

**Interviews for Summit County Weed Control Board**

**Wednesday, June 4, 2014**

**Richins Building, conference room behind auditorium**

We have 4 vacancies; 3 applicants

**Wednesday, 6/4/14**

12:20 PM Kray O'Brien (reapplying)

12:30 PM Lynn Williams

12:40 PM Mindy Wheeler (reapplying)

Three of the four vacancies are a result of Rochelle Robinson, Mindy Wheeler, and Kray O'Brien's terms expiring on 11/30/13. According to Summit County Code, there can be not less than three, nor more than seven, appointed members.



## 2014 Summit County Fair Update

### Theme:

- Havin' A Good Time Since 1909

### New in 2014:

- Website – [www.summitcountyfair.org](http://www.summitcountyfair.org)
  - Newly redesigned
  - More visual
  - Easier to navigate
  - Created new content
  - Online signups
- New Events
  - Pig racing
  - Wow bubbles/orbs
  - Farm animal petting zoo
  - Pony carousel
- Exhibits
  - Fine Arts
  - Home Arts
- Vendors
- Ticket Sales
  - Increased number of sales so far
  - Great reviews from last year's events
  - More outreach –June/July
- Beer and Wine Garden
  - 21+
  - Voted unanimously by Fair Board
  - Location
  - Hours:
    - Saturday, Aug. 2, 4:00 p.m. – 11:00 p.m.
    - Friday, Aug. 8, 4:00 p.m. – 11:00 p.m.
    - Saturday, Aug. 9, 12:00 p.m. – 11:00 p.m.
- Parade
  - Saturday, Aug. 9, 10:00 a.m. – Main Street, Coalville
  - Online signup form/ accepted no later than Aug. 8
  - <http://summitcountyfair.org/events/fair-parade>
- Council Members Ice Cream Social
  - Serve Ice Cream following the parade
  - Saturday, August 9, 11:00 a.m.
  - Local Vendor is preferred
  - Free to public



↪ August 2-9, 2014 ↩



Rodeo & Derby Tickets

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## FAIR HISTORY



The Summit County Fair has been a part of the County's cultural and social fabric since the early 1900's. Sandra Morrison, Summit County Historian reports that in 1909 the Fair association met in Wanship to discuss the county fair and "it was decided after due consideration to hold the fair" reported the July 16, 1909 *Coalville Times Newspaper*. The fair was scheduled for four days, September 29 through October 2.

## APPLICATIONS & ENTRIES

### ► Camping

Wed., August 6 - Sun., August 10

Back Fields, Summit County Fairgrounds

Prices - \$25.00 Per Site

[Apply Now](#)

### ► Little Buckaroo Rodeo

Wed., August 6 - 7:00p.m. Timed Events

Thurs., August 7 - 7:00p.m. Main Event

[Apply Now](#)

### ► Vendors

Calling Artists, Crafters, Jewelers, Gourmet Food Producers, Food Vendors & Farmers!

[Apply Now](#)

## FAIR HIGHLIGHTS

### PRCA Rodeo



August 8, 8:00 p.m.

August 9, 8:00 p.m.

[Purchase Tickets](#)

[Read more...](#)

### Demolition Derby



August 2, 7:00 p.m.

[Purchase Tickets](#)

[Read more...](#)

### Junior Livestock Sale



August 9 - 1:00 p.m.

Livestock Tent,  
Summit County  
Fairgrounds



→ August 2-9, 2014 ←



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## JUNIOR LIVESTOCK SALE

August 9 - 1:00 p.m.

Livestock Tent, Summit County Fairgrounds

### What is it?

The Summit County Fair Junior Livestock Auction is the culmination of a year of livestock management by 4-H and FFA members from around Summit County. The young men and women who participate have selected, fed, and groomed a steer, lamb, or hog to exhibit at the fair. The animals are judged and only top grade livestock are sold at the sale.

### Why Support the Sale?

By participating you are helping Summit County youth develop responsibility, gain knowledge and skills in livestock production, make management decisions regarding the care of livestock, and become contributing members of society. Your support is an investment in their future!



## Summit County Fair Fun Run

Saturday Aug. 9th, Kids Fun Run - 7:30 a.m. 5k - 8:00 a.m.  
Summit County Fairgrounds - Bowery, Coalville, UT

**What:** 5K run, 2 mile walk for adults, and 1 mile walk for youth

**When:** Saturday August 9th (Kids Run-7:30 am, 5k-8:00 am)

**Who:** Everyone! Awards will be given to the winners of every division.

**Cost:**

Kids Run (1 mile)

\$10 includes t-shirt

5k/2 mile walk

\$10 through August 8th includes t-shirts

\$20 the day of the race includes t-shirts

Participant 1 Name \*

Please Select  
Participant 1's Age  
Group \*

Birthday \*

Age

Event \*

- 5K Run
- 2 Mile Walk
- 1 Mile Kids Walk

Gender \*

- Male
- Female

T-Shirt Size \*

Number Of Participants \*

Address \*

City \*

State \*

Zip Code \*

E-mail Address \*

Participant Phone \*

Emergency Contact Name \*

Emergency Contact Phone \*

Your completed registration stands to confirm that you have read and agree to the following statement:

I know that running a road race is a potentially hazardous activity. I should not enter and run unless I am medically able to run and agree to abide by any decision of a race official relative to my ability to safely complete the run. I assume all risks associated with running in this event including, but not limited to, falls, contact with other participants, the effects of the weather, traffic, and the conditions of the road, all such risks being known and appreciated by me.

Having read this waiver and knowing these facts and in consideration of your accepting my entry, I, for myself, and anyone entitled to act on my behalf, waive and release Summit County Fair, Summit County and all sponsors, their representatives and successors from all claims or liabilities of any kind arising out of my participation in this event. I grant permission to all the foregoing to use any photographs, motion pictures, recording, or any other record of this event for any legitimate purpose.

I have read and agree to the 5K disclaimer.

Proceed to Checkout



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Auditor

Blake Frazier



May 27, 2014

Summit County Council;

On May 22<sup>nd</sup> we held our annual May Tax Sale. We had 2 properties to sell. We sold them both. I've attached a copy of the sale results for your prior review.

Parcel SU-L-16 sold for \$40,500.00. The taxes, penalties and interest owing were \$6,735.89. Parcel PP-75-A-1 sold for \$6,200.00. The taxes, penalties and interest were \$1,391.07. The buyers of this parcel would like to rescind their bid. They did pay the \$6,200.00 owing by 5:00 pm as required by law, but would like to be refunded less the taxes, penalties and interest owing. After being awarded the bid, Joe Banz and Veronika Grechana, began researching the property and discovered, they probably over paid for this .04 acre parcel.

I should make clear that Mr. Frazier stated very clearly prior to the sale, it was up to the bidder to do their research prior to bidding on a property.

Thank you for your consideration in both of these issues.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Rockhill".

Kathryn Rockhill  
Deputy Auditor

**2014 May Tax Sale**

May 22, 2014

Name **JONES CORDELL H**  
Address **PO BOX 838 NIPOMO, CA 93444-0838**

Parcel Number: **SU-L-16**  
Situs Address: **115 INNSBRUCK STRASSE**  
Legal: **SUBD: SUMMIT PARK PLAT L SUBD BLOCK: 0 LOT: 16 PLAT: L000S 9 T 1S R  
3E LOT 16 PLAT L SUMMIT PARK SUBDIVISION CONT 0.408 AC 297-163 299-  
764 1445-1854**

Balance Due: **\$6,510.89** Name of Buyer: **Derek Nelson & Jennifer  
Smith**

Final Accepted Bid: **\$40,500.00** Address: **1129 Grainery Cove  
Riverton, Utah 84065**

Sale cost: **\$ 225.00**

Balance: **\$ 33,764.11** Phone: **(801)631-5253**

BID# 6

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Name **MORINDA PROPERTIES SILVERDO LODGE LC**

Address **333 W RIVER PARK DR PROVO, UT 84604**

Parcel  
Number: **PP-75-A-1**

Situs  
Address: **3725 N RED PINE RD**

Legal: **S 36 T 1S R 3E BEG AT A PT 572.4 FT N & 750 W OF THE SE COR OF SEC 36 T1SR3E  
SLBM; TH W 560 FT TO THE BEG OF A 140 RAD FT NON-TANGENT CUR TO THE RIGHT;  
TH 123.95 ALONG THE ARC OF SD CUR WHOSE CHORD BEARS N 11\*33'10" E FOR 119.94  
FT; TH N 36\*54'59" E 147.38 FT TO THE BEG OF A 310.00 FT RADTANGENT CUR TO THE  
LEFT; TH 98.68 FT ALONG SD CUR WHOSE CHORD BEARS N 27\*47'50" E FOR 98.26 FT  
TO THE BEG OF A 19.00 FT RAD REVERSE CUR TO THE RIGHT; TH 36.92 FT ALONG SD  
CUR WHOSE CHORD BEARS N 74\*20'43" E FOR 31.38 FT; TH S 50\*00' E 146.72; TH S  
36\*54'59" W 83.08 FT; TH E 308.90 FT; TH S 170.00 FT TO THE PT OF BEG CONT 2.64 AC  
(LESS 2.60 SILVERADO LODGE CONDOMINIUM)BAL 0.04 AC 1694-1007**

Balance Due: **\$1,166.07** Name of Buyer: **Joe Banz & Veronika  
Grechana**

Final Accepted Bid: **\$6,200.00** P.O. Box 101  
Coalville, Utah 84017

Sale Cost: **\$ 225.00**

Balance: **\$4,808.93** Phone: **(435)770-3449**

BID# 1

MAY 27 2014

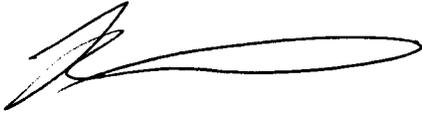
# PP-75-A-1

Summit County Council

Dear Council,

I am writing to request a meeting with the Council. My wife and I recently bid on a property that was sold at the Summit County Tax Sale held on May 22, 2014, and were awarded the property. I would like to jointly rescind this property contract on the grounds of a discrepancy in the address and issues with proper ethics.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joe Banz', with a long, sweeping horizontal stroke extending to the right.

Joe Banz



## **Olympic Day Proclamation** **June 21, 2014**

- Whereas,** for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;
- Whereas,** the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;
- Whereas,** Summit County, Utah promotes and supports amateur athletic activities involving Olympic and Paralympic sport;
- Whereas,** Summit County, Utah promotes and encourages physical fitness and public participation in amateur athletic activities;
- Whereas,** Summit County, Utah assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;
- Whereas,** June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics:

**Now, Therefore,** I, Christopher F. Robinson, Chair, County Council, of Summit County, Utah do hereby proclaim with much appreciation and admiration, June 21, 2014 as

### **Olympic Day**

in Summit County, Utah and urge all citizens to observe such anniversary with appropriate ceremonies and activities.

**In Witness Whereof,** I have hereunto set my hand and caused the Great Seal of Summit County, Utah to be affixed this 21st day of June 2014.

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Chair, County Council, Summit County, Utah





**MEMORANDUM:**

Date: June 4, 2014  
To: Council Members  
From: Annette Singleton  
Re: South Summit Cemetery Maintenance District

Appointment of the following persons to the South Summit Cemetery Maintenance District:

Subdistrict 1, Kamas Area

Appoint Robert Ure to a four-year term. Robert's term of service to expire December 31, 2017.

Subdistrict 3, Peoa Area

Reappoint Jack Marchant to a two-year term. Jack's term of service to expire December 31, 2015.

At-Large District Board Members

Reappoint Pharas Gines to a two-year term. Pharas's term of service to expire December 31, 2015.

Appoint Ralph Daniels to a four-year term. Ralph's term of service to expire December 31, 2017.

Please note that Subdistrict 2, Francis Area, is currently filled by Rick Gines; his term expires December 31, 2014.

**DAVID R. BRICKEY  
COUNTY ATTORNEY**



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

**Criminal Division**

JOY NATALE  
Prosecuting Attorney

MATTHEW D. BATES  
Prosecuting Attorney

RYAN P.C. STACK  
Prosecuting Attorney

MARIAH HORNOK  
Prosecuting Attorney

**Civil Division**

DAVID L. THOMAS  
Chief Deputy

JAMI R. BRACKIN  
Deputy County Attorney

HELENE. STRACHAN  
Deputy County Attorney

To: Summit County Council  
From: Helen Strachan, Deputy County Attorney   
Date: June 4, 2014  
Re: Proposed GRAMA Fee and Process Resolution

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Please find attached the 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")). I have made the changes that were proposed at the May 21<sup>st</sup> meeting and have tracked those changes in red. Please let me know if you have any questions.

**SUMMIT COUNTY, UTAH  
RESOLUTION NO. 2014-14**

**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: and

**WHEREAS**, Summit County recognizes the public's right of access to information concerning the conduct of the public's business.

**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.
- Summit County may fulfill a record request without charge and is encouraged to do so when it determines that:
  - Releasing the record primarily benefits the public rather than a person;
  - The individual requesting the record is the subject of the record; or
  - The requester’s rights are directly implicated by the information in the record, and the requester is impecunious.

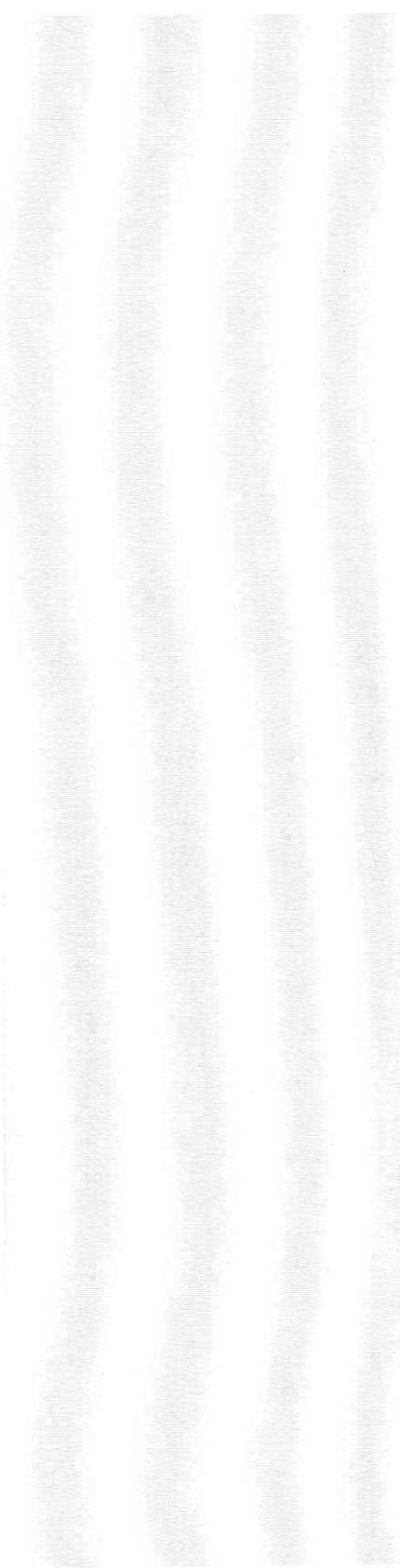
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**GRAMA Fee Schedule**

<b>Copies</b>	<b>Fee</b>	<b>Additional Information</b>
8 ½" x 11" non-color copies	<del>\$.25</del> -.15 / sheet	
8 ½" x 11" color copies	<del>\$.75</del> \$.50/ sheet	
11" x 17" copies	<del>\$1.00</del> .75/ 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	
<b>Services</b>		
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.<del>24</del>.00 / 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



MANAGER'S REPORT

June 4, 2014

To: Council Members

From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 5/22/14 and 5/29/14, posted on the website at: <a href="http://www.summitcounty.org/manager/index.php">http://www.summitcounty.org/manager/index.php</a>
Auditor	
Assessor	
Attorney	<u>Submitted by David Brickey, County Attorney:</u> <u>Criminal Division Activity</u>  <b>DISTRICT COURT CRIMINAL CASES FILED: 16</b> <b><u>CRIMINAL FILINGS OF INTEREST</u></b>  <b>Michael Layne Lach, Case No. 141500160</b> , was charged with Possession of a Controlled Substance with Intent to Distribute, a Second Degree Felony. On May 9, 2014, Officer Contreras of the Park City Police Department received a tip from an employee of Club Epic that a patron had drugs in his wallet. Lach gave Officer Contreras a small baggie containing seven small white rocks. Lach stated that the rocks were Molly also known as MDMA. Lach further stated that he purchased the drugs to resell and make some money to pay off court fines.  <b>Leticia Isela Sanchez, Case No. 141500161</b> , was charged with Possession of a Controlled Substance with Intent to Distribute, a Third Degree Felony; Possession or Use of a Controlled Substance, a Third Degree Felony and Failure to Stay in One Lane, a Class C Misdemeanor.  <b>Jose Ramon Quiroz, Case No. 141500162</b> , was charged with Possession of a Controlled Substance with Intent to Distribute, a Third Degree Felony. On May 10, 2014, a trooper with the Utah Highway Patrol observed a vehicle traveling eastbound on I-80 at a very slow rate of speed and cross the fog line for no apparent reason. The trooper initiated a traffic stop and made contact with the driver, Leticia Isela Sanchez and the passenger, Jose Ramon Quiroz. The trooper smelled the odor of marijuana and searched the car and found nine pounds of marijuana in a pink suitcase in the trunk of the car as well as a pipe with burnt residue and a small quantity of methamphetamine in Sanchez's purse.  <b>Cole Quitiquit, Case No. 141500163</b> , was charged with: <ul style="list-style-type: none"><li>(1) Possession or Use of a Controlled Substance (DFZ), a Second Degree Felony;</li><li>(2) Possession or Use of a Controlled Substance in Jail or Prison, a Second Degree Felony;</li><li>(3) Possession of Drug Paraphernalia (DFZ), a Class A Misdemeanor; and</li><li>(4) DUI, a Class B Misdemeanor.</li></ul> On April 22, 2014, Park City Officers were dispatched to a suspicious vehicle parked in Park City, Utah. Officers found an unconscious male later identified as Cole Quitiquit in the driver's seat; the vehicle's engine was running. Officers observed two small pieces of plastic in Quitiquit's lap, a steak knife and a glass pipe on the floorboard. Quitiquit regained consciousness and officers observed his eyes were bloodshot and glossy, and his pupils were constricted. Quitiquit's vehicle was within 700 feet of a school. Quitiquit was placed under arrest and during a search, officers found a small tin containing several balloons of heroin. During the booking process a small plastic baggie of heroin was found in Quitiquit's left pocket. Quitiquit's arms had fresh puncture wounds and syringes were found in his vehicle.

<u>Department</u>	<u>Description of Updates</u>
	<p><b>Frank Joseph Agresti, Case No. 141500164</b>, was charged with Possession of a Controlled Substance with Intent to Distribute, a Third Degree Felony; Possession of Drug Paraphernalia, a Class B Misdemeanor; and Failure to Signal, a Class C Misdemeanor. On April 28, 2014, Trooper Banks with the Utah Highway Patrol initiated a traffic stop for failure to signal lane change. Trooper Banks smelled the odor of marijuana and search the car and found 18 pounds of marijuana in the trunk of the car.</p> <p><b>Jonathan Ivan Canedo-Solorio, Case No. 141500165</b>, was charged with two counts of Rape of a Child, each First Degree Felonies and Unlawful Sexual Activity with a Minor, a Third Degree Felony. A fifteen-year old female reported that the defendant had sexual intercourse with her approximately four times in Summit County, Utah between April 1, 2012 and October 16, 2012 when she was thirteen and fourteen years old. The defendant is more than four years older than the victim.</p> <p><b>Jennifer Julia Groven, Case No. 141500166</b>, was charged with Possession or Use of a Controlled Substance, a Third Degree Felony and Failure to Stay in One Lane, a Class C Misdemeanor. On April 23, 2014, Deputy Nguyen of the Summit County Sheriff's Office initiated a traffic stop for failing to stay in one lane. While conducting a license and registration check, Deputy Nguyen ran his police canine around the truck. The dog alerted to the presence of narcotics and Deputy Nguyen found approximately 10.75 pounds of marijuana in a suitcase in the passenger compartment of the truck.</p> <p><b>David Brzyski, Case No. 141500167 and Robert Ellis, Case No. 141500168</b>, were charged with Possession of a Controlled Substance with Intent to Distribute, a Third Degree Felony. On May 4, 2014, Deputy Berger with the Summit County Sheriff's Office initiated a traffic stop for invalid license plate. Deputy Berger made contact with the driver, David Brzyski and passenger, Robert Ellis. While waiting for a records check, Deputy Berger ran his police canine. The dog alerted to the odor of narcotics and Deputy Berger found twenty packages of marijuana stuffed into the back seat.</p> <p><b>Timothy Tito Arnold, Case No. 141500169</b>, was charged with:</p> <ol style="list-style-type: none"> <li>(1) Failure to Respond to Officer's Signal to Stop, a Third Degree Felony;</li> <li>(2) Failure to Stop at Command of Law Officer, a Class A Misdemeanor;</li> <li>(3) Vehicle Burglary, a Class A Misdemeanor;</li> <li>(4) False Personal Information to a Peace Officer, a Class A Misdemeanor;</li> <li>(5) Theft, a Class B Misdemeanor;</li> <li>(6) Possession of Drug Paraphernalia, a Class B Misdemeanor;</li> <li>(7) Unlawful Manufacture or Possession of Burglary Tools, a Class B Misdemeanor.</li> </ol> <p>On April 30, 2014, a witness observed Timothy Arnold punch out the driver's side rear window of a fellow employee's car in the Walmart parking lot. The owner of the vehicle stated that a backpack was missing. The witness observed the defendant get into a U-Haul van and leave the scene. Deputy Hennefer located the U-Haul and attempted to initiate a stop. The van fled, reaching speeds up to 85 miles per hour in a 25 and 35 miles per hour zone. Deputies successfully deployed spikes to deflate the van's tires. The defendant jumped out of the van and fled on foot. Officers later apprehended Arnold and Arnold gave officers a false name and date of birth.</p> <p><b>Andrew Gregovich, Case No. 141500170</b>, was charged with Possession or Use of a Controlled Substance, a Third Degree Felony. On March 13, 2014, Deputy Nguyen of the Summit County Sheriff's Office stopped a vehicle for speeding. A passenger disclosed that he had a small amount of marijuana on his person and Deputy Nguyen search the vehicle and discovered ten MDMA pills in a backpack belonging to Gregovich.</p>

<u>Department</u>	<u>Description of Updates</u>
	<p><b>Kevyn Smith Quintanilla-Reyes, Case No. 141500171</b>, was charged with:</p> <ol style="list-style-type: none"> <li>(1) False Personal Information to a Peace Officer, a Class A Misdemeanor;</li> <li>(2) Possession of Drug Paraphernalia, a Class B Misdemeanor;</li> <li>(3) No Evidence of Security, a Class B Misdemeanor;</li> <li>(4) Speeding, a Class C Misdemeanor; and</li> <li>(5) No or Expired Driver’s License, a Class C Misdemeanor.</li> </ol> <p>On May 2, 2014, Trooper Crowe of the Utah Highway Patrol initiated a traffic stop on a vehicle for speeding. The defendant indicated that he did not have a driver’s license or proof of insurance and identified himself as Steven Reyes. Trooper Crowe conducted a records check and found an outstanding warrant for the defendant and arrested the defendant. During an inventory, trooper found a plant grinder with green leafy material in the driver side door. Deputies subsequently learned that Quintanilla-Reyes provided his brother’s name and date of birth at the time of his initial contact with law enforcement.</p> <p><b>Christopher Winterton, Case No. 141500172</b>, was charged with Violation of a Protective Order (DV), a Class A Misdemeanor, and Interference with Arresting Officer, a Class B Misdemeanor. On May 4, 2014, Deputy Taylor of the Summit County Sheriff’s Office responded to a report of a protective order violation. The victim indicated that she has a protective order issued against the defendant and came home to find Winterton’s clothes in her washer. Winterton indicated that officers escorted him to the home. The victim contacted dispatch and learned that no deputies had been to her house earlier that day. Winterton’s mother admitted Winterton had been at the victim’s home earlier that day. Winterton resisted arrest.</p> <p><b>Bradley Pentecost, Case No. 141500173</b>, was charged with:</p> <ol style="list-style-type: none"> <li>(1) Possession of a Controlled Substance with Intent to Distribute, a Third Degree Felony;</li> <li>(2) three counts of Unlawful Possession of Another’s Identification Documents, each Class A Misdemeanors; and</li> <li>(3) Possession of Drug Paraphernalia, a Class B Misdemeanor.</li> </ol> <p>On April 8, 2014, Officer Carrillo of the Park City Police Department was on bike patrol and observed two males quickly get out of their car and walk away from him. Officer Carrillo observed a baggie of marijuana on the driver’s seat of the car. Officer Carrillo waited for the return of the males and arrested the driver, Pentecost. Officer Carrillo also found three driver’s licenses that did not belong to Pentecost as well as a digital scale, roaches, zip loc bags and additional marijuana.</p> <p><b>Christopher L. Tabbee, Case No. 141500174</b> was charged with Possession of a Controlled Substance with Intent to Distribute, a Second Degree Felony, and Possession of Drug Paraphernalia, a Class B Misdemeanor. On May 21, 2014, Summit County Deputy Crowley did a license plate check on a vehicle. The check showed an outstanding warrant for the owner, Christopher Tabbee. Deputies Crowley and Taylor arrested Tabbee on the warrant. A search incident to arrest produced a glass meth pipe and large amount of suspected methamphetamine.</p> <p><b>Matthew Morgan Blakeman, Case No. 141500175</b>. Blake was charged by the State of Wyoming with Conspiracy to Distribute Heroin. He fled Wyoming and was apprehended by authorities in Summit County. The Summit County Attorney’s Office prepared and filed the necessary documents to hold Blakeman in the Summit County Jail as a fugitive from justice and to extradite him back to Wyoming.</p> <p><b><u>PLEAS, TRIALS, AND SENTENCES OF INTEREST</u></b></p> <p><b>Adam Johnson, Case No. 131500300</b>, was sentenced for the offense of Failure to Stop at Command of Law Enforcement, a Class A Misdemeanor. The Court imposed a one year jail sentence and a \$2,500.00 fine and suspended those sentences. The Court placed the defendant on court probation</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>for 18 months and ordered the defendant to pay a fine in the amount of \$500, complete 80 hours of community service, pay restitution and complete other standard terms and conditions.</p> <p><b>Michael Todd Lance, Case No. 121500291</b>, was sentenced for the offense of Aggravated Sexual Assault, a First Degree Felony. The Court imposed term of fifteen years to life years in the Utah State Prison. The Court granted defendant credit for 591 days served and ordered the defendant to pay restitution in the amount of \$2,760.</p> <p><b>Scott Andrew Maccaughern, Case No. 131500063</b>, was sentenced for the offenses of Securities Fraud, a Second Degree Felony and Theft by Deception, a Second Degree Felony. The Court imposed a term of not less than one year nor more than fifteen years at the Utah State Prison for each count. The Court suspended those sentences and placed the defendant on supervised probation for a period of 36 months and ordered the defendant to complete 200 hours of community service; pay a fine in the amount of \$1,000; pay restitution in the amount of \$60,500 (the entire amount was paid at sentencing) and complete other standard terms and conditions.</p> <p><b>Collin Reid Tuttle, Case No. 131500301</b>, was sentenced to the offense of Assault, a Class A Misdemeanor. The Court imposed a one year jail sentence and suspended 362 days. The Court placed the defendant on court probation for 18 months and ordered the defendant to pay a fine in the amount of \$750; complete 100 hours of community service; serve three days jail; and complete other standard terms and conditions.</p> <p><b>Laura Baum, Case NO. 131500304</b>, was sentenced for the offense of Theft of Rental Vehicle, a Second Degree Felony. The Court imposed a one year jail sentence and suspended that sentence. The Court placed the defendant on court probation for 18 months and ordered the defendant to pay a fine in the amount of \$500; complete 25 hours of community service; and complete other standard terms and conditions.</p> <p><b>Bret William Lange, Case No. 131500233</b>, was sentenced for the offense of Purchase, Transfer, Possession or Use of a Firearm by a Restricted Person, a Third Degree Felony. The Court imposed a term of not to exceed five years in the Utah State Prison and suspended that sentence. The Court placed the defendant on supervised probation for a period of 36 months and ordered the defendant to pay a fine in the amount of \$600; complete 20 hours of community service; serve nine days in the Summit County Jail; undergo a substance abuse evaluation and complete any recommended treatment and complete other standard terms and conditions.</p>
Clerk	
Community Development	<p><u>Submitted by Pat Putt, Community Development Director:</u> See attached report</p>
Engineering	<p><u>Submitted by Leslie Crawford, Engineer:</u></p> <ul style="list-style-type: none"> <li>• Right-of-way Silver Creek Roundabout</li> <li>• Canyons Wyndham Hotel</li> <li>• New Park Flats - review</li> <li>• Jeremy Ranch Pedestrian Connections</li> <li>• Silver Creek Lot 9 and 10 review</li> <li>• New Park Nevus – pedestrian study Development Agreement</li> <li>• Special events – review</li> <li>• Silver Creek Village DA</li> <li>• COG meeting cancelation – UDOT meeting</li> <li>• File Management</li> </ul>

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> <li>• Canyons Could Dine Expansion</li> <li>• Mountain Accord – Grand Loop Concept – sub surface UofU to Kimball then 224 to PC to Cottonwoods Canyon</li> <li>• Redstone – Impact Fee update</li> <li>• Colony’s retaining wall and update</li> <li>• Village at Kimball Junction Affordable Housing Impact Fee</li> <li>• Canyon Links II finals and enforcement</li> <li>• Hyatt Hotel SR-224 access</li> <li>• Parking along Lower Village Road – Canyons peak events planning</li> <li>• Village at Kimball Junction – final construction incidents with planters</li> <li>• UDOT SR-224 study complete</li> <li>• Tanger outlet building plans – need Development Agreement</li> <li>• Pipeline Ordinance</li> <li>• Silver Creek Drive Roundabout Project</li> <li>• SWSS Subdivision Plat re-review</li> <li>• New Park Flats Site Plan &amp; Plat review</li> <li>• Hyatt Place Plat Review</li> <li>• Plat Review: Preserve 2A, Preserve 2B &amp; Preserve 2C</li> <li>• Right of Way Permit Activity <ul style="list-style-type: none"> <li>○ 8 permits issued</li> <li>○ Bitner Water Line to Woodside Homes</li> <li>○ Echo Sewer</li> <li>○ 2 Questar</li> <li>○ 2 Allwest</li> <li>○ 1 Century Link</li> <li>○ 2 Bond Releases</li> <li>○ 2 Complaints</li> </ul> </li> <li>• Residential Permit Activity <ul style="list-style-type: none"> <li>○ 34 plans reviewed</li> <li>○ 29 driveway inspections</li> <li>○ 32 erosion control inspections</li> <li>○ 1 Release inspection</li> <li>○ 1 Over the Counter Reviews</li> <li>○ 3 Code Enforcement</li> </ul> </li> <li>• Public Works Activity <ul style="list-style-type: none"> <li>○ 5 Blue Sky Inspections</li> <li>○ 3 Rough Grade Inspections</li> <li>○ 3 Final Inspection</li> <li>○ 4 Lower Village 4 Inspections</li> <li>○ 4 Canyon Links</li> <li>○ 2 Final Inspections</li> <li>○ 1 Bond Release</li> </ul> </li> </ul>
Facilities	
Health Department	<p><u>Submitted by Rich Bullough, Health Director:</u>  <u>New Emissions Awareness Program:</u> In support of the Summit County Council’s Strategic Priorities, the Health Department has started an Emissions Awareness Program. This program is directed at vehicle owners to keep their engines running efficiently and emissions low.</p> <p>Information, flyers, webpages and other media tools are being used to educated residents about</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>their On-Board Diagnostics System or Check Engine Light. This early detection system benefits vehicle owners by altering them to conditions that can waste fuel, shorten engine life, and result in potentially expensive repairs. The Check Engine Light also lets owners know that their vehicle's emission controls system is faltering and needs repair, allowing them to help protect the environment.</p> <p>The Health Department has partnered with the Utah Department of Air Quality in message development and promotion. Summit County is one of the first in the nation that isn't a non-attainment area, to implement this type of awareness campaign</p> <p><u>Efforts to Increase Enrollment in WIC Nutrition and Education Program:</u> Enrollment in the Summit County WIC Program has been flat for the past year. We know there are families who qualify for these services that are not receiving them. Therefore, we are doing the following to increase WIC awareness:</p> <ul style="list-style-type: none"> <li>• Partnership with Head Start in the Kamas area: Head Start has 3 registration days for potential clients to apply for the program. I am going to the registrations and handing out information on WIC, answering questions, and scheduling appts. The two registration days in May are being held in the Head Start classroom at SSES. The Health Department is hosting one of the registration days in June and utilizing the conference room in the Summit County building on Main Street.</li> <li>• Newsletter with the Health Education division of the Health Department that will be sent home with all North Summit and South Summit Elementary School children before school ends</li> <li>• People's Health Center orientation: Terri and I attend the PHC orientation for pregnant women on the 3<sup>rd</sup> Wednesday of every month to recruit and answer any questions about WIC</li> <li>• KPCW radio spot</li> <li>• Summit County Bee article</li> <li>• Press Release to the Park Record</li> <li>• Kamas movie theater ad that runs before the movie starts</li> <li>• Postcard mailed to the North and South Summit area homes with Health Department services listed</li> <li>• Bookmarks distributed to the County Libraries with Health Department services listed</li> </ul>
Information Technology	<p><u>Submitted by Ron Boyer, I.T. Director:</u></p> <p>GIS has met with the Weed Department to develop a strategy to measure results of the weed spray program on a year to year basis. A layer of points from areas that have been sprayed will soon be available on the county website. GIS also held a training session just for the Community Development Department.</p> <p>The Health Department application server was updated to new hardware. New computers and tablets were purchased for the Emergency Operating Center also.</p> <p>As the data that we are storing continues to grow, the way that we backup our data is evolving. We are currently implementing a snapshot type backup, which can handle our large database files. We are also meeting with vendors to get an idea of what type of different backup solutions are available for our future needs.</p> <p>The Building Department's online application form is working well and we have seen a number of applications come through. Therefore, we are beginning to take on the Planning Department's application form to put online.</p> <p>We are also continuing to work the bugs out of the audio visual systems in the Courthouse and Richins Building. The Richins Building is will most likely require a change to the seating arrangement and possibly a move of the artwork in the auditorium. Another component will be training</p>

<u>Department</u>	<u>Description of Updates</u>
	presenters on how to use the new equipment since laser pointers will only work on one surface and are not visible on LED screens. We are working on a set of presentation guidelines that should make this easier
Justice Center	
Library	<p><u>Submitted by Dan Compton, Library Director:</u>  Our fabulous Summer Reading Program is right around the corner. This year’s theme is Fizz, Boom . . . READ! We’ll be having lots of fun experimenting with all kinds of things throughout the summer. Summer Reading Packets will be available starting the last week of school on Monday, June 2.</p> <p><u>Savvy Social Security Planning: What Baby Boomers Need to Know to Maximize Retirement Income</u>  We will be hosting this workshop at all 3 of our locations. Here are the dates and times:  Tues., June 10th - Kamas Branch - 6:00-7:30 p.m.  Wed., June 11th - Kimball Junction - 6:00-7:30 p.m.  Thurs., June 12th - Coalville Branch - 6:00-7:30 p.m.</p>
Mountain Regional Water	
Park City Fire Service District	
Personnel	
Public Works	<p><u>Submitted by Derrick Radke, Public Works Director:</u></p> <p>Road Crew</p> <ul style="list-style-type: none"> <li>• Graded gravel roads (Holiday Park, Smith Morehouse, South Fork of the Weber, Democrat Alley, Red Pine)</li> <li>• Holiday Park Soil Stabilization using Pennz -Suppress (new product) (3 miles)</li> <li>• Curb &amp; Gutter Repairs</li> <li>• Sign Build/Installation/Replacement &amp; Guardrail Reflector Replacement</li> <li>• Sign Reflectivity Inspections</li> <li>• Bus Shelter Maintenance</li> <li>• Pothole &amp; Dig-Out Patching</li> </ul> <p>Public Works Misc.</p> <ul style="list-style-type: none"> <li>• Completed Industrial Water Agreement with Weber Basin Water</li> <li>• Various Meetings on Transit Operations and Planning</li> <li>• Snyderville Basin Transportation Master Plan</li> <li>• Completed Draft Capital Road Plan</li> <li>• Completed Sign Maintenance Policy inclusive of Sign Reflectivity Policies for presentation to Council</li> <li>• Developed Draft Maintenance Project List</li> <li>• Research into Para Transit for citizen</li> </ul> <p>Weed Dept.</p> <ul style="list-style-type: none"> <li>• Continuing material preparation for (outreach events)</li> <li>• Continued sprayer maintenance including truck spray units for maintaining road R/W’s.</li> <li>• Continued mapping areas for spring helicopter spraying</li> <li>• Continuing discussions w/EDD MAPS and County IT of preparing weed layer in County GIS.</li> <li>• Enforcement Warning Letters sent to problem area owners</li> <li>• Robust weed chemical sales continues</li> <li>• Summer Seasonal workers have begun spraying operations along County Roads. A total of 450 acres treated.</li> <li>• Summer Seasonal workers have begun spraying operations on County owned Open Space.</li> <li>• “Field Days” presentations to 5<sup>th</sup> grader from North and South Summit.</li> </ul>

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> <li>• Weed Board tour of a weed (Sulfur Cinquefoil) that could become a problem in the Oakley area.</li> </ul> <p>Solid Waste</p> <ul style="list-style-type: none"> <li>• Presented to the council on May 14, 2014. Covered the Solid Waste Master Plan, the permit approval, and opening the 3-mile landfill for 10 hr days.</li> <li>• Met with Derrick and Bob on May 22 and received the go-ahead to hire an additional part-time employee and to switch the hours at the 3-mile landfill to 7:30-5:30 starting July 1, 2014. <ul style="list-style-type: none"> <li>○ We also discussed the presentation to both councils on June 9 and I have made the suggested changes to my power-point.</li> </ul> </li> <li>• Attended the SWANA chapter lunch on May 15<sup>th</sup> at the Transjordan landfill.</li> <li>• Sent out requests for green waste grinding quotes. Only know of two companies that can do the job and only received one quote back from Diamond Tree Experts.</li> <li>• Had lunch with Republic on May 21. Met the Western US leadership and discussed some of our concerns such as contaminated recycling.</li> </ul> <p>Wildland Fire</p> <ul style="list-style-type: none"> <li>• Putting handouts together for the council meeting</li> <li>• Meeting with Snyderville Basin and Kevin on grant for fuels work in the Basin.</li> <li>• Council meeting, meeting with state supervisor on upcoming projects.</li> <li>• Meeting with land owner on a 2.5 acre burn.</li> <li>• Park City Fire shift c Wildland fire training safety and tactics.</li> <li>• MOU inspections this is inspecting all Equipment that County and fire districts will use on wildfires to ensure they meet requirements set in the agreements and standards of the National wildfire coordination Group equipment and over all condition.</li> <li>• State area staff meeting training for staff personal on saw operation. Then I had a Meeting with Wyoming forest service ranger district on their response and fire use on federal land for the upcoming season.</li> <li>• State engine maintenance and equipment checks. Meeting with Helen on the Wildland county codes to answer questions that had been taken to members on Council and planning committee, I was requested by Chief Smith to go with him</li> </ul>
Recorder	<u>Submitted by Rhonda Francis, Chief Deputy Recorder:</u> Construction is to start in our office this week. Recording is steady. Mary Ann is still recovering.
Treasurer	
Sheriff	
Snyderville Basin Recreation	<u>Submitted by Rena Jordan, Director:</u> See attached report
USU Extension	

## COMMUNITY DEVELOPMENT

- The department received 19 new building applications and 6 new planning applications this past week as follows:

### NEW BUILDING PERMITS

May 22 – May 28, 2014

Name	Address	Description
Nike Factory Store	6699 N Landmark Dr (Tanger)	Replace 6 AC Unites
Bob Holbrook	1693 E Sage Lane	Single Family Dwelling
Joe & Lisa Davis	8589 Meadow View Rd	Equipment Enclosure
Utah 7000 Cabins LLC	2943 Trading Post	Single Family Dwelling
Foxpoint/Redstone HOA	1513 Redstone Ave	Exterior Repairs
Kurt Peterson	418 W 5200 N	Shed
Dave Wentz	3003 West Wedge Circle	Swimming Pool
Brian Cink	958 E Oakridge Road North	Single Family Dwelling
Phillip Deimling	6026 N Fairview Dr.	Deck
Fisher Creek LLC Bldg. 1	6423 N Pace Frontage Road	Storage Bldg. 1
Fisher Creek LLC Bldg. 2	6423 N Pace Frontage Road	Storage Bldg. 2
Fisher Creek LLC Bldg. 3	6423 N Pace Frontage Road	Storage Bldg. 3
Fisher Creek LLC Bldg. 4	6423 N Pace Frontage Road	Storage Bldg. 4
BHE Partners, LP	5532 Lillehammer Lane	T.I. Office
Hal Riley	4839 Pine Crest Rd	Cabin Addition
Todd Marsh	75 Matterhorn Dr	Service Upgrade
Chad Brackelsberg	150 Aspen Lane	Addition
Stephanie Pedroza	1975 S Hoytsville Rd	Windows
Blue Sky	27649 Old Lincoln Hwy	Distillery TI

**NEW PLANNING APPLICATIONS**  
**May 22 - 28, 2014**

Project Number	Description
14-133	<b>Ogden Lot of Record</b> Lot of Record <span style="float: right;">CD-354</span>
14-134	<b>Rafter B Canopy LIP</b> Low Impact Permit 2246 S. State Rd 22      NS-219-A
14-135	<b>Pace LLA</b> Lot Line Adjustment 1428 S. West Hoytsville RD    NS-112, NS-112-B
14-136	<b>Willow Draw Pump Station LIP</b> Low Impact Permit Willow Draw      PP-72, PP-73-A, WWD2
14-137	<b>Verizon Wireless COW Quarry Mtn LIP</b> Low Impact Permit Quarry Mountain      PP-17-C-2-X
14-138	<b>Highland Estates Godfrey PA</b> Low Impact Permit 150 East Highland Drive    HE-A0-396

Respectfully Submitted, Patrick Putt  
 Community Development Director

# Snyderville Basin Recreation District

## Basin Recreation Updates

The District will be undertaking to complete 19 new capital projects beginning now and finishing by October 15<sup>th</sup>! These projects include:

### THE FIELDHOUSE

- The activity at the Fieldhouse continues strong. Our fitness classes are well attended and our overall increase in pass sales exceeded our projections.
- The remaining punch list items are being pursued to be completed by the contractor. The final clean up and restoration around the outside of the facility will be the focus for the next month.
- Our Splashpad opened Memorial weekend, although to cold weather!

### PARKS Capital Projects

- Enhancements to the Willow Creek Dog Park have been completed and the use is consistently high. The dog dock and pond have been a big hit and now the addition of toy features will be tested.
- Addition of Tennis Courts at Willow Creek Park bids are due this week and will be awarded at our June board meeting. It is anticipated that the project will be completed by the end of August.
- Addition of a new dog park at the field at The Woods at Parley's Lane property is progressing through the permitting phase now.
- Installation of safety nets at the Matt Knoop Park that will protect both spectators as well as the cars that are parked near the goals will be installed during June Expansion of the Trailside Dog Park planning and permitting are underway.
- Expansion of the outdoor storage area of the Trailside Administration Building to move some of the equipment that is kept in our parking lot to behind our building is currently under construction.
- Addition and re-design of the Skatepark in upper Trailside Park bid award has been made. It is anticipated that this project will be done by the beginning of September.

- Addition of Par Course Exercise Equipment has been installed. Our internal team did all of the work and that is what is in the photo here.



### **TRAILS Capital Projects**

- Held community open house and are completing the feasibility study of Highway 224 crossing near the Silver Springs intersection
- Rasmussen Road paved trail project that will span from the Highway 80 overpass area up to Jeremy Ranch Road project has been awarded and a necessary easement from the Park City School District obtained, therefore work will begin on this project in the next month.
- Kilby Road paved trail project that will span from Gorgoza Tube Park up the Summit Park Exit undercrossing still being engineered and designed in conjunction with UDOT and Summit County Engineering staff.
- Kimball Junction paved trail project that will span from the Olympic Parkway underpass to the existing Millenium trail adjacent to the Liberty Peaks Apartments not yet started as the necessary easement from the owner of the parcel across from Liberty Peaks Apartments has not yet been obtained.
- Silver Creek unpaved trail project is in the design phase. A crucial easement from a private land owner was obtained and now we can move forward with the project that will span from the Highway 80 underpass along Wasatch Way up to Bitner Ranch Road, through the lower Preserve and Glenwild area, connecting to current Basin Recreation trails, including Flying Dog.
- Installation of a stream crossing at the Spring Creek Trailhead area, working together with Swanner has been awarded and therefore work will begin in the next month.
- Completion of the Trailside Bike Park Expansion is still underway. In the meantime the use of the Bike Park is at an all time high. Our team made these bike repair stands for in the Bike Park and we will be making more for at our various popular trailheads.



### **RECREATION PROGRAMMING**

- Our summer camp enrollment currently exceeds last year's enrollment by nearly 12%. We have had many camps fill up and have decided to add a few to fulfill the need.
- We are doing a lot of outreach in the schools to make sure that our entire base of children know that we do have camp scholarships available.
- Our adult recreation programming, specifically beginner mountain biking has been very popular. We will continue to offer these throughout the summer as they are filling up.
- We are hosting the following programs in the next month: Volleyball, Lacrosse, indoor soccer academy and our teen youth crew ventures

### **THE OFFICE STUFF**

- Continued planning with Park City Recreation about the BIG joint projects we may pursue together
- Mid year performance reviews will be conducted in June.
- Summer seasonal staff barbecue will be held next week
- Work session will be held to further identify our priorities for inclusion in Bond in November
- Cleaning up our Trail Easement recordings which have provoked a few challenges because they were not recorded many years ago.
- Working with Utah Open Lands on management plan of Toll Canyon
- Participation on the Mountain Accord subcommittee work on recreation continues
- All full time benefitted staff had their biometrics done in April. We have begun our wellness program centered around fitness, which everyone is participating in.
- Continued work on update of our Impact Fee Capital Facilities Plan



## MEMORANDUM

**To:** Summit County Council (SCC)  
**From:** Patrick Putt, Community Development Director  
**Date of Meeting:** Wednesday, June 4, 2014  
**Type of Item:** Appeal of the County Manager's Decision to deny the RC15 Final Subdivision Plat and Canyons Ski Maintenance Facility Final Site Plan

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On May 5, 2014 Talisker Canyons PROPCO, LLC filed an appeal of the County Managers April 25, 2014 denial of a Canyons RC15 Final Subdivision Plat and Canyons Ski Maintenance Facility Final Site Plan. The proposed maintenance facility is approximately 18,360 square feet in size. The site is located east of the Grand Summit Lodge, between Willow Creek and Canyons Resort Drive. A copy of the complete Manager's Decision and exhibits are attached to this memorandum (**EXHIBIT A**). The purpose of this memorandum is to provide Council with a concise explanation and illustration of the key facts associated with the County Manager's decision.

### BACKGROUND

On February 25, 2014, the Snyderville Basin Planning Commission (SBPC) reviewed the proposed project and forwarded a negative recommendation to the County Manager based on zoning and wetlands issues. The zoning questions were specifically related to whether or not:

1. Parcel RC-15, proposed in the application, was in fact the parcel described as shown on the land use zoning map; and
2. The use of the parcel for a maintenance facility would qualify as an allowed use described in the Land Use & Zoning table.

The aforementioned Planning Commission concern regarding the wetlands pertained to a large retaining wall structure in proximity to the delineated wetlands. This matter is not a subject of the County Manager's decision and was addressed by the Council at the May 28, 2014 meeting.

On April 10, 2014, the County Manager conducted a public hearing, considered input from the applicant and staff, the recommendation from SBPC, and evidence and testimony from the public (**EXHIBIT B**). After consideration of the information received at the hearing, the County Manager rendered a decision on April 25, 2014 denying the applicant's proposal. The basis for the denial is summarized in the County Manager's Conclusions of Law as follows:

1. The proposed ski maintenance facility and associated maintenance yard is located in Village Opens Space a not on Parcel RC15.

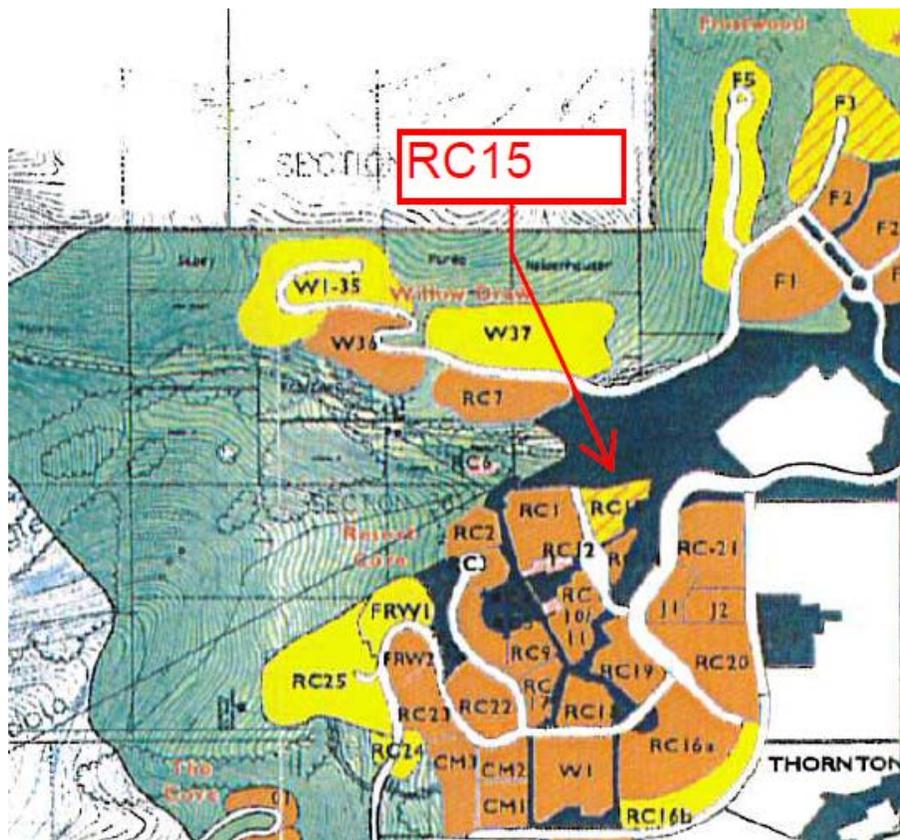
2. The ski maintenance facility and associated maintenance yard is located in the Resort Core and not at an on-mountain location
3. The proposed ski maintenance facility and associated maintenance yard is not in compliance with Canyons Specially Planned Area and associated Development Agreement.
4. A substantial amendment to the Canyons SPA and associated Development Agreement is necessary prior to development of the project at the existing Village Open Space site.

### Analysis and Issues

Prior to the County Manager’s hearing, Planning Staff, as directed by the SBPC during their deliberations, performed further detailed research into:

- a) the location of the RC15 parcel as it related to the proposed facility, including the wetlands; and
- b) the allowed uses for the site, per the SPA Land Use and Zoning Chart.

**LOCATION:** Due to the nature and scale of the Canyons Land Use Zoning Map Exhibit B.1 (shown below), Staff attempted to clarify to exact location of the RC15 parcel by referring to additional documents and exhibits of the development agreement.



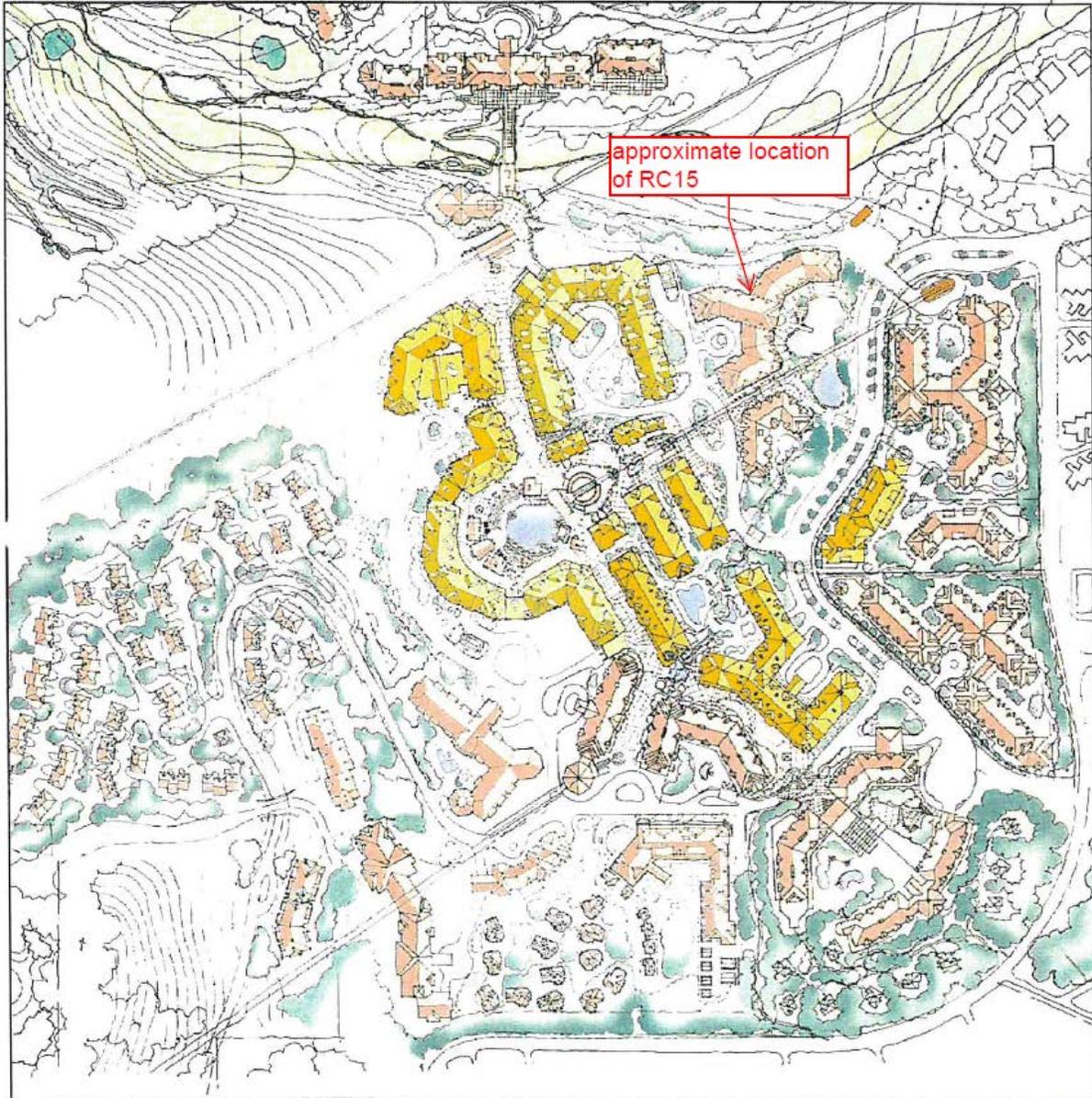


The Resort Core Planning Area is illustrated in Section B.5.1 of the agreement however; the RC-15 parcel is not separately indicated on the drawing.

**SPA AMENDMENT**

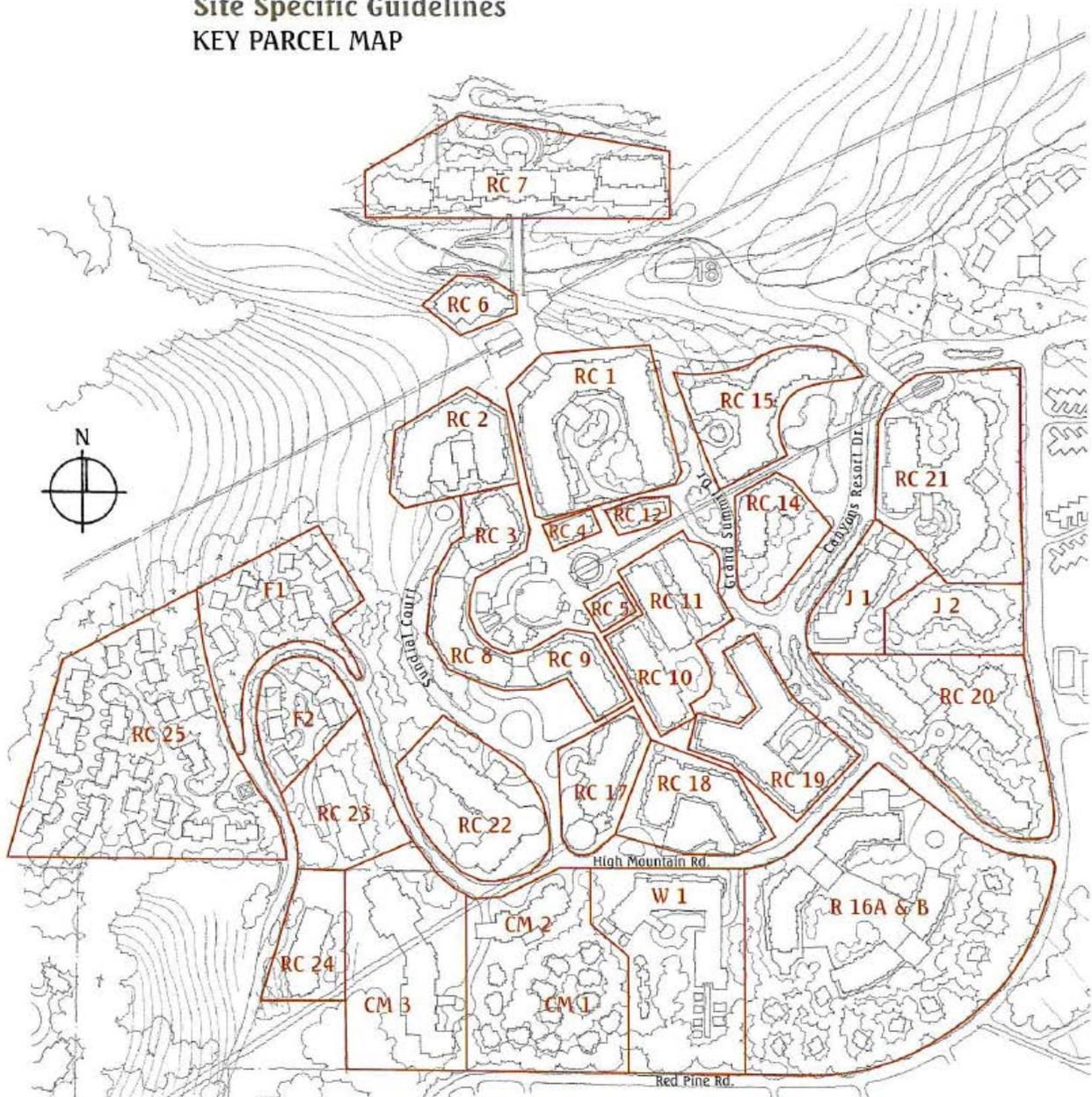


**RESORT CORE PLANNING AREA**



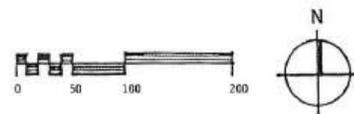
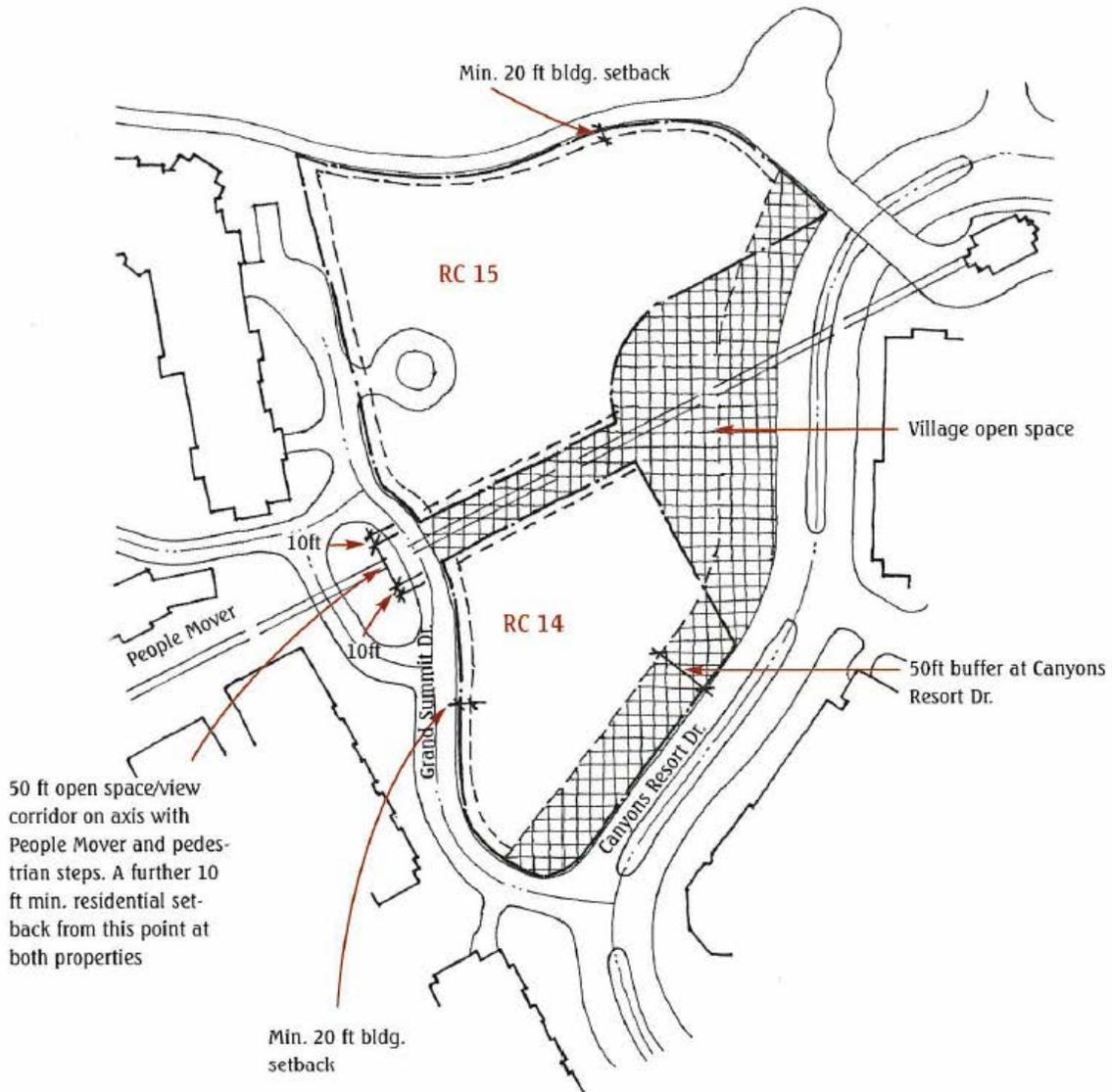
In referring to the Canyons Comprehensive Design Guidelines, Appendix "A": Resort Core Key Parcel Map the same area is illustrated with the associated parcels, including RC-15 (shown below).

**Appendix A: Resort Core  
Site Specific Guidelines  
KEY PARCEL MAP**

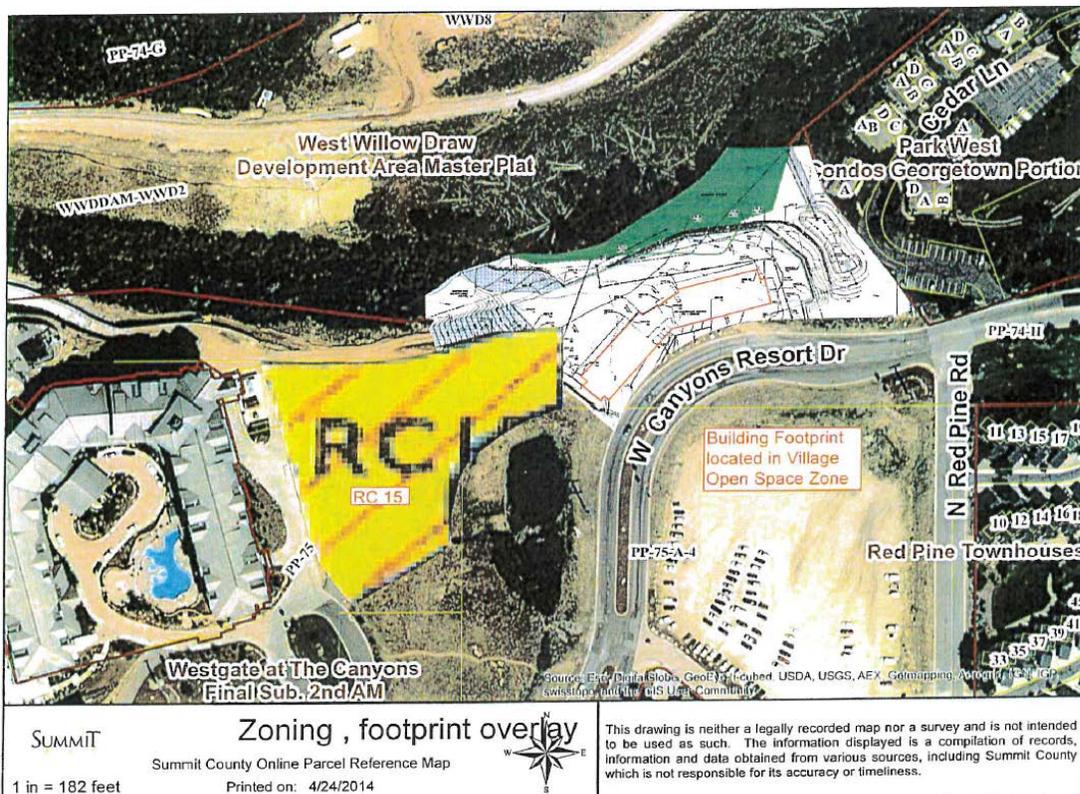
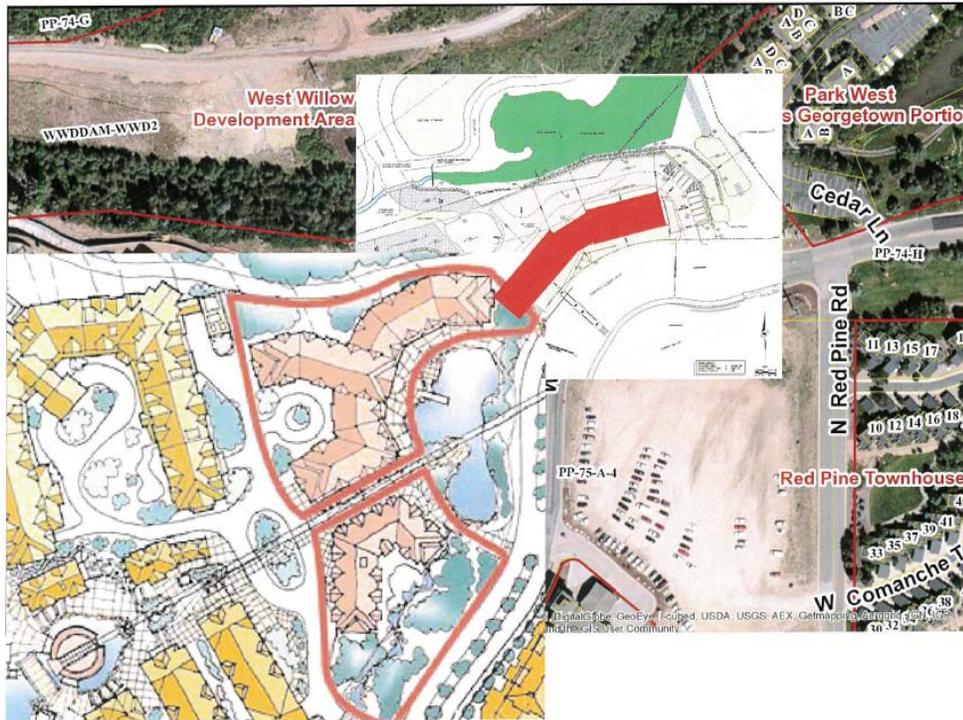


In addition, each of the Resort Core parcels has individual site specific required design criteria and use descriptions.

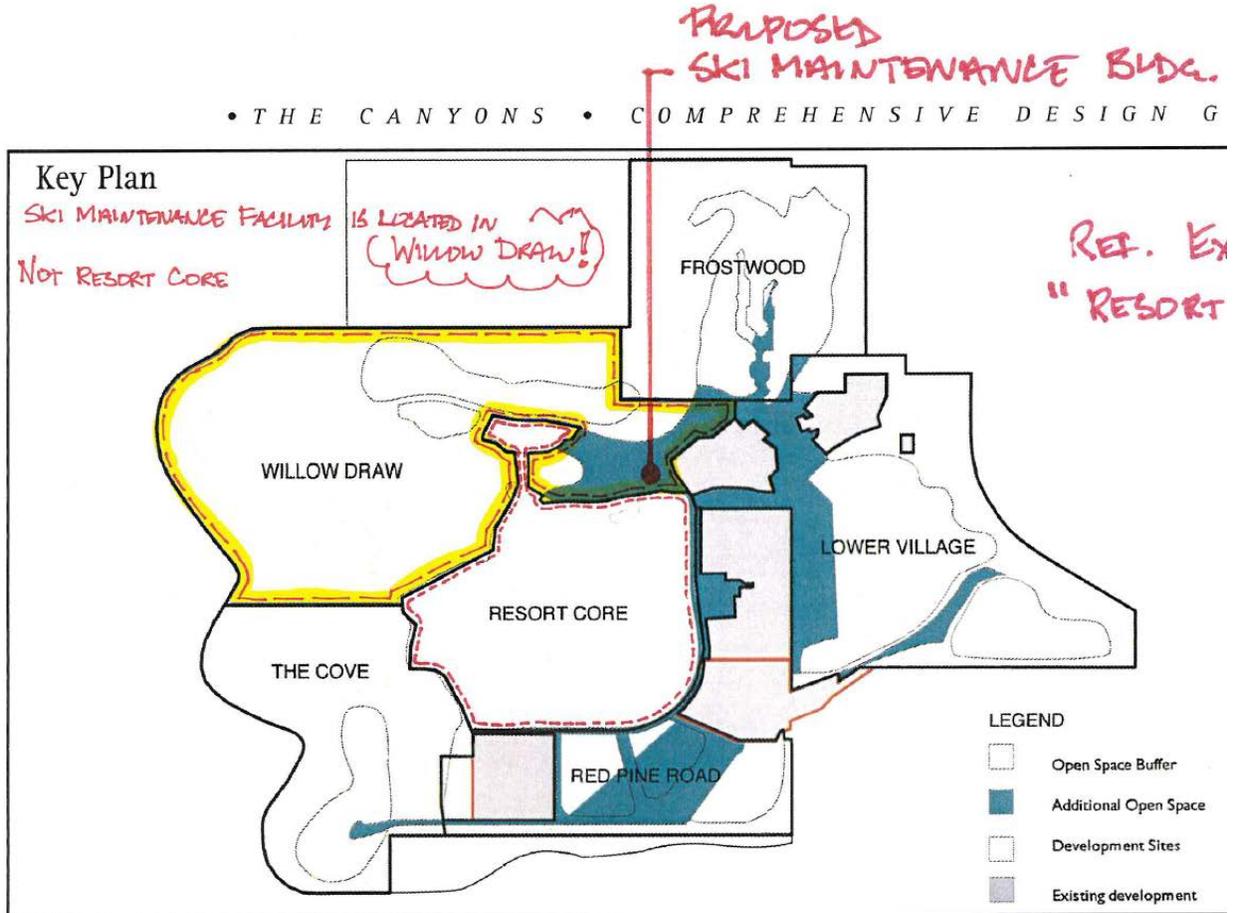
### Resort Core Site Specific Guidelines RC 14 & 15 BUILDING SETBACKS



Considering this information and comparing it with the proposed site plan along with the detailed parcel information and zoning maps Staff created various overlays and concluded that the maintenance facility is not located within the RC-15 parcel. Furthermore, Staff concluded that the facility is located in an area shown on the Land Use Zoning Map Exhibit B.1 as Village Open Space.



A detailed Key Plan extracted from the Comprehensive Design Guidelines directly comparable to DA Exhibit H.2.3 now leads staff to conclude that only a small portion of the building is within the Resort Core and the remainder falls within the Willow Draw cell.



**USE:** The Community Development Director made an initial determination that the proposed ski maintenance facility could be considered as an appropriate use on RC15 utilizing the commercial density allotted for RC-15 through SPA Land Use and Zoning Table illustrated below.

PARCEL REF #	MAXIMUM BUILDING HEIGHT	MAX. GROSS BUILDING AREA	ACCOMMODATION AREA	COMMERCIAL/RETAIL SUPPORT	PRINCIPLE USE
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**RESORT CENTER**

**RESORT CORE**

RC. 1	3-9	360,405	244,000	116,405	Hotel/Lodging Units
RC. 2	3-6	154,160	127,946	26,214	Hotel/Lodging Units
RC. 3	5	106,202	91,300	14,902	Hotel/Lodging Units
RC. 4	2.5	8,400	0	8,400	Retail/Office
RC. 5	2.5	8,800	0	8,800	Retail/Office
RC. 6	2-3	25,645		25,645	Retail/Skier Services
RC. 7	7-9	339,500	252,000	87,500	Hotel/Lodging Units
RC. 8	5.5	114,524	94,025	20,498	Hotel/Lodging Units
RC. 9	4.5	82,880	68,883	13,997	Hotel/Lodging Units
RC. 10	3.5	64,234	53,429	10,805	Hotel/Lodging Units
RC. 11a/b	3.5	99,451	93,331	6,120	Hotel/Lodging Units
RC. 12	2	8,700	0	8,700	Retail
RC. 14	4	65,000	60,000	5,000	Hotel/Lodging Units
RC. 15	4-5	166,941	146,941	20,000	Residential Multi-Family/Hotel/Lodging Units

However, with further investigation of the SPA documents and testimony provided by the public reveals evidence that this project cannot be approved in this location at this time due to the following facts:

1. The project proposal is not located in RC15 as illustrated in the previous exhibits; and
2. Ordinance 333, Section 5.A: Permitted and Residential densities-The Canyons Phase I states that miscellaneous ski area services are to be located “on-mountain”. (This fact was established during testimony given at the County Manager’s public hearing).

### **Conclusion**

Staff recommends that the County Council uphold the County Manager’s decision. The SPA and Development Agreement do not allow the proposed facility to be built in this location. Staff further reiterates the fact that in order for this project to be approved in this location (as currently designed) the Canyons SPA and Development Agreement would need to be amended.

### **Attachment(s)**

Exhibit A – County Manager’s Findings of Fact and Conclusions of Law

Exhibit B – April 10, 2014 meeting minutes

Appellants submittal

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**BEFORE THE SUMMIT COUNTY MANAGER  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH**

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**IN THE MATTER OF THE CANYONS  
RC15 FINAL SUBDIVISION  
PLAT/CANYONS SKI MAINTENANCE  
FACILITY FINAL SITE PLAN**

**FINDINGS OF FACT &  
CONCLUSIONS OF LAW**

April 25, 2014

---

On April 10, 2014, this matter came before the Summit County Manager Robert Jasper ("Manager") on the basis of considering taking action on the proposed RC15 Final Subdivision Plat and the Canyons Ski Maintenance Facility Final Site Plan submitted by TCFC ("TCFC") after receiving a negative recommendation by the Snyderville Basin Planning Commission ("Planning Commission") issued on February 25, 2014.

TCFC was represented by Spencer White, Attorney Christie Babalis, Attorney Shawn C. Ferrin and Mauricio Pons. The Planning Commission was represented by Pat Putt, Community Development Director, Peter Barnes, Planning & Zoning Administrator and Tiffanie Robinson, Summit County Planner. The Manager was represented by David R. Brickey, Summit County Attorney.

Evidence and materials were presented by way of testimony, statements, documents and memorandum for consideration by the Manager. Having considered the evidence presented by all interested parties and the entire record relating to this appeal, the Manager renders his decision and adopts a motion to DENY the approval of the proposed RC15 Final Subdivision Plat and the Canyons Ski Maintenance Facility Final Site Plan submitted by TCFC, with that decision to become final following the adoption of these findings and conclusions.

### **FINDINGS OF FACT**

1. Spencer White acting as agent for the applicant, TCFC, submitted an application on October 29, 2013, for a Final Site Plan and associated Final Subdivision Plat for the purpose of developing an 18,360 square foot ski maintenance facility and associated maintenance yard area at the Canyons Resort on Parcel RC15.
2. The proposed Final Site Plan and Final Subdivision Plat applications specify that the proposed location of the ski maintenance facility and associated maintenance yard is a Canyons Resort development parcel known as Parcel RC15. The proposed Final Site Plan and Final Subdivision Plat do not include as part of the development plan any residential multi-family/hotel/lodging use for the proposed Parcel RC15.
3. The Synderville Basin Planning Commission conducted two work sessions regarding the RC 15 Subdivision Plat and the Canyons Ski Maintenance Final Site Plan; on November 12, 2013 and January 14, 2014. A final review occurred on February 25, 2014, with TCFC providing a presentation to the Synderville Basin Planning Commission.
4. Following the presentation on February 25, 2014, the Commission voted five to one (5 to 1) to forward a negative recommendation to the County Manager for the proposed Final Site Plan for the Canyons ski maintenance building.
5. At the meeting of February 25, 2014 the Snyderville Basin Planning Commission did not forward a recommendation in regard the RC 15 Final Subdivision Plat.
6. The Summit County Commission adopted Ordinance No. 333 on July 6, 1998 that established the Canyons Specially Planned Area (SPA) as well as an associated Development Agreement and zoning standards. *[see Tab 1]*

7. The Canyons SPA and Development Agreement specify uses, development densities, building heights, and development locations for the Canyons resort area. The Canyons SPA is approximately 7,768 acres in size.

8. The Summit County Commission adopted Ordinance No. 333A on November 15, 1999, that amended the original Canyons SPA and Development Agreement to provide a more detailed level of design plat and site plan review to implement the Canyons SPA zone.  
*[see Tab 2]*

9. Ordinance No. 333A, Section 5.a.: Permitted Uses and Densities states that all prior approvals of Ordinance No. 333 are incorporated by reference as though fully set forth in Ordinance No. 333A. *[see Tab 2]*

10. Ordinance No. 333, Section 5.a.: Permitted Uses and Residential Densities - The Canyons Phase I states that miscellaneous ski area services are to be located “on-mountain.”  
*[see Tab 1, p.3]*

11. Ordinance 333A, Section 4: Development Locations states that “The general development locations are depicted in Exhibit B”. (Exhibit “B” is also referenced as “Exhibit # B.1” within the SPA Amendment.) A copy of “Exhibit #B.1” is attached hereto and incorporated by this reference. *[see Tab 3]*

12. Ordinance 334A—“Exhibit B”: The Canyons Spa Master Development Plan includes the “SPA Amendment” and “Land Use Zoning” map (“Exhibit #B.1”). The map legend specifies the location for following land uses: “Hotel/Lodging, Residential/Lodging, Residential, Commercial, Hotel Lodging/Medical, Village Open Space, Public/Recreation, Existing Development, Open Space Buffer, and the TDR Zone”. *[see Tab 3]*

13. Ordinance 334A—“Exhibit B” also includes the SPA “Land Use and Zoning” table. The “Principal Use” of Parcel RC15 is designated “Residential Multi-Family/Hotel/Lodging Units.” A copy the “Land Use and Zoning” table is attached hereto and incorporated by this reference. *[see Tab 4]*

14. Ordinance 333A, Section 5: Permitted Uses and Densities, states “ b. All additional uses and densities are provided for in Exhibit C”. A copy of “Exhibit C” the “Land Use and Zoning” table is attached hereto and incorporated by this reference. *[see Tab 4]*

15. A comparison of the “Land Use and Zoning Map” and the proposed ski maintenance facility and associated yard illustrates that the proposed project is not located within the development area known as Parcel RC15. The proposed ski maintenance facility and

associated maintenance yard is in an area designated as Village Open Space. (See the “Zoning, footprint overlay” setting forth the location of Parcel RC15 and the proposed location of the ski maintenance facility and associated maintenance yard confirming the project is outside the parcel designated RC15.) A copy of the “Zoning, footprint overlay” is attached hereto and incorporated by this reference. *[see Tab 5]*

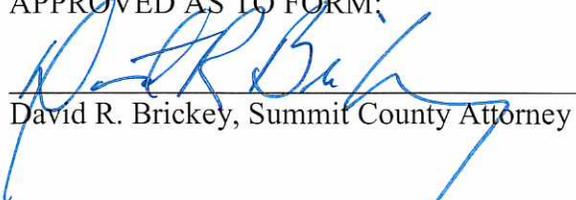
BASED on the totality of facts and circumstances presented by the evidence and the entire record considered as part of the decision, the Manager renders the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. The proposed ski maintenance facility and associated maintenance yard is located in Village Open Space and not on Parcel RC15.
2. The ski maintenance facility and associated maintenance yard is located in the Resort Core and not at an on-mountain location.
3. The proposed ski maintenance facility and associated maintenance yard is not in compliance with Canyons Specially Planned Area and associated Development Agreement.
4. A substantial amendment to the Canyons SPA and associated Development Agreement is necessary prior to development of the project at the existing Village Open Space site.

DATED this 25 day of April, 2014.  
COUNTY MANAGER OF SUMMIT COUNTY

BY:   
Robert Jasper  
Manager

APPROVED AS TO FORM:  
  
David R. Brickey, Summit County Attorney

TAB 1

SUMMIT COUNTY  
ORDINANCE NO. 333

**SUMMIT COUNTY  
ORDINANCE NO. 333**

**THE CANYONS SPA**

**PREAMBLE**

**WHEREAS**, this matter came before the Summit County Board of Commissioners [hereinafter "County Commission"] for consideration of a Specially Planned Area [hereinafter "SPA"] for the The Canyons Resort and related properties [hereinafter "Resort"], pursuant to an application submitted by ASC Utah, Inc.; and,

**WHEREAS**, the County Land Use Development and Management Act, U.C.A. 17-27-401, 403, & 405 (1953), as amended, as well as the Snyderville Basin Development Code provide the County Commission with the statutory authority to rezone the Resort; and,

**WHEREAS**, ASC Utah, Inc. and other owners of record are the owners of the Resort, a property totaling approximately ~~6388~~ acres of land located off of SR 224 in the Snyderville Basin of Summit County; and,

**WHEREAS**, the Resort is currently zoned sensitive and developable lands, and is designated on the Snyderville Basin Land Use Maps as a potential resort center and support area, viewshed, and mountain remote; and,

**WHEREAS**, the opportunity for a rezone of the Resort property to an SPA Zone District, which designates uses, residential densities, and development locations, and has as its purpose the allowance, at the discretion of Summit County, of flexibility in the use of land, densities, site layout, and project design based upon the best interest of the general health, safety, and welfare of County residents, is provided for in Summit County Ordinance 323; and,

**WHEREAS**, an appropriate form of Development Agreement which addresses a more detailed level of design plat and site plan review is necessary to implement the SPA Zoning District; and,

**WHEREAS**, the Snyderville Basin Planning Commission held a public hearing and work sessions to consider the ASC Utah, Inc. application on April 28, May 5, May 12, and June 16, 1998 and made a positive recommendation to the Board of County Commissioners on June 16, 1998; and,

**WHEREAS**, a public hearing was held to receive public comment and allow for ASC Utah, Inc. and the planning staff to make presentations to the public and County Commission in regard to the application on June 29, 1998; due process having been afforded to all who participated;

**NOW THEREFORE**, the County Legislative Body of the County of Summit, the State of Utah, ordains as follows:

**Section 1. SPA Zone Designation -- The Canyons SPA Zone District.**

The County Commission specifically finds that ASC Utah, Inc. proposal satisfies the requirements for an SPA designation and zone district under the Snyderville Basin Development Code, as amended; and therefore, the Resort properties, as depicted on Exhibit A hereto, shall be and is hereby rezoned from sensitive and developable lands to "Specially Planned Area" (SPA), subject to the negotiation of an appropriate form of a Development Agreement consistent with this Ordinance.

The rezoning to the SPA designation allows for an appropriate level of flexibility on the part of ASC Utah, Inc. and its related property owners, so long as the development authorized hereunder is undertaken in a manner that is consistent with community goals and objectives while providing benefits to the public in exchange for appropriate increases in resort commercial, guest accommodations, and residential densities and intensities of uses. As such the County Commission specifically finds that the provisions of the Snyderville Basin Development Potential Matrix for the uses and densities herein provided have been satisfied.

**Section 2. Development Agreement.**

The SPA Zone District shall be implemented through an appropriate form of a Development Agreement with ASC Utah, Inc. and its related property owners to specifically define the terms and conditions for the development of the property. The Agreement shall encompass the appropriate land uses and densities for each development pod, and specifically define site layout requirements, infrastructure design standards, primary road pattern, concurrency requirements, public facilities and amenities required to meet the needs of future residents of the project and ensure the completion of these improvements, phasing, and other related matters indicated in this Ordinance, so long as the provisions of the Development Agreement are consistent with this Ordinance and is in accordance with other applicable and appropriate provisions of the Snyderville Basin Development Code, General Plan, and other policies and ordinances of Summit County.

**Section 3. Phasing.**

All development phases which are specifically identified in the Development Agreement shall be reviewed for preliminary and final site plan and subdivision plat approval in accordance with all applicable provisions of the Snyderville Basin Development Code in effect at the time of completed plat or site plan application, unless modified by said Development Agreement.

**Section 4. Development Locations.**

The general development location shall be as depicted in Exhibit B. The specific details as to the type and location of specific development, as well as related design issues shall be worked out through an appropriate form of a Development Agreement.

**Section 5. Permitted Uses and Residential Densities.**

a. The Canyons Phase I. The Grand Summit Hotel, the Sundial Lodge, the Forum, the Pedestrian Plaza, the T-1 Village Station, a Resort Services Building, and resort transportation services, all to be located within the Resort Core and Center, and miscellaneous ski area services to be located "on mountain."

b. The Colony.

(1) Phase I. 30 Single Family Residential Dwelling Units to be located in White Pine Canyon.

(2) Phases II - V. 153 Single Family Residential Dwelling Units to be located in White Pine Canyon.

c. Cox/Muller. Five (5) cabin-type units to be located in the Resort Center.

d. Groutage. A small destination lodge to be located in the Resort Center.

**Section 6. Conflict.**

In the event of any conflict between this Ordinance and any other Summit County ordinances or regulations, the provisions of this Ordinance shall be controlling.

**Section 7. Savings Clause.**

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

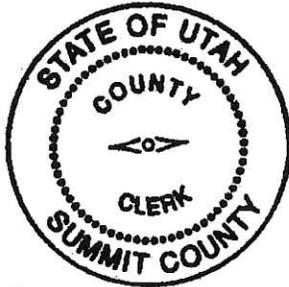
**Section 8. No Rights Created in Third Parties.**

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

**Section 9. Effective Date.**

This Ordinance shall become effective after publication of such in accordance with applicable State law.

**APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Board of Commissioners, this 6<sup>th</sup> day of July, 1998.**



ATTEST:

*[Signature]*  
\_\_\_\_\_  
County Clerk  
Summit County, Utah

**BOARD OF COUNTY COMMISSIONERS  
SUMMIT COUNTY, STATE OF UTAH**

By: *[Signature]*  
\_\_\_\_\_  
Chairman

Commissioner Soter voted:  
Commissioner Richins voted:  
Commissioner Schifferli voted:

*Aye*  
*Absent*  
*Aye*

**APPROVED AS TO FORM:**

*[Signature]*  
\_\_\_\_\_  
Deputy County Attorney

TAB 2

SUMMIT COUNTY  
ORDINANCE NO. 333-A

SUMMIT COUNTY  
ORDINANCE NO. 333-A

THE AMENDED CANYONS SPA

PREAMBLE

**WHEREAS**, on July 6, 1998, the Summit County Board of Commissioners [hereinafter, the "County Commission"] adopted Summit County Ordinance No. 333, The Canyons SPA, which rezoned certain property in the Snyderville Basin to a Specially Planned Area [hereinafter, the "SPA"]; and,

**WHEREAS**, Ordinance No. 333 contemplated a future comprehensive amendment to that rezone; and,

**WHEREAS**, this matter came before the County Commission for consideration of a comprehensive amendment to the SPA for The Canyons Resort and related properties [hereinafter the "Resort"], pursuant to an application submitted by ASC Utah, Inc. and related property owners; and,

**WHEREAS**, the County Land Use Development and Management Act, U.C.A. 17-27-401, 403, & 405 (1953), as amended, as well as the Snyderville Basin Development Code provide the County Commission with the statutory authority to amend The Canyons SPA; and,

**WHEREAS**, ASC Utah, Inc. and other owners of record are the owners of the Resort, a property totaling approximately 7,768 acres of land located off of SR 224 in the Snyderville Basin of Summit County; and,

**WHEREAS**, the Resort is currently zoned in accordance with Ordinance No. 333 as The Canyons SPA, and is designated on the Snyderville Basin Land Use Maps as a potential resort center and support area, viewshed, and mountain remote; and,

**WHEREAS**, the opportunity for a comprehensive amendment to The Canyons SPA, which designates uses, residential densities, and development locations, and has as its purpose the allowance, at the discretion of Summit County, of flexibility in the use of land, densities, site layout, and project design based upon the best interest of the general health, safety, and welfare of County residents, is provided for in Summit County Ordinance 323, the Snyderville Basin Development Code; and,

**WHEREAS**, an appropriate form of Development Agreement which addresses a more detailed level of design plat and site plan review is necessary to implement the Amended Canyons SPA Zone District; and,

WHEREAS, the Snyderville Basin Planning Commission held a public hearing and work sessions to consider the application to amend The Canyons SPA on May 18, May 24, and June 3, 1999 and made a positive recommendation to the County Commission on June 15, 1999; and,

WHEREAS, a public hearing was held to receive public comment and allow for ASC Utah, Inc. and the planning staff to make presentations to the public and County Commission with regard to the application on September 23, 1999; due process having been afforded to all who participated;

NOW THEREFORE, the County Legislative Body of the County of Summit, the State of Utah, ordains as follows:

Section 1.     **SPA Zone Designation -- The Amended Canyons SPA Zone District.**

The County Commission specifically finds that the development application by ASC Utah, Inc. and its related property owners satisfies the requirements for an amendment to Ordinance No. 333, The Canyons SPA, in accordance with the Snyderville Basin Development Code, as amended; and therefore, the Resort properties, as depicted on Exhibit A hereto, shall be and is hereby rezoned in accordance with this Ordinance, subject to the negotiation of an appropriate form of a Development Agreement consistent herewith.

This comprehensive amendment to The Canyons SPA allows for an appropriate level of flexibility on the part of ASC Utah, Inc. and its related property owners, so long as the development authorized hereunder is undertaken in a manner that is consistent with community goals and objectives while providing benefits to the public in exchange for appropriate increases in resort commercial, guest accommodations, and residential densities and intensities of uses. As such the County Commission specifically finds that the provisions of the Snyderville Basin Development Potential Matrix for the uses and densities herein provided have been satisfied.

Section 2.     **Development Agreement.**

The SPA Zone District shall be implemented through an appropriate form of a Development Agreement with ASC Utah, Inc. and its related property owners to specifically define the terms and conditions for the development of the property. The Agreement shall encompass the appropriate land uses and densities for each development pod, and specifically define site layout requirements, infrastructure design standards, primary road pattern, concurrency requirements, public facilities and amenities required to meet the needs of future residents of the project and ensure the completion of these improvements, phasing, and other related matters indicated in this Ordinance, so long as the provisions of the Development Agreement are consistent with this Ordinance and is in accordance with other applicable and appropriate provisions of the Snyderville Basin Development Code, General Plan, and other policies and ordinances of Summit County.

Section 3.     **Phasing.**

All development phases which are specifically identified in the Development Agreement shall be reviewed for preliminary and final site plan and subdivision plat approval in accordance with all applicable provisions of the Snyderville Basin Development Code in effect at the time of completed plat or site plan application, unless modified by said Development Agreement.

Section 4.     **Development Locations.**

The general development locations shall be as depicted in Exhibit B. The specific details as to the type and location of specific development, as well as related design issues shall be worked out through an appropriate form of a Development Agreement.

Section 5.     **Permitted Uses and Densities.**

- a. All prior approvals of Ordinance No. 333 are hereby incorporated by this reference as though fully set forth and restated herein.
- b. All additional uses and densities are as provided for in Exhibit C.

Section 6.     **Conflict.**

In the event of any conflict between this Ordinance and any other Summit County ordinances or regulations, the provisions of this Ordinance shall be controlling.

Section 7.     **Savings Clause.**

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

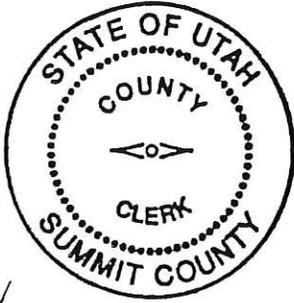
Section 8.     **No Rights Created in Third Parties.**

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

Section 9.      Effective Date.

This Ordinance shall become effective after publication of such in accordance with applicable State law.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Board of Commissioners, this 15<sup>th</sup> day of November, 1999.



BOARD OF COUNTY COMMISSIONERS  
SUMMIT COUNTY, STATE OF UTAH

By: Sheldon D. Richins  
Chairman

Commissioner Cone voted: Agre  
Commissioner Richins voted: Agre  
Commissioner Schifferli voted: Agre

ATTEST:

Kendall Ann  
County Clerk  
Summit County, Utah

APPROVED AS TO FORM:

David L. Thomas  
Deputy County Attorney

TAB 3

EXHIBIT # B.1



# TAB 4

# “LAND USE & ZONING” TABLE

Land Use & Zoning

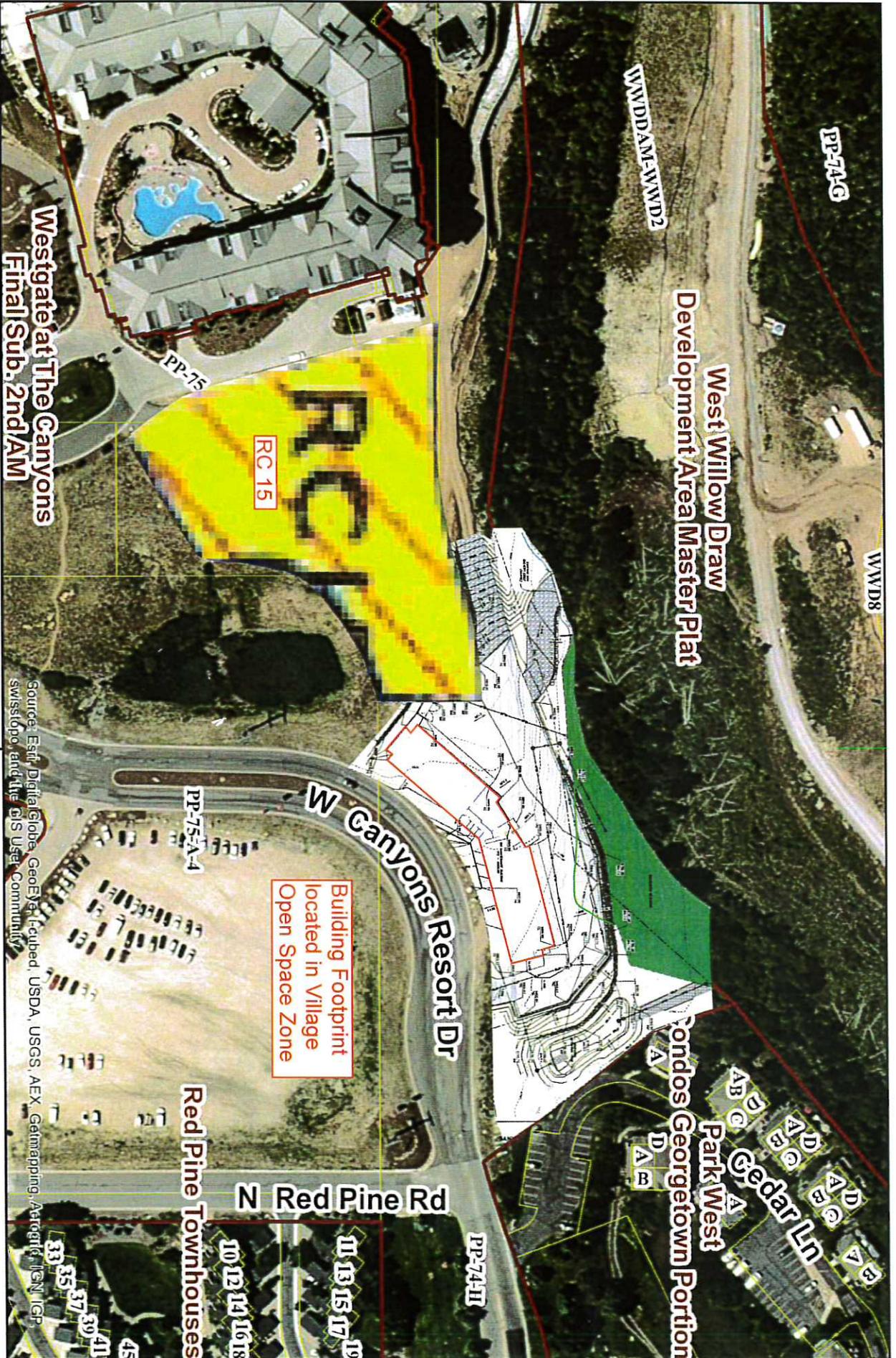
PARCEL REF #	MAXIMUM BUILDING HEIGHT	MAX. GROSS BUILDING AREA	ACCOMMODATION AREA	COMMERCIAL/ RETAIL SUPPORT	PRINCIPLE USE
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RESORT CENTER

RESORT CORE					
RC 1	3-9	360,405	244,000	116,405	Hotel/Lodging Units
RC 2	3-6	154,160	127,946	26,214	Hotel/Lodging Units
RC 3	5	106,202	91,300	14,902	Hotel/Lodging Units
RC 4	2.5	8,400	0	8,400	Retail/Office
RC 5	2.5	8,800	0	8,800	Retail/Office
RC 6	2-3	25,645		25,645	Retail/Skier Services
RC 7	7-9	339,500	252,000	87,500	Hotel/Lodging Units
RC 8	5.5	114,524	94,025	20,498	Hotel/Lodging Units
RC 9	4.5	82,880	68,883	13,997	Hotel/Lodging Units
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RC 11a/b	3.5	99,451	93,331	6,120	Hotel/Lodging Units
RC 12	2	8,700	0	8,700	Retail
RC 14	4	65,000	60,000	5,000	Hotel/Lodging Units
RC 15	4-5	166,941	146,941	20,000	Residential Multi-Family/Hotel/Lodging Units
RC 16a	4-6	310,000	260,000	50,000	Hotel/Lodging Units/Convention Center
RC 16 b	2	32,000	32,000	0	Residential-Multi Family
RC 17	5-6	98,748	75,348	23,400	Hotel/Lodging Units/Skier Services
RC 18	5	135,765	97,065	38,700	Hotel/Lodging Units
RC 19	5.5	255,607	243,407	12,200	Hotel/Lodging Units
RC 20	2-4.5	203,130	184,130	19,000	Hotel/Lodging Units
RC 21	2-4.5	188,000	176,000	12,000	Hotel/Lodging Units
RC 22	3-6	114,000	114,000	0	Hotel/Lodging Units
RC 23	3	43,875	43,875	0	Hotel/Lodging Units
RC 24	3	39,000	39,000	0	Residential-Multi Family
RC 25	2.5	161,000	161,000	0	Residential-Multi Family
Forum Retail	1	24,000	0	24,000	Retail/Skier Services
T1	1.5	3,629	0	3,629	Service
T2	1.5	2,625	0	2,625	Service
Cox/Muller 1	2	15,200	15,200	0	Hotel/Lodging Units
Cox/Muller 2	2-5	73,500	51,000	22,500	Hotel/Lodging Units
Cox/Muller 3	3-5	173,767	113,000	60,767	Hotel/Lodging Units
Friedman 1	2-3	67,200	67,200	0	Hotel/Lodging Units
Friedman 2	2-3	52,800	52,800	0	Hotel/Lodging Units
Groutage/Jaffa 1	4.5	66,770	59,325	7,445	Hotel/Lodging Units
Groutage/Jaffa 2	2-4.5	63,230	63,230	0	Hotel/Lodging Units
Weight	2-5	175,000	137,000	38,000	Hotel/Lodging Units
		3,903,687	3,216,436	687,252	

# TAB 5

## Zoning, footprint overlay



Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, GERMAPPING, AIRPHOTO, IGN, IGP, SwissTopo, and the GIS User Community

SUMMIT

# Zoning , footprint overlay

Summit County Online Parcel Reference Map

1 in = 182 feet

Printed on: 4/24/2014



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

SUMMIT COUNTY MANAGER'S PUBLIC HEARING  
 APRIL 10, 2014 - 2:00 p.m.  
 COUNTY MANAGER'S DECISION OF THE CANYONS  
 SKI MAINTENANCE BUILDING FINAL SITE PLAN

3  
 1 All right. With that, I'm going to turn  
 2 it over to the planning staff.  
 3 Tiffanie Robinson, would you -- would you  
 4 begin the presentation, please?  
 5 MS. TIFFANIE NORTHRUP-ROBINSON: I will.  
 6 Can everyone hear me?  
 7 MULTIPLE VOICES: No.  
 8 MR. BOB JASPER: Scoot up a little.  
 9 MS. TIFFANIE NORTHRUP-ROBINSON: Can you  
 10 hear me now? Can you hear me now?  
 11 MULTIPLE VOICES: No.  
 12 Ron, can you help me?  
 13 MR. BOB JASPER: It sounds like she's  
 14 coming out of the speakers, but just not loud enough.  
 15 MS. TIFFANIE NORTHRUP-ROBINSON: Can you  
 16 hear me now?  
 17 UNIDENTIFIED MALE: I can turn it up a  
 18 little bit louder.  
 19 MS. TIFFANIE NORTHRUP-ROBINSON: He's  
 20 going to turn it up, just one sec.  
 21 Okay, now? Can everyone hear me?  
 22 Yes? Okay. I'll try to talk to the side  
 23 a little bit.  
 24 Before we get started, I'd like to clarify  
 25 a couple of things. We've received a significant

2  
 1 P R O C E E D I N G S  
 2  
 3 MR. BOB JASPER: I'm Bob Jasper. I'm the  
 4 County Manager, and welcome.  
 5 Let's just do a quick schedule and some  
 6 ground rules. We will start with the staff  
 7 presentation, which will talk about staff  
 8 recommendations as well as the actions of the  
 9 planning commission, then we will ask the applicant  
 10 to make a presentation, and then we will open it up  
 11 for public comment.  
 12 I'm unclear -- so for the conven-- for  
 13 convenience to people, I'm going to adjourn and  
 14 reopen it at 6:00 for public -- for additional public  
 15 comment. That doesn't mean you have to wait  
 16 'til 6:00, but if there's people that couldn't make  
 17 it, we'll do it both times.  
 18 I -- it's not a popularity contest, so it  
 19 doesn't matter -- it's -- it doesn't -- if a hundred  
 20 people get up one way and only ten get up the other,  
 21 it still has to be based on county code and rules.  
 22 So I would ask you to try not to repeat each other.  
 23 If you have something new to add, then add it. If  
 24 not, you can get up and say something like, "me too,"  
 25 or, "I also," depending on your grammar.

4  
 1 amount of public input. And while receiving that  
 2 public input, we noticed that there had been some  
 3 mass e-mailings that went out that maybe were not  
 4 exactly accurate about the county review process, and  
 5 specifically the Canyons' review process.  
 6 So just to be clear, there is a very  
 7 specific review process for all developments within  
 8 the Canyons that would require a final site plan, a  
 9 final subdivision plat, and condominium plats. This  
 10 was adopted by ordinance in November of 1999, and  
 11 this is how all applications today have been  
 12 processed.  
 13 Now, if anything requires a low-impact  
 14 permit or conditional use permit, that might be  
 15 slightly different under the current code.  
 16 UNIDENTIFIED FEMALE: We can't hear you.  
 17 Could you speak more slowly, please? It's hard to  
 18 hear you from behind you.  
 19 MS. TIFFANIE NORTHRUP-ROBINSON: I'm going  
 20 to hold this.  
 21 UNIDENTIFIED FEMALE: Thank you.  
 22 MS. TIFFANIE NORTHRUP-ROBINSON: How about  
 23 I hold it like this? Is that better?  
 24 UNIDENTIFIED FEMALE: Much better.  
 25 MS. TIFFANIE NORTHRUP-ROBINSON: Okay. So

5

1 anyway, through that development agreement, it  
 2 outlines a process, and that process requires an  
 3 initial review and a recommendation from the Canyons'  
 4 DRC, which is the design and review committee.  
 5       Once we receive a recommendation from the  
 6 design and review committee, the applicants are able  
 7 to apply with the County for the process in which  
 8 they are going through, which in this case is a final  
 9 subdivision plat and a final site plan.  
 10       After the county planner's review of that  
 11 and with the help of staff, it is then taken and  
 12 recycled by some planning commission for a discussion  
 13 and a recommendation.  
 14       This actually -- this particular process  
 15 actually went to the Snyderville Basin Planning  
 16 Commission on three different occasions: Two work  
 17 sessions, and then again for a final recommendation  
 18 on February the 25th of this year. And that's what  
 19 puts us at this point.  
 20       This is the public hearing and final  
 21 decision with the land use authority. So at no time  
 22 has this been denied by the community development  
 23 director, nor has it been denied by the planning  
 24 commission, only recommendations have been forwarded.  
 25       Again, this is just how all projects are

6

1 required to go through that, as set forth in the  
 2 development agreement.  
 3       So hopefully that clarifies some of --  
 4 hopefully that clarifies some of the mis-- confusion  
 5 or misinformation that was routed.  
 6       So now let me go ahead and give you a  
 7 brief overview of the actual project.  
 8       The application is to apply for a final  
 9 subdivision plat and final site plan. The final  
 10 subdivision plat is for the RC-15 parcel. And I  
 11 don't see a pointer here or I'd point that out, but  
 12 all these parcels are involved. However, only  
 13 portions of these parcels will be included within  
 14 that plat.  
 15       This is, again, part of the Canyons' SPA  
 16 development agreement. As you can see here by the  
 17 illustrative plan, Exhibit B, it anticipates the  
 18 RC-15 parcel, and it anticipates that about 166,941  
 19 square feet of residential, multifamily, hotel, and  
 20 lodging units, and also 20,000 square feet of  
 21 resort-support commercial.  
 22       Just to -- it's fairly hard to see with  
 23 the lights on a little bit, but this is just an  
 24 overall illustrative plan of the Canyons' SPA,  
 25 including all different areas, the lower village,

7

1 Frostwood, Willow Draw. And even up on the mountain,  
 2 the Red Pine and Cove developments. And this is a  
 3 little bit closer illustrative plan of that resort  
 4 center.  
 5       This is the proposed plat, as I had  
 6 discussed. It is shown in two different phases.  
 7 Phase 1 would be the proposed commercial use for this  
 8 maintenance building, and that is the final site plan  
 9 being reviewed today.  
 10       Phase 2 would be the latter of  
 11 development, which would be the multifamily,  
 12 residential accommodation units that I spoke of  
 13 earlier.  
 14       This is the proposed site plan for the ski  
 15 maintenance building. I really wish we had a pointer  
 16 just so I can point out some areas here.  
 17       You can see on the far right-hand side,  
 18 that is actually the Hidden Creek Condominiums. And  
 19 to the left, which you can't see in this  
 20 illustration, we'll look at it a little bit further  
 21 away, would be the Grand Summit.  
 22       These are the proposed elevations for the  
 23 ski maintenance building, different illustrative  
 24 views from different angles of the project.  
 25       And, really, as we went through this

8

1 process, we went to the planning commission, as I  
 2 indicated, on three different occasions, and  
 3 throughout those discussions, the primary concerns of  
 4 the planning commission was the site selection,  
 5 potential noise and how that would be mitigated, the  
 6 impact to the surrounding neighborhood and to the  
 7 site, and if -- if this use actually qualified for  
 8 commercial density.  
 9       This is an overall -- an aerial of the  
 10 SPA, including some of the locations which the  
 11 applicants have considered placing the ski  
 12 maintenance facility. And Spencer White, who's  
 13 representing TCFC, will go over that in detail a  
 14 little bit later on how they arrived at the selection  
 15 of this particular site.  
 16       Again, the majority of the conversations  
 17 with the planning commission were based on what I had  
 18 indicated above. And in the last discussion,  
 19 something that came into effect that was obviously a  
 20 very big issue was the environmental criteria that  
 21 was called out in chapter 4.  
 22       As part of the actual application, the  
 23 building, they required after the maintenance  
 24 facility, is meeting the required setback from  
 25 the 100 -- the 100-foot setback from the year-round

<p>Sheet 3</p> <p style="text-align: right;">9</p> <p>1 stream, and also the 40-foot setback from the                  2 wetland, as it was indicated on the site plan.                  3 However, as it was reviewed in detail and                  4 we went through the civil drawings, it was noted that                  5 the retaining wall on the north portion of the                  6 property line -- let me go back to the site plan a                  7 little bit. So as you can see, just on the far north                  8 there, that's a -- that retaining wall was actually                  9 a 16-, 17-foot retaining wall, and that's obviously                  10 butting directly to those wetland areas.                  11 MR. BOB JASPER: Tiffanie, do you                  12 have a -- do you have a pointer?                  13 MS. TIFFANIE NORTHRUP-ROBINSON: I do not.                  14 I hope Ron does.                  15 UNIDENTIFIED FEMALE: Do you have a person                  16 that could point to it?                  17 MS. TIFFANIE NORTHRUP-ROBINSON: Maybe do                  18 the red so it will be a little bit darker.                  19 So in this area here, this is the north                  20 boundary, which is the retaining wall. And as this                  21 was being reviewed thoroughly, just prior to going to                  22 that public hearing, it was noted that this actually                  23 would be a structure and not be in the wetland                  24 setback.                  25 We're going the wrong direction here.</p>	<p style="text-align: right;">11</p> <p>1 to take care of a couple of details. One of them was                  2 to update the facade elevations to be consistent with                  3 the civil drawings.                  4 On the renderings, the civil drawings                  5 showed the finished grade five feet above what the                  6 facade -- the architectural facade elevations had                  7 shown, and the applicants have updated that so that                  8 they are consistent.                  9 And also they asked the staff to take a                  10 look at the wetland boundary and verify that this                  11 information that has been provided for the wetland                  12 delineation had been approved by the Army Corps of                  13 Engineer -- Engineers, excuse me. What came into                  14 question with that -- or, the results of that I'll                  15 talk about in just a second.                  16 So just to clarify, the information has                  17 been provided regarding the facade and civil                  18 elevations matching. Again, the finished floor                  19 elevations indicated on the civil plan show a                  20 finished floor elevation of 6,805 feet.                  21 And on the structures made now, it's a                  22 little bit hard to see again where it's so light,                  23 these elevations here -- again, it's very hard to see                  24 with the dash lines -- are consistent with the 6,805                  25 feet in elevation.</p>
<p style="text-align: right;">10</p> <p>1 So this area here is actually the                  2 delineated wetlands, and then this is the stream. So                  3 this is the portion that would not be meeting that                  4 setback requirement.                  5 The interpretation of "structure" was made                  6 by community development director, Pat Putt, that                  7 although there are locations within the code that                  8 allowed for a retaining wall to be on a property                  9 line, it does not exempt the retaining walls from                  10 being -- not meeting the sensitive land setbacks. So                  11 this -- this led the planning commission on that --                  12 in the February 25th meeting to make a negative                  13 recommendation.                  14 More specifically, that recommendation was                  15 based on the location of the retaining wall, because                  16 it had been determined to be a structure and was                  17 within that 40-foot required setback from that                  18 wetland.                  19 Also, the planning -- or, excuse me, the                  20 Snyderville Basin Planning Commission did not agree                  21 with the interpretation that this use would qualify                  22 as a commercial use in the development agreement.                  23 As part of that recommendation, the                  24 planning commission asked staff to follow up, prior                  25 to coming to the county manager for a final decision,</p>	<p style="text-align: right;">12</p> <p>1 Staff followed up with the Army Corps of                  2 Engineers with several different people, and it took                  3 a long time to get a response back, but we did                  4 finally get a response back from Hollis Jencks, who                  5 had initially looked at this project, which was                  6 submitted, I believe, last -- was it July it was                  7 submitted? Last July. The application to modify                  8 this wetland area here, which is currently -- they're                  9 showing a boundary of the wetland here. This is the                  10 existing wetlands. The application -- the applicant                  11 applied to modify the wetlands with the Army Corps of                  12 Engineers last July, and due to no response from the                  13 Army Corps of Engineers, that essentially approved                  14 the modification of those wetlands.                  15 MR. BOB JASPER: Say that again.                  16 MS. TIFFANIE NORTHRUP-ROBINSON: So as                  17 part of the Army Corps of Engineers application                  18 process, the Army Corps has 45 days to respond to the                  19 applicants. And if they do not respond within that                  20 amount of time with any comments, questions, or                  21 conditions, then the application is approved                  22 according to their -- to what was submitted.                  23 The applicants had indicated this to us,                  24 and staff verified that on behalf of the planning                  25 commission prior to coming into this hearing, which</p>

Sheet 4

13

1 you can see Mr. Jencks' response there that says that  
 2 it actually was automatically approved because the  
 3 processing went beyond that 45-day period.  
 4 Just another illustration here. This is a  
 5 site plan that has been modified. This is one of the  
 6 original site plans. The building has been relocated  
 7 up in this area further away from the wetland area.  
 8 This was the original delineation just to show what  
 9 that setback would be from the current site plan to  
 10 the original delineation, this now being the modified  
 11 boundary.  
 12 So given that information, the staff's  
 13 recommendation and the recommendation from the  
 14 Snyderville Basin Planning Commission, the staff is  
 15 recommending that the -- excuse me, the county  
 16 manager conduct a public hearing and obviously take  
 17 into consideration any public comment.  
 18 Staff further recommends that the county  
 19 manager consider such recommendation to the planning  
 20 commission, as well as the Snyderville Basin Planning  
 21 Commissioner recommendation, and deny the proposed  
 22 RC-15 final subdivision plat and final site plan.  
 23 Do you have any questions for me before we  
 24 move on?  
 25 MR. BOB JASPER: Go back, if you would, to

14

1 the slide -- yeah, that will do.  
 2 So I'm not an expert on how the Corps of  
 3 Engineers does things. Do they normally just if  
 4 they're okay with something don't respond? Do you  
 5 know? Or is it maybe they just didn't get to it?  
 6 I mean, I -- I would like --  
 7 MS. TIFFANIE NORTHRUP-ROBINSON: I will  
 8 tell --  
 9 MR. BOB JASPER: It's an interesting  
 10 process that they -- if they don't -- they don't  
 11 respond, it's -- it's approved, if I'm hearing you  
 12 right.  
 13 MS. TIFFANIE NORTHRUP-ROBINSON: From --  
 14 that is my understanding. I don't know if that's  
 15 common for that to happen. However, there was quite  
 16 a string of e-mails that was back and forth between  
 17 applicants, their representatives, and the Army Corps  
 18 that they were aware of the application, when they  
 19 received it, and they were going to be reviewing it.  
 20 And why it wasn't officially reviewed or if he felt  
 21 like it was okay, that would be speculation on my  
 22 part. I don't -- I really don't know.  
 23 MR. BOB JASPER: Thank you.  
 24 MS. TIFFANIE NORTHRUP-ROBINSON: Do you  
 25 want Spencer to respond to that maybe, since they

15

1 were involved in that application process?  
 2 MR. BOB JASPER: Is it now time for the  
 3 applicants?  
 4 MS. TIFFANIE NORTHRUP-ROBINSON: It is.  
 5 MR. BOB JASPER: The -- they can -- that's  
 6 one of the things that they might cover for sure.  
 7 Thank you. Thank you, staff.  
 8 MS. TIFFANIE NORTHRUP-ROBINSON: You're  
 9 welcome.  
 10 MR. BOB JASPER: You didn't need to add  
 11 anything? We're okay? All right.  
 12 MR. SPENCER WHITE: I just want to make  
 13 sure, can everyone -- can everyone hear me? Is that  
 14 good?  
 15 UNIDENTIFIED FEMALE: Yes.  
 16 MR. SPENCER WHITE: So I will wait to  
 17 respond to the wetland part of the project and can  
 18 clarify that a bit more as I go through the process.  
 19 A couple of things I wanted to -- to  
 20 mention prior to getting into our -- our presentation  
 21 here is one thing that we have heard throughout this  
 22 process is that this has been a rushed process, and  
 23 that we have had the County speed up their process  
 24 somehow in trying to get this approved quicker or  
 25 faster.

16

1 This has been an ongoing process since the  
 2 time the SPA was approved. It has always been  
 3 contemplated that the ski maintenance facility would  
 4 be moved at some time. The existing location was  
 5 always contemplated for golf and/or development. And  
 6 so this is nothing new to -- to us or to the -- to  
 7 the SPA. We've been studying locations for the ski  
 8 maintenance building for over ten years, and I'll go  
 9 through each of the sites that are shown on the  
 10 screen.  
 11 The other item I wanted to -- to mention  
 12 is that the ski maintenance facility inside a  
 13 specially-planned area approved specifically for a  
 14 resort is an allowed use. We're not trying to get  
 15 something -- a use approved that isn't allowed within  
 16 a resort. I mean, this is -- it's something that's  
 17 already been approved in the SPA process, it's --  
 18 it's -- it's approved, just as the density is  
 19 approved for the SPA.  
 20 So, you know, going through the process of  
 21 finding a new site for the ski maintenance building,  
 22 some of the -- the major items that we were looking  
 23 for is, one, we needed a new building that's large  
 24 enough to maintain vehicles.  
 25 And when I say vehicles, I mean both

<p>Sheet 5</p> <p style="text-align: right;">17</p> <p>1 snowcats and on-mountain vehicles, as well as 2 automobiles. 3 So one thing -- the primary thing that -- 4 that the ski maintenance facility needed to address 5 was access from both the snow and access from a road. 6 The other part is we needed a site that's 7 approximately one and a half acres in size. 8 The existing facility sits on about 1.75 9 acres. The existing facility is roughly 7500 square 10 feet. That includes the main building and the 11 existing trailers as well. 12 So the new facility is 13 approximately 18,360 square feet. So looking at -- 14 at enlarging that facility to be able to move into 15 the future, we don't see any expansion of that 16 facility. 17 So those were just some of the things that 18 are considered as we go through this site selection 19 process. 20 So this map here shows some of the sites 21 that -- that were studied. As we looked at all of 22 these sites, these are not just sites that we looked 23 at and said, you know, what would happen if we put it 24 here. 25 If -- if you look at -- and I'll start</p>	<p style="text-align: right;">19</p> <p>1 one-and-a-half to two-acre site, but really what we 2 were looking at is the rectangle here. That would be 3 the -- the maintenance building itself. 4 So we looked at this site as far as 5 access, location, access to snow, access to road, and 6 how it would impact development around it. 7 And so some of the issues we had here is, 8 one, very close proximity to golf, very close 9 proximity to development. And with the building 10 facing here, we would have some grading issues. 11 The area that we really need for -- 12 Thanks, Doug. 13 MR. BOB JASPER: Thank you. 14 MR. SPENCER WHITE: Really, the area that 15 we need for yard space would be here, which would 16 interfere with -- with skiing and golf. There just 17 wasn't enough area in this -- there wasn't enough 18 yard space in this particular area for us to -- to 19 work with. 20 Going on. The other area we looked at is 21 Willow Draw. So Willow Draw is the canyon that goes 22 up this direction west of hole number 4. So hole 23 number 4 is -- is right here. 24 As you look in a little closer, we're 25 still looking at -- this was an area we looked at for</p>
<p style="text-align: right;">18</p> <p>1 with site A. This is north of hole 18, and it's 2 currently on our -- there is a development site here. 3 This is part of the resort core. RC-7 is this entire 4 site. This is approved for roughly 350,000 square 5 feet of -- of hotel lodging and commercial. 6 We looked at taking part of -- 7 MR. BOB JASPER: I need you to -- I guess 8 we don't have a pointer, but we figured out some way 9 to point. I don't know if it's the circle or the 10 square that you're talking about. 11 I'm sorry to -- but I -- I want to be able 12 to follow you. 13 MR. SPENCER WHITE: No, that's okay. A 14 pointer would be very helpful. 15 MR. BOB JASPER: I think we're running to 16 see if we can get one. 17 MR. SPENCER WHITE: Okay. 18 So RC-7 is an approved site. It's this 19 red line. 20 MR. BOB JASPER: Okay. 21 MR. SPENCER WHITE: All of -- it takes in 22 all of this area here. So this site is approved for 23 the 350,000 square feet. 24 And so the bubble right there, we're 25 approximating -- I can't even see my own writing -- a</p>	<p style="text-align: right;">20</p> <p>1 the ski maintenance facility. A very cramped site. 2 It didn't allow us enough room with our existing 3 density to put the site there. 4 Continuing up Willow Draw Canyon, we have 5 a property owner that -- that owns this property 6 here, Dr. Crofcheck. And then you can start looking 7 at some of the physical constraints we had. The 8 orange area shows slopes of over 35 percent. So we 9 have slope issues, we have golf hole, we have a 10 stream that comes through. So trying to put a 11 building in the canyon and trying to get road access 12 to that building did not work in Willow Draw. 13 Going further up Willow Draw Canyon, there 14 is the existing water tanks. This is up closer to 15 Super Condor lift base, to put that in perspective. 16 We looked at putting a building on the side of -- of 17 the hill. You can see some of the grading issues 18 that we had with that. It would be a -- a major cut 19 in the side of the -- the road. 20 And then as I mentioned, getting up the 21 canyon, we would have a ski trail in the winter, a 22 hiking trail in the summer, you have an existing 23 stream going down the canyon, and then adding a paved 24 road for year-round access just does not work. 25 The next location we looked at was</p>

<p>Sheet 6</p> <p style="text-align: right;">21</p> <p>1 somewhere off of High Mountain Road. The -- High                  2 Mountain Road is located right here. This is what is                  3 built.                  4 To give you a little direction, this is                  5 the Sundial Lodge; Vintage on the Strand, phase 1;                  6 Escala Hotel. So High Mountain Road continues and                  7 goes by Sundial Lodge up to Vintage on the Strand.                  8 It currently stops right here. The extension of High                  9 Mountain Road would continue on, and this is the road                  10 that eventually will lead to Red Pine Village.                  11 So we looked at a facility somewhere on                  12 that -- the extension of that road on land that we                  13 own. We own this land right here and looked at that.                  14 We had engineering do a site analysis on that, and we                  15 also did a visual analysis.                  16 So this is the extension of High Mountain                  17 Road here, this is where we were proposing the site.                  18 We did some visual analysis photos from four                  19 different locations. So location one is -- is by the                  20 St. Mary's Catholic Church. You can see the building                  21 on the side of the mountain. We would have to do                  22 some cutting and excavation into the hill.                  23 Another site analysis is -- is closer to                  24 the entrance to the Canyons. This is looking across                  25 hole 16 off of 224. Again, you can see the site</p>	<p style="text-align: right;">23</p> <p>1 MR. SPENCER WHITE: Absolutely.                  2 MR. BOB JASPER: When you say "we," who is                  3 "we"? When you say "we" own the land, who's "we"?                  4 MR. SPENCER WHITE: TCFC.                  5 MR. BOB JASPER: Okay.                  6 MR. SPENCER WHITE: And maybe to further                  7 clarify, so TCFC owns the remaining -- most of the                  8 remaining four million square feet of density still                  9 to be built at the Canyons.                  10 This is very close to the location off of                  11 High Mountain Road. This is the extension of High                  12 Mountain Road. The Timber subdivision is -- is right                  13 here. Dutch Draw subdivision is right here. This is                  14 the western edge of Escala.                  15 So just moving it along that High Mountain                  16 Road, we looked at multiple locations. And -- and                  17 the difficulty with that is we're dealing with steep                  18 slopes. So cut on one side, we would be filling on                  19 the downhill side.                  20 Another location we looked at is inside                  21 the RC-16 development pod. For proximity, this is                  22 Westgate, Escala, Hyatt, Red Pine Road. So accessing                  23 the RC-16 development site, we'd be bringing snowcats                  24 in off of the backside off of existing ski easements                  25 and placing it somewhere here on the site.</p>
<p style="text-align: right;">22</p> <p>1 right here. And one of the main concerns with --                  2 with this particular location, the global principles                  3 in the SPA itself, one of the -- the main focal                  4 points is the visual analysis, so we believe we would                  5 have much more difficulty trying to get something                  6 approved that conflicted with the visual requirements                  7 of the SPA.                  8 And the last photo is off of Red Pine Road                  9 looking up, and there's the site.                  10 So the other location -- again, I mean, we                  11 looked at multiple locations in multiple sites. This                  12 location is -- is somewhere -- this is Flight of the                  13 Canyons Gondola going -- this direction goes up to                  14 Red Pine, the resort core is -- is down in this area.                  15 This would be up on the side of the hill on property                  16 we own. You can see some of the grading issues we                  17 had with that. And then trying to cut a road to get                  18 up to it created multiple issues as well.                  19 A different location further down inside                  20 of our development pod, looked at that location and                  21 we still have the same types of issues with visual                  22 analysis, cutting and filling, retaining walls, et                  23 cetera.                  24 MR. BOB JASPER: Can't -- I don't -- let                  25 me interrupt for a second.</p>	<p style="text-align: right;">24</p> <p>1 We looked at six different locations of --                  2 of putting the building. This became difficult. We                  3 have access issues, we would still have all of the                  4 same noise, you know, site proximity to residential                  5 development, all of the same issues that we'll have                  6 with almost every site that we're looking at.                  7 Another site we looked at is off of                  8 Frostwood Drive. This is Canyons Resort Drive. As                  9 you're coming up into the resort, Hidden Creek                  10 Condominiums on the west side and Hidden Creek                  11 Condominiums on the east side. The existing ski                  12 maintenance facility is right here.                  13 So the current plan for golf is this is                  14 hole number 12, par 3. We looked at possibly moving                  15 hole number 3 and putting it -- or hole number 12,                  16 putting it in a different location and putting the                  17 ski maintenance facility here.                  18 A lot of the same issues exist. Proximity                  19 to development, we would have -- there we go. We                  20 have Willow Creek -- Willow Draw Creek running                  21 through here, so crossing the creek.                  22 We did a multiple analysis of this looking                  23 at cross sections and what that might look like to                  24 try to buffer it from Hidden Creek Condominiums,                  25 looked at a different type of a building where you</p>

25

1 would actually come in and we would try to -- to put  
 2 everything inside of the building, including vehicle  
 3 parking, and putting the green roof on that to try to  
 4 make it as invisible as possible.  
 5 This is -- turned out to not be a good  
 6 site for us. It -- because of the proximity to -- to  
 7 the density, it really doesn't change it from much of  
 8 the location where it exists today.  
 9 Another location that has been talked  
 10 about and seems to be one of the more popular  
 11 locations is somewhere in -- in the Tombstone area.  
 12 This is the base of Tombstone Lift. The resort core  
 13 is here. Getting to Tombstone area would require  
 14 extension of High Mountain Road as it comes along.  
 15 This big rectangular square here is Steve  
 16 Osguthorpe's property. So the -- the road and  
 17 easement through the property has some issues that  
 18 are being worked through, but that would require  
 19 approximately 6,000 lineal feet of road to be added  
 20 to get to an area here.  
 21 But regardless of -- of those issues, we  
 22 looked at what that might look like. Proposing a  
 23 building on here would require some cuts and fills,  
 24 retaining walls. We do have a -- Red Pine Creek that  
 25 comes down through this area. It would require

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1 adjusting ski runs. Chicane ski run currently exists  
 2 right here; it would require adjusting that. So lots  
 3 of issues with this location as well.  
 4 Another location is the Sheep Camp, is  
 5 what they've been calling it, which is off of the  
 6 Bubble Lift. The Bubble Lift currently runs right  
 7 here. It's in close proximity to the snow-making  
 8 pond that is just off the map.  
 9 One of the major issues with -- with this  
 10 location is getting vehicular access to it. It would  
 11 require approximately 20,000 lineal feet of paved  
 12 road that again would have to be accessed through  
 13 Willow Draw. We don't think that is possible. This  
 14 also would require some cut and fill.  
 15 So all of the locations we looked at have  
 16 most of the same issues: Access, visual analysis,  
 17 cuts and fills with slopes. To be able to get a site  
 18 that is large enough to put a building of 18,000  
 19 square feet and have yard space to run a world-class  
 20 resort is -- is a little difficult to find.  
 21 One of the other locations that has been  
 22 talked about is somewhere around Red Pine Lodge.  
 23 Within the SPA, Red Pine Lodge is a site that was  
 24 approved for approximately 1.34 million square feet  
 25 of density. Access to Red Pine Lodge would be,

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1 again, extension of High Mountain Road. It's  
 2 approximately 13,000 lineal feet of road to get to  
 3 that location.  
 4 Again, one of the primary things that we  
 5 need for this facility is -- is road access, not  
 6 necessarily for employees but for deliveries, to be  
 7 able to maintain the fleet of snowcats and other  
 8 vehicles.  
 9 So Red Pine Lodge, although seems like a  
 10 nice location and being on the mountain, access is --  
 11 is a major obstacle in that location. And then once  
 12 we do get a road up there is -- is finding a location  
 13 with enough yard space to be able to operate a  
 14 maintenance facility.  
 15 Here is three different scenarios of how  
 16 to get a road to that location. One of the scenarios  
 17 was bringing the road up through Willow Draw. We  
 18 don't think that's an option. We -- we looked at  
 19 that, and because of the stream in Willow Draw, we  
 20 just do not believe that that is -- is an option. So  
 21 the other two options were coming up by Tombstone  
 22 base and coming up on the south side of the mountain.  
 23 We wanted to show just a few examples of  
 24 how ski maintenance facilities can coexist with  
 25 development. I'm showing a slide here. This is Vail

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1 Resort. Their ski maintenance facility is -- is  
 2 located right here. Directly across the street, they  
 3 have a residential development. This is a  
 4 Ritz-Carlton hotel directly across the street. They  
 5 have to cross the frontage road to get to the  
 6 mountain on both sides, but ski maintenance  
 7 facilities in a ski resort can coexist with  
 8 residential development.  
 9 Another one we looked at is Jackson Hole.  
 10 This is the Ritz-Carlton -- Four Seasons Hotel that  
 11 comes along here. In fact, there's a shared wall  
 12 between the residences and the ski maintenance  
 13 facility. It's inside their resort core.  
 14 We've also looked at the top ten resorts  
 15 in North America. Seven of the top ten have their  
 16 ski maintenance facility within the resort core.  
 17 We've also analyzed the -- the resorts in  
 18 Utah, the ten closest resorts to Canyons, and they  
 19 also have seven out of the ten within the resort core  
 20 as well.  
 21 That goes back to my previous statement at  
 22 the beginning. The ski maintenance is a -- is an  
 23 allowed use within the resort.  
 24 So that was our analysis of -- of the  
 25 locations. I don't know if you have any questions --

Sheet 8

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1 specific questions on any of the locations, but what  
 2 the analysis led us to was that the location that  
 3 we -- we chose, based off of our criteria, this is  
 4 the best location to maintain and operate a ski  
 5 maintenance building within the resort.  
 6 MR. BOB JASPER: I have a -- a more  
 7 generalized question. You outlined a number of  
 8 alternatives that you all owned, that was owned by  
 9 Talisker Mountain Finance, whatever its --  
 10 MR. SPENCER WHITE: TCFC.  
 11 MR. BOB JASPER: TC -- Talisker Canyon?  
 12 Help me with the --  
 13 MS. CHRISTIE BABALIS: Just TCFC.  
 14 MR. SPENCER WHITE: Just TCFC.  
 15 MR. BOB JASPER: TCFC.  
 16 And -- and laid out that there were visual  
 17 or traffic or road. Do you not intend to develop  
 18 those sites?  
 19 MR. SPENCER WHITE: We do intend to  
 20 develop those, yes.  
 21 MR. BOB JASPER: Wouldn't -- wouldn't --  
 22 wouldn't viewshed traffic -- wouldn't all those  
 23 issues apply to -- to that type of development?  
 24 MR. SPENCER WHITE: Absolutely.  
 25 MR. BOB JASPER: So I'm not sure I

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1 understand your argument then.  
 2 MR. SPENCER WHITE: So -- yeah, let me  
 3 back up.  
 4 On some of these locations, we are  
 5 proposing that the dens-- the facility to be in  
 6 locations that are outside -- not necessarily  
 7 outside. Let me back up to -- I'll give you a good  
 8 example. The location off of High Mountain Road, for  
 9 example.  
 10 So the --  
 11 MR. BOB JASPER: Would your -- would your  
 12 development be not as high?  
 13 MR. SPENCER WHITE: It would not be as  
 14 high.  
 15 So, for example, in this location, the  
 16 development would be on the downhill side of the  
 17 road. It -- we -- we -- it doesn't make sense to put  
 18 a ski maintenance facility on the downhill side when  
 19 we're crossing a road to have to get to the ski runs  
 20 to maintain them.  
 21 So it's not that we are trying to preserve  
 22 the best development locations for just development,  
 23 we looked at all of the locations, whether it was for  
 24 residential development or for a ski maintenance  
 25 facility, but we're going to -- to have to comply

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1 with the global principles, regardless of -- of what  
 2 type of development we will put on there.  
 3 In this particular location, we were not  
 4 proposing development to be in this location. So the  
 5 visual analysis in this particular location would be  
 6 a concern and would have to be approved through that  
 7 process.  
 8 MR. BOB JASPER: I think you went through  
 9 six sites, did you not?  
 10 MR. SPENCER WHITE: Seven -- well,  
 11 seven --  
 12 (Microphone feedback.)  
 13 MR. BOB JASPER: That was mine. I -- to  
 14 all of you, I apologize. We're going to get this  
 15 down right. Our old system had all kinds of problems  
 16 with it, so we thought we'd modernize. So for those  
 17 of you that just hurt your eardrums, my apologies.  
 18 You were saying?  
 19 MR. SPENCER WHITE: So we looked at seven  
 20 areas or -- or, you know, sites, and then within  
 21 those areas, we looked at multiple different sites  
 22 within that area.  
 23 For example, off of High Mountain Road, we  
 24 looked at five different locations to place the  
 25 building.

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1 In Tombstone, we looked at one location,  
 2 and that's really all we had in that area.  
 3 In Willow Draw, it's -- you know, I'm  
 4 saying it's one area, but we looked at four different  
 5 sites within Willow Draw.  
 6 MR. BOB JASPER: And in each -- in each --  
 7 and so you would not be coming back later and saying,  
 8 well, we want something cumulative -- about the same  
 9 square feet or about the same height or --  
 10 You see, what I'm trying to understand  
 11 is --  
 12 MR. SPENCER WHITE: You mean as far as --  
 13 as far as development.  
 14 MR. BOB JASPER: Right. If you were -- I  
 15 mean, those are all development sites that you own.  
 16 MR. SPENCER WHITE: No. They were not all  
 17 development sites, no.  
 18 MR. BOB JASPER: All right.  
 19 MR. SPENCER WHITE: For example, our --  
 20 now, for example, RC-16 is a development site. We  
 21 would not have any issues with visual analysis as  
 22 viewed from 224. This is already an approved  
 23 location for density and development, whether it's  
 24 for a ski maintenance building or for a hotel.  
 25 Let's see. Willow Draw was back --

Sheet 9

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1 MR. BOB JASPER: So go back and let's use  
 2 that one as an example.  
 3 MR. SPENCER WHITE: Okay. Let me just --  
 4 I wanted to show you one other example.  
 5 So, for example, this site, which is up in  
 6 Willow Draw, this is not a site that is seen from  
 7 Highway 224, which is primarily where the visual  
 8 analysis is to be taken.  
 9 So this site is not approved for  
 10 development -- for residential development,  
 11 commercial development. This is a separate site that  
 12 we looked at just for the ski maintenance facility.  
 13 MR. BOB JASPER: Right. And that  
 14 didn't -- if I -- if I heard you correctly, that took  
 15 a lot of cut and fill, a lot of excavation.  
 16 MR. SPENCER WHITE: It takes a lot of cut  
 17 and fill, excavation, and it would require putting a  
 18 paved road up Willow Draw Canyon, which there is no  
 19 room to do so.  
 20 MR. BOB JASPER: So let's go back to the  
 21 one --  
 22 MR. SPENCER WHITE: RC-16.  
 23 MR. BOB JASPER: Well --  
 24 MR. SPENCER WHITE: That one.  
 25 MR. BOB JASPER: Yes.

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1 MR. SPENCER WHITE: Okay.  
 2 MR. BOB JASPER: And so is that a  
 3 trade-off as to whether it's a maintenance facility  
 4 or a hotel?  
 5 MR. SPENCER WHITE: That is not a  
 6 trade-off, no. Can we put density and a ski  
 7 maintenance facility? Yes. We weren't saying it's  
 8 one or the other.  
 9 Some of the concerns we have with this  
 10 location, just like most of our other locations, is  
 11 it -- we look at its proximity to development,  
 12 whether that's our development or someone else's, and  
 13 access to the mountain.  
 14 So in this location, we have road access  
 15 off of High Mountain Road. This -- the cat access  
 16 would have to be -- you would come off of the -- the  
 17 resort hill here, Sunrise Lift is -- is located right  
 18 here. So we'd be coming under Sunrise Lift, around  
 19 Escala Hotel, around the Hyatt, and accessing the  
 20 site down here.  
 21 So is there more disturbance here than  
 22 some of the other locations we looked at? Yeah. We  
 23 took that into consideration. But would that prevent  
 24 us from doing residential or -- or commercial or  
 25 hotel development? No.

35

1 MR. BOB JASPER: Thank you.  
 2 MR. SPENCER WHITE: Did that answer  
 3 your -- your question?  
 4 MR. BOB JASPER: For now, yes.  
 5 MR. SPENCER WHITE: Okay. All right. So  
 6 after a review of -- of all of these sites and  
 7 locations, we believe that the location we are  
 8 proposing is the best location for the ski  
 9 maintenance facility.  
 10 This is the site plan, as Tiffanie already  
 11 went through. We went through some of the -- the --  
 12 the issues as we went through the planning commission  
 13 and -- and as we met -- as we went through the staff  
 14 process as well.  
 15 We met with our neighbors on a number of  
 16 occasions, we've met with Hidden Creek Condominiums,  
 17 we've met with individuals, we met with their  
 18 homeowners association, we met with Red Pine  
 19 Condominiums, Silverado, Westgate, our predecessor,  
 20 met with Grand Summit. We tried to get to as many  
 21 neighbors as we could. We didn't want -- this wasn't  
 22 a surprise to anyone when we turned in our  
 23 application.  
 24 And through that process, some of the  
 25 things that we did -- this was a previous version of

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1 the -- the maintenance building. It was much closer  
 2 to Hidden Creek Condominiums. The parking was  
 3 virtually at the property line, the building was  
 4 closer, it extended further into the wetland and  
 5 stream corridor.  
 6 So after hearing some of the concerns and  
 7 looking at some of the objections, we -- we modified  
 8 the site plan, pushed it back further from the  
 9 property line, created an open space easement on the  
 10 plat, moved the building further away from the -- the  
 11 condominiums.  
 12 Some of our concerns that we had -- that  
 13 our neighbors have, we share as well: Noise, visual.  
 14 The building itself is a two-story  
 15 structure. It's two stories on the backside. On the  
 16 front side of the building along Canyons Resort  
 17 Drive, we've tried to bury the building as much as we  
 18 can. We added a green roof and -- which slopes to  
 19 the north. To the south, excuse me. So riding up  
 20 the people mover, and as viewed from other density  
 21 that will be around it, they will be looking at a --  
 22 a green roof.  
 23 We've tried to --  
 24 MR. BOB JASPER: Explain a -- explain a --  
 25 bear with me, I'm just an old county manager, and

Sheet 10

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1 I --

2 MR. SPENCER WHITE: Absolutely. So a

3 green roof is a living roof. It has vegetation on

4 top of -- of the roof itself. So natural

5 wildflowers, grasses, those types of things. It's an

6 irrigated roof. So it -- it's a fairly flat roof, it

7 has a small slope to it. It holds snow in the

8 winter, so in the winter it would be covered with

9 snow.

10 MR. BOB JASPER: Thank you.

11 MR. SPENCER WHITE: I -- I'm not --

12 MR. BOB JASPER: That's what I thought,

13 but at my age, you want to double-check these things.

14 MR. SPENCER WHITE: And we actually have a

15 photo on one of these that you'll get a very good

16 idea of what -- what a green roof is.

17 And we purposefully faced the maintenance

18 building garage doors to the north, away from

19 neighbors. So we tried to address as many concerns

20 as possible.

21 One of our original plans had -- had one

22 retaining wall on the east side facing Hidden Creek.

23 After some comments and questions, we went to a

24 double-stacked wall which provides areas within to

25 add additional landscaping.

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1 In our landscape plan, we added more trees

2 and more mature trees where we've added a dozen or so

3 mature trees that are 14 to 16 feet high as opposed

4 to waiting for those to grow in.

5 One of the other concerns was lighting.

6 And specifically, headlights glaring into Hidden

7 Creek Condominiums. We added a four-foot wall in

8 this location here that will help block the headlight

9 glare into the development. And so we -- we've tried

10 to address as many concerns as possible through the

11 process.

12 Back to the wetland delineation. So --

13 and maybe I can help clarify this a little. I don't

14 want to pretend I'm an expert, I'm not, but the area

15 that is shown right here is -- is .00 -- .09 acres.

16 And anything under a tenth of an acre with the Army

17 Corps, depending on the type of permit you're --

18 you're going for, it usually doesn't bring up much of

19 a concern.

20 The Army Corps has a 45-day permit

21 process. So the -- the process goes -- they can

22 either approve it by consent that they agree to it,

23 or after 45 days it's approved by nonresponse.

24 So that's -- we're not trying to, you

25 know, sneak through this process with a wetland

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1 delineation. This delineation went in an application

2 that also included the tee boxes for hole 17. And

3 then from approximately this area to the west, that

4 all falls under a separate permit where we actually

5 were replacing the stream corridor. So that was

6 approved through a different process and a different

7 permit.

8 Any questions -- further questions?

9 MR. BOB JASPER: (Inaudible.)

10 MR. SPENCER WHITE: Okay. Again, this is

11 the grading plan. Going through, we do have a

12 retaining wall, and we'll get to that -- that issue

13 in just a minute.

14 Landscape plan, as I mentioned, we added

15 additional landscaping to buffer between our

16 neighbors and landscaping along Canyons Resort Drive

17 to try to make the building look as pleasing as

18 possible.

19 Here's the main floor plan. It has seven

20 bays. There are four vehicle bays on this side and

21 three cat bays on the west side.

22 The mezzanine level is -- these are two

23 stories inside here, and then the mezzanine level has

24 room for offices and storage.

25 Looking at the building exterior, as I

40

1 said, coming up Canyons Resort Drive, we wanted to

2 push the building down as far as we could into the

3 earth and provide curbing and landscaping along that

4 side.

5 Here's a good example of what a green

6 roof -- this is a visual enhancement, so -- but

7 it's -- it's a green-growing roof on the two larger

8 segments. The middle segment would not have a green

9 roof on -- on that.

10 This was a computer-generated visual

11 analysis of -- of the building that would be built.

12 This is looking from Hidden Creek Condominiums, and

13 then adding the landscaping in between the two

14 projects.

15 MR. BOB JASPER: Where -- where is the

16 Grand Summit?

17 MR. SPENCER WHITE: Grand Summit is

18 behind, right -- you can just barely catch the -- the

19 top of it right there.

20 MR. BOB JASPER: Okay. Do you have views

21 from there too?

22 MR. SPENCER WHITE: I do not, no. And

23 I'll get to part of that in just a moment.

24 Building elevations and cross sections.

25 So there -- we cut three sections through the

<p>Sheet 11</p> <p style="text-align: right;">41</p> <p>1 building. This is the eastern -- excuse me, western                  2 most section, and approximately 15 to 16 feet of fill                  3 on -- on -- or, it's -- it's buried 15 to 16 feet on                  4 the Canyons Resort side. This is about ten to 12                  5 feet through the middle section, and then it gets                  6 down to about eight feet in the easternmost section.                  7 Here's an example of a green roof.                  8 Every -- you know, a live example of that, the                  9 materials that will be used, some Corten, some                  10 textured concrete, and then roof and door colors over                  11 here.                  12 With -- some of the concerns, as I                  13 mentioned, were lighting. We provided a photometric                  14 of the lights in the parking area, as well as on the                  15 building itself. What a photometric does is it gives                  16 you -- provides you the footcandles, which is the --                  17 kind of the brightness, how much light it generates.                  18 The County has a minimum --                  19 Actually, I don't think you have a maximum                  20 standard, do you?                  21 MS. TIFFANIE NORTHRUP-ROBINSON: Yeah.                  22 MR. SPENCER WHITE: Minimum and maximum                  23 standard. And so this -- what -- one of our original                  24 plans showed yard lighting or parking lot lighting                  25 with 16-foot poles. We thought, and as we went</p>	<p style="text-align: right;">43</p> <p>1 of light.                  2 MR. BOB JASPER: Thank you.                  3 MR. SPENCER WHITE: Actually, if you -- if                  4 you go back, most of the buildings have -- are                  5 well -- that have been approved through the County                  6 are well under the -- the County minimum.                  7 And -- and -- but that, I believe, is the                  8 intent of the development code, and -- and as we went                  9 through the design review committee and the planning                  10 commission, we tried to keep the lights to a minimum                  11 but still provide enough for safety and the ability                  12 to work.                  13 So just the existing site, I wanted to                  14 make sure everyone knows exactly where this is going.                  15 Grand Summit Hotel, Westgate, Silverado, Hidden Creek                  16 Condominiums, and this is the location right here.                  17 What I wanted to show is -- so this is --                  18 puts it more in perspective. This is the proposed                  19 maintenance facility building and the yard.                  20 And I wanted to show this slide. One of                  21 your questions, Mr. Manager, was a view from the                  22 Grand --                  23 This isn't working at the moment. It                  24 comes off and on. I wonder if it gets too hot or                  25 something.</p>
<p style="text-align: right;">42</p> <p>1 through this process, it made more sense to lower the                  2 poles to a 12-foot pole and add a few more. It                  3 brought the light down further. We followed well                  4 under the code minimum for -- for lighting.                  5 Again, we're trying to make sure we're not                  6 generating --                  7 MR. BOB JASPER: Minimum or maximum?                  8 MR. SPENCER WHITE: Minimum.                  9 MS. TIFFANIE NORTHRUP-ROBINSON: We have                  10 both. We have a minimum and a maximum, and                  11 they're -- they're actually below the minimum.                  12 MR. SPENCER WHITE: So through the process                  13 of getting approved --                  14 MR. BOB JASPER: I don't want to be silly,                  15 but --                  16 MR. SPENCER WHITE: We asked the same                  17 thing.                  18 MR. BOB JASPER: -- how can you be below a                  19 minimum?                  20 MS. TIFFANIE NORTHRUP-ROBINSON: It means                  21 that there's not a lot of light in that particular                  22 location.                  23 MR. SPENCER WHITE: We're trying to --                  24 MR. BOB JASPER: I get that part.                  25 MR. SPENCER WHITE: -- reduce the amount</p>	<p style="text-align: right;">44</p> <p>1 -- a view from the Grand Summit looking --                  2 looking east.                  3 So --                  4 MR. BOB JASPER: One more time for me.                  5 MR. SPENCER WHITE: Okay.                  6 MR. BOB JASPER: Hey, it came on for a                  7 minute.                  8 What's the one right next to it?                  9 MR. SPENCER WHITE: This one right here?                  10 MR. BOB JASPER: No. Over on this side.                  11 MR. SPENCER WHITE: This one?                  12 MR. BOB JASPER: Yeah.                  13 MR. SPENCER WHITE: Well, what I -- this                  14 is what I wanted to show.                  15 So this entire site right here is the                  16 RC-15 site. What we're allowed under the SPA                  17 is 146,941 square feet of res-- of hotel lodging and                  18 residential multifamily, and 20,000 square feet of                  19 commercial.                  20 So, you know, one of the concerns that                  21 we've had, and we've seen all of the letters and --                  22 is the concern that the proximity of the ski                  23 maintenance building to existing residential.                  24 The SPA has always contemplated, and we                  25 contemplated, building the 146,000 square feet of --</p>

<p>Sheet 12</p> <p style="text-align: right;">45</p> <p>1 of hotel lodging and residential between the Grand 2 Summit Hotel and the ski maintenance building. 3 MR. BOB JASPER: Do you have a sense of 4 how high that would be? 5 MR. SPENCER WHITE: We are allowed four to 6 five stories in the SPA. 7 So we're -- we're currently going through 8 a -- an update -- excuse me, an update to the master 9 plan and looking at all of the density that is 10 approved, how it might sit on a site. We've got, you 11 know, underground parking that we're looking at 12 and -- and all of the planning issues. 13 Just to the -- just to the south of it, in 14 this location right here, we're approved for 60,000 15 square feet of hotel lodging and 5,000 square feet of 16 commercial. 17 And then just to the north -- 18 MR. BOB JASPER: How many stories? 19 MR. SPENCER WHITE: Also four to five. 20 And then just to the -- so this is the 21 Silverado Lodge. Just to the north of Silverado, we 22 are approved for 176,000 square feet of hotel lodging 23 and 12,000 square feet of commercial. 24 So I'm not showing this saying that we're 25 trying to block our neighbors from the -- the ski</p>	<p style="text-align: right;">47</p> <p>1 okay. 2 MR. BOB JASPER: Well, I just -- I still 3 wanted to -- well, what's the distance -- I guess 4 you've got -- that's where the -- the double-layer 5 retaining wall is; is that right? 6 MR. SPENCER WHITE: Yeah. Good question. 7 So the distance from the property line to 8 the pavement is approximately 80 feet. The distance 9 from the property line to the building is 10 approximately 150 feet. 11 MR. BOB JASPER: Where is access again? 12 Show me where the snowcats and other things would be 13 coming in. 14 MR. SPENCER WHITE: Oh, gotcha. So road 15 access is off of Canyons Resort Drive right here. 16 MR. BOB JASPER: Okay. 17 MR. SPENCER WHITE: Snowcat access, we 18 actually have two access points. The majority of the 19 access would be to the north. So the snowcats would 20 come along this access, cross the creek right here, 21 and continue up between -- this is hole number 17 22 right here. There's a green right here and the 23 fairway. So we've provided access that would come 24 between the two and come up to the existing -- there 25 is an existing ski-back access that goes to the base</p>
<p style="text-align: right;">46</p> <p>1 maintenance facility and that it won't -- it will be 2 seen but it won't be heard, what I was just trying to 3 do is put all of this in perspective. 4 The resort core is -- is very dense. 5 There is a lot going on. Our neighbors have concerns 6 of, you know, what this building will look like, what 7 the noise impacts may be, you know, traffic, all of 8 those things. We have -- we share the same concerns. 9 You know, we have close to 400,000 square feet of 10 density that surrounds the proposed site. 11 MR. BOB JASPER: Go back and show me again 12 now the northeast corner. You started to do that and 13 I interrupted you. 14 MR. SPENCER WHITE: This corner -- 15 MR. BOB JASPER: Where's your red light? 16 MR. SPENCER WHITE: This corner right 17 here? 18 MR. BOB JASPER: Yes. 19 MR. SPENCER WHITE: So this is the -- this 20 is Hidden Creek Condominiums. I'm not sure what I 21 was going to show you. I can't remember what I was 22 going to say when you asked a question. 23 MR. BOB JASPER: I don't remember what the 24 question was, so I guess we're even. 25 MR. SPENCER WHITE: I don't either, so</p>	<p style="text-align: right;">48</p> <p>1 of the Frostwood Gondola. That's where the snowcats 2 are currently going to access the existing 3 maintenance facility. So that is the primary snowcat 4 access into the maintenance facility. 5 The secondary snowcat access is the access 6 right here that exists. 7 Currently, you can see the buildings -- 8 it's hard to see. This is where the ski patrol 9 buildings are. So when they bring injured skiers off 10 of the mountain, this is where they bring them to. 11 And there is ski access and cat access that comes 12 along the north side of -- of Grand Summit and would 13 come into here. 14 That would be a secondary access not used 15 nearly as much. That's mostly how the employees 16 would ski back to the facility. 17 MR. BOB JASPER: So you mentioned 18 something about a wall and headlights. I'm not 19 sure -- 20 MR. SPENCER WHITE: Oh, yeah. I think I 21 already addressed that. Yeah, we are proposing a -- 22 a wall right here to -- to block the headlight 23 glare -- oh, the wall is a four-foot wall that would 24 block the headlight glare into the condominiums. 25 Hidden Creek Condominiums has a parking</p>

Sheet 13

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1 area right here, and then these are the two closest  
 2 buildings, this one and -- whoops, sorry.  
 3 MR. BOB JASPER: So help me with the  
 4 wall -- you know, I live in Prospector in Park City,  
 5 and I can watch the snowcats come down off the  
 6 mountains and --  
 7 MR. SPENCER WHITE: Oh. The --  
 8 MR. BOB JASPER: -- seeing them and being  
 9 glared at is not the same thing, but it strikes me  
 10 that they have pretty bright lights, those snowcats.  
 11 MR. SPENCER WHITE: Yeah, that's a good  
 12 question.  
 13 The snowcats would actually not be at that  
 14 end of the parking area. If you recall from the  
 15 floor plan, the snowcat maintenance is in this  
 16 section of the building right here. So snowcats  
 17 would come in off of the snowcat access into the yard  
 18 right here and then into the garage.  
 19 The little wall was mostly -- the concern  
 20 there as we went through the DRC was that as  
 21 vehicles -- sorry, I don't know what's going on with  
 22 this. As -- as the snowcat -- as vehicles came in  
 23 and parked in the -- the parking stall itself,  
 24 specifically at night and they had their headlights  
 25 on, that that four-foot wall would stop the

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1 headlights from glaring into the neighbors.  
 2 MR. BOB JASPER: Isn't there, like, a  
 3 parking lot? I mean, do you -- do you have to have  
 4 your headlights on if you're a snowcat to go into the  
 5 repair -- I mean, isn't there a way to turn down the  
 6 lights?  
 7 MR. SPENCER WHITE: That's a good  
 8 question. We can get into operations -- specific  
 9 operations. But, you know, if you -- the snowcats  
 10 are grooming in the middle of the night, so --  
 11 MR. BOB JASPER: I understand.  
 12 MR. SPENCER WHITE: -- they are going to  
 13 need headlights when they come in. But once they get  
 14 to the yard, absolutely. That's what the photometric  
 15 was for is to provide enough light that they can come  
 16 in, they can turn their headlights off, go into the  
 17 garage bay if -- if necessary, or make whatever  
 18 repair they need to, and then the snowcat can get  
 19 back out.  
 20 MR. BOB JASPER: Where would they be  
 21 fuelled?  
 22 MR. SPENCER WHITE: The fuel depot  
 23 currently exists off of High Mountain Road right now  
 24 at the base of -- yeah, at the base of Sunrise Lift.  
 25 Sorry, I got a lot of names going on in my head.

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1 This is not proposed for the fuel depot.  
 2 We are looking at other locations for that, but  
 3 currently it's -- it's off of High Mountain Road.  
 4 MR. BOB JASPER: And will golf maintenance  
 5 vehicles or equipment also be part of this building?  
 6 MR. SPENCER WHITE: No. Good question.  
 7 MR. BOB JASPER: Just winter snow.  
 8 MR. SPENCER WHITE: Yeah. Well --  
 9 MR. BOB JASPER: Winter/spring.  
 10 MR. SPENCER WHITE: Winter for snowcats.  
 11 And they do it all year round. They maintain  
 12 these -- these machines all year round. And vehicle  
 13 access.  
 14 So the vehicle maintenance is for their  
 15 fleet of vehicles, their trucks and -- and other  
 16 vehicles that they drive around.  
 17 MR. BOB JASPER: But not golf --  
 18 MR. SPENCER WHITE: The golf maintenance  
 19 is a whole separate issue. We built -- it's just  
 20 about ready to get a certificate of occupancy. The  
 21 golf maintenance building is just to the south of the  
 22 fire station in the lower village.  
 23 MR. BOB JASPER: Okay.  
 24 MR. SPENCER WHITE: So all of the golf  
 25 vehicles and lawn mowers, all of that stuff, that's

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1 where that is housed, that's where that will be.  
 2 It's a totally separate operation.  
 3 MR. BOB JASPER: Have you pretty much  
 4 covered things? Because --  
 5 MR. SPENCER WHITE: I've -- I mean, I can  
 6 go on for another two hours if you want me to.  
 7 MR. BOB JASPER: No, I know. But there  
 8 are other people that would like to speak their  
 9 points.  
 10 MR. SPENCER WHITE: Yeah. The only other  
 11 issue that I think we -- we need to discuss -- and I  
 12 think this is one of the primary issues of -- of --  
 13 of the planning commission, Snyderville Basin  
 14 Planning Commission. As was mentioned, you know, the  
 15 structure itself, the building itself is -- is a  
 16 hundred feet away from the stream, 40 feet -- and  
 17 more than 40 feet away from the wetland delineation.  
 18 Our understanding of the development code  
 19 is that a structure -- well, maybe I should turn this  
 20 over to -- to our attorneys, but -- and I'll let --  
 21 let them discuss this, and they'll try to keep it  
 22 brief, but it's a very valid point, because --  
 23 MR. BOB JASPER: That's kind of an  
 24 oxymoron.  
 25 MR. SPENCER WHITE: Yes, it is. So

<p>Sheet 14</p> <p style="text-align: right;">53</p> <p>1 I'll -- I'll turn it over to both Christie Babalis 2 and Shawn Ferrin. 3 And then just to mention names, Mauricio 4 Ponce is also with TCFC, and that's who's sitting at 5 the table over there. 6 MS. CHRISTIE BABALIS: So -- can everyone 7 hear me? 8 MR. BOB JASPER: Yeah. 9 MS. CHRISTIE BABALIS: So we are aware of 10 the -- the position that the development director has 11 taken with regard to the definition of a structure. 12 We -- we don't think that -- we don't have the 13 same -- we don't believe that that is the correct 14 definition. 15 As you read through the code, "structure" 16 is defined as an edifice or building, and we don't 17 think that a retaining wall is an edifice or a 18 building. 19 Specifically, the -- let me turn to the 20 code section. And I'm -- I'm sure Mr. Manager and -- 21 MR. BOB JASPER: I have my own attorneys 22 to -- 23 MS. CHRISTIE BABALIS: Yeah. I'm sure 24 that you guys have seen the definition, so I 25 apologize if I'm -- if I'm reading something that</p>	<p style="text-align: right;">55</p> <p>1 think a structure is a retaining wall. There's a 2 separate section in the code that talks specifically 3 about fences and retaining walls. I think that if 4 they -- if the structure was intended to include a 5 retaining wall, there wouldn't have been the need for 6 this -- this other code section specifically dealing 7 with retaining walls and fences. 8 MR. BOB JASPER: Okay. I've got it. 9 MS. CHRISTIE BABALIS: Okay. 10 MR. BOB JASPER: Anything else by the 11 applicants? 12 MR. SPENCER WHITE: Yes. So the only -- 13 MR. BOB JASPER: Your clock is winding. 14 MR. SPENCER WHITE: Okay, great. 15 MR. BOB JASPER: Go quick. 16 MR. SPENCER WHITE: The only other item I 17 wanted to discuss is -- is -- is the primary reason 18 why we're moving this building, and that is to finish 19 the golf course. So the existing location of the ski 20 maintenance building will be at the green for 21 hole 11. 22 As I mentioned at the beginning, it always 23 has been contemplated to move the ski maintenance 24 building. We believe -- 25 MR. BOB JASPER: To this site?</p>
<p style="text-align: right;">54</p> <p>1 is -- is redundant here. But -- excuse me for a 2 second while I get to it. 3 So in the code, a structure is defined as 4 that which is built or constructed, an edifice or 5 building of any kind, installed on, above, or below 6 the surface of land or water. 7 Our position is -- and we think the 8 position that the County has taken historically up 9 until this point -- is that a structure is something 10 that is built or constructed that is both an -- is 11 either an edifice or a building, not anything that is 12 constructed. 13 We think that if you were to take that 14 interpretation of structure, that would include 15 roads, curbs, sewer lines, anything that you have to 16 construct. And -- and we know that the County has 17 never taken that position before, and we think that 18 if you were to take that position, it would render 19 pretty much any kind of development impossible, 20 because all of those things often sit within 21 setbacks. 22 So we think that the way this definition 23 is written and the way that it has been applied by 24 the County historically, up until this point, is that 25 a structure is an edifice or a building. We don't</p>	<p style="text-align: right;">56</p> <p>1 MR. SPENCER WHITE: Excuse me? 2 MR. BOB JASPER: Has it always been 3 contemplated at this site? 4 MR. SPENCER WHITE: No, absolutely not. 5 MR. BOB JASPER: Okay. 6 MR. SPENCER WHITE: So -- however, we 7 believe we have found the site that -- the best site 8 that we had. We comply with all of the items in the 9 development code, we comply with the global 10 principles in the SPA, it's an allowed use. 11 And so, you know, one of the issues again 12 goes back to moving this off the site. And I don't 13 want to just say that flippantly. We do need to move 14 it for golf, but we also need to move it for the 15 property owners around it. Access to the existing 16 ski maintenance facility goes through a development 17 parcel that is not owned by us. It -- 18 MR. BOB JASPER: Say that one more time. 19 MR. SPENCER WHITE: Access to the ski 20 maintenance facility goes -- to the existing ski 21 facility goes through -- whoops, let me see if -- 22 MR. BOB JASPER: The proposed ski 23 maintenance facility? 24 MS. CHRISTIE BABALIS: No. The existing. 25 MR. BOB JASPER: The existing.</p>

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Sheet 15

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1 MR. SPENCER WHITE: So -- there it is.  
 2 This is the --  
 3 MR. BOB JASPER: Show me what I'm looking  
 4 at.  
 5 MR. SPENCER WHITE: This is the existing  
 6 ski maintenance facility buildings and yard.  
 7 These -- this is Hidden Creek. Excuse me, Willow  
 8 Creek -- Willow Draw Creek, the roundabout, Frostwood  
 9 Drive, Waldorf Astoria. This is the Windham Hotel  
 10 that is currently being built, and this is the base  
 11 of the Frostwood Gondola. This is the ski-back that  
 12 brings you back to the base of the gondola. This is  
 13 the same ski-back that the snowcats are using. They  
 14 cross -- they come down here, cross the -- cross  
 15 Frostwood Drive here and into the -- the site.  
 16 We own the property back here, everything  
 17 on this side. This property line right here extends  
 18 to Frostwood Drive. This is owned by a different  
 19 developer. This area right here is also owned by a  
 20 different developer. So we're crossing development  
 21 sites that are not owned by us to access the existing  
 22 site.  
 23 So --  
 24 MR. BOB JASPER: Existing.  
 25 MR. SPENCER WHITE: The existing site,

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1 yeah.  
 2 And, again, I'm not trying to -- this went  
 3 back to my previous discussion about fast-tracking  
 4 this through the county. We're not trying to  
 5 fast-track it. We do have obligations, yes. One is  
 6 golf, one is also other developers around us.  
 7 So we're trying to get through the  
 8 process, but, you know, if this building is not  
 9 approved, there are other things that we need to deal  
 10 with.  
 11 MR. BOB JASPER: Okay.  
 12 MR. SPENCER WHITE: Is that enough on your  
 13 plate?  
 14 MR. BOB JASPER: I have a rough sense  
 15 because I remember discussing the penalties and the  
 16 draconian tortures that you would go through if you  
 17 did not complete the golf course by the extended time  
 18 line. So I hear you.  
 19 It's hard to get people to smile out  
 20 there.  
 21 MR. SPENCER WHITE: It's -- it's a tough  
 22 crowd.  
 23 MR. BOB JASPER: Okay. I propose, if  
 24 you're done --  
 25 MR. SPENCER WHITE: I am done.

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1 MR. BOB JASPER: -- that we take  
 2 a 6.2-minute break where everybody can get up,  
 3 stretch, talk amongst themselves, hit things,  
 4 whatever they need to do so that when we come back  
 5 in, we're ready to go again.  
 6 All right. So on the count of three,  
 7 it's -- we start on break. One, two, three. Six  
 8 point two minutes.  
 9 (Recess taken.)  
 10 MR. BOB JASPER: -- scheduling at six  
 11 because there are some people that work or they  
 12 can't -- you know, couldn't be here, I wanted to give  
 13 two opportunities for those people that wanted to  
 14 make public comment. I am now advised that important  
 15 parties to this discussion had planned not to make a  
 16 presentation now and wait until six, so I'll chalk  
 17 that up to not doing a good job on my part of  
 18 communicating.  
 19 So I guess what we're going to do now is  
 20 we're going to go ahead and take -- we're going to  
 21 open a public hearing and allow people to get up  
 22 and -- and make comments.  
 23 My -- my thinking was this -- or my  
 24 thinking is this: Some of you, or maybe many of you,  
 25 are represented by counsel, and would therefore allow

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1 counsel to speak for you.  
 2 I was going to give counsel, or counsels,  
 3 because I don't know how many attorneys we may have  
 4 that represent one or more clients, to get up and  
 5 speak.  
 6 If -- if you rep-- if there are attorneys  
 7 here that represent multiple clients or engineering  
 8 firms or planning-consulting firms, et cetera, it was  
 9 my intent to give them more time to make a more  
 10 extensive presentation so that everyone didn't feel  
 11 obligated to make a long and detailed presentation,  
 12 but I -- I think that plan is not going to work out  
 13 too well.  
 14 So -- but let me try. Are any of you here  
 15 that are represented either by counsel or -- or have  
 16 employed a professional planner or engineer that you  
 17 would want to make a presentation on your behalf? Is  
 18 there anybody here in that situation? If so, raise  
 19 your hand, otherwise I'm going to assume that each of  
 20 you want to speak and make your own presentation.  
 21 So, again, if you have someone here that  
 22 would speak for a number of folks, I would give them  
 23 more time. If you're just individuals speaking, and  
 24 don't get me wrong, America's about individuals, but  
 25 we can't be here for days doing this also.

1 So -- you know, I keep holding this up,  
 2 and it's this that (inaudible).  
 3 All right. I -- it -- it appears to me,  
 4 based on the lack of showing of hands, that all of  
 5 you are here and wish to speak as individuals. I'm  
 6 going to limit you to 15 minutes each.  
 7 Remember, we're going to do this again at  
 8 six. You only get -- unless I bring you back for  
 9 questions, you only get one bite at the apple.  
 10 So -- and I -- I don't mean to shorten up  
 11 your times, but what I'm after is I don't want  
 12 everybody to get up and say the same thing over and  
 13 over again. So if you have new things to offer or  
 14 unique points of view -- and I know most of you have  
 15 unique points of view, so that's going to open the  
 16 door for you.  
 17 All right. I'm going to ask that you sign  
 18 in.  
 19 We have a sign-in sheet somewhere, do we  
 20 not?  
 21 UNIDENTIFIED FEMALE: Uh-huh  
 22 (affirmative). It's right there.  
 23 MR. BOB JASPER: So come on up, give us --  
 24 write down your name and -- and address, Social  
 25 Security number, and all your credit card numbers.

1 No, forget the latter part.  
 2 All right. Let's start. Who wants to be  
 3 first?  
 4 MS. KATHIE DULLANTY: (Inaudible.)  
 5 MR. BOB JASPER: Okay.  
 6 MS. KATHIE DULLANTY: Where did you want  
 7 us to sign in? Right here?  
 8 UNIDENTIFIED FEMALE: Uh-huh  
 9 (affirmative).  
 10 MR. BOB JASPER: And I think that mic is  
 11 on.  
 12 UNIDENTIFIED FEMALE: Can you state your  
 13 name for the record, please.  
 14 MS. KATHIE DULLANTY: Is it on?  
 15 UNIDENTIFIED FEMALE: (Inaudible.)  
 16 MS. KATHIE DULLANTY: Kathie Dullanty  
 17 (phonetic).  
 18 UNIDENTIFIED FEMALE: I think it's on but  
 19 not very loud.  
 20 MR. BOB JASPER: Ron?  
 21 MS. KATHIE DULLANTY: Is it working?  
 22 MR. BOB JASPER: Yeah.  
 23 MS. KATHIE DULLANTY: My name is Kathie  
 24 Dullanty. My husband and our family have been in  
 25 Park City for about ten years. The reason I'm here

1 today is because we have owned and continue to own  
 2 property at the Grand Summit, as well as the Sundial.  
 3 The other reason I'm here is because my  
 4 winter hours are filled with being a concierge at one  
 5 of the top hotels in Deer Valley, and I, from a  
 6 personal perspective, know what it's like when you  
 7 have guests that are not happy.  
 8 I also realized from listening to all this  
 9 information is that I come at a sincere disadvantage  
 10 when it comes to understanding every site that's  
 11 available and what the pros and cons of each site  
 12 might be. I will say, however, that I know that Vail  
 13 was built after the maintenance facility was  
 14 constructed, and that's the other way around, which  
 15 is a very different scenario than what we're looking  
 16 at today.  
 17 Our choices, in my mind, are to try -- and  
 18 while I understand the ability and the desire of a  
 19 developer to have easy-access roads and access to  
 20 snow, I would also think that it would be wise to be  
 21 sensitive to people who have invested in this  
 22 community for many years. And there is not a doubt  
 23 in my mind that putting this building where they're  
 24 proposing will have a direct, negative impact on, for  
 25 example, the Grand Summit's ability to be a five-star

1 hotel. And they are poised to invest quite some bit  
 2 of money to continue to upgrade it, and that is one  
 3 of the main anchors, you know, was the anchor for the  
 4 Olympics, and it continues to be.  
 5 And so my question, I guess, would be  
 6 there are many other sites. While they may take more  
 7 building, effort, they may take more roads, but they  
 8 are not in the backyard of developments that are  
 9 going to impact people's values, as well as the  
 10 ability of a hotel to really manage what their goal  
 11 was when they were first constructed.  
 12 MR. BOB JASPER: Good job. Thank you for  
 13 your timeliness. You were two minutes and 57.3  
 14 seconds.  
 15 All right. Who wants to come up next?  
 16 MR. BRUCE JENSEN: My name's Bruce Jensen,  
 17 and I'm an architect and the campus master planner  
 18 for the University of Utah and Utah Valley  
 19 University.  
 20 Because of the -- the circumstances, my  
 21 question has to do with the end product when this  
 22 decision is made. And I see an enormous investment  
 23 at the head of their own, and I see a residential  
 24 pocket here and pocket there, but my experience has  
 25 been to create the traffic flow from the community to

<p>Sheet 17</p> <p style="text-align: right;">65</p> <p>1 various things such as hospitals, football fields,                  2 residential, the whole gamut. And that process means                  3 to me that you have a succession of good things                  4 happening that culminate at the pinnacle, which is                  5 the resort. At least that's my point of view. And I                  6 just found during the -- the break that that space at                  7 the front door of the great, world-class Park City,                  8 Park West facility is going to be a maintenance                  9 building.                  10 To me, that's a downgrading of a                  11 principle, and it's something of an insult to the                  12 greatness of Park City skiing, the image we came home                  13 from the Olympics with, and the possibility to                  14 progressively do something exciting and interesting                  15 and beautiful from the roadway to the mountain.                  16 Now, if there are more things that are                  17 planned to be put in that space, I think we need to                  18 have that drawn up and discussed if that's reasonable                  19 at this point.                  20 Thank you.                  21 I have to sign my name.                  22 MR. BOB JASPER: I have two questions of                  23 you, Mr. Jensen.                  24 MR. BRUCE JENSEN: Thank you.                  25 MR. BOB JASPER: Two questions.</p>	<p style="text-align: right;">67</p> <p>1 MR. BRUCE JENSEN: Thank my -- it's a nice                  2 touch, isn't it?                  3 MR. BOB JASPER: It is.                  4 MR. BRUCE JENSEN: We need a touch of                  5 beauty here tonight.                  6 MR. BOB JASPER: Here and there it's nice,                  7 yes.                  8 All right. Who wants to come next?                  9 Did Ron go?                  10 UNIDENTIFIED FEMALE: I don't know where                  11 he is. I haven't seen him in a while.                  12 MR. ROGER OSGUTHORPE: My name is Roger                  13 Osguthorpe. And before listening to this and all                  14 that, we just want to go on record we have some                  15 property adjacent to the Canyons Resort. It butts up                  16 to it and it's been thrown around to alternate sites                  17 and that, and we want to strongly object to that.                  18 We have property where there's -- a couple                  19 of them that are by Tombstone and that we own right                  20 by the Tombstone area and all that. So we are                  21 definitely against that. That's not a good place for                  22 this maintenance building and all that, as well as                  23 we're off of the High Mountain Road. And we don't                  24 have a road going through there, and we won't have a                  25 road for a maintenance road going through there.</p>
<p style="text-align: right;">66</p> <p>1 MR. BRUCE JENSEN: Okay.                  2 MR. BOB JASPER: Do you own property or                  3 reside in the Canyons?                  4 MR. BRUCE JENSEN: We own property. We                  5 were original owners, have been here for 40 years,                  6 plus or minus a year.                  7 MR. BOB JASPER: Thanks.                  8 MS. JOY JENSEN: In Park West.                  9 MR. BRUCE JENSEN: Park West was --                  10 MS. JOY JENSEN: (Inaudible.)                  11 MR. BRUCE JENSEN: It was the park that we                  12 came here to join in. And our neighbors in the back                  13 have prepared -- or got 300 trees for us, and we                  14 planted those on the old Park West which now has                  15 turned it into a forested, residential development.                  16 MR. BOB JASPER: And, sir, my second                  17 question is, did you bring these beautiful flowers?                  18 MR. BRUCE JENSEN: I did.                  19 MR. BOB JASPER: I want to say thank you                  20 but let you know that I have a partner.                  21 MR. BRUCE JENSEN: Very good.                  22 MR. BOB JASPER: But they're beautiful                  23 flowers. Thank you.                  24 MR. BRUCE JENSEN: Thank my --                  25 MR. BOB JASPER: It's very classy.</p>	<p style="text-align: right;">68</p> <p>1 So would object to those alternate sites.                  2 Thank you.                  3 MR. BOB JASPER: So you're not -- if I --                  4 if I might ask. You're not pro or con this                  5 particular site, but you are, as owners of property                  6 that were being -- that said were -- that the                  7 applicant said were sites they looked at, you would                  8 be opposed to those sites.                  9 MR. ROGER OSGUTHORPE: That's correct.                  10 MR. BOB JASPER: Thank you much.                  11 MR. ROGER OSGUTHORPE: Thanks.                  12 MR. BOB JASPER: Who else?                  13 I just -- while you're coming up, just --                  14 the flowers are nice but they're not required.                  15 MS. JOY JENSEN: The point we were making                  16 is a thing of beauty is a joy forever. A thing that                  17 is put in the wrong place at the wrong time forever                  18 exist. There's no such thing as a temporary                  19 building.                  20 MR. BOB JASPER: That was a nice segue.                  21 UNIDENTIFIED FEMALE: It was.                  22 MR. BOB JASPER: Yeah.                  23 MS. JOY JENSEN: I'm Joy Jensen, and I                  24 just wanted to say that we -- me and my husband have                  25 lived in Park West for 40 years under many different</p>

<p>Sheet 18</p> <p style="text-align: right;">69</p> <p>1 titles.</p> <p>2 MR. BRUCE JENSEN: We can't hear you.</p> <p>3 MS. JOY JENSEN: Hidden Creek. We live in</p> <p>4 Hidden Creek. This facility would be in our front</p> <p>5 door.</p> <p>6 The first meeting I was with with the</p> <p>7 Canyons came to our facility to talk about the</p> <p>8 Canyons and what they would be doing and wanted to</p> <p>9 get our reaction.</p> <p>10 Our reaction was, well, it might be fun,</p> <p>11 but we came here for the mountains, we don't want a</p> <p>12 huge ski facility here.</p> <p>13 Their response was, oh, don't worry about</p> <p>14 that, we -- you will never be able to see the Canyons</p> <p>15 from your building.</p> <p>16 And the truth is, that's all we do see.</p> <p>17 We have nurtured the wildlife at our lake</p> <p>18 and the deer and the ducks. We used to have to buy</p> <p>19 ducks, they come wild now. This facility will have a</p> <p>20 huge impact on us and our facility, and it's</p> <p>21 important to put it in the right place.</p> <p>22 I was at the University of Utah for 30</p> <p>23 years. We used to call the motor pool and the</p> <p>24 maintenance shed what they were. They were dirty,</p> <p>25 ugly, full of 24-hour maintenance buildings. Busy,</p>	<p style="text-align: right;">71</p> <p>1 an environmental impact study done at the original --</p> <p>2 during the original SPA process. That started</p> <p>3 in 1998, '99. So there was definitely some work back</p> <p>4 in that time when they were addressing all the global</p> <p>5 principles. Those environmental impacts, things of</p> <p>6 that -- were addressed at that time.</p> <p>7 MR. BOB JASPER: And did it specify</p> <p>8 anything having to do with where the maintenance</p> <p>9 facility would go?</p> <p>10 MS. TIFFANIE NORTHRUP-ROBINSON: We did</p> <p>11 not see anything specific in that study that would</p> <p>12 address the maintenance facility. There's</p> <p>13 discussions of obviously having ski services, but</p> <p>14 nothing specifically -- a location or area where that</p> <p>15 should be located.</p> <p>16 MR. BOB JASPER: Thank you.</p> <p>17 Who else would like to come up here? I'm</p> <p>18 looking for a few brave souls. You don't have to</p> <p>19 raise your hand, just maybe get in line.</p> <p>20 MR. DICK FROST: Mr. Chairman, good</p> <p>21 afternoon. Thanks for the opportunity of making a</p> <p>22 few comments.</p> <p>23 MR. BOB JASPER: I'm Mr. Manager.</p> <p>24 MR. DICK FROST: Mr. Manager.</p> <p>25 MR. BOB JASPER: I work for the chair and</p>
<p style="text-align: right;">70</p> <p>1 busy, busy around the clock. That does have an</p> <p>2 impact on us.</p> <p>3 I'm absolutely opposed to having this</p> <p>4 facility in this particular area. And after ten</p> <p>5 years of planning, it sounds like there have been</p> <p>6 other sites, and I suggest they find one that will be</p> <p>7 acceptable.</p> <p>8 I don't know if there's an environmental</p> <p>9 impact study been done by the Canyons and what impact</p> <p>10 it would have on the owners, but I would like to see</p> <p>11 a copy of that, because we are opposed to it and we</p> <p>12 think it's the wrong site for the wrong reason. And</p> <p>13 they have been working on this for ten years, they</p> <p>14 have come up with many other locations, and I suggest</p> <p>15 that they -- they look more deeply into this because</p> <p>16 we are opposed to it.</p> <p>17 MR. BOB JASPER: Thank you.</p> <p>18 Tiffanie, was there -- initially when the</p> <p>19 Canyons or its predecessor, was there an</p> <p>20 environmental impact statement done?</p> <p>21 MS. TIFFANIE NORTHRUP-ROBINSON: There</p> <p>22 was --</p> <p>23 MR. BOB JASPER: That's usually for</p> <p>24 federal lands, so --</p> <p>25 MS. TIFFANIE NORTHRUP-ROBINSON: There was</p>	<p style="text-align: right;">72</p> <p>1 the other four --</p> <p>2 MR. DICK FROST: Bob, thank you very much.</p> <p>3 MR. BOB JASPER: You're welcome.</p> <p>4 MR. DICK FROST: My name is Dick Frost,</p> <p>5 and I've had the opportunity of spending a lot of</p> <p>6 time up at the Canyons. I was part of the group that</p> <p>7 constructed that in 1968.</p> <p>8 Subsequently, our partnership purchased a</p> <p>9 hundred acres of ground from Taylor Lot (phonetic).</p> <p>10 Some of you folks that are here probably knew Taylor</p> <p>11 Lot. Nice, kind, old gentleman that has since passed</p> <p>12 away.</p> <p>13 Anyway, the ground that we purchased was</p> <p>14 on the west side of Fairway Springs, west border,</p> <p>15 and 224 was the east border of the hundred acres.</p> <p>16 Fast forward -- we purchased this in 1968.</p> <p>17 Fast forward to about 35 years ago when Jack Roberts</p> <p>18 was at Park City West's Park West project. The</p> <p>19 current location of the maintenance building was</p> <p>20 chosen by Jack and moved from its existing -- or</p> <p>21 where the previous location was where the -- where</p> <p>22 the Wesgate property currently stands down to its</p> <p>23 current location, with a promise from Jack that that</p> <p>24 would be subsequently moved within the ten- or</p> <p>25 15-year period. And bless his heart, it's still</p>

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1 there, part of which -- the maintenance building is  
 2 on one of our parcels, the corner of which is on a  
 3 parcel that we still own, F-2-B, our group consisting  
 4 of Joe Crofcheck, Walt Plum (phonetic), myself, and  
 5 Ron Ferrin (phonetic) owns a remaining two parcels up  
 6 there. We have a hundred acres that we have  
 7 subsequently sold off to Waldorf, Windham, Fairway  
 8 Springs, and several other projects that have -- have  
 9 taken place up there.

10 The Wind-- there's a problem with the  
 11 existing location. The Windham construction, once  
 12 that's completed, as well as the project that we're  
 13 looking at for F-7, which is immediately north -- or,  
 14 I'm sorry, south of the Frostwood Gondola, will cut  
 15 off the access of travel for the snowcats.

16 So following the Windham's completion and  
 17 F-7's completion, the snowcats, from their existing  
 18 location, will have no access to the mountain.

19 MR. BOB JASPER: That's to the existing  
 20 site.

21 MR. DICK FROST: I'm sorry?

22 MR. BOB JASPER: That's to the existing  
 23 site?

24 MR. DICK FROST: The existing site.

25 MS. TIFFANIE NORTHRUP-ROBINSON: In this

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1 area here.

2 MR. DICK FROST: That is correct.

3 Our partners, the gentleman that I've  
 4 listed, have all requested that we strongly recommend  
 5 that the location -- that the existing maintenance  
 6 location be moved.

7 Now, I'm not certain that the proposed  
 8 location is the right place to go. Had this been  
 9 addressed 12, 14 years ago when it really should have  
 10 been addressed, there would have been fewer neighbors  
 11 looking down in your backyard syndrome. But, you  
 12 know, back in that time when Jack Visiter (phonetic)  
 13 was at Talisker and Kenny Griswald was suing  
 14 everybody that looked cross-eyed at him, there was  
 15 more important things to address.

16 It is what it is. The maintenance  
 17 building is there, it needs to be moved.

18 Again, I'm not certain that the current  
 19 proposed location is the right location, but it's the  
 20 only location right now. Perhaps we can look down  
 21 the road at moving it again, which is not out of the  
 22 question. But, again, trying to move it on a number  
 23 of these places with all the eyes that are up there  
 24 now and proposed development will present a problem.  
 25 People don't want that in their backyard.

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1 Thank you.

2 MR. BOB JASPER: Thank you.

3 Tiffanie, a question. Why don't you step  
 4 up for a second.

5 The existing site is also scheduled to  
 6 give one of the holes of the golf course, is it not?

7 MS. TIFFANIE NORTHRUP-ROBINSON: Correct.

8 This area here, this is a portion of the golf course  
 9 that's already constructed. This area here, as far  
 10 as I understand, is the green, as anticipated.

11 Is that correct, Spencer?

12 I just want to make sure I'm not saying  
 13 anything incorrect, but that is the green area,  
 14 correct?

15 MR. SPENCER WHITE: That -- that's  
 16 correct.

17 And just so we're sure, Mr. Frost owns  
 18 this land --

19 MR. DICK FROST: Correct.

20 MR. SPENCER WHITE: -- that surrounds the  
 21 existing golf maintenance.

22 MR. DICK FROST: And --

23 MR. SPENCER WHITE: He also owns this --  
 24 there's a triangle right here. This is F-7.

25 MR. DICK FROST: That is correct.

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1 MR. SPENCER WHITE: This is F-2-B. We  
 2 currently cross parcel F-7 to access the site, and we  
 3 cross parcel F-2-B to access the site.

4 So as I mentioned, you know, if -- if our  
 5 location for our proposed building is not approved  
 6 and -- and Mr. Frost continues with his development,  
 7 one of the things we would need to look at is  
 8 shortening hole number 11. This is supposed to be a  
 9 par 5, and we could shorten that to a par 4. And  
 10 then we can reconfigure -- we would have to  
 11 reconfigure the tee boxes for hole 17. We would have  
 12 to come down in this area, cross the road to here to  
 13 our property, and then back to the maintenance  
 14 facility.

15 MR. DICK FROST: Let me make a comment.  
 16 We have a vested right and interest in what goes on  
 17 up here. When we bought a hundred acres, we were  
 18 requested, I will say, by the County -- we deeded 40  
 19 acres to the County for golf for \$10; we then deeded  
 20 50,000 square feet off F-6 to the County for zero to  
 21 sell -- to pay for part of the golf; we constructed  
 22 the Frostwood Gondola, \$1.4 million out of our back  
 23 pockets.

24 We have a vested interest here. We have  
 25 been planning for golf for the last 14 years and we

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1 want to see golf happen. We don't want to see those  
 2 holes altered. It's a good course as it is right  
 3 now; you alter those holes and it will be an okay  
 4 course.  
 5 Thanks for your time.  
 6 MR. BOB JASPER: Do you have any more  
 7 property we could buy from you at those prices?  
 8 MR. DICK FROST: We have some more. Are  
 9 you interested?  
 10 MR. BOB JASPER: No, not really.  
 11 MR. DICK FROST: I'll talk to you  
 12 afterwards.  
 13 MR. BOB JASPER: Afterwards.  
 14 All right. Who else comes up?  
 15 MS. SHARON HUBBARD: So I'm just a  
 16 homeowner in the neighborhood. Hidden Creek,  
 17 actually. And I --  
 18 MR. BOB JASPER: Who are you?  
 19 MS. SHARON HUBBARD: Sharon Hubbard  
 20 (phonetic).  
 21 MR. BOB JASPER: You have to write your  
 22 name too.  
 23 MS. SHARON HUBBARD: I will.  
 24 MR. BOB JASPER: Okay.  
 25 MS. SHARON HUBBARD: I will do that. I

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1 will do that.  
 2 MR. BOB JASPER: I want to be able to  
 3 refer to you as somebody other than --  
 4 MS. SHARON HUBBARD: A homeowner at Hidden  
 5 Creek?  
 6 MR. BOB JASPER: Yeah.  
 7 MS. SHARON HUBBARD: Got it.  
 8 Okay. So first of all, it's kind of  
 9 ironic that the -- the maintenance building was near  
 10 Westgate and it was moved because that wasn't a  
 11 desirable facility to be near a residential area,  
 12 moved down to where essentially there was no  
 13 residences. Now a lot has been built around and it's  
 14 going back to almost the same place, and it's at the  
 15 entrance to our resort.  
 16 I would think that property should be  
 17 something that's a showcase, not a facility for --  
 18 for trucks and maintenance.  
 19 And I refer -- and by the way, I'm not  
 20 real close to where this is going to be, so I'm  
 21 basically speaking because I have an opinion on the  
 22 whole, even though I've invested in the Canyons. I  
 23 also ski there almost every day. And -- and so I'm,  
 24 you know, a user of the facility.  
 25 I'm referring to an article in the Park

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1 Record last week called Sleepless at the Canyons. I  
 2 think almost everyone has seen this. But it talks  
 3 about what it's like to be near a maintenance  
 4 facility where the snowcats are running all night  
 5 long and backing up with their loud beep. And -- and  
 6 right now, even though we might have areas where  
 7 there's trucks and cars going in, it's pretty quiet  
 8 at night and we don't have noise pollution. This  
 9 definitely would add to, you know, a feeling of  
 10 unrest, hearing the noise pollution from the snowcats  
 11 backing up.  
 12 And also, even though they're coming into  
 13 that front part of the building, that's -- that's  
 14 high -- I mean, we can see them coming down on the  
 15 mountain. That's pretty high from everyone below  
 16 that, and so we will see those snowcats coming at us  
 17 all night long.  
 18 And that's it. Thank you.  
 19 MR. JOHN GARDINER: My name is -- my name  
 20 is John Gardiner. I'm president of Gardiner  
 21 Properties in Salt Lake City. We're the developer  
 22 of the Windham Hotel, which -- I don't have a  
 23 pointer, but if somebody has one, if they could point  
 24 that out.  
 25 MS. TIFFANIE NORTHRUP-ROBINSON: It's

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1 currently being constructed here.  
 2 MR. JOHN GARDINER: It's currently being  
 3 constructed right there.  
 4 And this is an interesting hearing,  
 5 because it seems like everybody loves to ski on  
 6 groomed runs, but nobody wants a snowcat facility on  
 7 the mountain. And that's pretty clear, that nobody  
 8 wants it in their backyard.  
 9 It's been in the backyard here for too  
 10 long, and the gentleman from TCFC mentioned that  
 11 there's a contemplation that it be moved. I want to  
 12 clarify that. There's a legal obligation in the  
 13 development agreement that this be moved. And we've  
 14 invested tens of millions of dollars in our project,  
 15 and we're happy because we're on budget and we're on  
 16 schedule. We're going to deliver this project this  
 17 fall. And when I stand there with the Windham  
 18 executives, right now what frames our view out of our  
 19 plate-glass windows is the ski maintenance facility.  
 20 It's a ram-shackled bunch of shacks that is very ugly  
 21 and very unsightly.  
 22 When we made this investment, we read the  
 23 development agreement, we understand there's going to  
 24 be a golf course here, we make investments based on  
 25 people's commitments and their obligations.

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<p>Sheet 21</p> <p style="text-align: right;">81</p> <p>1 So I want to point out that there's an 2 obligation to move this out of Frostwood. And -- and 3 our concern is that as people fight about where it 4 goes, nobody wants it, that the County comes up and 5 says, well, let's just leave it here until we can 6 figure this out. 7 And that doesn't work for us. It doesn't 8 work for our neighbors, it doesn't work for Dick 9 Frost, and it needs to be moved. 10 The schedule -- you know, our real concern 11 is the schedule's not being met. The schedule said 12 that this was supposed to be under construction last 13 fall in October. Okay? We're in April now. We're 14 still talking about where it's going to go. 15 The agreement says in June it's going to 16 be demolished. I'm going to be done in October. I 17 don't want to see it there in October. We counted on 18 this thing being gone, we counted on that being the 19 green for hole number 11. So when we talk about 20 impact, we're being impacted. 21 The access issue's a real issue. When F-7 22 gets built on, there is no access to get snowcats 23 here. There's no snowcats, there's no ski resort 24 operating. 25 So I just want to say that, you know,</p>	<p style="text-align: right;">83</p> <p>1 under that fifth addendum, there was a requirement 2 that the golf maintenance was to be started by 3 October of last year, and that the existing ski 4 maintenance was to be removed by June of this year, 5 completion of the golf course by September of this 6 year. 7 MR. BOB JASPER: Thank you. 8 MS. TIFFANIE NORTHRUP-ROBINSON: Is 9 that correct? 10 MR. JOHN GARDINER: Yeah, commence 11 construction of the new ski operations maintenance 12 October 2014. 13 (Alarm sounding.) 14 UNIDENTIFIED MALE: That's your 14 15 minutes. 16 MR. BOB JASPER: That's my 14 minutes? 17 UNIDENTIFIED MALE: Well, for him. You 18 can keep talking all you want. 19 MR. BOB JASPER: That's quite the buzzer, 20 isn't it? 21 MR. JOHN GARDINER: Yeah. Yeah. 22 MR. BOB JASPER: I -- I -- you all keep 23 that in mind if you're going to run over what -- what 24 may come next, so -- not that I'm a strict 25 disciplinarian or anything.</p>
<p style="text-align: right;">82</p> <p>1 let's stick with the agreement. When June comes, 2 let's get it -- let's move it. It can be moved 3 temporarily, it can be moved wherever it needs to be 4 moved. But we've counted on that, we've made the 5 investment, and it really needs to be moved out of 6 Frostwood. 7 Thanks. 8 MR. BOB JASPER: Can -- hold on. I want 9 to ask you a question, if I could. 10 MR. JOHN GARDINER: Sure. 11 MR. BOB JASPER: When you said it was to 12 be under construction in the fall, I had had a public 13 hearing that delayed final construction until this 14 coming September. And so are you taking that -- 15 that -- 16 MR. JOHN GARDINER: I may have missed 17 that. I'm looking at the fifth amendment to the 18 development agreement. 19 MR. BOB JASPER: Tiffanie, do you want to 20 jump in? 21 MR. JOHN GARDINER: It says that it 22 starts -- 23 MS. TIFFANIE NORTHRUP-ROBINSON: I don't 24 want to -- I think I -- I don't want to speculate, 25 but I'm assuming that Mr. Gardiner is speaking that</p>	<p style="text-align: right;">84</p> <p>1 All right. Who's next? 2 And thank you very much, sir. I 3 appreciate your comments. 4 Who wants to be next? 5 Does no one want to be next? If so, I 6 will adjourn 'til 6:00. 7 Now, you only get one bite at the apple at 8 this point. 9 MR. TONY TYLER: Okay. I'll say my two 10 cents. 11 MR. BOB JASPER: You can have 33 if you 12 want, as long as you tell us who you are and sign in. 13 MR. TONY TYLER: Tony Tyler. We're the 14 owners of the Juniper Landing development in 15 Frostwood, which is behind the Waldorf and next to 16 the Windham and Miners Club. 17 MR. BOB JASPER: Will you show me that? 18 MS. TIFFANIE NORTHRUP-ROBINSON: You can't 19 see it. This is the Waldorf right here, and they're 20 right up in this area here. 21 MR. BOB JASPER: Okay. That's close 22 enough. 23 MR. TONY TYLER: So I'll echo a lot of 24 John's comments as well. This was supposed to have 25 been moved many, many years ago, in excess of two</p>

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1 decades ago. And, you know, the inactivity is really  
 2 affecting us adversely, and the Frostwood  
 3 neighborhood. This facility is -- is right in our  
 4 front door as far as the Frostwood neighborhood goes.  
 5 And so I understand the -- you know, the  
 6 concerns with putting it on Canyons Resort Drive. At  
 7 the same time, it -- it certainly is an issue where  
 8 it is right now, and I do believe there is an  
 9 obligation to move it.  
 10 Is the location being proposed the best  
 11 possible one? Looking 20 years in the future, maybe,  
 12 maybe not. But based on what we have today, it  
 13 appears as though it may be the only option, or at  
 14 least the only legitimate option.  
 15 So I'm not necessarily in support or  
 16 denial of the existing, you know, proposal as it sits  
 17 to move the location to Frostwood Drive, but I'm very  
 18 much in support of dismantling the existing facility  
 19 as it exists now and moving on with golf.  
 20 MR. BOB JASPER: You know, I -- let me say  
 21 one -- I've -- there's been a couple bankruptcies, a  
 22 variety of things that have occurred since the  
 23 original spot was done. And when I first got here,  
 24 I -- I walked into a very long-tabled room with it  
 25 must have been 30 Salt Lake City attorneys sitting

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1 there -- you could almost see the cash registers  
 2 moving -- and the County spent a lot of time and a  
 3 lot of money trying to work through all kinds of  
 4 different neighborhoods and attorneys to get where we  
 5 got today.  
 6 So I hear you that -- what was anticipated  
 7 at the beginning and that we're way overdue. I think  
 8 the local radio station asks me every several months  
 9 how many years past '14 is it going to go on the golf  
 10 course. It's these kinds of issues that have -- it's  
 11 not for lack of trying on the part of the County,  
 12 and --  
 13 MR. TONY TYLER: Understood.  
 14 MR. BOB JASPER: Okay. Fair is fair.  
 15 MR. TONY TYLER: No, and I -- I think that  
 16 too with the -- with the designs that I've seen  
 17 from -- from TCFC, it appears to me that they've done  
 18 a lot of work to try to mitigate some of the impacts  
 19 of at least that particular building on that  
 20 particular location.  
 21 You know, I like the green roof, I like,  
 22 you know, the fact that it kind of sits down off the  
 23 hill a little bit, you know, it does have direct  
 24 access to the slopes.  
 25 So, I mean, there's definitely a lot going

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1 for it, and there's, you know, obviously a reason why  
 2 they proposed it here. I'm -- I'm glad I'm not in  
 3 their shoes trying to figure out where to put it,  
 4 because nobody wants this thing in their backyard.  
 5 But the reality is that we all have to have it to  
 6 operate the ski resort, so it's got to go somewhere.  
 7 MR. BOB JASPER: So I think your -- your  
 8 point is is that the temporary facility was -- was  
 9 committed to be a temporary facility.  
 10 MR. TONY TYLER: Correct.  
 11 MR. BOB JASPER: And you are not  
 12 necessarily saying it should go here or it should go  
 13 there, but it -- it's got to go.  
 14 MR. TONY TYLER: Correct.  
 15 MR. BOB JASPER: Gotcha. Thank you so  
 16 much.  
 17 MR. TONY TYLER: Thanks.  
 18 MR. BOB JASPER: Anybody else want to  
 19 speak?  
 20 Yes, ma'am.  
 21 I think I need to fully disclose now that  
 22 this woman beats me at bridge occasionally.  
 23 MS. DEBBIE PIERCE: Beats what?  
 24 UNIDENTIFIED FEMALE: Beats you at --  
 25 beats him at bridge.

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1 MS. DEBBIE PIERCE: Beats him at bridge.  
 2 I do. Once in a while, not very often.  
 3 My name is Debbie Pierce. I'm a  
 4 full-time, year-round resident at Hidden Creek. I'm  
 5 an owner and have lived there for nine years.  
 6 I fully agree with what both the Jensens  
 7 had to say, and it seems to me that it is a very  
 8 foolish thing to build another temporary maintenance  
 9 facility. Kind of a waste of money, in my opinion.  
 10 And it's been a long time in coming that this does  
 11 need to be moved -- it's a given it has to be  
 12 moved -- but I think it should be moved away from  
 13 residences.  
 14 That's all I have to say.  
 15 MR. BOB JASPER: Thank you.  
 16 Tiffanie?  
 17 MS. TIFFANIE NORTHRUP-ROBINSON: Yes?  
 18 MR. BOB JASPER: I'm now -- you know, I'm  
 19 older, and so I can get confused at times, but not  
 20 often. Was this laid out, this building, as a  
 21 temporary building?  
 22 MS. TIFFANIE NORTHRUP-ROBINSON: No. This  
 23 is anticipated to be a permanent location for the ski  
 24 maintenance facility.  
 25 MR. BOB JASPER: Thank you.

Sheet 23

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1 Is there anybody else that wants to speak,  
 2 or do you want to gather your thoughts and come back  
 3 at six?  
 4 You can't speak twice now unless I  
 5 specifically bring you up to ask you questions.  
 6 So, sir, you're wanting to speak twice.  
 7 MR. DICK FROST: No, no. I just have a  
 8 question.  
 9 MR. BOB JASPER: Okay.  
 10 MR. DICK FROST: The format for 6:00, is  
 11 it continued discussion, more input from the  
 12 audience?  
 13 MR. BOB JASPER: Well, that was a question  
 14 of debate. I'm going to allow legal counsels and  
 15 planning-consultant types to make a 15-minute or so  
 16 presentation, a more in-depth presentation, and then  
 17 I'm going to take additional comments.  
 18 MR. DICK FROST: One other question: At  
 19 what point will a possible decision be made on this?  
 20 Do you have a time frame that you're looking at? In  
 21 the event we can't come back at 6:00, do you have  
 22 any --  
 23 MR. BOB JASPER: Oh. Yeah, I don't --  
 24 whether you come back or not is -- you know, I -- I  
 25 want to hear everything. I'll close hearings

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1 tonight, but then I -- I need a -- a few days to  
 2 process, think about, go over people's -- my notes  
 3 and other people's notes.  
 4 MR. DICK FROST: So perhaps you're  
 5 thinking maybe a week from now or two weeks?  
 6 MR. BOB JASPER: Oh, I think a week from  
 7 now. That -- that would be my goal.  
 8 MR. DICK FROST: Okay.  
 9 MR. BOB JASPER: I mean, I -- I mean, I  
 10 don't know what's going to happen later in the  
 11 evening and what questions may be raised, but I -- I  
 12 don't like having these things hold on there.  
 13 And let me say to all of you too that  
 14 whatever decision I make, either side or sides can  
 15 appeal to the County council, and -- and may, and  
 16 then any decision the County council makes can be  
 17 appealed through the court process, or not. I mean,  
 18 a judge may refuse to hear it.  
 19 So I -- I'm not promising by having a  
 20 decision within a week that that will be the final,  
 21 final, final decision, because America's a system of  
 22 getting to appeal to --  
 23 Okay. Anybody else want to speak, or  
 24 shall we call it a day until we get back together  
 25 at 6:00?

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1 All right. I'm going once, going twice, I  
 2 adjourn this meeting because I'm nice.  
 3 (Meeting adjourned.)  
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1 REPORTER'S CERTIFICATE  
 2  
 3 STATE OF UTAH )  
 4 COUNTY OF SALT LAKE ) ss.  
 5  
 6 I, Robin Conk, Registered Professional  
 7 Reporter, do hereby certify:  
 8  
 9 That on May 27, 2014, I transcribed an  
 10 electronic recording at the request of Susan Ovard;  
 11  
 12 That the testimony of all speakers was  
 13 reported by me in stenotype and thereafter  
 14 transcribed, and that a full, true, and correct  
 15 transcription of said testimony is set forth in the  
 16 preceding pages, according to my ability to hear and  
 17 understand the tape provided;  
 18  
 19 That the original transcript was sealed  
 20 and delivered to Susan Ovard for safekeeping.  
 21  
 22 I further certify that I am not kin or  
 23 otherwise associated with any of the parties to said  
 24 cause of action and that I am not interested in the  
 25 outcome thereof.  
 26  
 27 WITNESS MY HAND AND OFFICIAL SEAL this  
 28 27th day of May, 2014.  
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Robin Conk, RPR  
 Residing in Salt Lake County

## MINUTES COUNTY MANAGER PUBLIC HEARING

THURSDAY, APRIL 10, 2014  
SHELDON RICHINS BUILDING  
COUNCIL CHAMBERS  
1885 WEST UTE BLVD.  
PARK CITY, UTAH

### PRESENT:

Robert Jasper – *County Manager*      Patrick Putt – *Community Development Director*  
David Brickey – *County Attorney*      Julie Booth – *Public and Community Affairs  
Coordinator*

Other employees present were: Peter Barnes, Jennifer Strader, Tiffanie Northrup-Robinson, and Ron Boyer. Kathy Lewis took the minutes. At 6:00 p.m., a public hearing was reconvened in order to discuss the proposed RC15 Zone Final Subdivision Plat and the Canyons Ski Maintenance Facility Final Site Plan.

Robert Jasper, Summit County Manager, explained this is a continuation of a meeting that began earlier in the day. At that meeting, Staff made a presentation which was followed by a presentation from the applicant. At that point, those who wanted to make public comment were able to do so.

Mr. Jasper outlined how this part of the meeting will proceed. The earlier presentations will not be repeated, but the public hearing will be re-opened. He asked those in the audience that have employed Attorney Joe Tesch to raise their hands. Upon seeing several hands being raised, Mr. Jasper said he would allow Mr. Tesch and his associate, Doug Clyde, to make a presentation. He would like to keep this presentation to approximately 15 minutes. He added he will most likely allow a rebuttal from the applicant following the public input. Mr. Jasper stated that he will not be making a decision at this meeting. He would like to take some time to consider the things he has heard.

Mr. Tesch said he would like to begin with Donna Van Buren speaking first, followed by Doug Clyde who will make a presentation. Following Mr. Clyde's presentation, there are two individual owners who would like to address some of the considerations. Mr. Tesch said he will end by giving a summarization of the issues at hand.

Donna Van Buren thanked Planner Northrup-Robinson and Director Putt for the Staff Report. There was a lot of information contained in this report. She added she has more information to add. She stated she is in favor of moving the current location of the facility. Since 1999, it has been promised to be moved from its current location. Based on this promise, the HOA

entered into seven different agreements with The Canyons. She outlined some of the agreements.

Ms. Van Buren said they want the Canyons Ski Resort to succeed; however, the Hidden Creek Subdivision was an existing property before the specially planned area (SPA) came into existence. The proposed location of the maintenance building is not where they were told it would be built.

Mr. Jasper noted there has been many different owners of The Canyons. He asked Ms. Van Buren who made the promise which she is speaking of. Ms. Van Buren answered it was Blaise Carrig and John Vihinen who were then with A.S.C. Mr. Jasper stated that would be pre-Talisker, the current owners. Ms. Van Buren agreed, but added that Talisker took on the obligations of A.S.C.

Ms. Van Buren said that she doesn't believe the proposed location is in the RC15 site. RC15 was a designated area next to the Grand Summit Hotel. This was brought to the attention of the applicants. Their response was that it would be too noisy for the people there. She said that answer implies that it would also be too noisy for the Hidden Creek Subdivision residents. She thinks it is wrong in either location.

Ms. Van Buren said the RC15 site is zoned is for residential and for the commercial enterprises that support the residents. It is not for ski resort or related facilities.

Ms. Van Buren said in 1998, she was a Planning Commissioner. She worked on a subcommittee with The Canyons and Blaise Carrig, John Vihinen, and some other individuals. It was decided to develop this as a SPA. The County Commission approved the plan, under Ordinance 333. In section five of that ordinance, permitted uses and residential densities were discussed. This section mentions the Grand Summit Hotel, along with other businesses in the area. All of these were to be located within the resort corridor. Ordinance 333 states that miscellaneous ski area services should be located on the mountain. The current location that this is being proposed is zoned village open space.

Ms. Van Buren said there is a location on the mountain that works, but it would be too expensive to build. She thinks it needs to be moved from where it is currently located but not to where it is being proposed. They have waited so long, they should wait a little longer and do it the right way. Ms. Van Buren passed her findings on to Mr. Jasper. Mr. Jasper said when the golf course was approved, some amendments were made to the SPA. He asked if that changes any of her findings. She said it does not. She thanked Mr. Jasper for his time.

Doug Clyde said he was hired by Tesch Law to represent Mr. Tesch's clients who are owners in the SPA. Mr. Tesch inserted that Tesch Law is representing the Grand Summit Hotel and the Silverado Lodge. Mr. Clyde said he was hired because of his long expertise in zoning, ski resort development, ski resort operations, and land development in resort communities. He has been doing these things for over 30 years.

Mr. Clyde distributed a handout of the power point presentation he would be speaking from. This presentation contained a list of items. Each one of the items represents a fatal flaw to this application going forward. The list includes:

- Zoning violations
- Code Violations
- Noise Ordinance Violations
- Seriously Flawed Site Analysis

Mr. Clyde said for the plat to be approved, it must be found that *none* of the statements in the following categories are true. He discussed each category separately.

ZONING VIOLATIONS (*based on where they want to put this building*):

- Industrial use in a village open space is prohibited.
- Industrial use in the village RC zone is also prohibited.
- The applicants are attempting to rezone the SPA as part of a plat approval. Mr. Clyde explained to rezone the SPA is beyond the scope of a plat approval.
- Ski area services are not permitted in the RC or Village OS zone.

Mr. Clyde said they can't get around these zoning violations.

CODE VIOLATIONS (*there are numerous Code violations including*):

- Setback encroachment to reservoirs.
- Encroachment of structures to the wetlands and streams setbacks. Mr. Clyde said these setbacks are 100 feet. They don't come close to meeting these setbacks.
- Direct impacts to wetland areas.
- Direct impacts to riparian areas. Mr. Clyde said riparian areas are protected in the Code. These have not even been delineated by the applicant.

Mr. Clyde said should Mr. Jasper find any of these statements to be true, then the application must be denied. That is a high hurdle to pass. Mr. Clyde added that the proposed building, which is a ski area service building, is 100% within an open space area. The applicants are proposing to expand RC15 so that it includes a much larger area. There is no justification for doing that. This is surrounded by village open space.

Mr. Clyde explained the difference between skier services and ski area services. Ski services provide for food, restrooms, and lodging. It is for the things that skiers need. Ski area services are the industrial component of the ski resorts, such as the grooming of the slopes and maintenance of vehicles. Ski area services are not allowed within the zone, whether it's in or outside of the core.

It is specified in Section 5.1 of Ordinance 333 that miscellaneous ski area services are to be located "on mountain." The existing ski area service building was in place at the time the

SPA was done. The master plan clearly did not allow for the continued use on that site. There is little doubt that Ordinance 333 intended this to be located on the mountain.

Mr. Clyde said that a common comment heard by the applicant is that the "Use" has to go "somewhere." He said this should be where it is zoned, in the MR zone. The SPA map is a sub-map of County zoning. At its core, this is a zoning dispute. Only the County Council can rule on zoning disputes.

#### SERIOUSLY FLAWED SITE ANALYSIS

Mr. Clyde said the SPA requires a site analysis including an analysis of critical areas. Zoning compliance has not even been attempted by the applicant. Zoning is the only way the County has to regulate the SPA development. Plat approval cannot be used as a basis to rezone. A graphic was shown that overlaid the proposed maintenance building with the map of the area. None of the building is located in RC15. The area the structure will be located in is 98% village open space.

The map provided by the applicant shows the site analysis is incredibly flawed. There are numerous flaws in this required exhibit. There are ponds inside the development area. There is a large pond located in phase two of the development parcel.

A picture of the detention pond was displayed. Mr. Clyde pointed out that setbacks to reservoirs are 100 feet; however, 39 feet of the proposed building is in the wetland. It consumes roughly half of the phase two parcel. He added this is not even taking into account the high water mark.

The applicant failed to delineate natural features such as wetlands, critical slopes, and critical lands. This was discovered by Staff after the Planning Commission came to Staff and said it seems improbable that a particular structure wouldn't be located in a wetland. The Planning Commission requested that Staff check into this. The applicant responded that it is located in a wetland, and they have a permit to fill the wetland. They did not disclose they were planning on filling the wetland nor that the wetland was not as shown in their exhibit.

Mr. Clyde said the planners of the SPA knew what they were doing. The zones were carefully sculpted out to avoid critical areas.

#### NOISE LEVELS

Mr. Clyde said that Summit County Ordinance 5-3-11 outlines the noise ordinance. He read a portion of this ordinance. He said this project cannot meet the Noise Ordinance. If they were required to have a noise study, it would not meet the ordinance.

Mr. Clyde summarized by saying there are zoning violations, code violations, apparent violations of the County Noise ordinance, and a seriously flawed site analysis. He said that this is a fatal flaw because this is a "shall" condition. It is the public that is injured when there is not full disclosure by an applicant.

Mr. Jasper opened the public hearing. He said he will give three minutes to anyone who would like to get up and speak.

Tom Kelley said he is an owner at Silverado Lodge. He has served on the HOA Board since its beginning and is now president of the HOA. They support the golfing, skiing and other activities at the Canyons. Last October is when they first heard of this proposal. At that time, guests from the applicants came to describe what was being proposed. At the 2:00 meeting earlier in the day is when he learned this proposal has been around since 2012.

Mr. Kelley said the HOA retained Doug Clyde and Joe Tesch to help them better understand this proposal. It seems short-sighted that there will be other buildings constructed in the future that will buffer the effects of this facility. They don't appreciate this for them, nor the people who will have to live with this in the future.

Mr. Kelley said he understands the neighbors at Frostwood are anxious to get rid of this existing site. Their property values will go up for having this moved. The property values of the proposed area will likely go down. This is a heavy transportation equipment facility. It will be loud, noisy, and constant. This will be in operation 24 hours seven days a week. This proposal is improper for this location.

The HOA supports the Planning Commission's 5-1 vote against this application. The HOA supports Staff's opposition. When they informed their residents of this proposal, a record number responded. Sixty-eight out of their 97 owners responded. All were in opposition.

John Molinaar said he is a Silverado Lodge owner. They don't understand how this has been in process since 2012 without their knowledge. Why, at the last minute, are they trying to decide where this place is going to go? There has been plenty of time to do the right thing. This location is essentially a residential area.

Mr. Molinaar said the Silverado Lodge has over 100 different owners. Taking into account the other areas, there will be 600 to 1,000 owners affected. Many of these are part time residents of Summit County. If approved, this will severely impact their property values and the enjoyment of their homes. How could the County allow over 1,000 people to be impaired by this facility?

Joe Tesch said he has never been involved in something where 1,000 unit owners have protested this location. He said Grand Summit Lodge has 600 to 800 owners. There are 100 owners in Silverado, over 200 owners in Hidden Cove, and 200 in West Gate. Their association has filed a letter protesting this action saying this is the wrong thing, in the wrong place.

Mr. Tesch added that everyone in this area has protested it. Everyone. Why? Because it is blight. It hurts them. It is noisy, it is messy. The Canyons want to build it here because it saves them money by not having to build a road up to the mountain. That is the only reason.

That reason should not be a consideration. They own 7,000 acres of mountain. They can find a place.

Mr. Tesch asked where are the owners of The Canyons? They don't know what their position is on this is. They don't know if they care about the 1,000 people within the Community. It is hard to judge this application without hearing from the owners.

Mr. Tesch said this is being proposed for a designated open space area. Open space is critical. It is what gives the area its life. Mr. Tesch said that Mr. Jasper has received over 300 letters. They all boil down to this being a nuisance. This will affect the resident's ability to enjoy their condominiums, it will affect their life. It will drive the prices down. It will keep people away from the Canyons.

Mr. Tesch said that people will not be able to sleep at night. Mr. Clyde (who has extensive experience with determining noise levels) has determined the noise generated from this facility will be the equivalent of an alarm clock all night long within the condominium. It will be impossible to enjoy a good night's sleep. Without a doubt, this is industrial in nature.

Mr. Tesch added that the parking plan is laughable. There are spaces for nine cars on site. They say the parking will be across the street with some lines painted on the road for safety. Mr. Tesch passed out some handouts from ASHTO. Mr. Tesch said when you put crosswalks across thoroughfares, you put people's lives in danger. They have nothing planned to protect these people. An engineer's study is required. This is another defect in their application. It is pure fiction that drawing cross walk lines will take care of the parking problem.

Mr. Jasper announced that the applicant will now be given time to make some rebuttals. He said although he doesn't buy all of the arguments, he is most concerned about the zoning element.

The applicant, Spencer White, said the zoning is allowed within the SPA. The use has been allowed since day one and it continues to be allowed. A previous Community Development Director determined that this is a commercial use and is allowed in the SPA and in RC15.

Mr. Jasper asked Director Putt if it would be a zoning violation to put the maintenance facility where the applicant has requested to do so. Director Putt said no it is not. As part of their initial review, he made the determination that the maintenance facility could be requested as part of support services on RC15.

Mr. Jasper asked Attorney Dave Brickey to work with Staff on the legal review of that question. He would like his opinion. As he understands it, Mr. Tesch and Mr. Clyde think this would be a clear violation of the zoning. He hears the applicant saying they don't think so. He also hears the Planning Director say that he doesn't think so. This is a key issue. He would like an answer to the question, "Is it or is it not a violation of the zoning?"

Mr. White said they have a representative from Vail present. Does Mr. Jasper have any questions for her? It may be questions about the operation of the building itself. He thinks it would be appropriate to hear from them.

Jenna Prescott said she is the Sr. Operations Director at Canyons Resort. While they do not feel that this location is ideal, Mr. White has represented very accurately why none of the other sites are suitable. They looked at ski resorts around the world and the location of their fleet maintenance buildings. They have worked very thoughtfully to minimize the impact of this particular location in the Resort Core.

Ms. Prescott said that grooming tractor traffic coming to the building in the evening will be unusual. It will only be when a tractor breaks down that will occur. It would be brought to the maintenance building to be serviced. It is true they may have to use a back-up alarm to get the tractor out of the building.

Ms. Prescott said they designed a one-way traffic flow so they won't need to be using back-up alarms on a regular fashion. This will prevent much of the noise during a shift change or moving the tractors around on a regular basis. As has been pointed out, the developer of the golf course has made accommodations on hole 17 so that it doesn't damage the golf course.

Ms. Prescott said the new yard will be about 1/3 the size of the current yard. The position of the building has been shifted. They have relocated several departments so that the impact of the building is not as great. Snowmaking and lift maintenance will be relocated to other areas.

Spencer White said what was referred to as a wetland is actually a detention basin for storm runoff. Mr. Jasper verified the difference between a retention basin and a detention basin. Mr. White said this is a detention basin. It is designed for certain storm events. The water will sit there until it evaporates or goes into the ground water. Every now and then you have to go in and scoop it out to get rid of the silt.

Mr. White said they keep hearing that this should be put on the mountain. If there was a location that they could build this, they would. They would need to have 1<sup>1</sup>/<sub>2</sub> acre of flat mountain land. They have considered many possible locations and they believe they have picked the best location.

Their counsel, Attorney Shawn Ferrin, said the Staff Report is very thorough and complete. This application is an allowed use and it complies with the SPA agreement including zoning. It complies with the Development Code.

Mr. Ferrin said the only concern Staff expressed about compliance with the Development Code is with a structure being constructed within a setback. He thinks Staff's interpretation of this is a new definition. It is not consistent with any interpretation previously applied. He and the applicants believe this interpretation would preclude most development. If Staff is not happy with that aspect of the Development Code, they need to amend it. They should not

apply a radical new interpretation to stop this project. If they do so it would be arbitrary and capricious. Mr. Jasper said it is County Council that amends the Development Code. It is not Staff. Attorney Ferrin said Staff should go to the County Council and seek a change if they don't like what the Development Code says. It should be applied consistently. He added they believe the application does comply with all requirements. They believe the application is full and complete.

Joe Tesch reminded Mr. Jasper that the architects from the University of Utah said putting this building at the very entrance of the SPA core would be a blemish and a reduction to what the Canyons is. The code allows flexibility to the government so long as it doesn't hurt the citizens. He should keep in mind the 1,000 people that would be injured.

Mr. Tesch said this application has to stand on its own. It can't be any better or any worse because there is a golf implication. With 7,000 acres of mountain, they can find some place to build this, but they may have to spend more money. That is what they don't want to do. They don't want to build a road.

Mr. Tesch said that Staff has been terrific. Even though they haven't always supported him, they have given him everything he has asked for. He could not have asked for more assistance.

Doug Clyde said in his report, he has always used the wording of "apparent wetlands." He has been doing wetlands delineation before the 1986 manual was written. He was trained by the people who wrote the 1986 manual. He knows how to delineate wetlands and other bodies of water.

Mr. Clyde said there is a setback to streams, ponds, and dams. There are no exceptions for detention basins. The reason for setback is simply for the protection of water quality. When a detention basin is drained, there is a pond at the bottom of it. These setbacks are not arbitrary and capricious. It is real to a pond, a detention basin, or to a dam.

The notion that Summit County could not be developed by using Staff's interpretation is factious. The Development Code also talks about floodplains and riparian areas, which are a subset of wetlands. If you have riparian vegetation, you may or may not be in a wetland; however, you can't have a wetland without riparian vegetation.

That section states that roads are permitted to cross streams and riparian areas. That is how Summit County got built. These are allowed to be crossed when there is a need to get to the other side. He said this case, there is no need to get to the other side. This is not a new interpretation. It has been around for decades. He has complied with it on a number of projects.

Mr. Clyde said a noise study must be required. This can't be allowed to go forward without a noise study. It has been indicated the noise will be 70 db, without including the back-up alarms. This project could never withstand a noise study.

Mr. Clyde said this is where the snow removal equipment will be serviced from. Snow removal doesn't happen on a schedule. There is the loading of sand, salt, and backing up. All of this is noisy. He appreciates that they can make a good effort, but they can't control that this will be a nuisance.

Mr. Jasper allowed everyone to have one last rebuttal. Tom Kelley referred to a chart that was displayed at the 2:00 meeting. It showed Staff's recommendation. Planner Northrup-Robinson said Staff's recommendation was that Mr. Jasper conduct a public hearing, take into consideration the public comment, consider Staff's recommendation along with the Planning Commission's negative recommendation, and deny the project.

At this point, Mr. Jasper closed the public hearing. He thanked the citizens for coming. He said he will not be making a decision at this meeting. It will be forthcoming in the near future. The meeting adjourned at 7:30

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**Approval Signature**

**CANYONS MAINTENANCE FACILITY  
SUMMIT COUNTY, UTAH**

**Appeal of the Decision of the County Manager to the Summit County Council**

**May 23, 2014**

THE APPLICATION FOR THE CANYONS MAINTENANCE FACILITY COMPLIES WITH ALL ASPECTS OF THE DEVELOPMENT AGREEMENT FOR THE CANYONS SPECIALLY PLANNED AREA AND THE SNYDERVILLE BASIN DEVELOPMENT CODE AND THE SUMMIT COUNTY COUNCIL SHOULD APPROVE THE FINAL SITE PLAN FOR THE CANYONS MAINTENANCE FACILITY.

I. **Introduction.** TCFC Finance Co. LLC, through certain of its affiliates (collectively, “**TCFC**”), is responsible for the development and operation of the golf course that is currently under construction at the base of Canyons Resort. As part of that construction project, the Summit County Manager (“**Manager**”) has required TCFC to relocate the existing resort maintenance facility that is situated on Frostwood Drive near the base of the Waldorf lift. Working with The Canyons Resort Village Association, Inc. (“**RVMA**”), Vail Resorts (the current operator of Canyons Resort), numerous professional consultants, and Summit County’s Planning Staff, TCFC conducted an extensive and thorough evaluation of numerous possible locations for a new resort maintenance facility (“**Maintenance Facility**”). That evaluation process included making sure that the Maintenance Facility complied with all land use and development code requirements. In September, 2013, TCFC submitted an application for a Final Site Plan and a Final Subdivision Plat for the Maintenance Facility to be located on Parcel RC15, adjacent to Canyons Resort Drive and in the approximate area of the Grand Summit Hotel and the Hidden Creek Condominiums. The Maintenance Facility includes an approximately 18,360 square foot building and related improvements. A depiction of the Maintenance Facility is attached at **Tab A**.

Despite a thorough and detailed analysis provided in the Staff Report, dated February 11, 2014 (“**Staff Report**”) (a copy of the Staff Report, not including Exhibits, is attached at **Tab B**), confirming that the Maintenance Facility is properly situated and complies with all zoning and open space requirements, on April 25, 2014 the Manager issued Findings of Fact & Conclusions of Law (“**Manager’s Findings**”)<sup>1</sup> stating that the Maintenance Facility is located in an open space and is not in compliance with the Amended and Restated Development Agreement for The Canyons Specially Planned Area, dated November 15, 1999, as amended (“**SPA Development Agreement**”). A copy of the Manager’s Findings is attached at **Tab C**. Based upon the

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<sup>1</sup> TCFC is attaching certain specific documents for ease of reference by the Council. TCFC understands that Planning Staff will submit into the record for this appeal full and complete copies of the Staff Report, the minutes and submittals for all of the Planning Commission meetings, the minutes and submittals for the Manager’s hearing, and any staff reports or other communications from or between county staff, the Planning Commission, the Manager, and the County Council regarding the Maintenance Facility. TCFC incorporates those materials into this appeal statement and as part of the record for this appeal.

following analysis, it is clear that the Manager's Findings are not supported by the SPA Development Agreement or the Snyderville Basin Development Code ("**Development Code**"), and the Summit County Council ("**Council**") should approve the Final Site Plan for the Maintenance Facility.

## II. **History of Approvals.**

A. **Design Review Committee.** In accordance with the SPA Development Agreement, on October 21, 2013 the RVMA's Design Review Committee reviewed and recommended approval of the Maintenance Facility. The Design Review Committee's approval is attached to the Staff Report as Exhibit G.

B. **Planning Staff.** The Community Development Director ("**Director**") and Planning Staff worked closely with TCFC in evaluating all aspects of the Maintenance Facility and ensuring that the Maintenance Facility complies with the SPA Development Agreement and the Development Code, including that the Maintenance Facility was properly located and did not violate any open space requirements. The Staff Report requested Planning Commission discussion on one environmental criterion contained in the Development Code, but otherwise states that the application complies with all requirements of the SPA Development Agreement and the Development Code.

C. **Planning Commission.** The Planning Commission conducted three hearings in considering the application. Based largely upon the Director's interpretation and application of the definition of a "structure" under the Development Code, the Planning Commission made a negative recommendation to the Manager. TCFC has appealed the Director's interpretation of a "structure" in a separate appeal to the Council.

D. **County Manager.** The Manager conducted public hearings on the application on April 10, 2014. Notwithstanding the Staff Report and the significant analysis that the Director and the County Attorneys provided in confirming that the Maintenance Facility was in an appropriate location and met all land use requirements, the Manager's Findings state that the Maintenance Facility is inappropriately located in open space and not "on-mountain."

## III. **Summit County Council Review Process.**

A. **Standard of Review.** Based upon Section 10-9-22 of the Development Code and Sections 10-9a-701 and 703 of Utah Code Annotated, the Council must review all aspects of TCFC's application for the Maintenance Facility. In completing that review, the Council must determine whether or not the Manager's Findings are "correct." [See Brown v. Sandy City Bd. of Adjustment, 957 P.2d 207, 209 (Utah Ct. App. 1998) (holding that a city appeal authority must review the interpretation of a zoning ordinance under correctness standard and not rational basis test). The Council does not have to give any deference to the Manager's Findings. Recent Utah case law also provides that when evaluating zoning ordinance decisions, "...provisions therein restricting property use should be **strictly construed**, and provisions permitting property uses should be **liberally construed** in favor of the property owner." Brown v. Sandy City Bd. of Adjustment, 957 P.2d 207 (Utah Ct. App. 1998) (emphasis added).

B. **Review Process.** There has been significant public input on the Maintenance Facility, both in opposition and in support of the application. The opposition has taken a very wide sweeping approach asserting that the application is flawed or contains code violations. Those assertions, when analyzed under the requirements of the SPA Development Agreement and the Development Code, have no factual or legal support and, in the end, are nothing more than emotional clamor. Under Utah law, if the application is complete and complies with the SPA Development Agreement and the Development Code, it must be approved—even if some constituents do not like the application.

While the Council must review the application for the Maintenance Facility in its entirety, that process is made easier because at the end of the extensive review and vetting by the approval authorities – the RVMA Design Review Committee, the Director, Planning Staff, Planning Commission, and the Manager - only two distinct issues remain. First, based upon a new interpretation taken by the Director of the term “structure” under the Development Code, the Director does not believe that the Maintenance Facility complies with one environmental criterion in the Development Code. Second, the Manager’s Findings state that the Maintenance Facility is located in open space and is not “on-mountain.” As a result, this appeal statement briefly reviews the entirety of the application and then addresses the two specific issues in greater detail.

#### IV. **Application Complies with All Requirements.**

A. **Complete Application.** Working with the Director, Planning Staff and the County Attorney, TCFC filled a complete application for the Maintenance Facility. The RVMA’s Design Review Committee determined that the application complied with all aspects of the SPA Development Agreement and the Development Code and made a positive recommendation. In the Staff Report, the Director and Planning Staff determined that the application was complete and that except for one environmental criteria, the application complied with all aspects of the SPA Development Agreement and the Development Code, including land use and zoning, parking, snow removal and storage, and lighting. In addition, at Planning Staff’s request, TCFC provided a noise mitigation plan and an operations plan that are attached to the Staff Report as Exhibit H.

B. **Environmental Criteria.** In the Staff Report the Director, through Planning Staff, made a new and very broad interpretation and application of the term “structure” under the Development Code. Using the Director’s interpretation, the Staff Report states that although the actual maintenance *building* complies with the Development Code, the Maintenance Facility as a whole does not comply with Section 10-4-2(C) of the Development Code, which provides that “[n]o structure shall be located within forty feet (40’) of a wetland”, because the proposed *maintenance yard, parking lot and retaining walls* intrude into the required setback area.” (emphasis added). TCFC believes that Director’s interpretation is improper and, if followed, will not only impact the approval of the Maintenance Facility, but will also significantly limit any future development in the Snyderville Basin. TCFC has separately appealed the Director’s determination on this issue. A copy of the TCFC’s appeal statement on this issue is attached at **Tab D.**

C. **Maintenance Facility Use and Location.** The Manager's Findings state that because the Maintenance Facility (i) is located in Village Open Space; (ii) is not located on Parcel RC15; and (iii) is located in the Resort Core and not "on-mountain," the Maintenance Facility does not comply with the SPA Development Agreement and the Development Code. The Manager does not provide substantial evidence supporting his decision. In fact, the Manager's Findings are in direct conflict with significant analysis provided in the Staff Report and in the Director's testimony, contain numerous incorrect and incomplete factual statements, and misapply the provisions of the SPA Development Agreement and the Development Code. For these reasons, the Manager's Findings are not correct.

1. **Village Open Space.** The SPA Development Agreement has significant open space requirements governing development at Canyons Resort. To date, TCFC and others have created open space easements and designated open space areas throughout the resort. In imposing these open space requirements, however, the SPA Development Agreement provides significant flexibility in where and how open space and corresponding development parcels are located.

a. **Designation of Open Space and Development Parcels.** In support of his position that the Maintenance Facility is located in Village Open Space and not on Parcel RC15, the Manager refers to Exhibit B to the SPA Development Agreement as designating specific and immovable open space and development parcel locations. This analysis fails to take into consideration the overriding design, planning, and development concepts imposed by the SPA Development Agreement and the planning and development that has been completed to date. Section 1 of the SPA Development Agreement specifically states that the SPA Development Agreement "allows for an appropriate level of flexibility" on the part of the property owners and developers. In that vein, Exhibit B to the SPA Development Agreement is an "illustrative plan" of how development could occur within Canyons Resort. In fact, the notes to Exhibit B specifically state that "[t]he drawing is for illustrative purposes and intended to be used to guide site planning and plat design for Project Sites."

Throughout the 15 years that development has occurred under the SPA Development Agreement, open space and development parcels have been designated, located, and relocated as each development project is submitted and processed for approval. Pursuant to Section 3.8 and Exhibit H of the SPA Development Agreement, the exact location of open space will be designated over time as part of the platting process. Planning Staff and the Planning Commission evaluated and addressed this issue, and in the Planning Commission hearing the Planning Staff noted that open space is "designated through the platting process", that "there are no hard lines to the open space bubbles" shown on Exhibit B, and that Exhibit B was not intended to "draw the parameters for those parcels". Section 3.8.2.3 of the SPA Development Agreement specifically provides that the exact location of open space is not determined until specific project sites – like the Maintenance Facility – are approved. In fact, a detailed analysis of the developments completed to date shows that many development parcels shown on Exhibit B have been moved or expanded into open space and village open space and, in turn, many development parcels have been turned into open space. Attached at **Tab E** is an overlay map that shows Exhibit B from the SPA Development Agreement on top of developments completed to date. Among the many changes that have occurred, without amendments to the SPA Development Agreement, the overlay map shows that (i) Summit County has obtained

approval for and constructed Lower Village Road on top of an area designated as Village Open Space on Exhibit B; (ii) that the developer of the Vintage on the Strand significantly relocated and reconfigured Parcels FRW1 and FRW2, including constructing townhomes in an area designated as Village Open Space on Exhibit B; (iii) Summit County has approved the construction of the golf course maintenance facility in an area designated as Village Open Space on Exhibit B; (iv) the developer of the Waldorf Astoria Hotel reconfigured Parcels F1 and F2 and constructed the hotel in an area designated as Village Open Space on Exhibit B; and (v) Summit County has approved Hidden Creek Condominium's construction of a road in an area designated as Village Open Space on Exhibit B. Conversely, all or portions of Parcels RC2, RC3, and RC6 are now used as open space.

By asserting that the Maintenance Facility is located in open space and is not located on Parcel RC15, the Manager fails to understand the design and development processes imposed by SPA Development Agreement. The final location of development parcels and open space was not set by Exhibit B to the SPA Development Agreement. The final location of development parcels and open space is determined and established through the site plan approval process. The SPA Development Agreement specifically intended and implemented this "appropriate level of flexibility."

2. **Parcel RC15 Allowed Uses.** Although not addressed in the "Conclusions" section of the Manager's Findings, Paragraph 13 of the "Findings" section states that that Parcel RC15 is designated for use as "Residential/Multi-Family/Hotel/Lodging Units". Although not specifically stated, the resulting assumption is that since the Maintenance Facility is not a residential/multi-family/hotel/lodging development, it is not an allowed use on Parcel RC15. The Manager, however, attached an outdated version of the Land Use and Zoning Chart and failed to note that the Land Use and Zoning Chart specifically entitled Parcel RC15 with 20,000 square feet of "Commercial/Retail Support". The Staff Report correctly notes that the designated Commercial/Retail Support use includes the operation of the Maintenance Facility.

3. **Maintenance Facility Location.** The Manager states that the Maintenance Facility is located in the Resort Core Development Area and not "on-mountain" and, therefore, does not comply with the SPA Development Agreement. There is no legal or factual support for this position. Preliminarily, the SPA Development Agreement does not define "on-mountain" and, since the Maintenance Facility is near operating lifts and ski runs, an argument can be made that the Maintenance Facility is, in fact, "on-mountain." Upon closer evaluation, however, there is no requirement under the SPA Development Agreement that the Maintenance Facility be on-mountain. Rather, the SPA Development Agreement specifically contemplates that the Maintenance Facility can be located in the Resort Core or other base development areas.

a. **Ordinance 333 and 333A.** In support of his decision that the Maintenance Facility must be "on-mountain," the Manager references Section 5.a. of Ordinance No. 333, which states that "miscellaneous ski area services are to be located "on-mountain". The Manager fails to note, however, that Ordinance No. 333 only imposes this requirement with respect to projects that were known as "Phase I" development projects. The SPA Development Agreement defines and makes clear the Phase I projects only include the Grand Summit Hotel, Sundial Lodge, and certain other projects approved prior to November, 1999 within the "Resort

Core and Center” and the then previously approved “Ski 98”, which included the Red Pine Lodge, Flight of the Canyons gondola, and other lifts, lodges, and ski area service facilities all located “on-mountain.” Ordinance No. 333 approves the Phase I projects, but it does not address any other projects. Ordinance No 333A approves all of the other – post 1999 – developments projects within Canyons Resort. And while Ordinance No. 333A incorporates the approvals from Ordinance No. 333, it does not impose those requirements on other development projects. In fact, Section 2.2 of the SPA Development Agreement states that where there are conflicts between the development approvals under Ordinance No. 333 and Ordinance No. 333A, the development approvals under Ordinance No. 333A control. As further support, the Preamble to Ordinance No. 333A, which is an amendment to Ordinance No. 333, notes that the a primary purpose of the SPA Development Agreement is to allow “flexibility in the use of land, densities, site layout, and project design...”.

b. **Resort Core Location Authorized.** Contrary to the Manager’s assertion that the Maintenance Facility must be located “on-mountain,” a careful reading shows that the SPA Development Agreement contemplates that the Maintenance Facility can, in fact, be built either “on-mountain” or in one of the other development areas such as the Resort Core. As described above, Exhibit B to the SPA Development Agreement contains the Land Use and Zoning Chart for all development at Canyons Resort. Under the Land Use and Zoning Chart Parcel RC15 is entitled for up to 20,000 square feet of density for “Commercial/Retail Support”. Note 1.4 to the Land Use and Zoning Chart specifically provides that the “Commercial/Retail Support” uses include “skier services.” To ensure the quality of the skiing experience, Exhibit B to the SPA Development Agreement also establishes build out requirements for space directly related to these skier services such as restaurant seating, rest rooms, public lockers, employee lockers, and retail sales. Tables 4 and 5 to Exhibit B then establish recommended thresholds to “keep skier services in balance” and notes that space for “[t]hese services will be phased into the *development areas* [which would include the Resort Core, Lower Village, and West Willow Draw, among others] and on mountain lodges...”. The specifically enumerated space for skier services includes “mechanical” and “storage” – which are the anticipated uses for the Maintenance Facility. Tables 4 and 5 also specifically contemplate development of the Maintenance Facility as part of the space for skier services stating “...space is required to support the grooming fleet, lift maintenance, snowmaking facilities and grounds equipment. This space should be approximately 22,000 square feet to 25,000 square feet if inside grooming fleet storage is planned.” This analysis and conclusion is supported by the Staff Report and the Director’s testimony. Accordingly, not only does the SPA Development Agreement not require the Maintenance Facility to be built “on-mountain,” it specifically contemplates that a maintenance facility of approximately 22,000 square feet can be built in the Resort Core.

V. **Conclusion.** The Manager's Findings are in direct conflict with the specific requirements of the SPA Development Agreement, the Development Code, and the thorough analysis provided in the Staff Report and by Director. In addition, The Manager's Findings contain numerous incorrect and incomplete factual statements. In the end, the Manager does not provide substantial evidence supporting his decision. TCFC filed a complete application that complies with the SPA Development Agreement and the Development Code. The Council must find that the Manager's Findings are not correct and must approve TCFC's Final Site Plan for the Maintenance Facility.

**TAB A**  
**DEPICTION OF MAINTENANCE FACILITY**

**TAB B**  
**STAFF REPORT**

**TAB C**  
**MANAGER'S FINDINGS**

**TAB D**  
**APPEAL STATEMENT - STRUCTURE**

**TAB E**  
**OVERLAY MAP**

## Annette Singleton

---

**From:** Tassie Williams <tassiew@teschlaw.com>  
**Sent:** Thursday, May 29, 2014 5:13 PM  
**To:** Kent Jones  
**Cc:** County Manager; Chris Robinson; sferrin@parsonsbehlehaw.com; Dave Thomas; Pat Putt; Vicki Geary; Annette Singleton  
**Subject:** Motion to Intervene Regarding the Hearing Scheduled Before the Summit County Council on June 4, 2014 and Regarding all other Subsequent Proceedings  
**Attachments:** Motion to Intervene 5.29.14.pdf

Kent,

Attached please find our Motion to Intervene Regarding the Hearing Scheduled Before the Summit County Council on June 4, 2014 and Regarding all other Subsequent Proceedings.

Please let me know at your earliest convenience if you need an original or if there is a filing fee.

Thank you,  
Tassie Williams

## Tesch Law Offices, P.C.

314 Main Street, 2nd Floor  
PO Box 3390  
Park City, Utah 84060  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

**“Straight Talk. Sound Advice. Proven Results.”**

**To learn more about Tesch Law Offices, PC [<http://www.teschlaw.com/>](http://www.teschlaw.com/)**

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Joseph E. Tesch (A3219)  
Tesch Law Offices, P.C.  
P. O. Box 3390  
314 Main Street, Suite 200  
Park City, UT 84060-3390  
(435) 649-0077 (telephone)  
(435) 649-2561 (facsimile)  
[joet@teschlaw.com](mailto:joet@teschlaw.com)

*Attorneys for Intervenors*

<b>SUMMIT COUNTY COUNCIL</b>	
<p><b>TCFC PROPCO, LLC</b></p> <p style="text-align: center;"><b>Appellant,</b></p> <p><b>v.</b></p> <p><b>SNYDERVILLE BASIN PLANNING COMMISSION,</b></p> <p style="text-align: center;"><b>Respondent,</b></p> <p><b>SILVERADO CONDOMINIUM HOMEOWNERS ASSOCIATION and GRAND SUMMIT HOTEL OWNERS ASSOCIATION,</b></p> <p style="text-align: center;"><b>Intervenors.</b></p>	<p><b>MOTION TO INTERVENE REGARDING THE HEARING SCHEDULED BEFORE THE SUMMIT COUNTY COUNCIL ON JUNE 4, 2014 AND REGARDING ALL OTHER SUBSEQUENT PROCEEDINGS</b></p>

Attention: Summit County Commission Chairperson and Council Members

COMES NOW, Tesch Law Offices, P.C. and Joseph E. Tesch, and hereby move the Summit County Council for an Order permitting the Silverado Condominium Homeowners Association and the Grand Summit Hotel Owners Association to intervene and fully participate in the hearing that is currently scheduled before the Summit County Council on Wednesday, June 4, 2014 on the above entitled matter; and,

AS GROUNDS THEREFORE, Intervenors state as follows:

1. This intervention is on behalf of the Silverado Homeowners Association and the Grand Summit Hotel Owners Association (hereinafter the “HOAs”).
2. Tesch Law Offices, P.C. has also been authorized to pursue the interests of the following parties in continuing to object to and resist the placement of the ski maintenance facility on the open space adjacent to Canyons SPA parcel RC 15:
  - a. The Westgate Lodge Park City SPA and Condominium Association;
  - b. The Sundial Condominium Association;
  - c. The interest of all of the individual owners of condominium units in all of the above HOAs who have personally filed objections to the aforementioned location of the ski maintenance facility.
  - d. All in all, the above parties represent owners of in excess of 1000 condominiums in the Canyons SPA which condominiums are in the vicinity of the proposed location for the ski maintenance facility and would be significantly damaged by locating the ski maintenance facility in that location.
3. Tesch Law Offices, P.C. has participated in the representation of the interests of all of the above parties in the proceedings before the Snyderville Basin Planning Commission, which resulted in the decision which is being appealed by Appellant.
4. If allowed to intervene in this matter, Intervenors intend to introduce evidence and oral argument [including a PowerPoint presentation] by Doug Clyde, who made a presentation before the Snyderville Basin Planning Commission, Joseph E. Tesch, who provided letter briefs and oral argument before the Snyderville Basin Planning

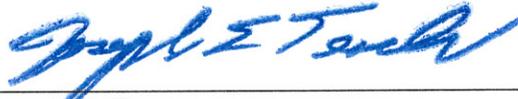
Commission and possibly representatives of the various entities and individuals listed and perhaps above.

5. Intervenors request that since they are the parties who will be directly damaged if the ski maintenance facility is allowed to be located in the open space adjacent to Parcel RC 15, that they be allowed a similar amount of time to make their presentations as is permitted for the Appellant.
6. Intervenors request that the County Council deny Appellant's Appeal and affirm the decision of the Snyderville Basin Planning Commission.

Thank you for your consideration of this Motion.

Dated this 29<sup>th</sup> day of May, 2014.

TESCH LAW OFFICES, P.C.



---

Joseph E. Tesch

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of May, 2014, I delivered a true and correct copy of the MOTION TO INTERVENE REGARDING THE HEARING SCHEDULED BEFORE THE SUMMIT COUNTY COUNCIL ON JUNE 4, 2014 AND REGARDING ALL OTHER SUBSEQUENT PROCEEDINGS via electronic copy to:

Summit County Council  
C/o Chairperson Christopher Robinson

Summit County Manager  
Bob Jasper

Chief Civil Deputy Summit County Attorney  
Dave Thomas

Snyderville Basin Planning Commission  
C/o Vicki Geary

Community Development Director  
Pat Putt

Attorney for Appellant  
Shawn Ferrin

A handwritten signature in blue ink is written over a solid horizontal line. The signature is cursive and appears to read "Shawn Ferrin".



## STAFF REPORT

**To:** Summit County Council  
**From:** Sean Lewis, County Planner  
**Date of Meeting:** June 4, 2014  
**Type of Item:** Consent Decree Amendment - Public Hearing, Possible Action  
**Process:** Legislative Review

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### Proposal:

The developer of the Enclave at Sun Canyon proposes to amend the terms of a Consent Decree dated October 1, 2007. The proposal also seeks to extend the expiration of the decree for a term of up to one year to allow the developer time to work through the Development Agreement Amendment process with the Snyderville Basin Planning Commission for more substantial amendments to the agreement.

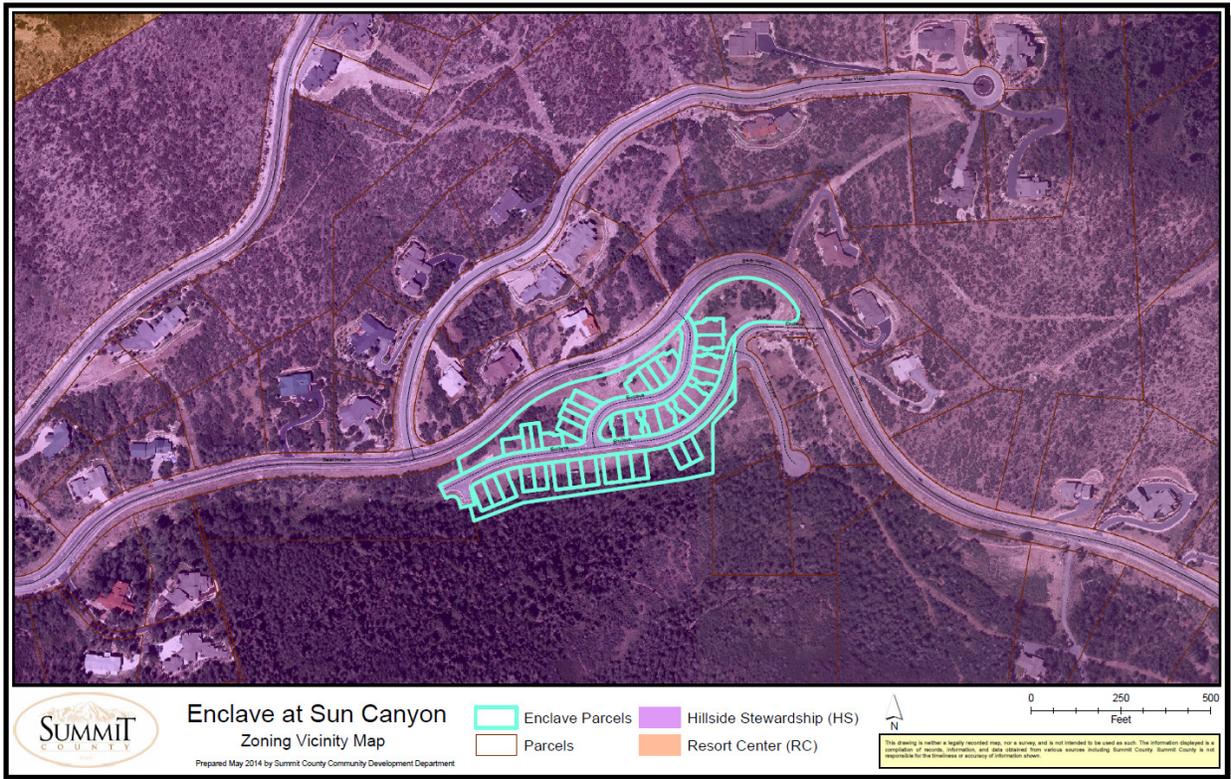
### Recommendation:

Staff recommends that the SCC consider the issues outlined in this report regarding the application and vote to approve an extension of the Consent Decree.

### Project Description:

Project Name:	Enclave at Sun Canyon – Consent Decree Amendment
Applicant(s):	Wade Budge, representing Synergy Development
Property Owner(s):	Enclave at Sun Canyon Partners, LLC.
Location:	4890 Enclave Way
Zone District:	Hillside Stewardship (HS)
Type of Process:	Administrative
Final Land Use Authority:	Summit County Council

## Vicinity Map:



## Background:

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

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

On April 24, 2014, the applicant made a request to the SCC to amend the terms of the Consent Decree and to extend the expiration under the terms of the Agreement. The proposed amendment seeks to amend the site plan and reduce overall density by 2 units. The SCC instructed Staff and the applicant to follow the Development Agreement Amendment process in regards to amending the site plan and overall density. Staff was then instructed to schedule a public hearing with the SCC to take action regarding extending the expiration date of the Consent Decree.

## **Analysis and Findings:**

Per paragraph 8 of the Consent Decree, prior to the expiration of the agreement, the applicant may “request an extension of the term of [the Consent Decree] in recognition of extenuating circumstances provided it has proceeded with reasonable and continuous diligence in satisfying the terms hereof. The Summit County [Council]’s consent shall not be unreasonably withheld.”

The applicant has received Building Permits on 8 of 35 approved units. Staff finds that the applicant has proceeded with “reasonable and continuous diligence” as required.

## **Recommendation:**

Staff recommends that the SCC consider the issues outlined in this report regarding the application and vote to approve an extension of the Consent Decree.

## **Findings of Fact:**

1. Summit County entered into the Enclave at Sun Canyon Consent Decree on October 1, 2007.
2. The Consent Decree is set to expire on September 30, 2014.
3. Synergy Development requested an extension to the expiration date via letter dated March 6, 2014.
4. Paragraph 8 of the Consent Decree states that the Summit County Council shall not unreasonably withhold approval of an extension to the Consent Decree, provided the applicant has “proceeded with reasonable and continuous diligence in satisfying the terms [of the agreement].”
5. The applicant has received Building Permits on 8 of 35 approved units.

## **Conclusions of Law:**

1. The applicant has proceeded with reasonable and continuous diligence in moving forward with the agreement as approved.
2. The term of the Consent Decree is extended for a period of \_\_\_\_\_ months; expiring on \_\_\_\_\_, 2015.
3. Granting of the Extension does not guarantee to the applicant an approval of any substantial amendments to the Development Agreement.

## **Public Notice, Meetings and Comments**

This item was noticed as a public hearing and possible action regarding an amendment to a Consent Decree in the May 24, 2014 issue of *The Park Record*. Postcard Courtesy notices were also mailed to property owners within 1,000 feet of the Enclave development area.



## STAFF REPORT

**To:** Summit County Council  
**From:** Sean Lewis, County Planner  
**Date of Meeting:** June 4, 2014  
**Type of Item:** Special Exception - Public Hearing, Possible Action  
**Process:** Legislative Review

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### Proposal:

Taulia Americas has moved into office space in the Town Center zone that was most recently used as a nightclub. The applicant is requesting that the Summit County Council (SCC) grant a Special Exception to allow a change in use from “Bars, taverns, clubs” to “Offices, moderate”.

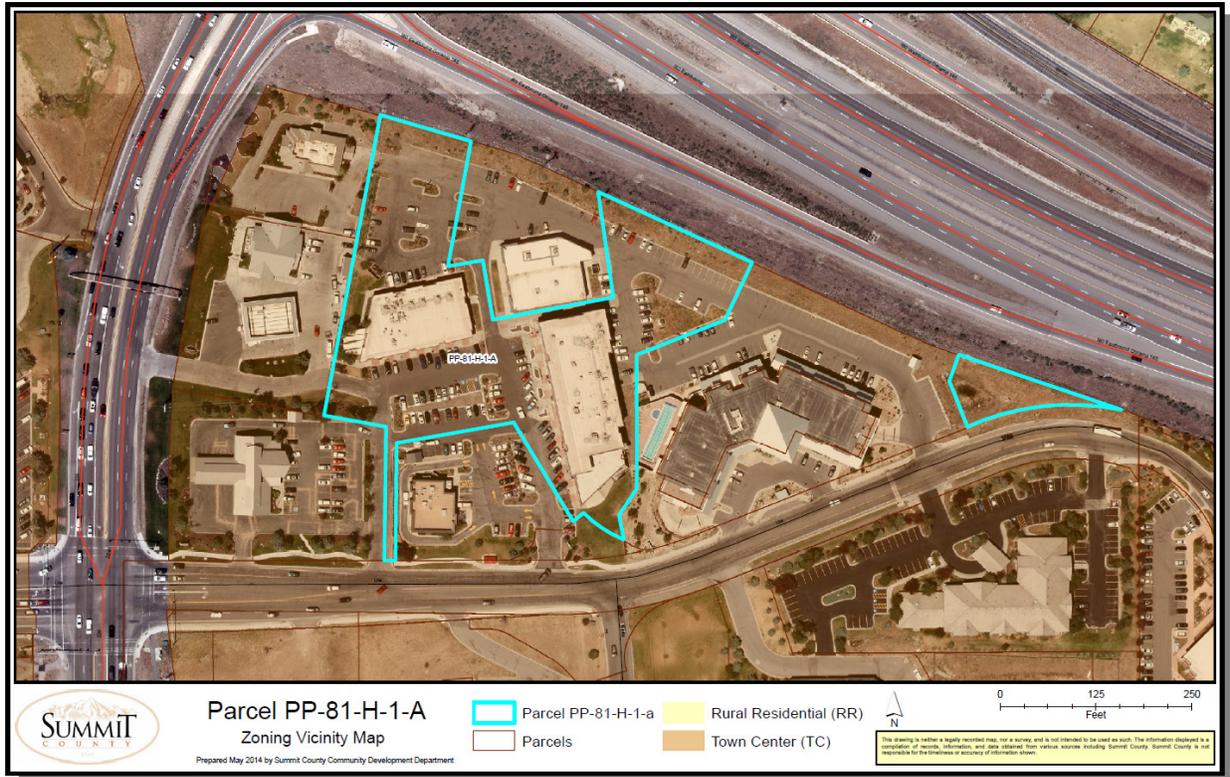
### Recommendation:

Staff recommends that the SCC consider the issues outlined in this report regarding the application and vote to approve a Special Exception for a change of use in the Town Center Zone.

### Project Description:

Project Name:	Taulia Americas – Use Change
Applicant(s):	Matthew Wright
Property Owner(s):	B & B Western Properties, LLC.
Location:	1612 Ute Blvd, Suite 200
Zone District:	Town Center (TC)
Parcel Number and Size:	PP-81-H-1-A, 3.28 acres
Type of Process:	Special Exception
Final Land Use Authority:	Summit County Council

## Vicinity Map:



## Background:

The Snyderville Basin Development Code does not list uses within the Town Center zone, as uses within the Town Center are to be determined during the Specially Planned Area (SPA) process (see Section 10-2-10). The subject building was built prior to the implementation of the Town Center zone and as such does not have a Development Agreement or SPA that identifies allowed uses for the development.

In 2013, the Summit County Council instructed Staff that the preferred method to process these applications should be the Special Exception process, until such time that uses are identified in the Town Center Zone.

The space in question has been vacant for several years. The last known use of this particular space was the Club Suede nightclub.

## **Analysis and Findings:**

The SCC may approve, approve with conditions, or deny a Special Exception based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

**Standard 1:** The special exception is not detrimental to the public health, safety and welfare; **COMPLIES**

**Analysis:** The proposed use is a general office with several employees. Employees are on site during traditional business hours. Staff does not anticipate increased impacts related to traffic, parking, lighting, or noise as a result of the proposal.

**Standard 2:** The intent of the development code and general plan will be met; **COMPLIES**

**Analysis:** According to section 10-2-12, "The purpose of the Town Center (TC) or Resort Center (RC) designation is to allow, at the discretion of Summit County, flexibility of land use, densities, site layout, and project design. Summit County may only use the Specially Planned Area (SPA) process to consider development within identified Town and Resort Center Zone Districts."

The proposal is to change a use within an existing development. The proposed use is compatible with neighboring uses in the Town Center Zone.

**Standard 3:** The applicant does not reasonably qualify for any other equitable processes provided through the provisions of this title; **COMPLIES**

**Analysis:** The available alternative applicable process that the applicant could qualify for is the SPA/Development Agreement process. This process would be unreasonable for the applicant, as multiple current tenants could be affected by such a process.

**Standard 4:** There are equitable claims or unique circumstances warranting the special exception. **COMPLIES**

**Analysis:** The development predates the Town Center Zone. The Town Center Zone requires that developments use the Development Agreement process to define allowed uses within the zone. The combined condition creates a unique circumstance that warrants a Special Exception.

## **Recommendation:**

Staff recommends that the SCC consider the issues outlined in this report regarding the application and vote to approve a Special Exception for a change of use in the Town Center Zone.

## **Findings of Fact:**

1. Matthew Wright, represents Taulia Americas, which has leased space from B & B Western Properties, LLC., the listed fee title owner of Parcel PP-81-H-1-A.
2. Parcel PP-81-H-1-A is 3.28 acres in size.
3. Parcel PP-81-H-1-A is located at 1612 W Ute Blvd.
4. According to Summit County assessment records, a commercial building was erected on parcel PP-81-D-1 in 1997, in compliance with the Development Code standards in effect at that time.
5. Comprehensive amendments to the Snyderville Basin Development Code were adopted March 9, 1998 via Summit County Ordinance #323. This ordinance created the Town Center Zone.
6. Parcel PP-81-H-1-A is located in the Town Center Zone.
7. The structure and previous uses allowed on Parcel PP-81-H-1-A are considered to be “legal non-conforming” as they were not developed as part of a SPA Process.
8. The surrounding uses are commercial/office in nature.
9. The proposed use is commercial/office in nature.
10. Per section 10-3-7 of the Snyderville Basin Development Code, “Where the county council finds that an applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this title unduly burdensome, it may, after a public hearing, approve special exceptions to the zoning provisions of this title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of [the Snyderville Basin Development Code] or any provision thereof.”

## **Conclusions of Law:**

1. The proposed change in use to “Offices, Moderate” is not detrimental to the public health, safety, and welfare.
2. The intent of the Town Center Zone to “allow, at the discretion of Summit County, flexibility of land use, densities, site layout, and project design” will be met.
3. The applicant does not reasonably qualify to apply for a SPA/Development Agreement.
4. The development predates the Town Center Zone. The Town Center Zone requires that developments use the Development Agreement process to define allowed uses within the zone. The combined condition creates a unique circumstance that warrants a Special Exception.

### **Public Notice, Meetings and Comments**

This item was noticed as a public hearing and possible action regarding a Special Exception in the May 24, 2014 issue of *The Park Record*. Postcard Courtesy notices were also mailed to property owners within 1,000 feet of parcel PP-81-H-1-A.

At the time of this report, Staff has received no inquiries from the public regarding this application.