Summit, and that working group has determined that they do not know much about the grouse in this area. They know where some leks are, but they need to identify the location of the sage grouse habitat. They need funding in order to do that, and Summit County has been asked to participate in funding of the studies to identify the habitat.

Chair Robinson explained that Summit County is being asked to provide \$12,000 per year for three years to support the studies. Council Member Carson recalled that the Council discussed this previously. Council Member Ure stated that they discussed it, but they did not make a decision, and he did not believe it was included in the budget. Chair Robinson asked Ms. Yoder to work with Ms. Kramer, Mr. Jasper, and Terry Mesmer at Utah State, then return with a proposal for Summit County's participation in the habitat study.

Council Member Ure explained that the Fish and Game Department in Idaho is beginning to realize that ravens are the biggest predators on sage grouse eggs, and they are starting to dispose of some of the ravens to see what effect that has on the sage grouse population. Ms. Kramer explained that Utah is taking a multi-pronged approach. Since 2006 there have been large-scale restoration efforts of sage grouse habitat on a multi-agency basis. Eric Ellis, a policy analyst for the sage grouse project, explained that restoring and preserving habitat is the highest priority, because it is shown to be most effective. He explained that predators will always be there, and they will always find their prey. If they expand the habitat and make the population healthier, predators become less of a contributing factor. At the same time, they are taking care of predator problems where they are concentrated on an annual basis.

- **Discussion regarding process for allocations of affordable housing fees in lieu; Dave Thomas, Chief Civil Attorney**

Mr. Thomas provided background information regarding the workforce housing program and fees-in-lieu as an alternative to providing workforce housing on site. He explained that there was a cap on fees-in-lieu for commercial developments of 5 workforce unit equivalents (WUEs), and the County Manager could decide if those fees-in-lieu could be used for a qualified community-based housing nonprofit to fulfill the developer's workforce housing requirement. He reviewed the federal qualifications for a community-based housing nonprofit. He explained that he reviewed the Snyderville Basin Planning Commission minutes, and in November 2007 they discussed community-based housing nonprofits, with some of the discussion centering around Peace House and their need for transitional housing. They wanted to be sure the definition would encompass that possibility. The County Commission minutes reflect some discussion about Mountainlands and transitional housing for Peace House, but that was outside of the process of adopting the affordable housing element of the Code. Several examples of community-based housing nonprofits were included in the Code, but they were illustrative and not meant to be limited to those listed. In 2012 the Code was amended, changing the term from workforce housing to affordable housing, changing the formula for calculating mandatory workforce housing for commercial development, the cap was taken off of fees-in-lieu, and the fees-in-lieu could be donated directly to an approved community housing nonprofit upon approval of the appropriate land use authority. The description of approved community housing nonprofits remained the same, with the same illustrative examples. The fees-in-lieu could be paid directly to the community housing nonprofit organization with the approval of the land use authority or to the County. If fees are paid to the County, the County Manager would decide how they would be used. In the case of the Tanger Outlets, the final land use authority is the County Council, because the application was a SPA rezone, and the money can only be used for moderate income housing, in the case of Peace House, transitional housing. However the funds are allocated, their use must be audited to be sure they are used to fulfill the intended purpose.

Council Member Carson expressed concern that the County does not have a process for prioritizing the needs in the community. She would like to see a process for setting those priorities and update them every two or three years. She commented that they might want to distribute fees-in-lieu to fit different areas where there are needs. Right now they have no way of evaluating where the fees in lieu might be needed. Fees-in-lieu are a great tool, and she would like to see them used to their fullest and best use.

Mr. Jasper stated that he does not want to have to make the decision on how the funds are distributed and would rather put a process together and have the Council decide. He relies heavily on Scott Loomis's input, who is the expert on where the needs are and how they can best use the funds, perhaps in conjunction with State or federal matching funds.

Mr. Thomas explained that the needs assessment on which the affordable housing plan is based should have much of that information. He also noted that the County can change its plan through the normal process of amending the Code. Since the Snyderville Basin Development Code is already undergoing an amendment process, this may be a good time to look at the needs assessment again and see if they want to make an amendment to the Code.

Council Member McMullin stated that she does not want to be in the position of having to choose one nonprofit over another or having the developer tell the Council where they want their fee-in-lieu money to go. Chair Robinson commented that a developer can tell the Council a lot of things, but the Council as the land use authority does not have to do what they say. They could either decide to let the money go to the County and let the Manager decide how to deal with it, or the Council could designate which nonprofit should receive the money.

Mr. Jasper suggested amending the Code so it talks about a plan and uses rather than naming specific organizations. He also suggested that they consider partnering with the City on affordable housing options.

Council Member Ure stated that he believes the Council needs to become educated on what tools are available so they can make their decisions based on the economic conditions at the time.

Scott Loomis with Mountainlands Community Housing Trust explained that, when the Code changes were made, there were concerns that the City had acquired fees-in-lieu, but there was no use for them, because there was no land. That was why the discussion came up about providing fees-in-lieu to community housing nonprofits, but he concurred completely that the developer should not make that decision. He believed if a developer chooses to pay a fee-in-lieu, they should pay it to the County and have no say in where it goes. There should not be a specific use for the fee-in-lieu for each project, because there is nothing wrong with the County building up a pool if there is no particular use for the money at the time. He believed the County Council or the Manager should make the determination each time there is a request to use money in that pool.

Chair Robinson believed deciding where the money goes should be the prerogative of the elected officials rather than putting the County Manager in that position. Council Member Carson stated that she would like to have the recommendation of the County Manager.

Council Member Carson asked if it would be proper to use the fees-in-lieu for home maintenance and upgrades to help someone stay in their house. Mr. Jasper replied that would probably not be appropriate from this source. He stated that they should encourage developers to provide affordable housing on site wherever possible. Mr. Loomis agreed that the first alternative should always be to provide the affordable housing on site, but there are many situations where that is not possible. He explained that money can go a long way, so he would not necessarily discourage fees-in-lieu, except when it is possible to build on site.

Chair Robinson questioned whether the fee-in-lieu is set at the right level. He recalled that they talked about raising it but did not adopt it, and he wanted to address that. He did not want the fee-in-lieu to be the path of least resistance and a cheap way out of the obligation.

Council Member McMullin stated that, if the Council will make the decision about how the money is spent, in addition to just seeing what the priorities are in the community, she would like to have organizations apply and explain what they would do with the money to be sure the County gets the greatest benefit from the funds. Mr. Loomis explained that the money does not have to go to an organization; the County can use it to provide affordable housing, such as buying down Bear Hollow units.

Council Member Carson asked if the review of the fees-in-lieu would be part of the overall fee analysis the County is doing. Mr. Jasper replied that this is more of a land use code issue and would not be part of that analysis. Council Member Carson stated that she would like a review of the fees-in-lieu to be part of the Development Code review.

Council Member Ure asked if the fees-in-lieu have to be used in the Snyderville Basin. Mr. Loomis replied that is the intent of the Code. Council Member Ure noted that the County is always talking about transportation, and he did not think they are looking at the overall master plan regarding how they will transport people to work. He did not believe it makes sense to build out affordable housing in the Snyderville Basin and then cause people to drive cars from the eastern side of the County. He believed affordable housing should be built where there are bus routes and where transportation is readily available.

**CONVENE AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT**

**Council Member Carson made a motion to convene as the Governing Board of the Snyderville Basin Special Recreation District. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.**

The meeting of the Governing Board of the Snyderville Basin Special Recreation District was called to order at 6:00 p.m.

**CONSIDERATION AND POSSIBLE APPROVAL OF THE AUTHORIZATION TO USE 1.57 ACRE FEET SOURCE ENTITLEMENTS FROM MOUNTAIN REGIONAL WATER TOWARD THE EXPANSION OF THE FIELDHOUSE; WILL PRATT**

Will Pratt with the Snyderville Basin Special Recreation District explained that as part of the Toll Canyon open space acquisition last year, water shares were transferred to Mountain Regional, and use of those shares requires Governing Board approval. With the fieldhouse expansion project, they would like to use some of the shares banked with Mountain Regional, and in order to do that, they need a letter from the Governing Board authorizing the use of 1.57 acre feet for the fieldhouse expansion.

Chair Robinson reviewed the terms of the agreement with regard to water rights when the Toll Canyon open space was acquired. He recalled that they originally had the water rights go into the Recreation District's name, but then they did the banking agreement with Weber Basin, and the deeds were put in Mountain Regional's name. The purpose of this letter is to authorize the use of the credits that Mountain Regional has in that bank.

**Board Member Ure made a motion to approve the letter authorizing the Snyderville Basin Special Recreation District to use 1.57 acre feet of source entitlements from Mountain Regional Water for expansion of the fieldhouse. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

## **DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT**

**Board Member Ure made a motion to dismiss as the Governing Board of the Snyderville Basin Special Recreation District and to reconvene as the Summit County Council. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.**

The meeting of the Governing Board of the Snyderville Basin Special Recreation District adjourned at 6:05 p.m.

### **PUBLIC INPUT**

Chair Robinson opened the public input.

Chris Hague stated that he was shocked by the proposal in this meeting about the Boyer agreement. He recalled that the Council previously discussed what would happen if Boyer sought any amendments to the development agreement, because there was concern that Boyer wanted to change the permitted and conditional uses in the agreement. He recalled that the Council agreed that any attempts to change the agreement would be done through the public process. Today he has heard that the County Manager will use his administrative powers to come up with an administrative procedure that may give some lip service to the public by allowing them to make comments, but it will not be a public hearing. He stated that Mr. Jasper has conceded that he has no expertise in this, but he is the one who will interpret the development agreement and the permitted and conditional uses. He believed it is outrageous to make up a whole new process without public input, when Staff should make a recommendation to the Planning Commission, and the Planning Commission should make a recommendation to the County Council. He agreed that the current system is onerous on Boyer and that there should be a methodology for Boyer to find out up front whether a proposed tenant meets the provisions of the development agreement, but he believed the process should first go through the public hearing process and approvals. Since Mr. Jasper has indicated that he has no experience, Mr. Hague believed the most experienced person is Pat Putt, but Mr. Putt has issued a memorandum that he presented to the Planning Commission where he unjustifiably expanded the permitted and conditional uses under his interpretation of the development agreement. It was Mr. Hague's opinion that the changes are significant, and what is proposed amends the development agreement, which should not be an administrative process. He believed this new process should be provided in writing. He objected to the proposed process and suggested that a document be issued by Mr. Jasper or Mr. Putt to be presented to the appropriate entities, the Planning Commission first, with a recommendation from the Planning Commission to the County Council. He believed that process could be expedited so Boyer could see if they have a viable project.

Mr. Thomas explained that the development agreement provides specific procedures for how it can be amended and specifically defines a substantive amendment and an administrative amendment. This is clearly an administrative amendment under the terms of the development agreement, and an administrative amendment is not required to go through the Planning Commission with a recommendation to the Council. It can be done by the Manager through his normal course of business, but the Manager decided to tell the Council what he is thinking of doing and take it to the Planning Commission and provide for public input. He believed his intent was to allow people to look at what is being proposed.

Mr. Jasper stated that he did not remember conceding anything. He thinks the Council knows he cannot do everything, and there is a lot of expertise in his department heads. He has confidence in Mr. Putt's expertise and would obviously seek his input. With regard to this amendment, he chose to get input from the Planning Commission, even though he did not have to, but that is how he believes things should be done in an open, transparent government.

Chair Robinson commented that, in the past, things have gone to the Planning Commission, and the public felt they were not being heard. Even if the policy does not require it, he believed they should err on the side of more public input and more public involvement on any topic of interest to the public. He believed it was ironic that under the original agreement the Community Development Director made those decisions, and Mr. Hague wanted that changed. Now that it is changed, he does not like it.

Council Member Armstrong commented that he would like to see the process in writing.

Mr. Jasper noted that The Boyer Company was well aware that they could seek to amend the development agreement through a formal process, but they were trying to find something less extensive. He explained that this will not solve every problem with the Boyers, but it is a start, and both sides negotiated it, so he believed they should give it a try.

Chair Robinson closed the public input.

The County Council meeting adjourned at 6:20 p.m.

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*Council Chair*, Chris Robinson

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*County Clerk*, Kent Jones