

Interviews for South Summit Cemetery Maintenance District

Wednesday, May 21, 2014

Richins Building

4 vacancies; 5 applicants to interview

Wednesday, 5/21/14

1:50 PM Ralph Daniels
2:00 PM Phares Gines (reapplying)
2:10 PM Jack Marchant (reapplying)
2:20 PM Robert Ure
2:30 PM James Blazzard

Two vacancies are as a result of Phares and Jack's terms expiring.

County Code 2-15-6 states: "The membership of the board shall consist of five (5) members. Three (3) of the appointed members shall be appointed to each of the three (3) subdistricts created as part of the district's boundaries and the other two (2) members shall be at large district board members. Each member of the board shall be a registered voter at the location of the board member's residence and a resident within the boundaries of the district."

Paperless Agendas

Ron Boyer, IT Director

Current Situation

- Agenda information is collected mostly by email.
- Office Manager then compiles agenda items and puts in one .pdf document.
- Agenda and packets are then posted to Google Docs account.
- Approved minutes are then scanned and indexed into a document management system (Sire).

Initial Discussion

- Council & Board members would like to be paperless
 - Agendas and packets are paperless, however users may not be aware of how to take notes or utilize the tools they have to reduce paper.

Agenda, Meetings, & Minutes

- What can we do to make it easier for those producing the agendas.
- How can we provide more information to the public

CivicPlus Agenda Center

Agenda Center

- The Agenda Center gives Summit County the ability to receive requests for agenda items to be submitted
- Customize the Agenda Center's public side and create rules related to the creation and customization of agendas.
- Setup an email notification for System Administrators and Owners when a new agenda category is created.
- Copies of agendas and minutes can be posted in the Archive Center.
- Doesn't allow for individual users to annotate documents.
- Jurisdictions using CivicPlus Agenda solution using
 - Bryant, Arkansas <http://cityofbryant.com/AgendaCenter>
 - Maui County, Hawaii <http://www.co.maui.hi.us/calendar.aspx?CID=0&>



You are here: [Home](#) > [Calendar](#)



Calendar

View all calendars is the default. Choose Select a Calendar to view a specific calendar.

Select the arrows on either side of the current month to change the month.

List

Week

Month



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| May | | | | | | | 2014 |
|-----|----|----|----|----|----|----|------|
| Su | M | Tu | W | Th | F | Sa | |
| 27 | 28 | 29 | 30 | 1 | 2 | 3 | |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | |



Board of Water Supply

Board of Water Supply Regular Meeting
 May 15, 9:00 AM @ Planning Conference Room

[More Details](#)



Civil Defense Agency -CERT Program

CERT Basic Training Course - Class # 3 (of 4)
 May 17, 9:00 AM - 4:00 PM @ Molokai High School - Cafeteria
 2140 Farrington Ave.
 Hoolehua, Molokai, HI 96729

Community Emergency Response Team (CERT) Basic Training is a 28 hour program, taught over several days, consisting of classroom instruction, hands-on training and field exercises. CERT is sponsored by Maui Civil Defense Agency and taught by instructors from Maui Fire Department. **Registration is required as class size is limited.** Contact Maui Civil Defense at 270-7285 or email cert@mauicounty.gov.

[More Details](#)

CERT Basic Training Course - Class #4 (of 4)
 May 31, 9:00 AM - 4:00 PM @ Molokai High School - Cafeteria
 2140 Farrington Ave.
 Hoolehua, Molokai, HI 96729

Community Emergency Response Team (CERT) Basic Training is a 28 hour program. taught over several days.

Jump To:

-  [Board of Water Supply \(1\)](#)
-  [Civil Defense Agency -CERT Program \(2\)](#)
-  [Committee on the Status of Women \(1\)](#)
-  [Council - Maui County \(1\)](#)
-  [County Building Front Lawn \(1\)](#)

BoardDocs

- BoardDocs (Meade County, SD; Park City School District)
- Rockbridge County Board of Supervisors
<http://www.boarddocs.com/va/rcva/Board.nsf/Public>
- BoardDocs Pro
 - Allows annotations for individual users.
 - Provides a cloud storage space that easily organizes minute and agendas.
 - Creates a library of minutes and also provides a search function.



Active Meetings

▼ Featured

★ **May 12, 2014 (Mon)**
Board of Supervisors Meeting

▶ 2014

▶ 2013

▶ 2012

County of Rockbridge, Virginia

Board of Supervisors

The Rockbridge County Board of Supervisors meet in the County Administration Building, 150 South Main Street, Lexington Virginia 24450 on the 2nd and 4th Mondays of each month, at 5:30 P.M. There will be a Work Session beginning at 4:30 p.m. on the 4th Monday.

- Ronnie R. Campbell, South River Magisterial District
- Albert W. Lewis, Jr., Walkers Creek Magisterial District
- Russell S. Ford, Kerss Creek Magisterial District
- David W. Hinty, Jr., Natural Bridge Magisterial District
- John M. Higgins, Buffalo Magisterial District

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SPENCER H. SUTER
County Administrator and
Clerk to the Board of Supervisors

~~

VICKIE L. HUFFMAN
County Attorney



Annotate Solutions

- Annotations can be put on each individual's local copy of the .pdf by using the Annotations tool that is in Adobe Reader
- Evernote – Cloud based notebook, which works great with an iPad. With paid version can annotate .pdfs.
- Several other note-taking or annotation apps

Adobe

- Reader has several features that can be added to .pdfs.
- Pdfs are saved to the device
- Has add-ins to connect to cloud storage spaces

Using Features in Adobe Reader

iPad

1:54 PM

72%

Documents

2014-UAC-Management-Conference-Program.pdf



| | | |
|-------------------------------|---|--------------|
| Noon - 1:30 | GENERAL LUNCHEON - SPONSORED BY: ZIONS BANK PUBLIC FINANCE | Ballroom DE |
| IT DIRECTORS BREAKOUT SESSION | | |
| 1:30 - 3:00 | BYOD and Mobile Security (Security Aim - Dmitry Dessiatnikov) | Ballroom A |
| 3:00 - 3:30 | Break | |
| 3:30 - 5:00 | Commercial Imagery Services, NG911 Addressing Issues, and State GIS Advisory Committee (AGRC - Bert Granberg) | |
| 5:30 - 7:30 | UAC GENERAL BANQUET - SPONSORED BY: UTAH COUNTIES INDEMNITY POOL | Ballroom DE |
| FRIDAY, APRIL 18 | | |
| 7:30 - Noon | REGISTRATION DESK OPEN | Registration |
| 7:30 - 8:30 | BREAKFAST | Hallway |
| IT DIRECTORS BREAKOUT SESSION | | |
| 8:30 - 9:00 | Legislative Issues (UAC - Arie Van De Graaff) | Ballroom A |
| 9:00 - 10:00 | IP Video Management and Integration of Security Controls (Stone Security - Aaron Heiner) | |
| 10:00 - 10:15 | Break | Hallway |
| 10:15 - 11:15 | Data Encryption for your Network (WaziTech - John Pohlman, Dan Henage) | Ballroom A |
| 11:15 - Noon | Focused Roundtable | |

Tap here to convert this document to Word or Excel for easy editing

Sticky Note Feature

| | | |
|--------------------------------------|--|------------------|
| Noon - 5:00 | EXHIBITING OPEN | Hallway/Ballroom |
| IT DIRECTORS BREAKOUT SESSION | | |
| 1:00 - 2:30 | MCAT Update and Demo - joint session with Assessors (Kris Poulsen) | Ballroom G |
| 2:30 - 3:15 | Dominion Voting (Dana LaTour) ES&S Updates on Equient (Tentative) (Clerk/Auditors, IT Directors) | Ballroom B |
| 3:15 - 3:30 | Break | Hallway |
| 3:00 - 5:00 | Return Mail: Solutions for Costly Problem - Panel Discussion with Representatives of US Postal Service, ULTA, Utah Chapter of APA, (Treasurers, Recorders, IT Directors) | Ballroom I |
| THURSDAY, APRIL 17 | | |
| 7:30 - 5:00 | REGISTRATION DESK OPEN | Registration |
| 7:30 - 5:00 | EXHIBITING OPEN | Hallway |
| 7:30 - 8:30 | BREAKFAST | Hallway |
| 8:30 - 10:45 | OPENING GENERAL SESSION | Ballroom F |
| 10:45 - 11:00 | GENERAL BREAK | Hallway |
| UAC GENERAL BREAKOUT SESSIONS | | |
| 11:00 - Noon | Lights, Camera, Passion (Darin Adams) | Ballroom G |
| | Less Gain - Less Pain: The Economic Outlook for 2014 and Beyond (David Gardner) | Ballroom H |
| | Using... | Ballroom I |
| Noon - 1:30 | | Ballroom DE |
| 1:30 - 3:00 | BYO | |
| 3:00 - 3:30 | Break | |
| 3:30 - 5:00 | Com Advi | Ballroom A |
| 5:30 - 7:30 | | Ballroom DE |
| FRIDAY, APRIL 18 | | |
| 7:30 - Noon | | Registration |
| 7:30 - 8:30 | | Hallway |
| 8:30 - 9:00 | Legis | |
| 9:00 - 10:00 | IP V Secu | Ballroom A |
| 10:00 - 10:15 | Break | Hallway |
| 10:15 - 11:15 | Data Encryption for your Network (WaziTech - John Pohlman, Dan Henage) | Ballroom A |
| 11:15 - Noon | Focused Roundtable | |

Delete
Close

5/15/2014

Make a note and add it to the document

Evernote

- Free App that creates documents works great for note taking.
- Automatically organizes notes by the date, will integrate with calendar on the mobile device.
- Premium version provides annotations on a .pdf.

Features in Evernote

UAC BOARD OF DIRECTORS & STAFF

2014 EXECUTIVE OFFICERS

| | | | | |
|---------------------------------|------------------------------------|---------------------------------|----------------------------------|----------------------------------|
| President | 1st Vice President | 2nd Vice President | Secretary | Past President |
| | | | | |
| Brandy Grace Millard Auditor | Kerry Gibson Weber Commissioner | John Ulibarri Weber Assessor | Dennis Maughan Davis Recorder | John Jones Carbo Commissioner |

BOARD MEMBERS

| | | |
|--|--|---|
| Past Secretary Commissioner Clerk Auditor | Gordon Topham Bret Millburn Norm Johnson Diana Carroll | Sevier Davis San Juan Grand |
| Sheriff Assessor Recorder | Jim Tracy Cindy Bulloch Brenda Nelson | Utah Iron Morgan |
| Attorney Surveyor Bear River Uintah Basin Five-County Southeastern Six-County Davis County Davis County Salt Lake County Salt Lake County Utah County | Wendi Long Doug Hogan Reid Demman Bill Cox Kirk Wood Jim Matson Jeff Horrocks Claudia Jarrett Louenda Downs Steve Rawlings Ben McAdams Richard Snelgrove Gary Anderson | Uintah Tooele Salt Lake Rich Duchesne Kane Emery Sanpete Davis Davis Salt Lake Salt Lake Utah Utah |
| Washington County Washington County Weber County Weber County | Alan Gardner Russell Shirts Jan Zogmaister Mark Ben | Washington Washington Weber Weber |
| At-Large At-Large At-Large At-Large | Kim Carson Art Partridge Dale Eyre Robert Dekker | Summit Washington Sevier Millard |

STAFF

| |
|---|
| Brent Gardner CEO |
| Jill Brown Accountant |
| Elizabeth Fukui Assistant Director of UBHC |
| Debbie Goodwin Office Manager |
| Alice Hancock Administrative Assistant |
| Doug Perry Communications Director |
| Adam Trupp General Counsel |
| Arie Van De Graaff Legislative Analyst |
| Mark Ward Senior Policy Analyst/ Public Lands Counsel |

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Adding Screen Shot to Evernote

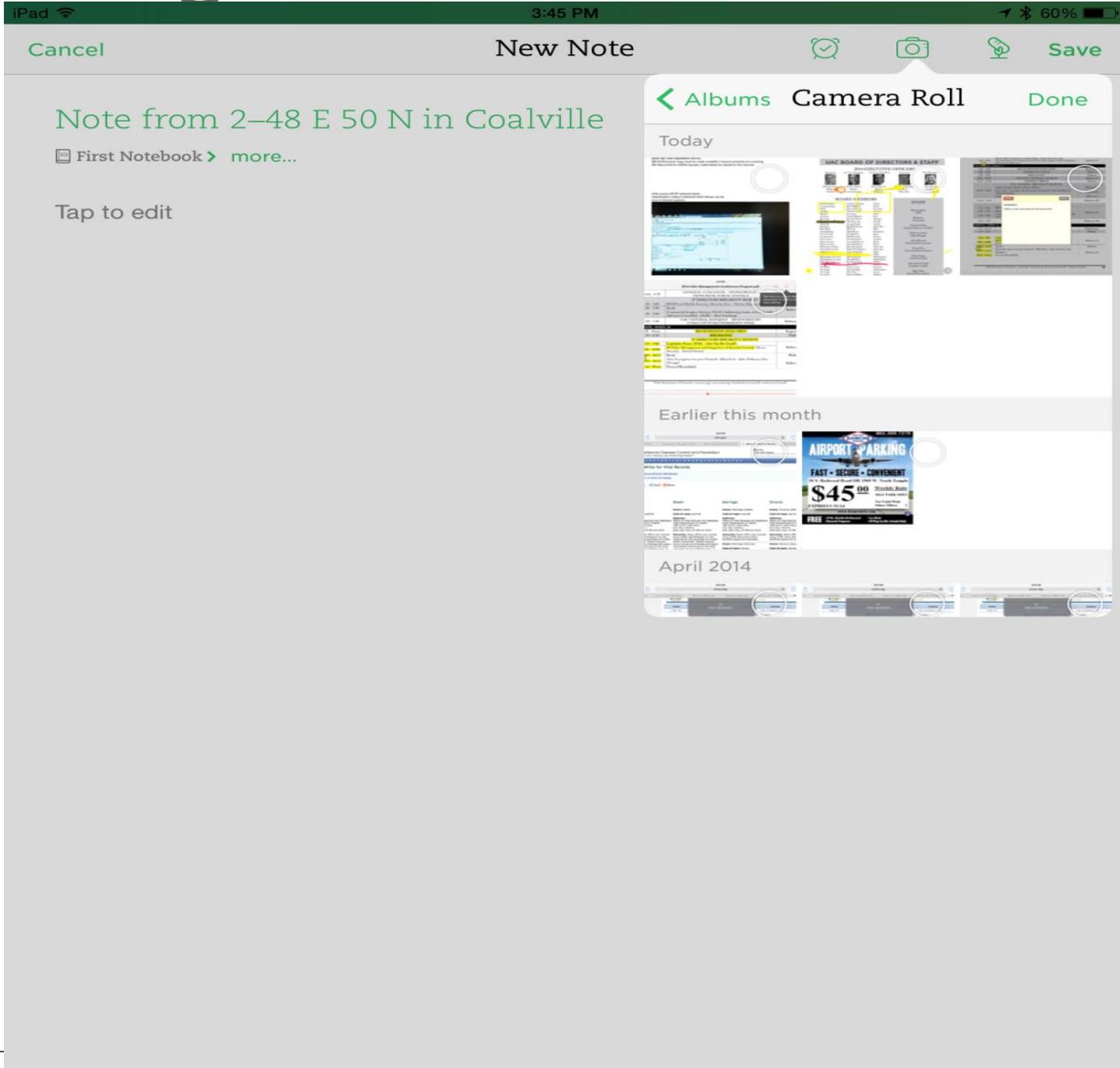
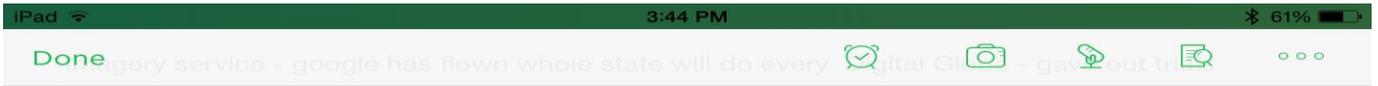
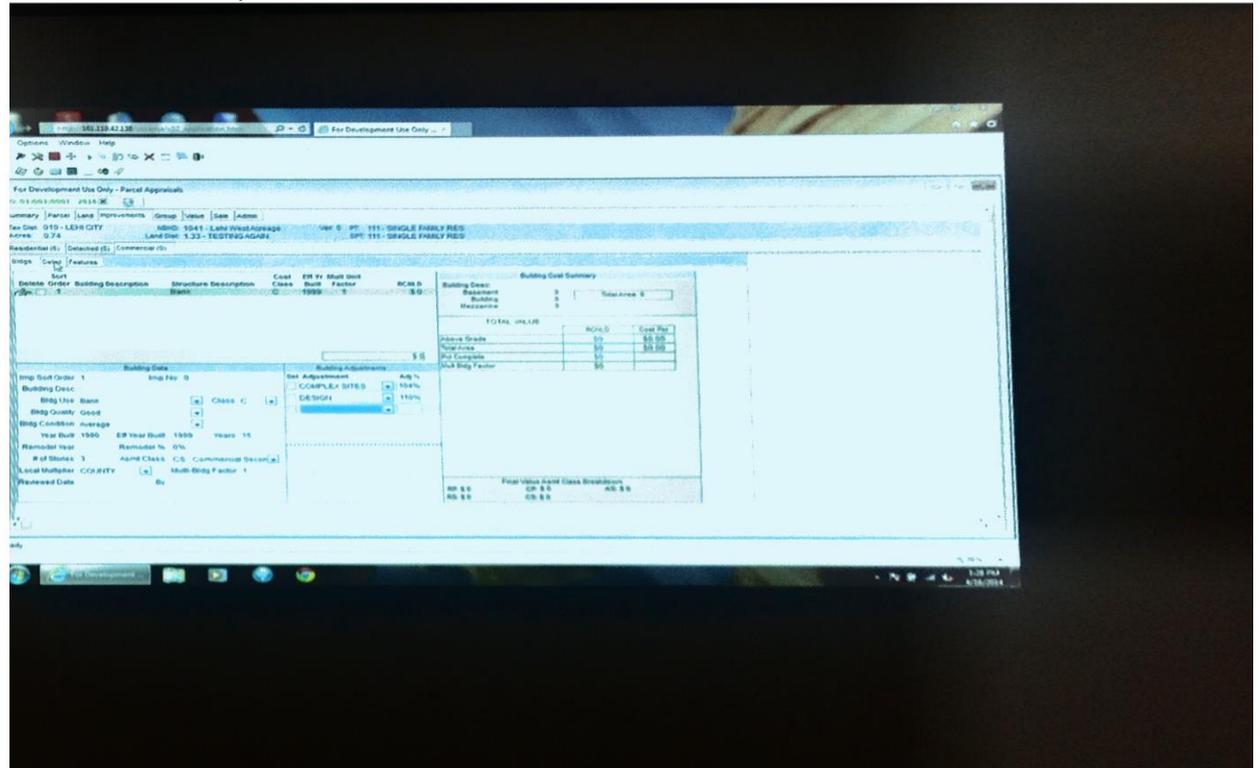


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Getting rid of August Truth in Taxation moves to December
voter records are private
same day voter registration HB156.
SB169 Electronic copy must be made available if anyone presents at a meeting.
SB Data portal for GRMA request, make easier for people to find records.

Utah county MCAT software demo
classification codes in Marshall Swift Values can be
runs in internet explorer



Cost of Solutions

Agenda Options

| | Setup | Yearly Cost | |
|---------------|--------------|--------------|---|
| BoardDocs LT | \$ 1,000.00 | \$ 3,000.00 | |
| BoardDocs Pro | \$ 1,000.00 | \$ 12,000.00 | Pro version provides for individual annotations |
| *CivicPlus | \$ 38,500.00 | \$ 7,400.00 | Already in contract for website |

Annotation Options

| | | | |
|------------------|---------------|-----------|-----------------------------------|
| Adobe Reader | | Free | Can provide notes on local copies |
| Evernote | | Free | Cloud based notebook |
| Evernote Premium | \$45 per year | \$ 270.00 | Allows annotations on a .pdf file |

*Already purchased

Summit County Government Facilities

A Plan for Energy Efficiency Cost Savings and Emissions Reduction

2014 – 2016 (and beyond)

The purpose of this document is to establish a step-by-step energy efficiency (EE) plan that will result in utility cost savings and carbon dioxide equivalent emissions (CO2e) reduction from County facilities. This plan is being proposed to establish a new goal for inclusion in the 2014 – 2016 Sustainability Plan adopted by Council on March 19, 2014.

71% of the CO2e emissions reduction attained by the County from 2010 – 2013 were a direct result of decreased energy consumption due to improved energy efficiency in County buildings. This document will illustrate the cost savings result of energy efficiency improvements carried out over 20 years and the associated CO2e emissions reduction to be attained.

BACKGROUND

In 2010, a carbon dioxide equivalent (CO2e) emissions reduction goal was adopted as part of the 2010 – 2013 Sustainability Plan: Reduce CO2e emissions from County facilities and operations 13% below 2010 level by 2013 (from 8,989¹ metric tons (MT) to 8,352 MT).

CO2e emissions were reduced 2.1% (a decrease of 638 MT to 8,799 MT) by the end of 2013. Concurrently, electricity usage in County buildings decreased 4% and natural gas consumption decreased 10%.

The investment of \$70,634 in energy efficiency measures implemented between 2010 and 2013 resulted in annual savings of \$27,730 at an overall simple payback of 2.5 years. The actual utility cost savings during that time period was \$55,015 (includes part year savings based on date of implementation). The associated CO2e emissions reduction was 471.5 MT (74% of total emissions reduction achieved between 2010 and 2013). See table 1.0.

Table 1.0 - Cost Saving Analysis: Energy Efficiency Measures Implemented to County Buildings (2010 – 2013)

| EE Measures Implemented | Year | Net Imple- | Annual Savings ³ | Simple Payback (years) | Actual Utility Cost Savings since date of implementation ⁴ | CO2e Emissions Reduction (MT) since date of Implementation ⁴ |
|--|-----------|------------------------------|-----------------------------|------------------------|---|---|
| | | mentatio n Cost ² | | | | |
| Cooling system in Richins Bldg. | 2011 | \$25,840 | \$3,419 | 7.6 | \$8,548 | 70.0 |
| Lighting upgrades - Kamas | 2011 | \$5,284 | \$520 | 10.2 | \$1,301 | 10.8 |
| Lighting upgrades-Public Works | 2012 | \$18,499 | \$3,206 | 5.8 | \$4,809 | 39.3 |
| Lighting upgrades - County CH | 2011 | \$17,727 | \$4,405 | 4.0 | \$11,013 | 90.0 |
| Lighting upgrades - Animal Control | 2013 | \$3,274 | \$1,019 | 3.2 | \$1,019 | 8.3 |
| Solar System on Health Building | 2013 | \$0 | \$8,579 | 0 | \$8,579 | 70.1 |
| Nat Gas rate adjustment (Energy Management Contract) | 2010-2013 | \$0 | \$6,582 | 0 | \$19,745 | 183.0 |
| TOTAL | | \$70,624 | \$27,730 | 2.5 | \$55,015⁴ | 471.5 |

¹ CO2e emissions level was corrected to 8,989 from previously calculated 8,785 MT

² Net implementation cost to County after utility rebates and grants

³ Based on 2013 electricity and natural gas rates

⁴ Quantification based on full or part year as applicable to date of implementation

2014 – 2016 PROPOSED ENERGY EFFICIENCY PLAN AND UTILITY COST SAVINGS*

“Buildings account for more than 40 percent of our nation’s energy use, more than industry and transportation combined.”⁵ Because implementation of energy efficiency measures is the most cost-effective way to save energy and reduce costs, the following emissions reduction goal as a result of energy savings is proposed: **REDUCE ENERGY CONSUMPTION OF COUNTY FACILITIES BY 10% TO ACHIEVE CO2e EMISSIONS REDUCTION OF 25% BELOW 2013 LEVEL BY 2016.**

A step-by-step implementation plan is outlined below. Estimated cost savings and CO2e emissions reductions as a result of energy efficiency improvements are shown in table 2.0.

1. In 2014, complete the energy efficiency improvements to the Justice Center (JC) and Courthouse (CH) that are currently underway at an approximate net cost to County of \$360,000.⁶ The expected annual utility cost savings of approximately \$40,000/year⁷ would result in a simple payback of 9 years and a reduction of 272 MT of CO2e emissions per year.
2. Also during 2014, secure funding for a solar system on the Justice Center and budget \$250,000 for completion by August 2015 to obtain a \$54,000 rebate (net cost to County \$196,000). The expected first year estimated cost savings of \$9,906 would result in a simple payback is 19.8 years and associated emissions reduction would be 74 MT annually. Keep in mind that solar photovoltaic systems are warranted for 25 years and continue to generate electricity, although diminishing, for 40 + years.⁸
3. Implement additional measures to decrease overall electricity and natural gas usage in county facilities by 10%. Budget for implementation in 2015 at an approximate cost of \$1,000,000⁹ (i.e., renewable energy, high-efficiency heating and ventilating equipment, lighting retrofits, sealing and insulating building envelopes, data driven energy efficiency control systems, etc.). The estimated average annual cost savings of \$43,220 at a simple pay back of 23 years will result in reduced CO2e emissions of 1,088 MT/year.

Table 2.0 – Proposed Estimated Cost Savings and CO2e Emissions Reduction (2014 – 2016)

| EE Measures Proposed/Underway | Year | Projected Annual Cost Savings ¹⁰ | Estimated Net Installed Cost ¹¹ | Projected Simple Payback (years) | Projected Annual CO2e Reduction (MT) |
|--|------|---|--|----------------------------------|--------------------------------------|
| 1. EE Upgrades to JC and CH | 2014 | \$ 40,000 | \$360,000 | 9.0 | 272 MT |
| 2. Solar on Justice Center | 2015 | \$ 9,906 | \$196,000 | 19.8 | 74 MT |
| 3. 10% decrease overall energy usage (See EE measures - item 3 above) | 2015 | \$43,220 | \$1,000,000 | 23.0 | 1,088 MT |
| TOTAL | | \$93,126 | \$1,556,000 | 16.7 avg | 1,434 MT |

⁵ Retrieved from Utah Office of Energy Development, <http://energy.utah.gov/resource-areas/energy-efficiency/building-efficiency/>

⁶ Funds committed in 2014 County Budget

⁷ Based on 2014 electricity rate. The amount of savings will increase as electricity rates are calculated to increase 4-5% per year over the next 20 years per Alan Westenkow, Vice President, Zions Bank-Public Finance.

⁸ Industry standard expressed by Utah Clean Energy (2013)

⁹ Estimated implementation cost of EE measures required to attain 10% reduction based on the average cost of EE measures implemented to date.

¹⁰ Based on projected electricity and natural gas rates during first full year of implementation

¹¹ Net installed cost to County after utility rebates and grants

EXPECTED RESULTS*

An aggressive investment in energy efficiency measures would result in tremendous long-term energy cost savings and emissions reduction. By decreasing overall energy (natural gas and electricity) usage by 10% as outlined above, the estimated result would be a **cost savings of \$1,599,544 and a 25% reduction in CO2e emissions below 2013 level by 2016 (a decrease of 2,500 MT)**. See table 3.0.

Table 3.0 – Estimated Cumulative Energy Cost Savings and Emissions Reduction 2010 - 2034

| Year | EE Measures, Renewable Energy Implemented and Proposed | Net Installed Cost | Cumulative Utility Cost Savings | Cumulative CO2e Emissions Reduction (MT) |
|------------------------|--|---------------------------------|---------------------------------|--|
| 2010-2013 | EE upgrades completed | \$ 90,369 ¹² | \$ 55,015 | 471 |
| 2014 | Upgrades to JC, CH underway | \$ 360,000 ¹³ | \$ 95,015 | 841 |
| 2015 | Solar, 10% reduction through EE measures described in paragraph 3 above | \$1,196,000¹⁴ | \$104,490 | 1,652 |
| 2016 | All measures above installed | | \$112,546 | 2,500 |
| 2017 | | | \$117,405 | 3,348 |
| 2018 | | | \$122,265 | 4,196 |
| 2019 | | | \$127,234 | 5,044 |
| 2020 | | | \$132,535 | 5,892 |
| 2021 | | | \$127,533 | 6,740 |
| 2022 | | | \$133,359 | 7,588 |
| 2023 | | | \$139,477 | 8,436 |
| 2024 | | | \$145,899 | 9,284 |
| 2025 | | | \$152,642 | 10,312 |
| 2026 | | | \$159,722 | 10,980 |
| 2027 | | | \$167,155 | 11,828 |
| 2028 | | | \$174,959 | 12,676 |
| 2029 | | | \$183,153 | 13,524 |
| 2030 | | | \$191,756 | 14,372 |
| 2031 | | | \$200,788 | 15,220 |
| 2032 | | | \$210,272 | 16,068 |
| 2033 | | | \$220,229 | 16,916 |
| 2034 | | | \$230,684 | 17,764 |
| TOTAL 2010-2034 | | \$1,646,369 | \$3,245,913 | 17,764 |

CONCLUSION*

Further investment in energy efficiency measures (i.e., renewable energy, high-efficiency heating and ventilating equipment, lighting retrofits, sealing and insulating building envelopes, data driven energy efficiency control systems, etc.) would reduce overall County electricity and natural gas usage by 10% at an estimated net cost of \$1,196,000. This investment, in addition to the cost of energy efficiency measures and renewable energy implemented to date, would save the County an estimated \$3,245,913 over the next 20 years for a **net savings of \$1,599,544.***

The CO2e emissions reduction associated with a 10% decrease in energy usage over the next 20 years is estimated to be 17,764 MT. That reduction would almost entirely offset the projected CO2e emissions (17,858 MT) from ALL County facilities and operations in 2034.

* Based on best current available data.

Lisa Yoder 5/14/2014

¹² Funds expended 2010-2013

¹³ Funds committed in 2014 budget

¹⁴ Estimated cost to obtain 10% reduction of energy usage (based on solar PV preliminary design cost estimate and cost of 2010-2014 EE expenditures).



MEMORANDUM

To: Summit County Council
From: Jennifer Strader, Senior Planner
Re: Appeal of an Administrative Decision Regarding a Dog Boarding Facility
Date: May 13, 2014

This memo is an addendum to the staff report dated May 7, 2014. Since the preparation of that report, condition 10 identified in Exhibit D, Findings of Fact and Conclusions of Law, has been amended.

Condition 10 was put in place as a measure to address potential negative effects on water quality. The original condition required that the applicant install an underground holding tank to hold the material that drains from the floor drains in the building. However, the applicant has since proposed to cover the floor drains with a solid waterproof cover to prevent anything from entering the drains. All waste would be cleaned up and disposed of immediately. The Summit County Health Department has reviewed and approved this plan. Please refer to the revised condition 10 in the attachment to this memo.

If you should have any questions or concerns, please feel free to contact me at 435.615.3152, or by email, jstrader@summitcounty.org.



March 13, 2013

Dr. Carl Prior
5886 Trailside Loop
Park City, Utah 84098

RE: Final Action on a Low-Impact Permit—
Modification of an existing Conditional Use Permit to operate a Commercial Kennel.

Dear Dr. Prior:

Please accept this letter as the notice of the Final Action on your Low Impact Permit to operate a Commercial Kennel at MHM Veterinary Clinic located at 1005 Beehive Drive, Park City, Utah. I have approved the Low Impact Permit subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT

1. Dr. Carl Prior filed a Low Impact Permit on September 11, 2013 to operate a Commercial Kennel for the boarding of dogs and cats on property known as Parcel SL-H-508 located at 1005 East Beehive Drive.
2. The property is accessed via East Beehive Drive which is a public road.
3. The property is located 150 feet from Interstate-80.
4. The single-family structure on the adjacent property to the north (SL-D-250) is approximately 520 feet from the proposed use.
5. The single-family structure on the adjacent property to the north (SL-D-247) is approximately 470 feet from the proposed use.
6. The single-family structure on the adjacent property to the north (SL-D-250) is approximately 520 feet from the proposed use.
7. The single-family structure on the adjacent property to the west (SL-H-509) is approximately 230 feet from the proposed use.
8. A Montessori school on the adjacent property to the east (SL-D-245) is approximately 510 feet from the proposed use.

9. The Summit County Special Service Area No. 3 submitted a letter to Summit County on January 27, 2014 stating that a water well serving 180 area households is located approximately 600 feet downhill from the applicant's property.
10. Parcel SL-H-508 is located in the North Mountain Neighborhood Planning area as identified in the Snyderville Basin General Plan.
11. Parcel SL-H-508 is 2.50 acres in size and is zoned Neighborhood Commercial (NC).
12. A Conditional Use Permit for a veterinary clinic on Parcels SL-H-508, SL-D-248, and SL-D-249 was granted on July 15, 2005. The proposed Commercial Kennel facility is in addition to the existing veterinary clinic use.
13. Two (2) 5,000 sq. ft. buildings and a residence are located on Parcel SL-H-508. The proposed Commercial Kennel will be conducted within one (1) of the 5000 square foot buildings (northerly-most building).
14. The proposed Commercial Kennel facility will accommodate a maximum of 80 dogs and 30 cats at any one time.
15. The proposed Commercial Kennel includes an outdoor fenced animal run area.
16. No unscreened storage is proposed.
17. The applicant stipulates to a condition of approval addressing noise mitigation that limits the times that dogs will be allowed in the outdoor run area and requires that all dogs be supervised when outdoors.
18. The applicant stipulates to a condition of approval requiring Summit County Health Department approval of a solid waste management plan prior to the commencement of the use.
19. The applicant stipulates to a condition of approval to install a solid 6-foot high fence to enclose the proposed outside dog-run area. The enclosure will be a minimum of 23' from the east property line and 62' from the north property line.
20. The property includes a septic system that was approved by the Summit County Health Department on June 27, 2001 and revised on July 23, 2008. The septic system approved is for the use of the veterinary clinic, cleaning horse stalls, office and living quarters. The system is not designated to eliminate domesticated animal waste.
21. The applicant stipulates to a condition of approval requiring Summit County Health Department approval of a septic system operations plan. The plan shall include a schedule of inspection/ monitoring, system performance evaluation, required maintenance, and pumping as required by the Summit County Health Department.
22. Water Service to the property is provided by Summit County Service Area No. 3.
23. The applicant stipulates to a condition of approval to cooperate with the Summit County Health Department to conduct a baseline water quality test of the Summit County Service Area No. 3 culinary well located approximately 600 feet downhill from the applicant's property. The applicant further stipulates to conducting a

follow-up water quality test of the well six (6) months and again in twelve (12) months following commencement of the use.

24. The Engineering Department has reviewed the proposed use and finds that the proposed Commercial Kennel, at full capacity, will not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) A.
25. Section 10-3-4(C).2 of the Snyderville Basin Development Code states that the Community Development Director or designated planning staff member may schedule a public hearing before the Snyderville Basin Planning Commission for a Low Impact Permit.
26. Public notice was published in *The Park Record* on January 4, 2014 and individual notices were mailed to property owners located within 1,000' from the boundaries of the subject property.
27. The Snyderville Basin Planning Commission conducted a public hearing on the proposed use on January 14, 2014. The public hearing was closed and a motion was made to continue the item to the meeting on January 28, 2014 in order for Staff to clarify the conditions of approval.
28. The Summit County Health Department submitted a letter on January 28, 2014 addressing the proposed Commercial Kennel use. The Summit County Health Department stated that it appears the intended use will not greatly alter the original septic permit and established specific Health Department conditions of approval.
29. On January 28, 2014 the Snyderville Basin Planning Commission forwarded a positive recommendation to the Community Development Director for the Low Impact Permit for dog and cat boarding.
30. The property includes 12 existing parking spaces and 4 additional spaces for trailer parking. No additional parking is required per the Snyderville Basin Development Code.
31. No additional lighting is proposed.
32. The landscaping on the property was installed in compliance with the original Conditional Use Permit. No additional landscaping is proposed.
33. The applicant stipulates a Planning Commission review of the proposed use, one (1) year from the date of approval, for compliance with the conditions of approval.

CONCLUSIONS OF LAW

1. As conditioned, the proposed use is in accordance with the General Plan.
2. As conditioned, the use conforms to all applicable provisions of the Snyderville Basin Development Code, including, but not limited to, any applicable provision of said Code, the General Plan, and State and Federal regulations.
3. As conditioned, the use is not detrimental to the public health, safety, and welfare.
4. The use is appropriately located with respect to public services.

5. As conditioned, the use is compatible with the existing neighborhood character and with the character and purpose provision of the Neighborhood Commercial zoning district, and will not adversely affect surrounding land uses.

CONDITIONS OF APPROVAL

1. The Planning Commission shall review the Commercial Kennel use, one (1) year from the date of approval, for compliance with the conditions of approval. Failure to abide by the conditions of approval may result in revocation of this permit.
2. Payment of any required Transportation Impact Fee is a condition precedent to applying for a Summit County business license.
3. Approval of a Summit County Business License for the proposed use is a condition precedent to the operation of the use. Approval of the business license by Summit County Animal Control is mandatory.
4. The proposed Commercial Kennel facility shall not exceed a maximum of 80 dogs and 30 cats at any one time.
5. No more than ten (10) dogs are allowed in the outdoor run area at one time. All animals in the outdoor run area shall be supervised and monitored for barking and other possible nuisances by an employee of the facility. Use of the outdoor run area is limited to the hours of 7AM and 10 PM. The operation shall comply with Section 5-3-9, E of the Summit County Code, as amended, that regulates noise made by animals.
6. Summit County Community Development approval of the installation of a solid 6-foot high fence to enclose the proposed outside dog-run area is a condition precedent to any use of the outside dog run. The fenced enclosure shall be a minimum of 23' from the east property line and 62' from the north property line.
7. Summit County Health Department approval of a solid waste management plan is a condition precedent to the issuance of a business license. The solid waste management plan shall include at a minimum:
 - a. A detailed description of the daily collection and removal of solid waste (bedding material and solid fecal waste).
 - b. Monitoring of culinary water usage so that water use does not overload the approved septic tank system.
 - c. Description of permitted facility cleaning chemicals and any specific limitations on the chemical applications.
 - d. A contingency plan for system replacement should the system fail with the addition of the proposed Commercial Kennel.

All operations shall comply with Section 5-1-15 of the Summit County Code, as amended, which regulates nuisances such as, but not limited to odors and sanitary conditions for animals.

8. Summit County Health Department approval of a septic system operations plan is a condition precedent to the issuance of a business license. The approved plan shall

include a schedule of inspection/ monitoring, required maintenance, and pumping as required by the Summit County Health Department.

9. Prior to the issuance of a business license, the applicant shall cooperate with the Summit County Health Department to conduct a baseline water quality test of the Summit County Service Area No. 3 culinary well located approximately 600 feet downhill from the applicant's property. The record of the findings for the baseline water quality test shall be provided to Summit County Service Area No. 3 and the Summit County Community Development Department. Follow-up water quality tests of the well shall be conducted six (6) months and again in twelve (12) months following commencement of the use. The record of the follow-up tests shall be provided to Summit County Service Area No. 3 and the Summit County Community Development Department. A significant degradation of the well's water quality due to the operations of the proposed use (as determined by the Summit County Health Department) may result in additional mitigation and/or enforcement.
10. Prior to the issuance of a business license, the applicant shall cover the floor drains in the boarding facility with a solid waterproof cover. A verification inspection is required by the Summit County Health Department to ensure all drains have been permanently sealed and are no longer usable.

If the applicant desires to use the floor drains within the boarding facility at a later time, a holding tank with a minimum of 1,000 gallons capacity shall be installed. The size, location, and schedule of pumping and maintenance of the tank shall be reviewed and approved by the Summit County Health Department prior to installation. The applicant will be required to maintain the holding tank to ensure proper operation. Under no circumstances can the floor drains be used without the prior notification and approval of the Summit County Health Department.

Please be advised that this Final Action and/or associated Findings of Fact, Conclusions of Law Conditions of Approval may be appealed to the Summit County Council. Appeals are subject to the standards set forth in the Snyderville Basin Development Code, Section 10-9-22: Appeal Procedures and must be filed within ten (10) days from the date of this Final Action.

Do not hesitate to contact me directly if you have any specific questions regarding this matter. I can be reached at (435) 336-3158.

Respectfully,



Patrick J. Putt
Community Development Director



STAFF REPORT

To: Summit County Council
From: Jennifer Strader, County Planner
Date of Meeting: May 7, 2014
Type of Item: Appeal of an Administrative Decision
Process: Legislative Review

Proposal

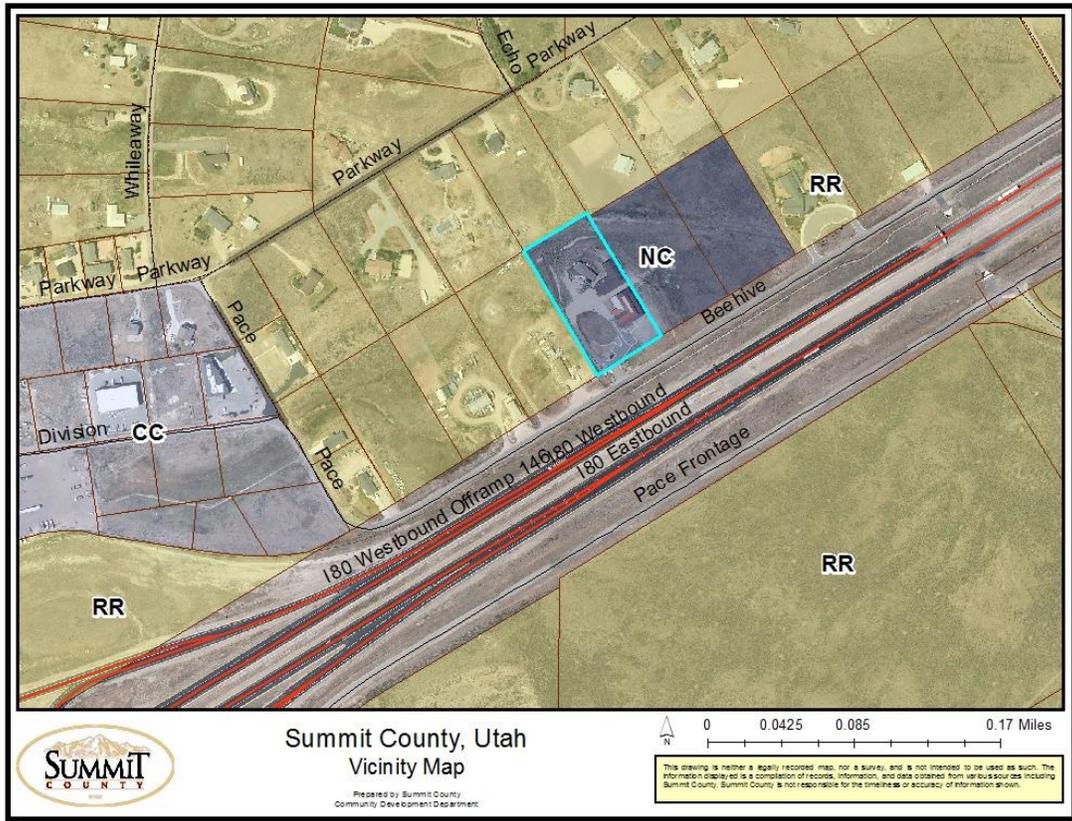
The applicant, Travis Hardman, is requesting that the Summit County Council (SCC) overturn the Community Development Director's approval of a Low Impact Permit for a dog and cat boarding facility at 1005 Beehive Drive, in the Silver Creek Subdivision

RECOMMENDATION: Staff recommends that the SCC vote to uphold the Community Development Director's approval of the Low Impact Permit.

Project Description

Project Name: Mountain Horse Medical Clinic Appeal
Applicant(s): Travis Hardman
Property Owner(s): Carl Prior
Location: 1005 Beehive Drive
Zone District: Neighborhood Commercial (NC)
Parcel Number and Size: Parcel SL-H-508
Type of Process: Legislative
Final Land Use Authority: Summit County Council

Vicinity Map



Background

On July 13, 2005, the Summit County Board of Commissioners approved a rezone from Rural Residential (RR) to Neighborhood Commercial (NC) and a Conditional Use Permit (CUP) for the Mountain Horse Medical Clinic located on three (3) lots in Silver Creek Subdivision, on Beehive Drive.

The CUP was for a veterinary clinic, geared mainly towards horses. The approval was for 30,000 square feet which included a medical clinic that could accommodate up to thirty eight (38) horses, a caretakers residence, a covered round pen, four (4) barns, and additional fenced areas for general training and riding. To date, the main clinic has been constructed, which includes two (2) 5,000 square foot buildings (EXHIBIT A).

Dr. Carl Prior filed a Low Impact Permit (LIP) on September 11, 2013 to add the use of dog and cat boarding in one of the existing buildings. Dr. Prior is also continuing to operate the veterinary clinic that was approved under the previous CUP.

Process for Approval

Section 10-3-5 (I) of the Snyderville Basin Development Code (Code) regulates amendments to approved CUPs. A minor amendment is defined as an amendment that does not increase the

square footage, density, or intensity of a previously approved CUP and is commenced through the LIP process. Based on the applicant's operational plan that was submitted with the application, Staff found that the addition of a cat and dog boarding facility would not increase the square footage, density, or intensity of the already approved use.

Section 10-3-4 (C)(2) of the Code regulates LIPs and allows Staff to schedule a public hearing before the Snyderville Basin Planning Commission (SBPC) for additional comment from the public. The SBPC conducted a public hearing on January 14, 2014 (EXHIBIT B). The public hearing was closed and the item was continued until January 28, 2014, at which time the SBPC forwarded a positive recommendation to the Community Development Director (CDD) (EXHIBIT C).

On March 13, 2014, the CDD approved the Low Impact Permit through the adoption of Findings of Fact, Conclusions of Law and Conditions of Approval (EXHIBIT D). An appeal of the CDD's determination was submitted on March 24, 2014 (EXHIBIT E).

Analysis and Findings

Through the public hearing process with the SBPC, the following items were identified by the public and Planning Commission members as areas of concern. Staff has evaluated each item below.

- * Noise.
Condition #5 of the Low Impact Permit states:
No more than ten (10) dogs are allowed in the outdoor run area at one time. All animals in the outdoor run area shall be supervised and monitored for barking and other possible nuisances by an employee of the facility. Use of the outdoor run area is limited to the hours of 7AM to 10PM. The operation shall comply with Section 5-3-9 (E) of the Summit County Code, as amended, that regulates noise made by animals.

- * Traffic.
The Engineering Department reviewed the proposed use and found that the proposed Commercial Kennel, at full capacity, will not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) A.

- * Utilization of the Septic System for waste removal.
The property includes a septic system that was approved by the Summit County Health Department on June 27, 2001 and revised on July 23, 2008. The septic system approved is for the use of the veterinary clinic, cleaning horse stalls, office and living quarters. The system is not designed to eliminate animal waste. Condition #7 of the Low Impact Permit states:
Summit County Health Department approval of a solid waste management plan is a condition precedent to the issuance of a business license. The solid waste management plan shall include, at a minimum:
 - a. *A detailed description of the daily collection and removal of solid waste (bedding material and solid fecal waste)*

- b. *Monitoring of culinary water usage so that water does not overload the approved septic system.*
- c. *Description of permitted facility cleaning chemicals and any specific limitations on the chemical applications.*
- d. *A contingency plan for system replacement should the system fail with the addition of the proposed Commercial Kennel.*

All operations shall comply with Section 5-1-15 of the Summit County Code, as amended, which regulates nuisances such as, but not limited to odors and sanitary conditions for animals.

The applicant has submitted a solid waste management plan that has been reviewed and accepted by the Health Department.

Additionally, Condition #8 of the Low Impact Permit states:

Summit County Health Department approval of a septic system operations plan is a condition precedent to the issuance of a business license. The approved plan shall include a schedule of inspection/monitoring, required maintenance, and pumping as required by the Summit County Health Department.

* **Water Quality.**

The Health Department conducted a site visit and found that the floor drains in the building do not drain into the septic system. They are dispersed into a holding pond outside the building. As an additional measure to ensure water quality is not negatively affected, the applicant has agreed to install an underground holding tank, rather than using the open holding pond. The applicant will work with the Health Department to ensure an appropriately sized tank is installed and will coordinate a schedule for pumping the tank.

Recommendation

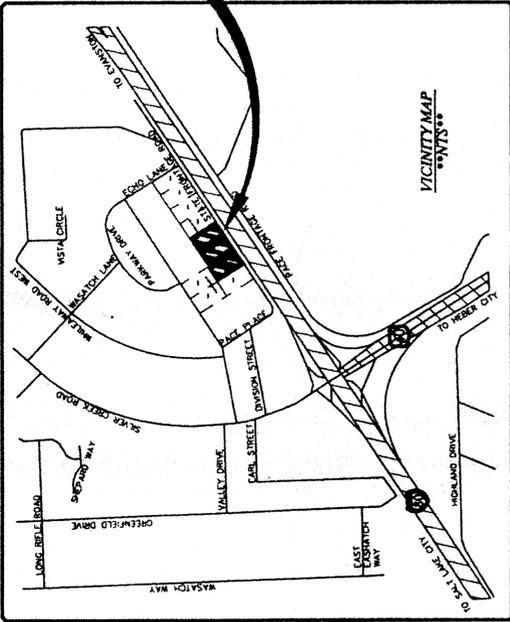
Staff recommends that the SCC vote to uphold the Community Development Director's approval of the Low Impact Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval authorizing the approval as outlined in EXHIBIT D.

Attachments

- EXHIBIT A: Approved site plan
- EXHIBIT B: SBPC minutes dated 1.14.14
- EXHIBIT C: SBPC minutes dated 1.28.14
- EXHIBIT D: CDD approval
- EXHIBIT E: Appeal application

MOUNTAIN HORSE MEDICAL SITE PLAN LOTS 248, 249, AND 508 SILVER CREEK ESTATES

LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH



OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREIN DESCRIBED PROPERTY, AND DO HEREBY GIVE THEIR CONSENT TO THE RECORDATION OF THESE DRAWINGS.

Charlman Wright Date 20 Aug 08
Romer Properties LLC

Gordon Croissant Date 20 Aug 08
Romer Properties LLC

CONSENT TO RECORD
STATE OF UTAH, COUNTY OF SUMMIT

THE UNDERSIGNED HEREBY HEREBY CONSENTS TO THE RECORDATION OF THESE DRAWINGS.

Charlman Wright Date 20 Aug 08
Romer Properties LLC

THE FOREGOING CONSENT TO RECORD WAS ACKNOWLEDGED BEFORE ME THIS 20 DAY OF Aug, 2008, BY Pauline Grace Vosburgh NOTARY PUBLIC, MY COMMISSION EXPIRES 2/3/2012 RESIDING IN Summit Co.

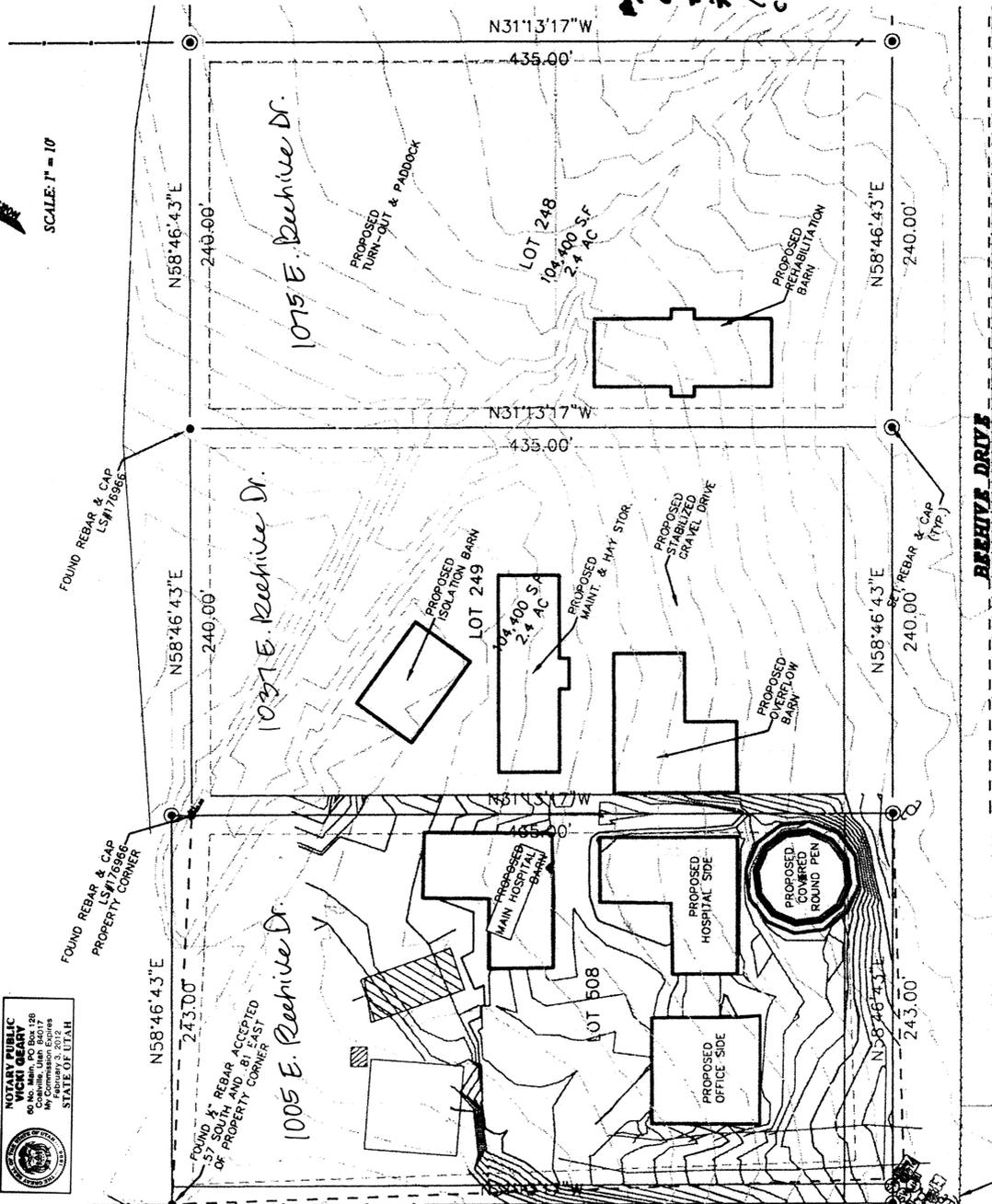
NOTARY PUBLIC
VICKI GEARY
My Commission Expires 08/03/12
STATE OF UTAH

SITE

- SET REBAR AND CAP
- FOUND REBAR AND CAP
- EXISTING FENCE
- EXISTING FENCE POST
- PM POWER METER
- HT TELEPHONE PEDESTAL
- CO POWER POLE
- ⊗ FIRE HYDRANT
- ELECTRIC BOX
- GUY WIRE
- ⊕ STOP AND WASTE
- ⊕ MAN HOLE

- PHASE I : WORK ASSOCIATED WITH LOT # 508
- PHASE II : WORK ASSOCIATED WITH LOT # 249
- PHASE III : WORK ASSOCIATED WITH LOT # 248

NOTE: PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY BUILDINGS IDENTIFIED IN PHASES II AND III, A LOW IMPACT PERMIT SHALL BE OBTAINED TO BE REVIEWED AND APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT. THE LOW IMPACT PERMIT SHALL INCLUDE DETAILED BUILDING ELEVATIONS (TO BE CONSISTENT WITH THOSE STAMPED APPROVED IN THE CONDITIONAL USE PERMIT FILE # 080702), A DETAILED LANDSCAPE PLAN, AND A DETAILED LIGHTING PLAN. A LANDSCAPE BOND SHALL ALSO BE SUBMITTED TO ENSURE THE INSTALLATION AND MAINTENANCE OF THE PROPOSED LANDSCAPING.



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NOTARY PUBLIC
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- ⊗ FIRE HYDRANT
- ELECTRIC BOX
- GUY WIRE
- ⊕ STOP AND WASTE
- ⊕ MAN HOLE

- PHASE I : WORK ASSOCIATED WITH LOT # 508
- PHASE II : WORK ASSOCIATED WITH LOT # 249
- PHASE III : WORK ASSOCIATED WITH LOT # 248

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SURVEYOR'S CERTIFICATE

I, TRAVIS E. JENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 376076 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY, ON BEHALF OF EPIC ENGINEERING, THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



DATE: TRAVIS E. JENSEN, PLS 376076

DESCRIPTION

ALL OF LOTS 248, 249, SILVER CREEK ESTATES UNIT "D", AND ALL OF LOT 508 SILVER CREEK ESTATES UNIT "H", RECORDED AS ENTRY NUMBERS 100547, AND 100561 ON FILE WITH THE SUMMIT COUNTY RECORDERS OFFICE.

State of Summit County of Summit July 2008 personally on this 16 day of July the undersigned attorney in approved before me, the undersigned county public in and for said county the signor of the said state of Utah, the signor of the said owners dedication, who duly acknowledged to me that she signed it freely and voluntarily and for the purposes therein mentioned. Ryan W. North

CHARMIAN WRIGHT DM



OWNERS DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT AND THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND PRIVATE DRIVE TO BE HEREAFTER KNOWN AS

GORDON CROISSANT OWNERS ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF SUMMIT, I, GORDON CROISSANT, NOTARY PUBLIC, DO HEREBY ACKNOWLEDGE TO ME THAT THEY SIGNED FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

Gordon Croissant Date 01/07/2011

MY COMMISSION EXPIRES 01/07/2011

| | | | | | |
|--|--|--|--|--|---|
| <p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON THIS <u>17</u> DAY OF <u>August</u>, 20<u>08</u></p> <p><i>John A. ...</i> COUNTY ATTORNEY</p> | <p>COUNTY COMMISSION</p> <p>PRESENTED TO THE BOARD OF SUMMIT COUNTY COMMISSIONERS THIS <u>17</u> DAY OF <u>August</u>, 20<u>08</u> AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.</p> <p><i>Walter ...</i> COUNTY CHAIRMAN</p> | <p>ROCKY MOUNTAIN POWER</p> <p>THE HEREON SHOWN UTILITY EASEMENTS HAVE BEEN APPROVED AND ACCEPTED ON THIS DAY OF <u>August</u>, 20<u>08</u>.</p> <p><i>...</i> BY ROCKY MOUNTAIN CO., A DIVISION OF ... AUTHORIZED REPRESENTATIVE</p> | <p>PARK CITY FIRE SERVICE DISTRICT</p> <p>APPROVED AND ACCEPTED THIS <u>17</u> DAY OF <u>August</u>, 20<u>08</u>.</p> <p><i>Scott W. ...</i> BY PARK CITY FIRE SERVICE DISTRICT AUTHORIZED REPRESENTATIVE</p> | <p>SANDVILLE BASIN SPECIAL RECREATION DISTRICT</p> <p>APPROVED AND ACCEPTED THIS <u>17</u> DAY OF <u>August</u>, 20<u>08</u>.</p> <p><i>Dustin ...</i> BY SANDVILLE BASIN SPECIAL RECREATION DISTRICT AUTHORIZED REPRESENTATIVE</p> | <p>SUMMIT COUNTY SERVICE AREA #3</p> <p>APPROVED AND ACCEPTED THIS <u>17</u> DAY OF <u>August</u>, 20<u>08</u>.</p> <p><i>...</i> BY CHAIRMAN OF THE BOARD</p> |
| <p>COUNTY RECORDER</p> <p>ENTRY # _____ BOOK _____ PG _____</p> <p>STATE OF UTAH, COUNTY OF SUMMIT</p> <p>DATE AND TIME: _____ SEE PAID: _____</p> <p>RECORDED AND FILED AT THE REQUEST OF _____</p> <p>_____ COUNTY RECORDER</p> | <p>COUNTY ENGINEER</p> <p>APPROVED AND ACCEPTED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.</p> <p><u>8/14/08</u> DATE</p> <p><i>...</i> COUNTY ENGINEER</p> | <p>COUNTY ASSESSOR</p> <p>APPROVED AND ACCEPTED BY THE SUMMIT COUNTY ASSESSOR THIS <u>13</u> DAY OF <u>August</u>, A.D. 20<u>08</u>.</p> <p><i>...</i> COUNTY ASSESSOR</p> | <p>EPIC Engineering</p> <p>3341 SOUTH 4000 WEST WEST VALLEY CITY, UTAH 84120 (801) 955-5665</p> <p>50 EAST 100 SOUTH HEBER CITY, UTAH 84032 (435) 854-8800</p> | <p>COVER SHEET</p> <p style="text-align: center;">SURVEY</p> <p style="text-align: center;">MOUNTAIN HORSE MEDICAL</p> <p style="text-align: center;">ENTRY NO 00853411</p> <p style="text-align: center;">SHEET 1</p> | <p>DESIGNER CAD JCR</p> <p>DEK</p> <p>REMOVED DATE 7/27/07</p> <p>TEJ</p> <p>SHEET</p> |

Chair DeFord closed the public hearing.

Commissioner Franklin made a motion to forward a positive recommendation to the Summit County Council to waive the transportation impact fees for the Village at Kimball Junction. The motion was seconded by Commissioner Klingenstein.

Commissioner Klingenstein amended the motion to add the condition that the amended Development Agreement be reviewed by the County Attorney's Office for clarity based on Commissioner Peck's recommendations.

Deputy County Attorney Jami Brackin noted that this is not just a recommendation of a policy but an amendment to the Development Agreement to incorporate the policy.

Commissioner Franklin withdrew his original motion. Commissioner Klingenstein accepted the withdrawal of the motion.

Commissioner Franklin made a motion to forward a positive recommendation to the Summit County Council to amend the Village at Kimball Junction Development Agreement, Section 7.5.4, defining the affordable housing, and Section 7.6.2 defining the associated transportation impact fees and payments, with the corrected language provided to the Engineer's Office to be reviewed by the County Attorney's Office prior to the recommendation being forwarded to the County Council. The motion was seconded by Commissioner Klingenstein and passed unanimously, 7 to 0.

3. **Public hearing and possible action regarding a Low Impact Permit for a dog and cat boarding facility; Parcel SL-H-508; 1005 East Beehive Drive; Carl Prior, Applicant – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and explained that this is a request to amend a Conditional Use Permit (CUP) granted in 2005 to add dog and cat boarding. She explained that the original CUP is still valid and runs with the land, and the zoning of this property is Neighborhood Commercial (NC). She indicated on a site map the three lots in the NC Zone and the existing and previously proposed buildings on the property. She explained that a minor amendment to a CUP requires a Low Impact Permit (LIP), which is typically reviewed administratively. In cases where Staff feels they would like additional public comment, they can choose to hold a public hearing, in which case, the Planning Commission makes a recommendation to the Community Development Director. Staff felt it would be appropriate to hold a public hearing on this LIP. Based on the operational plan submitted by the applicant, Staff found that the addition of dog and cat boarding would not cause increased impacts and felt that a public hearing should be held to understand neighbors' concerns. This item was incorrectly noticed prior to the last Planning Commission meeting, and since then, Staff has received

letters in support of and in opposition to the LIP, which have been provided to the Commissioners.

Planner Strader noted that items for discussion include traffic mitigation, noise, and waste removal. The applicant has indicated that some animals will be dropped off and picked up at the location in Park City and transported to the Silver Creek location. Animals that are not picked up and dropped off at the Park City location will be allowed to be picked up and dropped off at this facility, and office visits will be by appointment only. Staff believes this is appropriate and would not increase traffic impacts. Staff recommends a condition that, if overflow parking or excessive traffic should occur on Beehive Drive, the LIP could be reevaluated by the Planning Commission. With regard to noise, the applicant has indicated that the dogs will be kept in small groups to help alleviate barking. Planner Strader explained that the applicant is aware of concerns about barking, and dogs that consistently bark will not be allowed in this facility. Staff recommends a condition that, should excessive barking occur that generates complaints with the Community Development Department or Animal Control, the LIP could be reevaluated. She explained that waste from the pets will be cleaned up immediately, that a professional waste removal company will remove the solid waste once or twice daily, and a pet-safe odor eliminator will also be used.

Planner Strader reported that Staff sent the proposal to the Summit County Health Department, Animal Control, and Service Area 3 and did not receive a response from the service providers. She contacted the Health Department when she did not receive a response, and they indicated that they have no concerns with the proposal. She presented a plan for the site and indicated the building where the dogs would be housed and the fenced-in play area for the dogs. Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the Community Development Director based on the findings of fact, conclusions of law, and conditions of approval in the staff report.

Commissioner Lawson asked what type of fencing is proposed around the dog area. Carl Prior, the applicant, stated that he has a couple of options, but it will probably be a wood fence, 6 feet high. **Commissioner Lawson** suggested that the fencing be enhanced to create a partial sound barrier, which could be a partial solution to many of the concerns. He asked what the condition means that says the Planning Commission could reevaluate the LIP. Planner Strader explained that the LIP can be called back to the Planning Commission if there are complaints. If the conditions are not met, they can add more conditions, or the permit could be revoked. Deputy County Attorney Jami Brackin clarified that there is a process for doing so, and the permit could be revoked if it is found that the conditions are not being met.

Commissioner Peck asked if the Health Department had no comment or if they were not in opposition. Planner Strader replied that they did not have any concern with what was proposed. **Commissioner Peck** asked if there were concerns about this being too close to the well. Planner Strader replied that the Health Department did not express concerns

about that. **Commissioner Peck** asked what is required for a well protection zone. Ms. Brackin replied that it depends on the type of well, and she does not know the well protection zone requirements for this well. That information would come from the State Water Engineer. **Chair DeFord** confirmed with Staff that Service Area 3 is responsible for protecting the well, and they did not provide any comment.

Commissioner Klingenstein commented that traffic and waste management are measurable and can be easily dealt with, but he struggles with noise, which is subjective and a legal enforcement issue. He asked what action would be taken if there is excessive barking and how that could be enforced. Ms. Brackin explained that the County has a noise ordinance that prohibits noise above a certain decibel level within some time periods, and the Sheriff's Office has meters to measure noise. Animal Control can also be a part of that monitoring and enforcement. In terms of revoking a permit, that process starts administratively with the County, and could eventually end up in the District Court. **Commissioner Klingenstein** recalled that he previously requested research regarding the kennel in Kamas, whether other kennel operations have CUPs, and what kinds of conditions have been placed on them. He wanted to be sure they are consistent with those CUPs, and if complaints have been made that are unenforceable, he would like to know if they could do a better job on the conditions for this application.

Commissioner Velarde recalled that they have previously placed a condition on CUPs asking for a review of the CUP in a year and asked if that could be done in this case. Ms. Brackin replied that it could. **Chair DeFord** asked if the LIP would run with the land. Planner Strader replied that it would. This is an allowed use in the zone and is identified as a LIP because it is less intense than a CUP, but they can place conditions on a LIP. Ms. Brackin clarified they can include a condition to measure the amount of complaints and problems associated with the LIP, and after that they could amend the conditions or revoke the permit by going through another administrative process. The condition would not automatically revoke the permit, but having a review to see if they want to start another administrative process is an acceptable condition of approval. The applicant stated that he was willing to be subject to a review process.

Chair DeFord opened the public hearing.

Bob Olson, Chairman of the Service Area 3 Board, commented that the former chairperson chose not to comment on this and did not share that information with the rest of the Board. Since then many people have come forward and asked him to represent them. He had 66 signatures of residents opposed to the LIP who do not understand why dogs and cats are being allowed to be boarded when horses were not allowed to be boarded. He was aware of two other situations in Silver Creek where people applied for dog kennels and were denied. He was also aware of two other situations where CUPs were approved with restrictions, and they are not adhering to those restrictions. He stated that when the County is notified, no one comes out, and if they do, they are convinced that the neighbors are wrong. He expressed concern that this should not have been processed as an LIP and that the residents are not being heard. **Chair DeFord** asked if

there are any legal issues that would affect Service Area 3 in conjunction with the proposed use. Mr. Olson explained that Service Area 3 deals only with roads and water, and their only concern would be to get the potholes repaired on the road, and he believed there would be additional traffic on the roads going to this facility. They are also concerned about migration of what goes into the soil into their well, which is not far from this facility. He stated that a CUP was granted across the street from where he lives, and the standards of that CUP are not being met, even though the County has been notified more than once. He was not comfortable with how the County responds to citizens when they complain about things. **Chair DeFord** explained that the Planning Commission cannot consider opinion and feelings in the public hearing. They must consider whether the application complies with the use table in the Code, and they need hard facts and evidence. If Service Area 3 can show there is a water contamination issue, they can consider that. Mr. Olson stated that their water manager has contacted the Health Department and expressed their concerns, and that is well documented. **Chair DeFord** explained that concerns and opinions are different from evidence, such as data from the engineer showing the impact this would have on the well. Mr. Olson stated that he did not know about this until just a few days ago, and it is difficult to come up with facts in a few days.

Commissioner Velarde asked how far this facility is from the Service Area 3 well. Mr. Olson estimated that it is about 800 feet, but there are private wells just a few hundred feet from this facility that are under the Service Area 3 water rights, and that is part of the fact finding they need to do with their water consultant. **Commissioner Velarde** asked whether that was a concern when there was a veterinary clinic in this location. Mr. Olson replied that no boarding was allowed at the veterinary clinic, and horses do not make the kind of noise dogs make. He was not on the Service Area 3 Board when that permit was issued and could not speak to that question. **Commissioner Velarde** explained that a veterinary clinic was located on this site, and horses poop. This application is for dogs and cats at this location, and the conditions require that the waste be cleaned up and professionally removed from the neighborhood at least once or twice a day. She did not believe any of the citizens who have dogs do that. She explained that they are looking for something legal to stand on, not just a complaint that people do not want this in their neighborhood.

Dan Lau stated that he is a neighbor who lives within 1,000 feet of this facility. He asked Commissioner Klingenstein to recuse himself, because at the last meeting he said Dr. Prior is his veterinarian, which is a professional relationship, and there is an appearance of impropriety. Ms. Brackin explained that, under Utah law, the only thing that requires a Commissioner's recusal is if he has a financial interest in the application, which Commissioner Klingenstein does not. He disclosed as a courtesy that Dr. Prior is his veterinarian. **Commissioner Klingenstein** explained that there is no professional relationship. He is a customer or client of Dr. Prior's, there is no business relationship with him, and he has asked some of the hardest questions of Dr. Prior with regard to this application. He did not see that there is a conflict of interest under State law. **Chair DeFord** explained that the Commissioners are all citizens of the community who serve

on a voluntary basis. If they all had to recuse themselves because they shop at the same store, there would be no one who could serve on the Planning Commission. Mr. Lau reiterated his demand that Commissioner Klingenstein recuse himself. He asked if the applicant or Staff have experience with an 80-dog kennel. The applicant replied that the application requests up to 60 dogs boarding and 20 dogs for day care. He stated that he has experience, although not with 80 dogs, but he has employees who have run large boarding facilities in other areas. Mr. Lau asked if any studies have been done on the urine and fecal odors of 80 dogs. **Chair DeFord** explained that Staff has talked to the Health Department, which is the authority for the County, and they have no concerns. Mr. Lau asked if any studies have been done about potential groundwater problems. **Chair DeFord** noted that has been covered by Service Area 3, which has not provided any studies or facts. Mr. Lau asked if there is a 30-dog limit for dog kennels in Summit County. The applicant stated that he spoke with Animal Control today, and that may be correct. However, there are facilities with 65 dogs in areas smaller than this, and he believed that might not be enforced. Ms. Brackin explained that Staff sent the application to Animal Control to see if it violated their ordinance, and they did not respond. She was not aware of a restriction to 30 dogs, and Animal Control did not point that out when the application was sent for their comment. Mr. Lau argued that, if 80 dogs violates existing law, that legal point needs to be addressed, and the fact that the Commission does not know about it is important. He referred to the applicant's prior statement regarding methods he plans to use to keep the dogs quiet and asked if any studies were done about that. **Chair DeFord** explained that the County's noise ordinance will be used to address noise issues. Mr. Lau commented that 80 dogs in a confined space will increase the intensity of noise and odor, and when there are 80 dogs there, they will be back with complaints. He stated that the Montessori School is concerned about loose dogs and the safety issue that would create for the school. He asked that more restrictions be placed on the permit.

John Graber stated that Mr. Olson wishes to correct his comments to say that this facility is 600 feet from the Service Area 3 well. He stated that, if this issue was important enough, there should have been enough time allowed. He commented that dogs communicate with each other, and when a dog is put in with a group of other dogs, it will communicate and make noise. He stated that someone made a presentation to the water committee about how water flows and how things seep into the water, and the fact that Silver Creek is on septic tanks increases that problem. The fluid from this use would also drain into the soil. He doubted that a professional company would come in once or twice a day, and he believed it would be once a day at best. He stated that water contamination is a serious problem. With regard to fencing, he stated that wooden fences break down and develop holes, and a chain link fence would allow more noise out. He has only seen Animal Control drive through the area three or four times, and he did not anticipate that they would drive through Service Area 3 very often, so he questioned whether there would be any noise enforcement. He commented that, once a business is in place, it is difficult to shut it down. He believed the issues should be addressed now before the applicant spends a lot of time and money. He expressed concern about whether the Planning Commission has the best interests of Service Area 3 in mind. He has a hard

time understanding what is meant by low impact when they are bringing in a lot of noise and water issues, and he thought Staff was more interested in the benefit of the applicant than Service Area 3. **Chair DeFord** explained that Low Impact Permits are shown on a use chart, with requirements the Planning Commission has to abide by, and that is what they are going by. Mr. Graber commented that he spent 32 years in law enforcement, and he knows that corruption exists and that people are bought and paid off, and he hoped that does not happen. **Chair DeFord** explained that the Planning Commissioners are citizens, just like everyone else, and there is no impropriety and no wrongdoing. They are doing their civic duty, and they have to make their decisions based on the County Code and State law. They cannot make decisions based on opinions and feelings and whether they like something or not.

Travis Hardman expressed concern about property values, and that cannot be measured unless they get someone out there to appraise the properties. He stated that his property is adjacent to the proposed facility, and there will be a financial impact on the properties there. He asked if there has been any discussion of the decrease in property values. **Chair DeFord** explained that is not within the Planning Commission's purview. The property in question is zoned NC, there is a use chart showing what types of businesses are allowed in the NC Zone, and this use is allowed in the NC Zone.

Reggie Hyde asked why they are asking for public input unless the Planning Commission has the ability to say yes or no on an application. **Chair DeFord** explained that they do have that ability, but the decision must be based on the Code. Mr. Hyde argued that, if it is based on the Code, there is no need for public input, because the Planning Commission just rubber stamps the application. **Chair DeFord** explained that they ask for public comment because sometimes Staff or the Planning Commission miss something in their analysis, and the public may be able to help resolve things they may have missed in their analysis of the Code. Mr. Hyde stated that he believed almost 90% of public opinion is that it is all right to have the horse hospital and services but not the dog pound. When this property was rezoned in 2005, the application was for a veterinary hospital, and the people in the neighborhood supported that rezone request, because it was compatible with the neighborhood and Service Area 3. **Chair DeFord** explained that when property is rezoned, a lot of uses could go into that zone. Mr. Hyde stated that he understands that, but the neighbors did not anticipate that the horse hospital would not succeed, and it was needed in the area. He stated that the neighborhood supported the rezone so a horse hospital could be built, not a dog kennel, and he did not believe the neighborhood would ever have supported the rezone if it had included a dog kennel. He noted that other dog kennels have been applied for in Silver Creek and were denied, and he emphasized that the neighborhood does not want a dog kennel. **Chair DeFord** reiterated that this is an allowed use in this zone, and whether the neighborhood wants it is not applicable to the LIP application. Ms. Brackin explained that, in addition to the noise ordinance, there are Animal Control regulations that specifically regulate kennels. If there is excessive barking and Animal Control receives complaints, enforcement action can be taken even if the decibel levels are not high enough to violate the noise ordinance. Those regulations also include clean-up of waste, and she believed the Planning Commission would require

that this use comply with all of the Animal Control ordinances. Mr. Hyde stated that enforcement of those regulations does not occur, because he has called Animal Control, and he never sees them. **Chair DeFord** explained that enforcement is an issue for the County Manager to address.

Peter Player stated that he has an issue with the fact that the rezone was turned down for horse boarding, and now they are attempting to put a dog kennel in. He claimed that Planner Strader told him that dogs are quieter than horses, and that is why she considered this to be a Low Impact Permit. He went to the kennel in Kamas, and there is only one house in a quarter-mile radius. He stated that they should not put a kennel in the middle of a neighborhood. He noted that Planner Strader never mentioned all the houses behind the proposed kennel. **Chair DeFord** reiterated that this property is zoned NC and that a dog kennel is an allowed use in that zone. Mr. Player asked if this permit goes with an idle business. Ms. Brackin explained that, once the zoning was changed to NC, that zoning does not end, and zoning requires a legislative change. Anything that is an allowed use in the NC Zone can be proposed on this property. Mr. Player asked how long they would have to challenge the decision to process this as a LIP. Ms. Brackin explained that this is an administrative decision, and once the administrative decision has been made, a certain number of days is allowed to appeal that decision. That information is found in the Summit County Code Title X, Chapter 9. Mr. Player explained that in Salt Lake County, dog kennels are only allowed in a commercial area in a sound-proof building. **Chair DeFord** explained that they have to make this decision based on the Summit County Code, and if the Planning Commission were to deny the permit because they do not like the use, the applicant would have the same appeal process and would win his argument in court. Mr. Player stated that anyone with common sense knows that dogs bark. He stated that he spoke with Officer Vernon this afternoon and was told there is a 30-dog limit, and the County Council is looking at expanding the numbers. He encouraged people to call their County Councilor and tell them they don't want that. He asked how many dogs would be allowed if there is a limit of 30 dogs. **Chair DeFord** explained that their legal counsel has told them that there is not a limit of 30 dogs, and that is what the Commission has to rely on unless Mr. Player can cite from the Code where it states that there can only be 30 dogs. Mr. Player stated that the LIP application says it will not intensify noise or odors, and anyone would know that putting 60 dogs in a building will intensify noise. He confirmed with Planner Strader that she told him she considered this to be a Low Impact Permit because of the applicant's operational plan and asked her when she received the operational plan. Planner Strader replied that she did not have it date stamped and did not know when she received it. Mr. Player stated that his facts show that she received it on October 15, 2013, but the Planning Commission approved the Low Impact Permit in August. **Chair DeFord** clarified that the Planning Commission will make a recommendation to the Community Development Director, who will make the final decision on the application, and the Planning Commission has not yet made a recommendation to the Community Development Director. Mr. Player stated that Planner Strader told him she met with her board in August and determined that this should be processed as a Low Impact Permit based on the applicant's operational plan, which she did not receive until October. He asked why the Low Impact Permit was

granted three months before the operational plan was submitted. Ms. Brackin explained that, when Staff receives applications, they try to get all the information they need to make a decision. Often the appropriate process for the application is in question, so they discuss it as a Planning Staff, and the Community Development Director makes a determination, which was the case with this application. Once that is done, they know what is required from the applicant, and if additional information is required to process the application, it is requested. If that information is received, the application proceeds to this point. There are times when an application may sit for several months waiting for all of the information to come in before it comes to the Planning Commission.

Commissioner Velarde asked if the previous veterinarian applied for horse boarding or just for a veterinary clinic. Planner Strader replied that application was for a veterinary clinic, not for horse boarding. Through the process, a condition was placed on the CUP for the veterinary clinic that restricted horse boarding, but the applicant never applied for horse boarding.

Steve Rasmussen stated that he lives next door to this property and believes someone needs to come in and do something with the building, but he did not think the clinic is the right thing. He expressed concern that his well sits between his house and the clinic, and there are springs on the back of his lot which are probably 50 feet from the property line. He stated that the road is not wide enough, does not have a stripe on it, and is full of holes. He did not believe people would drop off their dogs in Park City, and they would not wait to bring their dogs at 10:30 if they have to be to work at 7:00.

Brandon Bertagnole, a resident of Silver Creek, stated that he knew the horse veterinarian would have liked to board horses, but she may not have put that on her application because she knew it would not be approved. He did not believe she would have applied for dog boarding, and either way it would have been denied. He noted that the LIP Code criteria say that it does not intensify noise levels or odors, but this will intensify the noise level and odors. He noted that the CUP criteria state that no conditional use shall be approved unless the applicant demonstrates the use is not detrimental to public health, safety, or welfare. He is on the water advisory committee for Silver Creek, and he indicated the location of their well house and stated that potential health issues are a concern. With regard to property values, he would not buy a house next to this and would not rent a house next to the kennel, and people will suffer damages due to the kennel. He stated that he was in favor of the horse hospital. He referred to the CUP section of the Code and stated that the applicant needs to put up an escrow or bond.

Chair DeFord explained that this is a LIP application, and the CUP criteria do not apply, so they cannot require that of the applicant. Mr. Bertagnole stated that, if the water is affected, the property values around it will be affected and asked who would be responsible for that. **Chair DeFord** explained that the Planning Commission has not yet received factual evidence regarding water contamination, and they need Service Area 3 or the State to clarify that issue. Mr. Bertagnole contended that, based on the CUP criteria, the property owner needs to provide those studies and prove that he is not going to affect their water.

At **Chair DeFord's** request, Ms. Brackin recited the uses allowed in the NC Zone. Planner Strader explained that there is a process for amending CUPs. A minor amendment can be processed as a LIP, and a major amendment is processed as a CUP. The difference between the two is that a CUP always requires a public hearing, and a LIP does not. The LIP criteria talk about not increasing noise or odors, and based on the operational plan submitted by the applicant, Staff felt it would be best to process this as a LIP with a public hearing. Ms. Brackin explained that, if the decision to process this as a LIP were appealed, and it was determined on appeal that the LIP was the wrong process, the application would come back for a CUP review, which does not include the criteria regarding noise and odors.

Mr. Bertagnole stated that he looked at dog kennels in the Code, and specific issues about dogs and watershed are mentioned in the Code. He stated that there is a direct slope to the well from this property. He has livestock five miles from Mountain Dell Reservoir, and he gets in trouble if his livestock goes over the hill toward the reservoir. They are talking about putting a bunch of dogs 600 feet from the well. He stated that, because there is more paper water than actual water in the Snyderville Basin, Silver Creek is tying its water system into another water system for emergency purposes, and this could affect people outside of Silver Creek as well. He asked the Planning Commission to deny the dog kennel, because this never would have been approved as a dog kennel.

Mike Robb stated that he lives two lots away from the proposed dog kennel, and the Low Impact Permit says the use does not intensify noise levels or odors, but this does. If the applicant claims the dogs will not be loud or make noise, then with the rules the Planning Commission has before them, they cannot consider this application. He believed it is the Planning Commission's duty to set guidelines that limit the noise levels, and if it exceeds those noise or odor levels, the permit should be revoked. Ms. Brackin explained that this is a land use application, and the question is whether the use is allowed on this piece of land. There are criteria in the Development Code that must be followed, and the LIP says it will not increase noise or odors, but the CUP process does not require that. She explained that the Planning Commission must look at the provisions in the land use Code. In addition, the County would require the applicant to have a kennel permit as part of his business license, and he would have to address the noise, odors, and water shed in addition to what the Planning Commission does here. Because this LIP process amends a CUP, it is appropriate to have conditions that they think will mitigate impacts as they feel appropriate. She reiterated that this is an allowed use, and to the extent that it complies with the Code, the applicant is entitled to an approval. If the Planning Commission finds that the use does not comply with the Code, they can make that finding, and if it complies with the Code but they think there will be impacts, they can recommend conditions. Mr. Robb asked the Planning Commission to put some conditions on this so it will not have an impact on their neighborhood, and the applicant should be willing to abide by those conditions and should not be opposed to setting a decibel level. He asked the Planning Commission to help them out as neighbors.

Tom McPhee, a Silver Creek resident, stated that he owns two properties behind this proposed operation and rents those properties out. He was excited about having an emergency clinic for large animals in the neighborhood, and he did not believe his property values would be affected if this operation is run properly. He stated that one of his neighbors came to the Planning Commission with his sled dog operation, and he heard a lot of the same remarks at that time, but he has turned out to be a great neighbor and did what he said he would do. His operation is an asset to Silver Creek, and he would like to believe that Dr. Prior will follow through and do what he says he will do and be a good neighbor. He believed he would increase the property values by turning an empty building and weedy lot into an operation that is successful and an asset for Silver Creek. He commented that he lived behind the Montessori school for a short time, and the children make a lot of noise. He hoped that there would be guidelines for Dr. Prior to follow that would keep the neighbors happy, and he would like to see this project go forward.

Betty Brown Bauwens stated that she is the Service District 3 Clerk and water advisory committee chair. She noted that there are 12 criteria for a Low Impact Permit, and she did not find more than three or four that are met. She asked how many of the criteria must be met in order to determine that they can approve the permit. She noted that no overnight boarding was allowed in the original approval, and this permit will allow overnight boarding, so that does not meet the criteria. She stated that it will intensify the likelihood of pedestrian and vehicular conflicts, because there are no sidewalks along the road. She did not have a problem with the criteria but was trying to understand how they have been met. **Chair DeFord** explained that is all addressed under Item F in the staff report. Ms. Bauwens stated that she believes this does create a sudden change in privacy for adjacent owners and will create significant dust and dirt conditions. She reiterated that it will increase noise and odors and stated that it does not meet the condition regarding not creating unsightly conditions, including unscreened storage and other environmental concerns. She noted that concerns have already been expressed about their principal water source being 600 feet from this property. She noted that originally a 10-foot fence was proposed, and now a 6-foot fence is proposed, and if there are two feet of snow, the dogs will be able to jump over the fence. She did not believe it was a sensible situation with the Montessori school two lots down. She liked the idea of having a veterinarian in their neighborhood, and they would welcome that. She asked where the citizens could call to address noise and odor issues if necessary. Ms. Brackin explained that complaints could be made to the Sheriff's Office under the noise ordinance, through the Code Enforcement Officer, or through the Animal Control department. Ms. Bauwens asked about the well protection plan, and Ms. Brackin replied that she will address that after the public hearing.

Amanda Lau stated that she is adjacent to this property by the Montessori School and has a well. She asked about the decision date for the permit and stated that she would pay a specialist to come out so she can give the Planning Commission data. Ms. Brackin explained that, if a recommendation is made this evening, it will go to the Community

Development Director, and before he makes a decision, he can accept additional information the public may want to provide.

Kyle Arnold, a resident of Red Hawk, spoke on behalf of the applicant. He noted that a lot of people are talking about what he will or will not do. He has known the applicant for a long time and believed Dr. Prior would go out of his way to be sure things are right for the neighborhood. He noted that many other uses could be proposed on this property that would be much worse than a dog kennel, and probably with an owner who might not care as much as Dr. Prior does. With regard to the animal waste, he noted that Silver Creek is all on septic tanks and is one big leachfield, and thousands of people and animals in that area are putting their waste into the ground, and it all makes its way into the water system. He did believe what 60 or 80 dogs might do is nothing compared with what is already there. He explained that it is not this applicant's fault that the property was zoned Neighborhood Commercial, and there could be worse uses for this property than what is proposed.

Marcelo Ocon, a resident of Silver Creek, expressed concern over nitrates in the water in Silver Creek. He stated that he is not against Dr. Prior's business, but the septic system that was put in on this property in 2005 was based on the kind of business that was going in at the time. He believed this poses a health hazard and a concern for the community because of nitrate levels. He requested that the Health Department and the Planning Commission look at this very closely, because a health hazard is being proposed, and it continues to increase because people are moving into Silver Creek. He wanted the Planning Commission to be sure that the water will be safe.

Marsha Hyde, a resident of Silver Creek, stated that Dr. Prior is already advertising this business in the Park Record, and she felt this may already be a done deal. She stated that she has worked in grooming and boarding animals for 40 years, and they share a lot of common clients. She noted that some of the people who have spoken tonight are from Deer Valley and Red Hawk, and she believed comment should only come from people who live in Silver Creek. She understood from a conversation with Dr. Prior that he did not plan to have a small animal clinic in this location. Dr. Prior explained that there are buildings on the property, and one will remain as the equine surgical center. He is applying to turn the other building into the boarding facility, and any small animal medicine will probably be performed at the Park City Animal Clinic. He might do a vaccine here, but that is not the priority for this facility. Ms. Brackin confirmed that Dr. Prior could operate a veterinary clinic at this location if he chooses to do so. Ms. Hyde stated that one reason she did not locate her business in the White Pine Veterinary Clinic is because of the kennel there, and they could not hear the telephone ring because the dogs were so noisy. If one dog barks, the rest of them will bark. She asserted that, even if they know a dog barks, they will take that animal in because of the income. She stated that when the County issued a permit to Tally-Ho, they were expected to carpool the people and animals there, but that has not happened. She did not believe people from Kamas or Coalville would drop off their dogs in Park City when Silver Creek is on their way to the airport. She was also concerned about contamination of the water.

Chair DeFord closed the public hearing.

Ms. Brackin reported that she has done an internet search and found some information on the water issue. She explained the four categories of water sources, and according to the State Division of Drinking Water web page, Service Area 3 has groundwater sources, which are deep wells. Under the Utah Code, water source protection zones are only required of counties of the first and second class, but Summit County is a county of the third class. Summit County does have some water source protection ordinances in the Snyderville Basin Development Code, but that applies only to surface water, and there is no requirement for a protection zone for ground water. She explained that this well does not have a well protection zone owned by the water company.

Commissioner Barnes stated that he has heard this evening that this LIP did not require a public hearing and that Staff chose to have one. By doing so, they have done what they would have done if this had been a CUP application. He also heard that noise, traffic, and odor are addressed in the LIP but might not be considered in the CUP process. Ms. Brackin clarified that noise, traffic, and odors are not specifically listed in the CUP criteria, but any impacts can be considered. **Commissioner Barnes** stated that he has empathy with the concerns raised this evening, but the Planning Commission's hands are tied with regard to what they can consider. He verified with Ms. Brackin that this is an allowed use in this zone and asked what restrictions can be placed on this application to see that the concerns are addressed. Planner Strader replied that the Planning Commission can place conditions on the permit that will mitigate any health, safety, and welfare impacts. **Commissioner Barnes** stated that he would like to have a yearly review and put some parameters on the permit that are measurable. He asked if the County has an odor ordinance. Ms. Brackin explained that there are restrictions in the Animal Control ordinance that require an applicant to present a plan to control and mitigate the odors, and the applicant has submitted that plan. **Commissioner Barnes** asked what class of road this is and what impacts the increased traffic would have on the road. Planner Strader explained that Beehive Drive is at a Level of Service (LOS) A, which is the highest LOS, and the Engineering Department review shows that the LOS would remain an A. **Commissioner Barnes** asked if the permit could be withdrawn if the applicant does not comply or if they could only place further restrictions or fines on the applicant. Ms. Brackin explained that with any development permit approval with conditions, there is no recourse to withdraw the permit as long as the conditions are met. If it is determined that the terms of the approval have been violated, there is a process by which the permit approval can be withdrawn.

Commissioner Velarde stated that she finds herself straddling the Planning Commission's job to uphold the Code and the best interests the public is calling for. What she believes is in the best interests of the neighborhood is to have a veterinarian with a thriving business and not empty buildings that are falling into disrepair. However, in looking at the 12 conditions for approval, she could not apply common sense to the findings and could not believe that 80 dogs would not have a significant impact on noise.

With regard to the neighbors' concerns regarding water and odors, the applicant has a plan that says he will have the waste picked up twice a day, and he must meet the conditions of the LIP. She agreed there would be pedestrian-vehicular conflicts on the road, because there is no shoulder on the road, and there would be a sudden change in privacy for adjacent property owners. While she believed the applicant would keep his word, the next person who may buy the property might not, and they might find themselves obliged to sue. While she believed it would be the best thing for the neighborhood to have the kennel there, she did not believe the applicant meets the qualifications of the LIP.

Commissioner Franklin believed the applicant would be in a tight spot if he fails to meet all the conditions being applied to this application. He would lean toward approving the LIP and reviewing it again in a year. He noted that additional conditions will be imposed when the applicant applies for a commercial kennel permit. He acknowledged that additional noise would be generated, but he did not know whether it would be excessive, and he was willing to take the applicant at his word. There may be an increase in odor, but he does not know at this point whether that is the case. He believed the economic viability of the neighborhood would be enhanced if they are able to have a large animal clinic and provide the boarding capability.

Commissioner Lawson verified with the applicant that he intends to have an equine surgical center at this site as well as the boarding facility. He was surprised that there is so much opposition to dogs with this having been previously approved as a horse veterinary clinic. He agreed that 80 dogs is a huge amount and believed it would make sense to reduce the number of dogs to begin with and give it a trial for a year, with a review in a year to see if the operation is successful and if the applicant is performing as he has proposed. Ms. Brackin explained that the land use ordinances do not set a limit on the number of dogs for this use, and it would be inappropriate for the Planning Commission to put a limit on the number. However, under the kennel permit process, Animal Control can limit the number of dogs, but that is for them to address. Under the land use process, they are approving the use, regardless of the number, and under the kennel permit process, Animal Control may have a limitation on the number of dogs.

Commissioner Lawson stated that it would be useful to know how many dogs the applicant would be entitled to under the Animal Control regulations. With regard to fencing, he believed it would be appropriate to set a certain height and sound buffering capacity for the fencing so it will function to keep the sound in and prevent visual contact with dogs on the other side of the fence to keep them from interacting with one another. He believed the fence should be no less than 6 feet, and with snow conditions, it may need to be higher. He also believed it should have some acoustical quality to deaden the sound.

Commissioner Peck stated that she understands that a commercial kennel is an allowed use, and she would want conditions that recognize that the noise ordinance will apply and that noxious odors would be addressed. She believed the neighborhood would monitor that, and the applicant is on notice that will happen. She was not as concerned about

water conditions as she was originally and invited Service Area 3 to get their water operator and consultant to submit facts to the Community Development Director if they believe this will result in deep groundwater contamination. She was not certain a 6-foot fence is high enough, but whatever the height, it should be adequate to contain the dogs.

Commissioner Klingenstein felt comfortable that this would not significantly increase vehicular traffic as long as the plan is adhered to. With regard to pedestrian-vehicular conflicts, he explained that every time a house or commercial use is built, it increases that conflict, and he did not see that this would be any worse than any other type of use in this location. He wanted more information about intensifying noise levels and to understand how the County Animal Control people review this. Ms. Brackin referred to the Code sections regarding Animal Control and explained that they may have internal rules in addition to what is in the statute. **Commissioner Klingenstein** asked how Staff determined that this would not result in a sudden change of privacy for property owners. Planner Strader explained that, looking at what is allowed to be constructed on the lots in the NC Zone, they did not feel this use would be a sudden change in privacy, because those buildings and uses are already allowed under the CUP. **Commissioner Klingenstein** asked about impacts on private wells adjacent to the proposed use. Ms. Brackin explained that she can only comment on what is available publicly online, and the County did not receive any notice that there is any surface water that is used for potable water that would have to be treated. Regardless of what may be contaminated, it would be treated, and groundwater under the influence of surface water would also have to be treated before it could be used. If culinary wells are being used by property owners, she believed they would be groundwater wells; otherwise they would have to be treated under EPA and State regulations. **Commissioner Klingenstein** asked if the current septic system design on this property meets the needs of this use. Dr. Prior explained that the site will be continually cleaned up, and the waste will be removed from the facility at least once a day. Currently each of the horse stalls has a drain which goes into a septic tank, and the solids would be picked up like the dog waste. **Commissioner Klingenstein** stated that he would like clarification of the conditions regarding waste removal and that the applicant will comply with the noise ordinance, nuisance ordinance, Animal Control ordinance, and kennel permit process. He agreed with having a one-year review and a more adequate understanding of the fencing system.

Chair DeFord summarized the issues the Planning Commission would like to have addressed, including fencing. Planner Strader explained that Staff would defer to the applicant with regard to appropriate fencing, because there are no fencing standards in the Code except that, if a fence is more than 6 feet high, it requires a building permit. Ms. Brackin clarified that the Planning Commission can consider the fencing in their recommendation as a mitigation of the noise impact. **Chair DeFord** stated that he is more concerned about the snow height in the winter and having the fence tall enough to allow for that. He stated that he would be comfortable with the fence being up to 8 feet.

Ms. Brackin suggested that, if the Planning Commission is not comfortable making a recommendation based on the conditions before them this evening, they should continue this item until they are prepared to make a recommendation.

Commissioner Klingenstein summarized that they want to clean up the conditions so they reference clearly what the waste removal standards will be and that the applicant shall comply with the Animal Control, nuisance, and noise ordinances and the kennel permitting process. They would like a condition that requires a one-year review and information on the fencing to address height and noise muffling. **Commissioner Velarde** wanted to give Service Area 3 an opportunity to submit their findings on a study of the water quality issue. **Chair DeFord** noted that the public hearing has been closed, and the service provider had an opportunity to comment. He noted that they will have an opportunity to provide those findings to the Community Development Director before he makes a decision. **Commissioner Barnes** stated that he believes the authority for the review in one year rests with the Community Development Director, not with the Planning Commission. He suggested that the LIP be reviewed and that Staff report back to the Planning Commission regarding the review.

Commissioner Peck made a motion to continue this LIP recommendation pending an amplification of the conditions to reflect the comments made by the Commissioners. The motion was seconded by Commissioner Klingenstein.

Commissioner Franklin noted that Finding of Fact 3 is missing from the staff report and amended the motion to correct the staff report. The amendment was accepted by Commissioners Peck and Klingenstein. The motion passed unanimously 7 to 0.

4. **Public hearing and possible action regarding a Low Impact Permit for a private lift/elevator located at 242, 243, and 244 White Pine Canyon Road; Kristian Mulholland, Applicant** – *Amir Caus, County Planner*

Commissioner Lawson recused himself from discussing and voting on this item, as he is employed by the applicant.

County Planner Amir Caus presented the staff report and a vicinity map showing the location of the proposed lift. He explained that this application is governed by the Canyons SPA. He stated that the applicant proposes a 1,300-foot-long private ski lift/elevator to be built in two phases. The first phase would serve Lots 243 and 244, and the second phase would serve Lot 242. The track height varies from 9.5 to 13 feet above ground, with a cabin height of 7 feet. He reviewed the staff analysis in the staff report, including color and materials, screening, safety, open space, and height. He provided a visual analysis from several locations in the Snyderville Basin and noted that, for the most part, the lift will be in the tree line except for one small area. He provided illustrations of the track and cab and noted that no lighting is proposed for the lift or the

Boyer Company's goal. He commented that Director Putt stated that the intent of the Development Agreement was to not put businesses in the Tech Park that compete with existing businesses in the Snyderville Basin and Park City, but they moved a real estate business that was in the Redstone development into Building A. They also got off on the wrong foot with Building A with the way the height was measured. He hoped the Commission would look at any proposal Boyer brings to them with scrutiny and a willingness to protect the community. He stated that he went through all the documents associated with this Development Agreement, and Boyer had every opportunity to look at other tech parks when they struck the deal with the County. He stated that the uses in the Agreement were determined after Boyer had done its due diligence, which was substantial, and he believed they should stick to the deal.

Chair DeFord closed the public input.

2. **Discussion and possible action regarding a Low Impact Permit for a dog and cat boarding facility; Parcel SL-H-508; 1005 East Beehive Drive; Carl Prior, Applicant – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and recalled that the Planning Commission conducted a public hearing regarding this Low Impact Permit (LIP) on January 14, 2014. After the public hearing, the Planning Commission directed Staff to return with additional conditions to address concerns raised at the public hearing. She reported that Staff has confirmed with Animal Control that there is no maximum of 30 dogs allowed in a commercial kennel, and the number of animals is reviewed on a case-by-case basis. She reported that Staff received a written recommendation from the Health Department concerning use of the facility, which she read into the record. The Health Department found that this use would not greatly alter the permitted use of the septic system, but they felt that additional conditions should be addressed. Those are that a solid waste management plan needs to be composed and submitted; the plan should include collection and removal of solid waste, bedding material, and solid fecal waste, and these materials should not enter the septic system; increased water usage may result in overloading the septic tank, and water usage should be monitored; limit the use of cleaning chemicals; and increase the frequency of septic tank pumping. Staff recommended that the Planning Commission forward those recommendations as part of the record that will go to the Community Development Director for final consideration and clarification if necessary. Planner Strader reported that Staff has received a petition with approximately 60 signatures that will become part of the record and be forwarded to the Community Development Director. She reviewed the conditions of approval as shown in the staff report. Staff recommended that the Planning Commission forward a positive recommendation to the Community Development Director with the findings of fact, conclusions of law, and conditions of approval shown in the staff report.

Commissioner Franklin referred to Condition 2 and recalled that Commissioner Lawson requested some sound dampening on the fence, and he suggested what could be done with the fence to dampen the sound. He noted that Condition 8 states Conditional Use

Permit rather than Low Impact Permit, and he understood the LIP for the kennel would be reviewed in one year, not the CUP for the horse boarding.

Commissioner Peck believed the solid fence was intended to mitigate noise, and she was not sure she wanted to ask the applicant to go to extra effort to provide sound dampening. She believed the noise ordinance would be the safeguard for noise, and putting additional requirements on the fencing would be overreaching. She confirmed with Planner Strader that the Health Department has a copy of the applicant's waste management plan and asked how Staff would monitor the Health Department's conditions. Planner Strader explained that Staff recommends the entire file with the recommendations from the Health Department be forwarded to the Community Development Director, and Staff could work with the Health Department to come up with some measurable standards. **Commissioner Peck** requested that the Health Department give more clarification, because some of their conditions seem vague. She believed the ordinances in place would take care of noise and odor and that the plan Dr. Prior has submitted is quite comprehensive.

Commissioner Lawson asked if Staff took into consideration the information delivered by Service Area 3. He stated that information seems to indicate this is within the well protection zone. Planner Strader replied that Staff received the material, but it did not include any concrete evidence, such as a water study, that would show how their water would be affected. **Commissioner Franklin** stated that he did some investigation on the well, and the kennel area is in Zone 4, which is potential contamination in 15 years. It is far enough out that it is not a concern for the Service Area 3 culinary well. There are other private wells, but they do not supply culinary water and are for agricultural use only, so there should be no problem with the water supply.

Commissioner Barnes stated that he believed Condition 8 should clarify that the Community Development Director would do the review. It was his understanding that the septic needs would not change, because the dog and cat kennel would not use the septic system, and the septic system needs would be similar to what already exists.

Commissioner Lawson stated that he is not satisfied that the wording "solid fence" rules out a chain link fence with inserts. He believed it is most important that they cannot see in and see out. He suggested that they require wood panel or cementious product for the fence, and he did not believe that would be an unreasonable fencing requirement.

Carl Prior, the applicant, explained that the land slopes down where the fence would be located, and it would be possible to look over into the neighbors' homes. He suggested that he bring in some fill and bring the level up by four feet so the neighbors and dogs cannot see each other. He stated that the fence will be adequate, because the dogs will not be running around outside by themselves. Staff will be with the dogs and entertain them. He stated that an option would be to make the fence smaller now and bring in fill in the spring and raise the fence. Planner Strader stated that she could not think of anything in the Code that would prohibit that, but she would want to refer to the Code to

be sure that is allowed. Dr. Prior verified that he would build the fence exactly as it is designed out of wood. Deputy County Attorney Helen Strachan stated that she believed a permit might be required from Engineering to bring in fill on private property. Dr. Prior commented that it is interesting that people are willing to have 30 or 40 horses on the property but not dogs, because one horse produces the same amount of waste as 20 or 30 dogs, and the waste will be removed from the site. Having dogs and cats on the property is actually better than having horses in terms of contamination.

Chair DeFord believed there was enough in the conditions to be able to check back on the use in a year. He did not think Dr. Prior as a business owner would want to be a poor neighbor, because he would want to protect his livelihood and business. He suggested that they include an additional condition that the Health Department recommendation would be forwarded to the Community Development Director for his consideration and clarification with the Health Department.

Commissioner Lawson asked why they are placing a condition on the LIP that the applicant would be required to get a kennel permit before he obtains a business license. He believed those are normal County ordinances anyway and asked why they are a condition of approval for the LIP. Planner Strader explained that they are standard conditions of approval to ensure that the applicant is aware they need to go through those processes. Ms. Strachan explained that if they did not include a condition that a kennel permit is required, in theory the applicant would not have to get a kennel permit. He might be in violation of Summit County Ordinance if he did that, but he would not be in violation of the land use permit, and they could not revoke the land use permit based on his failure to get a kennel permit. Planner Strader explained that Animal Control could not issue a kennel permit unless the applicant has a LIP. **Commissioner Barnes** clarified that an LIP gives an entitlement to the land, and for the County's protection and for the entitlement to be useful, the applicant needs these other permits. That protects the County from granting an entitlement to the land without these other things being covered.

With regard to the solid wood or cementious fence, **Commissioner Lawson** stated that he wanted to be specific enough to avoid a chain link fence with inserts or some other makeshift solid fencing. Ms. Strachan stated that she was not sure a cementious fence is allowed in the Code, and she suggested that they include language saying a solid fence that complies with the Snyderville Basin Development Code. **Commissioner Peck** stated that she would rather do that than to micromanage what kinds of materials the fence can be made of. She believed the word solid would imply solid and not see-through or transparent. Dr. Prior stated that he has no intention of installing a chain link fence and plans to install a wood fence.

Commissioner Franklin made a motion to forward a positive recommendation to the Summit County Community Development Director for the Low Impact Permit to amend the existing Conditional Use Permit for the Mountain Horse Medical Clinic to allow dog and cat boarding based on the following findings of fact, conclusions of law, and conditions of approval

as shown in the staff report dated January 23, 2014, with amendments to the conditions as discussed in this meeting:

Findings of Fact:

1. Parcel SL-H-508 is located at 1005 East Beehive Drive and is zoned Neighborhood Commercial (NC).
2. A Conditional Use Permit for a veterinary clinic on Parcels SL-H-508, SL-D-248, and SL-D-249 was granted in 2005.
3. On September 11, 2013, Carl Prior submitted a Low Impact Permit application to add dog and cat boarding to the existing veterinary facility located on Parcel SL-H-508.
4. There are two (2) 5,000-sq.-ft. buildings and an existing residence located on Parcel SL-H-508.
5. There are no exterior additions proposed to the existing buildings.
6. Parcel SL-H-508 is located in the North Mountain Neighborhood Planning Area as identified in the Snyderville Basin General Plan.
7. Section 10-3-4(C)(2) of the Snyderville Basin Development Code states that the Community Development Director or designated planning staff member may schedule a public hearing before the Snyderville Basin Planning Commission for a Low Impact Permit.
8. On January 14, 2014, a public hearing was held before the Snyderville Basin Planning Commission.
9. Staff provided the application information to the Summit County Health Department and did not receive a recommendation or conditions of approval.
10. Staff provided the application information to Service Area #3 and did not receive a recommendation or conditions of approval.
11. The Summit County Engineering Department reviewed the proposal and conditioned their approval on payment of the required transportation impact fees.

Conclusions of Law:

1. The Engineering Department reviewed the proposal and concluded that the proposed boarding facility, at full capacity, would not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) A.
2. Based on the applicant's operational plan, clients would be seen by appointment only. The site contains a total of 12 parking spaces and an additional 4 spaces for trailer parking.
3. Based on the applicant's operational plan, it does not appear that the addition of the dog and cat boarding facility would intensify the likelihood of pedestrian and vehicular conflicts.
4. Unscreened storage is not proposed as part of this permit, and therefore, unsightly conditions would not be created.
5. The applicant has proposed installing a solid fence to enclose the dogs that will be a minimum of 23 feet from the east property line and 62 feet from the north property line. Outdoor fenced areas and corrals

were anticipated and approved as part of the previously approved Conditional Use Permit.

6. The General Plan recognizes that the North Mountain Neighborhood contains a neighborhood commercial area that should be limited in size and type of uses which serve the immediate needs of or are compatible with the neighborhood. A dog boarding facility is an appropriate use in conjunction with the veterinary clinic.

Conditions of Approval:

1. Prior to approval of a Summit County Business License, the applicant shall obtain a kennel permit from Summit County Animal Control.
2. Prior to approval of a Summit County Business License, the applicant shall install a solid fence that complies with the Snyderville Basin Development Code, a minimum of 6 feet in height, in the location identified on the site plan. If the fence exceeds 6 feet, a Summit County Building Permit is required.
3. The applicant shall comply with Section 5-1-15 of the Summit County Code, as amended, that regulates nuisances such as, but not limited to, odors, noise, and sanitary conditions for animals.
4. The applicant shall comply with Section 5-3-9-E of the Summit County Code, as amended, that regulates noise made by animals.
5. Waste from the pets shall be cleaned up in accordance with the operational plan submitted by the applicant.
6. If the County receives complaints regarding overflow parking or excessive traffic occurring which appears to cause a safety issue, the Low Impact Permit may be re-evaluated by the Snyderville Basin Planning Commission and the Community Development Director.
7. Prior to approval of a Summit County Business License, the applicant shall coordinate with the Summit County Engineering Department regarding payment of transportation impact fees.
8. This Low Impact Permit shall be reviewed one year from the date of approval by the Community Development Director to ensure compliance with the conditions of approval. Failure to abide by the conditions of approval may result in revocation of this permit.
9. The recommendations from the Summit County Health Department will be forwarded to the Community Development Director for his consideration and clarification with the Health Department.

The motion was seconded by Commissioner Peck and passed by a vote of 4 to 1, with Commissioners Barnes, DeFord, Franklin, and Peck voting in favor of the motion and Commissioner Lawson voting against the motion.

3. **Approval of Minutes: October 8, 2013; November 12, 2013; December 10, 2013**

Commissioner Franklin made a motion to approve the minutes of the October 8, 2013, Snyderville Basin Planning Commission meeting as written.



March 13, 2013

Dr. Carl Prior
5886 Trailside Loop
Park City, Utah 84098

RE: Final Action on a Low-Impact Permit—
Modification of an existing Conditional Use Permit to operate a Commercial Kennel.

Dear Dr. Prior:

Please accept this letter as the notice of the Final Action on your Low Impact Permit to operate a Commercial Kennel at MHM Veterinary Clinic located at 1005 Beehive Drive, Park City, Utah. I have approved the Low Impact Permit subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT

1. Dr. Carl Prior filed a Low Impact Permit on September 11, 2013 to operate a Commercial Kennel for the boarding of dogs and cats on property known as Parcel SL-H-508 located at 1005 East Beehive Drive.
2. The property is accessed via East Beehive Drive which is a public road.
3. The property is located 150 feet from Interstate-80.
4. The single-family structure on the adjacent property to the north (SL-D-250) is approximately 520 feet from the proposed use.
5. The single-family structure on the adjacent property to the north (SL-D-247) is approximately 470 feet from the proposed use.
6. The single-family structure on the adjacent property to the north (SL-D-250) is approximately 520 feet from the proposed use.
7. The single-family structure on the adjacent property to the west (SL-H-509) is approximately 230 feet from the proposed use.
8. A Montessori school on the adjacent property to the east (SL-D-245) is approximately 510 feet from the proposed use.

9. The Summit County Special Service Area No. 3 submitted a letter to Summit County on January 27, 2014 stating that a water well serving 180 area households is located approximately 600 feet downhill from the applicant's property.
10. Parcel SL-H-508 is located in the North Mountain Neighborhood Planning area as identified in the Snyderville Basin General Plan.
11. Parcel SL-H-508 is 2.50 acres in size and is zoned Neighborhood Commercial (NC).
12. A Conditional Use Permit for a veterinary clinic on Parcels SL-H-508, SL-D-248, and SL-D-249 was granted on July 15, 2005. The proposed Commercial Kennel facility is in addition to the existing veterinary clinic use.
13. Two (2) 5,000 sq. ft. buildings and a residence are located on Parcel SL-H-508. The proposed Commercial Kennel will be conducted within one (1) of the 5000 square foot buildings (northerly-most building).
14. The proposed Commercial Kennel facility will accommodate a maximum of 80 dogs and 30 cats at any one time.
15. The proposed Commercial Kennel includes an outdoor fenced animal run area.
16. No unscreened storage is proposed.
17. The applicant stipulates to a condition of approval addressing noise mitigation that limits the times that dogs will be allowed in the outdoor run area and requires that all dogs be supervised when outdoors.
18. The applicant stipulates to a condition of approval requiring Summit County Health Department approval of a solid waste management plan prior to the commencement of the use.
19. The applicant stipulates to a condition of approval to install a solid 6-foot high fence to enclose the proposed outside dog-run area. The enclosure will be a minimum of 23' from the east property line and 62' from the north property line.
20. The property includes a septic system that was approved by the Summit County Health Department on June 27, 2001 and revised on July 23, 2008. The septic system approved is for the use of the veterinary clinic, cleaning horse stalls, office and living quarters. The system is not designated to eliminate domesticated animal waste.
21. The applicant stipulates to a condition of approval requiring Summit County Health Department approval of a septic system operations plan. The plan shall include a schedule of inspection/ monitoring, system performance evaluation, required maintenance, and pumping as required by the Summit County Health Department.
22. Water Service to the property is provided by Summit County Service Area No. 3.

23. The applicant stipulates to a condition of approval to cooperate with the Summit County Health Department to conduct a baseline water quality test of the Summit County Service Area No. 3 culinary well located approximately 600 feet downhill from the applicant's property. The applicant further stipulates to conducting a follow-up water quality test of the well six (6) months and again in twelve (12) months following commencement of the use.
24. The Engineering Department has reviewed the proposed use and finds that the proposed Commercial Kennel, at full capacity, will not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) A.
25. Section 10-3-4(C).2 of the Snyderville Basin Development Code states that the Community Development Director or designated planning staff member may schedule a public hearing before the Snyderville Basin Planning Commission for a Low Impact Permit.
26. Public notice was published in *The Park Record* on January 4, 2014 and individual notices were mailed to property owners located within 1,000' from the boundaries of the subject property.
27. The Snyderville Basin Planning Commission conducted a public hearing on the proposed use on January 14, 2014. The public hearing was closed and a motion was made to continue the item to the meeting on January 28, 2014 in order for Staff to clarify the conditions of approval.
28. The Summit County Health Department submitted a letter on January 28, 2014 addressing the proposed Commercial Kennel use. The Summit County Health Department stated that it appears the intended use will not greatly alter the original septic permit and established specific Health Department conditions of approval.
29. On January 28, 2014 the Snyderville Basin Planning Commission forwarded a positive recommendation to the Community Development Director for the Low Impact Permit for dog and cat boarding.
30. The property includes 12 existing parking spaces and 4 additional spaces for trailer parking. No additional parking is required per the Snyderville Basin Development Code.
31. No additional lighting is proposed.
32. The landscaping on the property was installed in compliance with the original Conditional Use Permit. No additional landscaping is proposed.
33. The applicant stipulates a Planning Commission review of the proposed use, one (1) year from the date of approval, for compliance with the conditions of approval.

CONCLUSIONS OF LAW

1. As conditioned, the proposed use is in accordance with the General Plan.

2. As conditioned, the use conforms to all applicable provisions of the Snyderville Basin Development Code, including, but not limited to, any applicable provision of said Code, the General Plan, and State and Federal regulations.
3. As conditioned, the use is not detrimental to the public health, safety, and welfare.
4. The use is appropriately located with respect to public services.
5. As conditioned, the use is compatible with the existing neighborhood character and with the character and purpose provision of the Neighborhood Commercial zoning district, and will not adversely affect surrounding land uses.

CONDITIONS OF APPROVAL

1. The Planning Commission shall review the Commercial Kennel use, one (1) year from the date of approval, for compliance with the conditions of approval. Failure to abide by the conditions of approval may result in revocation of this permit.
2. Payment of any required Transportation Impact Fee is a condition precedent to applying for a Summit County business license.
3. Approval of a Summit County Business License for the proposed use is a condition precedent to the operation of the use. Approval of the business license by Summit County Animal Control is mandatory.
4. The proposed Commercial Kennel facility shall not exceed a maximum of 80 dogs and 30 cats at any one time.
5. No more than ten (10) dogs are allowed in the outdoor run area at one time. All animals in the outdoor run area shall be supervised and monitored for barking and other possible nuisances by an employee of the facility. Use of the outdoor run area is limited to the hours of 7AM and 10 PM. The operation shall comply with Section 5-3-9, E of the Summit County Code, as amended, that regulates noise made by animals.
6. Summit County Community Development approval of the installation of a solid 6-foot high fence to enclose the proposed outside dog-run area is a condition precedent to any use of the outside dog run. The fenced enclosure shall be a minimum of 23' from the east property line and 62' from the north property line.
7. Summit County Health Department approval of a solid waste management plan is a condition precedent to the issuance of a business license. The solid waste management plan shall include at a minimum:
 - a. A detailed description of the daily collection and removal of solid waste (bedding material and solid fecal waste).
 - b. Monitoring of culinary water usage so that water use does not overload the approved septic tank system.

- c. Description of permitted facility cleaning chemicals and any specific limitations on the chemical applications.
- d. A contingency plan for system replacement should the system fail with the addition of the proposed Commercial Kennel.

All operations shall comply with Section 5-1-15 of the Summit County Code, as amended, which regulates nuisances such as, but not limited to odors and sanitary conditions for animals.

- 8. Summit County Health Department approval of a septic system operations plan is a condition precedent to the issuance of a business license. The approved plan shall include a schedule of inspection/ monitoring, required maintenance, and pumping as required by the Summit County Health Department.
- 9. Prior to the issuance of a business license, the applicant shall cooperate with the Summit County Health Department to conduct a baseline water quality test of the Summit County Service Area No. 3 culinary well located approximately 600 feet downhill from the applicant's property. The record of the findings for the baseline water quality test shall be provided to Summit County Service Area No. 3 and the Summit County Community Development Department. Follow-up water quality tests of the well shall be conducted six (6) months and again in twelve (12) months following commencement of the use. The record of the follow-up tests shall be provided to Summit County Service Area No. 3 and the Summit County Community Development Department. A significant degradation of the well's water quality due to the operations of the proposed use (as determined by the Summit County Health Department) may result in additional mitigation and/or enforcement.
- 10. Prior to the issuance of a business license, the applicant shall install an underground holding tank to contain the material that drains from the floor drains in the buildings. The size, location, and schedule of pumping and maintenance of the tank shall be reviewed and approved by the Summit County Health Department prior to installation.

Please be advised that this Final Action and/or associated Findings of Fact, Conclusions of Law Conditions of Approval may be appealed to the Summit County Council. Appeals are subject to the standards set forth in the Snyderville Basin Development Code, Section 10-9-22: Appeal Procedures and must be filed within ten (10) days from the date of this Final Action.

Do not hesitate to contact me directly if you have any specific questions regarding this matter. I can be reached at (435) 336-3158.

Respectfully,

Patrick J. Putt
Community Development Director



Summit County Community Development Department

60 North Main Street
Coalville, UT 84017

RE: Appeal of Directors Determination

To Whom It May Concern, including Summit County Council and Summit County Planning Commission:

I am appealing the Director's determination and granting of the Low Impact Permit (LIP) for the Dog Boarding Facility located at 1005 Beehive Drive. This appeal is on behalf of the 60+ signed petitioners, residence of Silver Creek Subdivision, Home Owners Association, Service Area #3 Board, and its constituents.

This appeal is of record and will be used to measure current and future *damages* including but not limited to loss of property value of those adjoining land owners, those that are within a proximity who could suffer said damages, those that could have loss of land use or be harmed, any and all future impact on the water supply (surface springs, wells at any depth and within proximity to 1005 Beehive drive), held water shares by current Residences and Service Area #3 Board and its constituents. It will also be inclusive of Natural drainage elevation and studies obtained concurrently by homeowners, the HOA, and on behalf of Summit County Service Area NO. 3, along with those studies conducted without conclusion. All of which will be measurable and recognized as material.

Said Damages attempt to measure in financial terms the extent of harm a plaintiff(s) has suffered because of a defendant's actions. The measure of compensatory damages must be real and tangible. In assessing the amount of compensatory damages to be awarded, a trier of fact must exercise **good judgment and common sense**, based on general experience and knowledge of economics and social affairs. A judge has wide discretion to award damages in whatever amount is deemed appropriate.

It is evident that the LIP was granted prior to factual studies by the requestor or county addressing the communities concerns and those impacts to, "Traffic", "Pedestrians", "Noise and Odors", "Change of Privacy", inclusive of surface area roads, water supply, and property value. Studies that should have been performed include natural water shed, drainage into surrounding springs (one is within 90 feet of the well head, inclusive of 20 feet allocated for utility easement, and 27 feet to adjacent property line. The natural surface spring is approximately 57 feet from the leach field. All are in a lower elevation directly impacted by water elevations and runoff of septic leaching into adjacent homeowners land) land proximity value decrease and the communities cost to improve and or maintain service roads. Mitigation of any/all suggested Damages have not been accounted for nor measured.

In addition to the damages listed above, several appeal concerns have been previously noted, and unaddressed by the County, please see Letter dated January 27 along with subsequent exhibits, none have been addressed in any detail.

Equally importantly 1005 Beehive Drive must adhere to the Covenants, Conditions and Restrictions (CC&R) created and upheld by the community and it's homeowners (Public information obtained via Summit County records). Regardless of it's current Zoning, 1005 Beehive Drive must adhere to the CC&R's which prohibit the keeping of livestock for "commercial gain". This was not considered when the LIP was granted. In addition 1005 Beehive Drive must adhere to Easements, notes and restrictions as shown on subdivision plat recorded March 3, 1965, as Entry No. 100561 of Official Records.

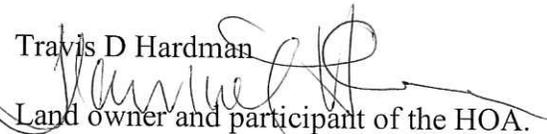
- Any covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions contained within those certain declarations recorded March 03, 1965 as Entry No. 100554 in Book 6A at Page 449 of Official Records, and any amendments thereto, but deleting any covenant, condition or restriction indicating a preference... to the extent such covenant, condition or restriction violates 42 USC 3604(c). No such deletion took place.
- Amendment to declarations recorded August 09, 1973 as Entry No. 120457 in Book 49 at page 350 of Official Records.
- An Ordinance to Rezone Parcels SL-H-508, SL-D-248 & SL-D-249, Silver Creek Estates Subdivision recorded July 14, 2005 as Entry No. 742599 in Book 1715 at Page 1931 of Official Records.

All of such recordings are of record and the obligation to adhere to these are governed by the Summit County Service Area No. 3 the county and HOA under it's Ordinances and Covenants, Codes & Restrictions. This simply states that an LIP allowing the dog ^barding facility is in direct violation and said LIP should be revoked.

I am appealing the granted LIP, it is in direct violation of the Recorded CC&R's of record and will be upheld by the homeowners controlling and governing recorded CC&R's.

Sincerely,

Travis D Hardman



Land owner and participant of the HOA.



**SUMMIT COUNTY
SERVICE AREA NO. 3**

**7215 NORTH SILVER CREEK ROAD
PARK CITY UTAH 84098**

SILVER CREEK ESTATES

**COPIES OF CURRENT
ORDINANCES
and
COVENANTS, CODES & RESTRICTIONS**

JANUARY, 2011

SUMMARY OF PROTECTIVE COVENANTS FOR SILVER CREEK ESTATES
(Actual covenants by Unit are registered at the county recorder's office.)

Silver Creek Estates Unit(s) A,B,C,D,E,F,H, and I Residential Lots 1 through 514 Summit County, State of Utah.

A. THIS DECLARATION, made this 25th day of February, 1965. by Silver Creek Ranch Corporation, a Utah corporation, having its principal place of business in the City of Salt Lake State of Utah, hereinafter referred to as the Declarant.

WHEREAS, the Declarant is owner of Silver Creek Estates, Units D,E,F,H, and I Summit County, State of Utah, as per plat there, recorded in the office of the County Recorder of said county, and

WHEREAS, The Declarant is about to dispose of or convey the lots in said Silver Creek Estates Units and desires to subject the same to certain protective covenants, condition and restrictions (hereinafter referred to as covenants,) between it and the acquirers and/or users of the lots in said subdivision.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, the Declarant hereby certifies and declares that it has established and does hereby establish a general plan for the protection, maintenance, development and improvement of said subdivision, that

THIS DECLARATION IS designed for the mutual benefit of the lots in said unit and Declarant has fixed and does hereby fix the protective covenants upon and subject to which all lots, parcels and portions of said subdivision shall be held, leased or sold, and/or conveyed by such owner, each and all of which is and are for the mutual benefit of the lots in said subdivision and of each owner thereof and shall run with the land and shall inure and to pass with said subdivision and each and every parcel of land therein and shall apply to and bind the respective successors in interest thereof, and are and each thereof is imposed upon the lots as a mutual, equitable servitude in favor of each and every parcel of land therein as the dominant tenement or tenements.

B. SAID COVENANTS ARE AS FOLLOWS:

1. That all of the lots within said unit (s) and designated as Lots No. 201 through 514 inclusive shall be designated as single family residential lots; except that any of said lots as originally platted may be re-subdivided in lots, none of which shall be less in size than 30,000 square feet and provided that any of said lots shall have at least 75 feet of frontage on a platted street. As re-subdivided, and said lots shall constitute single family residential lots. Any of said lots may be utilized as a part of a church or school site without violating this covenant.

A single family residence is a dwelling for one family alone, within which no persons may be lodged for hire at any time, provided that reasonable quarters may be built and maintained in connection therewith for the use and occupancy of servants or guests of said family and that such quarters may be built and maintained as a part of the detached accessory or buildings on the same lot, provided said accessory building be not at any time rented or let to persons outside the said family and that they may be occupied and used only by persons who are employed by members of or are guests of said family.

2. That no professional office, business or trade of any kind shall be conducted in any building or any portion of any lot or building site in said unit(s) herein designated as residential lot.

3. TEMPORARY DWELLINGS. Except for the written consent of the architectural committee no structure, tent, trailer, or other living quarters, permanent or temporary, shall be placed upon any such lot, and used for residence purposes prior to erection and completion of the main residence thereon.

4. OUTHOUSES. No privy shall be erected, maintained or used upon any part of said real property, but temporary privy may be permitted during the course of construction of a building. Any lavatory, toilet or water closet that shall be directed, maintained or used therein shall be enclosed and located within a building herein permitted to be erected on said premises and shall be properly connected with an underground septic tank, in accordance with the standards required by the State Board of Health of the State of Utah, and so constructed and operated that no offensive odors shall arise or otherwise escape therefrom and that none of the effluent from septic tanks shall be permitted to be discharged beyond the limits of the lot on which it is installed. All provisions herein related to septic tanks shall apply to the installation of any septic tanks used in connection with the main dwelling on any of said lots.

5. APPROVAL OF PLANS. No building shall be erected, altered, or maintained upon any part of said property unless plans and specifications thereof and plot plan indicating the location of such structure on the building site to be built upon, having been approved by the architectural committee as to the quality of workmanship and materials, harmony of external design with existing

structures & as to location with respect to the topography and finished grade of elevation. Each main residence placed upon any lot within said property shall be of such size that it shall contain at least 1,000 square feet of ground floor area, exclusive of porches, patios, basements, cellars and any garage incorporated in and forming part of the house. No fence, wall or utility shall be erected placed, altered or installed upon said property unless it is similarly approved by the architectural committee.

6. **KEEPING LIVESTOCK, POULTRY OR PETS.** Keeping of livestock, poultry or pets upon the property for commercial gain is prohibited, and the keeping of hogs upon the property for any purpose is prohibited. Pets may be kept for domestic use only under the following conditions.: No barn, stall, coop or pen in which livestock, poultry or pets are kept or housed shall be constructed or maintained within an area 75 feet from the street property line or 15 feet from any other boundary line of a lot. No poultry, livestock or pets may be kept or maintained upon the property when to do so constitutes a public nuisance.

7. **MAINTAINING NATURAL DRAINAGE.** No obstruction, diversion or confining of the existing channels through which surface water in time of storms naturally flows upon and across any lot shall be kept by any lot owner in such a manner as to cause damage to other properties.

8. **BUILDING SETBACK LINE.** No building or structure for any use shall be erected, constructed, altered or maintained within 50 feet of any street property line or 15 x 15 feet from any other boundary line. The construction of all buildings once commenced on said lots shall be prosecuted diligently to completion.

9. **SIGNBOARDS.** No signs, advertisements, billboards or advertising structures of any kind may be erected or maintained on any residential lot without the consent in writing of the architectural committee; provided, however, that permission is hereby granted for the erection and maintenance of not more than one advertising board on each lot which may be used for the purpose of advertising the sale or lease of the lot upon which it is erected.

10. **OFFENSIVE TRADE OR ACTIVITY.** No noxious or offensive trade or activity shall be carried on upon any residential lot herein before described or any part or portion thereof, nor shall anything be done thereon which may become an annoyance or nuisance to the occupants of remaining residential lots in a subdivision.

11. **GARBAGE AND REFUSE DISPOSAL.** No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

12. **EASEMENTS.** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown in the recorded plat and over the rear and side 10 feet of each lot. Within these easements no structure, planting or other material should be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility company is responsible. There is reserved to electric power, gas, water and other public utilities the right to construct, maintain and operate along, upon and across all present and future streets, alleys and roadways in said unit

13. **WATER LINES.** Whenever a residence is constructed on any of said lots where there is a culinary water line available to serve said residence by being located in an adjoining street or along any of the boundaries of said lot, the lot owner shall connect to and utilize the water services of said line.

C. ARCHITECTURAL CONTROL COMMITTEE:

1. **MEMBERSHIP.** The architectural control committee is composed of Allen J. Lewis, E. P. Hackert, and R. P. Shapiro. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, or its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then recorded owners of a majority of the original platted lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore it to any of its powers and duties. Each lot as originally platted and recorded shall not be entitled to more than one vote regardless of the number or owners thereof.

2. **PROCEDURE.** The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

3. **VARIATIONS.** It shall remain the prerogative of the "Committee of Architecture" to review applications and grant approvals for exceptions to this declaration. Variations from requirements and in general, other forms of deviation from those restrictions

imposed by this declaration, when such exceptions, variances and deviations do, in no way, detract from the appearance of the premises, nor in any way be detrimental to the public welfare or to the property of other persons located in the vicinity thereof, in the sole opinion of the committee.

4. TEMPORARY SALES OFFICE. A temporary real estate subdivision office for the purpose of conducting the sale of property in the subdivision may be located in the area for a period of not to exceed three years, provided such tract office is not used for conducting a general end of such three year period, be either removed or used for a purpose permitted in the area in which it is located.

E. GENERAL PROVISIONS.

These covenants shall run with the land and shall be binding upon all parties and all persons claiming under them until July 1, 1995, at which time said covenants and conditions shall be automatically extended for successive periods of ten years unless by vote of owners of a majority of the lots in said subdivision it is agreed to change said covenants in whole or in part.

PROVIDED, FURTHER, that if any paragraph, section, sentence, clause or phrase of the covenants, conditions, and restrictions herein contained shall be or become illegal, null or void, for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, sentences, clauses or phrases herein contained shall not be affected thereby. It is hereby declared that these restrictions, conditions and covenants herein contained would have been and are imposed on each paragraph, section, sentence clause or phrase thereof, irrespective of the fact that any or more other paragraphs; section, sentences, clauses or phrases are or shall become illegal, null or void.

PROVIDED, FURTHER, That if any owner of any lot in said property, or his heirs, or assigns, shall violate or attempt to violate any of the conditions, covenants and/or restrictions herein, it shall be lawful for any other person or person owning any other lots in said property to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such conditions, covenants and/or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

PROVIDED, FURTHER, that a breach of any of the foregoing conditions, covenants and/or restrictions shall not defeat or render invalid the lien of any mortgage or deed of trust in good faith, and for value, as to said property or any part thereof, but such conditions, covenants and or restrictions shall be binding upon and effective against any owner of any lot or lots in said property whose title is acquired by foreclosure trustee's sale or otherwise.

IN WITNESS WHEREOF, Silver Creek Ranch Corporation has caused its corporate name and seal to be affixed by its officers thereunto duly authorized, this 25th day of February, 1965.

(SEAL)

SILVER CREEK RANCH, INC.

By: Allan J. Lewis

President

R. P. Shapiro

Secretary

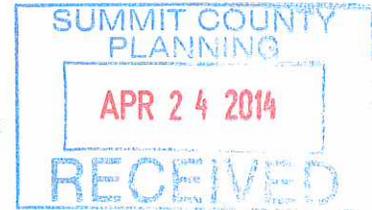
STATE OF UTAH (

(ss.

COUNTY OF SALT LAKE (

On the 25th day of February, 1965, personally appeared before me Allan J. Lewis and R. P. Shapiro, who being by me duly sworn, each for himself, did say that he, the said Allan J. Lewis is the president and she, the R.P. Shapiro is the secretary of Silver Creek Ranch Corporation, a Utah corporation, and the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors and the said Allan J. Lewis and R. P. Shapiro each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation. Lots 201 through 514 Summit County, State of Utah.

SUMMIT COUNTY SERVICE AREA NO. 3
7215 NORTH SILVER CREEK ROAD
PARK CITY, UTAH 84098



Date: January 27, 2014

Subject: Low Impact Permit for dog and cat boarding in Silver Creek

Dear Summit County Council and Summit County Planning Commission,

On Tuesday, January 14, 2014 a public hearing was held by the Snyderville Basin Planning Commission (SBPC) concerning an animal boarding facility in Silver Creek. We, the Board of Trustees of Service Area #3 (SA#3) would like to present you with further information on this matter for your consideration prior to you making a final decision.

There are four main areas that give us cause for concern:

1. Noticing and request for input was not made to SA#3 in compliance with customary standards.
2. The issues relating to our culinary water system, private wells, and springs have not been addressed nor studied.
3. Significant changes are proposed to the original 2005 CUP.
4. The Summit County Development Code requirements for a LIP have not been met.

1. Noticing

Attached to this document is an informal e-mail between the Planning Staff and the previous Chairman of our Board, Ken Naylor (see Exhibit 1). This e-mail was also sent to Bob Swenson, Environmental Health Director for Summit County. The e-mail was dated October 2, 2013 and a response was required by Friday, October 11, 2013, thus giving the two agencies only seven business days to discuss, study, and respond.

Although we can find nothing in Summit County Code that specifically defines the requirements for proper agency noticing, we would expect Service Provider notices to be on official letterhead from the planning department secretary. In a case where studies of a project would have to be made or Boards would have to meet, a minimum of 30 days to respond should be allowed.

Also, of particular concern to us is staff's closing statement on the e-mail: *"Please respond with any comment by Friday, October 11th. **If I don't hear back from you, I'll assume you have no comments or concerns.**"* Given that this was addressing Public Health in a very significant way, it does not seem reasonable to view "no response" as "approval." No response from either agency was received, and to our knowledge no further attempts to contact them were made. This does not seem prudent.

2. Water

During the SBPC public hearing held on January 14, 2014 addressing this LIP application, the County Attorney told the Commission and the public that there was a drinking water source protection zone at only one well (the secondary well) located in Silver Creek. This information was of great concern to us because it implied that not only the private wells and springs, located very near to the Applicant's property, but also our primary well, serving over 180 households, and located approximately 600 feet down hill from the Applicant's property line, did not have protection zones. This also indicated that the possible contamination of our neighborhood's culinary water sources was not a concern nor was it addressed in LIP application process.

Upon investigation of Utah State Code on Drinking Water Source Protection, Summit County Development Code, SA#3 Ordinance and SA#3 Drinking Water Source Protection Plan, we found the attorney's statements to be mistaken. Not only are protection zones called out in our SA#3 ordinance and plan, but also Utah State water standards thoroughly protect all culinary water systems, private wells, and springs. We offer the following exhibits as documentation of this:

Exhibit 2 - Utah State Code on Drinking Water Source Protection, Rule R309-600

Exhibit 3 - Summit County Development Code 10-4-5, 1D-b, Source Protection

Exhibit 4 - SA#3 Drinking Water Source Protection Ordinance, 2009-01

Exhibit 5 - SA#3 Drinking Water Source Protection Plan

3. Significant Changes

We are attaching a small portion of the minutes of the County Commissioner's meeting held on July 13, 2005 during which the original CUP was approved (see Exhibit 6).

We believe three conditions of approval are being significantly changed under the current LIP application:

11. Animal Boarding: It was specifically called out that no horse boarding would be allowed. Staff cannot offer an explanation of why this was addressed. It is reasonable to believe that since other probable issues are not specifically addressed therein, animal boarding was a significant issue and was denied approval.

12. Number of Animals: The maximum number of horses allowed in the fully-built-out project was 38. The facility is not currently fully built out, but a number larger than 80 dogs and 30 cats is being considered. This number of animals in a fenced yard that is approximately 5,000 sq ft is not reasonable.

13. Hours of Operation: The hours of operation in the original CUP were limited to 8:00 a.m. to 5:00 p.m. Monday through Friday, and on Saturday 8:00 a.m. to noon. The current LIP application is not being limited to this, which significantly affects the quality of life experienced by the facility's direct neighbors.

4. LIP Requirements

Our understanding is that there are twelve criteria/requirements that must be met prior to an LIP being issued. We are attaching the staff report distributed to the SBPC on January 14, 2014 so that you may refer to staff's viewpoints side-by-side with our rebuttals (see Exhibit 7).

1. Traffic – It reasonable to believe a boarding facility which accommodates the owners of 80 dogs and 20-30 cats will produce more traffic on the road than the currently approved large-animal surgery center. Staff has justified this by noting that the applicant will receive dogs for boarding in his Park City office and transport them to the Silver Creek location. This would be a very difficult condition to constantly monitor. Also, it is unrealistic to expect this proposed method of transporting animals would be enforceable per the LIP. In addition, this requirement remains with the land. Therefore, constant monitoring and enforcement of Applicant and all subsequent owners would be required as the land changes title in the future.

3. Pedestrians – The road this facility is located on does not have sidewalks or any significant shoulders. This narrow road is the only access to the popular multi-use trails system via the underpass at Beehive Road and Highway 80. Many people use this route, thereby creating questionable safety conditions between pedestrians and traffic. It is reasonable to believe that any increase in traffic will exacerbate the current problem. The county is probably aware of the recent traffic accident experienced in Silver Creek between a vehicle and a horse rider. Major road improvements must be made by the county prior to any increase in traffic to ensure a tragedy like that does not occur again.

6. Noise and odors – Staff has justified their approval of this requirement through a list of mitigations that would require constant monitoring and enforcement. Eighty dogs enclosed in a yard that is less than one-eighth acre is unreasonable by any measure. Even ten dogs in that small an enclosed area does not seem reasonable. We request that SBPC honor the common sense guidelines found in our Covenants, Codes, and Restrictions (see Exhibit 8). Section B, item 6 states in part: *"Keeping livestock, poultry or pets upon the property for commercial gain is prohibited... No poultry, livestock or pets may be kept or maintained upon the property when to do so constitutes a public nuisance."* Section B, item 10 states in part: *"No noxious or offensive trade or activity shall be carried on...nor shall anything be done thereon which may become an annoyance or nuisance to the occupants of remaining residential lots in a subdivision."*

7. **Dust and Dirt** – Staff does not feel 80 dogs enclosed in a small area will produce dust and dirt. We would ask you to visit the local dog parks to confirm that no vegetation survives in these areas and they are extremely dusty.

10. **Change in privacy** – The current facility was permitted as a large-animal hospital and animal boarding of any kind was specifically prohibited. It is difficult to understand how staff would think that permitting a facility for dog and cat boarding would not lower the privacy historically enjoyed by the facility's residential neighbors.

In summary, the Applicant has not met the Code criteria for approval of a Low Impact Permit. (Summit County Code, Title 10, Chapter 3, Section 10-3-4, Low Impact Permit Review Procedures). **We respectfully request that you deny the Applicant's LIP.**

Thank you,

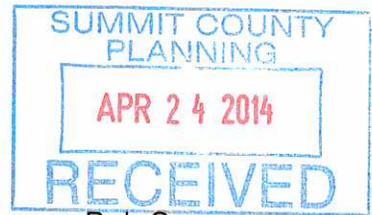
Summit County Service Area #3 Board of Trustees

By Robert V. Olson, Chairman Date 26 Jan. 2014

Robert V. Olson

Attested Betty B. Bauwens, Clerk Date 1-26-2014
Betty B. Bauwens





From: Jennifer Strader <jstrader@summitcounty.org>

Date: October 2, 2013 at 11:11:51 AM MDT

To: "Ken Naylor (ken@nwlarchitects.com)" <ken@nwlarchitects.com>, Bob Swensen <bswensen@summitcounty.org>

Subject: Proposed Dog & Cat Boarding in Silver Creek

Ken and Bob,

I'm contacting you to get your comments in response to a proposed dog and cat boarding facility in the Silver Creek Subdivision, located at the now vacant Mountain Horse Medical Clinic. The horse clinic received a Conditional Use Permit in 2005 for a large animal veterinary clinic, which specifically excluded horse boarding. We now have an application to amend the approval to allow dog and cat boarding, in addition to a normal veterinary clinic. The vet clinic is fine and will comply with the original approval, but I wanted to get your comments on the use of one of the buildings as a cat and dog boarding facility.

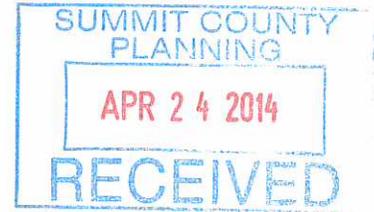
There would be no exterior changes or additions to the existing structures, but the applicant has stated that there could be 20-30 dogs a day for daytime boarding, and another 60-70 that would stay overnight. I'm not sure if there are any concerns regarding water usage or other potential Health concerns.

Please respond with any comment by Friday, October 11th. If I don't hear back from you, I'll assume you have no comments or concerns.

Thank you!

Jennifer Strader
County Planner
435.615.3152

EXHIBIT 2



Utah Administrative Code

R309. Environmental Quality, Drinking Water.

Rule R309-600. Source Protection: Drinking Water Source Protection For Ground-Water Sources.

R309-600-1. Authority.

Under authority of Section 19-4-104(1)(a)(iv), the Drinking Water Board adopts this rule which governs the protection of ground-water sources of drinking water.

R309-600-2. Purpose.

Public Water Systems (PWSs) are responsible for protecting their sources of drinking water from contamination. R309-600 sets forth minimum requirements to establish a uniform, statewide program for implementation by PWSs to protect their ground-water sources of drinking water. PWSs are encouraged to enact more stringent programs to protect their sources of drinking water if they decide they are necessary.

R309-600 applies to ground-water sources and to ground-water sources which are under the direct influence of surface water which are used by PWSs to supply their systems with drinking water.

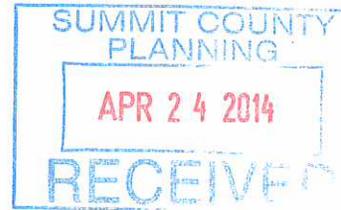
R309-600-3. Implementation.

(2) Existing Ground-Water Sources - Each PWS shall submit a Drinking Water Source Protection (DWSP) Plan in accordance with R309-600-7(1) for each of its existing ground-water sources to DDW according to the following schedule. Well fields or groups of springs may be considered to be a single source.

EXHIBIT 3

- b. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.

Summit County Development Code 10-4-5, 1D-b



Summit County Service Area No.3
Ordinance 2009-01

DRINKING SOURCE WATER PROTECTION

4-11-010: Purpose

4-11-020: Definitions

4-11-030: Establishment of Drinking Source Water Protection Zones

4-11-040: Permitted Uses

4-11-050: Prohibited Uses

4-11-060: Administration

4-11-010: Purpose:

The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Summit County Service Area No.3 who receive water for culinary and domestic use from the public water system in the Silver Creek Estates Subdivision, by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by public water systems in the Service Area and by the designation and regulation of property uses and conditions that may be maintained within such zones. Also included under this ordinance are those source protection zones that fall within Service Area boundaries, but which their associated public drinking water sources may not be owned or operated by the Service Area.

4-11-020 Definitions.

For the purposes of this ordinance, the following shall mean:

Best Management Practices" (BMP's): A practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations).

Design Standard: A control that is implemented for a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard. See also "Secondary Containment".

Land Management Strategies: Land use and non-land use controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, optional purchase of property and development rights, public education programs, ground-water monitoring, household hazardous water collection programs, water conservation programs memoranda of understanding, written contracts and agreements and so forth.

Permitted Uses: A use is a permitted use if the risk of contamination is relatively low in the specified zone and if regulatory requirements and Best Management Practices are implemented.

Pollution Source: A point source discharge of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution source include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(A) "Animal feeding operation"⁰ means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(B) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4 plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(C) "Extremely hazardous substances" means those substances which are identified in the Sec.302(EHS) column of the TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91 -011).

Potential Contamination Source: Any facility or site, which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

Prohibited Uses: A use is not permitted where the risk of contamination is very high in the specified zone.

Regulatory Agency: Any governmental agency (local, state, and/or federal) with jurisdiction over hazardous waste as defined herein.

Restricted: A use is restricted if the nature of a use, or some element of the use represents a "Potential Contamination Source". The use may be permitted only after review and approval by the planning commission. As part of this review recommendations from the Summit County Health Department and other applicable regulatory agencies shall be considered. Restricted use is subject to best management practices and compliance with other reasonable conditions a may be established by these agencies.

Sanitary Landfill: A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

SARA Title III: Superfund Amendment and Reauthorization Act Section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

Secondary Containment: A type of design standard that means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

Septic Tank/drain-field Systems: A system, which is comprised of a septic tank drain-field which accepts domestic wastewater from buildings or facilities for surface or subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

Source Protection Zone: The surface and subsurface area surrounding a groundwater source of drinking water supplying a Public Water supply through which contaminants are reasonably likely to move toward and reach such ground-water source. These zones shall have the approval of the State of Utah Division of Drinking Water.

Time of Travel Distance: The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of Travel is determined from hydrological studies and is approved by the State Department of Environmental Quality, Division of Drinking Water.

Wellhead: means the upper terminal of a well, including adapters, ports, seals valves and other attachments.

4-11-030 Establishment of Drinking Source Water Protection Zones.

There are hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, as identified and described as follows:

(A) Zone one is the area within a 100-foot radius from a wellhead.

(B) Zone two is the area within a 250-day ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(C) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to a wellhead or margin of the collection area the boundary of the aquifers) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(D) Zone four is the area within a 15-year ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

4-11-040 Permitted Uses.

The following uses shall be permitted within drinking water source protection zones:

(A) Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

(B) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

4-11-050 Prohibited Uses.

The following uses or condition shall be and are hereby prohibited within drinking water source protection zones, whether or not such uses or conditions may otherwise be ordinarily included as a part of a use permitted under Section 4 of this Chapter.

(A) Zone one - The location of a potential contamination source as defined herein.

(B) Zone two - The location of pollution sources as defined herein, unless their contaminated discharges are controlled with design standards.

(C) Zones three and four - The location of a potential contamination sources unless they are controlled through land management strategies.

4-11-060 Administration.

The policies and procedures for administration of any source protection zone established under this ordinance including without limitation those applicable to nonconforming uses, exception enforcement and penalties, shall be the same as provided in the existing zoning ordinance for Summit County Service Area # 3 as presently enacted except that in addition, any requested variances shall be forwarded to the Summit County Health Department for review and recommendation. If it is necessary to have additional expertise evaluate the variance, it will be at the expense of the entity requesting the variance. The recommendation shall be documented and returned to both the requester and Summit County Service Area #3.

If there are noncompliant potential contamination sources found in the source protection zones that cannot be resolved by the water system, this shall be brought before the Board of Trustees of Summit County Service Area # 3, Summit County Health Department and/or the applicable regulatory agency for enforcement action. It shall be the water system's responsibility to maintain and supply map of their source protection zones to both the County Health Department and the Subdivision in which the source protection zones reside.



Marvin Maxell
Summit County Service Area No.3 Board Chairman



BARRY HALLOWS
NOTARY PUBLIC STATE OF UTAH
SOE1008
HEBERCITY UT 84032
My Comm. Exp. 04/10/2010





DRINKING WATER SOURCE PROTECTION PLAN UPDATE FOR WELL NO. 1

PREPARED FOR:

SUMMIT COUNTY SERVICE AREA NO. 3
7215 NORTH SILVER CREEK ROAD
PARK CITY, UT 84098

DECEMBER 28, 2009



Joseph N. Santos, S.E.

Utah S.E. # 276219

PREPARED BY:



50 E 100 S Heber City Utah 84002
Ph 435-654-6600 Fax 435-654-6622

December 28, 2009



Mr. Marv Maxell, Chairman
Summit County Service Area No. 3
7215 North Silver Creek Road
Park City, UT 84098

Re: Updated Drinking Water Source Protection Plan
Well No. 1 (System #22105)

Dear Marv,

The updated Drinking Water Source Protection (DWSP) Plan for the Well No. 1 is enclosed herein. It has been determined that there was no significant change in the protected zones and management areas from the original DWSP plan.

This report includes an updated implementation schedule that addresses land management strategies proposed by Summit County Service Area No. 3, and the current status of each. Records documenting the completion of management programs are found in the appendix.

Upon receiving approval from the Utah Division of Drinking Water, Summit County Service Area No. 3 will need to continue implementation of the land management strategies outlined in Section 7 of this report.

Please feel free to contact me at (801) 420 4515 with any questions concerning this report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph N. Santos".

Joseph N. Santos, S.E.

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APPENDICES

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EXECUTIVE SUMMARY

This report is the Updated Drinking Water Source Protection (DWSP) Plan for Well No. 1 in the Summit County Service Area No. 3. (22105). This DWSP Plan has been prepared in accordance with the Utah Division of Drinking Water rules (R309-113).

Weston Engineering, Inc. prepared the DWSP Plan in October 1998. Weston Engineering delineated the DWSP Zones for the Storage Reservoir Well in the 1998 report. These delineations have not been changed in this final report. A Potential Contamination Source (PCS) Inventory was conducted for the delineated zones by means of windshield survey and inspection of aerial photography. There are no identified PCSs within the DWSP zones.

The PCS land management strategy implementation schedule proposed in the previous DWSP plan has been updated in this report. The updated implementation schedule includes the date of implementation for each management strategy and completion status. Documentation of implementation is also included in this report.

There have been no changes in the assessment and management programs for potential existing or future contamination sources as outlined in the original DWSP report. Resource evaluation and contingency plan, and pesticide and VOC monitoring waivers remain unchanged from the October 1998 report prepared by Weston Engineering Inc.

SECTION 1 – INTRODUCTION

Weston Engineering, Inc. has completed a Drinking Water Source Protection (DWSP) plan for Well No. 1 in the Summit County Service Area No. 3. (22105) on October 1998. The report was prepared according to the requirements of Utah DWSP rule R309-113.

1.1 SYSTEM INFORMATION

Water System Name: Summit County Service Area No. 3
Water System Number: 22105
Address: 7215 North Silver Creek Road, Park City UT 84098
Type of System: Community – Political Subdivision
Connections: Approximately 182

1.2 SOURCE INFORMATION

Well No. 1 is an existing culinary water source for Summit County Service Area No. 3 (SCSA#3). The spring is located approximately South 1,150 feet of Northeast Corner, Section 16, Township 1 South, Range 4 East, Salt Lake Base & Meridian. The wellhead is situated at an elevation of approximately 6,440 feet above mean sea level.

1.3 DESIGNATED PERSON

The “Designated Person” for Summit County Service Area No. 3 (SCSA#3), and each Source Protection Plan, including this one, is:

Mr. Joseph N. Santos, P.E.
Epic Engineering, P.C.
50 East 100 South
Heber City, UT 84032
(435) 654-6600

SECTION 2 – DELINEATION REPORT

The delineation report for this source protection plan was prepared by Weston Engineering, Inc. No additional modeling was performed by Epic Engineering, and the delineation by Weston Engineering was assumed to be correct (Appendix 1 – Source Protection and Parcel Ownership). There are no changes to the original delineation of DWSP zones submitted by Weston Engineering in October 1998.

SECTION 3 – INVENTORY OF POTENTIAL CONTAMINATION SOURCES

There are no changes to the inventory of potential contamination sources from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 4 – ASSESSMENT OF POTENTIAL CONTAMINATION SOURCE HAZARDS

There are no changes to the assessment of potential contamination source hazards from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 5 – MANAGEMENT PROGRAM FOR EXISTING POTENTIAL CONTAMINATION SOURCES

There are no changes to the management program for existing potential contamination sources from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 6 – MANAGEMENT PROGRAM FOR FUTURE POTENTIAL CONTAMINATION SOURCES

There are no changes to the management program for future potential contamination sources from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 7 – IMPLEMENTATION SCHEDULE

The implementation schedule for future potential contamination sources proposed by Epic Engineering in the May 2005 DWSP plan is updated in Table 1 below.

Table 1 – Potential Contamination Source Management Implementation Schedule

| Management Strategy | Implementation Date | Frequency | Status |
|--|---------------------|------------|---------------|
| Future Potential Contamination Sources | | | |
| Septic System Owners: | | | |
| <p>Prepare and deliver a letter to Septic System Owners. This letter will: (1) inform septic system owners that their systems are located within Service Area Number 3's Well No. 1 DWSP zones; and (2) request that they do not dispose of hazardous materials in the septic system and that they follow Summit County Health Department guidance for the construction and maintenance of septic systems.</p> | Spring, 1999 | 1 per Year | Completed |
| Improved and Unimproved Roadways: | | | |
| <p>Prepare and deliver a <u>letter</u> to the Summit County Emergency Management Committee. This letter will: (1) show the location of the Service Area No. 3 Well No. 1 DWSP zones; and (2) request that Service Area No. 3 be informed about any accidents, hazardous material spills or incidents that occur within these zones so Service Area No. 3 can assess the impact these incidents might have on the wells.</p> | Spring, 1999 | One Time | Not Completed |

Residential Properties:

Prepare and distribute an informational brochure to all of the residents located within the Service Area No. 3 Well No. 1 DWSP zones. This brochure will: (1) inform the residents of their location within the recharge areas of the wells which provide them drinking water; (2) request that they take an active role in protection their drinking water source through the proper storage, use, and disposal of fertilizers, pesticides, herbicides, cleaners, oils and other household chemicals by only using them in accordance to the strict directions provided by the manufacturers.

Spring, 1999 1 per Year Completed

US Interstate I-80:

Prepare and deliver a letter to the Summit County Emergency Management Committee and the Utah Department of Transportation. This letter will: (1) show the location of the Service Area No. 3 Well No. 1 DWSP zones; (2) request that any work, improvements or other activities on the roadway take this into consideration; and (3) request that Service Area No. 3 be informed about any accidents, hazardous material spills or incidents that occur within these zones so that Service Area No. 3 can assess the impact these incidents might have on the wells.

Spring, 1999 One Time Not Completed

The management strategy for the preparation and delivery of letters to the Summit County Emergency Management Committee and the Utah Department of Transportation has not been completed as outlined in the October 1998 DWSP plan prepared by Weston Engineering. The management strategy for the preparation and delivery of these letters should be implemented as described in the 1998 report within six months after this DWSP plan is approved by the Division of Drinking Water.

SECTION 8 – RESOURCE EVALUATION

There are no changes to the resource evaluation from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 9 – RECORDKEEPING SECTION

Records documenting implementation of the land management strategies outlined in Table 1 have been kept by Summit County and are compiled in Appendix 2 – Documentation of Implementation of Land Management Strategies

SECTION 10 – CONTINGENCY PLAN

There are no changes to the contingency plan from the original DWSP Plan submitted by Weston Engineering in October 1998.

SECTION 11 – PESTICIDE AND VOC MONITORING WAIVERS

There are no changes to the pesticide and VOC monitoring waivers from the original DWSP Plan submitted by Weston Engineering in October 1998.

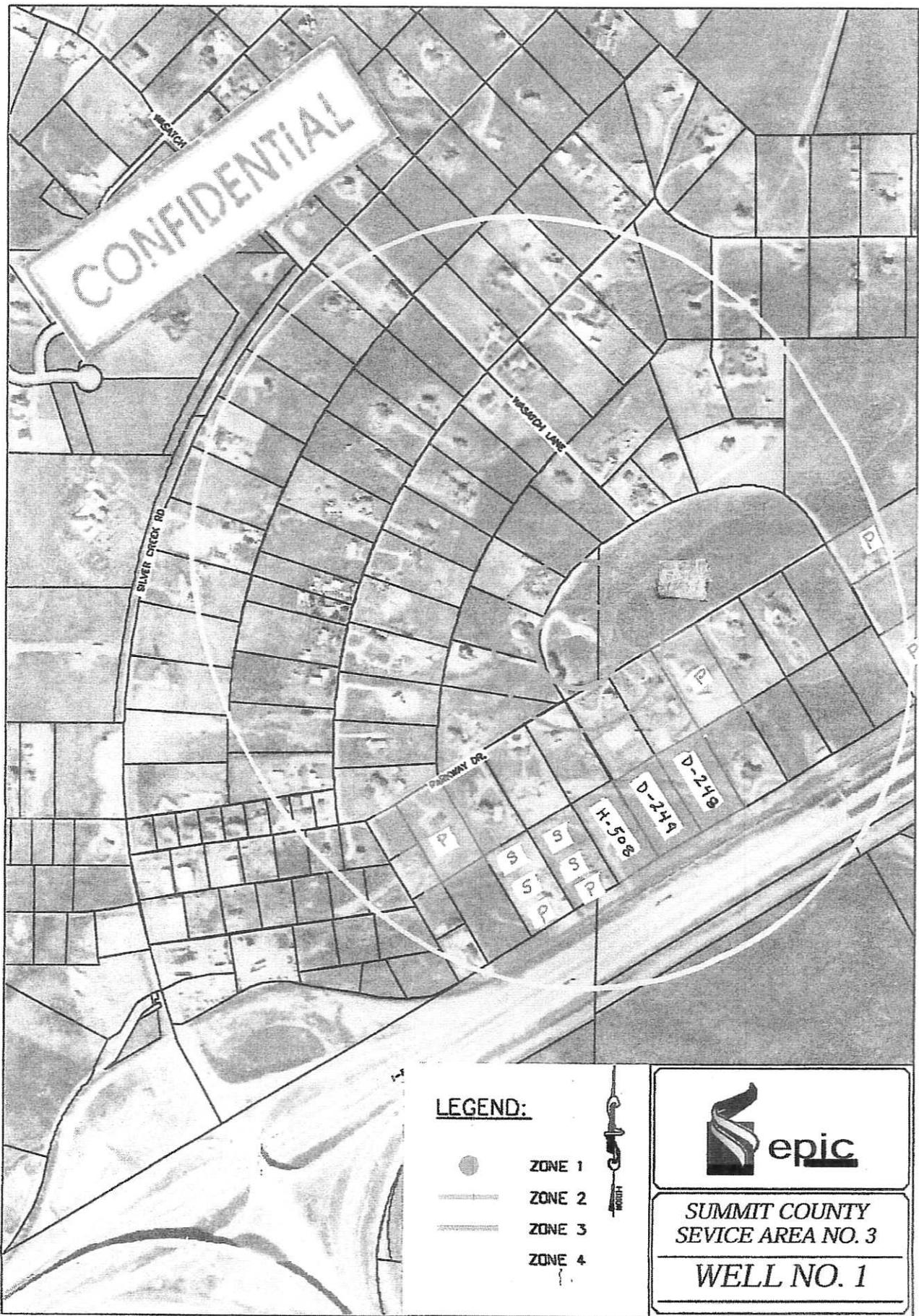
REFERENCES

Division of Drinking Water. January 2007. Standard Report Format for Updated Ground Water Source Protection Plans, State of Utah Department of Environmental Quality, Salt Lake City, Utah.

Weston Engineering, Inc., October 1998, Drinking Water Source Plan Well No. 1 Summit County Service Area No. 3 – (System No. 22105).

APPENDIX 1 – SOURCE PROTECTION AND PARCEL OWNERSHIP

CONFIDENTIAL



P 57 Private Well

APPENDIX 2 – DOCUMENTATION OF IMPLEMENTATION OF LAND MANAGEMENT STRATEGIES

**Summit County Service Area No.3
Ordinance 2009-01**

DRINKING SOURCE WATER PROTECTION

4-11-010: Purpose

4-11-020: Definitions

4-11-030: Establishment of Drinking Source Water Protection Zones

4-11-040: Permitted Uses

4-11-050: Prohibited Uses

4-11-060: Administration

4-11-010: Purpose:

The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Summit County Service Area No.3 who receive water for culinary and domestic use from the public water system in the Silver Creek Estates Subdivision, by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by public water systems in the Service Area and by the designation and regulation of property uses and conditions that may be maintained within such zones. Also included under this ordinance are those source protection zones that fall within Service Area boundaries, but which their associated public drinking water sources may not be owned or operated by the Service Area.

4-11-020 Definitions.

For the purposes of this ordinance, the following shall mean:

Best Management Practices" (BMP's): A practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations).

Design Standard: A control that is implemented for a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard. See also "Secondary Containment".

Land Management Strategies: Land use and non-land use controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, optional purchase of property and development rights, public education programs, ground-water monitoring, household hazardous water collection programs, water conservation programs memoranda of understanding, written contracts and agreements and so forth.

Permitted Uses: A use is a permitted use if the risk of contamination is relatively low in the specified zone and if regulatory requirements and Best Management Practices are implemented.

Pollution Source: A point source discharge of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution source include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(A) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(B) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4 plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(C) "Extremely hazardous substances" means those substances which are identified in the Sec.302(EHS) column of the TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III, (EPA 560/4-91 -011).

Potential Contamination Source: Any facility or site, which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

Prohibited Uses: A use is not permitted where the risk of contamination is very high in the specified zone.

Regulatory Agency: Any governmental agency (local, state, and/or federal) with jurisdiction over hazardous waste as defined herein.

Restricted: A use is restricted if the nature of a use, or some element of the use represents a "Potential Contamination Source". The use may be permitted only after review and approval by the planning commission. As part of this review recommendations from the Summit County Health Department and other applicable regulatory agencies shall be considered. Restricted use is subject to best management practices and compliance with other reasonable conditions that may be established by these agencies.

Sanitary Landfill: A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

SARA Title III: Superfund Amendment and Reauthorization Act Section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

Secondary Containment: A type of design standard that means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

Septic Tank/drain-field Systems: A system, which is comprised of a septic tank drain-field which accepts domestic wastewater from buildings or facilities for surface or subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

Source Protection Zone: The surface and subsurface area surrounding a groundwater source of drinking water supplying a Public Water supply through which contaminants are reasonably likely to move toward and reach such ground-water source. These zones shall have the approval of the State of Utah Division of Drinking Water.

Time of Travel Distance: The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of Travel is determined from hydrological studies and is approved by the State Department of Environmental Quality, Division of Drinking Water.

Wellhead: means the upper terminal of a well, including adapters, ports, seals valves and other attachments.

4-11-030 Establishment of Drinking Source Water Protection Zones.

There are hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, as identified and described as follows:

(A) Zone one is the area within a 100-foot radius from a wellhead.

(B) Zone two is the area within a 250-day ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(C) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to a wellhead or margin of the collection area (the boundary of the aquifers) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(D) Zone four is the area within a 15-year ground-water time of travel to a wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

4-11-040 Permitted Uses.

The following uses shall be permitted within drinking water source protection zones:

(A) Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

(B) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

4-11-050 Prohibited Uses.

The following uses or condition shall be and are hereby prohibited within drinking water source protection zones, whether or not such uses or conditions may otherwise be ordinarily included as a part of a use permitted under Section 4 of this Chapter.

(A) Zone one - The location of a potential contamination source as defined herein.

(B) Zone two - The location of pollution sources as defined herein, unless their contaminated discharges are controlled with design standards.

(C) Zones three and four - The location of a potential contamination sources unless they are controlled through land management strategies.

4-11-060 Administration.

The policies and procedures for administration' of any source protection zone established under this ordinance including without limitation those applicable to nonconforming uses, exception enforcement and penalties, shall be the same as provided in the existing zoning ordinance for Summit County Service Area # 3 as presently enacted except that in addition, any requested variances shall be forwarded to the Summit County Health Department for review and recommendation. If it is necessary to have additional expertise evaluate the variance, it will be at the expense of the entity requesting the variance. The recommendation shall be documented and returned to both the requester and Summit County Service Area #3.

If there are noncompliant potential contamination sources found in the source protection zones that cannot be resolved by the water system, this shall be brought before the Board of Trustees of Summit County Service Area # 3, Summit County Health Department and/or the applicable regulatory agency for enforcement action. It shall be the water system's responsibility to maintain and supply map of their source protection zones to both the County Health Department and the Subdivision in which the source protection zones reside.



Marvin Maxell
Summit County Service Area No.3 Board Chairman



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My Comm. Exp. 04/10/2010





Partnership for the Environment

Utah Department of Environmental Quality

Fertilizer Fact Sheet

What Are The Potential Hazards?

Fertilizer applied to plants during crop, lawn, and garden maintenance may leach into the ground water and cause contamination. The main constituent in fertilizer is usually nitrogen. If the nitrate level of drinking water is too high, infants, up to the age of six months, can develop a fatal disease called blue baby syndrome (methemoglobinemia). Drinking water that contains 10 milligrams of nitrate-nitrogen per liter of water exceeds the drinking water standard and should not be used, especially for infant formula. Proper storage, application, and watering procedures should be included in fertilizer best management practices to prevent contamination of ground water.

Storing Fertilizers

The less fertilizer you buy, the less you will have to store. Therefore, only purchase the amount and kind of fertilizer that you need.

- Fertilizer should be stored in locked, dry cabinets.
- Keep fertilizer and pesticides on separate shelves.
- Don't store fertilizer with combustibles, such as gasoline or kerosine, because of explosion hazards.

Application Precautions

The chemical in fertilizer that can most easily pollute ground water is a form of nitrogen called nitrate. Nitrate moves readily in soil to the ground water strata. The best way to prevent the movement of nitrate into the ground water is to apply no more nitrogen than the crops, grass, garden plants, shrubs, or trees can use during the time that the plants are growing.

- Calibrate your spreader and sprayer to keep from applying too much fertilizer.
- Load fertilizer spreaders on the driveway or other hard surfaces so any spills can easily be swept up. Fertilizer that spills should be swept up and applied to the lawn or garden at the right time and amount. This allows the fertilizer to grow plants instead of washing off into the storm drain system and ultimately contaminating nearby streams and lakes.
- If you are using liquid fertilizer on your turf, add fertilizer to the spray tank while on the lawn. This way, if you spill the fertilizer, it will be used by the plants and not run off into the storm drain system.
- Do not spray or apply fertilizer near irrigation wells. Wells are conduits to the ground water.

Application Rates For Lawns

Utah State University's Extension Service recommends the following for Utah lawns: "It is important to fertilize on a regular basis every four to six weeks to maintain an attractive lawn. Begin

when lawns start to green in the spring, mid to late April. Earlier applications may cause a lawn to become greener faster, but may also increase spring disease problems. Summer applications of nitrogen fertilizer will not burn lawns, if you apply them to dry grass and water immediately. Fall applications are important for good winter cold tolerance, extended fall color, and fast spring green-up. A complete fertilizer containing nitrogen, phosphorus and potassium should be applied in the fall every three to four years. This will prepare the lawn for winter conditions and allow the phosphorus to penetrate into the root zone by the next growing season.

For a well-kept lawn in Utah, apply 1 pound of available nitrogen per 1,000 square feet each four to six weeks throughout the growing season. The following chart indicates how much of various fertilizer will supply one pound of nitrogen.

| %N on Label | Pounds of Fertilizer Per 1000 Square Feet |
|-------------|---|
| 12-15 | 7-8 |
| 18-21 | 5-5 ½ |
| 24-28 | 3 ½-4 |
| 30-34 | 3-3½ |
| 45-46 | 2-2 ¼ |

Types of Plants

One of the best ways to protect your ground water is to use plants that are drought-tolerant and that are adapted to your area. Drought-tolerant or low-water-use plants can continue to survive once they are established, even during times of little rainfall. Because you do not have to water these plants, there is less chance that nitrate and pesticides will be carried with the water through the soil and into the ground water.

If low-water-use plants are not practical, then try to use medium water use plants. Water these plants only when they begin to show drought stress. Some plants will wilt when they are drought-stressed, while other plants will show marginal leaf burn.

Watering

Over-watering plants can cause excess water to move through the soil. This water can flush fertilizer away from the root zone of your plants and into the ground water. The best way to avoid over-watering is simply to measure how much you are adding. Contact your county Extension Service to determine the best way to calculate how much water your plants need and how to measure the amount you are applying.

For More Information, Contact:

Division of Drinking Water, Source Protection Program - (801) 536-4200
 Department of Agriculture - (801) 538-7100
 Environmental Hotline - 1-800-458-0145
 Sonja Wallace, Pollution Prevention Coordinator - (801) 536-4477



Partnership for the Environment

Utah Department of Environmental Quality

Household Hazardous Waste Fact Sheet

What is Household Hazardous Waste?

Many hazardous products and chemicals such as cleaners, oils and pesticides are used in the home every day. When discarded, these products are called household hazardous waste (HHW). HHWs are discarded materials and products that are ignitable, corrosive, reactive, toxic or otherwise listed as hazardous by the EPA. Products used and disposed of by a typical residence may contain more than 100 hazardous substances including:

- Batteries
- Cleaners
- Cosmetics
- Fluorescent light bulbs
- Glues
- Heating oil
- Insecticides and pesticides
- Ink
- Medicines
- Motor oil and automotive supplies
- Paints, thinners, stains and varnishes
- Polishes
- Swimming pool chemicals
- Smoke detectors
- Thermometers
- Fuel

HHW is a Serious Threat

The U.S. Environmental Protection Agency estimates the average American household generates 20 pounds of HHW each year. As much as 100 pounds of HHW can accumulate in the home and remain there until the resident moves or undertakes a thorough "spring cleaning."

Since the chemicals found in HHW can cause soil and groundwater contamination, generate hazardous emissions at landfills and disrupt water treatment plants, it is important to dispose of HHW properly. Many solid waste treatment facilities are currently required to screen for HHW to avoid operating under restrictive hazardous waste laws. Furthermore, many communities may be required to establish a HHW collection program in order to qualify for permits to manage storm water.

Safe Handling Tips

The best way to handle household hazardous materials is to completely use the product before disposing of the container. If this is not possible, then the next alternative is to return unused portions to your community household hazardous waste clean-up day. Keep products in their original package with all labels intact. If the container is leaking, place it in a thick plastic bag. Pack the products in a plastic-lined cardboard box to prevent leaks and breakage.

Household hazardous waste clean-up days are for household wastes only. No industrial or commercial wastes and no containers larger than five gallons are accepted. Explosives, radioactive

material and medical wastes are also unacceptable.

HHW can be dangerous to people and pets who come in contact with them. HHW can endanger water supplies, damage sewage treatment systems, and cause other environmental damage. Only use the products as directed. **DO NOT:**

- Flush HHWs down the toilet
- Pour HHWs down the sink
- Pour HHWs down a storm drain
- Pour HHWs on the ground

Contact your local health department or the Division of Solid and Hazardous Waste to determine whether your community has a household hazardous waste collection program.

Identify HHW

Reduce the amount of potentially hazardous products in your home and eliminate what you throw away by following these easy steps:

1. Before you buy:

- Read the labels and be aware of what they mean.
- Look for these words on labels; they tell you what products may need special handling or disposal.

| | |
|-------------|-----------|
| Caution | Flammable |
| Combustible | Poison |
| Corrosive | Toxic |
| Danger | Volatile |
| Explosive | Warning |

- Select a product best suited for the job.
- Buy only what you can use entirely.

2. After you buy:

- Read label precautions and follow directions for safe use.
- Recycle/dispose of empty containers properly.
- Share what you can't use with friends or neighbors.
- Store properly.
- Use recommended amounts; more is not necessarily better.
- Use the child-resistant closures and keep them on tightly.

For More Information, Contact:

Division of Solid & Hazardous Waste - (801) 538 - 6170
Division of Drinking Water, Source Protection Program - (801) 536-4200
Environmental Hotline - 1-800-458-0145
Sonja Wallace, Pollution Prevention Coordinator - (801) 536-4477



Partnership for the Environment

Utah Department of Environmental Quality

Pesticides Fact Sheet

What Are The Potential Hazards?

Pesticides applied to plants during crop, lawn, and garden maintenance may leach into the ground water and cause contamination. Proper storage, mixing, application, spill cleanup, watering, and disposal procedures should be included in pesticide best management practices.

Storing Pesticides

The fewer pesticides you buy, the fewer you will have to store. Therefore, only purchase the amount and kind of pesticide that is needed. Pesticides should always be stored in sound, properly labeled, original containers. *Sound containers are the first defense against spills and leaks.*

- Ensure that there are no holes, tears, or weak seams in the containers and that the label is readable.
- Pesticides should be stored in locked, dry cabinets.
- Be sure to store dry products above liquids to prevent wetting from spills.
- Storage and mixing areas should not be located near floor drains of any kind.
- Storage facilities should have secondary containment, such as a berm or dike, which will hold spills or leaks at:
 1. 10% of the total volume of the containers, or
 2. 110% of the volume of the largest container, whichever is larger.

Mixing Pesticides

- Mix pesticides on an impermeable surface, such as concrete, so any spills will be contained.
- Mix only the amount that you will use:
 1. Measure the total square feet you intend to treat.
 2. Read the label on the pesticide container and follow the instructions. (These are often given in terms of amount of pesticide to use per thousand square feet.)
 3. By properly measuring and calculating, there should be little or no pesticide left in the spray tank when the job is finished and it will be applied at the recommended rate.

Applying Pesticides

Pesticides are used to kill or control weeds (herbicides), insects (insecticides) and fungi (fungicides) that attack plants. Some of these pesticides can move through the soil and into the ground water. Guidelines for the safe use of pesticides are listed below:

- Be willing to accept a low level of weed, insect, and plant disease infestation.

- Use pesticides only when absolutely necessary.
- Identify pests correctly. Use the proper pesticides.
- Read and follow the directions printed on the container labels. Remember, *the label is the law*.
- Calibrate your spreader and sprayer to keep from applying too much pesticide.
- Do not spray or apply pesticides near irrigation wells. Wells are conduits to the ground water.
- Do not spray or apply pesticides near your walks and driveway. This prevents them from washing off into the storm drain system.

Cleaning Up Spills

- Dry formulated pesticide spills should be swept up and applied to crops, lawns, and gardens at the rate specified on the label.
- Liquid pesticide spills should be soaked up using absorbent material (such as, soil, sawdust, and cat litter). The contaminated absorbent material should then be put in a sealed container and taken to a household hazardous waste collection site.

Watering

Over-watering your plants can cause excess water to move through the soil. This water can carry pesticides that can contaminate the ground water. The best way to avoid over-watering is simply to measure how much you are adding. Contact your county Extension Service to determine the best way to calculate how much water your plants need and how to measure the amount you are applying.

Disposing of Pesticides

If the pesticide was properly measured and mixed, there should be little or no spray left in the tank. The little that may be left can be safely sprayed over the area that was treated until it is gone. Disposal of "empty" pesticide containers and unused pesticides should be handled as follows:

- If you are using liquid pesticides, rinse the container three times. Be sure to pour the rinsing into your sprayer and not down a drain or onto the ground. Containers which have been emptied and rinsed can be discarded in the trash.
- Unused pesticides in their original containers can be recycled at household hazardous waste collection sites.

For More Information, Contact:

Division of Drinking Water, Source Protection Program - (801) 536-4200
 Department of Agriculture - (801) 538-7100
 Environmental Hotline - 1-800-458-0145
 Sonja Wallace, Pollution Prevention Coordinator - (801) 536-4477



Partnership for the Environment

Utah Department of Environmental Quality

Septic Tank/Drainfield System Fact Sheet

What Are The Potential Hazards?

Septic systems can contaminate ground water if they are misused, improperly maintained, or improperly constructed. The major contaminant discharged from septic systems is disease-causing germs. These germs (bacteria and viruses) - can cause many human diseases. Another contaminant discharged from septic systems is nitrogen in the form of nitrate. If the nitrate level of drinking water is too high, infants, up to the age of six months old, can develop a fatal disease called blue baby syndrome (methemoglobinemia). Additionally, if toxic chemicals are disposed in a septic system, they can percolate through the drainfield and into the ground water.

How Does A Septic Tank/Drainfield System Work?

The basic septic system is composed of a septic tank followed by a drainfield. Wastewater flows out of the house and into the septic tank through the building sewer pipe. Once in the septic tank, most solids in the wastewater settle to the bottom of the tank to form a sludge layer. Other solids float and form a scum layer on top of the wastewater. Some decomposition of solid material takes place here, but the primary function of a septic tank is to trap solids and prevent them from entering the drainfield.

Wastewater treatment is restricted to a rather thin zone of unsaturated soil underlying the drainfield. Many of the harmful bacteria and microbes are filtered out as the wastewater passes through this soil. Some of the smaller microbes (viruses) and nutrients such as phosphorus and some forms of nitrogen are trapped and held (adsorbed) by soil particles. Once the effluent reaches the groundwater table, little treatment occurs. Soils can differ markedly in their pollutant removal efficiency. The ability to which soil can remove pollutants in the wastewater determines how many impurities will eventually reach the groundwater beneath the drainfield.

Site Evaluation And Construction

Current rules require a comprehensive evaluation of the soil and ground water before a septic system can be permitted for construction in a given location. This evaluation must be reviewed and approved by the local health department. The rules require that the bottom of the drainfield trenches be placed at least 12 inches (preferably 24 inches) above the water table. Additionally, there must be adequate amounts of unsaturated soil beneath the trenches to allow sufficient treatment of the wastewater.

Site Considerations

- Trees and deep-rooted shrubs should be as far away from the system as possible.
- Keep the water that runs off of foundation drains, gutters, driveways, and other paved areas away from the drainfield of your septic system.

- Keep the soil over the drainfield covered with grass to prevent soil erosion.
- Don't drive vehicles over the system.
- Don't cover the tank or drainfield with concrete or asphalt and don't build over these areas.

Proper Disposal Practices

- Use only a moderate amount of cleaning products and do not pour solvents or other household hazardous waste down the drains.
- Garbage disposals should not be used because they tend to overload the system with solids. If you have one, you should severely limit its use.
- Do not pour grease or cooking oil down the sink.
- Do not put items down the drain that may clog the septic tank or other parts of the system. These items include cigarette butts, sanitary napkins, tampons, condoms, disposable diapers, paper towels, egg shells, and coffee grounds.

Water Conservation

There are limits to the amount of wastewater a septic system can treat. If you overload the system, wastewater may backup into your home or surface over your drainfield. Problems caused by using too much water can occur periodically throughout the year or be seasonal. For example, the soil beneath your drainfield is wetter in the spring than it is in the summer and its capacity to percolate wastewater is somewhat diminished. If you wash all your laundry in one day, you may have a temporary problem caused by overloading the soil's capacity to percolate wastewater for that day. To reduce the risk of using too much water, try the following:

- Use 1.6 gallons (or less) per flush toilets.
- Fix leaking toilets and faucets immediately.
- Use faucet aerators at sinks and flow reducing nozzles at showers.
- Limit the length of your shower to 10 minutes or less.
- Do not fill the bathtub with more than 6 inches of water.
- Do not wash more than one or two loads of laundry per day.
- Do not use the dishwasher until it is full.

Septic Tank Cleaning

It is recommended that the solids that collect in your septic tank be pumped out and disposed at an approved location every three to five years. If not removed, these solids will eventually be discharged from the septic tank into the drainfield and will clog the soil in the absorption trenches. If the absorption trenches are clogged, sewage will either back up into the house or surface over the drainfield. If this happens, pump the tank will not solve the problem and a new drainfield will probably need to be constructed on a different part of the lot.

For More Information, Contact:

Division of Drinking Water, Source Protection Program - (801) 536-4200
 Division of Water Quality - (801) 538-6146
 Sonja Wallace, Pollution Prevention Coordinator - (801) 536-4477
 Environmental Hotline - 1-800-458-0145

EXHIBIT 6

11. This permit does not include horse boarding. If the applicant wishes to pursue horse boarding in the future, an amendment to this conditional use permit would need to be granted. If horse boarding is believed to be occurring without the proper permits, Summit County and the applicant shall agree on a third party veterinarian to assess the condition of the horses in an effort to ensure they are located on site for a medical condition and not just for general boarding.
12. The maximum number of horses allowed on site at any one time shall be thirty-eight (38).
13. Hours of operation shall be Monday through Friday, 8:00 a.m. to 5:30 p.m., and Saturday, 8:00 a.m. to 12:00 noon, except for emergencies.

Conditions of Approval for original CUP - July 13, 2005 - Board of County Commission

EXHIBIT 6

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Conditions of Approval for original CUP - July 13, 2005 - Board of County Commission

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Conditions of Approval for original CUP - July 13, 2005 - Board of County Commission



STAFF REPORT

To: Snyderville Basin Planning Commission
Report Date: January 6, 2014
Meeting Date: January 14, 2014
From: Jennifer Strader, County Planner
Project Name & Type: MHM Veterinary Clinic and Dog and Cat Boarding Facility

This is the same staff report provided at the December 10, 2013 meeting with additional information highlighted in yellow.

EXECUTIVE SUMMARY: The applicant, Carl Prior, is requesting approval of a Low Impact Permit (LIP) to amend the existing Conditional Use Permit (CUP) for Mountain Horse Medical Clinic to allow dog and cat boarding, located at 1005 Beehive Drive in the Silver Creek Subdivision (**EXHIBIT A**).

Based upon Staff's review and analysis, Staff finds that the request complies with the Snyderville Basin General Plan and the Snyderville Basin Development Code, and recommends that the Snyderville Basin Planning Commission (SBPC) hold a public hearing and vote to recommend approval of the LIP to the Community Development Director (CDD).

If members of the public bring to light new concerns or issues, the SBPC may instead choose to continue the decision to another date, or may choose to recommend denial of the application with appropriate findings.

A. Project Description

- **Project Name:** MHM Veterinary Clinic
- **Applicant(s):** Carl Prior
- **Property Owner(s):** American West Bank
- **Location:** 1005 Beehive Drive
- **Zone District:** Neighborhood Commercial (NC) (**EXHIBIT B**)
- **Setbacks:** Front: 30', Side & Rear: 12'
- **Adjacent Land Uses:** Residential
- **Existing Uses:** Veterinary Clinic
- **Parcel Number and Size:** SL-H-508, 2.50 acres
- **Lot of Record Status:** Lot of Record
- **Land Use Authority:** Community Development Director

B. Background

On July 13, 2005, the Summit County Board of Commissioners approved a Rezone from Rural Residential (RR) to Neighborhood Commercial (NC) and a CUP for the Mountain Horse Medical Clinic located on three (3) lots in the Silver Creek Subdivision, on Beehive Drive.

The CUP was for a veterinary clinic, geared mainly towards horses. The approval was for 30,000 square feet which included a medical equine clinic that could

accommodate up to thirty-eight (38) horses at one time, an existing residence that would be used as a caretakers unit, a covered round pen, four (4) barns and additional fenced areas for general training and/or riding (**EXHIBIT C**). As of this date, the main clinic has been constructed, which includes two (2) 5,000 square foot buildings.

The clinic was intended to house horses that were sick or injured and those that were in the process of recovering. Given the neighborhood concerns with commercial horse boarding during the public hearing process, a condition was placed on the permit restricting boarding.

The clinic has been vacant for a number of months and the applicant is requesting to continue the use of a veterinary clinic in the building located closest to Beehive Drive. The previously approved CUP runs with the land and can be continued with the new owner. The applicant is also proposing to use the building to the north for dog and cat boarding, which is the subject of the proposed LIP.

C. **Process for Approval**

Section 10-3-5(I) of the Snyderville Basin Development Code (Code) regulates amendments to approved CUPs. A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved CUP and can be commenced through the LIP process. Based on the applicant's operational plan which is evaluated in Section E of this report, Staff found that the addition of a cat and dog boarding facility will not increase the square footage, density, or intensity of the use as it is consistent with the previously approved CUP.

Section 10-3-4(C)(2) of the Code regulates LIPs and states that in proposals where the Community Development Director determines that potential issues may arise or additional comment is needed from the community, a public hearing may be held before the SBPC. Staff felt that it would be appropriate for the SBPC to conduct a public hearing specific to the dog and cat boarding facility.

D. **Community Review**

A public hearing was scheduled for this application on December 10, 2013; however, due to a mistake on the agenda, the public hearing could not be held and was continued to January 14, 2014.

Public notice for this meeting was published in *The Park Record* and individual notices were mailed to property owners within 1,000' from the boundaries of the subject property.

At the time of this report, Staff received comment from one neighboring property owner questioning the LIP process vs. the CUP process. The difference is that a CUP always requires a public hearing before the SBPC who is the final land use authority, whereas the LIP is an administrative process with the opportunity for a public hearing if Staff feels additional comment is warranted from the community. In this particular application, Staff felt that a public hearing would be appropriate and therefore the process for approval is very similar to that of a CUP.

Staff also received four (4) letters in support of the project and three (3) letters of concern (**EXHIBIT D**).

E. **Identification and Analysis of Issues**

The applicant is proposing to utilize the existing buildings. The building closest to Beehive Drive would be used as the veterinary clinic and the building to the north would be utilized as the dog and cat boarding facility.

The building proposed as the boarding facility contains a large room that would house up to 20-30 cats. There are also fifteen (15) areas; originally designed as paddocks for horses that could accommodate up to four (4) dogs each, for a total of 60 at one time.

During the previous CUP review, a traffic study was reviewed that was based on the full capacity of the clinic (up to 38 horses and some smaller animals). It was determined that the Level of Service (LOS) on Beehive Drive would remain at a LOS "A" with the approved use. The Engineering Department stated that the proposed boarding facility would not affect the existing traffic capacity on Beehive Drive, which is still at a Level of Service (LOS) "A". There are a total of 12 parking spaces on site with an additional 4 spaces for trailer parking.

Service Provider Review

Staff contacted the Summit County Health Department, Summit County Animal Control, and Service Area #3 in Silver Creek (who deal with roads and water), and none of them responded with any comments or conditions for the proposed boarding facility.

Staff requested that the applicant provide an operational plan, which included the following information:

- Up to 20 dogs a day could be housed at the facility for daycare (does not include overnight boarding), and up to 60 dogs could be boarded at the facility at one time (for longer than a 24 hour period). Most of these dogs would be dropped off at the Park City Animal Clinic in Park City between 7-8 a.m. and transported to the subject location. They would then be returned to the Park City Animal Clinic around 4:30 p.m. The applicant anticipates 1-2 vehicles at a time for drop off or pick up at the boarding facility on Beehive Drive.

Staff comment: If the majority of the dogs are transferred to and from the Park City location, thus reducing the number of individual car trips to the facility on Beehive Drive, Staff could find that the use is consistent with the previously approved CUP. However, it would be difficult to enforce this. Staff is suggesting a condition of approval that should overflow parking or excessive traffic occur which affects the safety of the area, the LIP could be re-evaluated.

- The applicant is proposing to add an outdoor fenced area for the dogs, as identified on **Exhibit E**.

Staff comment: Although the previously approved CUP anticipated outdoor areas for horses, Staff is concerned with the dogs barking; however, the applicant has indicated that they will keep the dogs in small groups, which will help alleviate the barking.

If barking does become a concern and it is found that complaints are being generated with the Summit County Animal Control Department, Staff is

suggesting a condition similar to the one above, stating that the LIP could be re-evaluated.

- There could be up to 20-30 cats boarded in the facility at one time.
- The proposed hours of operation are 7 a.m. to 6 p.m. Monday-Friday, and 7 a.m. to 1 p.m. on Saturday.
- Per the applicant, waste from the pets will be cleaned up immediately. Solids will be placed in a closed receptacle and the liquids will be immediately sprayed. They will have a professional waste removal company remove the waste as often as needed, typically once to twice daily. They will also use pet safe odor eliminator products for the soiled areas and receptacles.

Waste removal was a concern brought up by a concerned neighbor and Staff contacted the Summit County Health Department to discuss any concerns or requirements they might have. The representative from the Health Department indicated they would review the proposal and contact Staff if they had any concerns. At the time of this report, the Health Department has not provided any input.

F. **Findings/Code Criteria/Discussion**

Section 10-3-4 of the Snyderville Basin Development Code requires that the following criteria for approval of a LIP be met:

1. The use does not significantly increase vehicular traffic, unless the increases are consistent with previously approved plans for which appropriate mitigation has been contemplated and which has been implemented in an appropriate manner to accommodate the proposed amendment;

According to the applicant's operational plan, the majority of the dogs and cats that would be boarded would be picked up and dropped off at the Park City Animal Clinic in Park City, thus significantly decreasing the number of vehicles traveling to the facility on Beehive Drive.

The Engineering Department stated that the proposed boarding facility will not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) "A".

2. The use does not significantly increase the demand for parking, unless the increases are consistent with previously approved plans for which appropriate mitigation has been contemplated and which has been implemented in an appropriate manner to accommodate the proposed amendment;

The site contains a total of 12 parking spaces and an additional 4 spaces for trailer parking. Staff finds that the number of parking spaces is adequate as long as the majority of the dogs and cats are transported to and from the site as described in the operational plan.

3. The use does not intensify the likelihood of pedestrian and vehicular conflicts;

Staff cannot find that the addition of dog and cat boarding to the veterinary clinic will intensify the likelihood of pedestrian and vehicular conflict.

4. The use does not create unsightly conditions, including, but not limited to, unscreened storage and other environmental concerns;

There is no unscreened storage proposed as part of the Low Impact Permit.

5. Buildings and other structures shall provide a human scale consistent with adjacent development and appropriate to residential uses and consistent with adjacent conforming development in the zoning districts. The massing, scale, and architectural design shall be consistent with the design guidelines established in Section 10-4-20 of the Code;

The buildings exist and were approved as part of the previous Conditional Use Permit. No additional buildings are proposed.

6. The use does not intensify noise levels or odors;

There could be intensification of noise with the addition of the dog boarding facility, especially if dogs are barking in the outdoor area; however, the applicant has stated that the dogs will be in small groups, which in turn significantly decreases barking. Dogs that bark excessively or who are not friendly will not be allowed at the facility and pheromone collars will be used for dogs that are nervous.

7. The use does not create significant dust and dirt conditions, which cannot be adequately mitigated;

Staff cannot find that the use will create dust and dirt conditions which cannot be adequately mitigated.

8. The use does not intensify lighting and glare conditions;

No additional lighting is proposed as part of the Low Impact Permit.

9. The site shall be landscaped according to Section 10-4-21 of the Code;

The site has already been landscaped per the previous Conditional Use Permit approval.

10. The use does not create a sudden change in privacy for adjacent property owners;

The use will not create a sudden change in privacy for adjacent property owners. Outdoor fenced areas and corrals were anticipated and approved as part of the Conditional Use Permit. The proposed fenced area will be a minimum of 23' from the east property line and 62' from the north property line.

11. The proposed use shall be in compliance with the Standards of Approval for Development Permits in Chapter 4 of the Code; and

Chapter 4 refers to environmental criteria, fire protection, parking, infrastructure, architecture, landscaping, and lighting. The standards for approval for development permits were satisfied as part of the previous Conditional Use Permit.

12. The use is generally consistent with the goals and policies of the General Plan.

The General Plan recognizes that the North Mountain Neighborhood contains a neighborhood commercial area that should be limited in size and type of uses, which serve the immediate needs of or are compatible with the neighborhood.

Staff finds that the dog boarding facility is an appropriate use in conjunction with the veterinary clinic.

G. **Recommendation(s)/Alternatives**

Staff recommends that the SBPC hold a public hearing and take public comment on the application, and review the proposal for compliance with the General Plan and Development Code.

Based upon the review outlined in this report, and unless members of the public bring to light new issues or concerns that may affect these findings, Staff recommends that the SBPC vote to forward a positive recommendation to the Community Development Director for the addition of a dog and cat boarding facility to the already approved veterinary clinic located on Parcel SL-H-508. The positive recommendation is based on the following Findings of Fact, Conclusions of Law, and Conditions:

FINDINGS OF FACT

1. Parcel SL-H-508 is located at 1005 East Beehive Drive and is zoned Neighborhood Commercial (NC).
2. A Conditional Use Permit for a veterinary clinic on Parcels SL-H-508, SL-D-248, and SL-D-249 was granted in 2005.
4. On September 11, 2013 Carl Prior submitted a Low Impact Permit application to add dog and cat boarding to the existing veterinary facility located on Parcel SL-H-508.
5. There are two (2) 5,000 sq. ft. buildings and an existing residence located on Parcel SL-H-508.
6. There are no exterior additions proposed to the existing buildings.
7. Parcel SL-H-508 is located in the North Mountain Neighborhood Planning area as identified in the Snyderville Basin General Plan.
8. Section 10-3-4(C)(2) of the Snyderville Basin Development Code states that the Community Development Director or designated planning staff member may schedule a public hearing before the Snyderville Basin Planning Commission for a Low Impact Permit.

CONCLUSIONS OF LAW

1. The use will not significantly increase vehicular traffic if the majority of the dogs are dropped off and picked up at the Park City Animal Clinic in Park City, per the applicant's operational plan. The Engineering Department stated that the proposed boarding facility will not affect the existing traffic capacity on Beehive Drive, which is currently at a Level of Service (LOS) A.
2. The use will not significantly increase the demand for parking if the majority of the dogs are dropped off and picked up at the Park City Animal Clinic in Park City. The site contains a total of 12 parking spaces and an additional 4 spaces for trailer parking.
3. The dog and cat boarding facility will not intensify the likelihood of pedestrian and vehicular conflicts.
4. The use will not create unsightly conditions, including unscreened storage as there is no unscreened storage proposed as part of the Low Impact Permit.
5. The use will not create a sudden change in privacy for adjacent property owners because outdoor fenced areas and corrals were anticipated and approved as part of the previously approved Conditional Use Permit. The proposed fenced area will be a minimum of 23' from the east property line and 62' from the north property line.
6. The General Plan recognizes that the North Mountain Neighborhood contains a neighborhood commercial area that should be limited in size and type of uses, which serve the immediate needs of or are compatible with the neighborhood. A dog boarding facility is an appropriate use in conjunction with the veterinary clinic.

CONDITIONS

1. If the County receives complaints regarding overflow parking or excess traffic occurring which appears to cause a safety issues, the Low Impact Permit may be re-evaluated by the Snyderville Basin Planning Commission and the Community Development Director.
2. If the County receives complaints regarding excessive barking, the Low Impact Permit may be re-evaluated by the Snyderville Basin Planning Commission and the Community Development Director.
3. Prior to approval of a Summit County Business License, the applicant shall coordinate with the Summit County Engineering Department regarding payment of transportation impact fees.
4. If the proposed fence is over 6' high, a Summit County Building Permit shall be obtained prior to commencement of construction.

Attachment(s)

EXHIBIT A: Vicinity Map

EXHIBIT B: Zone Map

EXHIBIT C: Previously Approved CUP Site Plan

EXHIBIT D: Letters in Support & Opposition

EXHIBIT E: Proposed Fenced Area

SUMMIT COUNTY, UTAH
ORDINANCE NO. 2007

**AN ORDINANCE TO REZONE PARCELS SL-H-508, SL-D-248 & SL-D-249, SILVER CREEK
ESTATES SUBDIVISION**

WHEREAS, the Snyderville Basin Development Code and Zoning Map were adopted on December 22, 2004 and effective January 12, 2005; and

WHEREAS, Section 10-7-3 (2) of the Snyderville Basin Development Code outlines a process for an amendment to a zone district; and

WHEREAS, an application to rezone parcels SL-H-508, SL-D-248 & SL-D-249, Silver Creek Estates Subdivision was filed with Summit County on January 7, 2005, by Charmian Wright in order to rezone the parcels from RR (Rural Residential) to NC (Neighborhood Commercial) for the purpose of operating a medical equine clinic ("veterinarian"); and

WHEREAS, a "veterinarian" is listed as a Conditional Use in the neighborhood commercial zone, but is not allowed in the rural residential zone; and

WHEREAS, the Snyderville Basin Planning Commission conducted a public hearing on June 14, 2005 and forwarded a recommendation to the Summit County Board of Commissioners to approve the request as proposed; and

WHEREAS, the Summit County Board of Commissioners conducted a public hearing on July 13, 2005;

WHEREAS, The Summit County Board of Commissioners believes the rezone request, coupled with the proposed veterinarian use is appropriate for these specific parcels; and

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah [hereinafter "Board"], ordains as follows:

Section 1. The Snyderville Basin Zoning Map is amended so that parcels SL-H-508, SL-D-248, & SL-D-249, Silver Creek Estates Subdivision are zoned Neighborhood Commercial.

Section 2. This Ordinance shall take effect after fifteen (15) days of the date below and upon publication in a newspaper published and having general circulation in Summit County.

PASSED AND ADOPTED on this 13th day JULY 2005.

BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH

By Robert Richer
Robert Richer, Chair, Summit County Board of Commissioners

Commissioner Richer voted
Commissioner Elliot voted
Commissioner Woolstenhulme voted

all
use
use



Susan Elliott
County Clerk, Summit County, Utah

00742599 BK01715 Pg01931-01931

ALAN SPRIGGS, SUMMIT CO RECORDER
2005 JUL 14 14:40 PM FEE \$.00 BY GGB
REQUEST: SUMMIT COUNTY CLERK

BK1715 PG1931

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 E. STRACHAN
Deputy County Attorney

To: Summit County Council
From: Helen Strachan, Deputy County Attorney 
Date: May 21, 2014
Re: Proposed GRAMA Fee and Process Resolution

Please find attached a proposed Resolution establishing a fee schedule and process for record requests made to Summit County pursuant to Utah's Government Records Access and Management Act (Utah Code Annotated §63G-2-201 et. seq. ("GRAMA")). A governmental entity may charge a reasonable fee to cover the actual costs of providing a record. Fees are to be established by ordinance or written formal policy adopted by the governing body.

Currently, Summit County does not have a uniform fee schedule with respect to GRAMA requests and associated fees. The fee schedule that we are proposing appears to be a reasonable approach to fees. The Attorney's Office asked all departments to submit what they were currently charging for GRAMA requests, and all fees were in the realm of "reasonable" as allowed under GRAMA, particularly in light of our research into other jurisdictions' fee schedules (namely, the Utah Attorney General's Office, Utah County, Salt Lake County, and Salt Lake City). Other jurisdictions charge fees very similar to the fees we are proposing.

The proposed resolution also sets forth a process for handling GRAMA requests, all of which is taken out of the Utah State Code. On the Summit County website, we have a request for a record form (a copy of this form is attached), which most departments require to be filled out prior to releasing records. I have included a section in the resolution to give a department flexibility in terms of how a request is made. For instance, some departments receive requests for a single document that exists in electronic format. If an individual submits an email to that department with the required information (i.e. name, contact information, and a description of the record), I think it is reasonable that the department process the request without the necessity of filling out a request for record form. So long as the request is in writing and contains the relevant information, that should be sufficient.

You will notice that the fee schedule includes a charge for staff time. Under GRAMA, we are not allowed to charge for the first quarter hour of staff time to compile a response to a GRAMA request. You will also notice that the charge for staff time is already included in the cost of photocopies and the like. In the instance where an individual makes a request for a record and requests that the document be provided in electronic format (i.e. a pdf document that is then emailed to the requester), we may charge for staff time to transfer the document to electronic format, however, again, we cannot charge for the first 15 minutes to do so.

Please let me know if you have any questions. Thank you.

SUMMIT COUNTY, UTAH
RESOLUTION NO. _____

**RESOLUTION ESTABLISHING A FEE SCHEDULE AND PROCESS FOR REQUESTS
MADE UNDER UTAH'S GOVERNMENT RECORDS ACCESS AND MANAGEMENT
ACT ("GRAMA")**

WHEREAS, pursuant to Utah Code Annotated §63G-2-203(3), a political subdivision shall establish fees by ordinance or written formal policy adopted by the governing body; and

WHEREAS, a governmental entity may charge a "reasonable fee" to cover its actual costs of providing a record; and

WHEREAS, Summit County desires to establish a uniform fee schedule and process governing requests made under Utah's GRAMA laws.

NOW, THEREFORE, BE IT RESOLVED, that the County Council of the County of Summit, State of Utah resolves as follows:

We hereby adopt the attached "**SUMMIT COUNTY GRAMA FEE SCHEDULE AND PROCESS FOR GRAMA REQUESTS**"

This Resolution shall take effect immediately upon its adoption.

APPROVE, ADOPTED, AND PASSED and ordered published by the Summit County Council, this _____ day of _____, 2014

SUMMIT COUNTY COUNCIL, SUMMIT COUNTY, UTAH

By: _____
Chair

Councilor Armstrong voted _____
Councilor Carson voted _____
Councilor McMullin voted _____
Councilor Ure voted _____
Councilor Robinson voted _____

SUMMIT COUNTY GRAMA FEE SCHEDULE AND PROCESS FOR GRAMA REQUESTS

Process:

- A person making a request for a Summit County record shall complete the “Request for Record – Utah Government Records Access and Management Act” prior to reviewing and/or receiving copies of records. In his/her discretion, the record custodian may accept the record request in a different format so long as the request contains the person’s name, mailing address, and daytime telephone number, if available, and a description of the record requested that identifies the record with reasonable specificity.
- The record request shall be submitted to the Summit County department/office that prepares, owns or retains the record.
- Upon receipt of the “Request for Record,” a response to the request shall be provided to the requestor within ten (10) business days unless:
 - the requester has demonstrated that the record request benefits the public rather than the person (in which case response shall be within five (5) business days); or
 - “extraordinary circumstances” pursuant to Utah Code Annotated §63G-2-204(5) exists, which allows the department to delay approval or denial for an additional period of time.

Fees:

- The costs for processing GRAMA requests and/or copies are set forth in the below GRAMA fee schedule.
- Summit County requires payment of past fees and future estimated fees prior to processing a request if:
 - fees are expected to exceed \$50.00; or
 - the requester had not paid fees from previous requests.
- If the requester simply wants to inspect a record, they may do so at no charge, however, staff time for compiling the request or for costs of any copies requested thereafter, shall apply.

GRAMA Fee Schedule

| Copies | Fee | Additional Information |
|--|--|---|
| 8 ½" x 11" non-color copies | \$.25 / sheet | |
| 8 ½" x 11" color copies | \$.75/ sheet | |
| 11" x 17" copies | \$1.00/ sheet | |
| 24" x 36" plats (standard size) | \$4.00 / sheet | |
| Plats larger than 24" x 36" | \$6.00 / sheet | |
| Odd sized copies | Actual cost to reproduce | |
| Copies of videos | \$15.00 / video recording | |
| Copies of audio | \$15.00 / audio recording | |
| USB drives | \$15.00/ 8 GB drive | |
| Other media | Actual costs | |
| Accident Reports (DI-9) | \$5.00 / report | |
| Sheriff Incident Reports | \$5.00 / report | |
| Incident Photographs (up to ten photographs) | \$1.00/ photo | |
| Incident Photographs (more than ten photographs) | \$10.00 | Photographs are put on a compact disc |
| Dispatch tapes (minimum 1 hour) | \$20.00 / hour | |
| Inmate mug shots | \$5.00 / picture | |
| Services | | |
| Notary Services | \$5.00 / signature to notarize | |
| Certification of a document | \$2.00 / certification | |
| Records delivered by facsimile | \$.75 / page + plus telephone charges for long distance over 10 pages | |
| Mailing and shipping costs | \$2.00 for staff mail preparation time, plus actual mailing costs if greater than \$2.00 | Actual mailing costs are those for U.S. Postal Service or an authorized delivery service such as UPS, FedEx, etc. |
| Staff time required to search, compile and otherwise prepare to provide a record | Actual cost, not to exceed the hourly rate (not to include benefits) of the lowest paid employee who, in the discretion of the record's custodian, has the necessary skill and training to perform the request | The first 15 minutes of staff time shall be at no charge. Staff time for photocopying, faxing, and providing documents in electronic format (i.e. video, audio or USB drive) is included in the costs for those items. |

| | | |
|---|--|--|
| IT Department requests to run data extract reports from Tyler | <p>\$51.24 / report if report takes less than 15 minutes to run</p> <p>\$224.00 / reports that take more than 15 minutes but less than 1 hour to run</p> <p>\$235.00 / each additional hour to run</p> | |
| IT Department requests to run data extract reports from ESRI | <p>\$16.50 / report if report takes less than 15 minutes to run</p> <p>\$65 / reports that take more than 15 minutes but less than 1 hour to run</p> <p>\$75 / each additional hour to run</p> | |

DRAFT

Request for a Record
Utah Government Records Access and Management Act
Must be submitted in writing

To: Government Entity: _____

Person Making Request: _____

Name: _____

Mailing Address: _____

Daytime Telephone Number: _____

Records Requested:

I desire access to or copies of the following records: (describe with reasonable specificity, attach additional sheet if necessary)

Additional sheets attached? Yes No

This request is submitted under the authority of Section 63-2-101 et. Seq., Utah Code, (GRAMA).

Yes I believe this request should be handled as an expedited (five day) request under Section 63-2-204(3), because, for the reasons outlined in the attached explanation, expedited response to this request benefits the public rather than the person making the request (if applicable, describe the reasons the public will benefit from an early response to this request and attach that summary to this request. Without this provision the request will be handled as soon as reasonably possible, but can take up to ten business days to be granted).

Yes I agree to pay a reasonable fee to cover the actual cost of duplicating a record if copies are requested, not to exceed \$_____, in conformance with the government entity's policy as determined by ordinance or written formal policy adopted by the governing body. I understand that there is no charge for inspecting a record.

Date: _____

Signature of Person Making Request

MANAGER'S REPORT
May 21, 2014

To: Council Members
From: Robert Jasper

| <u>Department</u> | <u>Description of Updates</u> |
|-------------------|---|
| Administration | <p><u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 5/8/14 and 5/15/14, posted on the website at: http://www.summitcounty.org/manager/index.php</p> |
| Auditor | |
| Assessor | |
| Attorney | <p><u>Submitted by David Brickey, County Attorney:</u> <u>Criminal Division Activity</u> DISTRICT COURT CRIMINAL CASES FILED: 18 <u>CRIMINAL FILINGS OF INTEREST</u></p> <p>Amie Kendall Kessler, Case No. 141500142, was charged with DUI, a Third Degree Felony, Interference with Arresting Officer, a Class B Misdemeanor, No Evidence of Security, a Class B Misdemeanor and Failure to Stay in One Lane, a Class C Misdemeanor. On September 3, 2012, a trooper with the Utah Highway Patrol observed a vehicle fail to stay in one lane of travel. The trooper initiated a traffic stop and made contact with Kessler. Kessler explained that she took one Soma before leaving Jordanelle Reservoir. Kessler was unable to produce any current proof of insurance for her vehicle. Upon completion of field sobriety tests, the trooper tried to handcuff Kessler but she started screaming and struggled to get away. Once handcuffed in the trooper's vehicle, Kessler slipped her handcuffs from behind her back to her front and unbuckled her seatbelt. She again resisted the trooper's efforts to re-handcuff her. Kessler has two qualifying convictions within the past ten years.</p> <p>Sean McManus, Case No. 141500143, was charged with Possession or Use of a Controlled Substance, a Third Degree Felony; Possession of Drug Paraphernalia, a Class B Misdemeanor; Failure to Stay in One Lane, a Class C Misdemeanor; and Driving on Suspended or Revoked Operator's License, a Class C Misdemeanor. On April 26, 2014, a trooper with the Utah Highway Patrol observed a vehicle's tires cross over the fog line. The trooper initiated a traffic stop and made contact with the driver, Sean Patrick McManus. McManus informed the trooper that he did not have a valid driver license and consented to a search of the vehicle. During the search the trooper found a pair of white athletic shoes in the trunk which contained a small plastic bag containing a white crystalline substance and a green straw with residue.</p> <p>Ernie Paul Montoya, Case No. 141500144, was charged with:</p> <ol style="list-style-type: none"> (1) Possession or Use of a Controlled Substance, a Third Degree Felony; (2) Assault Against a Peace Officer or Military Service Member in Uniform, a Class A Misdemeanor; (3) Interference with Arresting Officer, a Class B Misdemeanor; (4) Possession of Drug Paraphernalia, a Class B Misdemeanor; and (5) No Or Expired Driver's License, a Class C Misdemeanor. <p>On April 25, 2014, Summit County Detective Shupe drove to Coalville to serve an arrest warrant on Ernie Paul Montoya. Detective Shupe observed Montoya drive up and park at the residence. Detective Shupe knew Montoya did not have a valid driver license and approached Montoya and identified himself as a police officer. Detective Shupe observed open container of alcohol in Montoya's hands. Detective Shupe attempted to place handcuffs on Montoya and he started to resist and threw a punch at Detective Shupe. A search of Montoya produced a glass meth pipe with residue. At the jail, Montoya disclosed that he had meth concealed in his left sock.</p> <p>Paul Richard Burnam, 141500145, was charged with:</p> <ol style="list-style-type: none"> (1) Possession or Use of a Controlled Substance, a Third Degree Felony; |

| Department | Description of Updates |
|------------|---|
| | <p>(2) Possession of Drug Paraphernalia, a Class B Misdemeanor (3) Assault/DV, a Class B Misdemeanor; (4) Damage to or Interruption of Communication Device, a Class B Misdemeanor; (5) Commission of Domestic Violence in the Presence of a Child, a Class B Misdemeanor.</p> <p>On April 28, 2014, officers with the Park City Police Department responded to a residence on a report of a domestic violence incident. Officers made contact with a victim who indicated that Burnam had been acting strange lately and carrying a backpack with him at all times. The victim indicated that she opened the backpack and found a lightbulb which had been converted into a drug pipe with a glass bong and a tin can containing a substance that she believed to be methamphetamine. The victim confronted Burnam about the items and told him she was calling the police. Burnam grabbed her hand and knocked the phone away, hitting her in the ear in the process. These events occurred in the presence of their eleven year-old daughter. At the jail, a small tin containing methamphetamine was located in a pocket in the defendant's sweatshirt.</p> <p>Brent Edward Harding, Case No. 141500146, was charged with:</p> <p>(1) False Personal Information to a Peace Officer, a Class A Misdemeanor; (2) No Insurance on Motor Vehicle, a Class B Misdemeanor; (3) Driving with Suspended or Revoked License or Registration, a Class B Misdemeanor; (4) No Driver's License in Possession, a Class C Misdemeanor; and (5) Driving on Suspended or Revoked Operator's License, a Class C Misdemeanor.</p> <p>On April 24, 2014, Deputy Fugal with the Summit County Sheriff's Office stopped a vehicle for expired registration and no insurance. The driver provided a false name and date of birth and the registration for the vehicle was suspended.</p> <p>David Mark Held, Case No. 141500147, was charged with Aggravated Assault, a Second Degree Felony. Garrett Kelly reported that on April 13, 2014, he was physically assaulted by David Held at Cisero's Night Club. Mr. Kelly sustained serious injuries during the assault which required medical intervention, including two broken teeth, multiple lacerations and fractures to his face and a dislocated shoulder. A witness observed Garrett Kelly on the ground being kicked in the head by David Held.</p> <p>Shanell Hubbard-Mullen, Case No. 141500148, was charged with Fugitive from Justice. Defendant was a fugitive from justice from the State of Wyoming being duly charged with Delivery of a Controlled Substance, namely: Methamphetamine and defendant fled from the State of Wyoming.</p> <p>Ernie Paul Montoya Jr, Case No. 141500149, was charged with Fugitive from Justice. Defendant was a fugitive from justice from the State of Wyoming being duly charged with Delivery of a Controlled Substance, namely: Methamphetamine and defendant fled from the State of Wyoming.</p> <p>Edward C. Bogaert, Case No. 141500150, was charged with False Personal Information to a Peace Officer, a Class A Misdemeanor. On April 17, 2014, Deputy Nakaishi contacted a driver and passenger in a parked car. Defendant gave a false name to Deputy Nakaishi.</p> <p>Zachary Lee Line, Case No. 141500151, was charged with Retail Theft, a Class A Misdemeanor. AT&T store manager conducted an inventory of the store safe and discovered a smartphone missing from the safe. The phone retails for \$749.99. After reviewing store surveillance and sale documents it was discovered that Line was assisted by AT&T store staff. On April 29, Detective Johnson interviewed Line and he admitted to taking the phone and said he stole it to pay off a drug debt.</p> <p>Steven Craig Rosenvall, Case No. 141500152, was charged with two counts of Sexual Battery, each Class A Misdemeanors. On April 18, 2014, two women reported being inappropriately touched by Rosenvall at the Downstairs Bar in Park City.</p> |

| <u>Department</u> | <u>Description of Updates</u> |
|-------------------|---|
| | <p>Agustin L. Hernandez-Lopez, Case No. 141500153, was charged with Criminal Trespass (Dwelling)(DV), a Class A Misdemeanor. On May 2, 2014, Officer Powers with the Park City Police Department responded to a protective order violation. Officer Powers met with Gonzalez who has a protective order on Hernandez-Lopez but is not yet served. Upon seeing Hernandez-Lopez, Gonzalez quickly turned and tried to get back into her apartment but before she could close the door, Hernandez-Lopez pushed the door open and entered her apartment. Gonzalez requested Hernandez-Lopez to leave four different times.</p> <p>Derek Tuivailala, Case No. 141500154, Silika Rose Kolove Makahili, Case No. 141500155 and Ryan Lee Mansfield, Case No. 141500156, were each charged with two counts of Possession of a Controlled Substance with Intent to Distribute, each Second Degree Felonies, and Possession or Use of a Controlled Substance, a Third Degree Felony.</p> <p>On May 5, 2014, Trooper Simpson of the Utah Highway Patrol initiated a traffic stop for unsafe lane travel. Trooper observed three individuals in the vehicle. Trooper Simpson smelled the odor of raw and burnt marijuana coming from inside the vehicle and requested a consent search. Upon obtaining consent, Trooper Simpson searched the vehicle and found a vacuum sealed bag containing a red liquid substance and a hard rocky material as well as another bag that contained methamphetamine and three vacuum sealed bags of marijuana.</p> <p>Orlando Jose Moran, Case No. 141500157, was charged with Possession of a Controlled Substance, a Third Degree Felony and Possession of Drug Paraphernalia, a Class B Misdemeanor. On January 19, 2014, Trooper Loveland stopped a vehicle for a traffic violation and smelled the odor of marijuana. The passenger admitted that he had a pipe in his backpack. Trooper Loveland searched the backpack and found a baggie of psilocybin mushrooms, a pipe with burnt residue, a grinder and two packages of rolling papers.</p> <p>William M. Wiland, Case No. 141500158, was charged with Aggravated Assault, a Third Degree Felony and Child Abuse, a Class A Misdemeanor. On May 7, 2014, an eleven year-old female reported that her father had beat her on the buttocks with a hairbrush. During an interview the victim also indicated that the defendant had thrown a steak knife at her two nights earlier.</p> <p>Dane Emerson Seering, Case No. 141500159, was charged with Assault, a Class A Misdemeanor and Intoxication, a Class C Misdemeanor. On February 5, 2014, Park City officers responded to an assault at Ciseros. The victim stated that Seering struck him in the face repeatedly, breaking his nose.</p> <p><u>PLEAS, TRIALS, AND SENTENCES OF INTEREST</u></p> <p>Thomas Harold Hackler, Case No. 131500115, was sentenced for the offense of Unlawful Sexual Conduct with a 16/17 year-old, a Third Degree Felony. The Court imposed term of not to exceed five years in the Utah State Prison and suspended the prison term. The Court placed the defendant on supervised probation for 36 months, the defendant was given credit for 150 days served, ordered the defendant to pay attorney's fees and restitution, abide by sex offender group A conditions, and other standard terms and conditions.</p> <p>Colby Fallon, Case No. 141500022, was sentenced for the offense of Failure to Stop or Respond at Command of Police, a Third Degree Felony. The Court imposed term of not to exceed five years in the Utah State Prison and imposed a fine in the amount of \$5,000.00. The prison term and fine were suspended. The Court placed the defendant on supervised probation for 36 months, the defendant was given credit for 94 days served, ordered the defendant to pay a fine in the amount of \$500, complete 50 hours of community service, pay restitution, pay a recoupment fee of \$150, and other standard terms and conditions.</p> <p><u>Civil Division Activity</u></p> |

| Department | Description of Updates |
|-----------------------|---|
| | The Civil Division has been working on (1) land exchange agreements with the Canyons; (2) GRAMA Resolution; (3) legal advice to the Recreation District on the Basin Field House facility; and (4) advice on enforcement to the Summit County Health Board. |
| Clerk | |
| Community Development | <u>Submitted by Pat Putt, Community Development Director:</u> See attached report |
| Engineering | <u>Submitted by Leslie Crawford, Engineer:</u> <ul style="list-style-type: none"> • Silver Creek Village DA review • Land Negotiations – Silver Creek Roundabout <ul style="list-style-type: none"> ○ Exceptional work by Planning to assist • Meeting with Francis City • Grading permit renewal – Colonys • Canyons Transportation Master Plan – Data support to their team • UDOT Access to SR-224 (Hyatt Hotel) • Snyderville Basin Transportation Master Plan update – goals / vision concepts • Park City Business Park – bonding on the whole and lot 27/28 • Nevus – Newpark traffic and pedestrian study • Special Events – Canyons, Running with Ed • Parking on Lower Village Road • Summit County Sign Policy - Draft • Witch Rocks Alternatives • Mountain Accord – Existing Conditions and Future trend lines • Tanger Expansion – building permit first review – no development agreement in place • Impact Fee Training – Utah Law • Echo Fence encroachment • North Summit Recreation District – Follow up on Trails – Echo Henefer Historic Loop • Wasatch Back discussions • Impact Fees Summit Center • Escala bond at the Canyons review • Fairway Springs Bond meeting with new and old owners • Lot 9 Silver Creek Business Park review • Right of Way Permit Activity <ul style="list-style-type: none"> ○ 13 permits issued ○ 1 Comcast ○ Echo Sewer ○ 3 Questar ○ 5 Allwest ○ 1 Century Link ○ 2 Bond Releases ○ 2 Complaint • Residential Permit Activity <ul style="list-style-type: none"> ○ 35 plans reviewed ○ 22 driveway inspections ○ 25 erosion control inspections ○ 2 Release inspections ○ 1 Over the Counter Reviews • Public Works Activity <ul style="list-style-type: none"> ○ 4 Blue Sky Inspections ○ 3 Rough Grade Inspections ○ 3 Final Inspection ○ 3 Canyons Golf Inspections |

| Department | Description of Updates |
|---------------------------------|---|
| | <ul style="list-style-type: none"> o 3 Canyon Links |
| Facilities | <p><u>Submitted by Mike Crystal, Facilities Director:</u></p> <ol style="list-style-type: none"> 1) Preparing to demo district court new room. 2) Spraying weeds, starting sprinkler systems, updating various landscaping. 3) Got the building permit to start remodel Courthouse. 4) Cleaning all exterior building windows |
| Health Department | |
| Information Technology | <p><u>Submitted by Ron Boyer, I.T. Director:</u></p> <p>We have been in discussions with a consultant on changing our firewall in anticipation of updating the county phone system. New VoIP systems can utilize our data lines; however, we would not be able to run our voice over the State of Utah data network. We still have two locations that on dependent on the state’s network. This task will take more planning sessions.</p> <p>The Spillman server software was upgraded again in May. We are now up to Spillman’s latest code. We have ordered new computer equipment for the Library patrons. The patron computers in Park City will be changed to Apple Mini Macs. We are on hold to install them until June when a new version of the client control software is available.</p> <p>We have also replaced computers for the EOC which would bring them up to current technology. We said goodbye to Laura VanDuker, Records Imaging Tech. She was here less than a year, but she did a great job and will be hard to replace.</p> |
| Justice Center | |
| Library | <p><u>Submitted by Dan Compton, Library Director:</u></p> <p>Bookmobile – It looks like Lee Whiting will be driving the Bookmobile to the American Library Association Conference in Las Vegas to be a part of a panel discussion and to display our Bookmobile in the Parade of Bookmobiles on Saturday, June 28th. Our vendor Farber is paying for his registration and the transportation/hotel costs. Also, we will be working with Hideout again this summer to provide Bookmobile services at Todd Hollow Village. This will be our third summer providing services there.</p> <p>Park City Library – Joe Frazier, Carolyn Taylor, and I volunteered last Thursday at the Park City Library for a few hours. We helped them sticker part of the collection in preparation for their move to Miners Hospital this week and next. Adriane Herrick Juarez, the Park City Library Director, was also kind enough to give us a tour of Miners Hospital where a good portion of the collection will be located. They are doing a great job and we were happy we could help them out a little bit. We will also help them promote the upcoming book brigade to move part of the collection to Miners. We are still collaborating on the Park City One Book, One Community program and we may also be housing a Civil War display for them that they received through a grant in June/July.</p> <p>Design Institute - Kate Mapp and I will be attending <i>Library Journal’s</i> Design Institute in Salt Lake City on Friday, May 16th. We invited Tom Brennan from EDA Architects, Inc. to attend with us. EDA Architects, Inc. is currently conducting the architectural study of the Kamas Branch for the County. They designed the Herriman Branch of the Salt Lake County Library System.</p> <p>Zinio - We just went live with Zinio (digital magazines) on Monday. This will allow our patrons to have cover-to-cover digital access (unlimited, multi-user) to about 70 popular magazines via any internet-enabled device or through a mobile app. The staff has been trained and I will be doing a short demonstration at the Library Board meeting in Coalville tonight.</p> |
| Mountain Regional Water | |
| Park City Fire Service District | <p><u>Submitted by Chief Paul Hewitt:</u></p> <p>See attached Monthly Operations Report</p> |

| Department | Description of Updates |
|------------|---|
| Personnel | <p data-bbox="321 138 870 163">Submitted by Brian Bellamy, Personnel Director:</p> <p data-bbox="321 174 440 199">Personnel</p> <ol style="list-style-type: none"> <li data-bbox="370 210 597 235">1. Jobs Advertised <ol style="list-style-type: none"> <li data-bbox="467 243 1045 268">a. Records Imaging Tech – Closed May 6 in-house <li data-bbox="467 277 959 302">b. Senior Services Director – Closes May 9 <li data-bbox="467 310 878 336">c. Personnel Tech – Closes May 23 <li data-bbox="370 344 669 369">2. Applications Received <ol style="list-style-type: none"> <li data-bbox="467 378 753 403">a. Sheriff’s Deputy – 62 <li data-bbox="467 411 862 436">b. Code Enforcement Officer - 23 <li data-bbox="467 445 948 470">c. Animal Control Shelter Attendant – 35 <li data-bbox="467 478 797 504">d. Records Imaging Tech - 1 <li data-bbox="467 512 824 537">e. Senior Services Director – 8 <li data-bbox="467 546 727 571">f. Personnel Tech - 3 <li data-bbox="370 579 607 604">3. Job Offers Made <ol style="list-style-type: none"> <li data-bbox="467 613 656 638">a. CJC Director <li data-bbox="467 646 662 672">b. Library Clerk <li data-bbox="467 680 889 705">c. Environmental Health Inspector I <li data-bbox="370 714 781 739">4. Interviews/Testing set up - 43/0 <li data-bbox="370 747 902 772">5. Positions Advertised in 2013/2014 – 36/24 <li data-bbox="370 781 954 806">6. Applications received in 2013/2014 – 1629/756 <li data-bbox="370 814 683 840">7. 4 new hire orientations <li data-bbox="370 848 526 873">8. 4 E-verify <li data-bbox="370 882 634 907">9. 2 biometric testing <li data-bbox="370 915 786 940">10. 0 seasonal employee furloughed <li data-bbox="370 949 894 974">11. 49 letters sent to unsuccessful candidates <li data-bbox="370 982 1349 1008">12. 1 new Worker’s Comp claims filed for total of 5 claims for 2014/22 claims for 2013 <li data-bbox="370 1016 829 1041">13. 0 employees out on Worker’s Comp <li data-bbox="370 1050 997 1075">14. 1 employee returned to work from Worker’s Comp <li data-bbox="370 1083 883 1108">15. 2 employee on Worker’s Comp light duty <li data-bbox="370 1117 1528 1184">16. 1 new disability claim filed, includes FMLA documentation for total of 5 claims for 2014/ 19 claims for 2013 <li data-bbox="370 1192 824 1218">17. 1 employee on short term disability <li data-bbox="370 1226 824 1251">18. 0 employees on disability light duty <li data-bbox="370 1260 748 1285">19. 1 unemployment claims filed <li data-bbox="370 1293 818 1318">20. 1 unemployment claims being paid <li data-bbox="370 1327 824 1352">21. 0 employee resigned their positions <li data-bbox="370 1360 646 1386">22. 0 employees retired <li data-bbox="370 1394 699 1419">23. 2 employees terminated <li data-bbox="370 1428 695 1453">24. 2 pre-employ drug tests <li data-bbox="370 1461 651 1486">25. 0 random drug tests <li data-bbox="370 1495 704 1520">26. 0 post accident drug test <li data-bbox="370 1528 656 1554">27. 0 follow up drug test <li data-bbox="370 1562 1019 1587">28. 1 employee met personally with 401k representative <li data-bbox="370 1596 1138 1621">29. Worked with Department Heads and employees on evaluations <li data-bbox="370 1629 987 1654">30. Held 1 Performance Evaluation Program Meetings <li data-bbox="370 1663 1024 1688">31. Met with 2 employees to discuss retirement and URS <li data-bbox="370 1696 959 1722">32. Met with IT Department regarding new website <li data-bbox="370 1730 1419 1755">33. Participate in a DWFS hearing regarding appeal of unemployment insurance (Successful) <li data-bbox="370 1764 911 1789">34. Participated in ULGT Seminar – Ergonomics <li data-bbox="370 1797 1019 1822">35. Participated in Insurance Meetings with our partners <li data-bbox="370 1831 834 1856">36. Met with Pharmacy Benefit provider <li data-bbox="370 1864 911 1890">37. HUB seminar – Health Care Reform Update |

| Department | Description of Updates |
|--------------|---|
| | <p>38. Met with Department Head regarding spousal biometrics</p> <p>39. Multiple requests for salary and policy information from other agencies</p> <p>40. Multiple telephonic and in person verifications of employment</p> <p>41. Working on Personnel Policy changes on Section 12 (Goal to finish in 2014)</p> <p>42. Worked with four department heads and County Attorney's Office regarding employee discipline issues</p> <p>43. Met multiple times with department heads and employees regarding employee issues</p> <p>44. Continue to answer public inquiries regarding county employment</p> <p>45. Serve county employee's needs</p> <p>Animal Control</p> <p>1. 9 dogs are in the shelter along with 5 cats.</p> <ol style="list-style-type: none"> a. 29 new animals were received by Animal Control b. 1 dog were transferred c. 8 cats were transferred d. 2 dogs adopted e. 0 cats adopted f. 9 dogs claimed by owners g. 1 cat claimed by owner h. 1 dog euthanized at owner's request i. 3 cats euthanized at owner's request j. 1 skunk euthanized k. 3 raccoons euthanized <p>2. Officers ran 118 details</p> <p>3. Working with three companies and one individual for kennel permits</p> <p>4. Investigation ongoing in conjunction with the Sheriff's Office regarding the shooting of dog with a pellet gun.</p> |
| Public Works | <p><u>Submitted by Derrick Radke, Public Works Director:</u></p> <p>Road Crew</p> <ul style="list-style-type: none"> • Routine Equipment Maintenance • Sign Build/Installation/Replacement & Guardrail Reflector Replacement • Sign Reflectivity Inspections • Bus Shelter Maintenance • Pothole Patching • Crack Seal <p>Public Works Misc.</p> <ul style="list-style-type: none"> • Various Meetings on Transit Operations and Planning • Snyderville Basin Transportation Master Plan • Continued Chipping Project Coordination • Continued PW Facilities Paving Project Coordination • Continued working on draft Capital Road Plan • Draft Sign Maintenance Policy inclusive of Sign Reflectivity Policies for presentation to Council • Tollgate Construction Drawing Review • Initiated an Industrial Water Agreement with Weber Basin for Road Maintenance <p>Weed Dept.</p> <ul style="list-style-type: none"> • Continuing to develop pamphlets for HOA meetings in May • Continuing material preparation for (outreach events) in April • Continued sprayer maintenance including truck spray units for maintaining road R/W's. • Continued mapping areas for spring helicopter spraying • Continuing discussions w/EDD MAPS and County IT of preparing weed layer in County GIS. A layer is about to go live. • Enforcement Warning Letters sent to problem area owners • Robust weed chemical sales |

| Department | Description of Updates |
|------------------------------|--|
| | <ul style="list-style-type: none"> • Summer Seasonal workers have begun spraying operations along County Roads. <p>Solid Waste</p> <ul style="list-style-type: none"> • Prepared staff report on the Solid Waste Master Plan and changing the 3-mile landfill to 10hr days. • The annual spring household hazardous waste event was held on Sat May 3rd at The Canyons Resort parking lot. Dave Algood, Boyd Willoughby and I spent the day. With the help of Veolia, the Health Dept., the Sheriff's office, the firefighters, and the Rotarians, we serviced 344 residents, filling two 53' semi-trailers and 3 30yd roll off containers with paint, flammables, electronic waste, tires, etc. • Working on obtaining bids for the chipping of our green waste pile. • Received our approval for the permit modification of the 3-mile landfill. This gives the County an additional 42years of landfill life. I am working with our consultants to get budget figures and preliminary construction design. <p>Wildland Fire</p> <ul style="list-style-type: none"> • No Report as of 5/13 |
| Recorder | <p><u>Submitted by Rhonda Francis, Chief Deputy Recorder:</u> We recorded a new amended plat for Juniper Landing Condos. It was a big project with a lot of recordings attached. We are now up to 39 plats this year. Our recordings are up a bit. Things are going well</p> |
| Treasurer | |
| Sheriff | |
| Snyderville Basin Recreation | |
| USU Extension | <p><u>Submitted by Sterling Banks:</u></p> <ul style="list-style-type: none"> - USU/Summit County Extension finished their 10 week master gardener class in Park City with 22 homeowners completing the course. - 143 county fair market hogs were tagged for the county fair involving 73 4-H and FFA hog exhibitors. - USU Extension held their monthly home makers class presenting information on making your own soap and hand lotion with 20 home makers in attendance. - Summit County 4-H teen council and summer 4-H interns conducted a 4-H recruitment program at the North Summit Elementary School. - Two farm field days involving 200 students from North and South Summit Middle schools will be conducted this week co-sponsored by the USU Extension Service and local Soil Conservation Districts |

COMMUNITY DEVELOPMENT

- The department received 28 new building applications and 12 new planning applications this past week as follows:

NEW BUILDING PERMITS

May 8 – May 14, 2014

| Name | Address | Description |
|---------------------------|----------------------------|----------------------------|
| Thayne Stembridge | 4408 Woodenshoe Rd | Electrical |
| Jennifer Roberts | 1683 N Silver Springs Rd | Remodel |
| Magic Space | 2750 Rasmussen Rd #H | Tenant Improvement |
| Reed Moody | 1355 S Hoytsville Rd | Furnace |
| Chad Olsen | 8795 Redden Rd | Water Heater Replacement |
| Mike & Ellen Perhens | 2394 Daybreaker Dr | Deck Addition |
| David Lockwood | 2988 Quarry Mountain Rd | Electrical |
| Richard Stone | 1940 Mahre Dr | Water Heater Replacement |
| Cherry Dolezal | 2614 Old Ranch Rd | Furnace |
| Blaine Larsen | 2025 Canyons Resort DR #X2 | Demolition |
| Shawn McLennan | 7892 Cedar Way | Electrical |
| John Zink | 250 W Simpsen Lane | Accessory Dwelling |
| David Wentz | 3003 West Wedge Circel | Single Family Dwelling |
| Rick Nemeroff | 3332 Quarry Mountain Rd | Single Family Dwelling |
| Little Minors Montessori | 1091 Beehive Dr | Montessori School Addition |
| Ranch Condo Assoc | 8051 Wildflower Dr #43 | Deck |
| OBK / The Barking Cat | 1708 Uinta Way #F3 | Sign / Barking Cat |
| Taco Bell | 6515 N landmark Dr | Rewire - Electrical |
| Mike & Sonja Matson | 225 Paradise Rd | Single Family Dwelling |
| Anthony Hiatt | 140 Aspen Circle | Photovoltaic |
| James Marshall | 1096 Abilene Way | Electrical Outlet |
| Steven Slack | Lot 163 Canyon Rim Ranches | Remodel |
| Travis Smith | 469 E Maple Dr | Single Family Dwelling |
| Jerry Howells | 3780 Quarry Mountain Rd | Pergola |
| Jarron & Crissy Rasmussen | 1208 Kent Canyon Rd | Home Re-build / Fire |
| Maxine Brock | 2025 Canyon Resort Dr #K-4 | Electrical |
| Mary Herzog | 2109 W Commanche Trail #44 | Storage Loft |
| Kevin Keech | 1009 E Farmer Way | Single Family Dwelling |

NEW PLANNING APPLICATIONS
May 8 - 14, 2014

| Project Number | Description |
|----------------|---|
| 14-105 | Canyons Red Pine LIP Low Impact Permit Canyons Resort Red Pine Road |
| 14-106 | Silver Creek Commerce PA Plat Amendment Silver Creek Commerce Center |
| 14-107 | Lacy K2 Quinns Junction LIP Low Impact Permit 3890 N. Old Hwy 40 SS-65-A-7 |
| 14-108 | Edward Jones Quarry Village Sign Permit Sign Permit 3126 Quarry Road 4H QJPB-A-4-1AM |
| 14-109 | Fox Run Bingham Appeal of Decision Appeal of Decision 358 Fox Run South Rd FRS-2 |
| 14-110 | Kladis Ag Exempt Ag Exempt 7060 North SR 32 NS-66-A |
| 14-111 | Mustang Stampede 2014 Special Event Special Event Newpark |
| 14-112 | LDS Church LLA Lot Line Adjustment Marion CD-431-B-1-X, CD-531 & CD-431-9 |
| 14-113 | Allene Shaw Fushriman LOR Lot of Record Chalk Creek NS-1200-3 |
| 14-114 | Meadows LLA Lot Line Adjustment Chalk Creek Road NS-411-C, NS-411 |
| 14-115 | High Uinta Classic Special Event Special Event Kamas |
| 14-116 | Nevis at Newpark DA Amendment DA Amendment Newpark Parcel P Sub NWPK-P2 |

Respectfully Submitted, Patrick Putt
Community Development Director

Monthly Operations Report - April 2014

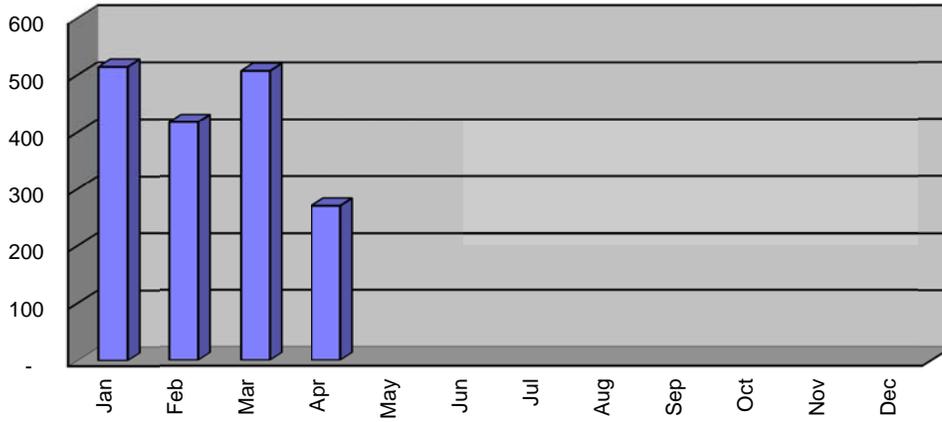
Park City Fire District



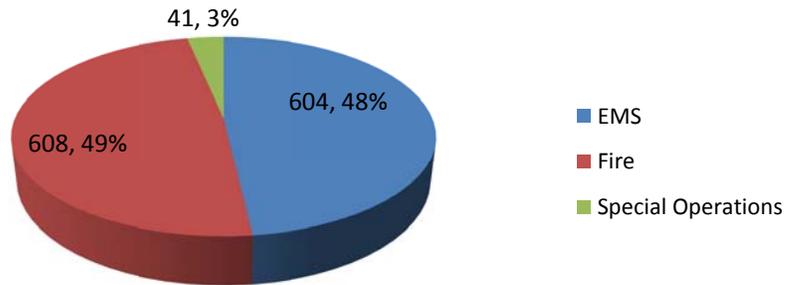
Crash of a Tanker Truck Hauling Crude Oil on I-80 April 30, 2014

Monthly Operations Report April – 2014

Monthly Calls - 2014



Total Training Hours by Category - April 2014 Park City Fire District



Monthly Operations Report

April – 2014

Fire Summary

April was a busy month for fire training. One focus was on Rapid Intervention Crews and May-Day drills. Crews were given training videos to watch prior to the actual hands on training. Training was conducted at the tower with an emphasis on firefighter safety and rapid removal in emergency situations.

Crews also completed a garage fire evolution at the training tower. Firefighters were tasked with a difficult entry and had to ensure the fire had not extended into other portions of the structure.

Bryce Boyer, the Summit County Fire Warden, presented a critical review of several recent wildfires within our district boundaries. Included were the Rockport 5, Hwy 40, and Fox Bay incidents. We reviewed initial and ongoing actions, what worked and didn't, apparatus deployment and placement, and overall strategy. This is a continuation of the wildland fire preparation and interagency training we started in January.

During the entire month of April, PCFD hosted Live Fire Tuesday. This is a Salt Lake Valley Fire Training Alliance (VTA) sponsored training event which occurs every Tuesday throughout the year. The object is to invite units from multiple agencies to participate in a hands-on, real-time live fire scenario and to quickly review the "incident" afterward. Various Salt Lake Valley fire agencies typically host, but no training sites were available for April, creating an opportunity for PCFD. Fire crews from SLCFD and Unified Fire worked together, taking turns at "commanding" the incident and completing other assigned tasks. The key element is the interaction and communication between crews who don't normally work on fire incidents together. Multiple live basement fire scenarios were run on each day, totaling 15 for the month. It was a great training opportunity in which we were able to learn from each other and discuss different styles of scene management, terminology, communication, and use of equipment. All involved walked away with some benefit from this training. The intangible benefit was the rare opportunity to get to know and work with our neighboring departments. Over the course of the month, we proved that we can all work together seamlessly and effectively when a multi-agency incident or other emergency event occurs. (Figure 2)

The April quick drills for all crews were a drafting operation using the front line apparatus for each station. Drafting is a vital skill that is used in selected emergencies, where a fire hydrant is not accessible. Training on drafting yearly ensures success when the need arises.

Pump testing for all fire engines was completed. Also, forty firefighters completed the annual fitness requirements and refresher course for Red Card (Wildland Firefighter I) recertification.

On April 26th, BC 307, BC3, E35, E33, and E34 participated in evaluation of the Task Performance Test (TPT). Participants completed the course as directed by the instructors and were filmed for later evaluation. This segment of the TPT preparation will ultimately help determine the ultimate time requirements for future participants.

Monthly Operations Report

April – 2014

EMS Summary

Crews have been working on Pediatric Advanced Life Support (P.A.L.S.) recertification this month. This is a UTAH BEMS requirement for Paramedic and AEMT certification and is good for two years. The course includes an extensive interactive on-line class, mega-code review, and scenario testing followed by an in-house practical test.

This month's CME covered Pediatrics Emergencies. A guest Physician instructor from Primary Children's Medical Center provided an excellent review of specific emergencies related to children and suggestions for advanced pre-hospital treatment. The training was well received by those in attendance.

The monthly Medical Control Meeting was hosted by Dr. McIntosh. Discussion points included how to classify patients involved in traumatic accidents as Trauma I or II and when requesting an air ambulance is appropriate. Crews were advised on how to accurately describe patient condition to trauma facilities so the trauma team can prepare appropriately for the arrival of the patient. Several cases from recent PCFD responses were also reviewed and analyzed. Dr. McIntosh also presented some recent cardiac strips for interpretation. The lecture was also broadcast to all crews at their stations using video conferencing.

On April 8th, the station 37 C crew organized a mass casualty exercise at Park City High School. The drill included approximately 20 patients involved in a mock shooting incident. Students from the EMT class were moulaged to simulate shooting injuries and used as actors during the scenario.

The EMT recertification for 13 individuals was completed and submitted to the BEMS for review and approval.

Special Operations

Captain Pendleton delivered Hazmat monitor training to all the Techs. All PCFD Hazardous Materials Technicians participated in the training on air monitoring techniques, equipment, and limitations. This training is offered every year and incorporates some of the most important skills required of a Technician.

The update on the respiratory protection SOP was completed. The completion of this policy included the update of all vehicle check sheets to ensure that the PCFD is compliant with OSHA and NFPA in regards to respiratory protection training, use, and equipment maintenance/checks during vehicle checks.

Monthly Operations Report

April – 2014

Significant Incidents

4/2 Captain Briley participated in a question and answer session on Park City TV. The topic of the discussion involved emergency preparedness and response. Captain Briley did an outstanding job of representing the fire district.

4/5 & 4/16 B3 and associated crews delivered “Life-Saver” pins to Canyons Ski Patrol and PC Municipal Athletic and Recreation Center personnel, recognizing their actions and efforts in separate cardiac arrest episodes which occurred at their properties. The pins were presented to the individuals who had direct involvement in the early defibrillation and CPR of 2 patients; The Canyons for an adolescent male in full traumatic cardiac arrest and PC M.A.R.C. for a young adult male with a previously undiagnosed cardiac dysrhythmia which led to cardiac arrest. Fortunately, both individuals survived and are expected to fully recover. Both PC MARC and Canyons appreciated the recognition and enjoyed the associated interaction with our crews.

4/9 E37, A37, HazMat 33 and B3 responded to mm 149 E.B. on a tractor trailer accident with over 100 gallons of spilled diesel fuel. One patient with minor injuries was transported to UUMC. The driver contacted a rock ledge and caused the fuel tanks to rip off his vehicle. Crews contained the spill by building dikes and using absorbent pads to keep the fuel from entering any waterway. A company out of SLC was requested to respond for cleanup and removal of the contaminated soil. PCFD was reimbursed for the supplies used in the initial response and mitigation. Crews were on scene for several hours ensuring the problem was completely resolved (Figure 4).

4/14 E31, T36, A31 and B3 responded to PKMC for a 4” sprinkler pipe rupture resulting in the flooding of their ER. Crews worked shoulder to shoulder and marched down the halls with squeegees to remove the water and prevent further costly damage. Backpack style wet vacuums were used to suck up remaining standing water. The hospital staff was extremely impressed with the coordinated effort to remove water and salvage vital equipment. (Figure 3)

E34, A34, E38, T36, E31, A31 and B3 responded to the Goldener Hirsch in upper Deer Valley for a chimney fire. Crews arrived to find fire and smoke in the roof and quickly used portable fire extinguishers and overhaul tools to access and extinguish the fire. Minimal damage was done and was isolated to the chimney and a small area of the roof. An investigation determined the fire to be a result of the failure of an exhaust vent allowing excessive heat to accumulate in the chimney cap. (Figure 1)

4/30 A semi-truck hauling crude oil rear was rear ended by another semi-truck, causing an overturn and spill of over 4000 gallons of crude oil. Two patients were transported to area hospitals with moderate injuries. The crude oil flowed into a nearby creek, but the cold temperature of the water caused the oil to congeal and greatly reduced the impact to the environment.

PCFD crews participated in multiple standbys at High School Lacrosse games throughout the month. PCFD crews participated in the annual Water Festival sponsored by Recycle Utah. Firefighters answered questions about the importance of water conservation and the role of water in firefighting operations. PCFD crews participated in the Olympic Athlete Medalist parade on Main St. PCFD crews participated in the Summit County Emergency Preparedness Fair...

Monthly Operations Report April – 2014



Figure 1

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 7, 2014
SHELDON RICHINS BUILDING
PARK CITY, 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*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Carson made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0. Council Member McMullin was not present for the vote.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 2:55 p.m. to 5:10 p.m. 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*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*
Lisa Yoder, *Sustainability Coordinator*
Rena Jordan, *Snyderville Basin Rec District*

At 4:10 p.m. the following members of the Basin Open Space Advisory Committee joined the closed session:

Thomas Brennan
Tyler Dustman
Ramon Gomez, Jr.
Chris Retzer
Marilyn Stenson
Jan Wilking

Council Member Armstrong made a motion to dismiss from closed session to discuss property acquisition and to convene in closed session to discuss litigation. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 5:15 p.m. to 5:40 p.m. 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
Dave Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Lisa Yoder, Sustainability Coordinator

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 for the purpose of discussing personnel from 5:40 p.m. to 5:50 p.m. 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
Dave Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Lisa Yoder, Sustainability Coordinator

Council Member Carson made a motion to dismiss from closed session to discuss personnel and to convene in closed session to discuss property acquisition. Chair Robinson vacated the chair to second the motion, and the motion passed unanimously, 5 to 0.

Council Member Robinson resumed the chair.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 5:50 p.m. to 6:00 p.m. 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
Dave Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Lisa Yoder, Sustainability Coordinator

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

REGULAR MEETING

Chair Robinson called the regular meeting to order at 6:00 pm.

- **Pledge of Allegiance**

CONSIDERATION AND POSSIBLE APPROVAL OF PAYMENT PLAN FOR PARCEL SU-H-37 SCHEDULED FOR MAY TAX SALE; KATHRYN ROCKHILL, AUDITOR'S OFFICE

Danny Quintana, representing the property owner, explained that Joe Mikacevich's mother died, and the property tax notices were being sent to her, so the taxes got behind. He stated that, with the crash of the economy, everyone got behind on everything. He reported that they have a plan to pay this off by December, even though he has requested 18 payments of \$433. He asked the Council to accept this proposal in the interest of justice, because Mr. Mikacevich wants to live in this area and build a house on this property. He believed it was important to preserve people's assets that they have worked their whole lives to accumulate.

Chair Robinson asked if the County has incurred expenses for the title search and publication. Kathryn Rockhill from the Auditor's Office replied that it has and confirmed that those expenses are included in the proposed plan as well as any additional interest.

Council Member Ure made a motion to approve the payment plan for Parcel SU-H-37 as proposed. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0. Council Member McMullin was not present for the vote.

MANAGER COMMENTS

Mr. Jasper announced that he has held a hearing and made a decision regarding the maintenance building at the Canyons and will post it on the website.

Mr. Jasper reported that he has met with The Boyer Company to redraft the amendment to the development agreement for the research park. Chair Robinson asked if that amendment would be brought to a future County Council meeting and published so the public could come and make comment. Mr. Jasper agreed to post it and put it on the agenda for public input. He will put it in the packet for an upcoming meeting for the Council to review. Council Member Carson asked if Mr. Jasper made the revisions based on the feedback from the public and input from Boyer and the Planning Commission. Mr. Jasper explained that he received the feedback and suggestions from the Planning Commission and then met with Boyer to review those suggestions. He noted that both sides would have to agree to the terms of the amendment.

COUNCIL COMMENTS

Council Member Carson reported that she forwarded to the Council Members an e-mail requesting input related to HB 142, which is a public lands issue. She explained that HB 142 was a 2013 bill regarding impacts on counties if public lands are transferred from the federal government back to the State. Council Member Armstrong clarified that they are being asked to determine the impact on the County if the federal lands in the County were turned over to State control; i.e., whether they would lose funds or whether it would be a benefit to the County. Council Member Carson reviewed the information in the e-mail and the type of input requested. She explained that the County does not have to respond, but she wanted to bring it to the Council's attention, because the County is being given an opportunity to provide input. Julie Booth explained that she has prepared a draft response that she will send to the Council for review. Council Member Carson noted that they have a very short time in which to respond and offered to reply that there is insufficient time to provide a thorough response. Mr. Jasper offered to have Staff prepare a rough draft for the Council's review and input.

Council Member Carson reported that last week the EPA came out with a proposed change to their Rulings and Authorities on the definition of waters in the Clean Water Act, which is a nationwide issue. Chair Robinson explained that the comment period started on April 21 and runs for 90 days, so there is some time to give input. He commented that there are two strong sides to this issue, and he believed the Council should discuss it further. Council Member Carson understood that this would expand the authority to include anything that provides access to jurisdictional wetlands. Deputy County Attorney Dave Thomas stated that he understood the rule changes were in response to a series of U.S. Supreme Court cases which expanded the definition of other waters if they are adjacent to the navigable waters of the United States. In what he has read so far, nothing seems to be inconsistent with those cases. The concern is that there are individuals who disagreed with the Supreme Court decisions, which were a series of 5-4 decisions. Mr. Jasper offered to have Staff do some work on this and get back to the Council. Council Member Ure stated that it is important first of all to find out what the Rule really says, commenting that he had understood it would be much more far-reaching than what he has heard tonight. He believed it would be important for Summit County to submit a letter in conjunction with the other 28 counties to show that they are unified. Chair Robinson asked Mr. Thomas to summarize the information in a memo to the Council. Council Member Carson offered to forward the e-mail she received to the Council along with the link.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

The County Council meeting adjourned at 6:30 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones



STAFF REPORT

To: County Council
Report Date: May 21, 2014
Meeting Date: May 21, 2014
Author: Helen Strachan/Brian Bellamy
Description: Leash Law Task Force Report
Type of Item: Discussion

A. Background

On May 22, 2013 the Summit County Council created the Leash Law Task Force to study and recommend options regarding the County's Leash Law. The following individuals were members of the committee:

| | | |
|--------------------|------------------------|-----------------------|
| Kim Carson | Samantha Bednar | Neal Bowlen |
| Bonnie Brown | Emy Cordano | Heinrich Deters |
| Jonelle Fitzgerald | Kelly Franklin | Brian Hanton |
| Bill Humbert | Helen Strachan (Staff) | Brian Bellamy (Staff) |

The Task Force met first to discuss and set the priorities of the group and then assigned tasks to each member. In subsequent meetings the members reported the information they had gathered to the group as a whole. The Task Force discussed the findings. These findings included how other jurisdictions handled off leash dogs, what other areas are doing that is working, what is working and what is not working in Summit County, what may be optimal for dog parks, among other issues. The jurisdictions discussed and reported on included:

| | | | |
|--------------|---------------|--------------------|--------------|
| Boise, ID | Boulder, CO | Bozeman, MT | Dane Co., WI |
| Marymoor, WA | Rockville, MD | Salt Lake City, UT | |

Synopses of the programs in Boulder (Attachment A), Dane County (Attachment B), Marymoor (Attachment C), Rockville (Attachment D) and Salt Lake City (Attachment E) are attached.

Discussions during task force meetings were open and lively. The discussions included the possibility of trails being totally off leash, trails totally on leash, trails with odd and even days for leashes, and creating licensing and testing programs for dogs to be off leash on trails. We discussed if parks and playgrounds should be on leash areas only and issues surrounding trailheads. During the course of the meetings the Task Force also met with and received input from various stakeholders including: Annie

Elliott, Yellow Dog; Tim Fehr, Wildlife Protection Society, Kate Sattlemeier, Summit Land Conservancy; and Charlie Sturgis, Mountain Trails Foundation.

Discussions centered on the following areas:

Updating the Leash Law Ordinance

Changes to the leash law ordinance to allow dogs to be off leash in certain designated areas were a focus of discussion. The current ordinance does not allow for dog exercise areas and should be amended. The updated ordinance would include definitions for voice and sight control.

Designating Enforcement and non-Enforcement Areas

Areas for stricter enforcement of leash laws were identified. These included parks, sport playing fields (baseball, football soccer, etc.), wildlife habitat during mating and calving seasons, wildlife migratory trails, watershed areas, and trailheads as posted.

Areas for non-enforcement of leash laws were also discussed. These would be current dog parks already created by Park City Municipal and Snyderville Basin Recreation and could include designated trails and other dog exercise areas as they are created.

The desire for a large (25+) acre dog exercise area was discussed. Many jurisdictions have found these to be heavily utilized, creating an area where citizens can recreate together with their dogs or without.

Fees and Licensing

Changes have already been implemented to allow for dog licensing online. The committee liked the idea of moving to a 3-year licensing program to coincide with the 3-year rabies vaccine.

The Task Force was concerned regarding the staffing levels at Animal Control. It is felt that fees for licensing and fines associated with Animal Control violations are too low.

Active Education Campaign

The need to utilize multiple media to educate citizens on enforcement areas, off leash areas, licensing requirements, dog waste pickup, wildlife facts, and more.

Educate citizens in dog training opportunities. There are a number of good dog trainers in the county. Inform the citizens who they are and where they are located.

Creation of a dog "friends group"

This group would actively monitor both on and off leash areas, and support creation of new off leash areas. They would also provide trail and park clean-up.

B. The Task Force Made the Following Recommendations

1. Update Leash Law Ordinance

It is recommended the Council discuss and adopt, at a future date, the following code changes.

AT LARGE: Any domesticated animal, whether or not licensed, not "under restraint" as defined herein. by Section 5-1-9.

DOMESTICATED ANIMALS: Animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, goats, and cattle.

LEASH OR LEAD: Any chain, rope, or device used to restrain an animal. (This allows for the use of electronic dog collars.)

Delete the definition of Under Restraint

5-1-9: DOGS AND PUPPIES RUNNING AT LARGE:

- A. It shall be unlawful for the owner or person having charge, care, custody, or control of any dog or puppy to allow such dog or puppy at any time to run at large. A dog or puppy shall be considered under restraint of the owner and therefore not "at large" when:
- a. on a leash or lead,
 - b. confined within a vehicle,
 - c. within the real property limits of the owner,
 - d. within the real property limits of another with the express permission of the property owner, or
 - e. within the boundaries of an off leash dog area formally approved or adopted by ordinance by the County, a municipality, or a special service district within the jurisdiction of the Division of Animal Control.
 - i. Dogs or puppies within the boundaries of a designated off leash dog area must be managed through the use of "voice and site control," defined as control of the behavior of a dog which is not leashed or otherwise physically restrained by its owner or guardian sufficient that the dog does not, without regard to circumstances or distractions:
 - (1) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
 - (2) Charge, chase, or otherwise display aggression toward any dog;
 - (3) Chase, harass, or disturb wildlife or livestock; or
 - (4) Fail to come to and stay with the guardian or keeper immediately upon command by such person. Voice and site control does not exist unless the owner or guardian exercises this command authority at all times to keep the dog within the requirements of this definition.
 - ii. The owner or guardian of any dog or puppy within the boundaries of a designated off leash dog area must carry a leash or lead for each dog/puppy and may have no more than three dogs/puppies simultaneously unleashed or unrestrained.

- B. Sensitive Areas: Notwithstanding Subsection A, above, a dog or puppy shall be deemed at large if not on a leash or lead when in a public park or playground, within 300 feet of any public trailhead, in a parking lot open to the public or anywhere not designated as an off leash area.
- C. The owner or person charged with responsibility for a dog or puppy found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog or puppy and regardless of whether or not he/she knows that the dog or puppy is running at large.

2. *Designate Enforcement and non-Enforcement Areas*

The authority to designate Non-Enforcement Areas by the County, municipalities, HOA's, special service districts or private property owners would be outlined in Section 5-1-9-e of the County code (as drafted above). The requirements of an off-leash area would be developed by staff including: Animal Control, Planning, Health Department, Snyderville Basin Recreation, and the Attorney's Office.

It was also recommended to look at Animal Control staffing levels. Current levels are too low to effectively enforce the leash laws in parks, sport playing fields (baseball, football soccer, etc.), trails, watershed areas, and trailheads as posted.

3. *Review Fees and Licensing*

It is recommended to move to a 3-year licensing program to coincide with the 3-year rabies vaccine. The County will continue to offer veterinarians a portion of the cost of the dog license as they sell licenses to coincide with the rabies vaccination.

Dogs and puppies that have not been previously vaccinated with the rabies vaccine will receive a one year vaccination and would still need to purchase a one year license. After the initial vaccination and license, the three year license would be available.

It is recommended to increase fees for both licensing and for fines associated with Animal Control violations. See attachment F.

4. *Develop Dog Exercise Areas*

Actively seek land to create a large (25 + acre) dog exercise area. The cost and availability of parcels to be used for a large off leash area, possibly combined with open space designation, would need to be explored. Items needing to be taken into consideration in the development of these areas would be wildlife habitat and migratory patterns through the property.

Facilitate and work with municipalities, HOA's, Special Service Districts and private property owners to create additional Dog Exercise Areas.

5. *Consider three options for off-leash licensing program*

- 1. Dog is required to have a Summit County dog license (no change from current program) – Eligible for all approved off leash areas, but dog must be under sight and voice control at all times and the owner assumes any and all liability (or something to that effect).

Attachment A

BOULDER

DOG PARKS

All dog parks are within the city limits of Boulder and city ordinances are enforced. Leash laws do apply to all areas, whether walking home or to your parked vehicle. Aggressive animals are prohibited. In all areas, guardians are responsible for picking up and removing pet excrement.

The owner expected to be attentive and able to control the dogs' behavior. Dog parks are a place to train in order to safely use Voice and Sight areas in the city system. Dog parks are free and open to the public from dawn to dusk.

DOG LICENSES

City of Boulder Ordinance requires all Boulder residents to license dogs that are four months or older.

A dog license is required for all dogs over the age of four months living within the Boulder city limits.

Owner must get a license within 30 days of acquisition of the dog or within 30 days of moving to the city.

All dogs are required to wear their city license tag on their collar or harness at all times.

To get a city dog license, the dog must be currently inoculated with a rabies vaccination. The first vaccination is required at the age of four months and needs to be updated every one or three years, depending on the type of vaccination given.

The cost of a dog license is \$15 for a spayed or neutered dog, and \$30 for an unaltered dog.

DOGS IN OPEN SPACE

Boulder has more than 35,000 acres of open space open to the public that represent the diverse and distinctive environments of the county.

There are 51 trails listed. And the following is notable:

- Only one trail is for hikers only
- 34 of the trails allow all 4 users
- 11 of the trails allow no dogs
-

There is a spreadsheet listing all the trails and properties with the following information:

- The length of the trail
- The condition of the trail and any information regarding the trail
- Whether the trail can be used by hikers, dogs, bikes, horses or a combination of those
- The difficulty of the trail

This map can be found at <http://www.bouldercounty.org/os/parks/Pages/default.aspx> by scrolling down the page a little.

OPEN SPACE AND MOUNTAIN PARKS (OSMP) & VOICE AND SIGHT DOG TAG PROGRAM

This is a system on the Colorado Front Range which allow dog guardians to walk dogs off-leash. This opportunity is possible only if dogs are responsibly controlled under voice and sight control and display a voice and sight dog tag.

OSMP lands have approximately 145 miles of trails, almost 90 percent of which are open to dogs.

Dog regulations vary on OSMP lands. In some areas, dogs must be leashed. In other areas, dogs may be allowed off-leash if they wear a voice and sight tag and are under voice and sight control.

Dogs are prohibited on a few trails.

There are dog regulations by area available online.

Dogs must be on-leash at trailheads under the Trailhead Leash Program.

Attachment A

There are seasonal leash restrictions in place May 1 - July 31 & August 15 - November 1 on some trails.

Dogs must not be aggressive towards other people or dogs.

It is illegal for dogs to chase or disturb wildlife or livestock.

Owners must pick up after dogs on OSMP land and cannot leave it by the trail to be picked up later. There is a "Scoop the Poop" video on the website.

CITY OF BOULDER GREEN TAG PROGRAM

Under the green tag program, which was initiated in 2006, the green tag dogs under the "voice and-sight" control of their owners are allowed off-leash on certain trails. The dogs are required to display green tags that indicate their owners understand the requirement of the program. The program remained largely unchanged since it was first implemented, and officials felt it was time to evaluate the program a year ago. A study showed roughly half of the dogs in the program did not respond when called by their owners.

In the hopes of helping to improve compliance, the city recommended an increase in fines for violations, as well as quick revocations of a dog's green tag. Under the recommendations:

- 1) the maximum fine for first-time offenders increased from \$50 to \$100
- 2) the maximum fine for second time offenders went from \$100 to \$200.
- 3) the minimum fine for offenders three or more times went from \$200 to \$300.
- 4) violation of seasonal or area-specific dog regulations, not displaying a tag on off leash dogs and failing to pick up after dogs could also be violations under the program. T
- 5) the city also recommended a dog's green tag can have its green tag revoked after two violations instead of three.
- 6) just one conviction for an aggressive dog or a dog chasing wildlife could result in revocation.
- 7) If a dog is convicted, it could get its privileges back, but it has to demonstrate it has the skill set to behave properly off-leash.
- 8) at the time, a dog could regain its revoked tag after going through a behavioral evaluation, but with these recommendations, for a revocation that resulted in violations stemming more from owner behavior -- not picking up after dogs, taking dogs into restricted areas -- the city proposed an alternative information program for owners to take to regain their tags.

Resolution No. 2011-59

Contains a complete listing of Boulder County Parks and Open Space rules and regulations

www.bouldercounty.org/doc/parks/posrulesregs.pdf

UNIVERSITY STUDY COMMISSIONED BY BOULDER COUNTY

Boulder County Open Space and Mountain Parks commissioned a research study which was conducted by the Ecology Department of Colorado State University on "The Effects of Dogs on Wildlife Communities" (2006). This is well worth reading and is found at:

<http://fidus.org/WordPress/wp-content/uploads/2013/03/Lenth-et-al-Effects-of-Dogs-on-Wildlife-Communities.pdf>

- At the time of dog licensure an annual "off leash tag" may be purchased. This tag makes the dog eligible for all approved off leash areas. Pet owner is required to sign a liability waiver and agree to abide by all rules and regulations associated with the use of the off leash areas.

The funds received from this tag will be used to help maintain approved off leash areas.

The "off leash tag" may be revoked if the dog misbehaves, is found to be aggressive, or is not under voice control. If a dog's "off leash tag" has been revoked the dog and owner must successfully complete dog training sessions. The "off leash tag" may then be purchased in a subsequent year with proof of completion of an approved training program

- At the time of licensure an "off leash tag" may be purchased if the dog has successfully passed a test for voice control and behavior. The American Kennel Club "Canine Good Citizen" or equivalent is accepted. In lieu of the AKC certification, testing may be offered through qualified local dog trainers. The test would be similar to the test administered in Rockville, Maryland (attached).

This would be a higher cost, more labor-intensive option. It should result in more highly trained dogs and owners. Community compliance is also a concern. The question is whether citizens would take the time to go through the process, and how many dogs would qualify.

If the County Council were to initiate a program to promote dog training activities or adopt an off-leash licensing program, Animal Control staffing levels would need to be addressed. Staffing levels have steadily decreased in the past 10 years and are the lowest they have been since 1994. In the past 10 years Animal Control staff has decreased 38%, at the same time Summit County population has increased by 13%.

| Position | 2005 Fulltime | 2006 Fulltime | 2007 Fulltime | 2008 Fulltime | 2009 Fulltime | 2010 Fulltime | 2011 Fulltime | 2012 Fulltime | 2013 Fulltime | 2014 Fulltime |
|-------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Administrator | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| Field Supervisor | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Officers | 4 | 5 | 5 | 5 | 5 | 5 | 4 | 3 | 3 | 3 |
| Shelter Attendant | 2 | | | | | | 1 | 1 | 1 | 1 |
| | 8 | 7 | 7 | 7 | 7 | 7 | 7 | 5 | 5 | 5 |

- Encourage the formation of a dog "friends group" consisting of residents and stakeholders*
This group would act as part of the campaign to educate dog owners regarding trail and park etiquette, monitor on and off leash areas, promote good will between dog owners and non-dog owners, provide cleanup for parks and trails. The "friends group" could also be used to help raise funds for maintenance of off leash facilities and the possible creation of new off leash areas.

7. *Hire a consultant to conduct a survey, to review data collected and make future recommendations*

A resident survey should coincide with the biennial survey the County sends to the citizens or if Snyderville Basin Recreation creates another survey, we could participate with that survey.

8. *Create local education campaign*

Utilizing local and social media educate citizens regarding on and off leash areas, licensing and vaccination requirements, dog waste pickup, wildlife facts (including ungulate and fowl migratory patterns, calving season, etc.), and promote local dog training opportunities.

Attachment B

Dane County, WI Dog Exercise Areas

- Spoke with Darren Marsh of Dane County, WI - 608-224-3766.
marsh@countyofdane.com
- In 1993, Dane County felt there was a need for dog parks. They performed a nationwide search and at that time they could find 3 dog parks.
- They also discovered early on that if they used the name "Dog Parks" the public would laugh at them when they asked for money. They adjusted and found much higher acceptance among the public when they called them "Dog Exercise Areas".
- Dane County has a population of about 500,000. Currently they have 22 dog exercise areas spread among the communities in the county. They found that as each community would open a dog exercise area, the next would want one.
- Dane County has found that the dog exercise areas are the most used recreational facilities in the county with 2.2 million visits last year. They are utilized day in/day out, good weather and poor weather.
- The dog exercise areas range in size typically from 20 acres to 80 acres (Prairie Moraine Park). Darren strongly suggests including some amenities in them such as dog proof landscaping, benches to enjoy views, possibly a beach (Wisconsin gets a lot more rain than we do).
- Early on they decided against chain link fencing. They chose to fence the dog exercise area with 4 foot high woven wire fence with smaller holes in bottom and larger holes in top so as not to impact sight lines. They use steel T posts and every fifth is a wood post. They found that few dogs will jump a 4' fence - and the owners are responsible for their dog's behavior. At the entrance they created a double gate system so dogs could not escape easily (he called it a foyer). They also used wood privacy fencing so dogs at the entrance could not see each other and get excited.
- With the Prairie Moraine Park, Dane County owned that land so they needed to develop trails inside and fencing. They found champions in the community to raise money and in some cases provide volunteer help installing fencing and creating trails.

Funding

- Dane County requires a permit that costs \$30 per year/\$5 per day. Last year their permits netted them \$96,000. That money is used for dog exercise area maintenance, dog waste bags and hauling, and some goes to animal control for their assistance when there is an

Attachment B

incident in the area. The money is separate from rabies tag and dog licensing. Funding for Dog Exercise Areas comes from the General Fund's capital projects budget.

- Darren suggested that kennel clubs could be a source of fund raising.

Dog Behavior

- They do not experience a lot of aggressive dog behavior. When there is an aggressive dog, they suggest that people get the car license number. Obviously the person whose dog created a complaint will say their dog is perfectly well behaved. They then get to participate in dog training. If the dog and owner passes, they bring the certificate and regain their rights. Occasionally dogs lose their right forever. He emphasized that they deal with those situations quickly.

Maintenance

- Once a year, they enlist the public's help for cleaning out invasive weeds and vegetation management, including prescribed burns.

Attachment C

MARYMOOR DOG PARK King County, Redmond, Washington State

This is an off-leash dog park covering 40 acres. The Dog Park sits in the middle of Marymoor's 600-plus acres. It is surrounded on all sides by sports fields, community gardens, and a nature area. Marymoor is an example of a model dog park. Marymoor Dog Park includes fields, woods and a river, with well-maintained access beaches, paths, walkways and bridges. Over six miles of looping trails offer a variety of dog walking opportunities. Five river access points are available for dogs that like to swim and water retrieve. Acres of natural fields are available for dog romping, fetching and exploring. Marymoor Dog Park prides itself in not just being for dogs but for people. Over 800,000 visits by people with their canine companions are made to Marymoor Dog Park each year, making it one of the most popular destinations for recreation in that region.

Marymoor is a Voice Control Off-Leash Dog Area

Marymoor was established and is still intended for "voice control" off-leash dog recreation. It is an open gated dog park. While at the dog park, it is the responsibility of each dog owner to pay close attention to the whereabouts of their dog(s) and keep them under voice control at all times. It is also their responsibility to make sure that their dog(s) are well trained and have adequate recall skills to be off-leash. Upon entering the Marymoor Park Off-Leash Dog Area, dog walkers are warned to expect to come upon dogs running free, under voice control of their owners and are warned that if one is uncomfortable in the presence of unleashed dogs, they are urged to walk their dog on-leash in other areas of the park.

FEES TO USE MARYMOOR

1) \$1.00 Parking Fee – Funding for King County Parks

Marymoor Park is part of the King County Park System. A \$1.00 Parking Fee was initiated in 2003 to help finance King County Parks. Everyone who uses Marymoor Park must pay the \$1.00 parking fee or face a \$35.00 fine. Pay Stations are located in the parking lots that access Marymoor Dog Park. The \$1.00 parking fee does not pay for Dog Park maintenance and operation costs – it goes to help pay for the costs of the King County Park System. The membership donations and extra contributions to S.O.D.A. are what pay for the maintenance and operation costs of the Dog Park.

2) Professional Dog Walker Fees

Must obtain a permit to do business from the Marymoor Park Office.
\$98.00 permit fee for all businesses.

Applications are available from the Marymoor Park Office and are available online at the park's website or by calling the office number.

There are 2 options:

- 1) Sign up for the flat fee 'Max Package' to bring up to 10 dogs per visit Monday-Friday 10am-4pm, **OR**
- 2) Pay a reduced fee based on the number of dogs and number of visits per week over a year.

Attachment C

All dog walkers are issued a vest with ID number cards. The ID number cards must be inserted into the panels on the front and back of vest and be visible at all times. The second number of ID is the maximum number of dogs they are allowed to bring each visit.

3) Impact Fee:

Impact fee balances must be reduced to zero before the end of the year.

Permits with an Impact Fee balance will not be renewed.

Reduced Rate permit holders will be required to declare a schedule that will provide specific timeframes to monitor the permit holders.

The Impact Fee may be paid in 3 ways:

- 1) Perform stewardship work at approved park stewardship activities; each documented stewardship hour is worth \$20 toward impact fees. (no partial hours accepted)
- 2) Contribute to S.O.D.A. maintenance fund and receive credit for each dollar contributed.
- 3) Pay impact fee directly to King County Parks.

RULES FOR USE OF THE PARK

1. Respect other park visitors by keeping your dog from jumping on, or interfering with, other people and their dogs. Off-leash does not mean out of control.
2. You are required by law to pick up your dog's feces and to properly dispose of it in the trashcans located throughout the area.
3. Remember to put your dog on a leash in all other areas of Marymoor Park. By law, dogs must be on leash in all King County Parks, except for designated off-leash dog areas. This includes the parking lots that serve the off leash area.

PET GARDEN AT MARYMOOR

Adjacent to the dog park is a quiet, calming space where people can celebrate the life of their dogs and reflect on the happiness that pet brought. The first of its kind in the region, the 1.25 acre area was envisioned as an oasis where people could celebrate a living, lost, or deceased pet by recognizing their furry friend with a garden paving stone or bench, plaques on garden plantings or trees, or inscribing the pet's name on a Celebration Wall, where one can inter their pet's cremated remains. SEE PICTURES AT <http://www.flickr.com/search/?q=petgarden&w=kingcountyparks&adv=1&mt=all&ct=6&m=tags>

S.O.D.A.

S.O.D.A. is a 100% volunteer organization founded by, directed by and supported by dog park users. They are a non-profit organization formed to provide ongoing support and stewardship for the off-leash dog exercising areas at the park. S.O.D.A. "saved" Marymoor Dog Park and became a 501(c)(3) non-profit organization in 1995. The people who had used and loved the dog park came together and took on the responsibility for stewarding, maintaining and improving the 40 acres. Since 1995, the support of the people who use Marymoor Dog Park has enabled S.O.D.A. to transform Marymoor Off-Leash Recreation Area into one of the BEST Dog Parks in the USA.

S.O.D.A.'s missions:

- *Stewarding Marymoor and Grandview Dog Parks.
- *Promoting responsible Dog Ownership.
- *Supporting Off-Leash Dog Recreation.

Attachment D

Rockville, Maryland OFF-LEASH WITH PERMISSION PROGRAM

QUALIFYING

- Any dog who participates in the Off-Leash with Permission Test must have a current Rockville City dog license
- Present an American Kennel Club Companion Dog" (CD) or a "Companion Dog Excellent" (CDX), or
- Test with the Neighborhood Services Division once each year.
 - Pass/Fail - dog and handler both must pass two step test
 - With Distractions and Without Distractions
 - Distractions include: children playing ball; car driving by; a car driving by and blowing the horn; children riding by on bicycles or skateboards; a stranger approaching from the front, approaching the handler, stopping, shaking hands, talking, and then walking away; a stranger approaching from the rear; a jogger; another dog.
 - Sit - In the sit position, the dog will demonstrate that it will permit the approach of a stranger and allow the stranger to pet it.
 - Sit and Stay - In the sit and stay position, the dog will demonstrate that once in the sit position and commanded to stay, the handler can walk away and then re-approach the dog while it maintains its sitting position.
 - Down - In the down position the dog will go down upon command and allow a stranger to approach and pet the dog.
 - Down and Stay - On the down and stay command, the dog will go to the down position and stay in that position while the handler walks away and then comes back to it.
 - Recall - In the recall position, the handler will put the dog into a sit or down position, walk away from the dog and then call it.
 - Walk Under Control - In this part of the test, the handler and dog will walk around and the dog will stay with the handler. This does not have to be performed in the precise mode that the AKC requires; handler has to show control over the dog, and that the dog is not running too far in front or staying too far behind the handler.
- No dog that has been declared to be dangerous or potentially dangerous is eligible to be off-leash
- Citizens who present either the CD, CDX certification or who pass the test will be eligible to walk their dog off-leash within Rockville city limits provided the dog wears the OFF-LEASH WITH PERMISSION tag which the department issues, and the dog is in fact accompanied by and under the control of an approved handler
- Permission to walk dog off leash may be revoked

Attachment E

Salt Lake City Leash Law Ordinance

Below is the ordinance for Salt Lake City. They currently have several designated off leash areas. They are in the process of determining if they will adopt an off leash tag program, with proceeds helping to support the costs of park development and maintenance. A decision is expected in late June from a working group. They considered allowing off leash dogs in parks during early mornings and late evenings, only for those that have demonstrated that they have voice control over their dogs. That had little public support.

8.04.390: ANIMALS RUNNING AT LARGE:

A. With the exception set forth in subsection B of this section, it is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such owner or person knows that the animal is running at large. Any person violating any provision of this section shall be deemed guilty of a civil violation and shall be penalized as provided in section 8.04.521, "Appendix A", of this chapter.

B. 1. Dogs shall be permitted to run off leash only in areas of parks and public spaces specifically authorized by city ordinance, specifically designated by the director of public services as "off leash areas", and clearly identified by signage as such. Said areas shall be as follows:

- a. Designated areas of Memory Grove Park known as the Freedom Trail section,
 - b. The municipal ballpark, also known as Herman Franks Park, except for the fenced youth baseball diamonds and playground area,
 - c. Designated areas of Jordan Park,
 - d. Designated areas of Lindsey Gardens, and
 - e. Designated areas of Parley's Historic Nature Park, as set forth in title 15, chapter 15.10 of this code, or its successor.
2. While in such areas dogs shall at all times remain under control of the dog's owner or custodian. "Under control" means that a dog will respond on command to its owner or custodian.

**Attachment F
2014 Animal Control
Fees and Fines**

| Citations | 1st | 2nd | 3rd | Each | 1st | 2nd | 3rd | Each |
|----------------------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|
| | Offense | Offense | Offense | Subsequent | | Offense | Offense | Offense |
| Failure to License | \$ 50.00 | | | | \$ 50.00 | | | |
| Failure to Display Tag | \$ 25.00 | | | | \$ 25.00 | | | |
| Harboring Stray | \$ 100.00 | | | | \$ 100.00 | | | |
| Running at Large | \$ 75.00 | \$ 100.00 | \$ 150.00 | \$ 50.00 | \$ 125.00 | \$ 150.00 | \$ 200.00 | \$ 100.00 |
| Domestic Animals | \$ 75.00 | \$ 100.00 | \$ 150.00 | \$ 50.00 | \$ 75.00 | \$ 100.00 | \$ 150.00 | \$ 50.00 |
| Dogs on Unenclosed Premises | \$ 75.00 | | | | \$ 150.00 | | | |
| Female Dog in Heat | \$ 25.00 | | | | \$ 25.00 | | | |
| Places Prohibited to dogs | \$ 100.00 | | | | \$ 100.00 | | | |
| Dog Attack | \$ 375.00 | | | | \$ 500.00 | | | |
| Deemed Vicious | \$ 375.00 | | | | \$ 500.00 | | | |
| Nuisance Animal | \$ 75.00 | | | | \$ 75.00 | | | |
| Failure to Report Dog Bite | \$ 50.00 | | | | \$ 50.00 | | | |
| Failure to Vaccinate for Rabies | \$ 50.00 | | | | \$ 50.00 | | | |
| Cruelty to Animals | \$ 375.00 | | | | \$ 500.00 | | | |
| Failure to Procure Kennel Permit | \$ 100.00 | | | | \$ 100.00 | | | |
| Interference with Officer | \$ 50.00 | | | | \$ 50.00 | | | |



MEMORANDUM:

Date: May 21, 2014

To: Council Members

From: Annette Singleton

Re: Community Development Block Grant Program (CDBG) Second Public Hearing

This public hearing is a requirement of CDBG and is held to 1) identify the projects which have been approved for funding, 2) identify the amount of funding to be received, and 3) to respond to specific concerns and questions of citizens. The applicants were notified their applications have been funded by the Rating and Ranking Committee (see attached email notifications). The finalized application is due May 30th, and the minutes from tonight's meeting will be submitted with each application.

Hoytsville Pipe and Water Company (grant amount \$89,700): Replace all manual read water meters with Telemetry systems. They will be replacing 177 meters, including setters, rings and valves as needed. Gordan Wilde and Roy Dixon will answer any questions.

Peoa Pipeline Water Company (grant amount \$161,868): Install 1,400 lineal feet of 10" PVC water line from city water tank to Woodenshoe Lane to replace the existing 8" water line that was installed in the late 1960's. The water line installation will include installing valves, a mainline meter, fire hydrants, asphalt repair and all necessary appurtenances. The project will also include installing a SCADA system that will monitor and control the water system. It will monitor the tank level, control the pump and monitor the chlorine usage. Greg White will answer any questions.

Annette Singleton

From: Michelle Carroll <mcarroll@mountainland.org>
Sent: Thursday, April 10, 2014 8:46 AM
To: Sue Follett
Cc: Annette Singleton
Subject: FY14 CDBG Grant Award

Sue:

On behalf of Mountainland Association of Governments, it is my pleasure to inform you that Hoytsville will receive up to **\$89,700.00** for your water meter project in the 2014 funding cycle.

A **mandatory** Grantee Workshop will be held at 9:30 am to 4:30 pm on Thursday, May 1, 2014 at the Dept of Workforce Services, 140 East 300 South, First Floor Conference Room. Please plan on sending the project manager for your project. The project manager is the staff person who will be conducting ALL oversight of the CDBG grant including but not limited to reporting, reimbursement draw downs, Davis Bacon, etc.

We are happy to be able to assist your organization in the important work you do in our community. Please don't hesitate to contact us if you have any questions or need assistance.

--

Michelle Carroll
Community and Economic Development Program Manager
Mountainland Association of Governments
586 East 800 North
Orem, UT 84097
(801) 229-3833
(801) 229-3801 Fax

Annette Singleton

From: Michelle Carroll <mcarroll@mountainland.org>
Sent: Thursday, April 10, 2014 8:49 AM
To: Scott Kettle; Annette Singleton
Subject: FY14 CDBG Award

On behalf of Mountainland Association of Governments, it is my pleasure to inform you that Summit County on behalf of Peoa will receive up to **\$161,868.00** for your water project in the 2014 funding cycle.

A **mandatory** Grantee Workshop will be held at 9:30 am to 4:30 pm on Thursday, May 1, 2014 at the Dept of Workforce Services, 140 East 300 South, First Floor Conference Room. Please plan on sending the project manager for your project. The project manager is the staff person who will be conducting ALL oversight of the CDBG grant including but not limited to reporting, reimbursement draw downs, Davis Bacon, etc.

We are happy to be able to assist your organization in the important work you do in our community. Please don't hesitate to contact us if you have any questions or need assistance.

--

Michelle Carroll
Community and Economic Development Program Manager
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