Summit County Restaurant Tax Advisory Committee

Interview Schedule

Wednesday, September 3, 2014
Richins Building, conference room behind auditorium
2 vacancies; 2 interviews

2:05 PM Brooks Kirchheimer

2:15 PM Brooke Hontz (reapplying)

Vacancies are a result of Jeff Ward and Brooke Hontz's terms expiring. Jeff Ward did not wish to reapply.

RAP Tax Cultural Committee
Interview Schedule

Wednesday, September 3, 2014
Richins Building, conference room behind auditorium
3 vacancies

2:25 PM Melissa Marsted (phone interview 805-618-0028)

2:35 PM Connie Nelson

Kirstie Rosenfield previously interviewed on 2/5/14
(Interviewed for Restaurant Tax Committee, but was interested in RAP Tax Cultural Committee)

Vacancies are a result of Tom Fey, Carole Sanders, and Jan Massimino's terms expiring.

RMOX HALL

BEST OF SHOW
Fine Arts Youth
Fine Art:
Oil or Acrylic Painting
Youth 9 to 12 grade

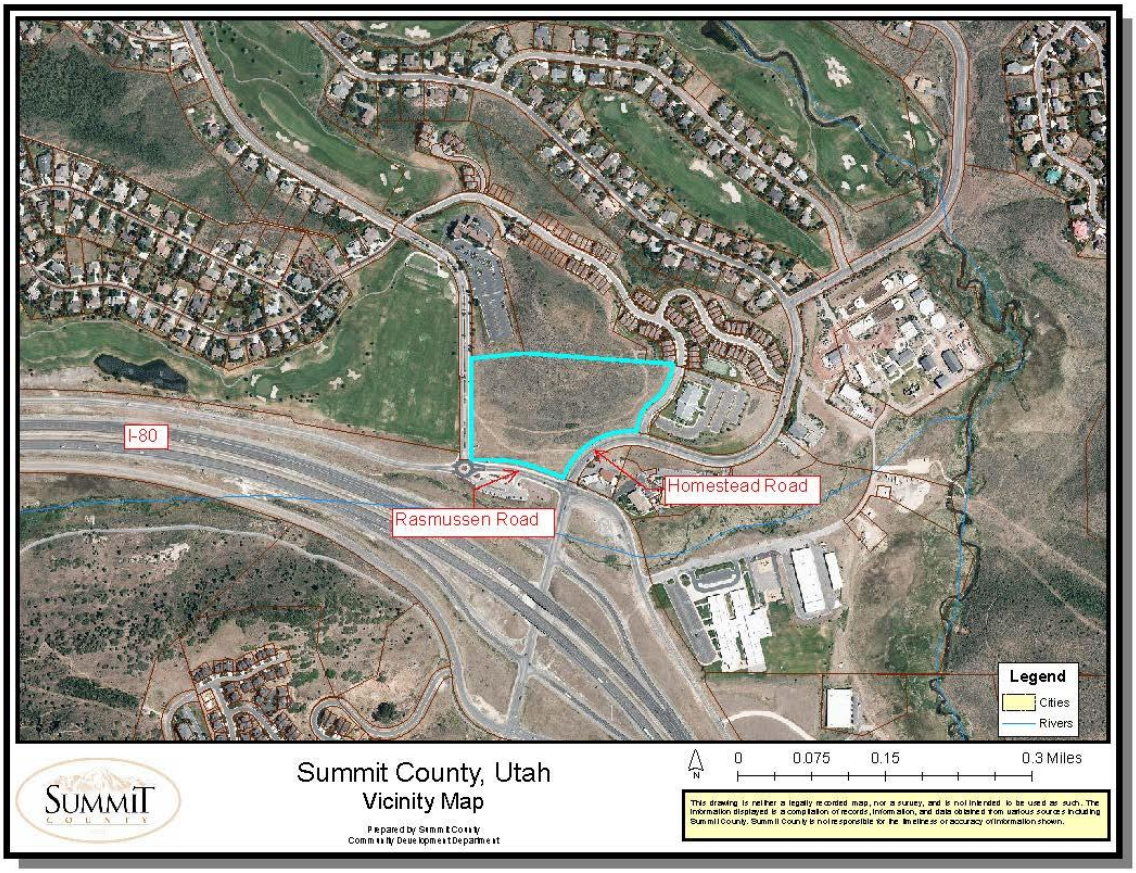
MEMORANDUM

To: Summit County Council
From: Jennifer Strader, County Planner
Date of Meeting: September 3, 2014
Type of Item: Discussion – Proposed Amendment to a Settlement Agreement
Process: Legislative Review

Proposal

The property owner, Vernon Merritt, is requesting that the Summit County Council (SCC) discuss and consider amending the Jeremy Center Settlement Agreement for Parcel SS-3-F, containing 11.79 acres, located on the northwest corner of Rasmussen and Homestead Roads in Jeremy Ranch.

Vicinity Map



Background

The Jeremy Center Settlement Agreement was entered into as a settlement to legal action on June 28, 2005 and allows for 66,000 square feet of commercial/retail development **(Exhibit A)**. On May 8, 2013, the applicant requested that the SCC consider amending the Agreement; however, it was determined at that time that the applicant did not provide enough information that detailed how the Agreement would be amended; for example, what uses were proposed? How much density was proposed? How would the proposed site plan differ from the approved site plan?

The applicant has since met with Staff and provided more details and is again requesting that the SCC consider the request **(Exhibits B, C, & D)**. The proposed amendments are as follows, but would be dependent on compliance with all applicable Development Code standards:

EXISTING USES	EXISTING DENSITY	PROPOSED USES	PROPOSED DENSITY
Commercial Retail and Office	**TOTAL: 66,000 sq. ft.**	Commercial Retail and Office	35,250 sq. ft.
		Hotel/Specialty Retail	15,000 sq. ft. footprint
		20 condominium units	28,000 sq. ft.
		20 townhome units	48,000 sq. ft.
		37 single family dwellings	88,000 sq. ft.
			TOTAL: 215,320 sq. ft.

Analysis

The applicant is requesting that the Settlement Agreement be modified to increase the total project density from 66,000 square feet to 215,320 square feet asserting that higher density (primarily in the form of residential development) is key to the success of a mixed-use development. The current General Plan (Phase 1) recognizes commercially entitled properties such as the applicant's property. The design intent for future development in the area is to achieve compatibility with the existing environment including the preservation of open space, vegetation, and wildlife habitat. Phase II of the Plan is intended to guide future land uses by identifying potential growth and preservation areas. A General Plan Phase II subcommittee of the Planning Commission has been established and meeting regularly. One of the proposed policies is that no additional (new) density should be created until the existing entitlements are exhausted. Staff anticipates this to be an important topic to be discussed with the entire Planning Commission, County Council, and public throughout the Phase II process. The current General Plan encourages mixed-use centers, but in future identified areas (i.e. Phase II).

The primary questions that the SCC is asked to address are:

1. Is the SCC willing to amend the current Settlement Agreement to allow for a change to the permitted uses and Final Site Plan Design?
2. Is the SCC willing to increase the project density so as to allow for the integration of residential units into the project design?

Staff's preliminary findings include the following:

1. The existing Final Site Plan marginally meets the overall design objectives of the current General Plan and Development Code.
2. The existing permitted uses (per the Settlement Agreement) are limited in square footage and height.
3. Amending the Final Site Plan layout and allowing for a broader mix of uses may allow for the opportunity to create a more viable neighborhood center and better overall/integrated site design.

However, until Phase II of the General Plan is complete, Staff is concerned that it may be premature to entitle this amount of additional density.

Recommendation

Because this Agreement was a settlement of a land use litigation action, there is no formal action or process by which to amend this type of agreement; due to this, Staff is requesting further direction from the SCC. If the SCC determines that it would be appropriate to amend the Agreement, a public hearing would be scheduled before the Snyderville Basin Planning Commission who would then forward a recommendation to the SCC where an additional public hearing would be held and final action taken.

Attachments

Exhibit A: Existing Settlement Agreement and Final Site Plan
Exhibit B: Applicant's Request
Exhibit C: Proposed Site Plan
Exhibit D: Aerial Photo w/Site Plan

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 28 day of June, 2005, by and between Summit County, a body politic of the State of Utah, through its Board of Commissioners ("Summit County") and James Winkler, and JIMROB Jeremy, LTD, a Utah limited partnership (collectively, "Winkler").

RECITALS

A. The Jeremy Center parcel, approximately 11.79 acres (the "Property"), which is owned by Winkler, was originally subdivided as part of the Jeremy Ranch Consent Agreement and received preliminary site plan approval from Summit County for 100,000 square feet of commercial and retail density on June 19, 2000;

B. On June 19, 2001, the County took the position that the preliminary site plan had expired;

C. Thereafter, a dispute arose as to the validity of the preliminary site plan culminating in Winkler bringing suit against Summit County in the District Court on January 14, 2004, Case No. 030500779MI, ("Lawsuit") asserting that he had vested development rights in the Jeremy Center;

D. Winkler and Summit County now wish to resolve their respective claims and defenses in the Lawsuit.

NOW, THEREFORE, in consideration of the foregoing, the covenants, promises and releases set forth herein, the parties hereto agree as follows:

1. Approval of Final Site Plan.

Summit County hereby approves the Jeremy Center Final Site Plan, which is incorporated herein as Exhibit "A". Said Final Site Plan provides for 66,000 square feet of commercial and retail density.

A. The issuance of further development permits, to include building permits, shall be governed by Chapter 10 of the Summit County Code (Snyderville Basin Development Code), or its successor ordinance. This shall include tendering all engineering and construction documents, final landscaping, lighting, architecture, elevations, and signage plans to Summit County prior to building permit application.

B. Commercial uses shall be consistent with those listed in the Jeremy Ranch Consent Agreement. Fast food restaurants, drive through businesses, walk up food services, automotive services, sales, repairs, and maintenance, or uses that

EXHIBIT A

create excessive noise, noxious odors, nuisances or general high traffic levels are prohibited.

C. Each commercial use is limited to 3,000 square feet of "sales space."

D. Height of buildings is restricted to 30 feet, measured in accordance with the zoning regulations in effect at the time of building permit application.

E. Interior and exterior lighting must be turned off by 10:00 p.m.

2. Bus Loop Turn-around.

As an integral part of the consideration for the County entering into this Settlement Agreement, Winkler agrees to provide a bus loop turn-around on the Property or, in the alternative, shall contribute to the County sufficient money or bond (estimated to be $45,000) to build a bus loop turn-around at the intersection of Jeremy and Rasmussen Roads. In the event that said turn-around is not constructed within five (5) years from the date of this Agreement, Winkler shall dedicate an easement on the Property sufficient to build a turn-around. Said easement shall not encroach any closer than 30 feet to any building.

3. Reimbursement of fees.

Summit County shall pay to Winkler as reimbursement for overpayment of development fees the amount of $19,152.00. Payable within 30 days of execution of this Settlement Agreement.

4. Dismissal of Lawsuit.

Within 10 days after execution of this Settlement Agreement, Winkler and Summit County shall file in the Lawsuit a stipulation for dismissal with prejudice in the form attached hereto as Exhibit "B".

5. Winkler Release.

Except as provided in this Settlement Agreement, and conditioned upon issuance of the Final Site Plan approval (Exhibit "A"), Winkler, on behalf of itself and its respective past, present, and future insurers, assignees, subrogees, affiliates, subsidiaries, parent persons or entities, partners, limited partners, joint venturers, members, managers, shareholders, directors, officers, employees, employers, trustors, trustees, beneficiaries, loan participants, agents, fiduciaries, and attorneys does hereby fully and irrevocably release, acquit, and forever discharge Summit County, and its respective past, present, and future insurers, assignees, subrogees, affiliates, subsidiaries, parent persons or entities, partners, limited partners, joint venturers, members, managers, shareholders, directors, officers, employees, employers, trustors, trustees, beneficiaries, loan participants, agents, fiduciaries, and attorneys, and each of them who might be

liable or claimed to be liable, none of whom admit liability, but all of whom expressly deny liability, of and from any and all past, present, or future claims, demands, debts, contracts, actions or causes of action, suits or causes of suit, of any kind and nature whatsoever, whether known or unknown, suspected or unsuspected, and in whatever legal theory or form, which Winkler now has, claims to have, or has at any time theretofore had, or claims to have, arising from by reason of or in any way connection with any transaction, agreement, occurrence, act or omission whatsoever, pertaining to the Lawsuit.

6. Miscellaneous.

a. Amendment and Waiver. No amendment or waiver of any provision of this Settlement Agreement shall in any event by effective unless the same shall be in writing and signed by the parties hereto, and then such waiver or consent shall be effective only in the specific instance or for the specific purpose for which it is given.

b. Parties in Interest. This Settlement Agreement shall inure to the benefit of and be binding upon the parties named herein and their respective successors and assigns.

c. Entire Transaction. This Settlement Agreement contains the entire understanding among the parties with respect to the transactions contemplated hereby and shall supersede all other agreements and understandings between the parties. Other than this Settlement Agreement, there are no other agreements, statements, representations, and/or warranties, oral or otherwise, upon which any of the other parties hereto are relying.

d. Applicable Law. This Settlement Agreement shall be governed by and construed in accordance with the laws of the State of Utah. The parties agree that any dispute arising from this Settlement Agreement shall be litigated in courts located in Summit County, Utah.

e. Headings. This section and other headings contained in this Settlement Agreement are for purposes of reference only and shall not effect in any way the meaning or interpretation of this Settlement Agreement.

f. Counterparts. This Settlement Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Settlement Agreement. Facsimile signatures shall be deemed to be originals.

g. Attorney's Fees. In the event of breach of this Settlement Agreement, the party found at fault hereby agrees to pay the costs and reasonable attorney's fees incurred in the enforcement thereof.

h. Incorporated Documents. All exhibits, attachments, and other documents to be delivered by parties hereto concurrently herewith are hereby incorporated in this Settlement Agreement by this reference.

SUMMIT COUNTY

By: _____
Chairman

ATTEST:

_____
Sue Follett
County Clerk

JAMES WINKLER

_____

JIMROB JEREMY, LTD.

By: _____
General Partner

FINAL SITE PLAN FOR:

THE JEREMY CENTER

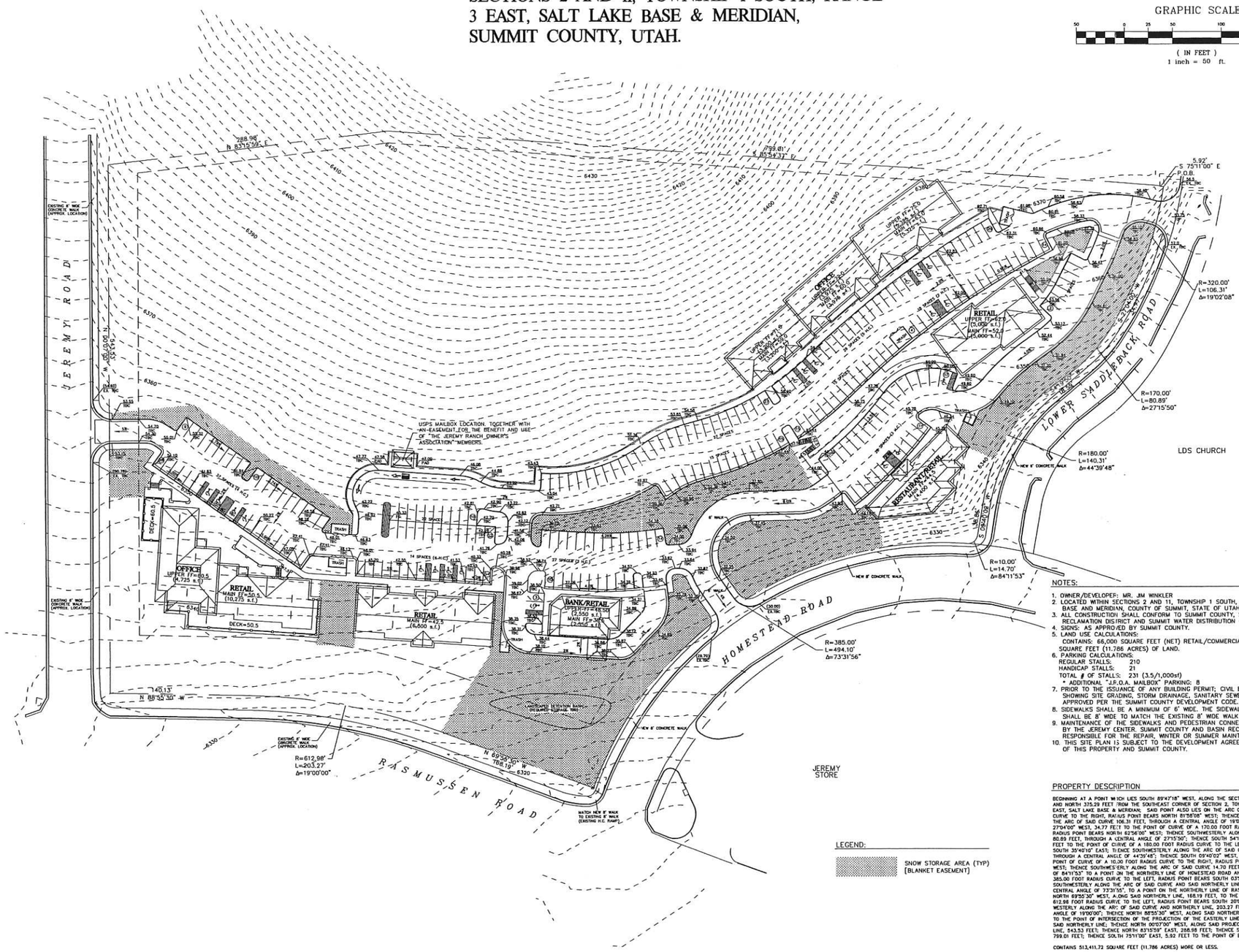
A COMMERCIAL DEVELOPMENT LOCATED IN SECTIONS 2 AND 11, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH.

NORTH

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.



NOTES:

1. OWNER/DEVELOPER: MR. JIM WINKLER
2. LOCATED WITHIN SECTIONS 2 AND 11, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, COUNTY OF SUMMIT, STATE OF UTAH.
3. ALL CONSTRUCTION SHALL CONFORM TO SUMMIT COUNTY, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT AND SUMMIT WATER DISTRIBUTION COMPANY REQUIREMENTS.
4. SIGNS: AS APPROVED BY SUMMIT COUNTY.
5. LAND USE CALCULATIONS:
   CONTAINS: 66,000 SQUARE FEET (NET) RETAIL/COMMERCIAL SPACE ON 513,411.72 SQUARE FEET (11.786 ACRES) OF LAND.
6. PARKING CALCULATIONS:
   REGULAR STALLS: 210
   HANDICAP STALLS: 21
   TOTAL # OF STALLS: 231 (3.5/1,000sf)
   * ADDITIONAL "J.P.O.A. MAILBOX" PARKING: 8
7. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT; CIVIL ENGINEERING DESIGN DRAWINGS SHOWING SITE GRADING, STORM DRAINAGE, SANITARY SEWER AND WATER DESIGN MUST BE APPROVED PER THE SUMMIT COUNTY DEVELOPMENT CODE.
8. SIDEWALKS SHALL BE A MINIMUM OF 6' WIDE. THE SIDEWALK ALONG HOMESTEAD ROAD SHALL BE 8' WIDE TO MATCH THE EXISTING 8' WIDE WALK ALONG RASMUSSEN ROAD.
9. MAINTENANCE OF THE SIDEWALKS AND PEDESTRIAN CONNECTIONS WILL BE MAINTAINED BY THE JEREMY CENTER. SUMMIT COUNTY AND BASIN RECREATION WILL NOT BE RESPONSIBLE FOR THE REPAIR, WINTER OR SUMMER MAINTENANCE.
10. THIS SITE PLAN IS SUBJECT TO THE DEVELOPMENT AGREEMENT BETWEEN THE OWNER OF THIS PROPERTY AND SUMMIT COUNTY.

PROPERTY DESCRIPTION

BEGINNING AT A POINT WHICH LIES SOUTH 89°47'18" WEST, ALONG THE SECTION LINE 176.08 FEET AND NORTH 375.29 FEET FROM THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; SAID POINT ALSO LIES ON THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS NORTH 81°58'08" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 106.31 FEET, THROUGH A CENTRAL ANGLE OF 19°02'08"; THENCE SOUTH 27°04'00" WEST, 34.77 FEET TO THE POINT OF CURVE OF A 170.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS NORTH 63°56'00" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 80.89 FEET, THROUGH A CENTRAL ANGLE OF 27°15'50"; THENCE SOUTH 54°19'50" WEST, 18.59 FEET TO THE POINT OF CURVE OF A 180.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS SOUTH 35°40'10" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 140.31 FEET, THROUGH A CENTRAL ANGLE OF 44°39'48"; THENCE SOUTH 09°40'02" WEST, 38.86 FEET TO THE POINT OF CURVE OF A 10.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS NORTH 80°19'58" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 14.70 FEET, THROUGH A CENTRAL ANGLE OF 84°11'53" TO A POINT ON THE NORTHERLY LINE OF HOMESTEAD ROAD AND ON THE ARC OF A 385.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS SOUTH 03°51'55" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY LINE 494.10 FEET, THROUGH A CENTRAL ANGLE OF 73°31'56", TO A POINT ON THE NORTHERLY LINE OF RASMUSSEN ROAD; THENCE NORTH 69°55'30" WEST, ALONG SAID NORTHERLY LINE, 168.19 FEET, TO THE POINT OF CURVE OF A 612.98 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS SOUTH 20°04'30" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND NORTHERLY LINE, 203.27 FEET, THROUGH A CENTRAL ANGLE OF 19°00'00"; THENCE NORTH 89°55'30" WEST, ALONG SAID NORTHERLY LINE, 140.13 FEET TO THE POINT OF INTERSECTION OF THE PROJECTION OF THE EASTERLY LINE OF JEREMY ROAD WITH SAID NORTHERLY LINE; THENCE NORTH 00°07'00" WEST, ALONG SAID PROJECTION LINE AND EAST LINE, 543.53 FEET; THENCE NORTH 83°15'59" EAST, 288.98 FEET; THENCE SOUTH 85°54'37" EAST, 799.01 FEET; THENCE SOUTH 75°11'00" EAST, 5.92 FEET TO THE POINT OF BEGINNING.

CONTAINS 513,411.72 SQUARE FEET (11.786 ACRES) MORE OR LESS.

PLOTTED: JUNE 28, 2005

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1741 Sidewinder • Suite 200 • P.O. Box 2861 • Park City • UT • 84060
(435) 649-4667 • Fax: (435) 649-9219 • Email: evergreen-eng@qwest.net

REVISIONS		
DATE	BY	COMMENTS
12/21	GRW	TRASH/DUMPSTER LOCATIONS/ISLANDS
12/28	GRW	SNOW STORAGE AREAS DELINEATED
5/28	GRW	FINAL SITE REVISIONS PER COUNTY

© 2005 Evergreen Engineering, Inc.

DESIGNED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

THE JEREMY CENTER
FINAL SITE PLAN

FOR: MR. JIM WINKLER
DWG: JC-GRAD-05-R
JOB NO. 0443

HATTERAS RANCH, LLC
2692 Ruminant Road . Aspen Springs Ranch . Park City, UT 84060
(973) 886-7836

August 19, 2014

Jennifer Strader
County Planner
Summit County - Utah
60 N. Main Street
PO Box 128
Coalville, UT 84017
jstrader@summitcounty.org

RE: Amendment to Settlement Agreement between Summit County, Utah *and* James Winkler, JIMROB Jeremy, LTD (the "Agreement")

Presentation to Summit County Council – August 27th, 2014

Dear Jennifer:

Thank you and Pat Putt very much for taking the time to meet with myself and our land use planner and principals over the past year as we have prepared our plans to amend the above-referenced Agreement. We look forward to the opportunity to present this concept to the County Council on August 27 together with you and Pat.

In order to brief the Council prior to our presentation on August 27th we are providing your office with a conceptual site plan and supporting images and information. We are prepared to discuss these in greater detail at our meeting with the Council. As you are aware from our numerous meetings with you and Pat over the past 16 months, the gist of what we are proposing is to apply "best practices" planning to this piece of land, in full conformance with the County's new General Plan, and consistent with what are commonly referred to as "new urbanism" or "traditional neighborhood development" – style land use planning approaches. We have also approached our planning from the standpoint that we are starting with a blank canvas, rather than tying a millstone round the neck of what would be ideal by

EXHIBIT B

viewing this project as needing to be derivative from the existing, non-idealized plan that is the subject of the within Agreement with Summit County. The reason for our approach is to take advantage of the opportunity to create a truly win-win-win situation for everybody (County, developer, nearby residents and other stakeholders); to create in the Snyderville Basin a project that every stakeholder can be certain is the best and most synergistic, value-additive project possible. We believe the end result will be something that Summit County can point to as a model piece of great planning and be proud of for generations to come. Finally, we agree with County planning that though ours is but a relatively small project in the whole scheme of Summit County, it is a relatively quite visible and important one, and that no opportunity should be lost to do great, forward-thinking projects as vacant, developable land becomes less and less available.

What follows is a textual summary of what we are proposing, and the images and concept plan supplement this by providing visual context.

Pertinent Information

Existing plan – 66,000 sq.ft. of commercial retail and office/professional development spread over the site.

Proposed new plan – greater than 200,000 sq.ft. (depending on final density and design) of true mixed-use development. Approximately 3/4 of the additional density would be residential. The numbers shown in the attached concept plan are as follows:

Commercial Retail & Office:	35,520 sq.ft.
Hotel or Specialty Retail:	15,000 sq. ft. footprint*
Residential	
Condominium (20 units)	28,000 sq. ft.
Townhome (20 units)	48,000 sq.ft.
Single Family (37 units)	88,000 sq.ft.
Total SF	**215,320 sq.ft.**

*Hotel would add approximately 30,000 sq.ft. if three stories

Summary Statement/Overview

Throughout 2013 and the first half of 2014, Summit County has been in the process of re-envisioning and updating it's General Plan. The new General Plan (adopted in February, 2014) identifies a matrix of nine (9) key characteristics/issues and impacts that should guide future development in the county. Our approach to amending the within Agreement has addressed each of these nine issues. By investing extensive time and working with County planning officials to develop our proposed new plan as a true "*Mixed Use Center*" that will "occur in harmony with the unique aesthetic qualities of a mountain environment." The proposed increase in density of this new plan at Jeremy Ranch is desirable – consistent with the General Plan's precepts – because it will benefit and not detract from the general health, safety and welfare of the entire community, and it would provide a significant benefit to the community at large.

We look forward to being able to present with you and Pat our case for this proposed amendment to the Summit County Council on August 27th.

Thank you sincerely in advance,

/S/ Vernon Merritt – Managing Member
Hatteras Ranch, LLC
Owner

Jeremy Station
Park City

Development Data

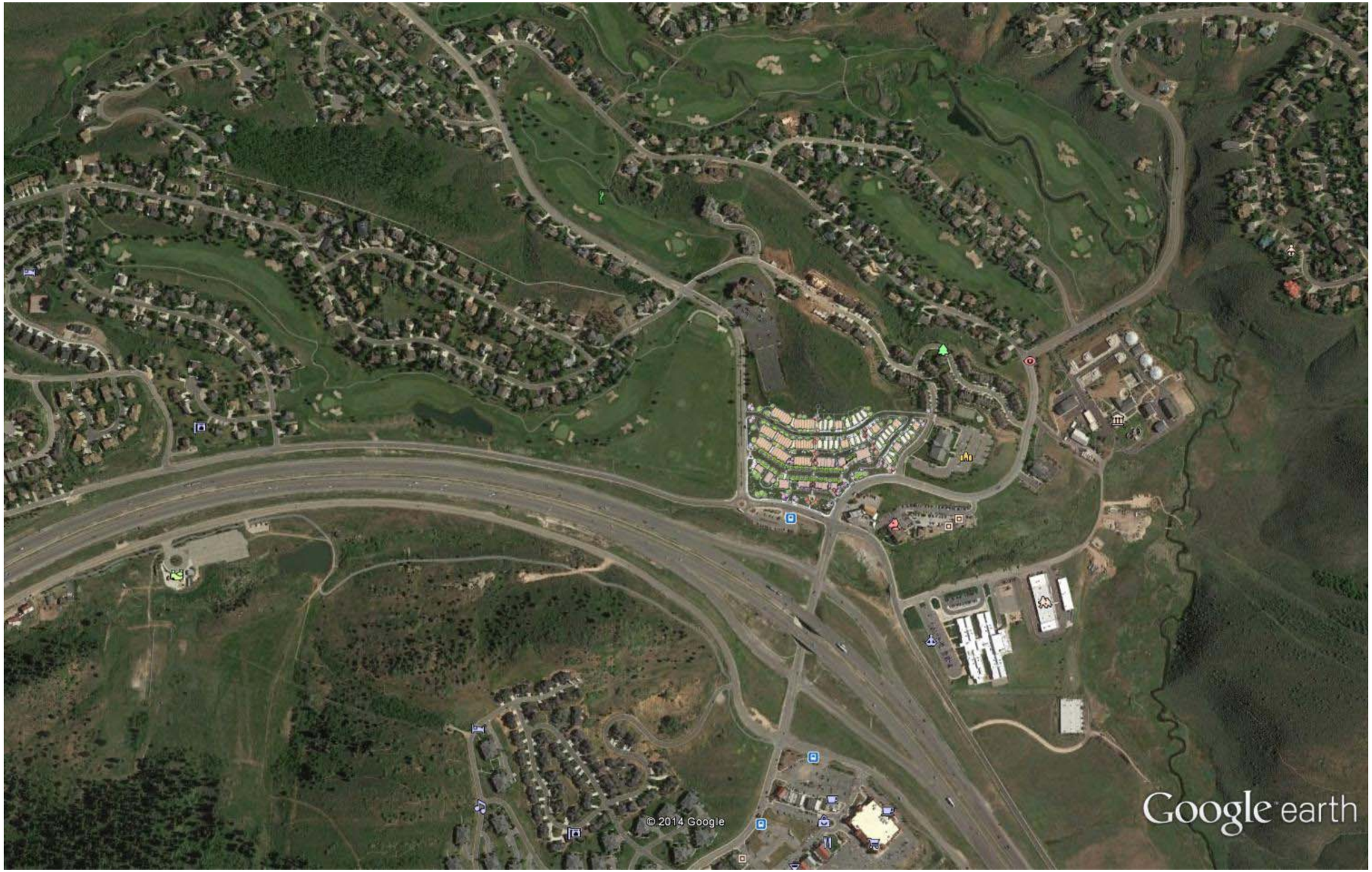
Hotel	80 Units
Retail	35,520 SF
Condominiums	20 Units (1,400 SF)
Townhome	20 Units (2,400 SF)
Single family	37 Lots
Parking	185 Stalls

Master Plan

Langvardt Design Group

05.12.14

EXHIBIT C

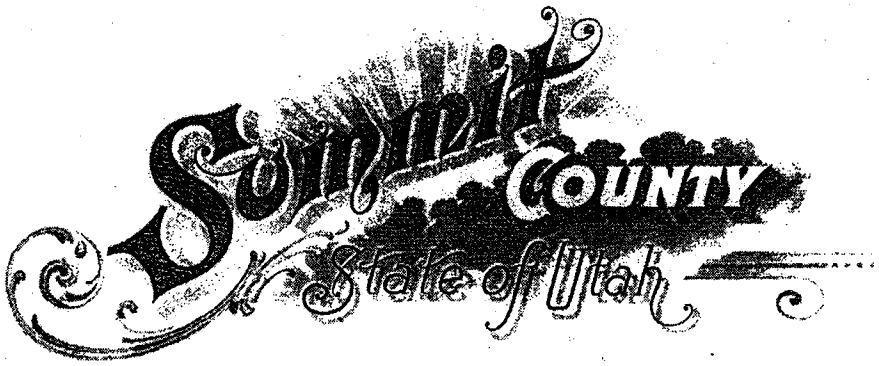


Google earth

miles 1
km 2

EXHIBIT D

Auditor **Blake Frazier**



August 27, 2014

County Council,

Please consider approving the Board of Equalization Stipulations for 2014. We've included a spreadsheet with the most recent Stipulations for your approval.

Thank You,

Kathryn

Kathryn Rockhill
Board of Equalization Clerk

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3016 • Park City: (435) 615-3016 • Kamas: (435) 783-4351 ext. 3016
Fax: (435) 336-3036 • Park City Fax: (435) 615-3036

2014 BOE Adjustments

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	Old Tax Estimate	% Difference	Explanation for adjustment
0426423	AC-26	$ 1,753,566.00	$ 2,826,144.00	$ (1,072,578.00)	$ 964,515.00	$ 1,554,433.00	$ (589,918.00)	$ 15,535.00	-37.95%	Best comps (lesser views) indicate $238 per s.f. Adjustment made at $238.
0426936	AC-77	$ 1,700,000.00	$ 3,226,907.00	$ (1,526,907.00)	$ 1,700,000.00	$ 3,226,907.00	$ (1,526,907.00)	$ 32,249.71	-47.32%	Adjusted market value to Sale/Closing documents submitted to the County.
0207997	AER-54	$ 898,593.00	$ 898,593.00	$ -	$ 898,593.00	$ 494,226.00	$ 404,367.00	$ 4,482.63	81.82%	Changed from primary to Non Primary residential.
0380026	AH-4-4	$ 1,551,222.00	$ 1,551,222.00	$ -	$ 853,172.00	$ 1,551,222.00	$ (698,050.00)	$ 14,069.58	-45.00%	Changed from non-primary to Primary residential.
0431787	ALLC-214-1AM	$ 1,388,000.00	$ 1,500,000.00	$ (112,000.00)	$ 1,388,000.00	$ 1,500,000.00	$ (112,000.00)	$ 14,253.00	-7.47%	concur with appellants value of 1388000
0402184	APRM-11	$ 1,556,630.00	$ 1,297,473.00	$ 259,157.00	$ 856,146.00	$ 1,297,473.00	$ (441,327.00)	$ 11,768.08	-34.01%	Put house on at 100% complete for 2014 and Change property to Primary residence
0279756	ASR-4	$ 1,764,299.00	$ 1,764,299.00	$ -	$ 1,764,299.00	$ 1,764,299.00	$ -	$ 16,002.19	0.00%	
0423354	BB-63	$ 1,374,421.00	$ 1,648,084.00	$ (273,663.00)	$ 755,931.00	$ 906,446.00	$ (150,515.00)	$ 9,233.97	-16.60%	Adjustment reflects $291 per square foot.
0423396	BB-67	$ 1,383,000.00	$ 1,533,900.00	$ (150,900.00)	$ 760,650.00	$ 843,645.00	$ (82,995.00)	$ 8,594.21	-9.84%	Adjusted value to reflect current appraisal submitted.
0478921	BEPC-3	$ 1,500,000.00	$ 3,000,000.00	$ (1,500,000.00)	$ 1,500,000.00	$ 3,000,000.00	$ (1,500,000.00)	$ 27,210.00	-50.00%	improvements removed land value to purchase of 1,500,000
0418743	BHVS-32-3AM	$ 620,000.00	$ 620,000.00	$ -	$ 341,000.00	$ 620,000.00	$ (279,000.00)	$ 5,351.22	-45.00%	Changed from non-primary to Primary residential.
0345441	BHWKS-1-43-2AM	$ 343,106.00	$ 343,106.00	$ -	$ 188,708.00	$ 343,106.00	$ (154,398.00)	$ 3,163.44	-45.00%	Changed from non-primary to Primary residential.
0102024	CD-105	$ 265,572.00	$ 265,572.00	$ -	$ 146,064.00	$ 265,572.00	$ (119,508.00)	$ 2,342.61	-45.00%	Changed from non-primary to Primary residential.
0283782	CD-414-B-14	$ 699,666.00	$ 699,666.00	$ -	$ 443,230.00	$ 699,666.00	$ (256,436.00)	$ 6,171.75	-36.65%	Changed from non-primary to Primary residential.
0204374	CRC-C-302	$ 320,000.00	$ 320,000.00	$ -	$ 176,000.00	$ 176,000.00	$ -	$ 1,596.32	0.00%	
0383301	CVC-1-C-102	$ 165,000.00	$ 165,000.00	$ -	$ 90,750.00	$ 165,000.00	$ (74,250.00)	$ 1,424.12	-45.00%	Changed from non-primary to Primary residential.
0361372	CWPC-II-54-AM	$ 1,050,000.00	$ 1,160,810.00	$ (110,810.00)	$ 1,050,000.00	$ 1,160,810.00	$ (110,810.00)	$ 10,018.95	-9.55%	After reviewing the information provided regarding the purchase of this property
0393276	DC-14	$ 285,000.00	$ 365,140.00	$ (80,140.00)	$ 285,000.00	$ 365,140.00	$ (80,140.00)	$ 3,649.21	-21.95%	Adjusted value to subjects sale price of $285,000 on 4/2/2013.
0393649	DC-51-X	$ 115,352.00	$ 356,040.00	$ (240,688.00)	$ 115,352.00	$ 365,040.00	$ (249,688.00)	$ 3,648.21	-68.40%	Exempt property, own by federal government, market value for 114 days.
0074587	ECR-106	$ 72,047.00	$ 74,847.00	$ (2,800.00)	$ 72,047.00	$ 74,847.00	$ (2,800.00)	$ 645.18	-3.74%	Adjusted value per comparables.
0075071	ECR-150	$ 161,711.00	$ 127,225.00	$ 34,486.00	$ 127,225.00	$ 161,711.00	$ (34,486.00)	$ 1,393.95	-21.33%	Adjusted value per comparables.
0075808	ECR-29	$ 50,640.00	$ 57,640.00	$ (7,000.00)	$ 50,640.00	$ 57,640.00	$ (7,000.00)	$ 496.86	-12.14%	Adjusted value per comparables.
0455816	ECSC-17-AM	$ 1,410,000.00	$ 1,500,000.00	$ (90,000.00)	$ 1,410,000.00	$ 1,500,000.00	$ (90,000.00)	$ 12,946.50	-6.00%	to purchase price of 1410000
0141568	FM-D-122	$ 186,582.00	$ 276,033.00	$ (89,451.00)	$ 186,582.00	$ 276,033.00	$ (89,451.00)	$ 2,268.72	-32.41%	Adjusted value to better reflect current construction progress.
0142194	FM-D-178	$ 430,014.00	$ 430,014.00	$ -	$ 430,014.00	$ 430,014.00	$ -	$ 3,534.29	0.00%	
0396584	FPRV-9-G	$ 280,000.00	$ 280,000.00	$ -	$ 154,000.00	$ 280,000.00	$ (126,000.00)	$ 2,416.68	-45.00%	Changed from non-primary to Primary residential.
0356737	FRS-1	$ 642,000.00	$ 687,812.00	$ (45,812.00)	$ 381,270.00	$ 406,467.00	$ (25,197.00)	$ 3,540.73	-6.20%	Adjusted value to reflect recent purchase of the property.
0006761	FT-92	$ 71,525.00	$ 81,688.00	$ (10,163.00)	$ 71,525.00	$ 81,688.00	$ (10,163.00)	$ 882.97	-12.44%	Home demolished removed value from parcel.
0052534	GTF-11-A	$ 1,450,000.00	$ 1,604,533.00	$ (154,533.00)	$ 808,300.00	$ 893,293.00	$ (84,993.00)	$ 7,710.01	-9.51%	an adjustment has been made to establish an adjusted market value
0374417	GWLD-II-125-AM	$ 358,500.00	$ 358,500.00	$ -	$ 358,500.00	$ 358,500.00	$ -	$ 3,094.21	0.00%	
0374789	GWLD-II-162-AM	$ 329,000.00	$ 448,000.00	$ (119,000.00)	$ 329,000.00	$ 448,000.00	$ (119,000.00)	$ 3,866.69	-26.56%	an adjustment has been made to establish an adjusted market value
0132690	HE-A-357	$ 324,669.00	$ 324,669.00	$ -	$ 179,741.00	$ 324,669.00	$ (144,928.00)	$ 2,993.45	-44.64%	Changed from non-primary to Primary residential.
0133789	HE-B-261	$ 910,000.00	$ 1,054,668.00	$ (144,668.00)	$ 514,945.00	$ 594,512.00	$ (79,567.00)	$ 5,481.40	-13.38%	Adjusted value to the appraisal submitted by appellant dated 3/6/13 for $910k.
0312854	HODV-1A-27	$ 300,000.00	$ 350,000.00	$ (50,000.00)	$ 300,000.00	$ 350,000.00	$ (50,000.00)	$ 3,174.50	-14.29%	Change value to reflect contract sales price.
0052708	JB-7	$ 1,373,490.00	$ 1,576,810.00	$ (203,320.00)	$ 770,607.00	$ 882,433.00	$ (111,826.00)	$ 7,616.28	-12.67%	Reviewed comparable sales, adjusted value accordingly.
0021034	JDH-A	$ 132,000.00	$ 132,000.00	$ -	$ 72,600.00	$ 132,000.00	$ (59,400.00)	$ 1,197.24	-45.00%	Changed from non-primary to Primary residential.
0259212	JDH-B	$ 159,000.00	$ 159,000.00	$ -	$ 87,450.00	$ 87,450.00	$ -	$ 793.17	0.00%	
0259220	JDH-C	$ 90,000.00	$ 90,000.00	$ -	$ 49,500.00	$ 90,000.00	$ (40,500.00)	$ 816.30	-45.00%	Changed from non-primary to Primary residential.
0186316	JR-119	$ 534,378.00	$ 643,502.00	$ (109,124.00)	$ 293,907.00	$ 353,926.00	$ (60,019.00)	$ 3,263.20	-16.96%	an adjustment has been made to establish an adjusted market value
0116743	KE-A-48-A	$ 45,700.00	$ 59,500.00	$ (13,800.00)	$ 45,700.00	$ 59,500.00	$ (13,800.00)	$ 524.85	-23.19%	Adjusted value per comparables.
0450703	LBHV-III-4205	$ 300,000.00	$ 300,000.00	$ -	$ 165,000.00	$ 300,000.00	$ (135,000.00)	$ 2,589.30	-45.00%	Changed from non-primary to Primary residential.
0448049	MCS-2	$ 65,349.00	$ 65,349.00	$ -	$ 35,941.00	$ 65,349.00	$ (29,408.00)	$ 589.71	-45.00%	Changed from non-primary to Primary residential.
0153837	MM-10	$ 30,000.00	$ 30,000.00	$ -	$ 30,000.00	$ 30,000.00	$ -	$ 248.07	0.00%	
0370191	MRE-27	$ 1,473,997.00	$ 1,473,997.00	$ -	$ 810,698.00	$ 1,473,997.00	$ (663,299.00)	$ 13,590.25	-45.00%	Changed from non-primary to Primary residential.
0081525	NS-275	$ 25,888.00	$ 25,888.00	$ -	$ 888.00	$ 25,888.00	$ (25,000.00)	$ 223.15	-96.57%	Changed to FAA
0081558	NS-277-A	$ 26,553.00	$ 26,553.00	$ -	$ 958.00	$ 26,553.00	$ (25,595.00)	$ 228.89	-96.39%	Changed to FAA
0081723	NS-291-B	$ 64,350.00	$ 64,350.00	$ -	$ 1,386.00	$ 64,350.00	$ (62,964.00)	$ 554.70	-97.85%	Changed to FAA
0294367	NS-291-D	$ 48,503.00	$ 48,503.00	$ -	$ 1,567.00	$ 48,503.00	$ (46,936.00)	$ 418.10	-96.77%	Changed to FAA
0379788	NS-380-A	$ 434,402.00	$ 434,402.00	$ -	$ 141,102.00	$ 244,586.00	$ (103,484.00)	$ 2,108.33	-42.31%	Changed from non-primary to Primary residential.
0269641	PC-901	$ 4,625,000.00	$ 5,900,000.00	$ (1,275,000.00)	$ 4,625,000.00	$ 5,900,000.00	$ (1,275,000.00)	$ 53,513.00	-21.61%	Income approach analysis with adjustments due to high vacancy
0205082	PCA-110-G-5-A	$ 2,450,000.00	$ 2,889,994.00	$ (439,994.00)	$ 2,450,000.00	$ 2,889,994.00	$ (439,994.00)	$ 26,212.25	-15.22%	Income analysis supports a lower market value for the subject property
0025746	PD-3-A	$ 592,640.00	$ 592,640.00	$ -	$ 592,640.00	$ 592,640.00	$ -	$ 5,375.24	0.00%	
0143812	PI-D-100	$ 40,400.00	$ 40,400.00	$ -	$ 40,400.00	$ 40,400.00	$ -	$ 332.05	0.00%	
0041008	PKM-5-57	$ 810,000.00	$ 944,364.00	$ (134,364.00)	$ 445,500.00	$ 519,400.00	$ (73,900.00)	$ 4,710.96	-14.23%	Change value to reflect comparable sales in Park Meadows.
0041123	PKM-5-68	$ 610,333.00	$ 610,333.00	$ -	$ 335,683.00	$ 610,333.00	$ (274,650.00)	$ 5,535.72	-45.00%	Changed from non-primary to Primary residential.
0053029	PP-102-E	$ -	$ 2,500.00	$ (2,500.00)	$ -	$ 2,500.00	$ (2,500.00)	$ 21.58	-100.00%	Should be exempt for 2014 per Utah State Code 59-2-1101.
0218879	PP-102-K	$ -	$ 811,350.00	$ (811,350.00)	$ -	$ 811,350.00	$ (811,350.00)	$ 7,002.76	-100.00%	Should be exempt for 2014 per Utah State Code 59-2-1101.
0269518	PP-67-B	$ -	$ 22,428.00	$ (22,428.00)	$ -	$ 22,428.00	$ (22,428.00)	$ 38.84	-100.00%	Should be exempt delete value
0135511	PRE-18	$ 621,264.00	$ 644,557.00	$ (23,293.00)	$ 341,695.00	$ 354,506.00	$ (12,811.00)	$ 3,268.55	-3.61%	Subject has 2672 s.f. living and 940 s.f. in the basement for 3612 total s.f.
0135842	PRE-48	$ 369,444.00	$ 432,507.00	$ (63,063.00)	$ 203,194.00	$ 237,879.00	$ (34,685.00)	$ 2,193.24	-14.58%	Sales analysis support $172 per s.f. Appraisal adjusted
0135941	PRE-57	$ 452,704.00	$ 513,500.00	$ (60,796.00)	$ 248,987.00	$ 282,425.00	$ (33,438.00)	$ 2,603.96	-11.84%	The range is $167- $263 per s.f. with a mean of $195.
0301139	PS-3	$ 143,427.00	$ 143,427.00	$ -	$ 78,884.00	$ 143,427.00	$ (64,543.00)	$ 1,294.29	-45.00%	Changed from non-primary to Primary residential.

0046569	PSC-211	$ 62,500.00	$ 62,500.00	$ -	$ 34,375.00	$ 62,500.00	$ (28,125.00)	$ 566.88	-45.00%	Changed from non-primary to Primary residential.
0222376	PVC-1A-216	$ 90,000.00	$ 90,000.00	$ -	$ 49,500.00	$ 90,000.00	$ (40,500.00)	$ 816.30	-45.00%	Changed from non-primary to Primary residential.
0222749	PWL-2-C	$ 105,000.00	$ 105,000.00	$ -	$ 57,750.00	$ 105,000.00	$ (47,250.00)	$ 968.10	-45.00%	Changed from non-primary to Primary residential.
0223523	PWL-6-I	$ 105,000.00	$ 105,000.00	$ -	$ 57,750.00	$ 105,000.00	$ (47,250.00)	$ 968.10	-45.00%	Changed from non-primary to Primary residential.
0223531	PWL-6-J	$ 105,000.00	$ 105,000.00	$ -	$ 57,750.00	$ 57,750.00	$ -	$ 532.46	0.00%	
0223606	PWL-6-Q	$ 132,500.00	$ 132,500.00	$ -	$ 72,875.00	$ 72,875.00	$ -	$ 671.91	0.00%	
0049399	RC-1-56	$ 345,000.00	$ 2.00	$ 344,998.00	$ 345,000.00	$ 2.00	$ 344,998.00	$ 0.02	99.00%	combining a 1/3 interest with the 2/3 interest for a complete value of 345000
0405195	RCCS-1	$ 1,442,500.00	$ 1,737,507.00	$ (295,007.00)	$ 793,375.00	$ 955,629.00	$ (162,254.00)	$ 9,550.56	-16.98%	Adjusted 2014 Market Value to reflect 8/13/14 sale, less $45k personal property.
0464704	RIVBLF-A-1	$ 278,442.00	$ 278,442.00	$ -	$ 153,143.00	$ 278,442.00	$ (125,299.00)	$ 3,009.68	-45.00%	Changed from non-primary to Primary residential.
0464728	RIVBLF-A-3-LLA	$ 51,750.00	$ -	$ 51,750.00	$ 51,750.00	$ -	$ 51,750.00	$ -	#DIV/0!	No longer exempt as of 4/24/14 prorated value for remainder of 2014.
0292007	RPL-43	$ 665,748.00	$ 665,748.00	$ -	$ 336,161.00	$ 655,748.00	$ (319,587.00)	$ 6,138.20	-48.74%	Changed from non-primary to Primary residential.
0074488	RR-B-8	$ 40,920.00	$ 40,920.00	$ -	$ 40,920.00	$ 40,920.00	$ -	$ 457.65	0.00%	
0461628	SA-186-2	$ 870,192.00	$ 870,192.00	$ -	$ 478,605.00	$ 870,192.00	$ (391,587.00)	$ 7,892.64	-45.00%	Changed from non-primary to Primary residential.
0027932	SA-30	$ 296,096.00	$ 296,096.00	$ -	$ 296,096.00	$ 162,853.00	$ 133,243.00	$ 1,477.08	81.82%	Property was ordered to be vacant 4/11/13 by Park City, should be non-primary.
0093991	SC-2	$ 37,686.00	$ 42,686.00	$ (5,000.00)	$ 37,686.00	$ 42,686.00	$ (5,000.00)	$ 376.53	-11.71%	Lost access to parcel through neighboring lot, adjusted value
0035463	SFL-4	$ 199,000.00	$ 250,000.00	$ (51,000.00)	$ 199,000.00	$ 250,000.00	$ (51,000.00)	$ 2,267.50	-20.40%	average 2013 sales of 2/2 units at 440 s/f or a value of 199,000. to 199000
0139117	SG-C-56	$ 85,000.00	$ 126,000.00	$ (41,000.00)	$ 85,000.00	$ 126,000.00	$ (41,000.00)	$ 1,087.51	-32.54%	an adjustment has been made to establish an adjusted market value
0137194	SL-A-74	$ 216,500.00	$ 257,865.00	$ (41,365.00)	$ 216,500.00	$ 257,865.00	$ (41,365.00)	$ 2,635.38	-16.04%	an adjustment has been made to establish an adjusted market value
0214829	SOL-2-A-78	$ 280,000.00	$ 400,000.00	$ (120,000.00)	$ 280,000.00	$ 400,000.00	$ (120,000.00)	$ 3,628.00	-30.00%	Change value to reflect comparable sales in Solamere.
0458699	SPIRO-4101-AM	$ 1,110,000.00	$ 1,350,000.00	$ (240,000.00)	$ 1,110,000.00	$ 1,350,000.00	$ (240,000.00)	$ 12,244.50	-17.78%	market value as indicated by other sales
0459128	SPIRO-A-1105-AM	$ 1,350,000.00	$ 1,350,000.00	$ -	$ 1,350,000.00	$ 1,350,000.00	$ -	$ 12,827.70	0.00%	
0441156	SSLC-201-AM	$ 142,900.00	$ 323,800.00	$ (180,900.00)	$ 78,595.00	$ 178,090.00	$ (99,495.00)	$ 1,692.21	-55.87%	affordable housing unit, to maximum value of 142900
0059463	TL-1-71	$ 137,817.00	$ 137,817.00	$ -	$ 75,799.00	$ 137,817.00	$ (62,018.00)	$ 1,189.50	-45.00%	Changed from non-primary to Primary residential.
0244370	VIC-55	$ 171,000.00	$ 171,000.00	$ -	$ 171,000.00	$ 171,000.00	$ -	$ 1,550.97	0.00%	
0319644	WDCS-E-17	$ 523,319.00	$ 523,319.00	$ -	$ 287,825.00	$ 523,319.00	$ (235,494.00)	$ 2,653.76	-45.00%	Changed from non-primary to Primary residential.
0395149	WHLS-58	$ 2,665,911.00	$ 3,341,900.00	$ (675,989.00)	$ 1,467,709.00	$ 1,839,503.00	$ (371,794.00)	$ 18,739.02	-20.21%	Estate Lots off the Golf Course indicate $346 s.f.
	Totals for 09/03/2014	**$ 52,738,718.00**	**$ 62,638,733.00**	**$ (9,900,015.00)**	**$ 39,704,650.00**	**$ 52,911,367.00**	**$ (13,206,717.00)**			
	Totals for 08/20/2014	**$ 425,331,242.00**	**$ 406,387,243.00**	**$ 18,943,999.00**	**$ 382,049,377.00**	**$ 379,515,584.00**	**$ 2,533,793.00**			
	Running Total	**$ 478,069,960.00**	**$ 469,025,976.00**	**$ 9,043,984.00**	**$ 421,754,027.00**	**$ 432,426,951.00**	**$ (10,672,924.00)**			

The Market value Increase for 2014 is ($ 9,043,984) As of 9/03/2014

The Taxable Value decrease for 2014 is ($10,672,924) As of 9/03/2014

Proclamation No. 2014-5

PROCLAMATION RECOGNIZING SEPTEMBER, 2014 AS

"Summit County Senior Centers Month"

SUMMIT COUNTY, UTAH

Whereas, The 2010 U.S. Census revealed that eight percent of Summit County residents are age 65 or older. In efforts to meet the needs of this aging population, Summit County has established three Senior Centers located in Coalville, Kamas and Park City; and

Whereas, Senior Centers are a focal point for seniors, connecting them to dynamic resources. Summit County has the distinction of being one of a few counties to plan monthly educational outings, with programs designed to offer both social and healthy lifestyle options in an effort to increase overall quality of life as seniors' age in place; and

Whereas, On average our Senior Centers serve over 700 lunches each month and host engaging activities like theater, museum visits, and group lunches; and

Whereas, Summit County provides door-to-door transportation to our Centers and organizes a volunteer transportation program to take seniors to Physician appointments within a 60 mile radius; and

Whereas, September is National Senior Center Month and an opportunity to further recognize Summit County Senior Centers as a safe and caring place for our aging population to enjoy themselves; and

Now, therefore, be it resolved by County Council, Summit County, Utah, that do hereby proclaim the month of September, 2014 as Summit County Senior Centers Month and encourage all citizens to observe and participate in related activities.

ATTEST:

APPROVED AND ADOPTED this 3rd day of September, 2014.

SUMMIT COUNTY COUNCIL

SUMMIT COUNTY, UTAH

_____

Kent Jones, County Clerk

By: _____

Chris Robinson, Chair

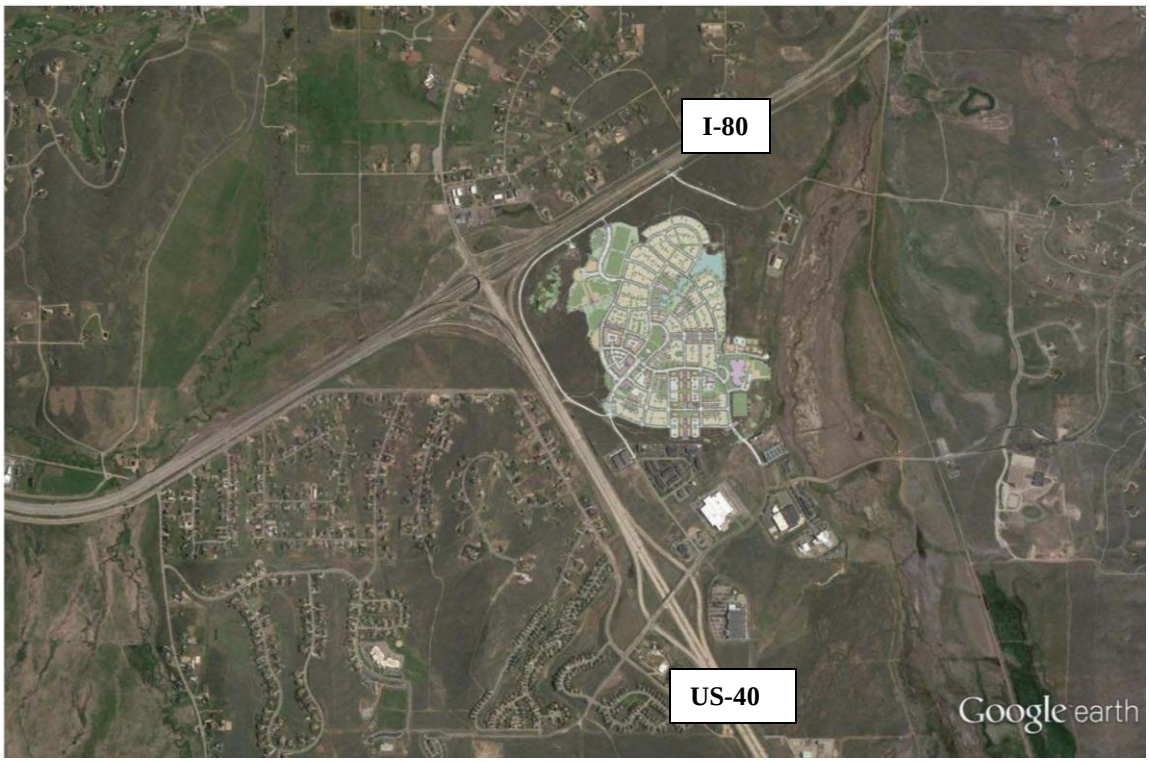
MEMORANDUM

To: Summit County Council
From: Jennifer Strader, County Planner
Date of Meeting: September 3, 2014
Type of Item: Discussion – Proposed Extension of a Specially Planned Area Designation
Process: Legislative Review

Proposal

The property owners, Liberty Capital Lending and Gayle Larsen, are requesting that the Summit County Council (SCC) discuss and consider extending the specially planned area (SPA) designation approval for the Silver Creek Village Center, located on the southeast quadrant of I-80 and US-40. The project consists of 960 market units, 330 workforce unit equivalents, and 50,000 square feet of commercial/retail.

Vicinity Map



Background

On September 28, 2011, the SCC approved a SPA designation for the Silver Creek Village Center. Section 10-3-11 (C)(3)(f) of the Snyderville Basin Development Code (Code) states that approval of a SPA designation is effective for a period of twenty-four (24) months from the date of SCC approval. If a Development Agreement (D.A.) specific to the project has not been approved by the SCC within twenty-four (24) months, the SPA designation is null and void. The SPA designation was set to expire on September 28, 2013.

On July 31, 2013, the SCC granted a one (1) year extension to the SPA designation approval, providing until September 28, 2014 for the D.A. to be approved. The process for approval of a D.A. is a recommendation by the Planning Commission to the SCC, who is the final Land Use Authority. A public hearing is required to be held for the D.A. by both the Planning Commission and SCC.

Over the past three (3) years, the applicant has submitted and Staff has reviewed various drafts of the D.A. Other agencies have also reviewed and provided comment on the D.A., including Mountainlands Community Housing Trust and the Snyderville Basin Recreation District. Additionally, the Snyderville Basin Planning Commission (SBPC) formed a subcommittee to begin reviewing the D.A. Due to the size and complexity of the project, the D.A. will not be in a form that will be ready to be approved by September 28, 2014.

The property owners have submitted a request for an extension to the September 28, 2014 deadline, until October 31, 2014, at which time the Planning Commission would have to forward a recommendation to the SCC. However, since the submittal of that letter, the applicant has met with Staff to discuss extensions of the Planning Commission recommendation until either the end of November or the end of January.

Staff is of the opinion that the SPA plan designation should be extended for a minimum of six (6) months, to March 31, 2015, <u>at which time the SCC would make their final decision.</u> This timeframe is being proposed by Staff to ensure that not only would the Planning Commission have forwarded a recommendation, but the SCC would have completed their overall review and final determination as well. The applicant has indicated that they are willing to discuss this with the SCC.

Recommendation

Staff recommends that the SCC approve an extension to the Silver Creek Village SPA designation effective period of approvals, until March 31, 2015, at which time the SCC would have to make their final decision, based on the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. The Silver Creek Village Center SPA designation was approved by the Summit County Council on September 28, 2011.
2. The Silver Creek Village Center was approved for 960 market units, 330 workforce unit equivalents, and 50,000 square feet of commercial/retail.
3. Section 10-3-11 (C)(3)(f) of the Code states that approval of a SPA designation is effective for a period of twenty-four (24) months from the date of SCC approval. If a D.A. specific to the project has not been approved within twenty-four (24) months, the SPA designation is null and void.
4. The Silver Creek Village Center SPA designation was set to expire on September 28, 2013.
5. On July 8, 2013, the property owners submitted a request for an extension to the SPA designation approval until December 13, 2013.
6. On July 31, 2013, the SCC granted an extension to the SPA designation approval until September 28, 2014.
7. The property owners have been diligently communicating with Summit County since the approval of the SPA designation and attending numerous meetings to discuss the details of the D.A.
8. The D.A. has been reviewed by the Community Development Department, the Summit County Attorney's Office, Mountainlands Community Housing Trust and the Snyderville Basin Recreation District.
9. A subcommittee of the Planning Commission was formed on July 22, 2014 to review the D.A. and report their findings to the remaining Commission members.
10. On August 25, 2014, the applicants submitted a request for an extension until October 31, 2014, at which time the Planning Commission would have to forward a recommendation to the SCC.
11. Staff is recommending that the SPA designation approval be extended until March 31, 2015, at which time the SCC would have to make a final decision.

Conclusions of Law

1. The delays in the processing of the D.A. have not been caused by the applicant. This is a significant project in the Snyderville Basin that multiple parties are involved in.
2. An extension of the SPA designation effective period of approvals will not have a negative effect on the public health, safety, or welfare and will provide an appropriate amount of time for Staff, the Planning Commission, and the SCC to review the D.A.

Attachments

Exhibit A: Letter from applicant

Snell & Wilmer
L.L.P.
LAW OFFICES

Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101-1531
801.257.1900
801.257.1800 (Fax)
www.swlaw.com

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

Wade R. Budge
wbudge@swlaw.com

August 25, 2014

VIA EMAIL JSTRADER@SUMMITCOUNTY.ORG AND U.S. MAIL

Summit County Council
c/o Jennifer Strader
P.O. Box 128
Coalville, UT 84017

Re: Extension request for Silver Creek Village Specially Planned Area

Dear County Council:

This firm represents Liberty Capital Lending, LLC, one of the two owners of the project known as Silver Creek Village Specially Planned Area. The second owner is Gayle Larsen, an individual represented by local attorney Joe Tesch. I have coordinated this letter with Mr. Tesch and it is submitted as a joint request by both owners.

The primary purpose of this letter is to seek a short extension of the deadline by which the development agreement for Silver Creek Village is to be submitted to the County Council for review and approval. But, before going into the particulars of our request, I want to provide some background.

The Project

As you may recall, the Silver Creek Village project is a development approved for 960 market unit equivalents and 330 workforce unit equivalents to be developed on 244 acres of land located near the southeast corner of the Interstate 80 and Highway 40 interchange. The density approvals were granted in 2011. The remaining outstanding requirement is the requirement for the owners and County to draft, negotiate and have approved a development agreement for the entire project. In July 2013 the County Council set a deadline of September 28, 2014 for the development agreement to be submitted and approved.

Since 2013, the owners, County planning staff, and neighboring districts, including the Snyderville Basin Special Recreation District and Snyderville Basin Water Reclamation District, have been working to finalize a draft development agreement that reflects the densities and configurations already approved for the project together with a description of the contemplated

Snell & Wilmer is a member of LEX MUNDI, The Leading Association of Independent Law Firms.

EXHIBIT A

community benefits, phasing, and related development issues. The result of these efforts has been the creation of a working draft development agreement that is over 50 pages in length with an extensive appendix of drawings and exhibits. This draft has been reviewed by staff and the County's attorney offices and has been pending before the Snyderville Basin Planning Commission since July. Currently, a subcommittee of the Planning Commission is meeting in a small group setting to digest its contents and to make recommendations. But, because the Planning Commission as a whole will not have completed its review and public hearings before the coming September 28th deadline, the owners, together with planning staff, are requesting an extension of the September 28th deadline.

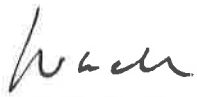
Extension Request

The owners' request is that the County Council extends the current September 28, 2014 deadline until October 31st and further states that by the new October 31st deadline that the owners and Planning Commission will have completed their review of the existing draft development agreement, with its associated exhibits. The owners' preference would be to bring the revised draft development agreement and recommendation from the Planning Commission to the County Council in November of this year on a date and at a time convenient for the Council. Ultimately, the owners would like the Development Agreement approved this year so that development can be made ready to commence by the Spring of 2015.

We understand that planning staff supports this request as all parties have been working diligently on the form of the development agreement and associated exhibits since this matter was last before the County Council in July 2013. Thank you for your consideration of this request.

Very truly yours,

SNELL & WILMER



Wade R. Budge

WRB:hks

cc: Jami Brackin, Esq.
Liberty Capital Lending
Joe Tesch, Esq.
Jeff Graham

GRANT AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2014, by and between Summit County (herein called "County"), a body corporate and politic of the State of Utah, 60 N. Main Street, Coalville, Utah 84017, the Pine Meadow Mutual Water Company, a Utah non-profit corporation, P. O. Box 95009 South Jordan, UT 84095-0009 ("PMMWC"), and the Pine Meadow Ranch Owner's Association, a Utah non-profit corporation ("PMHOA"), P.O. Box 95567, South Jordan, Utah 84095 (PMMWC and PMHOA are sometimes referred to collectively herein as "Pine Meadow").

WITNESSETH:

WHEREAS, in accordance with UCA §17-50-303(3)(A), "a county may appropriate money to or provide nonmonetary assistance to a nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of the county legislative body, the assistance contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county residents;" and,

WHEREAS, according to Summit County Policy, Assistance to Non-Profits (2009), the County through its County Council ("Council") may issue grants to non-profit entities for projects which fulfill core governmental functions, policies within the respective general plans of the County, or Council goals; and,

WHEREAS, PMHOA s a non-profit entity consisting of the owners of more than 800 residential lots located in the Pine Meadow and Forest Meadow subdivisions. For years, those subdivisions were served by the Pine Meadow Special Service District ("SSD") which maintained the roads and water system that served them; and,

WHEREAS, in 1999 the Summit County Commission decided to dissolve the SSD. In connection with the wind-up of the SSD, all of the water system assets were conveyed to PMMWC, and Summit County and the SSD executed a Deed of Easement in favor of Pine Meadow conveying an easement for the control, operation, construction and maintenance of the roads in the Pine Meadow area, including the roads providing access to Pine Meadow from Interstate 80 to the extent the public has rights to those roads; and,

WHEREAS, Tollgate Canyon Road and Forest Meadow Road are the roads that provide access to Pine Meadow from Interstate 80. Those roads are also used by the owners of numerous properties located between Interstate 80 and Pine Meadow, and by owners of properties located above and to the north of Pine Meadow (including Summit County and the LDS Church) for access to antenna and translator sites, camps, residential and recreational properties; and

WHEREAS, Pine Meadow has since spent approximately $6,000,000 in making improvements to the roadways and water system, including maintenance of the Forest Meadow Road, maintenance and significant improvements to the Tollgate Canyon Road and the provision of alternative emergency access which benefit the entire Tollgate community; and,

WHEREAS, the Forest Meadow Road branches off of the Tollgate Canyon Road, crosses lands owned by Summit County and others, and provides access to properties located between Interstate 80 and Pine Meadow, to Pine Meadow, and to properties located beyond Pine Meadow.; and,

WHEREAS, the Forest Meadow Road is in significant disrepair, causing hazards to not only residents, but also to Summit County emergency responders, including the County Sheriff, County Ambulance, and North Summit Fire Special Service District requiring repairs and realignment beyond the means of Pine Meadow; and,

WHEREAS, the Council finds that to fulfill the core governmental functions provided by the County Sheriff, County Ambulance, and North Summit Fire Special Service District, and to protect the safety, health, prosperity, moral well-being, peace, order, comfort, and convenience of county residents within the Tollgate Canyon community, Forest Meadow Road needs to be repaired; and,

WHEREAS, Pine Meadow has agreed to repair and maintain Forest Meadow Road using both private and public funds; and,

WHEREAS, Pine Meadow has agreed to explore the formation of a local district to maintain the Tollgate Canyon and Forest Meadow Roads in the future; and,

WHEREAS, the County and Pine Meadow have agreed to the following terms and conditions of this Agreement for the performance of such services;

NOW THEREFORE, in consideration of the promises and the mutual covenants contained in this Agreement, it is agreed as follows:

1. County's Responsibilities.

A. Payment. The County will pay Pine Meadow their actual cost for the reconstruction of Forest Meadow Road in an amount not to exceed the sum of two hundred and forty-three thousand dollars ($243,000.00) for calendar year 2014. The costs shall be documented in the form of invoices from the contractor(s) or Pine Meadow invoices for materials, equipment or labor provided to complete the project.

2. Pine Meadow Responsibilities.

A. Pine Meadow shall use such funds as are necessary to repair and maintain Forest Meadow Road to a condition which provides safe travel for emergency responders to access the Tollgate Canyon community. Said repairs to be completed no later than October 31, 2014.

3. Term. The term of this Agreement shall commence on September 1, 2014, and shall continue until December 31, 2014.

4. Insurance. Pine Meadow, at its own expense, shall maintain sufficient liability insurance against claims or lawsuits which result from the actions of Pine Meadow or its employees, contractors or agents.

5. Indemnification. Pine Meadow agrees to indemnify and hold the County harmless from any claim or damages for injuries resulting from actions of its contractors, employees or agents, including costs and reasonable attorney fees. Likewise, the County agrees to indemnify and hold Pine Meadow harmless from any claim or damages for injuries resulting from actions of its employees or agents, including costs and reasonable attorney fees.

6. Assignability. The rights and obligations of Pine Meadow under this Agreement are not transferable or assignable in whole or in part without the written consent of the County.

7. Waiver. No failure of the County to exercise any power given to it under this Agreement, or to insist upon strict compliance by Pine Meadow with any obligation, responsibility, or condition under it, and no custom or practice of the parties at variance with its terms shall constitute a waiver of the County's right to demand exact compliance with those terms upon any subsequent default.

8. Independent Contractor. In making and performing this Agreement, Pine Meadow acts and shall act at all times as an independent contractor, and nothing contained in this Agreement shall be so construed or applied as to create or imply the relationship of partners, of agency, joint adventurers, or of employer and employee between the parties hereto.

9. Identity Documents and Verification. In making and performing this Agreement, Pine Meadow agrees to comply with the provisions of UCA §§ 63G-12-101 thru 404, *as amended.*

10. Invalidity. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. Governing Law. This Agreement shall be interpreted according to the laws of the State of Utah.

12. Entire Agreement. This Agreement contains the entire agreement between the parties concerning its subject matter, and no representations, inducements, promises, or agreements, oral or otherwise, between the parties with reference to it and not embodied in this Agreement shall be of any force or effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

SUMMIT COUNTY COUNCIL

By: _____
Christopher F. Robinson, Chair

PINE MEADOW MUTUAL WATER COMPANY

By: _____
Its: _____

PINE MEADOW RANCH OWNERS'S ASSOCIATION

By: _____
Its: _____

MANAGER'S REPORT
September 3, 2014

To: Council Members
From: Robert Jasper

Department	**Description of Updates**
Administration	Submitted by Robert Jasper, County Manager: Documents and transactions are listed on the Manager Approval lists dated 8/14/14, 8/21/14 and 8/28/14, posted on the website at: http://www.summitcounty.org/manager/index.php Submitted by Lisa Yoder, Sustainability Coordinator: Increase energy efficiency in existing County facilities (Justice Center and Courthouse) ▪ Upgrades are moving along with Rocky Mountain Power Incentive Agreements in place. Increase energy efficiency (EE) of residential and commercial properties countywide ▪ Progress is being made on possibility of expanding the State's Weatherization program to serve single family homeowners throughout the county. ▪ Residential energy efficiency program (weatherization) will include support for renewable energy. Summit County, in partnership with Park City, has advanced to the quarterfinals in the Georgetown University Energy Prize Competition to win $5 million for decreasing residential energy usage See attached Update on Uinta Express Pipeline
Auditor	
Assessor	
Attorney	
Clerk	
Community Development	Submitted by Pat Putt, Community Development Director: See attached reports

Engineering	Submitted by Leslie Crawford, Engineer:
	• Speed signs and radar signs
	• Traffic Counters
	• Bittner to Silver Creek Road costs and alternatives for right-of-way
	• Silver Creek Village
	• Way Finding Alternatives – Landworks proposal
	• Eastern Summit County – Impact Fee Facilities Plan concepts
	  o Proposal for analysis
	  o Report outline
	  o Notice
	• Corridor Preservation Fund County draws prep
	• Village at Kimball Junction – project completions – Pad A-F, Workforce housing – bonds release
	• Tanger Expansion – inspections / permits
	• Silver Creek Roundabout right-of-way – 7-11 contract modify #1
	• Hyatt Hotel review / public meeting
	• Silver Creek Storage – site review / bond release
	• Fairway Springs
	• Snyderville Basin Long Range Plan – short term needs assessment
	• Mountain Accord Transportation Committee meeting
	• Colony Phase 4C and 4E
	• Special events UDOT roadway improvements conflict

Department	Description of Updates

	• Nevis at Newpark final plat and bonds
	• Right of Way Permit Activity
	  o 9 permits issued
	  o 4 Complaints
	• Residential Permit Activity
	  o 24 plans reviewed
	  o 33 driveway inspections
	  o 33 erosion control inspections
	  o 3 Release inspection
	  o 1 Over the Counter
	  o 2 Code Enforcement
	• Public Works Activity
	  o 3 Blue Sky Inspections
	  o 3 Colony Inspections
	  o 10 Summit Park inspections

Facilities	Submitted by Mike Crystal, Facilities Director: Working on budget
Health Department	
Information Technology	Submitted by Ron Boyer, I.T. Director: After much anticipation, the redesigned county website was launched August 20th. Staff members are still getting used to the content management system. We have promoted the website on KPCW and with The Park Record. The site offers several things that were not on the previous site, Spanish translation, a community calendar, and a discussion board for residents to offer their opinion on issues. A mobile app, in conjunction with the new website, will be in the works in the next month. We are narrowing out details for a new phone vendor. The committee has made a recommendation, but is working through technical details before moving a contract to the Attorney's office. Summit County Sheriff's Office Corrections will be updating to the New Spillman Sentryx. This is a major software update to make the jail day to day operation run more smoothly. Administration training will take place September 16-18. End User training will take place October 21-23
Justice Center	Submitted by Judge Shauna Kerr: The Justice Court case filings for July and August have been strong with 925 traffic cases filed during the two months and 843 traffic matters disposed of with pleas or bail forfeitures. Traffic citations tend to increase when we have major events in the county that generate increase traffic volumes like the bike races, holiday celebrations and concerts. We have had 37 DUI's filed in the past two months and we have had pleas entered and sentencing imposed in 35 alcohol related driving cases during the same period. Criminal charges have been filed in 189 cases during the months of July and August and we have disposed of 242 criminal matters either through entry of pleas, trials or motions during this two month period. Controlled substance possession and/or use continue to be the most frequent criminal charge and unfortunately we continue to see drug use in our community. We are seeing an increase in out of state defendants charged with possession of marijuana and the confusion of those visiting from states where marijuana has been legalized On a brighter note, during the past two months the court has been able to work with our treatment providers to place two young people in an in-patient treatment facility as an alternative to continued incarceration on their drug charges. Both individuals are quite young and have been using multiple drugs for several years and are addicted to heroin. More treatment facilities and funding is needed to assist the courts and law enforcement in stopping this cycle of addiction and to keep these folks

Department	Description of Updates
	out of our jails. We continue to look for partners to provide these services. Also, a couple of individuals with cases pending in our court are participating in Drug Court and are making great progress. Generally, the Justice Court suspends proceedings on our case pending their participation in Drug Court and upon their full compliance and completion there, our cases can be resolved and dismissed. We are seeing some great successes. If you have questions or wish to observe our proceedings please contact the clerks for scheduling
Library	
Mountain Regional Water	
Park City Fire Service District	
Personnel	Submitted by Brian Bellamy, Personnel Director: **Personnel** 1. Jobs Advertised a. Dispatcher – Closes August 29 b. County Manager – Closes September 21 2. Applications Received a. Deputy Sheriff – 78 b. Management Analyst – 34 c. Sheriff Secretary – 42 d. Dispatcher - 21 3. Job Offers Made a. Deputy Sheriff (2) b. Sheriff Secretary c. Dispatcher d. Management Temp 4. Interviews/Testing set up - 24/0 5. Positions Advertised in 2013/2014 – 36/36 6. Applications received in 2013/2014 – 1629/1108 7. 5 new hire orientations 8. 5 E-verify 9. 3 biometric testing 10. 0 seasonal employees furloughed 11. 210 letters sent to unsuccessful candidates 12. 1 new Worker's Comp claims filed for total of 12 claims for 2014/22 claims for 2013 13. 1 employees out on Worker's Comp 14. 2 employee returned to work from Worker's Comp 15. 1 employee on Worker's Comp light duty 16. 2 new disability claim filed, includes FMLA documentation for total of 8 claims for 2014/19 claims for 2013 17. 2 employees on short term disability 18. 0 employees on disability light duty 19. 0 unemployment claims filed 20. 1 unemployment claims being paid 21. 0 employees resigned their positions 22. 0 employees retired 23. 0 employee terminated 24. 2 pre-employ drug tests 25. 4 random drug tests 26. 0 post accident drug test

Department	Description of Updates
	27. 0 follow up drug test 28. 12 employees met personally with 401k representative 29. 210 employees participated in sexual harassment seminars 30. 4 employees participated in sexual harassment training on Summit Buzz 31. Worked with Department Heads and employees on evaluations 32. Held 4 Performance Evaluation Program Meetings 33. Met with 1 employee to discuss retirement and URS 34. Facilitated meetings between Greg Prothman and Elected Officials/Department Heads 35. Meeting with insurance company regarding new options 36. Meet with payroll regarding hours for 2015 budget 37. Met with vendor regarding employee incentive 38. Met with Basin Recreation regarding salary/hourly employees 39. Participated in Insurance Meetings with our partners 40. Working with ULGT on driver safety 41. Multiple requests for salary and policy information from other agencies 42. Multiple telephonic and in person verifications of employment 43. Working on Personnel Policy changes (Ready to meet with Bob) 44. Worked with three department heads/ division directors and County Attorney's Office regarding employee discipline issues 45. Met multiple times with department heads and employees regarding employee issues 46. Continue to answer public inquiries regarding county employment 47. Serve county employee's needs **Animal Control** 1. 9 dogs are in the shelter along with 5 cats. a. 56 new animals were received by Animal Control b. 6 dogs were transferred c. 10 cats were transferred d. 1 dog adopted e. 1 cat adopted f. 8 dogs claimed by owners g. 0 cats claimed by owner h 2 feral cats euthanized at owner's request i. 0 skunks euthanized j. 4 raccoons euthanized 2. Met with 7 citizens regarding their dog issues 3. ALJ meeting 4. Researched other agencies regarding; nuisance barking, dogs in hot cars, tethering dogs, and kennels/catteries. Forwarded to Attorney's office 5. Worked with County Attorney's Office on Animal Control ordinance 6. Met with County Attorney's Office, Park City Municipal and Basin Rec on off-leash dog areas, signage and rules
Public Works	Submitted by Derrick Radke, Public Works Director: Road Crew • Sign Build/Installation/Replacement & Guardrail Reflector Replacement • Bus Shelter Maintenance • Completed Laydown Machine, Surface Patching in South Summit • Inmate Work Crew began painting Roadway Symbols • Managing Road Painting Contractor • Assisting with County Fair preparations

Department	Description of Updates
	Public Works Misc. • Budget preparation • Transit Operations and Planning • Snyderville Basin Transportation Master Plan • Fleet Meeting on proposed vehicle acquisitions for 2015. • Meetings w/UDOT & Tollgate HOA on Access during construction • Echo Road Survey/RFP discussions w/CM • Tesoro Pipeline Review & NEPA Misc. • Fairgrounds Planning, Water & Sewer Weed Dept. • Handing out loaners sprayers for summers spraying and showing the public how to use them, and direct them on the right chemical and proper amounts. The number of loaner's sprayers we loaned out this year is up from last year, 205 times they have left our building. It has been going up each year with the help of our education program. Some sales of weed chemicals continues. • Sprayed a total of **1694 acres** of County right of ways and County owned open space. Crews are cutting and pulling weeds when wind is blowing. • Summer crew have been helping with the County Fair. • Continued working on 2015 Budget. • Some work on Mapping. Solid Waste • Our State Regulators inspected both landfills on 8-4-2014. I received letters of inspection for both sites on 8-14-2014. Per their letter, the landfills are "in good order and properly managed". They pointed out that litter is an issue that we work on constantly and that because of the recent rains and mud our intermediate cover, outside the working face needs to be increased. (this has already been remedied since they left because we have had recent dry weather) • Completed the review of the rough-draft for our Solid Waste Master Plan. We are still working on finalizing the financial plan portion. • Attended a training at Wasatch Integrated, in Layton, on Waste Management techniques. It was an informative training that also met some CEU requirements. • Sent Issa and Bret maps on the triangle property and the property for sale surrounding the Henefer landfill. • Staff attended Sexual Harassment training on 8-12-14. • Met with Lisa Yoder and Jeff Jones on a recycling enterprise zone. This would be a way to increase our Commercial and Business Recycling. Wildland Fire • Dusty Clegg resigned to take another job. Working with Mike Erikson to replace Dustin for the rest of this season. • Talked with North slope Boy Scouts on new Water system. • Checked on the billing on the Marion 4 fire and it was completed with the Attorney for cost recovery. • Attended the County Communication meeting • Meeting with PCFD on September wildfire training shift C and then did a site visit to get a plan on how the training will run. • Responded to several false alarms (3) • Responded to two illegal burns
Recorder	
Treasurer	

Department	**Description of Updates**
Sheriff	
Snyderville Basin Recreation	
USU Extension	Submitted by Sterling Banks, USU Extension Agent: - 250 Summit County 4-H youth entered and exhibited 1350 4-H projects at the Summit County Fair in the 4-H Home Arts Department. - 201 Summit County 4-H and FFA youth entered and exhibited 267 market animals (steers, lambs and hogs) at the Summit County Fair of which 173 were sold in the junior livestock sale. The sale generated $347,074.00 in total sales. This money goes back to the youth to help with college funds, livestock project expenses, etc.

Update on Uinta Express Pipeline for Manager's Report August 29, 2014

Public Works (Derrick Radke)

- Attended Coordinating Agency meeting on August 26th
    - General status overview of the project & discussion on Coordinating Agency role in the process
- GIS Mapping and Ordinance impact analysis overview of Eastern Alternative to the Northern Route is underway
- DRAFT Alternative Route Formulation report is available

Engineering (Leslie Crawford)

- We are working through the contract process with SWCA Environmental Consulting. SWCA will help us formulate comments, review documents, and may model risks.

Legal (Dave Thomas)— MOU from US Forest Service naming Summit County as a Cooperating Agency in the NEPA process has been executed.

Mountain Regional Water (Doug Evans) – Has been meeting with the Oakley City Council, and all met with the Tesoro folks Monday, August 25. Mitigating conflicts around the Oakley water supply is the Council's primary objective. Doug reported that Tesoro said that the East alignment is getting more and more positive as they move along.

COMMUNITY DEVELOPMENT

- The department received 7 new planning applications and 15 new building applications the past week as follows:

NEW PLANNING APPLICATIONS
August 14 – August 20, 2014

Project Number	Description
14-218	**Cycle for Life Special Event** Jessica Rose Special Event
14-219	**PCBC Auto Repair LIP** Buck Robinson Low Impact Permit 4021 N. Forestdale Dr. PCBC-1
14-220	**Lo Feudo LIP** Daniela Lo Feudo Low Impact Permit 6821 N 2200 W, #11A PWL-1-s-11-A
14-221	**Stagecoach Estates Packham LIP** Scott Cripps Low Impact Permit 972 West Upper Cove SG-B-75
14-222	**Reddish LIP** Seth Striefel Low Impact Permit 205 West Snows Lane PP-25-F
14-223	**Kershaw Pole Barn Ag Exempt** Toby Kershaw Ag Exempt 871 South West Hoytsville WBR-5
14-224	**Rocky Mtn. Power Croyden to Silver Creek Transmission Line CUP** Steve Rush Conditional Use Permit Croyden to Silver Creek

NEW BUILDING PERMITS
August 14 – August 20, 2014

Name	Address	Description
Carol Miller	7694 Tall Oaks Drive	Roof
Michael Hyer	7430 Brook Hollow Loop	Waterheater
Mike Peterson	3178 E South Fork Canyon Rd	Cabin
Mountain Ranch Investments LLC	1020 Primrose Drive	Single Family Dwelling
Kristopher & Heather Fawcett	1245 South Henefer Road	Single Family Dwelling
Utah 7000 Cabins LLC	2931 Trading Post	Single Family Dwelling
Joyce Cossin	1916 Roffe Road	Furnace
William Demong	1546 Mallard Circle	Deck
Vaughn Staples	631 E Chalk Creek Road	Roof Top Solar
Loren & Jennie Clark	5921 Trailside Loop	Deck
Chris Walden	3635 Lariat Road	Basement Finish
Todd Stowell	7785 Tall Oaks Drive	Gas Line Indoor
Logan Broadhead	1953 E 3200 S	Single Family Dwelling
State Of Utah Silver Creek	Silver Creek	Temp Power
Chad Olsen	577 Maple Drive	Water Heater

COMMUNITY DEVELOPMENT

- The department received 4 new planning applications and 16 new building applications the past week as follows:

NEW PLANNING APPLICATIONS
August 21 – August 27, 2014

Project Number	Description
14-225	**Glenwild Henderson LIP** Low Impact Permit 785 Mountain Holly GWLD-11-106
14-226	**Newpark Advice Media Sign Permit** Sign Permit 1389 Center Drive NPRK-P
14-227	**Davis Ag Exempt** Ag Exempt 1123 East Beehive SL-D-244
14-228	**Stone Ridge Trailhead CUP** Conditional Use Stone Ridge Trailhead

NEW BUILDING PERMITS
August 21 – August 27, 2014

Name	Address	Description
Matthew & Jessica Jackson	270 S Spring Meadows Drive	Single Family Dwelling
Lonnie Mullikin	Lot 390 Samak Hills	Power Pole Meter
Fraser Bullock	163 White Pine Canyon 4A	Interior Remodel
L. Davis Cracroft	Lot 5 Weber Mountain View Road	Deck
Steven Dell	8641 Ranch Club Court	Driveway Snow Melt
Mike Boyer	1383 Snowberry Road	Roof Top Solar
Bob Roemer	360 Matterhorn Drive	Roof Top Solar
Ronald Kipp	540 Aspen Drive	Electrical
Maly Palmer	5635 Oslo Lane	Air Cond
Sun Peak @ Canyons	3000 Canyons Resort Drive	Electrical
Robert E Pellegrine	6768 Mineral Loop	Electrical
Shupe Builders	7694 Susans Circle	Single Family Dwelling
Scott Aldrich	1684 Fox Hollow H3	Tankless Water Heater
Reed Harper	540 Crestview Drive	Water Heater
Enclave @ Sun Canyon Partners	4822 Enclave Way	Elec fo office Trailer
John Mccurry	3610 W Lariat	Deck

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, AUGUST 6, 2014
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing personnel from 1:45 p.m. to 2:40 p.m. Those in attendance were:

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

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

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 2:40 p.m. to 3:05 p.m. Those in attendance were:

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

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

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

The Summit County Council met in closed session for the purpose of discussing litigation from 3:05 p.m. to 3:25 p.m. Those in attendance were:

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

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

Council Member Armstrong made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

WORK SESSION

Chair Robinson called the work session to order at 3:30 p.m.

- **Discussion regarding Mountain Regional Water Rates & Fees; Scott Green, Chief Financial Officer**

Scott Green, Chief Financial Officer for Mountain Regional Water Special Service District, explained that they wanted to review the proposed rate increase and fees to get feedback from the Council before the public hearing in two weeks.

Todd Hopkinson, a member of the Mountain Regional Water Administrative Control Board, stated that the current rate structure was designed in 2003. His background is with a natural gas pipeline company, so he is very familiar with rate cases, and Mountain Regional understands that rate increases are serious and that, in order to minimize rate increases, they need to manage their costs effectively. He stated that the District has about 3,200 customers that use water and about 1,800 standby customers who could build a house on their lot whenever they want, and Mountain Regional has to be ready to deliver water to them. Mr. Hopkinson stated that, as a member of the Board, he thinks of himself as representing the Mountain Regional customers, not the general population of Summit County. However, sometimes they have to look outside that circle, such as regionalization of water services, helping to build a pipe through the edge of their service area because of fire issues, or addressing the potential of adding new customers, which is all paid for by Mountain Regional customers. Since he has been on the board, there were rate increases in 2003, 2010, 2011, and 2014-2015, which represents about 11 years with about 22% combined rate increases during that period. He explained that all of their costs have to be passed through to their rate payers, and they have a limited number of customers to whom they can pass through those costs. The best thing they could do to decrease rates would be to have all the standby customers start to buy water. The next best thing would be to sell some wholesale water, because they currently pay for water they are not using. He also noted that sometimes they have to make decisions about whether to pay now or pay later. One example is when the County decided to reconstruct the roads in Summit Park, and Mountain Regional had to decide whether to replace its infrastructure at that time or wait another five years and tear the roads up again. He explained that they have made some decisions in recent years to replace infrastructure they knew would eventually have to be replaced anyway. They have worked hard to keep costs down, but they do not control some things, such as Weber Basin's costs. Mountain Regional has to pay those costs whether they use the water or not, and Weber Basin had a major increase a few years

ago and continues to have about a 3% increase each year. Another area where they have no choice is that their employees are on the Utah State retirement plan, which has had some substantial increases in the last few years. He stated that they have done a good job of managing their electrical costs, but they cannot manage Rocky Mountain Power's rates.

Council Member Ure asked if the water reservation fee is the same as the standby fee. Mr. Green explained that the water reservation fee is a component of the standby fee. The standby fee also includes some of the infrastructure fixed costs. Mr. Hopkinson stated that sometimes people feel that fee is not justified, because they do not feel they get anything, but Mountain Regional has the resources there and ready for them when they need them.

Council Member Ure recalled that during the regionalization, Mountain Regional was the only supplier with excess water and asked if they are leasing any of that water now. Mr. Green explained that Park City and Summit Water had potential needs for water. Summit Water indicated they would not need water until 2016, and the proposal is based on that. However, in the last few weeks, they have indicated that they may need to buy some water from Mountain Regional this summer, which is yet to be determined. Mr. Hopkinson explained that Mountain Regional pays for the additional leased water from Weber Basin whether they take any or not, and right now they are paying for it and not delivering to anyone. They would love to have someone buy the wholesale water from them. Mr. Green stated that Park City is asking for water in 2017 based on the contractual commitment. Mr. Hopkinson explained that being able to sell some of their wholesale water would have a positive impact on their rates.

Laura Means, Accountant with Mountain Regional, discussed the reasons for the rate increase and why the District's costs are increasing. One is that the existing debt service will increase over the next five years by $1 million. It will decrease in 2018 due to some SID bonds that were issued in 2003and will be retired in 2018, but it jumps up again in 2019. Mr. Green explained that in 2003 Mountain Regional partnered with Promontory to establish a special improvement district and issued bonds for 15 years. In 2009 they refinanced those bonds, but Mountain Regional had collected more assessments than they needed to pay off the bonds, and their financial advisor suggested that they keep the bond payments level, so it will go down when they pay the bonds off. When Promontory stops paying SID assessments, the water rates will have to pay more for the revenue bonds.

County Manager Bob Jasper discussed the concept of looking at the rate structure on a five-year basis like the County will look at its capital planning on a five-year basis. Mr. Hopkinson explained that they need the rate increase this year, and that is why they are making this request. They may want to level out rate increases in the future, but that could be discussed later. Mr. Green explained that the Administrative Control Board wanted to look at two years, and Mr. Jasper thought they should look at a five-year plan, so he has prepared both options for the Council to review and give direction.

Ms. Means reviewed the impacts of regionalization on the District's finances as shown in the staff report. She also discussed the measures they have taken to mitigate cost increases, including the power substation at Lost Canyon which allows them to buy wholesale power from Rocky Mountain Power, pumping water at night to get lower power rates, completion of green projects with a $1.5 million grant from the State Division of Drinking Water, auditing of Weber Basin's lease fees, and restructuring debt to take advantage of lower interest rates. She stated that the rate recommendation for 2014-2015 is a 3.75% increase effective August 1, 2014, another 3.75% increase effective August 1, 2015, and no gallons included in the base rate. She

explained that they recommend an average 20% increase in one-time fees, such as meter hookup fees and private hydrant fees. She reviewed the two rate recommendation options for a five-year plan, one for the 3.75% increase in the next two years and 4.75% for the next four years to minimize the 11.5% increase in 2019, and the other option being an annual increase of 4.4% starting in 2014 and continuing until 2019.

Chair Robinson stated that he did not believe the Council was interested in a six-year rate increase, because they hope things might happen to mitigate the need for some of the later increases. He did not want to try to predict what might happen in 2019. Mr. Hopkinson agreed that should not jump past two years at this point. He stated that he is optimistic about wholesale water sales and does not expect to see the 11.5% increase in 2019. Council Member Carson agreed that they need to look at this carefully after the next two years to see what the future might bring. She would prefer to make the increases in two-year increments for the next six years. She did not want to penalize current water users based on what may or may not happen in the future. Mr. Hopkinson stated that they do not want to come to the Council and ask for an 11% increase, and as soon as they can figure out what they really need, they will return to address a future increase.

Ms. Means explained that revenue growth beyond two years is difficult to forecast, because it depends on the building economy and new development, with Silver Creek Village being a big factor. Revenue growth is also dependent on future annexations, regionalization, and weather patterns. The District has attempted to develop a modest long-term forecast and set their budgets and rates accordingly. Mr. Green explained that impact fees are projected to decrease. They recently approved lower impact fees for most customers, and they may have to share some of their impact fees with Summit Water. Ms. Means reviewed the base rates over the next two years by customer type and explained that the water rates include punitive charges for excess water use. She discussed the proposed fee increases, including the connection fee and the fee for radio reading software. They also propose increased rates for private fire hydrants, meter inspection, and theft of water. Mr. Green compared the proposed rates and fees to other water companies in the area.

The Council Members agreed with raising the rates for the next two years but not the option of raising them for the next five years.

CONVENE AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Council Member McMullin made a motion to convene as the Governing Board of the Mountain Regional Water Special Service District. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Mountain Regional Water Special Service District was called to order at 4:25 p.m.

CONSIDERATION AND POSSIBLE ADOPTION OF MOUNTAIN REGIONAL WATER 2014 CAPITAL BUDGET AMENDMENTS; SCOTT GREEN, CHIEF FINANCIAL OFFICER

Mr. Green explained that the amendments to the budget are based on property purchases from Promontory of a well easement parcel and a commercial lot that is anticipated to be used as an

operations complex. He recalled that Promontory agreed not to protest the District's impact fees if they would consent to these purchases. They also plan to purchase property next to the Lost Canyon booster station that will be needed to expand the booster station within the next 10 years. He confirmed that the approved 2014 capital budget did not contemplate these acquisitions totaling $486,250.

Board Member McMullin made a motion to approve the proposed Mountain Regional Water 2014 capital budget amendments. The motion was seconded by Board Member Ure and passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Board Member McMullin made a motion to dismiss as the Governing Board of the Mountain Regional Water Special Service District. The motion was seconded by Board Member Ure and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Mountain Regional Water Special Service District adjourned at 4:30 p.m.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member McMullin made a motion to convene as the Board of Equalization. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization was called to order at 4:30 p.m.

CONSIDERATION OF TAX EXEMPTION FOR ENCOURAGEMENT FOR LIFE

Ashley Berry with the Assessor's Office explained that Encouragement for Life purchased a condominium in Newpark to be used as a retreat and for other uses. The church is located in California and needed someone to manage the property, so they signed up with Newpark Management. The property will be rented nightly when the church is not using the property. The management agreement states that Encouragement for Life can use the property for 21 days during the high season, but if they use it for more than 21 days, they have to pay a portion of the nightly fee. When she contacted the representative from the church, they were not sure how often the church would use it or how often it would be utilized, and they did not anticipate it would be used between December and March. Their future plan would be to remove the hot tub and ask another local church to take care of the unit in exchange for using it as a religious retreat. The church understands that the use other than a religious use would have to be de minimus and realizes it may have to pay taxes on the unit. Ms. Berry explained that, since the application had already been submitted, the Board of Equalization is required to act on it.

The Board Members agreed that this application does not meet the standard for a tax exemption.

Board Member Carson made a motion to deny the application for a property tax exemption for Encouragement for Life. The motion was seconded by Board Member Armstrong and passed unanimously.

CONSIDERATION OF TAX EXEMPTION FOR MOUNTAIN TRAILS FOUNDATION

Ms. Berry explained that the County mailed personal property tax forms on March 4, 2014, and the form states that there is a 30-day time period to appeal the taxes, with the taxes being due on May 15. She stated that the Mountain Trails Foundation application for exemption was received on July 21, 2014, which was after the filing deadline. Based on the property value on January 1, 2014, Mountain Trails would have been under the $10,000 limit and would have been exempt and not had to pay any taxes if they had filed by the May 15 deadline. Because the taxes were filed late, they are required to pay the taxes plus penalties and interest. Due to additional purchases, Mountain Trails will be over the $10,000 limit and will not be exempt in future years. She verified that, in order to be eligible for the exemption, they must file their taxes by May 15 and indicate on the form that they are an exempt organization.

Chair Robinson recommended that they determine whether the applicant meets the test for charitable purposes and allow this application to be processed as an application for exemption for 2015. Deputy County Attorney Dave Thomas explained that the charitable purpose test is that the organization is to provide a service that the County would otherwise provide. Board Member McMullin suggested that the answer would be yes, because the County has a special service district that provides that service.

Board Member McMullin made a motion to approve the Mountain Trails Foundation application for personal property tax exemption for 2015 and forward and deny the application for 2014 as being untimely filed. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.

DISMISS AS THE BOARD OF EQUALIZATION

Board Member Carson made a motion to dismiss as the Summit County Board of Equalization. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization adjourned at 4:45 p.m.

CONVENE AS THE GOVERNING B OARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

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

The meeting of the Governing Board of the Snyderville Basin Special Recreation District was called to order at 4:45 p.m.

POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING TO ACQUIRE SUMMIT PARK OPEN SPACE PARCL; WILL PRATT, PLANNING AND PROJECT MANAGER

Will Pratt, Planning and Project Manager for the Snyderville Basin Special Recreation District, explained that Chair Robinson had some questions about the Memorandum of Understanding (MOU), and most of them have been addressed.

Chair Robinson explained that there is a segment of road owned by the Division of Forestry, Fire, and State Lands over which the owner of a 25-acre parcel involving seven lots has a 30-foot right-of-way. The MOU indicates that the County will take over that road in some fashion, and he was not sure how that would be done and what kind of road it would be when the County owns it. Mr. Thomas explained that the road would be acquired through a deed and would be an unimproved Class D road. Certain parameters are included in the MOU that the County would have to comply with if they ever propose to upgrade the road. The owner of the 25-acre parcel would have to improve the Class D road with the County's consent in order to obtain subdivision approval. Mr. Pratt explained that the possibility of a future subdivision is uncertain, and the Community Development Department does not have an active application. He understood that, if a subdivision were approved, the developer would have to bring the road to County standards, and it would be up to the County to decide whether to accept the road. The road is currently fenced off and gated on both ends of the 25-acre parcel.

Laura Ault with the Division of Forestry, Fire, and State Lands stated that she understands the road is not currently sufficient for a subdivision. The developer does not want to encroach on his 25 acres of private property by widening the road into the private property side. The State has told him he cannot widen it into the conservation easement area for a number of reasons. Chair Robinson asked why the State wants the County to own the road. Ms. Ault explained that the road came with the property when it was conveyed to the State, and they do not want to deed the 325 acres to the County and keep the road. Mr. Thomas explained that the Recreation District does not usually retain ownership of roads, so post-closing, they will deed the road to the County. It will be classified on the road map as a Class D unimproved road, and the County will maintain it accordingly.

Mr. Pratt explained that all the title issues have been cleared up since the last time they met with the Governing Board.

Board Member McMullin made a motion to approve the Memorandum of Understanding to acquire the Summit Park Open Space Parcel. The motion was seconded by Board Member Carson and passed unanimously, 4 to 0. Board Member Armstrong was not present for the vote.

DISCUSSION AND POSSIBLE APPROVAL OF THE USE OF THE PRI/KIMBALL JUNCTION OPEN SPACE PARCEL IN THE SOUTHEAST AREA FOR A TWO-MILE OFF-LEASH DOG TRAIL AREA; RENA JORDAN, DIRECTOR

Rena Jordan, Director of the Snyderville Basin Special Recreation District, reported that the District met with a subcommittee of the County Council to look into possible off-leash trail areas the District could develop. The Recreation District explored all the open-space properties it currently owns and considered two options. One was an area at Trailside Park with a trail that they could tie into the dog park, and the other was the PRI/Kimball Junction open space property. They suggested the PRI property because it would not take away from any existing use and would not have the conflicts they might have on their other trail properties.

Chair Robinson confirmed with Ms. Jordan that this is coming to the Governing Board for approval because the property is jointly owned, and if it were wholly owned by the Recreation District, they would have the authority to develop the trail without the Board's approval. Ms. Jordan explained that a conservation easement has not been completed on this property, and she felt it would be appropriate for the Governing Board to agree to this as a property owner.

Chair Robinson allowed Mindy Wheeler with the Basin Open Space Advisory Committee (BOSAC) to express her concerns. He explained that she wondered about the process for making this decision, because it did not go through BOSAC. Ms. Wheeler stated that she wanted to know what sort of protocol was used for making these decisions. She felt there should be some overarching document for this open space parcel and that it would be good to have some guidance with regard to the objectives for the PRI parcel. County Manager Bob Jasper suggested that they figure out a plan for the PRI parcel. Ms. Wheeler felt they should show the public that they have consciously thought about this parcel and what they want to do with it.

Ms. Jordan addressed the question of why this was not presented to BOSAC and explained that this concept was presented at a BOSAC meeting. It was her understanding that BOSAC does not have a role in managing the property once it is acquired, and when they had that discussion at BOSAC, it was simply to let them know what they were considering. She understood that the Recreation District has the role of managing the PRI parcel, and it must be done within the context of the deed restrictions that were placed on the property. She did not believe this proposed used on the property would violate the deed restrictions.

Board Member McMullin commented that this property is jointly owned by the County and the Recreation District, and they should be jointly developing a long-range plan for the property.

Chair Robinson stated that he believes Rocky Mountain Power has plans to expand its substation and that they should find out what their plans are before putting the trail in.

Ms. Jordan agreed that, since the County and the Recreation District own the property jointly, they should have a joint discussion about the future management of the property and how to budget for it.

Board Member Carson made a motion to approve the use of the PRI/Kimball Junction open space parcel in the southeast area for a 2-mile off-leash dog trail area. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

Board Member Armstrong asked about the costs associated with building the trail and how long it would take to build it. Ms. Jordan replied that they will build it in-house using District staff and equipment, and they could start to build it as soon as the Board would like them to.

DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT AND CONVENE AS THE SUMMIT COUNTY COUNCIL

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

The meeting of the Governing Board of the Snyderville Basin Special Recreation District adjourned at 5:15 p.m.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 5:15 pm.

- **Pledge of Allegiance**

CONSIDERATION AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION OF FORESTRY, FIRE, AND STATE LANDS, THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT, AND SUMMIT COUNTY CONCERNING THE SUMMIT PARK OPEN SPACE PARCEL

Council Member Armstrong asked about the ongoing costs once they acquire this parcel. Mr. Pratt explained that the Recreation District already has about four miles of trails on the parcel, so they are already managing it. Any added costs would be associated with additional trail mileage, and they would work on a long-term management plan with Utah Open Lands. That cost is yet to be determined. Bob Radke with the Recreation District explained that having the Division of Forestry, Fire, and State Lands as a partner will allow for some grants to help manage the forest. Ms. Jordan explained that the District currently allocates $50,000 per year in its budget for management of open space, and they intend to continue to budget for that, noting that they have increased that amount each year as the amount of open space has grown. She believed next year's allocation would be close to $75,000, and so far this year they have not had to spend any of that budget. Council Member Armstrong explained that, as they continue to acquire open space, he wanted people to understand if there are additional significant costs associated with maintaining it. Ms. Jordan explained that they are still working on a management plan for Toll Canyon, which was acquired last year. Some work has been required on that property, and the District staff has done the work. They know as new properties become their responsibility, they have to budget and plan for managing and maintaining those properties.

Council Member McMullin made a motion to approve the Memorandum of Understanding between the Division of Forestry, Fire, and State Lands, the Snyderville Basin Special Recreation District, and Summit County concerning the Summit Park open space parcel and to authorize the County Manager to sign. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

CONSIDERATION OF APPROVAL OF THE USE OF THE PRI/KIMBALL JUNCTION OPEN SPACE PARCEL IN THE SOUTHEAST AREA FOR A TWO-MILE OFF-LEASH DOG TRAIL AREA (PARCEL JOINTLY OWNED BY SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT AND SUMMIT COUNTY)

Council Member McMullin made a motion to approve the use of the PRI/Kimball Junction open space parcel in the southeast area for a 2-mile off-leash dog trail area. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF ERRORS & OMISSIONS; STEVE MARTIN, ASSESSOR

County Assessor Steve Martin reported that the County Recorder's Office found an error on the Park City Heights parcel that was annexed into Park City. There was a remainder parcel of .57 acre that retained the original parcel number, and when new serial numbers were created several years ago, the acreage that was annexed into the city was not deducted from the original parcel number. This error was brought to his attention, and he is requesting a rebate for the over-assessment from 2011 through 2013 in the amount of $24,743.31.

Council Member Ure made a motion to approve the errors and omissions and refund the $24,743.31. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE APPROVAL OF PROCLAMATION 2014-4, A PROCLAMATION RECOGNIZING THE TOUR OF UTAH; AMIR CAUS, COUNTY PLANNER

County Planner Amir Caus recalled that the Council of Governments indicated to Staff in one of their meetings that they wanted to be better informed about special events. He reached out to the Mayors, worked out some of the issues, and made some changes in the County's processing of special events permits. He commented that the Tour of Utah has an excellent organizing committee this year, and Mayor Marchant will host an event in Kamas. Public Relations Specialist Julie Booth recommended that they approve a proclamation to recognize the Tour of Utah for its economic benefit to the community, to recognize the people who work on it, and to recognize the two Summit County athletes who are participating in the event. He requested that the Council approve the proclamation and explained that it will be presented on-stage in Kamas.

Council Member Ure made a motion to approve Proclamation 2014-4, a proclamation recognizing the Tour of Utah. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0. Council Member Armstrong was not present for the vote.

Council Member Ure commented that Staff has worked diligently to coordinate with the Mayors in the County, and the relationship with the Mayors is the best it has been in years.

Mr. Caus presented a 30-second commercial running on national television to promote eastern Summit County.

MANAGER COMMENTS

Mr. Jasper discussed the roads in Tollgate Canyon and reported that the attorney for Pine Meadow Ranch contacted him to say that the County owns the open space that provides access to get up the road and that the County should be responsible for helping to fix the road. The County has long been concerned that the road is a major safety issue, and the road on the Forest Meadow side is far too steep. Pine Meadow Ranch has some land that would allow them to decrease the grade on the Forest Meadow road, and they have asked for help. The County did better than expected on its road bids this summer and has some money left in the budget, and he has agreed to use that money, with the Council's approval, to help Pine Meadow. They have asked for $243,000 to help with the road. He noted that Pine Meadow is not part of a road taxing district, but the homeowners association and water company will put in quite a bit of money. He

will ask the Council to approve a grant in the amount of $243,000 with the money coming from the savings in the road budget. What the County would get from that would be safe roads in and out of that area, and it would be a good partnership and show good faith on the part of the County to work with the homeowners, many of whom are full-time residents.

Council Member Ure asked why they are setting a precedent in this specific area when there are 400 or 500 lot owners who could potentially pay for the road. Mr. Jasper replied that it is because people live in this area year round, and it is unsafe.

Council Member Carson stated that would not hold much muster with her, because she lives in Siler Creek, and they have the same issue. Mr. Jasper stated that he is also working with Service Area 3 to address the roads in Silver Creek, but Silver Creek does not have a road that is quite as unsafe as the one in Tollgate Canyon. Council Member Carson suggested that Mr. Jasper be prepared to answer why the homeowners association would not assess a per-lot fee to fix the road and why the County would want to set a precedent like this going forward.

COUNCIL COMMENTS

Council Member Carson reported that the Board of Health continued to work on the draft Health Ordinance and completed Health Director Rich Bullough's evaluation at their meeting this week. She stated that the Board of Health is pleased with the number of initiatives with the Council and Board of Health, such as waste water management, development of the Health Code, and environmental health issues. The Health Department now has the ability to enforce compliance on some environmental health issues utilizing the Order of Abatement process and has had some great success with that, resulting in improved living standards for some of the citizens. Mr. Bullough asked her to convey his appreciation for the County's support in being able to use that process.

Council Member Carson presented an award for Summit County winning third place for corporate teams in the Susan G. Komen Utah Race for the Cure. She explained that the Komen Foundation provides two significant grants to the People's Health Center and the Image Reborn Foundation in Summit County. She also noted that Summit County has a higher rate of breast cancer than other counties in the State.

APPROVAL OF COUNCIL MINUTES

JULY 9, 2014
JULY 16, 2014

Council Member McMullin made a motion to approve the July 9, 2014, and July 16, 2014, County Council meeting minutes as written. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING AND POSSIBLE APPROVAL OF ORDINANCE 113-L, AN ORDINANCE AMENDING SUMMIT COUNTY ANIMAL CONTROL ORDINANCE 113-K; HELEN STRACHAN, DEPUTY COUNTY ATTORNEY

Deputy County Attorney Helen Strachan presented the changes to the animal control ordinance and explained that the ordinance will give the County and other jurisdictions the ability to create off-leash dog areas. She explained that the new language changes a few definitions in the animal control code, such as including a definition for agricultural dogs, moving "at large" to the Code language, cleaning up the definition of an owner, and moving "under restraint" to the dogs running at large portion of the Code. It includes a section defining voice and sight control, and it includes off-leash dog area regulations. It also recognizes certain sensitive areas where dogs are not to be off leash. Animal Control will educate owners about off-leash dog areas when they apply for a dog license. She explained that, if this language is approved, Staff will meet with the Planning Department and other stakeholders to clarify permitting and processing for off-leash dog areas and whether they need to create a use in the use chart for off-leash dog areas and require a permit. They also want to standardize rules and regulations for off-leash dog areas, which would probably come through Animal Control. She recommended that the County Council hold a public hearing and approve the proposed language.

Chair Robinson opened the public hearing.

Scott Law stated that he is a proponent of electronic dog collars and asked if this would further restrict the use of electronic dog collars. Council Member Armstrong explained that the owner would have to have a physical leash in their possession. Ms. Strachan explained that they will be required to carry a physical leash in the event of emergencies or in case an electronic collar fails to work. Also, when in an off-leash dog area, the owner must have a physical leash, not just an electronic collar. Mr. Law stated that he is pleased to see the approval of the new off-leash dog area.

Council Member Ure asked for clarification of the 150-foot requirement in Item C, Sensitive Areas. Brian Bellamy explained that a dog must be on a leash until it is at 150 feet up the trail on a designated off-leash dog trail. Council Member Armstrong agreed that the language is confusing and suggested that they clarify it.

Chair Robinson closed the public hearing.

Council Member Carson made a motion to approve Ordinance 113-L, an Ordinance amending Summit County Animal Control Ordinance 113-K. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

The County Council meeting adjourned at 6:15 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, AUGUST 13, 2014
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 2:20 p.m. to 3:35 p.m. Those in attendance were:

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

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
David Thomas, *Deputy Attorney*
Jeff Jones, *Economic Development*
Travis English, *Fair Administrator*
Sterling Banks, *Fair Board*
Melanie Bosworth, *Fair Board*
Marla Howard, *Fair Board Chair*
Dirk Rockhill, *Fair Board*
Katie Silcox, *Fair Board*
Dave Perry

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

The Summit County Council met in closed session for the purpose of discussing litigation from 3:35 p.m. to 4:10 p.m. Those in attendance were:

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

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

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

WORK SESSION

Chair Robinson called the work session to order at 4:10 p.m.

- **Introduction of the Miss Summit County, Little Buckaroo, and Rodeo royalties**

The Miss Summit County, Rodeo, and Little Buckaroo royalties introduced themselves to the Council Members and answered questions posed by the Council Members. Council Member Ure noted that during the livestock auction more than $70,000 was raised for the Fitzgerald family, which recently lost their mother.

- **Update on Mountain Accord; Laynee Jones, Program Manager**

Laynee Jones, Program Manager for Mountain Accord, presented a map showing the study area and explained that Mountain Accord is a collaborative effort to plan the future of the study area. She stated that Mountain Accord focuses on transportation, environment, economy, and recreation and provided a summary of how the process started. She reported that they are just finishing the visioning and goals in each of the four areas. The four committees are in the process of developing their idealized future, and in November they will merge the four together and look at three or four combined scenarios. She reviewed the visions and goals of each systems group as shown in her report in the packet and noted that they have a lot in common.

Chair Robinson stated that he wanted to get the Council and Staff together with Ms. Jones to be sure the County is doing all it can to help meet the timeline and come up with the County's version of the idealized systems in the four systems groups. He asked Staff what efforts they are making to be sure they are all on the same page and collaborating with Park City to be sure the Wasatch Back is well represented when the idealized systems are developed.

Community Development Director Patrick Putt reported that he and Planning and Zoning Administrator Peter Barnes are currently working on the transportation system and preparing for the meeting next week where they will engage a broader systems group in a mapping exercise. That will be the first time the transportation systems group will identify the key nodes, linkages, and development of facilities associated with that. In conjunction with that, they have been working on the Wasatch Back working committee, which includes representatives from Park City, Summit County, Wasatch County, Canyons Resort, and State Parks, to share information regarding long-range land use planning and transportation issues. He explained that County Engineer Leslie Crawford could provide more detail on the Snyderville Basin long-range transportation plan.

Council Member McMullin asked what the idealized scenario is meant to impart and what they are asking of the group. She asked what it will mean going forward once an idealized scenario has been identified. Ms. Jones explained that they are asking each systems group to determine how their area would work ideally if they did not have to worry about any other factors. When they put all that together, they hope to identify the areas they want to preserve, the areas where they want to focus development, and where the transportation corridors should be. The decisions in January will basically be infrastructure decisions, and they have to look at land use and transportation together to come up with that blueprint.

Chair Robinson expressed concern that, as the systems groups come up with their idealized systems, those in the Wasatch Back will have influenced that enough to include their idealized system as it relates to Summit County. He believed the entities in the Wasatch Back need to work in concert, or the idealized scenario may not include what they need or want. He wanted to have an open discussion early so there is no confusion as to what they want and to be sure they are unified in getting the ideal system for Summit and Wasatch counties.

Council Member McMullin asked if the idealized scenario is meant to be detailed or more of a broad stroke. Ms. Jones replied that it is meant to be a broad stroke. For transportation, they will be looking for mode and alignment. She explained that they will look at costs once they have decided on a scenario, and she believed it is important for Summit County to attend the meetings to be sure they are getting what they are seeking.

Council Member Ure commented that the most limiting factor is the watershed, and he was not sure how that would be taken into consideration above anything else. Chair Robinson replied that the challenge will be to get more people into these areas and grow the economy without destroying the quality of life, including water and air quality. They will try to mesh the other idealized scenarios with the environmental scenario. So far they have studied existing conditions and future trends, and now they are getting down to drawing lines on maps and creating an idealized scenario, and finding the right balance is the real challenge. Council Member Carson explained that she serves on the environmental systems group, and their first goal was to protect the watershed, including water quality and quantity.

County Engineer Leslie Crawford stated that she has been co-chair of the transportation systems group and involved in the Wasatch Back group. She reported that they have met bi-weekly to discuss issues, commonalities, and problems in the Wasatch Back and to update each other on what they are doing so they can to go the Mountain Accord meetings with a united voice. She stated that those meetings have been very successful, and the Mountain Accord meetings are on schedule. She reported that a steering committee has been put together for the Snyderville Basin long-range transportation plan that includes Park City, the Canyons Resort, and Vail. They have a draft short-terms needs assessment for the next five to seven years that will be finalized on Monday. It will identify both structural and non-structural recommendations and will be presented to the steering committee for comment. She reported that the consultants are working very hard on the long-range transportation recommendations, which will be presented in a public forum at the end of September, to the joint councils at the end of October, and finalized by mid-November. That will be a month and a half ahead of the finalized scenario for Mountain Accord.

Council Member Carson noted that the systems groups will start to determine their ideal scenarios next week and asked if Ms. Crawford has any guidance or information that the Council Members could take to their systems group meetings in terms of what she thinks will connect well with the Snyderville Basin plan. Council Member Armstrong stated that they are not to that point yet in the transportation systems group meeting. They are trying to solve how to get from the airport to various destinations and circulation among those destinations. They need a way to get people from the airport to Summit County that ends in a transportation system that will accommodate multi-modal sources. There are only a certain number of places where they can put transportation centers, and some of them are very obvious, as they are faced with terrain and certain transportation routes that exist in the area. Chair Robinson asked how the transportation study by Fehr and Peers might provide information for that. Council Member Armstrong believed it would help in focusing on the nodes, how to get among nodes and land use in between, what it means in terms of eminent domain, etc. Ms. Crawford explained that the long-range transportation plan takes into account existing corridors, entitled land that has not been built upon, and working with Park City to determine what they want the corridors to be. In doing so, they are developing quite a clear picture of where the nodes will be, where the corridors will have to be, what needs to be saved as open space, and what could perhaps be developed differently than what is now on the books. Chair Robinson asked when the Council would see that. Ms. Crawford replied that they will see it next month.

Chair Robinson expressed concern that Staff is having these big discussions, and the Council is totally in the dark. Although Ms. Crawford feels like they are moving ahead at a great pace, there is a big disconnect. Ms. Crawford stated that she did not believe it would be fair at this point to provide the Council with half-baked information. Council Member Armstrong commented that Chair Robinson wants to see the information now, but Council Member Armstrong did not believe that would be useful to the Council or to the Mountain Accord process. They will get the information between September and November so they can process it and be sure they are making some good decisions. When they get that information in November, Mountain Accord can make its decision in January with all the information, which will be good information. Council Member McMullin stated that she would like to understand what is happening in the transportation systems group and how they will come up with an idealized system in August and September, what it will be, and when the Council will see it. She wanted to know when the Council would be told what the idealized system is. Chair Robinson stated that, if Staff is the advocate on that committee for conveying the County's ideal, he wanted to know when the Council would see it. Council Member Armstrong suggested that the Council have a discussion amongst themselves and allow Staff to understand what their vision is. Then, as they get the transportation study results, they can start to translate it and realize the Council's vision at a higher level in the transportation systems group. Chair Robinson agreed and stated that they need to include Park City and Wasatch County and their Staffs in that process so they are all on the same page.

Chair Robinson asked Kent Cashel, Park City Public Works Director, where they stand. Mr. Cashel explained that Park City Staff has had several meetings with the Park City Council to hear their vision. However, no detailed information regarding the systems committees' work has been taken to their Council yet.

Council Member McMullin expressed concern that she does not even understand the broad strokes coming out of this process. She has not been asked for her input, and there is no policy direction from the Council. She wanted to be involved in determining the broad strokes, but she does not know what is being discussed. Chair Robinson agreed that the people who represent them in the systems meeting groups need to represent what the Council wants. Ms. Jones suggested that they have regular meetings so the people at Mountain Accord understand the County's study along the way and are not surprised at the end of October. Council Member Carson felt like she should not even attend the meeting and represent Summit County if she does not have any tools to work with. She has ideas but has had no conversations with consultants or Staff or other jurisdictions. Council Member Armstrong recalled that they had a meeting with Park City on transportation. He stated that they are not getting down to local details at this point; they are still talking about a very broad view in the systems group. If the Council Members have strong ideas about how to move people from the airport to Park City, they should talk about that. Council Member Carson agreed that they need to focus on the connections in order to be prepared for the systems group meetings.

County Manager Bob Jasper asked what would happen by the end of October. Ms. Jones explained that the systems groups will make recommendations to the executive board for their idealized scenarios. Then the consulting team will combine them and look at how to move forward. It will provide a civic dialog that has been arrived at with good information.

Council Member Carson suggested that the Council Members attend the systems group meetings and see what they are starting to draw on maps and listen to what is being said. Then they can bring that back the first or second week of September and have a conversation about possibilities based on what the Council Members know has been discussed. Then they can go to the systems group meetings in September and October and better advocate. Chair Robinson suggested that the Council meet in work session with Staff next week after attending their systems group meetings in the coming week. Then in September they can meet with Park City and Wasatch County. He suggested that they particularly focus on transportation, because it is such a huge issue for Summit County.

Mr. Putt suggested that they take a step back and look at how the Mountain Accord process inter-relates with the Snyerville Basin long-range transportation plan. He explained that transportation works in a hierarchy—regional, local, and neighborhood. He believed Mountain Accord would look at a regional perspective that would have an influence on the local system. The long-range master transportation plan looks at the local and expands the detail into the neighborhood. Chair Robinson stated that the Council would like to have discretion on the regional part as soon as possible and not wait for the local and the neighborhood that will be based on the transportation plan. He believed Staff now needs to take a little time to help the Council catch up with what is happening with both.

Ms. Jones suggested that she meet once a month with the Council between now and January, which would be valuable for her and to the Mountain Accord process. When she hears these conversations, she can help to convene summit meetings if needed. Chair Robinson suggested that Ms. Jones meet once a month with Summit County alone and once a month with the greater Wasatch Back group.

Council Member McMullin was excused from the remainder of the meeting.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member Carson made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0. Council Member McMullin was not present for the vote.

The meeting of the Summit County Board of Equalization was called to order at 5:35 p.m.

CONSIDERATION OF APPROVAL OF 2014 STIPULATIONS

Board Member Carson noted that a large number of stipulations is based on correction of a computer input error, but Staff was not available to answer questions. She noted this has made a significant difference in the assessed values.

Chair Robinson suggested that they postpone this item to next week when a representative from the Assessor's Office can be present.

DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Ure made a motion to dismiss as the Summit County Board of Equalization. The motion was seconded by Board Member Carson and passed unanimously, 4 to 0. Board Member McMullin was not present for the vote.

The meeting of the Summit County Board of Equalization adjourned at 5:40 p.m.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 5:40 p.m.

- **Pledge of Allegiance**

COUNCIL COMMENTS

Council Member Carson confirmed that Council Members Armstrong and Ure plan to attend the COG meeting next week.

Chair Robinson reported that he will provide a challenge grant and be on the radio August 21 from 2 p.m. to 3 p.m. for the KPCW fundraiser. He invited the other Council Members to appear on the radio with him.

The Council Members discussed City Tour and whether to cancel the Council meeting that week. They also discussed whether to cancel the meeting on August 27 and decided to wait until next week to make that decision.

Council Member Ure asked about the possibility of setting up an advisory transportation board to consider all the decisions that need to be made regarding transportation. He stated that there is a lot of expertise in Summit County they could draw from. Chair Robinson asked Mr. Jasper to come up with a proposal for such a board and its role. Council Member Carson suggested that Mr. Jasper get input from Public Works Director Derrick Radke and Mr. Jasper about setting up a board. She asked if Council Member Ure sees that there is a real issue. Council Member Ure stated that he questions the equipment the County buys, and he believed they could hire someone to do the work for considerably less than the equipment costs. He believed a public works board could give some good input on those types of decisions. Council Member Carson noted that the Council has the opportunity to review items like that in the capital budget each year. Council Member Ure noted that the purchase of equipment is only about half the cost, because they need a place to house it, and there are other related costs.

ADVICE AND CONSENT OF COUNTY MANAGER'S RECOMMENDATION TO APPOINT TWO MEMBERS TO THE SUMMIT COUNTY LIBRARY BOARD OF DIRECTORS

Chair Robinson stated that he read the resume of one of the candidates that was not chosen and commented that it was very impressive. Council Member Carson stated that she had the same question and asked how Mr. Jasper looks at the makeup of the board when he interviews candidates. She believed with these recommendations, there would only be two members representing eastern Summit County, and the candidate that was not chosen was from eastern Summit County. She stated that she also looks at the makeup of the board in terms of male and female members. Mr. Jasper replied that he does the best he can, and he tries to look long term. He noted that both of the people he recommended have applied to serve on boards before, and he took that into account. He stated that the candidate the Council Members are talking about will be encouraged to apply again to serve on a board. Council Member Carson requested that Mr. Jasper take into consideration geographic representation on future board recommendations.

Council Member Ure made a motion to appoint Alex Peterson to fill the unexpired term of Shauna Wiest and Michael Novak to fill the unexpired term of Arlys Whitaker on the Summit County Library Board of Directors, with Mr. Peterson's term to expire February 28, 2018, and Mr. Novak's term to expire February 28, 2017. The motion was seconded by Council Member Amstrong and passed by a vote of 3 to 1, with Council Members Armstrong, Robinson, and Ure voting in favor of the motion and Council Member Carson voting against the motion. Council Member McMullin was not present for the vote.

MANAGER COMMENTS

Mr. Jasper recalled that the Council discussed setting up a cemetery board in the Snyderville Basin and put it off because they were looking for land. He reported that he has had some discussions with the archdiocese of the Catholic Church in Salt Lake regarding a parcel at the intersection of Highway 40 and I-80 and one by the church at White Pine Canyon going up to The Colony. He emphasized that these are very preliminary discussions.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING REGARDING POSSIBLE APPROVAL OF SPECIAL EXCEPTION TO REDUCE SETBCKS IN THE AG-160 ZONE, EAST FORK OF THE BEAR CAMP; BOY SCOUTS OF AMERICA, APPLICANT; RAY MILLINER, COUNTY PLANNER

Chair Robinson declared that he has a conflict of interest on this project because he is a member of the Executive Board of the Great Salt Lake County of the Boy Scouts of America, and he recused himself from discussing and voting on this item.

Vice Chair Carson assumed the chair.

County Planner Ray Milliner presented the staff report and explained that the Boy Scout Council is requesting a special exception for setbacks for a proposed 180,000-gallon water tank in the southeast section of the property. He explained that the AG-160 Zone has rear and side yard setbacks of 50 feet, and 100 feet from a road. The proposed water tank would be located within the setbacks 30 feet from the side property line, 36 feet from the rear property line, and 40 feet from the road right-of-way. Because of the topography of the site, the proposed water tank would be at the highest elevation in the camp. The camp currently has an existing water system that is used with water tanks located off the scout property, and the proposal would move the tank onto camp property. Staff has found that this request meets the minimum standards for approval, and the reduction in setbacks has minimal impact on neighbors, because the closest neighbor is far away. The Forest Service as indicated that they are in favor of the proposal. Staff recommended that the Council approve the proposed special exception with the findings of fact, conclusions of law, and conditions of approval in the staff report.

Council Member Ure asked if the public right-of-way is a road or a trail. Mr. Milliner replied that it is a Forest Service road. Dave Dillman with Horrocks Engineers explained that the road dead ends about a half mile above the camp. Vice Chair Carson verified with Mr. Milliner that having the tank that close to the road is not a safety issue.

Council Member Armstrong asked why a 100-foot setback from the road is required in the AG-160 Zone. Mr. Milliner replied that he was not on the Staff when the setbacks were created, but it is assumed that they wanted to create a buffer between any structure and the road, snow removal, and other impacts that come from rural uses. Council Member Armstrong asked if the camp would need access to the water tank. Mr. Dillman replied that they would use the existing Forest Service road as access to the tank. Council Member Armstrong asked about the large structure shown on the site plan. Mr. Milliner explained that concurrent with this request is a Conditional Use Permit request for a 20,000-square-foot lodge, and this water system will provide water for the lodge. Mr. Dillman confirmed that the new tank will provide water for the entire property. Council Member Armstrong asked what would happen if the tank were built within the required setbacks. Mr. Dillman replied that would reduce the elevation to a point that they could not meet the Division of Drinking Water requirements for pressure for the water system.

Vice Chair Carson opened the public hearing.

There was no public comment.

Vice Chair Carson closed the public hearing.

Council Member Armstrong made a motion to approve the special exception to reduce setbacks in the AG-160 Zone, East Fork of Bear Camp, Boy Scouts of America, with the following findings of fact, conclusions of law, and conditions of approval outlined in the staff report dated August 13, 2014:

<u>Findings of Fact</u>:

1. **The applicant is requesting a special exception to reduce the AG-160 requirement that a structure be set back at least 100 feet from a public right-of-way to 40 feet, reduce the AG-160 requirement that a structure be set back at least 50 feet from the rear property line to 36 feet, and reduce the AG-160 requirement that a structure be set back at least 50 feet from the side property line to 30 feet.**
2. **The applicant is proposing to build a 180,000-gallon water tank as part of a proposal to rebuild the existing water system on site.**
3. **Concurrent with this special exception application, the Scouts have submitted a Conditional Use Permit application for Eastern Summit County Planning Commission review for a 22,000-square-foot lodge that will be used for training and general Scout activities.**
4. **The subject property is zoned Agricultural Grazing (AG-160).**
5. **Institutional uses are a conditional use in the AG-160 Zone.**
6. **Service providers have reviewed the application and provided comment or have not stated concern with the application.**
7. **The use will enable the Boy Scouts of America to better provide water service to its patrons.**
8. **There are no structures, residences, or other types of development near the proposed water tank location.**
9. **The proposed reduction in setbacks will not have a more significant impact on the adjacent property owner than construction would if it met the required setbacks.**
10. **Although the overall camp is very large, the unique circumstance warranting the special exception is that the highest point on the site and the best location for the gravity flow happens to be adjacent to one of the property corners.**

<u>Conclusions of Law</u>:

1. **The application complies with applicable requirements in Chapter 11-2 of the Development Code.**
2. **The application complies with the Special Exception criteria in Section 11-4-15 of the Development Code.**
3. **The application complies with the Eastern Summit County General Plan.**

<u>Conditions of Approval</u>:

1. **The rear setback for the tank shall be 36 feet.**
2. **The side setback for the tank shall be 30 feet.**
3. **The setback from the public right-of-way shall be 40 feet.**
4. **Prior to receipt of a building permit, the applicant shall receive Conditional Use Permit approval for the water tank from the Eastern Summit County Planning Commission.**

5. **Future modifications and/or expansions of the proposed use will require the approval of the Summit County Planning Commission.**
6. **Prior to construction, the applicants shall submit a construction mitigation plan to Summit County for review and approval.**
7. **All service provider requirements shall be met.**

The motion was seconded by Council Member Ure and passed unanimously, 3 to 0. Council Member McMullin was not present for the vote, and Council Member Robinson recused himself from voting on this item.

The County Council meeting adjourned at 6:10 p.m.

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Council Chair, Chris Robinson ***County Clerk,*** Kent Jones