



**AMENDED AGENDA
COUNTY COUNCIL
Wednesday, June 10, 2026**

NOTICE is hereby given that the Summit County Council will meet, on Wednesday, June 10, 2026, electronically, via Zoom, and at the anchor location of the Richins Building auditorium, 1885 W. Ute Blvd., Park City, UT 84098

(All times listed are general in nature, and are subject to change by the Board Chair)

To view Council meeting, live, visit the "Summit County, Utah" Facebook page.

OR

To participate in Council meeting: Join Zoom webinar: <https://zoom.us/j/772302472>

OR

To listen by phone only: Dial 1-301-715-8592, Webinar ID: 772 302 472

1:50 PM Closed Session - Property acquisition (75 min); Personnel (60 min)

4:05 PM - Move to auditorium (10 min)

4:15 PM Work Session

1. 4:15 PM - Pledge of Allegiance (5 min)
2. 4:20 PM - Presentation regarding Leadership Park City; Scott van Hartesvelt (40 min)
[Leadership Park City Presentation.pdf](#)

5:00 PM Convene as the Governing Board of Mountain Regional Water Service District

1. 5:00 PM - Discussion and possible adoption of Policy Revisions to District Administrative Policies and Water Rules and Regulations; Andy Garland (10 min)
[Mountain Regional Water Council Memo and Redlines.pdf](#)

Dismiss as the Governing Board of Mountain Regional Water Service District

5:10 PM Convene as the Board of Equalization

1. 5:10 PM - Discussion and possible adoption of the Summit County Board of Equalization Administrative Rules; Chase Black (10 min)
[SC BOE Administrative Rules Staff Report 2026.06.10.pdf](#)

5:20 PM Consideration of Approval

1. 5:20 PM - Discussion and ratification of the 2026 Property Tax Sale results; Chase Black (10 min)
[Tax Sale Staff Report 2026.06.10.pdf](#)
2. 5:30 PM - Discussion and possible approval of Emergency Services Sales Tax Grant Program Advisory Board's 2026 grant recommendations; Suzy Lee and Eric Bradshaw (20 min)
[2026 ESST Grant Recommendation.docx](#)
3. 5:50 PM - Council and Manager comments (10 min)

6:00 PM Public Input

Public comment is for any matter not on the Agenda and not the subject of a pending land use application. If you would like to submit comments to Council, please email publiccomments@summitcountyutah.gov by 12:00 p.m. on Wednesday, June 10, 2026. If you wish to interact with Council, for public input, please appear in person, or use the “Raise Hand” button at the bottom of the chat window in Zoom.

6:00 PM Public Hearings

1. Public Hearing, possible adoption of Ordinance No. 1013 Amending Section 10-3-17(B): Parcel Boundary Adjustments for Parcels Outside a Subdivision of the Snyderville Basin Development Code; Ray Milliner, Principal Planner
[Staff Report and Ordinance No. 1013](#)
2. Public hearing and possible approval of Ordinance No. 1014 for Amendments to the Snyderville Basin Development Code, Sections 10-3-5, 10-3-9, 10-3-15(A)(1) and (D)(2), 10-3-18(G)(1) (d)(1), 10-4-16(F)(2), 10-10-9-17(B)(4) 4-20(C)(4), 10-7-2(C)(3)-(4), 10-8-5(B)(1) and (2)(g), 10-8-13(C), 10-9-1, 10-9-2, 10-9-9(A), (B), and (C), 10-9-17(B)(4), 10-9-20(B), 10-9-21(A), 10-9-22(D)-(G), and Chapter 11. The proposed amendments align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Eastern Summit County Development Code, and make other non-substantive amendments; Jennifer Strader
[Staff Report SCC Basin 6.10.26 PH Code Amendments FINAL.pdf](#)
3. Public Hearing and possible approval of Ordinance No. 1015 for Amendments to the Eastern Summit County Development Code, Sections 11-1-3, 11-4-2(A)(3), 11-4-5, Section 11-4-5(F)(1)(a) and (G)(2), 11-6-5(A)(1)(a-e), (2)(g), (B)(1), (2)(d), 11-6-16(F)(1)(d)(1), 11-6-19(C), 11-7-10(B), 11-7-14(B), 11-7-15, 11-7-16(B) and (E), Appendix A, and APPENDIX C (D). The proposed amendments align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Snyderville Basin Development Code, and make other nonsubstantive amendments; Jennifer Strader
[Staff Report SCC East 6.10.26 PH Code Amendments FINAL.pdf](#)

Adjourn



Leadership Park City

County Council Report – June 2026



— Opening Remarks —



Class 32 City Tour



Milestones

- Successfully completed first class
- Created a formal Mission and Vision statement with Partners
- Maintained consistent community interest through transition
- Grew Symposium attendance
- Launched new Symposium format
- Developed new leadership curriculum



— Leadership Symposium —



Milestones

- Developed close working relationship with advisor Margaret Plane
- New participation with Association of Leadership Programs
- Piloted new Alumni Travel Series
- Developed a digital resource library for efficiency and scalability
- Maintained budget fidelity



Priorities

1. Class 32
2. Closer partner collaboration
3. Additional leadership training development
4. Topical and relevant programming
5. Ongoing facilitator training and development - ALP
6. Regional networking
7. Closer collaboration and growth of Alumni Association



Mission and Vision

Mission Statement

Leadership Park City equips participants with the skills, confidence, and connections to drive community impact through immersive civic and leadership training

Vision Statement

Leadership Park City is a cornerstone of our community identity, where leaders rise to support a thriving, connected community.



Measurables

GOAL	MEASURABLE
Program resonance in community	# of applicants for new classes
Improving leadership skills	Self assessment at beginning and end of class
Measurable impact on the community	Class and alumni impact, including financial and civic contributions
Build a strong network of community leaders	Participation in LPCAA



Class Demo

Place of Residence	% of Total
Park City	25%
Snyderville Basin	38%
Kamas and Coalville	15%
Heber/Midway	9%
SLC	9%

Place of Employment	% of Total
Park City	54%
Snyderville Basin	34%
Kamas and Coalville	5%
Heber/Midway	4%
SLC	2%

- 82% live in Summit County.
- 39% work in greater Summit County (outside of Park City proper)



Class Feedback

End of year survey - measured improvement throughout class

- High satisfaction across all three program pillars: Civic Training, Leadership Training, Community Connections
- Net Promoter Score:
 - Average 6.2 out of 7
 - 97% rated 4 or 5 - "Would you recommend to a friend"



Class Feedback

Understanding of Local Government and Civic Systems

- Before: 19% → After: 94%
- Change: +75% (largest improvement)

Comments:

- "Leadership Park City was exceptional... before LPC I was unaware of how City Government works."
- "The program should provide even more local government exposure—boards, commissions, committees."
- "I finally understand how the city, county, and state fit together."



Class Feedback

Personal Leadership Skills

- Before: 53% → After: 100%
- Change: +47%

Comments:

- "Every lesson has been useful, thoughtfully prepared, and meaningful, allowing me to change and grow."
- "Overall I think the leadership experience was helpful for my development as a leader."
- "I've taken on new responsibilities at work that I wouldn't have without LPC."



Class Feedback

Comfort Speaking in Public or Leading Discussions

- Before: 41% → After: 97%
- Change: +56%

Comments:

- "The Myers-Briggs groupings early on made me more comfortable speaking up."
- "Let's Talk is more important than ever—we need to know how to communicate with each other, and as leaders, how to set the example."
- "I'm much more confident leading discussions at work and in the community."



Class Feedback

Confidence Engaging with Public Officials or Civic Processes

- Before: 22% → After: 88%
- Change: +66%

Comments:

- "Local Government Day and Day at the Capitol made state government feel far more accessible."
- "Before LPC, I wouldn't have felt comfortable calling a city council member. Now I know I can."
- "The opportunity to connect with local leaders in such a meaningful way was a gift."



Class Feedback

Network Strength in Park City / Summit County

- Before: 28% → After: 94%
- Change: +66%

Comments:

- "City Tour took us from a group of people that barely knew each other, to a group of friends who we will lean on."
- "Inclusive Leadership with Kilo helped bring our LPC group closer together."
- "I feel like I can call anyone in this class, or many speakers we met, if I need support."



Class Feedback

Sense of Belonging in the Park City Community

- Before: 34% → After: 88%
- Change: +54%

Comments:

- "As a member of a minority group and a woman, I suggest placing further emphasis on equity and inclusion... this will help raise awareness and foster a stronger sense of community."
- "I feel more connected to local boards and committees where I can contribute."
- "This program helped me feel like I truly belong in Park City."



Class Feedback

Awareness of Community Issues and Leadership Needs

- Before: 31% → After: 97%
- Change: +66%

Comments:

- "City Tour was helpful to see housing and transportation challenges, and where we can support."
- "I recommend more sessions on health institutions and schools, which are critical to our community needs."
- "I'm more aware of both the opportunities and the challenges facing Park City."



Programming

Class 31	Class 32
Orientation	Orientation
Myers Briggs/Enneagram/Olympics	Clifton Strengthsfinder
Holiday Party	Authentic Leadership/Holiday Party
Local Government	Day at the Capitol
Leadership Symposium	Local Government
Day at the Capitol	Leadership Symposium
Class Project/Community Lecture (Public Safety)	Class Project/Group Leadership Training



Programming

Class 31	Class 32
Inclusive Leadership	Inclusive Leadership
CityTour - Tahoe, Truckee, Reno	City Tour - Vail, Breckenridge
Female Leadership/Arts and Culture	MIDA/Nonprofit Leadership
Summer BBQ/Alumni	Summer BBQ/Alumni
US Ski and Snowboard/Olympics	Environmental Sustainability/Youth Sports Culture
Year Debrief/Board Training	Year Debrief/Board Training



City Tour



City Tour



Program Health

- Number of Applicants
 - 2025: 118
 - 2024: 106
 - 2023: 113
 - 2022: 102



Program Health

Leadership Symposium

	2025	2026
Attendees	150	250
Speakers	34	72

*Intermountain Park City Hospital Sponsorship in 2026

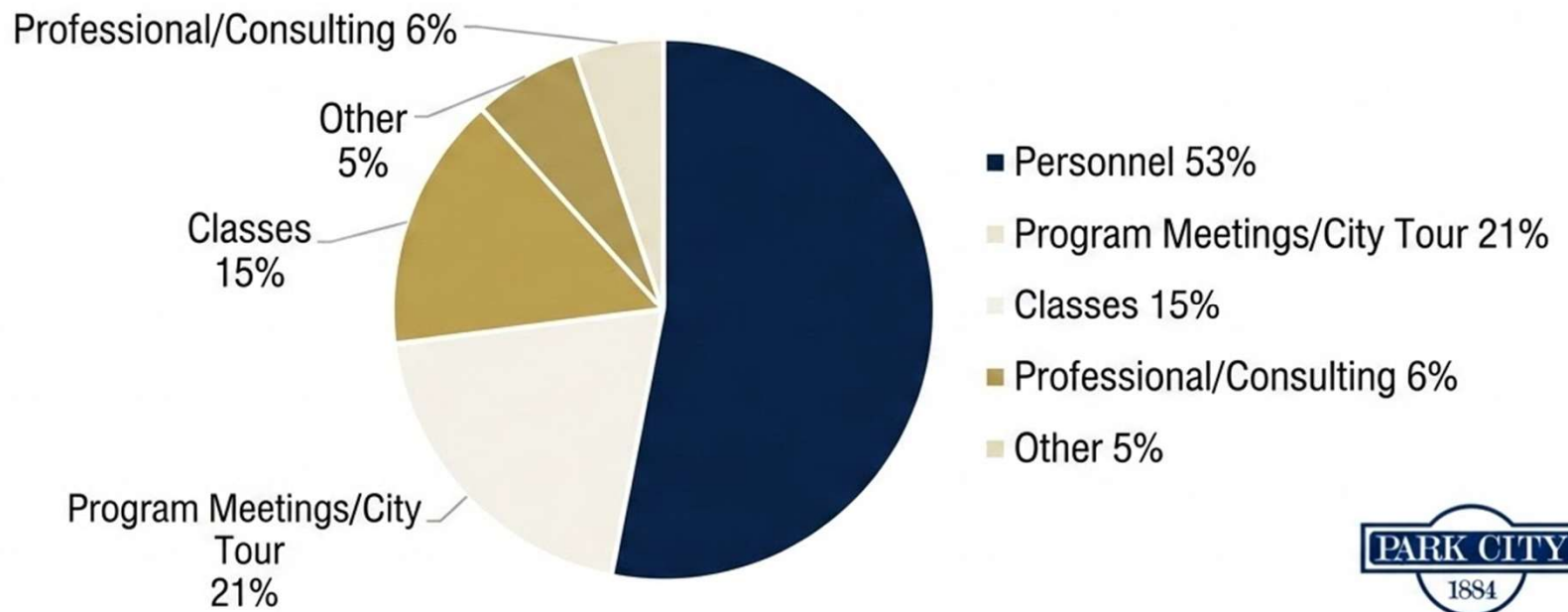


— Leadership Symposium —



Budget Review

Total Annual Budget: \$133,371



Budget Review

Partner	2024/25	2025/26
Park City	\$68,931	\$71,621
Summit County	\$25,000	\$25,000 (outstanding)
Visit Park City	\$25,000	\$25,000
Deer Valley	\$5,000	\$5,000 (outstanding)
Basin Rec	\$1,000	\$2,500 (outstanding)
Private Donors/Other	\$8,400	\$4,250
TOTAL	\$64,440	\$61,750



Questions





MEMORANDUM

To: Summit County Council

From: Lisa Hoffman, Assistant General Manager

Date: June 4, 2026

Subject: Policy Revisions to District Administrative Policies and Water Rules and Regulations

Action

District staff and the Administrative Control Board recommend these proposed changes to the Summit County Council for approval and incorporation into the District's Administrative Policies and Water Rules and Regulations.

Administrative Policy Changes

As part of an effort to align with the state's newly adopted data privacy laws the District has included a new section in its Administrative Policies, "**SECTION 13.0 PRIVACY PROGRAM POLICY**". The language for this section was largely provided by the Summit County Attorney's office. With the addition of this section, staff also updated "**SECTION 14.0 PUBLIC RECORDS POLICY**" to more clearly define how records requests are handled.

Also, with the District's new administrative office, conference room space is available for use. Accordingly, "**SECTION 8.0 CONFERENCE ROOM POLICY**" was added to address guidelines around use of the facility by outside organizations. The addition of this policy will allow the District to adopt user fees.

Several other minor corrections to Sections 2.10, 4.3, 7.7 have been made for clarification.

Helen Strachan has reviewed and approved of these proposed changes.

Water Rules and Regulations Changes

District staff have been evaluating development-related fees over the past year. The proposed changes to the Water Rules and Regulations largely surround the addition of, or increase to fees due to increasing costs and additional staff time as the complexity of development projects increase.

A summary of changes is below:

- **Section 3.1(H)** – Added language to allow for additional Impact Review Fees to be collected if multiple reviews are needed.
- **Section 3.1(N)** – Added language to allow for the application of security deposits to outstanding fees owed.
- **Section 3.5** – Clarified that leak adjustments can be applied for no later than 90 days from the original leak notification date.
- **Section 3.6** – Termination of services for non-payment was adjusted to 15 calendar days consistent with collection of delinquent service charges.
- **Section 4.1** – Added an Annexation Application Fee. Current fees have not been capturing staff time to work on reviewing applications and submission for approval.
- **Section 5.1(E)** – More clearly defines the drawing review fee for new development.

Several other minor changes have also been made for the purpose of clarification.

Dave Thomas has reviewed and approved of these proposed changes.



MOUNTAIN
REGIONAL
WATER

SPECIAL SERVICE DISTRICT of Summit County

Administrative Policies

Adopted July 20, 2005

~~Amended November 6, 2024~~

Amended _____, 2026

Mountain Regional Water Special Service District

ADMINISTRATIVE POLICIES

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APPENDIX A - Tax and Disclosure Compliance Procedures

MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Administrative Policies

SECTION 1.0 Definitions

- 1.1 ACCOUNTANT:** The person directed by the District Treasurer to perform or assist in a variety of accounting functions including accounts payable, cash receipting, and other accounting duties as assigned.
- 1.2 BOARD:** The Mountain Regional Water Special Service District Administrative Control Board.
- 1.3 CASH OPERATING EXPENSES:** The budgeted total operating expenses less depreciation.
- 1.4 COUNTY:** Summit County, Utah.
- 1.5 COUNTY COUNCIL:** The legislative body of Summit County.
- 1.6 DEPARTMENT DIRECTOR:** The senior management positions reporting directly to the General Manager.
- 1.7 DISTRICT:** The Mountain Regional Water Special Service District.
- 1.8 DISTRICT CLERK:** The General Manager of the District who shall record and safeguard all minutes of the Board and act as the secretary to the District in accordance with Summit County Code §2-9-11(B).
- 1.9 DISTRICT MANAGEMENT:** The General Manager and Department Directors.
- 1.10 DISTRICT TREASURER:** The Chief Financial Officer of the District who shall cosign all checks and other disbursements on behalf of the District and to provide recommendations to the Board regarding the collection of revenues, disbursements of funds for expenses, and the custody of funds that comply with state law and sound accounting controls in accordance with Summit County Code §2-9-11(C).
- 1.11 GOVERNING BOARD:** The Summit County council, otherwise referred to as the "County Council".
- 1.12 Impact fee facilities plan (IFFP)** as required by UAC 11-36A-102(11)
- 1.13 OWNERS:** The owners of property within the boundaries of the Mountain Regional Water Special Service District. (Ord. 749-A, 12-15-2010)

SECTION 2.0 Guiding Fiscal Policies

2.1 OVERVIEW

These guiding principles shall govern financial planning, budgeting, and all other financial activities for the District.

2.2 BUDGETING PRINCIPLES

The District shall apply sound budgeting principles as outlined in this manual under:

- A. *Section 3 Budgeting Guidelines*

2.3 FINANCIAL CONTROLS

The District shall apply sound financial controls to protect its assets and to ensure District funds are expended in a responsible manner to the benefit of the District. The related policies are outlined in this manual and include:

- A. *Section 4 - Cash Receipts & Accounts Receivable*
- B. *Section 5 – Investments*
- C. *Section 6 – Credit Card Policy*
- D. *Section 7 – Vehicle Use Policy*
- E. *Section 9 – Risk Management*
- F. *Section 13 – Technology Policy*

2.4 FINANCIAL RESERVES

The District shall maintain sufficient financial reserves to comply with bond covenants; to preserve its financial stability; and to ensure stable, fair, and adequate rates and fees.

- A. The District shall maintain at least 180 days of its anticipated cash needs for operating expenses in its operating cash and reserve accounts. This is in addition to the other reserve funds outlined below.

In the event the balance in these operating cash and reserve accounts exceed one year of anticipated needs for cash operating expenses at the end of any calendar year, the Board shall evaluate the benefits of using a portion of these reserves for capital facility repair and replacement, equipment, the prepayment of debt, and/or the need for rate adjustments.

- B. The District shall maintain a Bond Reserves account balance of at least \$1.0 million that can only be applied to scheduled annual debt service payments in the event that the annual cash flow from any given year is insufficient to meet that year's scheduled debt service payments.

In the event the account balance falls below \$1.0 million, the District shall restore the balance to \$1.0 million within 36 months.

- C. The District shall maintain a - Expanded Lost Creek Canyon Repair and Replacement account pursuant to the terms of the Agreement between Mountain Regional Water Special Service District, Park City Water Service District and Summit County Regarding Implementation of the Summit County Project dated March 1, 2007, as amended.

- D. By February 15 of each year, the District shall deposit 5.0% of that year's cash operating expense budget, excluding debt service payments, into the state loan mandated Capital Facilities Repair and Replacement Fund account.

The reserves in this account may only be used to pay for the replacement of obsolete equipment or facilities whose useful life has expired; extensions or additions to the water system, and other capital improvements necessary to keep the water system in good operational condition.

Expenditures from this fund must be authorized by the County Council through the budget process.

The appropriate State agency and bond trustee must be notified prior to expending these funds as required by the related supplemental indentures.

- E. Impact fee collections shall only be used for debt service payments and capital projects identified in the District's IFFP. State law requires impact fee collections to be expended within six (6) years of receipt. Impact fee collections shall be deposited into a restricted investment account until utilized, and all interest earned by the investment account must remain in the account until used for debt service payments or applied to capital projects identified in the IFFP.
- F. The District shall maintain all Debt Service Reserve and Bond Fund accounts required for each bond issue pursuant to the General Indenture and the indenture specific to each bond issue. Funds from these accounts shall not be drawn upon until all other available District cash and reserves have been exhausted.
- G. The District shall maintain a Drought Reserve Fund into which additional revenue collected over budget in any given year due to hot and dry summer conditions, may be deposited. The amount deposited into this fund will be determined and approved during the annual budgeting process. The funds from this account shall be used when drought conditions arise and revenue in any given year is not adequate to meet required debt coverage ratios.
- H. District Management, upon recommendation of the Board and with the approval of the County Council, may establish additional reserve funds as it deems necessary.

2.5 ACCOUNTING

- A. The District shall operate as a governmental enterprise fund, accounting for all financial transactions using an economic resources measurement on a full accrual basis.
- B. The District shall comply with Generally Accepted Accounting Principles (GAAP), Governmental Accounting Standards Board (GASB) pronouncements, and Utah statutory requirements for governmental enterprise funds, including the Fiscal Procedures for Local Districts, UCA Title 17B, Chapter 1, Part 6.
- C. All non-exempt MRW employees shall prepare a time sheet on a biweekly basis that shall be approved by each employee's direct supervisor. Exempt employees, except the General Manager, shall report use of vacation and sick leave on a biweekly basis that shall be approved by their Supervisor.
- D. The General Manager shall also report on a time sheet to the Financial Management department at the end of each pay period indicating the hours of leave taken during that pay period.

2.6 FINANCIAL REPORTING

- A. The District Treasurer shall prepare monthly summary financial reports for District management, showing the financial position and operations of the District for that month and for year-to-date. This report shall be provided to the Board monthly.
- B. District management shall meet as needed to review detail budget to actual reports, and more often near year-end as deemed necessary.
- C. Within 180 days after the close of each fiscal year, the District Treasurer shall present to the Board an annual audited financial report prepared in conformity with generally accepted accounting principles. This requirement shall be satisfied by presentation of the audit report furnished by the independent auditor.

2.7 INDEPENDENT AUDITOR

- A. The independent auditor has the responsibility of reporting whether the District's financial statements are prepared in conformity with GAAP and GASB.
- B. Copies of the annual financial report or the audit report furnished by the independent auditor shall be filed with the State Auditor, bond holders, rating agencies, bond trustees, bond insurers, the appropriate state offices as required by state loans, and shall be filed as a public document in the office of the District.
- C. The District shall select its auditor pursuant to its Procurement Policy. The District shall not retain the same auditor for more than six (6) consecutive years, unless approved by the Board.

2.8 LONG-TERM FINANCIAL PLANNING

- A. The District shall develop a five-year financial plan that is updated annually. This plan shall guide the financial planning and budget processes.
- B. The District shall develop and recommend to the County Council a IFFP and update it no less often than once every five years. The plan shall be updated to include the most current cost estimates and demand for services. If the plan demonstrates a change in impact fees is needed pursuant to state law, District Management shall recommend to the Board that new impact fees be adopted in accordance with state law.
- C. The District shall review its rates and fees on an annual basis with the Board. If a rate and fee change is needed, the General Manager shall recommend amendments to the Board that ensure compliance with all District operations costs, debt service and coverage requirements, and all other fiscal policies adopted by the District.

2.9 BOND COMPLIANCE

- A. The District shall comply with all bond and related indenture requirements and covenants.
- B. The District shall comply with all arbitrage tracking, record retention, and rebate calculations pursuant to Internal Revenue Service (IRS) requirements.

2.10 PAYMENT AND BANK TRANSFER APPROVALS

- A. The Accountant shall prepare a voucher for each payment that shall be approved by the District Treasurer before any check is distributed, except in emergencies. All checks ~~shall~~must be signed by both the District Treasurer and General Manager, ~~—however, in the~~ or absence of either District Treasurer or General Manager case of emergencies ~~or the~~and Assistant General Manager may sign.
- B. All electronic payments and transfers shall be electronically pre-approved by both the District Treasurer and General Manager, except that payroll transfers may be processed prior to approval if those authorized to approve these payments are not available. In these cases, the approval shall be obtained as soon as is reasonable.
- C. A payroll register shall be approved by both the District Treasurer and General Manager prior to processing payroll.
- D. If either or both the District Treasurer and General Manager are not available to approve payments, transfers or payroll in a timely manner, the Assistant General Manager and Chief Technical Officer may approve payments on their behalf.
- E. The District shall provide a monthly check register to the Board at the first Board meeting held after that month's checks are issued.

SECTION 3.0 Budgeting Guidelines

3.1 BUDGET OFFICER

The District Treasurer shall be designated as the Budget Officer of the District per state law.

3.2 BUDGET GUIDELINES

- A. All annual budgets and capital plans shall comply with all District fiscal policies.
- B. No budget shall be approved that results in negative net position for the District.
- C. No budget shall be approved that causes cash flow difficulties for the District that impairs its ability to pay all debt service payments, operating expenses and budgeted capital equipment and projects; and to meet all its reserve requirements.
- D. All budgets shall go through the following internal process:
 - 1. Department Directors shall submit requests to the Budget Officer.
 - 2. The Budget Officer shall compile budget requests.
 - 3. The Budget Officer shall review budget requests with Department Directors and the General Manager.
 - 4. The Budget Officer shall finalize budget requests as instructed by the General Manager for presentation to the Board.

3.3 BUDGET ADOPTION

- A. At the first regularly scheduled Board meeting in September, the Chief Financial Officer shall provide for the ensuing fiscal year an outline of key budget issues and revenue projections and discuss salary and benefit adjustments. At the first regularly scheduled Board meeting in October, the Chief Financial Officer shall provide the recommended operating, capital, and debt service budgets. The Board may schedule additional meetings in October as deemed appropriate to discuss the budget. The Board shall recommend a tentative budget to the County Council no later than six days prior to the County Council's first regularly scheduled meeting in November.
- B. Pursuant to state law, the District shall present to the County Council a tentative budget, as recommended by the Board, at the County Council's first regularly scheduled meeting in November including tentative revenue projections; and operating, capital and debt service budgets, together with any other supporting data required by the County Council.
- C. The County Council will hold a public hearing at least 7 days after the tentative budget is adopted, and prior to the beginning of the ensuing fiscal year. The County Council may make any changes considered advisable in the tentative budget, pursuant to statute; except that debt service budgets may not be amended.
- D. The County Council shall adopt the operating, capital, and debt service budgets for the ensuing fiscal year following the public hearing, and prior to the beginning of the ensuing fiscal year.

- E. The budget shall be adopted by the County Council at the budget line item level – which is typically a department or specific group of similar departments, capital projects or capital equipment.

3.4 BUDGET AMENDMENTS

- A. The budget may be reopened by the County Council at the request of the General Manager and Board at any time during the fiscal year by properly noticing the meeting in accordance with state law. County Council approval is required for any budget amendments that change a budget line item. The County Council may, in any regular meeting or special meeting called for that purpose, review the operating, capital, and debt service budget for the purpose of determining if the total should be amended. State law prohibits the amendment of debt service budgets below debt service requirements.
- B. When a detail budget account is exceeded within a budget line item, the overrun may be covered by a transfer from another budget account within the same budget line item with the approval of the Budget Officer.
- C. Funds designated for a particular department's use within a budget line item may only be utilized by a different department as approved by the General Manager.
- D. The budget may contain a District contingency to pay for any unanticipated expenses or to cover budget line item overruns. The use of an existing budgeted contingency may be used upon approval of the Board.

SECTION 4.0 Cash Receipts & Accounts Receivable

4.1 SUMMARY

The purpose is to establish a policy of financial controls over the District's billing and customer payments in order to provide adequate safeguards over cash.

4.2 GENERAL

- A. The District Treasurer shall ensure the separation of responsibilities between authorized staff receiving payments and cash receipting.
- B. All receipts shall be deposited in a District bank account approved by the District Treasurer and General Manager; except that bond trustee accounts must also be approved by the Council.
- C. The District strives to deposit all receipts and update the Cash Receipts and General Ledger systems daily. In no instance shall such deposit occur later than three business days after collection.
- D. The District Treasurer or designee shall review receipts, deposits and billing adjustments on a weekly basis.
- E. Each month, the District Treasurer shall reconcile the operating bank accounts and review all other bank account reconciliations performed by the Accountant.
- F. Each month, the Accountant shall reconcile all bank accounts, except the operating bank accounts, and review the operating bank accounts bank reconciliation.
- G. All customer refunds checks shall go through the normal payables approval process.
- H. No approvals are required for returned payment adjustments.
- I. District employees shall be given access to financial systems based upon their respective job duties.
- J. All balances owed by a customer shall be deducted from any deposit refund.
- K. Exceptions to this policy can be made to accommodate training, vacations, sick days or lack of personnel.

4.3 CASH RECEIPTS

~~A. Un-deposited payments shall be kept in a locked and secure location with access limited to Financial Management staff.~~

~~B.~~A. Authorized staff who open the mail, shall immediately give all payments to the Accountant. The Accountant shall receive payments, process payments, and prepare a daily Cash Receipt Control Spreadsheet for all payments collected that day. Payments collected after 3:00 pm shall be kept in a locked and secure location and may be processed the following day.

~~C.~~B. The Accountant prepares the Cash Receipt Control Spreadsheet and also enters all payments into the Cash Receipts system and General Ledger to obtain a total. The checks received are then

scanned into the bank depositing system and the total is reconciled to the Cash Receipts and General Ledger totals. Any cash deposits received before 3 pm are taken to the bank that day and a receipt is obtained. Scanned checks that have been deposited will be kept in a locked and secure location and be destroyed after 60 days.

~~D.C.~~ In addition, the Accountant shall prepare the Daily Deposit Reconciliation Spreadsheet, which summarizes all deposits made that day. This is reviewed by the Chief Financial Officer on a weekly basis.

4.4 ELECTRONIC RECEIPTS

- A. Electronic receipts initiated by customers online shall be forwarded to a District bank account and updated to the Cash Receipts and General Ledger systems by the Accountant and entered into the Daily Deposit Reconciliation Spreadsheet.
- B. Electronic receipts initiated by a bank shall be updated to the Cash Receipts and General Ledger system by the Accountant

4.5 BILLING ADJUSTMENTS

- A. Any authorized staff may make billing adjustments up to \$200 without any additional approval for the following reasons:
 - 1. Billing errors,
 - 2. Meter read errors,
 - 3. Title worksheet items,
 - 4. Change name, address or consolidation of accounts,
 - 5. Overpayment on accounts when refunds issued,
 - 6. Returned payments,
 - 7. Write-off account balances, and
 - 8. Removal of penalties.

The Customer Service Manager will review and approve any such adjustment more than \$200. The District Treasurer and General Manager will review all billing adjustments on a monthly basis. Pre-approval is not required to make these types of billing adjustments. All other billing adjustments shall be pre-approved by the Customer Service Manager.

- B. Any leak billing adjustments shall follow the procedure outline in the leak adjustment policy in the District's Rules and Regulations.
- C. Any new residential customer outdoor watering billing adjustment shall follow the procedure outlined in the District's Rules and Regulations.

4.6 DELINQUENT ACCOUNTS

- A. A late interest charge of 1.5% per month compounded monthly shall be assessed to past due accounts at the time of billing.
- B. In the event of nonpayment, the District may terminate water service to any customer for non-payment after first providing customer with ten (10) business days written notice of the delinquency. The District may also place a lien on the delinquent property for all past due fees and charges, including applicable interest and penalties, for water services provided by the

District to the delinquent property.

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- C. Once annually, the District shall provide a list of delinquent accounts to the County Council to establish property tax liens on the property receiving water or related services for that account. Property owners shall be given notice as required by state law.

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SECTION 5.0 Investments

5.1 INTRODUCTION

The District shall invest its cash assets in such a manner as to comply with the requirements of the State Money Management Act (the “Act”).

5.2 SCOPE

District funds are typically invested with the Utah Public Treasurers Investment Fund (PTIF), although other investment options may be selected as allowed by the Act, as recommended by the District’s Financial Advisor and approved by the Board.

5.3 OBJECTIVES

The objectives of this investment policy include the following:

- A. To provide for the safety of principal, preservation of capital and the mitigation of risk.
- B. To provide for the liquidity necessary to match the District’s cash requirements.
- C. To increase interest income through higher yielding investments, subject to paragraphs 5.3-A and 5.3- B above.

5.4 POLICY

The following shall be the investment policies of the District:

- A. All investment activities shall be conducted with the same degree of judgment and care which an ordinary reasonable person exercises in the management of their own affairs.
- B. Professionals retained by the District as defined in the Act, so long as they are acting in accordance with the Act and this investment policy and exercise due diligence, shall be relieved of personal responsibility for credit or market price changes, provided that deviations are reported to the Board in a timely fashion and appropriate action, if necessary, is taken to control adverse developments.
- C. District professionals involved in investments shall refrain from personal business activity in conflict with proper execution of this investment policy.
- D. The District Treasurer shall manage investment activities authorized by the Act in consultation with the District’s Financial Advisor and approval by the Board. The Treasurer shall maintain a system of internal controls so that District funds are protected at all times from loss, theft and fraud.
- E. The District Treasurer shall name a financial institution with a Utah office that shall be the custodian for all investments made by the District, except for the PTIF investments which shall be held by financial institutions designated by the State Treasurer. In addition, the District shall purchase investments only from those certified dealers and registered agents that have registered with the State Money Management Council.

- F. To the extent possible, the District shall attempt to match investments with anticipated cash requirements, although the PTIF is preferred for periods up to two years.
- G. The District Treasurer shall report the status of investments on a semi-annual basis to the Board.

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SECTION 6.0 Credit Card Policy

A. OVERVIEW

The District may allow the use of a District guaranteed credit card through a Board approved credit card program for eligible employees. District credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

B. CREDIT CARD TERMS

- A. The General Manager may assign District credit cards for the following purposes:
 - 1. Travel costs
 - 2. Business meetings
 - 3. On-line purchases
 - 4. Parts, supplies, and building materials and other items needed for operations, maintenance and repairs; and/or
 - 5. Emergency expenditures
- B. Credit accounts with local preferred vendors may also be established with approval of the District Treasurer and General Manager to purchase parts, supplies, building materials, and other items needed for operations, maintenance, repairs, and emergency expenditures.
- C. All credit card purchases are subject to all requirements of the District's Procurement Policy, and to all applicable state procurement laws that govern the District.
- D. District employees violating this policy must fully reimburse the District for any misuse of credit cards or accounts, and are subject to disciplinary and/or legal action.
- E. All credit card users will be required to sign a card-holder agreement and are subject to a credit check before being issued a card.

C. CREDIT LIMITS

The General Manager may authorize credit limits up to \$10,000 per employee, except that the total District credit limit must be approved by the Board. Temporary credit line increases for travel or unusual purchases may be allowed with the approval of the General Manager, District Treasurer or Accountant. These temporary credit limit increases will last no longer than the end of the billing cycle.

D. THEFT OR FRAUD

Employees shall maintain control over their District credit card at all times. In the event of theft or fraud, the employee will immediately notify the credit card issuer to open a theft or fraud case. The employee will also immediately notify the District Treasurer, Accountant, or General Manager. Replacement cards will be issued as quickly as possible if the theft or fraud was found to be out of the control of the employee.

E. FRAUD PREVENTION

Due to the nature of the District credit card program, numerous fraud prevention practices have been instituted. There may be certain types of merchants banned from District cards and daily spending

limits may be imposed at certain merchants that the credit card issuer sees as potentially fraudulent. This may result in a credit card being declined at a point of purchase even though there is adequate available credit. If you have any questions regarding why a transaction was declined, please contact the District Treasurer or Accountant.

F. CREDIT CARD RECONCILIATION

All users of a District credit card are required to retain all applicable documentation for each purchase including receipts, order verifications, invoices, etc. All receipts must be forwarded to the cardholder's approver at the end of the statement cycle.

G. STATEMENT CYCLE

Credit card statement cycles close on the last day of the month. Credit limits are reset at this point.

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SECTION 7.0 Vehicle Policy

7.1 OVERVIEW

The District maintains a fleet of vehicles necessary to carry out the normal activities of the District. These vehicles are District property and every care should be taken to protect the District's investment. The vehicles shall be overseen by a Fleet Manager who is appointed by the General Manager.

7.2 ELIGIBILITY

- A. The General Manager may assign vehicles to employees under the following circumstances:
 - 1. To enable employees to respond timely to both routine and after-hour emergencies, calls for assistance, and to maintain the District's water system.
 - 2. When employees are in geographically strategic positions and trained to respond to emergency situations in the event of a natural disaster.
 - 3. When employees are required to attend meetings during work, after or near the end of work, and/or in locations far from their normal work location.
- B. The General Manager shall have discretion to assign a District vehicle to an employee to use for commuting to and from work based upon locale, terrain, weather, job assignment, the need to have different types and sizes of District equipment, towing capability, and passenger accommodation.
- C. Use of a District vehicle will not be part of the compensation package for an employment position unless approved by the Board. Any such compensation is subject to IRS income tax rules and regulations.
- D. All use of District vehicles shall be in compliance with local, state, and federal law.
- E. Any District employee taking a District vehicle home outside of the boundaries of the District will reimburse the District at the rate of \$50.00 per month. No District vehicle may be taken home outside a 35-mile radius of the District. If an employee is not willing to pay the commuter rate, the vehicle shall be left at a secure District or County facility.
 - a. District employees who are required to respond after hours to emergency calls shall be exempt from the commuter rate.
- F. Except as otherwise provided herein, under no circumstances shall a District owned vehicle be authorized for take home use for an employee who resides farther than thirty-five (35) miles from the District boundaries.
- G. The distance of an employee's residence from the District boundaries shall be established by evidence generated by any commonly available internet or computer software program that estimates distances using driving directions. An employee who disagrees with the determination of the District regarding that distance calculation may appeal that determination to the General Manager. The employee shall provide documentation supporting any disagreement with the distance determination by the District.

7.3 EMERGENCY RESPONSE VEHICLES

- A. The General Manager may allow employees to take home vehicles when doing so would allow the employees to respond to an emergency in a more expeditious manner. Vehicles provided to employees shall meet the following criteria:
 - 1. Be all-wheel or four-wheel drive vehicles;
 - 2. Have a clear logo on both vehicle front doors that contains the words "Mountain Regional Water";
 - 3. Have a license plate displaying the letters "EX";
 - 4. Have clearly visible operating emergency lights; and
 - 5. Have tools and other emergency equipment loaded in the vehicle.
- B. Any vehicle taken home by an employee that does not meet these criteria is subject to the IRS Commuter Tax, even if the vehicle is used by the employee to respond to an emergency.
- C. All vehicles shall have GPS tracking equipment installed and in working order. Management shall use this equipment for emergency response and any other uses they deem necessary. Any tampering of the GPS tracking equipment is expressly prohibited and may subject the employee to disciplinary action, up to and including termination of employment.

7.4 PERSONAL USE

- A. District vehicles may be used only for District business and other de minimus personal use.
- B. Travel to and from secondary employment in a District vehicle is prohibited.

7.5 GAS CARDS/FUEL USAGE

- A. As a government entity, Gas Cards allow the District to purchase fuel on credit without paying any state or federal fuel taxes.
- B. Each District vehicle and piece of heavy equipment shall be assigned a separate, unique Gas Card account number that shall be stored in the vehicle and used exclusively for that vehicle.
- C. Gas Cards shall be used to purchase all District fuel, except when a vehicle or piece of heavy equipment will run out of fuel before reaching a station that accepts Gas Cards. Employees shall take every reasonable effort to ensure Gas Cards are used whenever possible. In the case of small equipment and gas cans that require fuel, it is acceptable to use the District Credit Card.
- D. Gas Cards shall not be used for personal use, and employees violating this policy are subject to disciplinary action up to and including termination of employment.
- E. Idling of vehicles must be controlled before driving. In the winter, employees should start the vehicle, clear the windows and then drive. Employees shall not leave the vehicle idling when unoccupied unless needed for emergency operations or safety precautions, as emergency lights on most vehicles need the vehicle to remain on or the vehicle battery will fail.

7.6 ACCIDENTS AND VEHICLE MISUSE

- A. If an accident occurs in a District vehicle while an employee is engaged in District business, or for authorized commuting or de minimis personal use, and the employee caused or contributed to the accident, or the employee improperly and/or unlawfully uses a District vehicle, the District shall follow the disciplinary procedures as outlined in the District's **Personnel Policies, Section 13 – Disciplinary Procedures**.
- B. All accidents or Vehicle Misuse shall be documented on a Vehicle Incident Report. Additionally, employees involved in an accident shall be required to participate in controlled substance testing as described in the District's **Personnel Policies, Section 12 – Productive Work Environment**.

7.7 USE OF PERSONAL VEHICLES FOR DISTRICT BUSINESS

- A. Employees are required to use District vehicles when conducting District business. If a District vehicle is not available or it is impractical to use a District vehicle, the District will reimburse employees for the use of their personal vehicles for District business at the then ~~current~~approved IRS Publication 463 published rate for business purposes. Before a reimbursement is released an employee must provide to the Chief Financial Officer~~Accounting Manager~~ proof of insurance coverage for the employee's vehicle.
- B. If an accident occurs while an employee is engaged in District business using a personal vehicle, the District will reimburse employees for the amount of their vehicle insurance deductible up to \$2,500 if:
 - 1. The accident is:
 - a. Reported to law enforcement within two (2) hours of the occurrence;
 - b. Law enforcement completes an investigation of the accident;
 - c. An investigation report is prepared;
 - d. Within two (2) working days, the employee provides the General Manager and District Treasurer with a copy of the accident report and proof of insurance coverage for the employee's vehicle; and
 - e. The employee did not cause or contribute to the accident by acts or omissions that were intentional, reckless, grossly negligent, or in violation of the provisions of the District's Vehicle Policy.
- C. If the vehicle damage was caused, or contributed to, by acts or omissions of a third party who was not an employee of the District, the personal insurance coverage of the employee or third party shall be the primary insurance to which all parties shall look for compensation.
- D. Additional payment by the District shall be considered only after the employee and/or his or her vehicle insurance provider has exhausted all legal remedies and collection efforts against each third party.

7.8 MAINTENANCE AND UPKEEP

- A. It shall be the duty and responsibility of the driver of a District vehicle to see that it is properly serviced, maintained and cleaned. This includes, but is not limited to, having the appropriate service performed on the vehicle at all designated intervals per manufacturer recommendations or as set forth by the General Manager. The Fleet Manager shall track the mileage and maintenance requirements of all vehicles and notify the driver of maintenance requirements.

- B. If the driver of a District vehicle fails to have the vehicle properly serviced or maintained as prescribed by the manufacturer's recommendations or as set forth by the General Manager within thirty (30) working days or five hundred (500) miles of the required service or maintenance time, the driver may lose the use of the District vehicle.
- C. If a vehicle is assigned to an individual, that individual has the responsibility to keep the vehicle clean, both inside and outside. When an individual uses a vehicle from the fleet, that individual has the responsibility to remove all items from the interior of the vehicle upon returning it to the fleet; such failure may result in loss of use of the vehicle to the user, as well as possible disciplinary action.

7.9 SAFETY

- A. Each employee who operates a District vehicle shall obey all applicable traffic laws and shall operate the vehicle in a courteous manner that appropriately represents Mountain Regional Water.
- B. Each employee who drives a District vehicle shall possess a valid driver license that is appropriate for the type of vehicle that will be used and that is valid at the time the vehicle is used. Should an employee fail to produce a valid driver's license when requested to do so by the General Manager, that employee's driving privileges to operate a District vehicle shall be forfeited until the license becomes valid.
- C. Each occupant of a District vehicle and personal use vehicle used for Official Use shall wear a seat belt at all times the vehicle is in use.
- D. Cell phone use, by the operator, while a District vehicle is operating on a public roadway is prohibited.

SECTION 8.0 Conference Room Policy

8.1 GENERAL STATEMENT OF INTENT AND USES

- A. The use of District facilities is for the local government of Mountain Regional Water Special Service District to accomplish its statutory and other governmental business and functions. The use of these facilities by other persons or entities unrelated to on-going District business shall be governed by these policies. These policies govern the use of all District facilities and conference rooms.
- B. District conference rooms may be available to governmental organizations, private citizens residing in Summit County, District employees, charitable and non-profit organizations, and other non-commercial groups.
- C. Conference rooms will only be available when not in use or otherwise scheduled for District business.
- D. Unless a part of District business, conference rooms are NOT available for the following activities:
 - 1. Commercial activities and presentations during which products or services will be sold or promoted or names solicited for the future sale or promotion of products or services;
 - 2. Social gatherings including, but not limited to, birthday parties, weddings, reunions, social clubs (e.g. book clubs and hobby clubs), or receptions.
 - 3. Activities that, on account of their noise level, disrupt the ordinary and customary operation of the conference rooms, including, but not limited to, athletic competitions or instruction, and programs involving dancing and live music;
 - 4. Activities that include wagering, gambling or other games of chance.

8.2 REQUIREMENTS

- A. Persons wishing to reserve conference rooms must be at least 18 years of age and enter into the District's "Conference Room Rental Agreement" for the use of the room and equipment.
- B. Use of the conference rooms shall be limited to Monday through Friday. Conference Rooms will not be available for any use on Saturdays, Sundays, or holidays due to staffing limitations.
- C. Users are subject to the fees for the conference rooms set forth in the District's fee schedule.
- D. All persons contracting with the District for the use of the conference rooms may be personally liable for any damage to District property during use.
- E. Persons using the conference rooms shall be required to leave the room(s) in a clean, orderly condition, including but not limited to returning all chairs and tables to an orderly condition, returning all equipment to its proper place, and picking up and disposing of all trash and clutter. Users may not store any personal equipment in the conference room and shall remove personal equipment after each use of the conference room.
- F. The District reserves the right to refuse the use of any conference rooms to an individual or group who

has previously failed to abide by this policy.

- G. The District reserves the right to establish any other rules and regulations which will promote the effective and efficient operation and preservation of District owned property.

8.3 SCHEDULING

- A. Reservations for use of a conference room shall be made through Customer Service at least two (2) weeks in advance of the desired date. Customer Service may accept reservations with less notice depending on District staff availability at the discretion of the General Manager.
- B. Conference rooms shall be reserved in the order in which requests are received.
- C. Conference rooms may be reserved no more than one (1) month in advance of the desired date.
- D. The District reserves the right to substitute conference rooms or to cancel the use of any room if the conference room is needed to conduct the business of the District.

8.4 SET-UP

- A. Additional time needed to set up for an activity must be requested at the time of scheduling. All set-up times may be subject to outside business hours fees as set forth in the District's fee schedule.
- B. The removal of any picture, plaque or other objects from walls is prohibited.
- C. In the event a person or group wishes to remove furniture or other furnishings from the conference room, special arrangements must be made through Customer Service at the time of scheduling.

8.5 EQUIPMENT

- A. Microphones and other standard equipment may be used within the conference room during the scheduled time, provided their use does not interfere with the normal operation of District business.
- B. TVs, microphones, podiums and overhead projectors may be available for use in the conference rooms. Requests for equipment shall be made at the time of scheduling.
- C. All equipment shall be site specific and shall remain on site at all times. Rental or use of equipment for use outside a conference room is prohibited.

8.6 FOOD & BEVERAGES

- A. Light refreshments (hors d'oeuvres, sandwiches, cookies, beverages, etc.) are allowed. However, beverages with a red, orange, grape or other base which would stain carpets are not allowed.

- B. If food is served, it is the responsibility of those using the room to ensure that the room is thoroughly cleaned after the event.
- C. In the event of a spill of either food or beverage, the District shall be notified immediately.
- D. Alcoholic beverages and smoking are strictly prohibited at all times within the conference rooms. This includes the interior and exterior of buildings.

8.7 UNLAWFUL OR INAPPROPRIATE CONDUCT

- A. Conference rooms shall not be used for any unlawful or inappropriate purpose. Any conduct occurring on District property which is unlawful or inappropriate shall result in the immediate termination of use and may result in fines and criminal charges being instituted.

8.8 PERSONAL PROPERTY

- A. District shall not be responsible for any loss or damage to personal property occurring on District property during the use of a conference room.

8.9 GENERAL RULES

- A. Children under the age of 18 years must be accompanied by and under the supervision of an adult at all times. Children must be supervised with an adult-to-child ratio of no more than five (5) children per adult supervisor. Youth groups may use the conference rooms, provided an adult has entered into an agreement with the District per Section 2.1.
- B. No glitter or confetti may be used in any conference room.
- C. No open flames may be used within any conference room. This includes the use of sterno burners, candles, incense, etc.
- D. No nails, tacks or duct tape may be used in/on woodwork or walls.
- E. Use of the building during District business hours shall not interfere with the normal operation of District business or work of District staff.

SECTION 98.0 Meetings

8.1 MEETINGS OF THE BOARD

- A. Regular Meeting. A regularly scheduled meeting of the Board for which notice of the date, time, and place has been given in the Annual Meeting Schedule.
- B. Special Meeting. Any meeting of the Board that replaces or is held in addition to regular meetings.
- C. Annual Meeting. The meeting at which officers of the District are elected. The Annual Meeting shall be held on the date and hour of its regularly scheduled meeting in March.
- D. Emergency Meeting. A special meeting held as a result of unforeseen circumstances, to consider matters of an urgent or emergency nature.

8.2 PLACE OF MEETINGS

Except as may otherwise be determined, meetings of the Board shall be held at the principal place of business of the District.

8.3 PUBLIC NOTICE OF MEETINGS

- A. Annual Meeting Schedule. An annual schedule of the regular meetings of the Board shall be posted at all times on the District's website and in a conspicuous place at the District's principal office. The annual schedule of regular meetings shall be sent to the Utah Public Notice Website (www.utah.gov/pmn) and other organizations and individuals requesting such schedule.
- B. Regular Meeting. Notice of the date, time, place and agenda for each regular meeting shall be posted to the District's website, at the District's principal office and sent not less than 24 hours before the beginning of each meeting to the Utah Public Notice Website (www.utah.gov/pmn/index) and other organizations and individuals requesting such notice.
- C. Special Meeting. Where possible, the notice described in Section 8.3.B shall be given. However, when unforeseen circumstances require calling a special meeting, including an emergency meeting, the notice requirements of Section 8.3.B may be disregarded and the best practicable notice given. No special meeting shall be held until a reasonable attempt has been made to notify all Board members, and a majority of Board members contacted and polled agree to hold the special meeting.

8.4 NOTICE TO BOARD MEMBERS

Notice of all regular and, when possible, special meetings of the Board shall be sent by the District Clerk to all members of the Board by any of the following methods; email, access via the District's website Board portal, or hand delivered, at least five days in advance of each meeting. Such notice shall include the date, time, and place of the meeting as well as a copy of the previous meeting's minutes and the agenda for the present meeting. It is the intent of the District Clerk to provide the agenda and meeting materials to the Board at least five days in advance of each meeting, however agendas and materials shall not be delivered less than 24 hours before the meeting.

8.5 CONDUCT OF MEETINGS

- A. All meetings of the Board shall be conducted according to Robert's Rules of Order when requested by a Board member.
- B. Any Board member shall have the right to place any matter on the agenda if a reasonable notice of at least 24 hours is given. The meeting shall follow the agenda unless otherwise agreed.

8.6 QUORUM

A quorum of Board members (50% plus 1) is required to conduct District business. If a quorum is present, a majority of Board members present must vote in favor of any motion in order for that motion to pass.

8.7 PRESUMPTION OF ASSENT

A Board member who is present at a meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless his/her dissent shall be entered into the minutes of the meeting or unless he/she shall file his/her written dissent to such actions with the District Clerk before the adjournment of the meeting. A written dissent shall not apply to a Board member who voted in favor of such action.

8.8 NO PROXY

No Board member may appoint another individual, by proxy or otherwise, to assume his/her responsibilities as a Board member.

8.9 OPEN AND CLOSED MEETINGS; ACTIONS TAKEN

- A. Open Meeting. All meetings of the Board, except closed meetings, shall be open to the public.
- B. Closed Meeting. Except as otherwise directed by the Board, closed meetings shall be open only to Board members, and appropriate District staff. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the Board present at an open meeting for which notice is given, provided a quorum is present. A closed meeting may be held for any of the following purposes:
 - 1. Discussion of the character, professional competence, or physical or mental health of an individual.
 - 2. Strategy sessions to discuss pending or reasonably imminent litigation.
 - 3. Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms.
 - 4. Strategy sessions to discuss the sale of real property, including any form of a water right or water shares, when: (a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms; (b) the District previously gave public notice that the property would be offered for sale; and (c) the terms of the sale are publicly disclosed before the District approves the sale.

5. Discussion regarding deployment of security personnel, devices or systems.
 6. Investigative proceedings regarding allegations of criminal misconduct.
- C. Actions Taken. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

8.10 MINUTES OF MEETINGS TO BE KEPT

- A. Written minutes and an audio recording shall be kept of all open meetings except during a site visit or traveling tour where no vote or action is taken.
1. When a meeting (open or closed) is required to be recorded, the recording shall be complete and unedited and include all portions of the meeting from the commencement of the meeting through adjournment of the meeting.
 2. Minutes shall not be “final” or “official” until they have been formally approved by the Board.
 3. Pending minutes are written minutes of an open meeting that have been prepared in draft form and are subject to change before being approved by the Board.
 4. Pending minutes, approved minutes, and recordings of public meetings are all subject to GRAMA.
- B. Open Meeting minutes shall include:
1. The date, time, and location of the meeting.
 2. The names of Board members present and absent.
 3. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
 4. The names of all citizens who appeared and the substance in brief of their testimony.
 5. Any other information that any Board member requests be entered in the minutes.
- C. Closed Meeting. Unless the closed meeting is called for purposes specified in Section 8.9.B.1 or 8.9.B.5, in which case the presiding officer shall sign a sworn statement affirming the purpose of the meeting, a recording shall be kept of the closed portion of the meeting. If minutes are kept, they shall include:
1. The date, time, and place of the meeting.
 2. The names of members present and absent.
 3. The names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closed meeting.
 4. The content of the meeting.

Recordings and written minutes of the closed meeting are protected records under Section 63G, Chapter 2, Governmental Records Access and Management Act, and any person who violates the provisions of Section 63G-2-801 Utah Code Ann. is subject to the criminal penalties contained in that section. Recordings and written minutes of closed meetings may be disclosed pursuant to a Court order only as provided in Section 52-4-304 Utah Code Ann.

8.11 PUBLIC HEARING PROCEDURES

A. Public hearings before the Board shall follow the following procedural steps:

1. Declaration that the public hearing is open.
2. Verification that legal notification requirements have been met.
3. Staff presentation.
4. Questions by Board members.
5. Request name and address from anyone wishing to speak .
6. Declaration that the public hearing is closed.
7. Staff response.
8. Questions by Board members.
9. Board discussion.
10. Board vote.

B. The following rules shall be observed during public hearings before the Board:

1. Members of the public who desire to speak, shall each first sign up on the sign-up sheet indicating the speaker's name, address and affiliations to the agenda item(s) (or whom he/she represents).
2. The Chair shall determine who will speak after reviewing the signup sheet. Each speaker shall be called by the Chair, and, at the discretion of the Board, speakers shall alternate between one speaking in favor of the agenda item and another speaking against it (continuing in this manner so long as possible).
3. Speakers shall state their names, addresses and affiliations to the agenda items (or whom they represent) before beginning their comments.
4. Speakers shall address their comments to the Chair, and they shall not debate with other meeting attendees or make personal attacks.
5. A predetermined time limit shall be placed on speakers. A speaker cannot combine his/her time with another (e.g., Speaker "X" cannot give his/her time to Speaker "Y" so that Speaker "Y" has double the time), and redundant speakers/comments will not be recognized by the Chair.

6. To permit everyone the opportunity to hear the proceedings, attendees shall be as quiet as possible.
 7. The hearing is designed for civil discussion. Therefore, attendees shall not jeer, cheer, yell out comments, or clap.
 8. Attendees shall not display any signs or distribute any handouts or flyers in the hearing room.
 9. After the close of the public hearing, discussion shall be limited to Board members and staff.
- C. The Chair of the public hearing shall enforce the procedures and rules set forth above in subsections A and B. The Chair, at its discretion and consistent with the District's Administrative Policies and Procedures, may take such additional actions as will promote an orderly and efficient public hearing.

8.12 ELECTRONIC MEETINGS

- A. As authorized by the Utah Open and Public Meetings Act, Section 52-4-207 Utah Code Ann. ("the Act"), the Board may hold, convene, and conduct any meeting in which one or more Board members participate through an electronic video, audio or both. The District may conduct an electronic meeting with the adoption of a resolution governing the use of electronic meetings.
- B. The District must provide space and facilities at an anchor location for the public to attend the open portions of the meeting. The Anchor Location is not required if:
1. The meeting would present a substantial risk to health or safety to those present or who would otherwise be present;
 2. The location where the Board meets has been ordered closed to the public for health or safety reasons; or,
 3. All Board members attend the meeting remotely through electronic video, audio, or both, unless the District or Board member receives a written request at least 12 hours before the scheduled meeting time to provide for an Anchor Location.
- C. The public notice of an electronic meeting must provide information on how a member of the public may participate in the meeting remotely by electronic means.
- D. Applicable procedures of the District's Administrative Policies shall govern an electronic meeting, with the following additions:
1. Board members who wish to participate electronically shall notify the District Secretary at least twenty-four (24) hours before the scheduled start of the meeting that they will be attending electronically.
 2. The minutes shall note the identity of those Board members participating electronically.
 3. All parties participating electronically should be able to hear and to speak with each other and all present in the Anchor Location.

4. Board members and parties in the Anchor Location should be able to hear and to speak with those participating electronically.
5. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a quorum and voting.
6. If visual aids or documents are to be presented or used at the meeting, the Board shall make reasonable efforts to provide copies to each person participating electronically.
7. At the conclusion of the meeting, persons attending electronically shall verbally certify that they participated in good faith in the entire meeting.

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SECTION 109.0 Risk Management

9.1 INSURANCE

The General Manager shall serve as the Risk Manager. The Risk Manager shall purchase outside insurance from the most cost effective qualified insurer. The District shall carry at a minimum, the following coverage:

- A. General Liability - \$10,000,000
- B. Auto Bodily Injury - \$10,000,000
- C. Auto Property Damage - \$10,000,000
- D. Underinsured Motorist - \$50,000
- E. Uninsured Motorist - \$50,000
- F. Vehicle Comprehensive/Collision for Vehicles Valued in Excess of \$5,000
- G. Property Coverage for Facilities Valued in Excess of \$100,000

9.2 PROCEDURE FOR FILING AND PROCESSING OF CLAIMS

- A. The procedures for filing and settling claims shall be determined by the Risk Manager.
- B. All District employees and Board members shall promptly report all accidents, claims and injuries to their Department Manager as soon as possible following any incident that may involve liability to the District or an insurance claim. The Department Manager should notify the Safety Officer and Risk Manager to investigate the incident as soon as possible.
- C. The Risk Manager shall notify the appropriate insurer.
- D. All District employees and Board members shall cooperate and assist the Risk Manager and Safety Officer as requested.
- E. The General Manager shall advise the Board concerning claims which have been filed against the District at the next meeting of the Board.

9.3 INDEMNIFICATION OF EMPLOYEES

- A. The District shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that they were the General Manager, a director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

- B. Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the application standard of conduct and on receipt of an undertaking by or on behalf of the General Manager, a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the District as authorized in this section.
- C. The District shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding related to their service or employment with the District, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the General Manager, a director, officer, employee, or agent met any appropriate standard of conduct.
- D. The indemnification provided for in this section shall continue as to any person who has ceased to be the General Manager, a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person. (Ord. 749-A, 12-15-2010)

9.4 SAFETY, HEALTH AND RISK MANAGEMENT POLICY STATEMENT

- A. The District's Safety Manual is to protect the District against accidental losses which, in the aggregate, during any financial period, would significantly affect personnel, property, the budget, or the ability of the District to fulfill its responsibilities to its customers, employees, taxpayers and the public.
- B. District staff is directed to implement a risk management plan which shall include: systematic risk identification; risk and hazard evaluation; safety, training and loss control activities; claims processing; and program monitoring.
- C. District employees are to be aware of all department safety rules and procedures; properly use all safety equipment and devices; and be safety conscious.
- D. District staff shall prepare a budget recommendation to the Board to fund selected methods and procedures for reducing the identified risks and to implement safety training activities. At least annually, the Risk Manager shall prepare a report to the Board summarizing the losses incurred by the District, their causes, and risk and loss prevention activities implemented by the District.

SECTION 110.0 Conduct and Ethics

10.1 STANDARDS OF CONDUCT

- A. The standards of conduct for Board members and District employees can be found in the District's **Personnel Policies, Section 12 – Productive Work Environment**.

10.2 ETHICS

- A. The District is subject to the following sections of Utah State Code, Annotated:
 - 1. Section 67-16 – *Utah Public Officers and Employees' Ethics Act UCA*, as amended.
 - 2. Section 76-8-105 – *Receiving or Soliciting Bribe or Bribery by Public Servant UCA*, as amended
- B. Refer to **Procurement Policies Section 3.10** for definitions and further discussion of the District's ethics policies.

11.112.1 PURPOSE

- A. The District is committed to transparency and accountability in the utilization of customer water fees for District operations. In support of this commitment, the District has established a process that District customers, citizens of Summit County, employees and contractors should use to report a suspected fraudulent use of these monies.

11.212.2 DEFINITIONS

- A. "Improper governmental action" means any action by a District employee:
 - 1. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - 2. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

11.312.3 REPORTING FRAUD AND ABUSE

- A. Employees who become aware of improper governmental actions should raise the issue first with their Supervisor. If requested by the Supervisor, the employee shall submit a written report to the Supervisor using the Fraud Reporting Form found in Appendix B. Where the employee reasonably believes the improper governmental action involves his or her Supervisor, the employee shall raise the issue directly with the General Manager.
- B. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the General Manager.
- C. The Supervisor or General Manager shall take prompt action to assist the District in properly investigating the report of improper governmental action. District staff involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- D. District employees may report information about improper governmental action directly to the Administrative Control Board if the employee reasonably believes the improper governmental action involves the General Manager, or that an adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.
- E. District employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by the District in these procedures.
- F. A person not employed by the District who becomes aware of or suspects improper governmental actions should follow the complaint procedures in Section 11.4.C below.

11.412.4 COMPLAINTS, INVESTIGATIONS, REVIEW AND ENFORCEMENT

- A. Any person may file a complaint alleging a violation of this policy.
- B. The complaint shall be in writing using the Fraud Reporting Form found in Appendix B and shall, except as described in paragraph E. below, be signed by the complainant. The complaint shall be filed with the General Manager, who shall provide a copy to the person charged with a violation. The complainant shall provide the General Manager with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. The complaint may also be filed with Summit County, either via email, telephone, or in writing.

Email: auditorhotline@summitcounty.org

Phone: (435) 336-3207

Writing: Summit County IRC – P.O. Box 128, Coalville, UT 84017

- D. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of District employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. The District is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under District policy. A thorough investigation of complaints is the District's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, the District reserves the right to decline to investigate any complaint that is provided anonymously.
- E. If a complaint is received anonymously it shall be directed to Summit County at the contact information listed above in paragraph C., for a recommendation on the processing of the complaint. Upon review of the complaint, Summit County will recommend to the General Manager either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the General Manager's recommendation the Administrative Control Board shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.
- F. Within thirty (30) days after receipt of a complaint, the General Manager or another person appointed by the Administrative Control Board shall conduct a preliminary investigation. If the General Manager or a member of the Administrative Control Board are implicated in the complaint, the Summit County Auditor will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.
- G. If the General Manager determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the General Manager shall advise the Administrative Control Board to dismiss the complaint. If the Administrative Control Board does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation.

11.512.5 WHISTLEBLOWER PROTECTION

- A. Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is

presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct. Whistleblower protections do not apply to anonymous complaints.

- B. The identity of the complainant is considered protected information under the Utah Government Records Access and Management Act (GRAMA) and will be kept confidential if requested by the complainant.

DRAFT

SECTION 13.0 Privacy Program Policy

13.1 PURPOSE:

- A. This policy serves to document the District's privacy program, which includes the District's policies, practices, and procedures for the processing of personal data in accordance with Utah Code Section 63A-19-401 et. seq. (as amended) and which aligns with the records management and data governance requirements provided in both Utah's Government Records Access and Management Act ("GRAMA") and the Division of Archives and Records Service and Management of Government Records statute ("DARS"). Where applicable, this policy will refer to a more specific or detailed policy, procedure, or guidance that addresses a particular practice that the District has developed.

13.2 GUIDING PRINCIPLES:

- A. This policy consolidates privacy practices, outlines governance roles and responsibilities, and ensures compliance with generally applicable records management, data protection, and data privacy obligations. It is designed to safeguard individual privacy rights, promote transparency, maintain the integrity and security of personal data, and ensure accountability across the District. This policy is meant to guide further alignment of the District with the State Data Privacy Policy as detailed in Utah Code Section 63A-19-101 et. seq. (as amended). In addition, this policy shall guide further alignment of the district with the State Endorsed Digital Identity policy as detailed in Utah Code Section 63A-16-1201 et. seq. (as amended). This policy shall also align with universal, open standards as available.

13.3 SCOPE:

- A. This policy applies to all District employees involved in the management, creation, and maintenance of records or who have access to personal data as part of their job duties. This policy also applies to all contractors of the District that process or have access to personal data as a part of the contractor's duties under an agreement with the District pursuant to Utah Code § 63A-19-401(4).

13.4 DEFINITIONS:

- A. The following definitions apply for the purposes of this Policy:

1. "At-risk Government Employee" has the same meaning as found in Utah Code Section 63G-2-303 (as amended).
2. Classification, "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under GRAMA.
3. "Cookie" means technology that records a user's information and activity when the user accesses websites. Cookies are used by website owners, third parties, and sometimes threat actors to gather user data.
4. "Data Breach" means— the unauthorized access, acquisition, disclosure, loss of access, or destruction of personal data held by a governmental entity, unless the governmental entity concludes, according to

standards established by the Utah Cyber Center created in Utah Code Section 63A-16-1101 (as amended), that there is a low probability that personal data has been compromised.

5. "Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.
6. "Device Fingerprinting" means collecting attributes of a user's device configurations to create a trackable profile for the device.
7. "Individual" means a human being.
8. "Key Logger" means "a program designed to record which keys are pressed on a computer keyboard..."
9. "Personal Data" means information that is linked or can be reasonably linked to an identified individual or an identifiable individual such as:
 - 1) First and last name;
 - 2) Physical address;
 - 3) Email address;
 - 4) Telephone number;
 - 5) Social Security number;
 - 6) Credit card information;
 - 7) Account Number;
 - 8) Bank account information;
 - 9) Vital Records;
 - 10) Any combination of personal information that could be used to determine identity
10. "Processing Activity" or "Processing Activities" means any operation or set of operations performed on personal data, including collection, recording, organization, structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or destruction.
11. "Record(s)" means the same as that term is defined in GRAMA.
12. "Record Series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.
13. "Records Officer" means the individual or individuals appointed by the chief administrative officer of the District to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.
14. "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each Record series should be retained by the District for administrative, legal, fiscal, or historical purposes and when each Record series should be transferred to Archives or destroyed.
15. "State Archives" means the Utah Division of Archives and Records Service.

13.5 GOVERNANCE:

A. Chief Administrative Officer (“CAO”):

1. There is hereby established a Chief Administrative Officer or “CAO” for the District. The CAO of the District is the General Manager or his/her designee (or, if the position of General Manager is unfilled, the Chair of the District’s Administrative Control Board shall serve as CAO).
2. The designation of the CAO or any changes to the designation of the CAO shall be reported to State Archives within 30 days of designation.
3. The designation of, and responsibilities assigned to, the CAO shall be reviewed and confirmed by the District on an annual basis.
4. The CAO shall have those duties as outlined in Utah Code Section 63A-12-103.

B. Appointed Record Officers (“Record Officers”):

1. The CAO shall appoint one more or more individuals to serve as Records Officers in fulfilling the duties of working with State Archives and the Office of Data Privacy in the care, maintenance, scheduling, disposal, classification, designation, access, privacy, and preservation of Records.
2. The appointment of Records Officers shall be reported to State Archives within 30 days of the appointment.
3. If responsibility for the duties of appointed Records Officers are divided between more than one Record Officer, such specification shall be reported to State Archives along with the appointment.
4. The appointment of, and responsibilities assigned to, a Records Officer shall be reviewed and confirmed by the District on an annual basis.

13.6 RECORD SERIES:

- A. Each department of the District shall create and maintain Records and Records Series in accordance with the requirements provided in DARS and GRAMA in addition to correlated guidance issued by State Archives and the District’s Attorney.
- B. Each department of the District shall appropriately designate and classify Records and Records Series in accordance with the requirements provided in DARS and GRAMA in addition to correlated guidance from the District’s Attorney.
- C. The CAO or his/her designee shall be responsible for submitting a proposed retention schedule for each type of material defined as a Record under GRAMA to State Archives for review and final approval by the State Records Management Committee (“RMC”).
- D. Upon approval by the RMC, the District shall maintain and dispose of records in strict accordance with the approved retention schedule. In instances where the District has not received an approved retention

schedule for a specific type of Record, the general retention schedule maintained by State Archives shall govern the retention and disposition of those Records.

E. Record Series Privacy Annotation

1. Each department and office of the District shall perform a privacy annotation for each Record Series that contains Personal Data pursuant to Utah Code Section 63A-19-401.1 (as amended).
2. Privacy annotations shall include:
 - a) an inventory of all types of Personal Data included in the Record Series;
 - b) a description of all purposes for which the department or office collects, keeps or uses the Personal Data;
3. a citation to the legal authority for collecting, keeping, or using the Personal Data; and
4. the legal authority under which Personal Data is processed.

F. If a department determines that a Record Series does not contain Personal Data, the Privacy Annotation shall be limited to a statement indicating that the Record Series does not include Personal Data.

G. Privacy annotations shall be conducted and reported in accordance with additional requirements provided by State Archives via administrative rule.

13.7 AWARENESS & TRAINING:

- A. The CAO of the District shall ensure that all employees that have access to Personal Data as part of the employee's work duties complete a data privacy training program within 30 days after beginning employment and at least once in each calendar year.
- B. The CAO of the District is responsible for monitoring completion of data privacy training by the District's employees.
- C. In addition to the general privacy awareness training, department, after consultation with the CAO and the District's Attorney, may create and require employees to complete department-specific privacy training tailored to the unique privacy needs, practices, and requirements of the department or office.
- D. Appointed Records Officer Training & Certification
 1. The CAO of the District shall ensure that, on an annual basis, all appointed Records Officers successfully complete online training on the provisions of GRAMA and obtain certification from State Archives in accordance with Utah Code Section 63A-12-110 (as amended).
 2. The CAO of the District shall, on an annual basis, review and confirm the certification status of all appointed Records Officers.
 3. Records Officers who handle GRAMA transparency responsibilities are required to complete the GRAMA transparency training and obtain certification from Archives in accordance with Utah Code Section 63A-12-110.

4. Records Officers specializing in Records management or privacy are required to complete both records management and GRAMA transparency training, as well as obtain the corresponding certifications.

13.8 IDENTIFY:

A. Inventorying

1. The CAO of the District or his/her designee shall maintain a comprehensive inventory of:
 - a. All IT systems that may process state or federal data which the state owns or is responsible for, using the standard process that Utah Division of Technology Services ("DTS") provides.
 - b. All Records and Record Series that contain Personal Data and the types of Personal Data included in the Records and Record Series.
 - c. All Processing Activities, the inventory of which shall include:
 - 1) Non-compliant Processing Activities—pursuant to the Government Data Privacy Act ("GDPA")—that were implemented prior to May 1, 2025, and a prepared strategy for bringing the non-compliant Processing Activity into compliance by no later than July 1, 2027; and
 - 2) All Processing Activities implemented after May 1, 2025, with documentation confirming compliance status.

B. Information Technology Privacy Impact Assessment

1. The CAO shall ensure that the District completes a Privacy Impact Assessment ("PIA") for all IT systems that may process Personal Data prior to the initiation of data processing in the IT system as required under DTS Information Security Policy 5000-0002.
2. The CAO shall use the PIA template that is created and maintained by the State's Chief Privacy Officer and which is approved by the Chief Information Officer pursuant to DTS Information Security Policy 5000-0002.
3. The CAO shall maintain a copy of each completed assessment for a period of four years to provide audit documentation and ensure accountability in privacy practices.

13.9 TRANSPARENCY:

A. Website Privacy Policy

1. The CAO of the District or his/her designee shall create and maintain privacy policies on its websites as outlined in Utah Code Section 63A-19-402.5 (as amended) and Utah Admin Rule R895-8. (as amended).
2. The CAO of the District or his/her designee shall ensure that Personal Data related to a user of a District website is not collected unless said website complies with Utah Code Section 63A-19-402.5 (as amended).
3. The CAO of the District or his/her designee shall ensure that all websites of the District contain a privacy policy statement that discloses:

- a. The identity of the District's website operator;
- b. How the District website operator may be contacted;
- c. The Personal Data collected by the District;
- d. The practices related to disclosure of Personal Data collected by the District and/or the District's website operator; and
- e. The procedures, if any, by which a user may request:
 - 1) Access to the user's Personal Data; and
 - 2) Access to correct the user's Personal Data.
- f. A general description of the security measures in place to protect a user's Personal Data from unintended disclosure.

B. Privacy Notice

- 1. Employees shall only collect Personal Data from individuals if, on the day the Personal Data is collected, the District has provided a privacy notice to an individual asked to furnish Personal Data that complies with Utah Code Section 63G-2-601(2), Utah Code Section 63A-19-402 (as amended), or other governing law, as applicable.
- 2. Such a Personal Data request privacy notice shall generally include:
 - a. the Record Series that the Personal Data will be included in;
 - b. the reasons the person is asked to furnish the information;
 - c. the intended purposes and uses of the information;
 - d. the consequences for refusing to provide the information; and
 - e. the classes of persons and governmental entities that currently:
 - 1) share the information with the District; or
 - 2) receive the information from the District on a regular or contractual basis.

13.10 INDIVIDUAL REQUESTS:

- A. The CAO of the District or his/her designee shall ensure that the District has established appropriate processes and procedures that facilitate compliance with applicable governing law for handling the following privacy requests of individuals:
 - 1. Individual's requests to access their Personal Data;
 - 2. Individual's requests to amend or correct their Personal Data;
 - 3. Individual's requests for an explanation of the purposes and uses of their Personal Data; and
 - 4. At-risk Government Employee requests to restrict access to their Personal Data.
- B. The CAO of the District or his/her designee shall ensure that the District has established processes for public access requests to inspect or copy the District's Records, which are not requests from an individual to access their Personal Data.

- C. The CAO of the District shall ensure that employees of the District follow established business practices with respect to GRAMA.

13.11 PROCESSING:

A. Minimum Data Necessary

1. The CAO of the District shall ensure that all programs within the District obtain and process only the minimum amount of Personal Data reasonably necessary to efficiently achieve a specified purpose.
2. The CAO of the District shall ensure that all departments/offices within the District regularly review their data collection practices to ensure compliance with the data minimization requirement.

B. Record and Data Sharing or Selling

1. District departments will only share or disclose Personal Data when there is appropriate legal authority. The sale of Personal Data is prohibited unless required by law.
2. Data sharing must comply with GRAMA or other governing law and may include sharing with governmental entities, contractors, private providers, or researchers. Compliance with GRAMA or other governing law is contingent upon the purpose of the sharing, the parties involved, and the nature of the Records.
3. The CAO is required to report annually to the State's Chief Privacy Officer on Personal Data sharing and selling activities, including types of data shared, the legal basis for sharing, and the entities receiving this data.
4. All contracts involving Personal Data must incorporate appropriate privacy protection terms. Written agreements for data sharing are recommended to ensure compliance with applicable laws and regulations.

C. Retention & Disposition of Records Containing Personal Data

1. Employees shall maintain, archive, and dispose of Records—which includes all Personal Data—in accordance with an approved retention schedule as required in Utah Code Section 63G-2-604 (as amended)
2. Employees shall comply with all other applicable laws or regulations related to retention or disposition of specific Personal Data held by the District or by a particular District department or office.

13.12 INFORMATION SECURITY:

A. Incident Response

1. The District adopts and follows the DTS Cybersecurity Incident Response Plan to manage and address all security incidents, including data breaches, and privacy violations.
2. Employees shall report all suspected security incidents, including non-IT incidents such as unauthorized access to physical records, to Utah's Enterprise Information Security Office ("EISO"). Any additional agency-specific response measures for non-IT incidents are the responsibility of the CAO to develop and implement as appropriate.

3. The CAO of the District or his/her designee shall ensure compliance with all other applicable laws or regulations related to incident response and breach notification of specific Personal Data held by the District.

B. Breach Notification

1. The District is required to provide notice to an individual or the legal guardian of an individual, if the individual's Personal Data is affected by a data breach in accordance with Utah Code Section 63A-19-406 (as amended).
2. The District is required to notify the Utah Cyber Center and the state attorney general's office of a data breach affecting 500 or more individuals in accordance with Utah Code Section 63A-19-405 (as amended). Any department or office that experiences a data breach affecting fewer than 500 individuals must create and report an internal incident report in accordance with Utah Code Section 63A-19-405 (as amended). These requirements are in addition to any other reporting requirement that the department or office may be subject to.
3. The CAO of the District that is subject to other breach notification requirements, such as those required for compliance with federal regulations, laws or other governing requirements (e.g., HIPAA or 42 CFR Part 2) are currently required to create and maintain their own department or office-specific breach notification policies and procedures that meet the requirements of the applicable governing laws and regulations.

13.13 SURVEILLANCE:

A. Covert Surveillance

1. Employees may not establish, maintain, or use undisclosed or covert surveillance of individuals unless permitted by law.
2. Employees are responsible for engaging with appropriate leadership for review—to include the District's Attorney where pertinent—of any activity that may be considered a type of surveillance.
3. The CAO of the District shall ensure that surveillance activities are documented and that a PIA for the activity has been completed.

B. Cookies, Fingerprinting, Key Loggers, and Tracking Technologies

1. The District is committed to transparency and privacy protection for individuals that visit any District website with regard to the use of any tracking technologies, including but not limited to Cookies, device fingerprinting, Key loggers, and other similar methods for monitoring or collecting information from website users.
2. Cookies: The use of Cookies on District websites and digital services must comply with applicable privacy and security policies. Cookies should be limited to essential operational purposes, and any use of tracking or third-party Cookies for analytics or similar functions must be disclosed clearly to users, with an option to consent where required by law.
3. Device fingerprinting: Device fingerprinting is prohibited unless explicitly authorized by the CAO or his/her designee and where the legal basis or appropriate justification for such processing is documented in a PIA. The purpose and extent of fingerprinting must be clearly defined, documented, and disclosed to users in a privacy notice or statement that complies with applicable legal requirements.

4. Key loggers: Key loggers are prohibited without specific authorization from the CAO or his/her designee and documented justification in the activity's PIA. Key loggers may only be used when there is a clearly defined operational need that complies with security standards and legal requirements, including appropriate user notice where required.
 5. Other tracking technologies: The use of other tracking technologies, such as web beacons, pixel tags, or similar tools, is prohibited unless explicitly authorized by the CAO or his/her designee, and the legal basis for such tracking is documented in a PIA. Disclosure of these technologies must be included in user-facing privacy statements, with user consent obtained when required by law.
- C. User Notification and Consent: The District must ensure users are informed about the use of tracking technologies. A clear website privacy statement must explain the types of data collected, the purpose of the tracking, and how users can manage their preferences or consent. Any updates to tracking practices must be promptly reflected in the privacy statement.
- D. Data Security and Retention: Data collected through authorized tracking technologies must be securely stored, with access limited to authorized personnel. Retention of this data must align with approved retention schedules, and the data should only be retained as long as necessary for the defined operational purpose.

13.14 REFERENCES/AUTHORITY:

- A. Division of Archives and Records Services (DARS) at Utah Code § 63A-12-100 *et seq.*; Government Data Privacy Act (GDPA) at Utah Code § 63A-19-101 *et seq.*
- B. Government Records Access and Management Act (GRAMA) at Utah Code § 63G-2-101 *et seq.*
- C. Management of Records and Access to Records at Utah Administrative Code R13-2.
- D. Division of Technology Services (DTS) Information Security Policy 5000-0002

SECTION 142.0 Public Records Policy

~~12.1~~14.1 GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

The District is subject to, and complies with, the Government Records Access and Management Act ("GRAMA") of the State of Utah, Section 63G-2 et seq. Utah Code Ann.

~~12.2~~ EXECUTIVE/CHIEF ADMINISTRATIVE OFFICER

- ~~A. The General Manager shall serve as the District's Chief Administrative Officer for purposes of GRAMA.~~
- ~~B. The General Manager shall appoint with the consent of the Board a GRAMA Officer.~~

~~12.3~~14.2 PROCESS FOR GRAMA REQUESTS ~~FEES~~

- ~~A. A person making a request for a District record shall complete and submit a request through the NextRequest portal on the District website prior to reviewing and/or receiving copies of records. In his/her discretion, the record custodian may accept the record request in a different format so long as the request contains the person's name, mailing address, and daytime telephone number, if available, and a description of the record requested that identifies the record with reasonable specificity. If the record request is not submitted through the NextRequest portal, the record request shall be submitted to the Assistant General Manager. Any requests not received through NextRequest must be uploaded to NextRequest.~~
- ~~B. Upon receipt of the request, a response to the request shall be provided to the requestor via NextRequest within ten(10) business days unless:
 - ~~1. The requestor has requested and met the requirements for an "expedited request" by demonstrating that the record request benefits the public rather than the person, in which case response shall be within five (5) business days; or~~
 - ~~2. "extraordinary circumstances" pursuant to Utah Code Annotated §63G-2-204(5) exist, which allows the department to delay approval or denial for an additional period of time.~~~~

~~The District shall charge and collect those costs and fees allowed by GRAMA for responding to a request for a record, as determined by the District Treasurer.~~

~~12.4~~14.3 ~~FEES~~ REQUESTS FOR RECORDS

- ~~A. The cost for processing GRAMA requests and/or copies are set forth in the GRAMA fee schedule.~~
- ~~B. The District requires payment of past fees and future estimated fees prior to processing a request if:
 - ~~1. Fees are expected to exceed \$50.00; or~~
 - ~~2. The requester has not paid fees from previous requests.~~~~
- ~~C. If the requester simply wants to inspect a record, they may do so at no charge, however, staff time for compiling the request or for costs of any copies requested thereafter, shall apply.~~

D. Fee Waivers: The District may fulfill a record request without charge and is encouraged to do so when it determines that:

1. Releasing the record primarily benefits the public rather than a person;
2. The individual requesting the record is the subject of the record; or
3. The requester's rights are directly implicated by the information in the record, and the requester is impecunious.

E. Fee Waiver Appeals: A person who believes that there has been an unreasonable denial of a fee waiver may appeal the denial in the same manner as a person who appeals the inspection of a public record under UCA §63G-2-205 by filing a notice of appeal within 30 days.

~~Pursuant to Utah Code Ann. (1953) § 63G-2-204 request for a record shall be directed to the District's GRAMA Officer at 6421 N. Business Park Loop Road, Suite #A, P.O. Box 982320, Park City, Utah 84098. Prior to releasing any records, the GRAMA Officer shall consult with the County Attorney to determine what records shall be released in accordance with state law.~~

~~12.5 RECORDS RETENTION~~

~~The District will retain records according to the retention schedule adopted by State Archives for local governments.~~

SECTION 153.0 Technology Policy

13.115.1 PERSONAL USE OF DISTRICT COMPUTERS & OFFICE ITEMS

- A. Employees may use District computers and information systems sparingly for personal use. Such use shall not disrupt employees from work responsibilities.
- B. All data stored, and software developed, on District computer equipment is the property of the District and may be viewed/reviewed by the General Manager or designee, at any time.

13.215.2 PERSONAL USE OF TELEPHONES (LAND LINES)

- A. Employees shall limit use of District telephones to conduct District business. All personal use of District telephones must not disrupt the carrying out of employee responsibilities and shall be used judiciously.

13.315.3 CELL PHONE USAGE

- A. Cell phone usage shall be in accordance with Section 18 of the District's Personnel Policies Manual.
- B. The District may provide a cell phone allowance for employees at the discretion of the General Manager. The District allowance shall be determined by the General Manager based on periodic review of market rates for cell phone plans and phones.
- C. Each District employee is responsible to know, understand, and comply with the laws of the State of Utah regarding the use of cell phones while driving, including, specifically, the prohibition on using a handheld wireless communication device while operating a moving vehicle as set forth in Utah Law. For the purposes of this policy, heavy machinery is considered to be a moving vehicle.

13.415.4 TABLETS

- A. Certain personnel may be issued District tablets (iPads or similar technology), as approved by the General Manager, to carry out job responsibilities. Every care must be taken by employees to protect these assets. In the event of damage, District tablets will be repaired or replaced by the District once every two (2) years. Additional Repair or replacement needs as a result of damage are the responsibility of the employee. Tablets are not to be used for personal reasons. All rules regarding electronic communication and Internet use apply to tablets.

SECTION 164.0 Asset Management Policy

164.1 PURPOSE

- A. The Asset Management Policy for the District aims to establish a systematic approach for managing the District's infrastructure assets to ensure sustainable, reliable, and efficient service delivery. This policy aligns with the District's mission to provide high-quality water and exceptional service in a safe, reliable, efficient, and sustainable manner.
- B. The purpose of this policy is to:
1. Maximize asset value and performance throughout its lifecycle.
 2. Ensure effective asset management (AM) practices.
 3. Provide a framework for decision-making and continuous improvement.



- C. This policy applies to all physical assets the District manages, including water treatment, distribution systems, and transmission infrastructure.

164.2 OBJECTIVES

A.F. The asset management objectives are:

1. **Service Delivery:** Maintain and improve the reliability, safety, and quality of water services.
2. **Sustainability:** Ensure that the asset management practices are sustainable and consider environmental and economic factors.
3. **Risk Management:** Identify and mitigate risks associated with asset failure
4. **Financial Efficiency:** Optimize the allocation of financial resources to balance maintenance, renewal and investment in new infrastructure.

164.3 GOVERNANCE

- A. The District General Manager oversees the implementation of this policy, supported by the Asset Management Steering Committee (AMSC), which includes representatives from key departments such as Operations, Engineering, Finance and Technology.

164.4 ASSET MANAGEMENT STRATEGY

- A. **Asset Inventory:** Maintain a comprehensive and up-to-date inventory of all assets, including their condition, performance, and remaining useful life.
- B. **Life Cycle Management:** Implement strategies for the entire life cycle of assets, from planning and acquisition to operations, maintenance, and disposal.
- C. **Risk-Based Decision Making:** Utilize risk assessments to prioritize maintenance, renewal, and replacement activities.
- D. **Performance Measurement:** Develop and monitor key performance indicators (KPIs) to evaluate asset management practices' effectiveness and identify improvement areas.
- E. **Continuous Improvements:** Regularly review and update the asset management plan to incorporate new technologies, best practices, and stakeholder feedback.

14.516.5 FINANCIAL PLANNING

- A. **Capital Planning:** Develop a capital improvement plan (CIP) that aligns with asset management objectives and prioritizes projects based on risk, performance, and community needs.
- B. **Rate Setting:** Ensure that water rates and fees are fair, reasonable, and sufficient to cover the costs of service delivery, maintenance, and capital improvements.
- C. **Reserves:** Maintain adequate financial reserves to address unexpected expenses and ensure long-term financial sustainability.
- D. **Transparency:** Provide transparent reporting on asset management performance, financial status, and future plans.

14.616.6 IMPLEMENTATION

- A. **Training and Development:** Provide ongoing training and development for staff to enhance their skills and knowledge in asset management.
- B. **Technology and Data:** Invest in technology and data management systems to support effective asset management practices.
- C. **Collaboration:** Foster collaboration across departments to ensure a holistic approach to asset management.

SECTION **175.0** Tax and Disclosure Compliance Procedures

175.1 SEE APPENDIX A ATTACHED

DRAFT

**MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT
of Summit County**

Water Rules and Regulations

Revised _____ ~~December 7, 202~~62



Prepared By
The Administrative Staff of
Mountain Regional Water Special Service District

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MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT
RESOLUTION NO. 2022-1207 Adopted on December 7, 2026

**A RESOLUTION ESTABLISHING
UNIFORM RULES AND REGULATIONS
FOR THE DISTRIBUTION OF WATER AND RELATED SERVICES**

WHEREAS, it is necessary, for the orderly administration and development of the facilities of the Mountain Regional Water Special Service District (the “District”), to adopt Rules and Regulations governing water service and operations; and

WHEREAS, to enhance the viability, source capacity, water quality, economies of scale, and reliability of water systems in the Snyderville Basin the District was formed to facilitate this goal through regionalization of water systems, water conservation, and importation of water; and

WHEREAS, on May 25, 2001, the Summit County Commission passed Resolution 2001-20 MRW, adopting the first set of Rules and Regulations of the District;

WHEREAS, because of continued growth of the District, it is necessary to periodically amend these Rules and Regulations for the District; and

WHEREAS, these Rules and Regulations, when adopted, will protect and promote the health, safety, and welfare of the residents within the District boundaries.

NOW, THEREFORE, be it resolved by the Summit County Council, acting as the Governing Board of the Mountain Regional Water Special Service District as follows:

1.0 GENERAL

1.1 Repealer

The Summit County Council hereby adopts the following Uniform Rules and Regulations for the District, as recommended by the Administrative Control Board, which repeal and replace any formerly adopted District Rules and Regulations which address the same subject matter.

1.2 Purpose

This resolution has been adopted to promote the orderly construction, operation, maintenance, repair, replacement and enlargement of the water system owned and/or operated by the District and to establish a uniform set of Rules and Regulations which are contractual conditions for the District to provide water service to its customers.

1.3 Services Provided

Subject to these Rules and Regulations and the availability of funds, water resources and distribution facilities; the District shall provide retail culinary and/or irrigation water distribution services to properties located within its political boundaries, and may provide wholesale culinary and/or irrigation water service to property located outside its political boundaries.

2.0 DEFINITIONS

2.1 Administrative Control Board. A Board appointed by the Summit County Council, consisting of the number of District customers specified in the District's Governing Ordinance. The powers of the Administrative Control Board are those set forth in Utah Code Ann. 17D-1-301 as amended, as delegated by the Summit County Council through the Governing Ordinance, and those powers necessarily implied.

2.2 Applicant for Annexation. A party who owns real property proposed for annexation into the District for the purpose of receiving water service from the District.

2.3 Applicant for Water Service. A party or owner within the boundaries of the District seeking water services from the District.

2.4 Board. The Mountain Regional Water Special Service District Administrative Control Board.

2.5 Commercial Property. Is real estate (buildings and land) used for business activities. Commercial property typically includes office buildings, medical centers, hotels, retail stores, warehouses, etc..

2.6 Commitment-of-Service Letter. An irrevocable, contractual commitment in letter form issued by the District to a Customer, in consideration for (a) payment of the District's impact and/or connection fees, and (b) execution of a Water Service Agreement.

2.7 Conditional System Acceptance Letter. The conditional acceptance of water system improvements by the District. This letter is issued once the construction and punch list have been completed and the Bill of Sale has been provided by the Developer to the District.

- 2.8 Connection and Meter Fee.** Fee charged to the Owner of a lot or parcel which covers the actual cost of installing the physical connection and meter to the Water Distribution System.
- 2.9 County.** Summit County, Utah.
- 2.10 County Council.** The legislative body of Summit County.
- 2.11 Culinary Water.** Water that meets state and federal water quality standards provided through the District's public water systems, regardless of use.
- 2.12 Customer.** The owner of an existing residential, industrial, institutional, or commercial structure, or irrigated property connected to the District's water system which receives retail or wholesale water service; including the owner of standby lots or property within the District; or a person or entity receiving bulk type water service.
- 2.13 Developer.** A person or entity that develops a Development including an owner of property seeking water service from the district. A Developer may be referred to as an applicant or Owner.
- 2.14 Development.** Any new construction within the boundaries of the District which requires water services from the District
- 2.15 District.** The Mountain Regional Water Special Service District, a political subdivision of the State of Utah, organized by the Summit County Council pursuant to the authority of Utah Code Ann. 17D, Chapter 1 as amended or successor provision (the "Act").
- 2.16 District Engineer.** A District employee or qualified consultant who is a registered professional engineer in good standing with the State of Utah, as designated by the General Manager, who has primary responsibility for supervision and management of all District water development and improvement projects.
- 2.17 Equivalent Residential Connection (ERC).** The ERC specifies an amount of water used for a typical residential connection in the District and is used as a multiplier for the calculation of Impact, Standby, and other fees as adopted. The ERC is determined as part of the Impact Fee Facilities Plan and Analysis process.
- 2.18 Final System Acceptance Letter.** The final acceptance of water system improvements by the District. This letter is issued once the Warranty Period has lapsed, all warrantied items have been completed, and the warranty bond has been released by the District.
- 2.19 General Manager.** A person recommended by the Administrative Control Board and appointed by the Summit County Council to act as General Manager for the District as outlined in the District Governing Ordinance and By-laws.
- 2.20 Governing Board.** The County Council of Summit County, acting in its capacity as the Governing Board of the District. The powers of the Governing Board are those set forth in the Act, and those necessarily implied. Specific powers of the Governing Board may, by the District's Governing Ordinance, be delegated to the Administrative Control Board, as per Utah Code Ann. §17D-1-301 as amended or any successor provision.
- 2.21 Governing Ordinance.** The organizational regulations of the District enacted at Summit County Code, Title 2, Chapter 9, as amended.

- 2.22 Impact Fee.** A payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The impact fee is according to the currently adopted Impact Fee Facilities Plan and Analysis and is based on the customer's impact on the water system infrastructure.
- 2.23 Irrigation Water.** Water provided by the District through a separate water system, for outdoor use, that is not intended for human consumption and need not meet drinking water standards. Irrigation water is meant to be served to larger metered commercial or common type spaces, and therefore should not be confused with typical secondary water systems which provide irrigation water service to individual residential customers.
- 2.24 Owners.** The owners of real property within the boundaries of the Mountain Regional Water Special Service District. (Ord. 749-A, 12-15-2010, as amended or any successor provision.) Owners may also be referred to as an applicant or Developer in these Rules and Regulations
- 2.25 Prepayment Letter.** A letter issued when the impact fees for a lot are prepaid. The Prepayment Letter can be exchanged for a Commitment-of-Service Letter up to the quantity of water prepaid. If a lot owner requires additional water, the incremental impact fee must be paid prior to issuance of the Commitment-of-Service Letter.
- 2.26 Restrictive Use Covenant.** A legal restriction placed on a parcel or lot by the owner prohibiting any future water connection. Standby Fees will not be charged on these parcels or lots and the parcels of lots must remain vacant.
- 2.27 Rules and Regulations.** All Rules and Regulations adopted by the District as herein set forth.
- 2.28 Service Laterals.** The water service pipeline extending from a retail customer's structure or point of use until it connects to the District's main pipeline.
- 2.29 Standby Fee.** A fee imposed upon a Developer, lot owner, or those contractually obligated, that can be serviced by the District, but are currently not connected to its system. The standby fee offsets the fixed costs to the District allocable to standby accounts based upon the total number of District connections and standby fees assessed. The standby fee includes operations and maintenance costs, appropriate water lease and reservation fees, and any other cost incurred by the District to ensure the availability of water and to provide for fire flow and property protection capability to standby lots and Developments.
- 2.30 Theft of Service.** A person commits theft if he or she obtains water service by deception (such as an unauthorized connection), threat, force, or any other means designed to avoid the proper metering, accounting, and payment for the services. Pursuant to Utah Code Ann. §76-6-409.3, as amended, theft of service can range from a class B misdemeanor to a third-degree felony, depending upon the amount of the theft as designated in state law. If a person has been convicted of theft of water service in the past, future thefts can be a second-degree felony. A Theft of Service Fee shall apply for instances of Theft of Service.
- 2.31 Warranty Period.** A period of 12 months starting at the issuance date of the Conditional System Acceptance Letter.
- 2.32 Water Distribution System or Facilities.** The primary water storage, treatment facilities, transmission and distribution lines, wells, springs, tunnels, pump stations, conservation facilities, and other off-site water system improvements and appurtenant facilities, including SCADA facilities, owned by the District and utilized to develop, transport and distribute water to individual customers within or without the District boundaries.

2.33 Water Service Agreement. An agreement whereby a Customer connects an individual service line to the District's water system and agrees to pay all applicable fees and abide by all applicable Rules and Regulations of the District in exchange for water service from the District.

2.34 Willing-to- Serve Letter. A letter provided to a Developer that indicates the District currently has the ability and willingness to provide water service to his/her development. A Willing-to-Serve Letter does not require the prepayment of impact fees and is not legally binding. The District only commits to water service after the Developer enters into a Water Service Agreement, pays Impact Fees, and fully complies with all of these Rules and Regulations.

3.0 FEES

3.1 Water Service Fees and Other Charges

All District fees and charges shall be prepared by the District administration and legally adopted and approved by the Administrative Control Board, as it sees fit in accordance with Utah Law. All service fees and charges may be changed at the discretion of the Administrative Control Board following the above process. The various fees and applications of the same are as follows:

A. Culinary Water Service Fees. The District shall impose culinary water service fees upon each culinary water service connection in conformance with the following:

1. The fees shall be in an amount sufficient to pay all costs and expenses incurred in connection with operating, maintaining, depreciating, replacing, rebuilding or making capital improvements to District's culinary water distribution system, including, without limitation, all obligations due and payable by the District to its bond holders.
2. All customers will pay a base fee determined by their number of ERC units. Any water usage is billed on a tiered basis, where the cost per tier of usage significantly increases the cost per thousand gallons used per tier. This is to promote conservation.
3. Vacant structures shall be billed a monthly base fee based on section 3.1(A)(2).
4. The culinary water service fee shall be billed monthly.
5. The District may impose reasonable penalties, late charges, and interest on any past due culinary water service fee or any unpaid portion thereof, as legally adopted and amended.

B. Irrigation Water Service Fees. For Developments utilizing irrigation water from the District's irrigation water system(s), reasonable irrigation water service fees and charges, as legally adopted and amended, will be imposed in conformance with the following policies:

1. The fees shall be in an amount sufficient to pay all costs and expenses incurred in connection with operating, maintaining, depreciating, replacing, rebuilding or making capital improvements to District's irrigation water distribution system, including, without limitation, all obligations due and payable by the District to its bond holders.
2. The irrigation water service fees shall be billed monthly, using metered rates, and shall be in addition to all other fees and charges lawfully imposed by the District.

3. The District may impose reasonable penalties, late charges, and interest on any past due irrigation water service fee or any unpaid portion thereof.
4. Increasing Block rates may be implemented in the irrigation contract to encourage conservation of irrigation water on a particular Development or project.

C. Standby Fees. The District shall impose a Standby Fee against any Developer or lot owner, other than customers that have placed a Restrictive Use Covenant, that are able to be served by active and existing District infrastructure but are currently not connected to its system; or as dictated pursuant to a contract with a Developer or lot owner, in conformance with the following:

1. The standby fee applies to those lots, parcels or Developments within the District's boundaries where any one of the following circumstances apply: (1) the District's signature and/or note appears on any plat for a lot or subdivision that has been recorded in the Office of the Summit County Recorder; (2) an Owner of a lot, parcel or Development has applied to receive water service from the District or paid any required deposits, impact fees or application fees; (3) an Owner of a lot, parcel or Development has signed a Water Service Agreement with the District; (4) the District has otherwise entered into a contractual service agreement for a lot, parcel or Development; or (5) the District has issued a Commitment-of-Service Letter for a lot, parcel or Development.
2. The standby fee shall recover the fixed costs (i.e. those that don't vary with water consumption) to the District allocable to standby accounts based upon the total number of District connections and standby fees assessed. The standby fee shall include operations and maintenance costs, appropriate water lease and reservation fees, and any other relevant cost.
3. Subject to 3.1(C)(1), the fee shall be charged to the Owner of an undeveloped lot or parcel, or to the Developer where there are unsold lots in a platted subdivision so as to provide for water service to protect the lot from fire and keep the system in a ready to serve condition when a connection is desired.
4. The Standby Fee shall be charged monthly.
5. The Standby Fee shall be one ERC until relevant impact fees and connection fees are paid at which time the Standby Fee shall be based on ERCs as determined by the District.
6. Subject to 3.1(C)(1), the fee shall be chargeable whether or not the Owner or Developer has paid all or some of the relevant Impact Fees and Connection Fees.
7. Subject to 3.1(C)(1), the fee shall also be chargeable from and after the time an application for service until such time as a service connection is made and service charges for connected properties are applicable. If a lot is sold, the Standby Fee shall be pro-rated between the buyer and seller for the current billing period.
8. The Standby Fee shall not recover any capital infrastructure costs, including costs used in the calculation of Impact Fees or those improvements funded with debt. The fee may recover the cost of capital equipment funded from operations.

D. Alternative Water Service Provider Fee. This fee applies to any lot, parcel or Development within the District's boundaries whose owner has elected to use an alternate water service provider and where any one of the following circumstances applies:

1. The signature on behalf of the District and/or note appears on any plat for a lot or subdivision that has been recorded in the Office of the Summit County Recorder;
 2. An Owner of a lot, parcel or Development has applied to receive water service from the District or paid any required deposits, impact fees or application fees;
 3. An Owner of a lot, parcel or Development has signed a Water Service Agreement with the District;
 4. The District has otherwise entered into a contractual service agreement for a lot, parcel or Development; or
 5. The District has issued a Commitment-of-Service Letter for a lot, parcel or Development
- E. **Buried Meter Service Fee.** If a meter is buried or otherwise not accessible to the District for meter reads, maintenance or repairs, the District shall assess a monthly fee as established in the District's then current rate schedule based upon annual ERC usage using the ERC acre foot standard established in the District's current Impact Fee Ordinance or Resolution, or other reliable methodologies, depending on nature, size, and type of service. The District may require that the Customer make the meter accessible, for meter reading and maintenance, at the Customer's expense.
- F. **Existing Connection – Meter Replacement & Connection Fees.** Each purchaser of an existing lot may be required to pay a meter replacement connection fee if the lot or parcel has an existing meter that needs to be replaced or upgraded, as determined by the District.
- G. **Fire Flow Analysis Report Fee.** The District shall assess a Fire Flow Report Fee whenever a home builder or Developer needs to ascertain the District's available fire flow at a location of their interest. The Fire Flow Report will include the available fire flow and related water pressure data.
- H. **Impact Fee Review Fee.** The District shall assess an Impact Fee Review Fee for each new connection request that is received by the District. The Impact Fee Review includes a review of the projected water uses for the project, a calculation of the number of ERCs being added by the project, the determination of Impact Fees, a review of the easements required, the connection details, and the appropriate meter size. If subsequent changes are made and reviews are needed, additional Impact Fee Review Fees may be assessed.
- I. **New Connection - Connection and Meter Fees.** Each new connection shall be required to pay a Connection and Meter Fee for each culinary and irrigation water connection prior to connecting to the District's Water Distribution System.
- J. **On-Site Visit (Inspection Fee)s.** The District shall assess a fee to inspect new water connections to determine if the meter and connection are properly installed. The District shall assess a fee to inspect existing water connections whenever a lot is sold to determine if a meter replacement or upgrade is required. When repeat inspections are requested, the District may, at its discretion, assess additional Inspection Fees.
- K. **Release of Restrictive Use Covenants Fees & Charges.** In situations where an Owner within the District places a Restrictive Use Covenant on their lot or parcel indicating that it will not be developed in the future, the District will not assess Standby Fees and other charges to that lot or parcel. If a lot Owner or Developer subsequently releases this Restrictive Use Covenant so the lot or parcel can be developed, the District will be entitled to assess all back fees and charges that would have been billed to that lot or parcel from the date the Restrictive Use Covenant was applied to the date it is released, including annual interest at the legally adopted and amended rate.

- L. **Effects of Recordation of a Restrictive Use Covenant against a Lot or Parcel Currently Served by the District.** In situations where an Owner, within the District, who (i) has existing infrastructure (for example, but not limited to, meter pit or service lateral) on their lot or parcel, and (ii) desires to record a Restrictive Use Covenant against that lot or parcel to restrict future development, shall, upon recordation of the Restrictive Use Covenant, abandon all existing infrastructure on that lot or parcel.
- M. **Resumption of Service Fee.** In the event of nonpayment of culinary and/or irrigation water service fees, Standby Fees, and other fees and charges lawfully imposed by the District, the District may terminate water service to any Customer for non-payment of the same and charge a Resumption of Service Fee upon service reinstatement.
- N. **Security Deposits.** The District shall require a Security Deposit for each new connection. Said Security Deposit can be utilized to reimburse the District for any damage done to its Water Distribution System or Facilities, and can be applied to any outstanding balance owed by the Owner. Upon satisfactory connection and “sign-off” on the installation during the final District inspection, the remaining unused Security Deposit, will be refunded to the lot Owner at the time the connection passes final inspection.
- O. **Lateral Fee.** A Lateral Fee shall be assessed in the event the District installs a new lateral to support a future water service connection to a lot that doesn’t currently have a lateral installed. The District shall assess the Owner of the property the fee as amended.
- P. **Theft of Service Fee.** Anyone using water through an un-metered connection, without the express prior written authorization of the District, shall be subject to the Theft of Service Fee.
- Q. **Title Transfer Fee.** The District shall assess an administrative fee (i) each time a lot is sold or an account is changed into a new Customer’s name or (ii) when a Customer terminates service. This fee includes both developed and undeveloped lots.

3.2 Development Related Fees.

All fees shall be prepared by District administration, and approved by the Administrative Control Board, as provided for by Utah State Law.

- A. **Impact Fees.** Impact Fees shall be imposed at the time of issuance of a Summit County building permit in connection with each lot or parcel utilizing the Water Distribution System or Facilities, and any applicable sources of water supply. Payment of Impact Fees, or the tendering of authorized prepaid connections for the components of the Impact Fee covered by the prepaid connections, shall be due to the District, as a condition to water service, in conformance with the following:
1. **Pursuant to Impact Fees Act.** Impact fees shall be imposed pursuant to and in conformance with the provisions of the Utah Impact Fees Act, Utah Code Ann. Title 11 Chapter 36a, *as amended*, or any successor provision, and shall be enacted and administered by a separate Ordinance or Resolution.
 2. ~~2.~~ **Imposition of Impact Fees.** Impact Fees may be divided into one or more components, which are assessed on each Development or property based on the needs of the project, the water infrastructure dedicated to the District by the Developer, and the value of said infrastructure to the District. Impact Fees may also be based on regional needs and demands. Water Right, Source Development, Storage, and Distribution System Impact Fees shall be imposed based upon the proportional costs outlined in the adopted Impact Fee Ordinance or Resolution and the calculated water demands where applicable. Where there is a dispute in calculations between the District

and a Developer, the District calculations shall prevail. Impact Fees shall be due to the District prior to the issuance of a Commitment-of-Service Letter by the District.

3.3 Differential Rates and Fees

Because of the varying nature of services, the unique character, infrastructure types, deficiencies, elevations, energy and power demands, possible hydro-pneumatic pressure service area costs, ages, and special needs of areas annexed into the District, the District may assess differential rates and fees for different areas or sub-zones of the District. Differential rates shall be substantiated with studies or data clearly demonstrating the needs for varying rates and fees in different areas.

3.4 Violation Fees

The District may implement fees and/or penalties, as legally adopted and amended, to be charged against a service or Customer for violations of any part of these Rules and Regulations.

3.5 Fee Adjustments

A. Water Leak Adjustments.

1. **Normal Leak Adjustment.** In the case of water leaks on a Customer's property receiving service from the District, the CFO or Customer Service Manager may make a billing adjustment or provide a credit, so long as the Customer has repaired the leak in a timely manner ("Normal Leak Adjustment"). For purposes of this subsection, "timely manner" shall mean that the leak is repaired within 30 days following the leak notification. If in the sole discretion of the District an adjustment is allowed, the Customer will be required to pay for the first 20,000 gallons of leaked water at normal District rates. Water leak adjustments will be made on the leaked water above 20,000 gallons for the billing cycle.

The District will use historical meter data to estimate leaked water as accurately as possible. .

If a Customer's leaked water totals more than 20,000 gallons for the billing cycle, a new bill will be calculated using the following formula and a credit given for the difference between the original bill and the new calculated bill.

- The Customer is required to pay for the first 20,000 gallons of leaked water at normal District rates.
- Leaked water above 20,000 gallons will be split 50%/50% between the normal District rates and the then currently established Leak Rate.
- Water leak adjustments will only apply to one billing cycle.

The Leak Rate will be established from an estimation of water production costs, however this rate may never be less than the current Usage Block 1 rate or greater than the current Usage Block 2 rate for the Customer's current rate plan.

If the Customer is subject to an elevation surcharge, all usage (actual and leaked) is billable.

A leak adjustment must be applied for no later than 90 days from the leak notification date.

A Customer may not apply for more than one Normal Leak Adjustment in any twenty-four month period.

The following types of leaks will **NOT** be considered for Normal or Catastrophic Leak Adjustments:

- Any pond, swimming pool or other water feature;
- Irrigation timer issues;
- Toilets and faucets; and
- Malfunctioning appliances, including but not limited to hot water heaters, water softeners, reverse osmosis systems, etc...

2. **Catastrophic Leak Adjustment.** A residential or a commercial/industrial Customer may qualify for a Catastrophic Leak Adjustment if the total leaked water is greater than 300,000 gallons for the billing cycle and the Customer can demonstrate (a) that this usage is not typical for that month of the year (using historical data) and (b) that the leak was repaired within 30 days following the leak notification.

The Catastrophic Leak Adjustment follows the same standards as the above-described Normal Leak Adjustment with the following exception:

- The leaked water above 20,000 gallons will be split 25%/75% between the normal District rate and the then currently established Leak Rate.
- This adjustment will only apply to one billing cycle

3. **Leak Repair and Verification.** Prior to receiving an adjustment or credit, the Customer must (a) repair the leak within 30 days following the leak notification, (b) notify the District in writing using the Water Leak Adjustment Request Form, describing the source of the leak and how and when the leak was repaired, (c) provide the District with all receipts related to the cost of the repairs and any other documentation available to verify the leak, and (d) sign up for the District's leak alert system. Evidence must be provided, to the satisfaction of the District, that the leak was repaired (ex: repair bill, letter from a plumber or repair company, or receipts if self-repaired).

3.6 Owner's Liability for Charges

Due to the public health and safety nature of water service, including property protection issues, and the District's power to levy delinquent charges on a parity with a property tax lien, the Owner of record of any property, rather than any tenants, shall be responsible and liable for all water service fees, Standby Fees and all other fees and charges lawfully imposed by the District.

A. **Collection of Delinquent Service Charges.**

1. Pursuant to UCA §17B-1-904, *as amended*, for any culinary water and/or irrigation water service fees, Standby Fees, or other fees and charges lawfully imposed by the District (the "Past Due Service Fees") that are delinquent as of June 1st of any year (the "Default Date"), the Customer receiving the bill shall be notified in writing by United States mail, postage prepaid, of the current amount of the delinquency (the "Delinquency Notice"). The Delinquency Notice shall be in substantially the following form:

Date: _____
To: _____
Service address: _____
Account or invoice number(s): _____
Date(s) of service: _____

Amount past due: _____

You are hereby notified that water service fees owed by you are in default. In accordance with Section [17B-1-902](#), Utah Code Annotated, if you do not pay the past due amount within 15 days from the day on which this notice was mailed to you, you are liable for the past due amount together with collection costs of \$20.

You are further notified that if you do not pay the past due amount and the \$20 collection costs within 30 calendar days from the day on which this notice was mailed to you, an appropriate civil legal action may be filed against you for the past due amount, interest, court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the past due amounts, but the combined total of all these amounts may not exceed \$200 if your property is residential.

Mountain Regional Water Special Service District _____
[5739 Paintbrush Road](#)~~P.O. Box 982320~~
Park City, Utah 84098 _____
(435) 940-1916 _____

2. If the account is not brought current within fifteen (15) calendar days after the District has mailed the Delinquency Notice, including any additional delinquent amounts that accrue within that time period and the \$20 collection fee (the "Collection Costs"), the Past Due Service Fees, Collection Costs, a one-time penalty charge of 8% for the Past Due Service Fees (the "Penalty"), and applicable interest from the Default Date (together, the "Certified Charges"), shall be certified by the District on or prior to July 15th to the Summit County Treasurer in accordance with UCA §17B-1-902, *as amended* (the "Notice of Certification"). These Certified Charges shall, immediately upon certification, become a lien on the delinquent premises on parity with and collected at the same time and in the same manner as general county property taxes that are a lien on the premises. The owner of record of the property being served is responsible for all water service fees, Standby Fees, or other fees and charges lawfully imposed by the District. Interest at the rate of eighteen (18) per cent per annum, compounded annually, shall be charged on all past due accounts. Interest may not be collected on the Penalty. After all amounts due and owing as set forth in the Notice of Certification have been paid, the District shall file for recordation in the office of the Summit County Recorder a "Release of the Lien." A Notice of Certification is not valid as to a specific property where the District certifies the lien after the filing for record of a document conveying title of the Customer's property to a new owner.
3. The District may file a civil action against the Customer where the Customer has failed to pay the Past Due Service Fees and Collection Costs within thirty (30) days of the date on which the District mailed the Delinquency Notice. The District may collect through the civil action the Past Due Service Fees, Collection Costs, interest, court costs, a reasonable attorney fee, and damages (which damages are the greater of \$100 or triple the Past Due Service Fees) (together, the "Civil Action Award"). With regard to residential properties, the Civil Action Award may not exceed \$200.

- B. Termination of Services for Non-payment.** In the event of nonpayment of culinary and/or irrigation water service fees, Standby Fees, and other fees and charges lawfully imposed by the District, the District may terminate water service to any Customer for non-payment of the same after first providing Customer with fifteen (15) ~~calendar~~[business](#) days written notice of the delinquency, and providing Customer an opportunity to cure the default prior to the service being terminated. The Customer may request a hearing of the Administrative Control Board regarding any such delinquency, which hearing shall be held before service is terminated. In the event a delinquency is not cured

within fifteen (15) ~~calendar~~**business** days, the District may terminate water service to the premises involved. The Customer shall be required to pay the Resumption of Service Fee as outlined in the then current rate schedule, and any applicable water shutoff fees, in addition to curing the delinquencies, as a condition to the resumption of water services. Unless a valid Notice of Certification is on file with the County Treasurer covering the property, the District shall not use a prior Customer's failure to pay for water services as a basis for not furnishing water service to the property after ownership of the property is transferred to a subsequent owner. Further, unless a valid Notice of Certification is on file with the County Treasurer covering the property, the District shall not require a Customer to pay for water that was furnished to the property before the Customer's ownership of the property.

4.0 ANNEXATION

It is the policy of the District to provide retail water services only to those properties wholly located within its political boundaries. Any individual or entity desiring retail water service for property located outside the boundaries of the District must annex into the District and comply with all applicable Rules and Regulations as may be amended from time to time.

4.1 Annexation Information

- A.** ~~**A.**~~ **Annexation Conference.** Prior to filing any petition for annexation to the District, the owner of the property sought to be annexed shall arrange a conference with the District Management to describe the proposed project, the area proposed for annexation, the number of connections to be served in the proposed project, and any other relevant information requested by District Management at the conference. At or after the conference, the District shall require the payment of the Annexation Fee as specified below. Upon payment, the owner of the property shall be an Applicant for Annexation and the District shall commence with the annexation proceedings.
- B.** **Annexation Application Fee.** ~~The District shall require an Annexation Application Fee as defined in the District's Rate Sheet to review and perform initial application review.~~
- CB.** **Annexation Administrative Fee.** The District may charge an Annexation Administrative fee which shall be commensurate with the workload, legal efforts required, engineering, and other analysis required for the proposed annexation.
- DC.** **Annexation Infrastructure Fee.** If the area requesting annexation is currently served by a water supply system, the District shall assess an infrastructure fee on all lots currently connected to the system requesting annexation. This fee will be calculated based on the deficiencies found in the current system, and will be assessed using the various elements in the District's impact fee schedule in effect at the time of the annexation.
- ED.** **Annexation Agreement.** The District may prepare an annexation agreement specifying the terms and conditions relative to the proposed annexation.
- FE.** **Annexation Vote.** Any area requesting annexation shall demonstrate to the District that a proper majority vote of all lot owners was held, and approving the terms of the annexation agreement by all the property owners within the proposed area requesting annexation. The percent of approval necessary for annexation will be specified in the annexation agreement and shall be consistent with any Conditions, Covenants and Restrictions pertaining to the lots.
- GF.** **District Management Recommendation.** District Management shall evaluate the election results and the annexation proposal and make a recommendation to the Administrative Control Board.

HG. **Administrative Control Board Recommendation.** Following District Management’s recommendation, the Administrative Control Board shall evaluate the annexation, as a noticed agenda item at a scheduled meeting, and allow public input regarding the proposed annexation and its impacts. Following such discussion, the Administrative Control Board shall vote on a recommendation to the County Council.

IH. **Public Hearings and Review.** The Summit County Council, at its discretion, may hold such public hearings as it deems advisable or are required by law to disclose the annexation proposal and related issues to the public and to receive public comment on the proposed annexation and its impacts on the District and its facilities and resources.

JJ. **Information.** The District Management, Administrative Control Board and/or Summit County Council may request additional information from time to time and may require additional studies, engineering, design or consideration of other material matters from the Applicant for Annexation during the annexation process. The Applicant for Annexation shall provide all requested information at the Applicant for Annexation’s sole expense.

KJ. **Compliance with These Regulations.** All property owners desiring to annex into the District shall be required to comply with all applicable provisions of these Rules and Regulations.

LK. **Value to District.** In any instance where the District annexes or acquires a water system or other assets, the District shall consider the value of the water system or other assets to the District, rather than the fair market value of the water system or other assets. Typically, water systems in need of significant repairs, upgrades, or any other improvements, including source capacity or concurrency rating deficiencies, or that have no practical capacity enhancements for the District, shall be deemed to have a value of zero or less.

In addition, when a water system is annexed into or acquired by the District, the District shall not pay for any assets, source or water rights necessary to serve the annexed or acquired area at build-out. The ownership of the assets, source and water rights necessary to serve the annexed or acquired area shall be transferred to the District at no cost to the District. At the District’s sole discretion, it may choose to acquire any excess capacity at market price.

4.2 De-annexations

Pursuant to Utah Code Ann., 17D-1-602 areas may not be withdrawn from the district if any bonds, notes or other obligations of the District are outstanding and unpaid or if any contractual obligation to provide service exists.

4.3 Annexation Process

The annexation process is diagramed in the following flow chart:



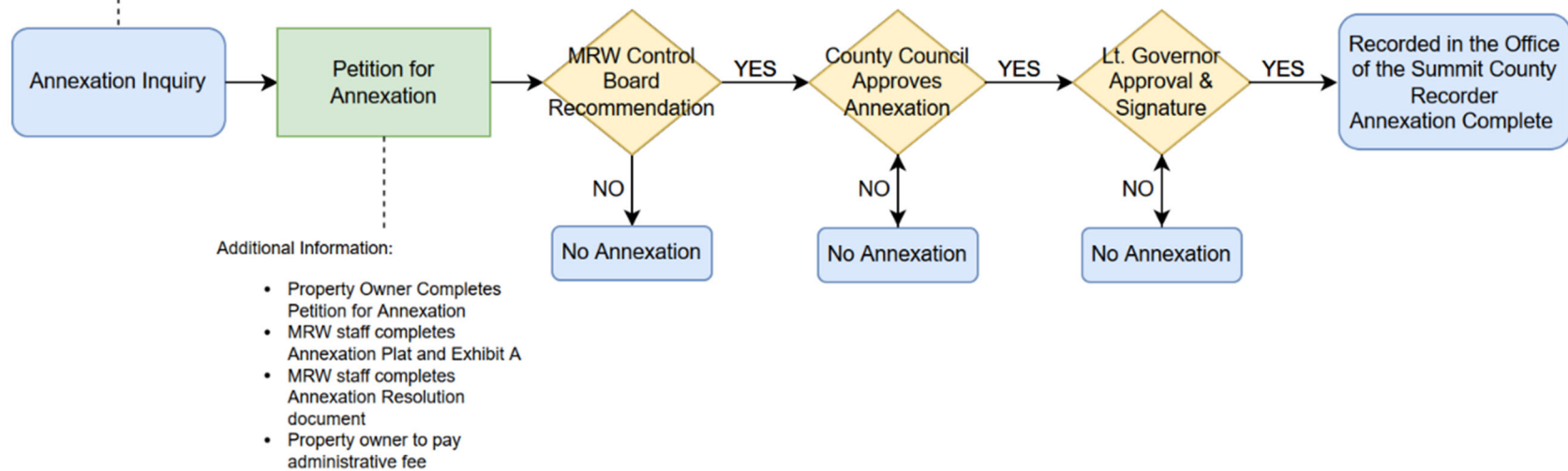
MOUNTAIN
REGIONAL
WATER

Annexation Process

Additional Information:

- Annexation Meeting
- System Design
- Initial Water Demands

The 3 approval steps are dependent upon the schedules of the various entities.



5.0 NEW WATER INFRASTRUCTURE

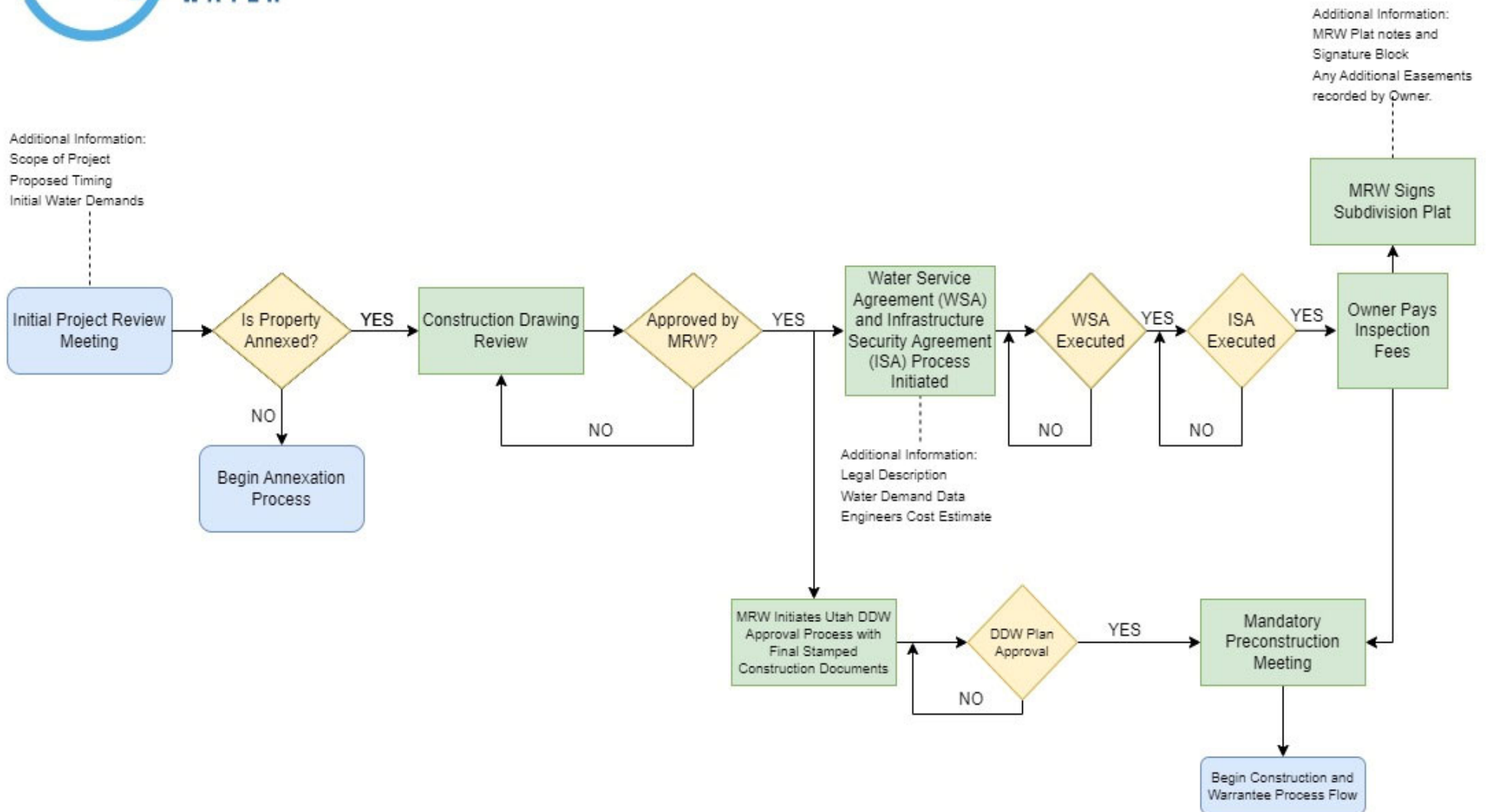
5.1 New Water Infrastructure & Warranty Process

For a new Development¹ to receive culinary water service – the following provisions and processes shall be followed:

¹ For an existing development outside the District boundaries, with a water system already in place, the District shall determine, at its sole discretion, which of the provisions and processes set forth in Section 5.1 shall apply.



Developer Process - New Water Infrastructure



- A. **Project Review Meeting.** The Developer shall meet with District Management to ascertain the feasibility, impact, scope, water availability, and proposed timing of the development.
- B. **Preliminary Water Demand.** In order to plan for and calculate system demands, impacts and fees, the Developer will provide the District the preliminary development or project sizes and water demand loads as determined by a competent engineer and in a form acceptable to the District.
- C. **Willing-to-Serve Letter.** If the District determines it has the capacity and resources to properly serve the proposed development, it will issue a Willing-to-Serve Letter which the Developer can provide to the County Planning Department.
- D. **Annexation Requirements.** It is the policy of the District to provide retail water services only to those properties wholly located within its political boundaries. Any individual or entity desiring retail water service for property located outside the boundaries of the District must annex into the District and comply with all applicable Rules and Regulations as may be amended from time to time. Annexation procedures are detailed in Section 4.0.
- E. **Development Project~~Construction~~ Drawing Review.** No District water connection and/or water service shall be allowed to service any type of Development that has not submitted for review and received proper approval by the District of plans and specifications for the connection of any related water infrastructure according to District and State of Utah Division of Drinking Water standards and specifications in force at the time, including these Rules and Regulations.

It's the Developer's responsibility to design all system improvements necessary for the integration of the development into the District's water system. The District ~~will perform three review cycles, two to identify required changes, one final review, and~~ will charge a DrawingConstruction Plan-Review Fee, as adopted by the Administrative Control Board. The District may assess additional Drawing Construction Plan-Review ~~F~~fees for additional reviews. Once the construction design is approved, the District shall sign the final revision of the construction plans. Following plan approval, an engineer's estimate shall be provided by the Developer for the construction of all water system improvements for the calculation of inspection fees.

- F. **Water Service Agreement.** As a condition to receiving culinary water service, a Developer or Owner will be required to execute a Water Service Agreement with the District. The Water Service Agreement shall contain at a minimum the provisions included in APPENDIX A, including any addenda which may be applicable to the specific development or project.
- G. **Development Plat Approval and Project Construction.** Upon execution of the Water Service Agreement as outlined above, the process to completion shall proceed as follows:
1. The District and the State of Utah Division of Drinking Water (if necessary, for the type of improvements), shall complete review of all water system improvements and issue a plan approval.
 2. Inspection Fees will be paid to the District in full. District to inspect up to foundation wall or meter, whichever comes last, and up to the backflow device on the fire line for suppression systems. Inspection Fees are assessed on an engineer's estimate, not including contingency.
 3. The Developer or Owner will provide to the District proof of all necessary payment and performance bonds required for the project or a separate Infrastructure Security Agreement between the Developer or Owner and the District.

4. All easements required for all water related improvements will be executed, recorded, and copies provided to the District.
5. If the plat needs to be recorded before construction begins, the District will sign such plat(s) after ensuring that the proper language is contained therein as expressed in the executed Water Service Agreement. If construction is to begin before the plat signing, the District will sign as specified in the Water Service Agreement when it is available.
6. The District inspection staff will make periodic inspections to ensure that all construction is performed in a satisfactory manner, according to these Rules and Regulations, District Construction Standards and Drawings, and the approved system plans and specifications. A stop work order may be issued in the event of non-compliance and the Developer or Owner will not be allowed to continue until the defect(s) are remedied to the satisfaction of the District.
7. When the new system is completed and properly disinfected, tested, and declared safe, the project will be connected to the District's primary water infrastructure serving the Development. The Developer or Owner shall be responsible for payment of all water usage during the construction process, according to the District's currently adopted Interruptible Sources rate.
8. The District will perform a final inspection and prepare a punch list of completion items to the Developer or Owner for proper remediation.
9. Record drawings shall be submitted to the District prior to conditional acceptance of the system improvements. These include an electronic copy (PDF format) of all applicable construction documents reflecting changes from the approved plans. In addition, GIS data for all infrastructure and appurtenances is required in UTM NAD83 or State Plane NAD83 coordinates, or another equivalent format as approved by the District.
10. Upon completion of the punch list items, the Developer or Owner will receive a Conditional System Acceptance Letter from the District. The District will formally accept the improvements and within 30-days, the Developer or Owner shall convey all title to such system improvements to the District using the District's Bill of Sale form or other transfer mechanism as approved by the District. Along with the transfer of assets, the Developer or Owner will provide to the District a final breakdown and total of all the costs associated with the water system improvements.
11. All water improvements constructed by Developers or their agents, for the benefit of the District will be warranted from defects in installation, workmanship, and equipment for a period of one (1) year from the date of conditional acceptance of the system improvements by the District. Surety will be provided by the Developer or Owner in the form of a warranty bond or included in the performance bond upon written approval of the District. If a performance bond is used, it shall total 110% of the cost of the infrastructure the District will own, including the meter pit or up to the property line. 10% of the performance bond will be held through the Warranty Period. All repairs will be performed by the Developer or Owner immediately upon the District's request.
12. Upon conditional acceptance by the District of the system improvements, Customers will be allowed to receive service on the newly completed water system.

13. Upon system connection and signing of the final plat – all properties served by the improvements will be assessed stand-by fees according to these Rules and Regulations. In some cases, the properties may already be assessed a standby fee pursuant to a previous agreement.
14. Prior to the end of the Warranty Period, the District will provide to the Developer or Owner a final punch list of items that need to be repaired.
15. Upon completion of any necessary repairs and expiration of the Warranty Period, the warranty bond (or other surety) will be released and the Final System Acceptance Letter will be issued by the District.
16. The District will own, operate, repair, and maintain all improvements in perpetuity in accordance with Section 6.4 below.
17. The Developer or Owner will provide any future easements as needed by the District in order to expand, extend, loop, or enhance the quality or quantity of service to the Development and any other developments serviced by the District.

5.2 Ponds, Swimming Pools, and Other Water Features

Any pond, swimming pool, or other water feature utilizing District water must be designed and constructed to minimize water loss and waste. The pond or feature should be lined and protected from possible animal damage. The Owners of such facilities will be responsible to pay for any water losses incurred by the improper maintenance of the pool, pond or water feature. A proper backflow prevention device is required on the service to such facilities. Backflow devices must be properly inspected at least annually.

5.3 Standards, Specifications and Drawings

The District has adopted water system construction standards, drawings, and specifications as may be amended from time to time, and are incorporated into these regulations by reference and are enforceable on a same level as these regulations. All development of new or enlarged water infrastructure shall comply with said standards, drawings, and specifications.

5.4 Line Extension Agreements

Line extension agreements may be entered into between the District and Developer to assist the Developer in the recovery of future lateral connections to his/her new line or system extension. These agreements must be approved by the Administrative Control Board and are limited to a period not exceeding five (5) years. Extension reimbursements will only apply to lateral connections to the actual installed pipeline and will not apply to other extensions constructed or added on to the end of the pipeline(s).

5.5 Irrigation Water Service

The development of irrigation water, construction of conveyance systems, and related responsibilities shall be defined in contracts or agreements on a case-by-case basis between the Developer or Owner and the District. All applicable Rules and Regulations, as amended, shall apply.

5.6 Permanent Structures

Permanent structures, including but not limited to retaining walls, driveways, sheds, guest houses, pools, or foundations, shall not be constructed or allowed within ten feet on each side of any water infrastructure including water lines and service laterals. The District may remove any permanent structures as needed to repair, replace or maintain water infrastructure. The District is not responsible for any costs associated with removing or replacing those impacted structures.

6.0 SERVICE TO RETAIL CUSTOMERS

6.1 Application for Service

Each person desiring or receiving water service from the District shall sign a Water Service Agreement, wherein each Customer agrees to pay all water service fees and charges imposed for water delivered to Customer and to comply with these Rules and Regulations as adopted or as amended in the future.

6.2 Service to Customers with New Connections

Each Applicant for Water Service to a new connection shall be required, as a condition of service, to:

A. Fees. Pay the following fees as legally adopted and amended:

1. The currently approved District Impact fee and/or tender a Prepayment Letter for all or a portion of the Impact Fees covered by the Prepayment Letter, and
2. A Security Deposit, and
3. A meter connection fee for each connection based upon meter size and appurtenant remote read equipment. A request for any connection requiring larger than a one- and one-half inch (1-1/2") meter shall be accompanied by the water or plumbing system designer's calculations for peak instantaneous water usage. The peak instantaneous flow shall be compared against the District's current water meter specifications and an appropriate meter size selection be made accordingly by the District, and
4. Inspection and Plan Check fees as applicable

B. Responsibility. If the Applicant for Water Service sub-contracts any of the work for the water connection, said Applicant is responsible for all work on the water connection, including the repair of any damage to the District's water infrastructure.

C. Authorization to Connect. Upon the District's inspection and approval of the metered connection and receipt of all required fees, the District shall turn on the Customer's water. The service lateral, any required backflow equipment, and water meter pit and setter (the District will install the meter) shall be installed by Applicant for Water Service at said Applicant's sole expense. No water shall pass through the meter until the District has inspected, tested, and approved the connection and any appurtenant equipment to ensure compliance with District and State of Utah Division of Drinking Water standards. Upon the District's approval of the service lateral and metered connection and its receipt of all required fees, the District shall refund to customer the security deposit less the cost to repair any damage to the District's water infrastructure following the final inspection. If the repair

exceeds the amount of the deposit, it will be billed to the Customer and must be paid before water service will be provided.

6.3 Service to New Customers as a Result of a Sale or Transfer of Premises

Each Customer shall report to the District's business office, the sale or transfer of any property and request for the termination of service to the property.

- A. **Final Meter Reads.** Upon receipt of a written request, the District shall read the meter, weather conditions permitting, and may close the shutoff valve and terminate water service to the unit or facility. Where it is not possible to obtain a meter reading, the District shall estimate the Customer's metered use.
- B. **Renewed Service.** The subsequent Customer, shall be required to make a formal application for renewed service to the home or structure on a form provided by the District.
- C. **Application for Service.** As a precondition to renewed service, the proposed Customer shall sign a new Water Service Agreement on a form provided by the District and agree to comply with the lawfully adopted Rules and Regulations of the District. In the event a signed Water Service Agreement is not returned to the District, receipt of water service constitutes the Customer's acceptance of these Rules and Regulations, as amended.
- D. **Meter Upgrade Fee.** The subsequent Customer may be required to pay, at the discretion of the District, a meter upgrade fee to ensure compliance with new meter standards and cross connection control rules. An Onsite Visit Fee for meter inspection may be assessed even if a new meter is already installed on the Customer's property.
- E. **New Service to an Existing Home.** In the event that new service is needed to a home with an existing indoor meter, a new outdoor pit will need to be installed at the Customer's expense.

Subject to payment of the legally adopted and amended Title Transfer Fee, and upon compliance with all of the foregoing terms and conditions of this subsection, water service shall be restored to the property.

6.4 Water System Ownership and Maintenance

- A. **District Owned Water System.** With respect to all water distribution and transmission systems, the District shall hold title to it and all related infrastructure. The District shall maintain, repair and replace the same in perpetuity.
- B. **Water Systems on Commercial Property.** Where water systems exist on commercial property, including water mains, fire hydrants, valves, and other related appurtenances, the Owner shall have responsibility to maintain, repair, and replace the same in perpetuity unless otherwise specified in separate agreement. The District shall have the ability to inspect and perform water system maintenance on the Owner's system as needed to ensure the safe operation of the District's water system.
- C. **District Maintenance and Repairs.** With respect to service laterals and related appurtenances for the water systems, the District shall hold title as follows:
 - 1. **Meter Located Near the Street or Property Line.** The District owns the lateral and related appurtenances from the main up to and including the meter box. If the meter or shut-off valve is turned off or closed and a water leak continues, the District shall be responsible for

the leak including the meter, meter box, backflow prevention device (if located in the meter setter), and shutoff valve.

2. Meter Located Inside Structure or Directly Next to Structure. The District shall own the service lateral and related appurtenances to the property line and be responsible for leaks up to the property line.
3. Other Meter Locations. The District, at its sole discretion, shall make a reasonable determination as to whether the District or the Customer is responsible to repair the leak.

Unauthorized connections are strictly PROHIBITED inside District owned meter boxes.

D. Customer Maintenance and Repairs. With respect to service laterals on water systems, the Customer shall hold title to the portion of the service lateral and make repairs as follows:

1. Meter Located Near the Street or Property Line. The Customer owns the lateral and related appurtenances including pressure reducing valves and regulators inside their property line and shall have the responsibility to maintain, repair, and replace the same in perpetuity. If the meter or shut-off valve is turned off or closed and a water leak stops, the Customer shall be responsible for the leak unless it is in the meter saddle or yoke.
2. Meter Located Inside Structure or Directly Next to Structure. The Customer shall be responsible for leaks inside their property line.
3. Other Locations. The District, at its sole discretion, shall make a reasonable determination as to whether the District or the Customer is responsible to repair the leak.

E. District Repairs Where the Customer is Liable. The District may, without incurring liability, make emergency repairs to service laterals that are the responsibility of the Customer in order to mitigate damage, prevent waste of water, and to prevent contamination of the water supply. Any such repairs shall be at the Customer's expense and shall be billed to Customer by the District. Customers shall pay any such bill, (or make payment arrangements,) by the due date on the bill.

6.5 Metering Requirements

All uses of culinary and irrigation water from the District's water distribution system, including fire hydrants (construction water), shall be metered. Multiple dwelling (condominium type) units will be serviced by individual unit meters, unless otherwise approved by the District, which can be read in one location. Anyone using water through an un-metered connection, without the express prior written authorization of the District, shall be subject to prosecution under the theft of services statutes of the State of Utah and assessment of the Theft of Service Fee. Any variation of these metering requirements must be pre-approved by the District.

6.6 Meter Readers and Meter Maintenance

Customers shall not obstruct in any way the ability of authorized District personnel to gain access to water meters for periodic inspections, reading and maintenance. The cost of removing any physical obstructions will be charged to the Customer. If the District determines, at its sole discretion, that a meter needs to be relocated for access, meter tampering or health and safety reasons, the District will relocate the meter and charge the costs back to the Customer. By connecting to the District water system, each Customer manifests his or her agreement to comply with these Rules and Regulations and shall be deemed to have granted access

to their property to the District meter reader for the purpose of reading water meters on a monthly or other periodic basis.

- A. **Meter Error.** In the event a meter should malfunction and a reliable reading is not possible to obtain, or due to weather conditions or meter inaccessibility it is not possible to read a meter, charges shall be estimated by comparing the past known water usage through the water meter to that of adjoining or similar properties where past and current month's usage is known, or by reference to the past water usage through the water meter during a corresponding time of the year. Where such data is unavailable, then estimates shall be made by comparing the past known water usage on similar or adjoining properties, and averaging the same.
- B. **Meter Testing.** If a Customer contests the accuracy of the water meter serving the property, the District may perform the service necessary to verify the accuracy of the meter. If the water meter is inaccurate, there will be no charge for the repair or replacement of the meter. Appropriate adjustments for water usage will be made to the Customer's next water bill. Adjustments shall not be made for any period greater than three (3) months. Meter errors of five percent (5%) or less shall be deemed to be accurate readings, warranting no adjustments and an Inspection Fee will be charged.
- C. **Meter Tampering.** It shall be a violation of these Rules and Regulations to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate readings or for bypassing the meter so as to obtain un-metered water. Willful consumption of water through a water meter known to be damaged, bypassed, or tampered with shall constitute a theft of service and shall subject the offender to prosecution in accordance with the laws of the State of Utah.

6.7 Water Pressure

Interruptions in service and pressure fluctuations are normal in a region with heavy growth and construction constraints. Customers must maintain a reliable pressure reducing device on the property to protect Customer's plumbing fixtures (including fire protection equipment) from pressure fluctuations and surges. The District will not be responsible for damage to Customer's property, including culinary, irrigation, and fire protection water systems, due to pressure fluctuations. The Customer is responsible to take whatever means necessary to prevent damage to their culinary, irrigation, and fire protection water systems from pressure fluctuations.

6.8 Fire Hydrants

No person may withdraw water from any fire hydrant, including its service lateral or appurtenances, without the written permission of the District, and if granted must be in compliance with the Uniform Fire Code (or any other applicable fire code) adopted by Summit County or any relevant Fire District. The Park City Fire District or any other fire district or department is hereby authorized to withdraw water from any fire hydrant or hydrants for hydrant testing and inspection purposes and, in the case of fire, to use the water for fire suppression without any prior notice to the District. Any unauthorized connection to and use of water from a fire hydrant shall be a violation of these Rules and Regulations and shall constitute a theft of services. The violator will be assessed a Theft of Service Fee, as legally adopted and amended, and may be subject to other civil and/or criminal penalties as provided by law.

- A. **District Fire Hydrants.** Apart from the authorized uses above, District Fire Hydrants can only be used for construction related activities as authorized by the District. The authorized user shall pay a Security Deposit and a Meter Wear Fee, as legally adopted and amended, for the use of a District meter and fire hydrant, and will be billed for water service at the culinary construction water rates which are in effect at the time. Any damage to the hydrant or unauthorized use of water from an approved metered hydrant shall be the responsibility of the applicant or authorized user and will be taken out of

the Security Deposit to pay for the damages and/or use. If the damages exceed the Security Deposit, the authorized user shall be billed for the difference.

For District Fire Hydrants on private roads, the property owner or the home owner's association will be responsible to clear the snow from the fire hydrant and immediate area so it is accessible for use during the winter months. For purposes of these Rules and Regulations, a private road is any road that is not owned or maintained by a government entity.

- B. Private Fire Hydrants Connected to the District System.** Private Fire Hydrants and the lateral line to the District's main transmission line, which are required by the Developer, Owner, or Fire District, to be located within the private property area or lot confines (typically in large lots) of a residential or commercial customer, and which are necessary to supply any fire needs not available by the hydrants located along a typical abutting street or District owned distribution system, remain the property of the Developer, lot owner or Customer, and the operation, testing, safety, and functionality of the hydrant and lateral, ultimately remain the responsibility of said Owner(s). The Developer, lot owner, or Customer is required to have their Private Fire Hydrants inspected, at their sole cost and expense, in accordance with the applicable fire code. The District may enact fees, as designated in the current District rate schedule, to test, inspect, and maintain said hydrants, on a regular basis. If, in the sole discretion of the District, it is determined that a Private Fire Hydrant could jeopardize the District's primary water distribution system, the District may initiate a repair and/or service order on the hydrant facility and appurtenant hydrant service lateral, and impose a related fee for the service, including time and materials, upon the property owner or Customer in a priority commensurate with any assessment or monthly water use fee. Such situations requiring said service may include, but may not be limited to: water leaks, theft of water service, illegal or unapproved water taps on the hydrant or lateral, hydrant failure or damage, residual pressure problems, lack of hydrant visibility or access, or stagnant water or backflow conditions in the hydrant service or lateral, which could pose a water quality or waterborne pathogen problem on the primary system; thus jeopardizing public health and safety

During the winter, the Owner of the Private Fire Hydrant(s) will be responsible to clear the snow from the fire hydrant and immediate area so it is accessible for use. The District Fire Hydrant maintenance fee does not include snow removal.

- C. New Hydrant Requests by District Customers.** If a District Customer requests the installation of a private hydrant on their property, or a public hydrant to be placed on a public or private road servicing their property, they must comply with District hydrant construction standards and will be required to pay for the costs of easements, materials and installation of the same. If it is on their lot, they will also be required to comply with the Private Fire Hydrant Regulations herein prescribed.
- D. Private Hydrants serving Non-District Properties.** If a Non-District property owner requests of the District the installation of a private or public hydrant, either on their property or on their servicing road right-of-way, they will be required to pay all costs of easements, materials and construction of the same. If it is located on their property, they will also be subject to the Private Fire Hydrant policies and fees as stated herein. Further as a condition of service, they may be required to pay the Storage and Distribution portion of the District Impact Fees in effect at the time for one (1) ERC.

6.9 Temporary Suspension of Culinary and Irrigation Water Service by District

The District reserves the right at any time to shut off the water anywhere within its culinary and irrigation water distribution system for the purpose of making any repairs and/or extensions to the system or for other temporary purposes as deemed necessary by the District. No claim or cause of action shall arise against the District by reason of: (i) any suspension of water service for the purpose of making any repairs and/or extensions to the system or for other temporary purposes, (ii) the stoppage of water or interruption of water

service due to the scarcity of water, (iii) damage to any water work or facility of the District, (iv) the stoppage of water or interruption of water service due to a sudden or potential water quality problem or cross connection, or (v) any other cause beyond the reasonable control of the District.

6.10 Temporary Suspension of Water Service by Customer

Water service may not be terminated on a seasonal basis due to lack of occupancy of a connection, unless the suspension will last more than one (1) year. Upon receipt of request, a Removal of Meter Fee shall be charged as legally adopted and amended. Service will not be suspended, if at the discretion of the District, the suspension would pose a health, safety, or property protection hazard. The Resumption of Disconnected Service Fees will apply when service is reinstated. Standby service cannot be suspended.

6.11 Theft of Service

Any person or entity which engages in an unauthorized connection to the District's water system or any other unauthorized use of water will be charged the Theft of Service Fee, as legally adopted and amended, and will have any associated equipment used for the theft of service confiscated.

6.12 Wasting of Water Prohibited.

It is a violation of these Rules and Regulations to waste water and to allow any appliance, fixture, equipment, sprinkler system, faucets, or other similar water-using facility to leak, overflow or operate in a wasteful manner, or for a Customer to use water for purposes other than those for which the Customer paid upon requesting service.

- A. Purpose.** This section is not intended to regulate or prevent the beneficial use of water on property within the District service area. It is intended to prevent and discourage the waste of water within the District service area.
- B. Wasting of Water defined.** No person shall waste any water supplied by the District. In general, the water is put to waste if it is not beneficially used. The Wasting of Water specifically includes, but is not limited to, the following:
1. Water running off a landscaped area to another area where it is not beneficially used such as to a street, sidewalk, gutter, alley, public utility easement or parking area (paved or unpaved);
 2. Washing vehicles in a driveway in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
 3. The hosing down of driveways, sidewalks and other landscape should be limited and accomplished in a way that the water will run off into other landscaped areas, but, in no event, in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
 4. Outside watering on days in violation of an approved watering schedule; or
 5. Any use of water in excess of that reasonably necessary to accomplish the intended task.
- C. Causes of Wasting of Water.** A typical significant cause for the Wasting of Water is the failure by the Customer to properly maintain outdoor watering systems. Specific examples of such failure to maintain include but are not limited to the following:

1. Damaged or missing spray heads;
 2. Damaged or missing bubbler heads;
 3. Damaged or missing drip irrigation lines;
 4. Failure to properly maintain berms, laterals and pipes for urban irrigation; or
 5. Failure to properly maintain automatic timing systems on landscape watering.
- D. **Leakage, escape of water prohibited.** It is hereby prohibited for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the Customer's plumbing or distribution facilities for any period of time after such escape of water should have reasonably been discovered and corrected.
- E. **Appeals and Exceptions.** The District's General Manager may grant an exemption for the uses of water otherwise prohibited hereby if it is determined in the General Manager's sole discretion that compliance with 6.12 will be detrimental to the health, safety, and welfare of the public. Upon granting any such exception, there may be imposed any conditions the General Manager determines to be reasonable and proper. The conditions shall include, at a minimum, a water conservation audit of the Customer's connection.
- F. **Enforcement:**
1. **Warning.** For a first violation, the District shall issue a warning by written notice ("Warning Notice") and provide educational materials on water conservation, as well as the written policy pertaining to the approved watering schedule, including times of watering, to a Customer violating the provisions of 6.12. The District may engage in prior contacts and verbal notifications prior to a first violation being issued.
 2. **Notice of Violation (for the same matter).** The District shall issue a written notice of violation to a Customer for a second, third, and fourth violation of 6.12 which occurs within a twelve (12) month period ("Notice of Violation"). Fines, as legally adopted and amended, will be added to the water bill for the violations. The District may engage in prior contacts and verbal notifications prior to a Notice of Violation being issued.
- G. **Subsequent violations (for the same matter) after the Third Notice of Violation (fourth violation); discontinuance of service.** For any violation subsequent to the Third Notice of Violation of 6.12 within twenty-four (24) months after the date of issuance of the Warning Notice, a fine, as legally adopted and amended, will be added to the water bill for the violation. In addition to the fine, the District may discontinue water service with written notification to that Customer at the premises or to the meter where the violations occurred. Further, the District may require a Security Deposit. The District shall also be entitled to take legal action to enforce compliance with these Rules and Regulations, whether by injunctive relief or otherwise.
- H. **Notice.** A written Notice of Violation (or a Warning Notice in the case of the first violation) shall be issued for each violation. The Warning Notice shall be delivered in person, by U.S. mail, or email to the person identified on the account for the meter through which the wasted water was supplied or their authorized representative. The notice will:
1. Inform the Customer that second, third, fourth or subsequent violation of these regulations, above, has occurred;

2. Specify when the previous violation(s) (of the same matter) occurred;
 3. Inform the Customer of the requirement for a water audit and the development of a compliance schedule indicating when required measures will be completed;
 4. Inform the Customer that failure to correct the problem within the time limit provided for in the compliance schedule will result in another Notice of Violation; and
 5. The notice shall contain, in addition to the facts of the violation, a statement of the possible penalties and/or fines for each violation and a statement informing the Customer of his or her right to request a hearing before the Administrative Control Board on the Notice of Violation. Such request must be made within fifteen (15) calendar days of the effective date of the violation. The effective date of the violation shall be the date of issuance of the Notice of Violation or Warning Notice.
- I. **Hearings.** Any Customer or person against whom a penalty or fine is levied pursuant to 6.12 shall have a right to a hearing before the Administrative Control Board. The rights of the District pursuant to 6.12 are cumulative to any other right or ordinance of the District in relation to the Customer or person. All monies collected by the District pursuant to any of the penalty or fine provisions of these Rules and Regulations shall be deposited in the District operating account.

6.13 Emergency Situations

In times of water shortage due to drought or any other natural or man-made condition or occurrence, the District shall have full authority to declare a water emergency, and to ration or otherwise regulate the distribution and use of culinary and/or irrigation water through the District's water system. Such action by the Administrative Control Board may include a moratorium on new water connections until the emergency has been alleviated.

7.0 BACK-FLOW PREVENTION AND CROSS CONNECTION CONTROL

7.1 Purpose:

- A. To protect the public drinking water supply of the District from the possibility of contamination or pollution by requiring compliance with both the Utah State Rules for Public Drinking Water Systems and the applicable plumbing code, so as to ensure adequate cross connection control protection of all public drinking water systems. Compliance with these minimum safety standards will be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- B. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the Customer, as required by the state and applicable plumbing regulations, so as to ensure water system safety; and,
- C. To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the public drinking water system.

7.2 Responsibilities:

- A. **The District:**

1. The District shall be responsible for the protection of the public drinking water distribution system from the foreseeable conditions leading to the possible contamination or pollution of the public drinking water system due to the backflow of contaminants or pollutants into the public drinking water supply.
2. Hazard Assessment of the Customer's water connection/service(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the District. Hazard Assessment records shall indicate compliance with the State of Utah Division of Drinking Water regulations and applicable plumbing code. The District will maintain all such records.
3. Selection of an approved backflow prevention assembly for containment control required at the connection/service(s) shall be determined from the results of the Hazard Assessment.
4. The District shall notify in writing, all Customers of the need for annual testing, or additional testing as required by the District, to ensure compliance with existing applicable minimum health and safety standards. The District shall maintain all records.

B. Customer:

1. To comply with these Rules and Regulations and as a term and condition of continued water service, a Customer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.
2. It shall be the responsibility of the Customer to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with these Rules and Regulations and responsible to supply all reports to the District. Failure to comply with these Rules and Regulations shall constitute grounds for discontinuation of service and responsibility for related fees.

C. Building Official:

1. The building official's responsibility is to enforce the applicable sections of the current plumbing code, which begins at the point of service (downstream or Customer side of the meter) and continues throughout the length of the Customer's water connection/service(s).
2. The building official will review all plans to ensure that unprotected cross connections are not part of the Customer's water connection/service(s). If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the current-- plumbing code.

- D. Certified Backflow Technician, Surveyor, or Repair Person.** Whether employed by the Customer or the District to survey, test, repair, or maintain backflow prevention assemblies, a certified backflow technician, surveyor, or repair person will follow the Utah State Division of Drinking Water Cross Connection Control Program of Utah.

7.3 Definitions Unique to Section 7. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Approved Backflow Assembly.** An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.
- B. **Auxiliary Water Supply.** Any water supply on or available to the premises other than the District's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the District does not have authority for sanitary control.
- C. **Backflow.** The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- D. **Back-Pressure.** The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.
- E. **Back-Siphonage.** The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water system.
- F. **Backflow Prevention Assembly.** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Uniform Plumbing Code, Chapter 10, Section 1003 and in the Cross Connection Control Program for Utah, or its successor, maintained by the Division of Drinking Water.
- G. **Contamination.** Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.
- H. **Cross Connection.** Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes or other plumbing arrangements.
- I. **Cross Connection – Controlled.** A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- J. **Cross Connection – Containment.** The installation of an approved backflow assembly at the water service connection to any Customer's premises where it is physically and economically infeasible to find, permanently eliminate, or control all actual or potential cross connections within the Customer's water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a Customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).
- K. **District.** The District's General Manager is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of these Rules and Regulations.
- L. **Hazard Assessment.** A detailed inspection of the customer facilities within the customer's plumbing system. This inspection would involve inspecting all water uses and piping within the system. If the

customer refuses access to their facilities, the plumbing system must be classified as a high hazard connection and appropriate protection must be required at the service connection.

7.4 Requirements:

A. Backflow Prevention Policy:

1. No water service connection to any premises shall be installed or maintained by the District unless the water supply is protected as required by State laws, regulations, or codes, including these Rules and Regulations. Service of water to a Customer found to be in violation of these Rules and Regulations shall be discontinued by the District after due process of written notification of violation and an appropriate time to voluntarily cure noncompliance, if:
 - a. A backflow prevention assembly required by these Rules and Regulations for the control of backflow and cross connections is not installed, tested, and maintained, or
 - b. If it is found that a backflow prevention assembly has been removed or by-passed, or
 - c. If an unprotected cross connection exists on the premises, or
 - d. If a requested Hazard Assessment has not been allowed to be conducted within the specified timeframe.

Service will not be restored until such conditions or defects are corrected.

2. The Customer's water connection/service(s) shall be open for inspection at all reasonable times to authorized representatives of the District to determine whether cross connections or other structural or sanitary hazards, including violation of these Rules and Regulations exist and to audit the results of the required Hazard Assessment (R309-105 of the Utah Administrative Code).
3. Whenever the District deems a Customer's water connection/service(s) contributes a hazard to the public drinking water system, an approved backflow prevention assembly shall be installed, at the customer's expense, on the service line of the identified Customer's connection/service(s), at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
4. The type of protective assembly required above, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required Hazard Assessment.
5. It shall be the responsibility of the Customer at any premises where backflow prevention assemblies are installed to have certified inspections made at least once per year at the Customer's expense. The District may require certified inspections at a more frequent interval.
6. It is the duty of the District to determine that these tests are made according to the standards set forth by the Utah Division of Drinking Water.
7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

8. No backflow prevention assemblies shall be installed so as to create a safety hazard.
(Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level)
9. In accordance with Utah Administrative Code R309-550, individual booster pumps shall not be allowed for increasing a Customer's water pressure above the District's available pressure at the point of connection unless an exception is granted by the Director of Utah's Division of Drinking Water.

B. Violations of Backflow Prevention Regulations:

If violations of state statute or rule, county ordinance or regulation, or these Rules and Regulations intended to prevent Backflow exist or if there has not been any corrective action taken by the Customer or other person within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the District shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the Customer has corrected the condition(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and these Rules and Regulations.

8.0 WHOLESALE WATER AND OPERATION SERVICES TO EXISTING NON-DISTRICT ENTITIES

8.1 Extra-Territorial Water and Operation Service

To further the objectives of regionalization and cooperation, the District, with the approval of the Administrative Control Board, may service existing non-District entities with water delivery, in any combination of services, on a wholesale basis by contract, as well as provide operation and maintenance services to non-District entities with or without water sales, on a case-by-case basis and subject to these Rules and Regulations. Wholesale water sales are allowed, if excess or surplus water capacity is available, to increase revenue, which in turn benefits all Customers, as well as putting to use possible idle infrastructure. Wholesale water sales always utilize surplus water source and infrastructure capacity, and are supplied at an "interruptible" or lesser priority to retail Customers within the District.

8.2 Transportation and Delivery of Entity's Own Water

A. System Operations Contract. Any entity desiring to have the District assume the operation and/or control of its water system (including at the District's sole option, Developers who have water rights, a water source and water system sufficient for all of the culinary and irrigation water requirements of its Development) if acceptable to the Administrative Control Board, shall enter into a systems operation contract with the District, pursuant to which the District shall provide water service, using the entity's own water rights, water source and water system, on an equal basis with all other contracts. If the entity is a public agency, the contract may be in the form of an Interlocal Agreement with that entity. If the system is a private water utility, the District may require that the entity provide the District with an option to annex, purchase, or a purchase agreement, as a condition to servicing the system. The following rules shall apply:

1. **Public Entities.** Short or long-term operation and maintenance services may be provided to public water purveyors (such as Municipalities, Special Service Districts, Improvement Districts, or Service Areas) through Interlocal Cooperative Agreements, as set forth in UCA, Title 11, Chapter 13 ("Interlocal Cooperation Act").

2. **Private Entities.** Only short-term (no more than 1 year) operation and maintenance agreements may be entered into with private water companies, including profit or non-profit (mutual companies), during emergencies or for the purposes of acquisition of the company and annexation into the District for permanent service.

B. Water Fees. Water fees and charges, as legally adopted and amended will be imposed for delivery of such entities own water by rates described in the interlocal or service agreements, and shall cover all necessary costs to the District to provide the service.

C. Facilities. All water transmission lines, pump stations, treatment facilities, pressure regulation equipment, storage facilities, meters and meter stations, SCADA systems, and all other equipment and facilities necessary for the transportation and delivery of water within the entity and from the District's point of delivery at its main water transmission line for water to the entity's water system will be constructed, owned, operated, maintained and repaired by such entity at its sole cost and expense.

8.3 Emergency Services

The District may assist any water system in the County in an emergency situation or when the public health or welfare is jeopardized, whenever the need arises and as the District has necessary staff, resources, and equipment available. The District may assess fees for such services to recover the actual costs of time and materials.

9.0 WATER CONSERVATION

9.1 General Regulations

The District takes water conservation very seriously. All Customers and users of retail water within the District shall conform to these regulations and the most recently adopted or amended District Water Conservation Plan.

9.2 Wholesale Customers

Wholesale customers of District water may be required to furnish to the District a copy of an adopted and implemented conservation plan within three (3) months of a written request from the District.

9.3 Violations

The violation of any major conservation regulation hereunder, an approved conservation plan pertaining to the Development, or the Conservation Plan of the District may result in a thirty percent (30%) water conservation violation surcharge or penalty being added to each monthly water bill for retail Customers. This surcharge or penalty is calculated as a percentage of the total bill, including base fees plus any applicable overage charges.

9.4 Enhanced Irrigation for Major Developments

Any major Development which consumes large amounts of non-culinary, irrigation water, such as a large recreational park or golf course, may be required to implement enhanced irrigation strategies and equipment to better time the application of irrigation water to weather and evapotranspiration conditions. All of the costs of installation, maintenance, and monitoring of weather, rainfall, and/or evapotranspiration calculation

equipment on their property shall be borne by the Developer or Owner and shall be utilized properly to better monitor optimum water needs for the Development.

9.5 Water Conservation Reports and Plans

A. **New Non-residential Buildings or Structures, "Water Conservation Report".** The District may request that a "Water Conservation Report", signed by a Utah registered architect or engineer be filed with the District before a Commitment-of-Service Letter and/or water connection is issued or allowed for new non-residential buildings or structures. A "Water Conservation Report" shall contain the following:

1. A detailed section on proposed uses of water in the industrial process which must demonstrate conservation-oriented techniques, including water usage techniques and mechanisms which employ the latest commercially available technology consistent with reasonable economic return;
2. A section which reports on the exterior landscaping design; describing how native plants and xeriscaping techniques will be employed where possible, and setting forth where water efficient irrigation systems will be utilized.
3. A section which notes all other areas of planned conservation in interior/exterior water use and demonstrates a bona fide commitment to reasonable conservation efforts.

B. **Additions, Alterations or Repairs to Existing Non-residential Buildings or Structures, "Water Conservation Report."** Additions, alterations or repairs may be made to any existing nonresidential building or structure without requiring compliance with the above section provided the addition, alteration, or repair conforms to that required for a new building or structure and provided that the additions, alterations or repairs within a twelve (12) month period do not exceed fifty percent (50%) of the value of the existing building or structure. When additions, alterations or repairs within any twelve (12) month period exceed fifty percent (50%) of the value of an existing building or structure, a "Water Conservation Report" may be requested by the District in accordance with this section. Failure to submit a report within three (3) months of a written request from the District shall be grounds (i) to withhold a Willing-to-Serve Letter or Commitment-of-Service Letter or (ii) for termination of water service to the project or Development.

C. **Water plan required for new non-residential users greater than 9,000 gallons per day.** New non-residential users who have an estimated annual water usage which averages nine thousand (9,000) gallons per day or more (excluding turf-related facilities) may be required to submit a "Water Use Plan" sealed by a Utah registered architect or engineer that it complies with this section as a condition to a water connection to the District. Failure to submit a plan within three (3) months of a written request from the District will result in the withholding of a Commitment-of-Service Letter for the project or Development. The "Water Use Plan" shall contain at least the following:

1. A description of any available water conservation training programs offered to employees. Employee training information may be offered by the District to the facility after the construction is completed;
2. Whether alternative water sources will be used (i.e., effluent, poor quality groundwater or other non-groundwater sources);
3. Operating levels of total dissolved solids (TDS) or conductivity for cooling towers and total cooling capacity if applicable;

4. Whether the user will use the best available conservation technologies in accordance with existing process uses (i.e., re-circulating systems for process water, alternative dust control methods, automatic shut-down devices to eliminate continual running water);
5. Any plans for the reuse of wastewater or process water at the facility; and
6. Type of landscaping and irrigation system. Including details of the exterior landscaping design, describing how native plants and xeriscaping techniques will be employed where possible, and setting forth where water efficient irrigation systems will be utilized.

9.6 Irrigation Schedules and Restrictions

The District may curtail outside watering or irrigation in any fashion it deems necessary to protect its water supplies during drought conditions or failure of one or more water sources. Restrictions may be set as voluntary or mandatory. If restrictions are mandatory, the District may impose fines and/or penalties to enforce the restrictions on a level to be set at the time, depending on the seriousness of the water shortages. In all cases, and for all types of Customers in the District, whether a drought condition exists or not, outside watering will be scheduled at a maximum interval of every other day.

9.7 Rainwater Harvesting

Rainwater Harvesting on homes or business is allowed only if it complies with State Law and follows all requirements of the Utah Division of Water Rights, including any necessary registrations, filings, approvals, etc. The rainwater harvesting system must also be isolated (using an air gap) from the culinary systems and be compliant with Chapter 6 of these Rules and Regulations. The Owner shall comply with all local rules, including the Summit County Code, as well as any relevant HOA approvals and design requirements.

9.8 Conservation Implementation

The District may withhold Commitment-of-Service Letters for any project or Development that fails to implement mandatory water conservation measures outlined in the District's Water Conservation Plan.

9.9 Wastewater Reuse

The District reserves all rights to reuse domestic wastewater, as defined by the Wastewater Reuse Act, Utah Code Ann. § 73-3c-102, *as amended* or any successor provision.

10.0 AMENDMENTS

These Rules and Regulations may be supplanted, changed and amended from time to time upon a recommendation of the Administrative Control Board and approval by the County Council. No exceptions to these rules will be permitted without the prior written approval of the Administrative Control Board. Any changes to these Rules and Regulations must comply with all District bond covenants and requirements.

11.0 SAVING CLAUSE

If any section, subsection, sentence, clause or phrase of these Rules and Regulations is for any reason held to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of these Rules and Regulations, which shall remain binding and enforceable against Developers, Owners, and the Customers of the District.

12.0 EFFECTIVE DATE

These Rules and Regulations shall be in full force and effect from and after the date of passage and adoption by the County Council.

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APPENDIX A: Water Service Agreement

5.3 Water Service Agreement. As a condition of receiving culinary water service, a Developer or Owner will be required to execute a Water Service Agreement with the District. The Water Service Agreement shall contain at a minimum the following provisions, including any addenda which may be applicable to the specific development or project.

A. Inspection Fee. Upon execution of a water service agreement, the Developer or Owner shall pay an Inspection Fee in an amount sufficient to adequately compensate the District for the costs of the engineer, surveyor, inspector, hydrologist, geologist, attorney, accountant or other service professionals deemed advisable by the District to assist in evaluating the Development, including the inspection, final inspection, and approval of all water system infrastructure.

The Inspection Fee will also apply to any waterline installed within a specific lot or parcel that is 2.0 inches or more in diameter.

B. Construction Standards, Specifications & Drawings; Approvals. All construction and development of the water infrastructure must meet the District's standards and specifications as well as any applicable State of Utah and Summit County regulations. Any booster stations, treatment facilities, pressure reducing valves and/or storage facilities shall be placed at elevations and locations that are compatible with existing pressure zones and operational strategies within the local area and the overall regional water system. The internal culinary water system infrastructure shall not be connected to the District's main distribution and/or transmission system until accepted by the District in writing with all the necessary documents as stated herein. The Developer or Owner shall be required to submit to the District for approval and prior to any construction, plans and specifications of all necessary on-site and off-site water related infrastructure necessary to properly service said Development as required by the District. The Developer or Owner is required to supply record drawings, O&M manuals, and other materials necessary to the District in order for the District to receive proper State Operating Permits for said improvements. This approval is necessary before the District approves any new improvement, or provides a final acceptance of installed improvements.

C. Bond/Security. The Developer will provide evidence of bonding to the District, or security in some other form approved by the Administrative Control Board as outlined in a separate Infrastructure Security Agreement ("Security Agreement") between the parties, to cover the costs of infrastructure improvements and installation for the Development prior to commencing with construction. The District will authorize partial bond releases as work is completed and approved by the District.

D. Construction and Inspections of Culinary Water System Infrastructure. Upon said plan and specification approval and providing evidence of the bonding or Security Agreement required by the District, the Developer or Owner will coordinate with the District to establish an inspection schedule and process for the construction and development of all necessary on-site and off-site water system infrastructure. Approved plans and specifications will be available on the construction site at all times for review and inspection.

On or before the date of final inspection and system acceptance, the Developer's or Owner's engineer of record shall provide accurate completed record drawings in electronic format to the District as well as any O&M manuals. Record drawings shall consist of, AutoCAD files, pdfs, and ArcGIS compatible shape files containing all record information with coordinate data in a format and projection specified and usable by the District.

If the Developer or Owner fails to schedule or allow the required inspections, the Developer or Owner will be required to expose any portion of the water system that has not been properly inspected. The District will not approve any additional plans or plats for that Development or continue water service until all required inspections are completed and any requirements set forth by the District's engineer have been satisfied. All inspections shall be performed by District's engineer or designated inspector, including approvals for the water system. The water system will not receive a final approval by the District until the system meets all of the specified requirements, State of Utah Division of Drinking Water requirements, and the system is issued an operating permit by the State of Utah Division of Drinking Water that results in the system being classified as a public system.

The District also reserves the right to upgrade any required infrastructure for future use and will pay for such upgrades at the District's cost. Said costs will be calculated on an incremental upsizing basis as determined by the District's engineers. An additional "Betterment" or "Aid to Construction" type of agreement may be necessary if such upsizing is utilized.

The Developer or Owner further agrees to allow a narrow antenna structure, not exceeding fifty (50) feet in height to be placed on any reservoir, tank, pumping, or treatment facilities to allow for the proper telemetry, monitoring and control of said facility. The District will make every effort to site the structure in a fashion that is as unobtrusive as possible.

- E. **Easements.** Any new development becomes an integral part of the District's system; and as such the Developer or Owner shall provide any current and future easements required by the District to serve all its Customers. These easements and all necessary documents will be provided to the District before the District will sign the plat or provide water service.

The Developer and Owner acknowledge that water service in Summit County is a continuous growing and expanding concern, and as such warrants and covenants with the District that all improvements necessary for said Development are covered by proper and legal exclusive or non-exclusive public easements, in a manner and form that allows the District all of the flexibility and safety it needs to properly operate and maintain its public water infrastructure. All pipeline easements must be twenty (20) feet in width or larger if necessary. The Developer or Owner will further provide permission upon execution of the Water Service Agreement that all water infrastructure within his/her project or subdivision may be expanded, including the drilling and development and servicing of wells and other water sources within the Development for the provision of expanded service to internal and/or adjoining or neighboring projects for any reason, as solely determined by the District. The Developer or Owner will further provide a non-exclusive easement in all subdivision roads, including any access roads and common space or open space, as well as along all lot lines, for said water infrastructure extensions; and will waive all rights of any and all current and future claims, including monetary claims, regarding said expansion(s).

- F. **Developer Warranty.** In addition, the Developer or Owner will provide the District with the warranty information applicable to any parts within the installed water system infrastructure and will further provide security acceptable for said system for a period of 12 months starting at the issuance date of the Conditional System Acceptance Letter. The security may be combined with the performance surety upon written approval of the District. If water service can be safely utilized to protect property and provide services to users within or without the development, the District, at its sole discretion reserves the right to place the water system into operation prior to acceptance of the infrastructure, if water service can be safely utilized to protect property and provide service to users within or without the development. Utilization of the system in any way does not relieve the Developer or Owner of its obligations to fully complete and warrant all water system improvements in accordance with these regulations.

G. Acceptance and Transfer of the Water System. Within 30 days of acceptance of the water system by the District and issuance of the Conditional System Acceptance Letter, the Developer shall convey to the District, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the District, in a Bill of Sale or other conveyance instrument acceptable to the District with the following terms:

1. The internal and external culinary water distribution system and all appurtenant facilities, specifically including but not limited to, all distribution lines, pumps, storage facilities, booster pumps, pressure regulation equipment, SCADA and communication equipment, and any required treatment facilities, together with all appurtenant easements and rights-of-way, including temporary construction easements, for the operation, repair, and replacement of the water distribution system.
2. Title to all on-site and off-site pipelines, treatment, storage, maintenance facilities, and well or other source sites, together with any and all easements and appurtenances in connection with these sites, including any required protection zone easements to protect water sources, pipeline, and utility easements and rights-of-way.
3. The Developer or Owner shall provide the District with record drawings or “as-builts”, and O&M manuals as specified herein, including maps, for the water system infrastructure within the applicable Development.
4. The Development will be served using existing excess water rights currently owned or leased by the District. The District will ensure it has sufficient existing water rights to serve said Development.

In the event a separate conveyance instrument is not provided within 30 days of acceptance of the water system by the District as set forth herein, then the Water Service Agreement shall serve as the conveyance instrument and the water system shall be deemed transferred to the District thereunder consistent with this subsection.

H. Final Warranty Inspection. At the end of the 12-month Warranty Period, the District shall perform a final inspection prior to releasing the warranty bond; and will prepare a final punch list of items that must be corrected by the Developer or Owner. Upon satisfactory completion of the punch list, the District will release the warranty bond and issue the Final System Acceptance Letter.

I. Plat Approval & Signature Block, Notes, and CCR's. The Developer or Owner will provide a signature block for the District as the water service provider of record on the plat for the applicable development in a form as specified below:

MOUNTAIN REGIONAL WATER SSD
Mountain Regional Water Special Service District has committed
to providing water service to the lots included in this plat, and has
reviewed said plat for conformance to District Rules and Regulations.
APPROVED on this _____ day of _____, 20____.
DATE _____ Authorized Agent _____

Also, the Developer will provide a note on the plat which may be partially segregated and included in a common utility provider note if reasonable which states at a minimum the following:

“All lot owners served by Mountain Regional Water Special Service District (the District) within this plat agree to abide by all of the Rules, Regulations, and other Construction related

Standards and Specifications of the District, including payment of all necessary fees prior to the issuance of a building permit. Lot owners also recognize that the District's service area spans a large mountainous area with extreme vertical relief resulting in numerous pressure regulation facilities. As such, the owners recognize that fluctuations (albeit infrequent) in water pressure may pose a risk to properties served by said system. Owners agree to install and be responsible for the proper operation of any necessary pressure regulation and backflow devices to protect any plumbing facilities and fire sprinkling systems. Further, the District shall have the right to install, repair, maintain, replace, enlarge, extend, and operate their equipment above and below ground and all other related facilities within any easements identified on this plat as may be necessary or desirable in providing water services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures and trees, that may have been placed within the easements. The District may require the lot owner to remove all structures and vegetation within the easement at the lot owner's expense, or the District may remove such structures and vegetation at the lot owner's expense. At no time may any permanent structures, including trees and retaining walls, be placed within the easements or any other obstruction which interferes with the access and use of the easements without the prior written approval of the District. The District is further granted rights of access to any and all non-exclusive easements, including emergency or non-emergency access roads contained within this plat to enlarge and/or extend its services to any adjoining properties and plats."

Said plat note will also be incorporated into the initial approved CCR's for the development, if applicable, and a copy of the approved CCR's will be provided to the District.

- J. **Impact Fees.** Developer or Individual lot owners shall pay the full Impact Fee, as legally adopted, or amended, before receiving a Commitment-of-Service Letter from the District. Prepaid connections may be tendered in lieu of the components of the Impact Fee covered by the prepaid connections, as documented in a Prepayment Letter.
- K. **Standby Fees.** The District will impose a Standby Fee in accordance with these regulations, as legally adopted or amended, on any lot that can be serviced by the District, but is currently not connected to its system. The fee shall be charged to the owner of an undeveloped lot or the Developer for unsold lots in a platted subdivision prior to application for service to provide for water service to protect the lot from fire and keep the system in a ready to serve condition when the connection is desired.
- L. **Customer Rates & Fees.** All user rates and fees, as legally adopted or amended, will be assessed on all lots connecting to or connected to the system.
- M. **Alternative Water Service Provider Fee.** By entering into a Water Service Agreement, the Developer or Owner agrees to have the District provide water service to the Development. If the Developer or Owner decides to have another water service provider for the Development, the Developer or Owner will pay the District the alternative water service provider fee as legally adopted or amended.
- N. **District Service Warranties and Limitations of Liability.**
 - 1. **Service Warranty.** The District warrants that its work in constructing, operating, servicing, and maintaining the external improvements that serve the Development, as well as the operation and maintenance of the internal and external improvements provided by the Developer shall be consistent with prudent water utility servicing practices. THE DISTRICT DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTY OF MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE, AND SIMILAR WARRANTIES. The District's liability for any action arising out of its activities relating to the District's provision of water service, the newly constructed development water improvements

or the District's primary sources, storage, treatment, distribution, and transmission facilities, shall be limited to repair or replacement of any non-operating or defective portion of the improvements or the District's water facilities. Under no circumstances shall the District be liable for economic losses, costs or damages, including but not limited to special, indirect, incidental, consequential, punitive, or exemplary damages.

2. **Indemnity**. To the fullest extent permitted by law, the Developer shall release, indemnify, hold harmless, and defend the District and its successors, assigns, Summit County, affiliates, and subsidiaries, and their respective officers, directors, representatives, contractors, agents, and employees (Indemnified Parties) from and against any and all claims, liabilities, losses, damages, costs, expenses, actions, and causes of action, including attorney fees, litigation expenses, court costs and costs of investigation, for damage or injury to any persons or property (collectively Losses), arising out of or related to the provision of water service hereunder, except to the extent such losses are caused by the sole negligence, gross negligence, or willful misconduct of the District.

- O. **Non-binding Commitment for Development Approval**. Any agreements between the Developer or Owner and the District concerning the supply of water to said Development do not assure any development permit approval by Summit County.

APPENDIX B: New Water Infrastructure Construction and Warranty Process

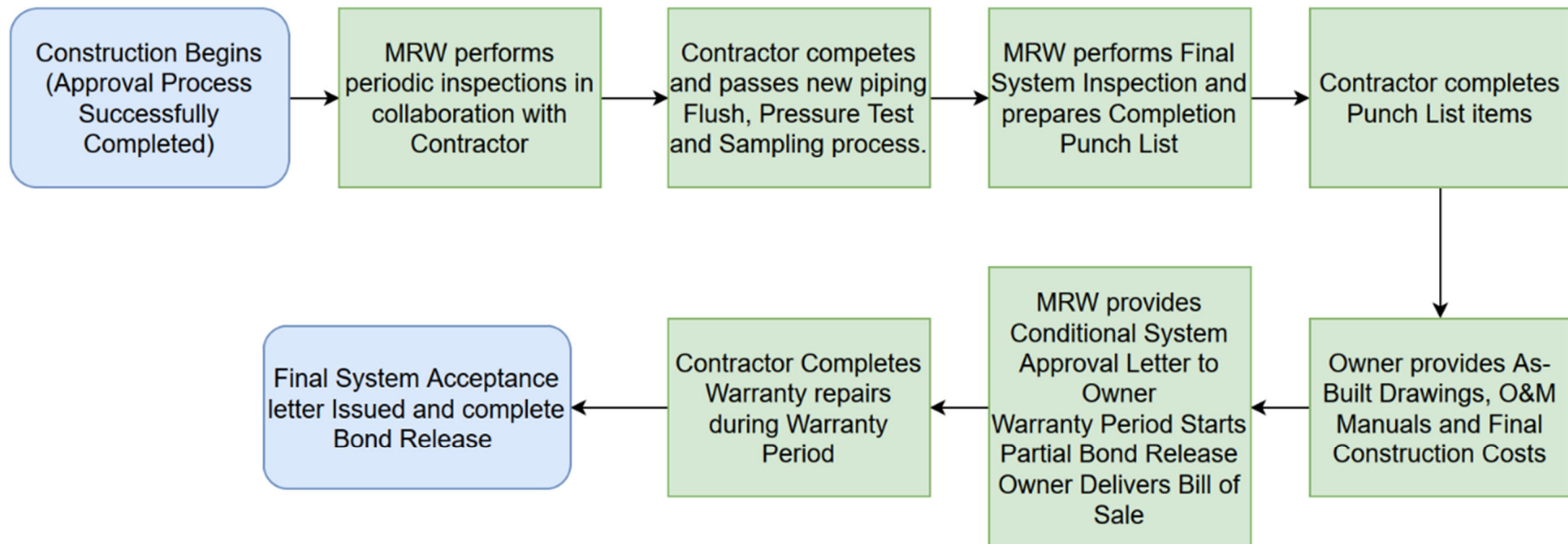
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DRAFT



New Infrastructure Construction and Warranty Process

All installations to be per MRW Construction Standards and Specifications found at <https://www.mtregional.org/drawings-and-specifications>



ADOPTED BY THE COUNTY COUNCIL this ~~7th~~ day of December, 20262.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

~~Chris Robinson~~Canice Harte
Chair

Attest:

Evelyn Furse
County Clerk

Approved as to Form:

David L. Thomas
Chief Civil Deputy



STAFF REPORT

TO: Summit County Council

FROM: Summit County Auditor Office

DATE: June 10, 2026

RE: Summit County Board of Equalization (BOE) Administrative Rules

Please review and consider adoption of the attached Summit County Board of Equalization Administrative Rules.

Many jurisdictions have adopted similar administrative rules or handbooks to provide guidance for Board of Equalization administrators and clerks, hearing officers, and appellants regarding the local property tax appeal process. The proposed rules are intended to promote consistency and uniformity in the administration and adjudication of appeals before the Board of Equalization.

While Utah statutes and Utah State Tax Commission administrative rules establish the general framework for Board of Equalization proceedings, they do not address every circumstance that commonly arises during the appeal process. These rules provide more specific guidance regarding matters such as evidence, filing requirements, submission deadlines, hearing procedures, and other administrative processes.

The rules are intended to serve as a practical reference for appellants, hearing officers, and staff when questions arise concerning the conduct of an appeal. Adoption of these rules will help ensure that appeals are administered consistently and that all parties have a clear understanding of the procedures and expectations applicable to the process.

The proposed rules have been prepared and reviewed for consistency with applicable Utah statutes and Utah State Tax Commission administrative rules.

Thank you for your time.

Chase Black
Chief Deputy Auditor



BOARD OF EQUALIZATION ADMINISTRATIVE RULES

Adopted DD Month YYYY

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I. GENERAL PROVISIONS

1. These rules set forth policies and procedures for administrative proceedings before the Summit County Board of Equalization ("Board").

II. AUTHORITY OF THE BOARD OF EQUALIZATION

These rules are supplemented by relevant provisions in Utah Code Sections 59-2-1001 through 1006 and 59-2-1017 (hereafter Section refers to the Utah Code) and Utah Admin. Code R884-24P-66 (County Board of Equalization Procedures and Appeals).

1. The Board considers only matters relating to the adjustment and equalization of the valuation and assessment of real property within Summit County. The Board may not rule on matters expressly assigned by law to the County Council. The Board consists of the Summit County Council. The Board establishes rules, policies, and makes all final decisions based on its findings or findings made by the hearing officers. The Summit County Auditor acts as the Clerk of the Board ("Clerk").
2. The Clerk administers the Board, directs the hearing process, establishes policies and procedures, coordinates operations, and administers and monitors the appeals process. The Clerk carries out general operations and administrative matters for the Board as described under these rules, except as delegated by statute to other elected offices or reserved to the Board.
3. In accordance with Section 59-2-1001, the Board may appoint hearing officers to examine the parties, experts and witnesses, consider and weigh the accuracy, credibility, reliability and relevance of the evidence, and make recommended findings to the Board. Each hearing officer must complete training as required by statute.

III. APPLICATIONS FOR APPEAL

A. Requirements for Applications for Appeal

1. A taxpayer dissatisfied with the valuation or equalization of the taxpayer's real property may make an application to appeal by filing the appeal application with the Clerk of the Board. The appeal application must be on the form or the online form provided by the Clerk of the Board and must include the following:
 - a. The name and address of the property owner;
 - b. The parcel identification and/or account number;
 - c. The value placed on the property by the Summit County Assessor ("Assessor");
 - d. The taxpayer's estimate of the fair market value of the property. If the parcel contains both land and improvements, the owner's estimate of value must estimate the entire value of the land and improvements together;
 - e. Signature of the owner or the owner's authorized agent; and
 - f. Evidence or documentation required by IV. A. below.

2. By providing an email address on the appeal application, an applicant agrees to correspondence by email. All notices and communications from the Board will be sent by email only, unless the applicant has checked for correspondence by mail only on the Request for appeal. Appeal notifications will then be sent only to the applicant's representative. If none, notices are provided to the applicant. All requests for notices to be sent to an additional address must be made in writing to the Clerk.
3. All appeal applications are reviewed by the Clerk for compliance with the requirements of this subsection.
4. Appeal applications may be dismissed if they fail to meet the minimum requirements herein. Deficiencies in applications will be specified in a written notice of intent to dismiss which will be sent to the applicant by the preferred method of communication as required by III.B. above, allowing ten (10) business days to correct the deficiencies. If the deficiencies are not corrected within the required timeframe, the application may be dismissed. Timely responses that do not correct the specified deficiencies may be dismissed.

B. Filing Dates

1. Except as provided by Utah Admin. Code R884-24P-66 for late-filed appeal applications, all applications must be filed on or before the dates set forth in Section 59-2-1004. An application is considered timely if received or postmarked on or before the statutory filing deadline.
2. Taxes are due and payable in the appropriate County office on the statutory deadline, regardless of the status of any appeal to the Board, the Utah State Tax Commission, or to any court. Failure to pay the amount due, as shown on the most current tax notice, shall result in the imposition of penalties and interest as provided by law.
3. If an applicant has a prior year appeal pending and wishes to appeal the current tax year valuation, the applicant must file a new appeal application by the statutory deadline. Prior year appeals do not carry over. Each year requires a separate appeal.

C. Petitioning Parties

1. Applicants
 - a. Applications must have an ownership interest in the property that is the subject of the application including:
 - i. The owner of the property; or
 - ii. An authorized agent designated by the property owner with a signed authorization form or Power of Attorney
 - b. An applicant's agent must submit a written authorization signed by the applicant providing authority to act with regard to the year under appeal and identifying the property by parcel identification number and/or account number.
 - c. Professionals, including appraisers, tax representatives, agents, attorneys, and real estate professionals, are expected to understand the property tax process and act in accordance with their professional status.
 - d. The Assessor or the Clerk may petition the Board to add, remove, or modify an assessment, classification, or exemption.

- i. In the case of an Assessor-filed valuation appeal, the Assessor will prepare a recommendation (with explanation supporting the change) and submit it to the Clerk. The Clerk will notify the property owner by certified mail to the address on record with the County. The owner has forty-five (45) days following when the notification is sent to respond and file a Request for Appeal. If no response is received, the appeal file will be sent to a hearing officer to be reviewed and decision rendered.

IV. BASIS FOR APPEAL

An application for appeal to the Board must identify one or more of the following as a basis for the appeal and provide supporting evidence as follows:

A. Purchase of the Subject Property

Sales within one year of January 1 of the year under appeal, otherwise known as the “lien date” (for example, if the appeal is of the 2025 tax notice value, then a purchase that occurred from January 1, 2024 to the statutory deadline in 2025).

1. Evidence must include a sales document such as a closing statement, final estimate of closing costs, settlement statement or HUD-1 disbursement document signed by the applicant and prepared by an independent third party identifying the contract sale price, the date of sale, the names of the buyer and seller, and the property location.

B. Market Approach

Market approaches must include three sales where available, but up to five sales are preferred, sold within one year of January 1 of the year under appeal, otherwise known as the “lien date” (for example, if the appeal is of the 2025 tax notice value, then provide sales from January 1, 2024 to the statutory deadline in 2025).

1. Evidence of sales comparables must include date of sale, sale price, property location, and a sufficient description of site and improvement characteristics to support comparability to the subject.
2. Comparable sales may include the sales price of a relevant property that was under contract for sale as of the lien date, but sold after the lien date, and listings of properties that were offered for sale as of the lien date, but did not sell.
3. An owner or other person may prepare a price estimate, estimating the price for which a property would sell. A price estimate may not be prepared by a licensed or certified appraiser.
4. A person who submits a price estimate or property tax information consistent with Section 59-2-1017 on behalf of another must disclose whether such services were rendered under a contingency fee.
5. Greatest consideration will be given to relevant sales closest to the lien date.

C. Professional Appraisal

Appraisals must have an effective date within one year of January 1 of the year under appeal.

1. Professional fee appraisals must include a complete copy of the written appraisal report prepared and signed by a licensed or certified appraiser in accordance with Section 59-2-1017 and the Uniform

Standards of Professional Appraisal Practice (“USPAP”). For purposes of this section, the term “appraisal” is defined in Section 61-2g-102.

2. Factual evidence not in the form of an opinion of value is not considered an appraisal under Section 61-2g-102.
3. If a person licensed or certified under State law prepares a written consultation report or summary, letter of transmittal or certification statement for a contingent fee, the person shall clearly disclose the contingent fee arrangement and its terms in the report, summary, letter or statement as provided by Section 61-2g-406.

D. Factual Error

An appeal based on factual error as defined by Utah Administrative Rule R884-24P-66 must include a detailed description and evidence of the factual error.

E. Equalization Equity Issue

An appeal based on a claim of inequitable assessment must include multiple highly comparable properties that demonstrate an undervaluation of these properties greater than 5% relative to the subject. Applicants must also specifically identify the relevant characteristics of the comparable properties that make them highly similar to the subject property, together with evidence establishing comparability and classification of the properties.

F. Cost Approach

An appeal based on a cost approach must include:

1. A full description of the improvements being valued and:
2. A complete listing of actual costs of construction, hard and soft costs, entrepreneurial profit, and site value, or
3. Data from a reliable cost calculation service.
4. For construction work in progress, the percent of completed construction work in progress as of the lien date for any type of improved property as determined pursuant to Utah Administrative Rule R884-24P-20. Evidence of construction may include inspection reports from the municipality where the property is located showing the dates of inspection and descriptions of the construction work completed.

G. Income Approach

An appeal based on claims using the income approach for commercial properties, including apartments with three or more units, must include:

1. A rent roll and operating statement with all actual income and expense data for the prior year ending December 31 of the year under appeal. Audited Profit and Loss statements are preferred. A supplemental 2-5 year operating history for the property may be necessary to establish an accurate income valuation. If the property is leased, a copy of the lease agreement should be provided. Additional evidence is required for specific challenges to excess vacancy, collection loss, expenses, capitalization rate, or discount rates. Professional or commercial reports or publications may be used to challenge or support various components of an income valuation such as lease rate, vacancy, expenses, and capitalization rates.

2. Leases of three comparable properties, from actual leases or commercial publications, including the location, description, age of lease, and type of lease, if the property is owner-occupied, may be utilized to challenge the lease rate in an income approach.

H. Legal Claim

An appeal based on a legal claim must identify the relevant legal authority for the claim and any supporting factual evidence. Applications raising legal claims or issues, including exemptions, may be referred to the Summit County Attorney's office.

Relevant dates for appraisals, comparable sales, and other financial or economic data may be extended where the party submitting such evidence demonstrates that more current evidence is unavailable or not applicable.

V. PROCEDURES

A. Pre-hearing Resolution

1. In lieu of an appeal being heard by the Board or hearing officer, the Assessor and appellant/authorized representative may resolve the matter and stipulate as to value. Such stipulations shall be in writing on the form provided by the Clerk of the Board
2. The stipulation form is subject to review and acceptance by the Clerk prior to submission to the Board for final decision. All stipulation forms must be signed by both parties (the appellant/authorized representative and Assessor) and include a statement that waives all further rights of the parties to appeal as it relates to the applicable tax year. If a stipulation occurs during the course of a hearing before the hearing officer, the hearing officer shall also sign the stipulation form
3. Prior to a hearing before the hearing officer, the Assessor may conduct an informal review of an appeal and recommend a value adjustment to correct factual errors (as defined by Utah Administrative Rule R884-24P-66) or to reflect fair market value.
4. In the absence of a stipulation, the Clerk shall move the appeal forward to a hearing as set forth in V.B. below.

B. Hearings

1. Appeals not resolved by stipulation will be set by the Clerk for a hearing before a hearing officer.
2. The Clerk shall provide notice of a hearing by the preferred method of communication as required by III.B. above and only to the applicant's representative. If none, notice is provided to the applicant. All requests for hearing notices to be sent to an address other than that listed on the application must be made in writing to the Clerk.
3. Hearing notice will be sent
 - a. At least fourteen (14) calendar days prior to the hearing for both commercial and residential properties
4. A hearing may be rescheduled once for good cause. An applicant may request to be rescheduled if:

- a. They respond within three business days after the hearing appointment was sent to them, and
 - b. The hearing schedule will allow for accommodation to be made.
5. A party is not required to attend a hearing. Applicants may waive their right to appear in person or by Zoom at a hearing. In a party's absence or if the applicant waives their right to appear, the appeal will be decided on previously submitted evidence. Failure to appear at a hearing is not grounds to request a new hearing.

C. Submission of Evidence for Consideration at the Hearing

- 1. The appeal application per III.A above and any evidence submitted as part of the appeal per IV.A above shall be made part of the evidence submitted for consideration at the Hearing.
 - a. At least five (5) calendar days before the scheduled hearing (as set forth in Section 59-2-1004(7)), the Assessor shall provide the appellant any evidence the Assessor relies upon in support of the Assessor's valuation and the appellant shall provide the Assessor any evidence not previously provided to the Assessor that the appellant relies upon in support of the appellant's appeal. This deadline does not apply to evidence that is commercial information as defined in Section 59-1-404 and nondisclosure agreements are not yet executed.
- 2. If a party submits evidence less than five (5) calendar days prior to a hearing (including at the hearing), the other party may respond to the evidence in writing within ten (10) calendar days after the day on which the hearing occurs [as provided in Section 59-2-1004(7)(c)]. The response shall be sent to all parties and the Clerk, who shall submit it to the hearing officer.
- 3. A hearing brief may be submitted before or at hearing, but such brief may not contain additional evidence. It should only be used to detail the disputes at issue, and advocate the proper resolution of those disputes.
- 4. A hearing officer may, at any time before a written decision, request clarification or verification of any evidence from any party.

D. Ex Parte Communications

- 1. No party shall communicate ex parte (that is, without the other party present) with a hearing officer on matters relevant to the merits of an appeal for the purpose of influencing the outcome of the appeal. Discussions of procedural matters are not considered prohibited ex parte communications.
- 2. A hearing officer who receives ex parte communication relevant to the merits of a matter under appeal will disclose the communication to all parties and afford them an opportunity to comment. The communication will be placed into the case file.
- 3. Subsequent to hearing, a hearing officer may seek clarification of facts or evidence from either party. Such clarification is not ex-parte communication and the party's response will be limited to addressing the hearing officer's clarification.

E. Commercial Information

- 1. A party will not disclose commercial information except as permitted by Section 59-1-404. Prior to receiving commercial information, an individual not bound by Section 59-1-404 must sign a non-disclosure affidavit that prohibits the individual from disclosing commercial information except as permitted by

Section 59-1-404. Individuals who do not sign the non-disclosure affidavit may not participate in the portion of the hearing where the commercial information is discussed. The non-signing participant will only be entitled to receive a redacted copy of the appeal file with the commercial information removed.

F. Hearing Standards

1. Valuation standard: To prevail in a property valuation dispute, the applicant must meet the burden of proof consistent with Section 59-2-109 as appropriate to the facts pertaining to the appeal.
2. Equalization standard: Assessments are presumed to be equalized. To prevail in a claim based upon equalization pursuant to Section 59-2-1004(7)(h), the applicant must:
 - a. Specifically identify multiple comparable properties, and show that they are highly comparable to the appellant's subject property;
 - b. Show that the comparable properties have been undervalued, while the appellant's property has been singled out for fair market assessment; and
 - c. Establish that the disparity in assessment value is at least 5% between the appellant's property and the comparable properties that have been undervalued.
3. Exemption standard: An applicant claiming an exemption must establish that the property and its use meet the statutory and constitutional requirements for the exemption.

G. Post-hearing Resolution (and Non-hearing resolution)

1. Hearing officers shall transmit their proposed written findings and recommendations to the Clerk. The findings shall identify the information required by Rule R884-24P-66.

H. Board Decision

1. The Clerk will issue the hearing officer's written decision, along with a cover letter and instructions for filing a TC-194, to the applicant or authorized representative.
2. The Clerk summarizes all adjustments to assessments or exemption recommendations on an agenda to be transmitted to the Board for adoption and final approval. Any adjustment or recommendation may be removed from the agenda by the Clerk as needed for clerical corrections.
3. All recommendations and adjustments are subject to final action by the Board.
4. The Summit County Treasurer will refund taxes resulting from a final, non-appealable decision, consistent with state law. It is the responsibility of the applicant, owner, former owners, or buyers of the subject parcel to arrange further distribution.
5. If an underpayment results from a decision issued by the Board, the Utah State Tax Commission or a court of competent jurisdiction, no penalty or interest shall be due on the underpayment if paid within 45 days of notice of such increase.

I. Withdrawal

1. An applicant may request to withdraw an appeal by submitting a signed written statement at any time prior to a final decision by the Board. Absent any objections from the opposing party, the appeal will be withdrawn.

2. Any party to an appeal proceeding may object to the withdrawal. In the event of an objection, the appeal will be scheduled for a hearing on the merits.

J. Appeal to the Utah State Tax Commission

1. An appeal of the Board's decision to the Utah State Tax Commission must be filed with the Clerk of the Board within the statutory time period and in accordance with Section 59-2-1006.
2. Any party to an appeal before the Board, including the Assessor as provided by law, has the right to appeal to the Tax Commission.

VI. Amendments

These Administrative Rules may be amended by the Summit County Board of Equalization from time to time as deemed necessary to ensure compliance with applicable law, to reflect changes in state statutes or administrative rules, or to address operational and administrative needs of the Board.

SUMMIT COUNTY BOARD OF EQUALIZATION

Canice Harte
Chair



STAFF REPORT

TO: Summit County Council

FROM: Summit County Auditor Office

DATE: June 10, 2026

RE: 2026 Tax Lien Sale Results and Acceptance

Summary

As of March 15, 2026, there were 26 properties slated for tax sale with back taxes totaling over \$300K. Council approved the following actions on four of those properties:

- DMS-3 WRIGHT ISABELLA CHANEL
 - Payment plan and withdrawal from the 2026 tax sale
- PP-63-B UTAH SPORTS AUTHORITY
 - Withdrawn from sale, allowing time for title to be cleaned up
- PRIVTAX-72 & PRIVTAX-71 GINES DAKODY
 - Adjusted erroneous assessment, taxpayer paid balance current
- PB-3-B-370 BATTULGA TUGSJARGAL
 - Payment plan and withdrawal from the 2026 tax sale

The sale was held as an online auction via Public Surplus on May 21st. Two properties were auctioned, see the results summary below. Minimum bid amounts required were the total amounts due on accounts. Payments in full have been received from the winning bidders by Public Surplus. Overpayment amounts will be treated as unclaimed property.

2026 Sale Properties and Results

Account	Parcel Number	Previous Owner Name	Amount Due 5/22/2025	Winning Bid Price	New Vesting
0206114	CD-2071-1	MOHR G JACQUES TRUSTEE	\$ 360.93	\$ 99,400.00	VR Acquisitions LLC
0104871	CD-276	WILDWEB LLC	\$ 3,158.34	\$ 50,701.00	Brandon and/or Cheryl Powers

Action Requested

County council accept and ratify the winning bids and results of the 2026 tax sale, per Utah Code 59-2-1351.1 and County Ordinance 1-12C-7.

Once accepted, the county auditor will execute deeds conveying ownership to the purchasers.

Thank you for your time.

Chase Black
Chief Deputy Auditor

To: Summit County Council
From: Emergency Services Sales Tax Grant Advisory Board
Date: June 10, 2026
Re: 2026 Emergency Services Sales Tax Grant Application Recommendations

Background

The purpose of the Emergency Services Sales Tax Grant is to fund Capital Improvements and the acquisition of Personal Property for emergency medical services, solid waste disposal, search and rescue activities, law enforcement activities, and fire protection services to offset the impacts of tourism in Summit County. Applicants include qualifying Summit County departments and special service districts.

2026 Stats

Applications submitted: 6
Applications disqualified: 0
Applications non-funded: 0
Applications recommended for funding: 6
Qualifying applicants who did not submit applications: 2

- Summit County Public Works
- Summit County Wildland Fire Service Area

Total funds requested: \$1,445,513.20
Total funds available: \$850,000
Funding gap: \$595,513.20
Total funds allocated: \$850,000

Board Members

Suzy Lee, Chair (At Large)
Eric Bradshaw, Vice Chair (North Summit Fire Service District)
Rebecca Ross, Secretary (At Large)
Terry Preston (South Summit Fire Protection District)
Patrick Putt (Park City Fire Service District)

Process

The Advisory Board makes a final recommendation based on individual board member application ratings and joint board deliberations. The Board Members:

1. Review the applications

2. Provide any questions for applicants on a shared doc. Grant Coordinator communicates with applicants to provide answers for all board members to see.
3. Score the applications based on established criteria
4. Meet in person for 2 hours to deliberate on the allocation of funds
5. Agree unanimously on the final recommendation to Council

Each application is rated on the following criteria. The criteria is based on the [ESST Grant Ordinance](#):

Rating	1	0
Criterion	Yes	No
Is the organization a Qualifying Grant Applicant?		
Is the project a Capital Improvement or acquisition of Personal Property?		
Can the funds be used within a 12-month period?		
Will the project be used for: emergency medical services, solid waste disposal, search and rescue activities, law enforcement activities, or fire protection services?		
Total	0	0

Rating	4	3	2	1
Criterion	Exemplary	Adequate	Needs Improvement	Insufficient Evidence
The requested amount is appropriate for the scope of the project				
The project addresses important needs within Summit County				
The project mitigates the impacts of tourism in Summit County				
The project outcomes are positive for residents of Summit County				
Total	0	0	0	0

Overall Total (20 Points Possible)	0
------------------------------------	---

2026 Emergency Services Sales Tax Grant Recommendations

Summit County Search & Rescue

Project Title: Primary Tow Vehicle

Request: \$91,000

Recommendation: \$91,000

Rationale: Summit County Search & Rescue is requesting funding to purchase a one-ton, heavy duty, dual wheeled primary tow vehicle (\$75,000) and upfit the vehicle for backcountry use with a winch, emergency lighting, and a brush guard etc. (\$16,000).

Due to the wide variety of calls that the team responds to, (snowmobile, ATV, skier, hiker, high angle, water rescues/drownings, etc.) the team must maintain a fleet of specialized equipment.

Much of the equipment is large (snowcats, pontoon, etc.) and weighs over 10K pounds. A dedicated primary tow vehicle of sufficient capacity to tow this equipment in all conditions is required.

The advisory board recommendation is to fully fund this request because 90% of their calls over a 4-year period were involving non-residents and visitors to the County; therefore, we felt the request for a primary tow vehicle was well-aligned with the grant requirements to mitigate the impacts of tourism.

Recipient Responsibilities: Grant funds will be used to purchase a one-ton, heavy duty, dual wheeled primary tow vehicle and upfit the vehicle for backcountry use with a winch, emergency lighting, and a brush guard etc.

South Summit Fire Protection District

Project Title: Light Fleet Replacement

Request: \$200,000

Recommendation: \$200,000

Rationale: South Summit Fire Protection District is requesting funding to purchase a $\frac{3}{4}$ ton diesel pickup truck (\$80,000), a full-size SUV (\$70,000), emergency lighting and sirens (\$30,000), and radios/communications equipment (\$20,000).

Summit County provided them with a twenty-year-old Quick Response Vehicle (QRV). Their QRV has had an engine failure. They use the QRV to provide paramedic services in and out of their district. Through a private donation they purchased back-country insertion equipment and a trailer. This equipment is mostly used outside of their district. The only capable vehicle they have for transporting this equipment is a brush truck that should remain available in the district. They need to replace the QRV and add a $\frac{3}{4}$ ton truck to deliver service in their area.

The advisory board recommendation is to fully fund this request because approximately 50% of their calls are in response to non-residents; therefore, we felt the request for light fleet replacement was well-aligned with the grant requirements to mitigate the impacts of tourism.

Recipient Responsibilities: Grant funds will be used to purchase a $\frac{3}{4}$ ton diesel pickup truck, a full-size SUV, emergency lighting and sirens, and radios/communications equipment.

North Summit Fire District

Project Title: Wanship Fire Station (Stn. 23) Remodel

Request: \$650,000

Recommendation: \$396,986.80

Rationale: North Summit Fire District is requesting funding to remodel the Wanship Fire Station with construction costs (\$458,868.90), a station alerting system (\$181,000), and a project contingency of 1.5% (\$9,731.10).

The Wanship Fire Station is a 31-year-old facility that was not originally designed to support full-time firefighter staffing or modern emergency response operations. This project will reconfigure the station to support 24/7 staffing, including the addition of compliant firefighter living quarters, installation of a station alerting system, and improvements to apparatus bay functionality and supporting infrastructure. The remodel will improve deployment efficiency, reduce response delays, and enhance firefighter safety.

The advisory board recommendation is to partially fund this request because NSFD serves a community with many seasonal residences and a corridor of I-80 that sees a lot of interstate traffic; therefore, we felt the request to remodel Station 23 was well-aligned with the grant requirements to mitigate the impacts of tourism. However, this was a substantial request, and we recommend partial funding in order fund other proposals as well. North Summit Fire District said their project is not all or nothing—they can use partial funding.

Recipient Responsibilities: Grant funds will be used where needed most within the grant application request to remodel the Wanship Fire Station with construction costs, a station alerting system, and a project contingency of 1.5%.

Park City Fire District

Project Title: Wildland Fire Prevention Chipping Expansion

Request: \$83,913.20

Recommendation: \$81,413.20

Rationale: The Park City Fire District is requesting funding to purchase a heavy-duty wildland chipper (\$76,463.20), delivery/freight (\$2,500), dealership fees (\$450), safety equipment and accessories (\$2,000), and equipment training (\$2,500).

PCFD would like to purchase the heavy duty woodchipper to expand its Wildland Fire Fuel Reduction Chipping Program. This program assists residents and homeowner associations in reducing hazardous fuels by chipping vegetation removed during defensible space and wildfire mitigation efforts. This equipment will allow Park City Fire District to increase the number of properties serviced, reduce backlog requests, and expand into additional neighborhoods and HOAs.

The advisory board recommendation is to partially fund this request because a large portion of Park City's community consists of part-time residents and properties that are in close proximity to each other and to the Wildland Urban Interface (WUI); therefore, we felt the request to expand the woodchipper program was well-aligned with the grant requirements to mitigate the impacts of tourism. The board is recommending funding for all aspects of the request except the equipment training. The reasoning is that the training component does not fit into the "Capital Improvement or Personal Property" criteria well and that PCFD will be able to find funding for training outside of this grant. Park City Fire District said their project is not all or nothing—they can use partial funding.

Recipient Responsibilities: Grant funds will be used to purchase a heavy-duty wildland chipper, delivery/freight, dealership fees, and safety equipment & accessories.

Kamas City Police Department

Project Title: Police Improvements

Request: \$249,600

Recommendation: \$39,600

Rationale: The Kamas City Police Department is requesting funding for a building addition (\$210,000), 4 laptop computers (\$8,000), 4 mobile printers (\$2,800), 4 portable radios (\$18,800), and 2 mobile radios (\$10,000).

KCPD seeks funding to address critical facility and equipment needs that impact public access and officer effectiveness. The current police department building lacks a dedicated public lobby, limiting the ability for community members and visitors to safely and efficiently interact with officers. This creates challenges for service delivery, particularly during periods of increased demand. This project will construct an approximately 600-square-foot addition to create a functional public lobby improving accessibility, communication, and overall service to the community. In addition, the department will replace outdated equipment that no longer meets operational needs.

The advisory board recommendation is to partially fund this request because Kamas is the gateway to the Uintas via Mirror Lake Highway and experiences significant tourism therefore we felt the request to purchase/update critical officer equipment was well-aligned with the grant requirements to mitigate the impacts of tourism. However, we felt that the application did not demonstrate a measurable impact in terms of tourism for the building addition/public lobby. The board is recommending funding all the equipment, but not the building addition. Kamas City Police Department said their project is not all or nothing—they can use partial funding.

Recipient Responsibilities: Grant funds will be used to purchase 4 laptop computers, 4 mobile printers, 4 portable radios, and 2 mobile radios.

Summit County Sheriff/Park City Police/Park City Fire District

Project Title: Joint Regional Emergency Preparedness & Response Enhancement Project

Request: \$171,000

Recommendation: \$41,000

Rationale: The Summit County Sheriff/Park City Police/Park City Fire District are requesting funding for conceptual architectural plans for a Regional Emergency Operations Center (\$50,000), Major Accident Investigation Team (MAIT) equipment (\$41,000), and riot/civil disturbance response equipment (\$80,000).

PCPD, SCSO, and PCFD seek funding to enhance regional emergency preparedness through three coordinated initiatives: The REOC project represents a long-term investment in a centralized hub for training, emergency coordination, and specialized operations. Summit County experiences significant seasonal tourism that increases traffic congestion, large public gatherings, and demand on emergency services. These conditions elevate the likelihood and complexity of incidents such as fatal crashes, crowd-related disturbances, and large-scale emergencies. Funding for MAIT equipment and riot/civil disturbance gear enhances the ability to respond effectively to these high-demand events.

The advisory board recommendation is to partially fund this request because all the agencies in the joint application respond to many incidents involving non-residents and therefore their request to purchase Major Accident Investigation Team equipment was well-aligned with the grant requirements to mitigate the impacts of tourism. However, we felt the application did not demonstrate a measurable impact in terms of tourism for the riot/crowd control gear and architectural drawings. The board is recommending funding the MAIT equipment only and not

funding the architectural plans or the riot/civil disturbance response equipment.
PCPD/SCSO/PCFD said their project is not all or nothing—they can use partial funding.

Recipient Responsibilities: Grant funds will be used to purchase Major Accident Investigation Team (MAIT) equipment.



STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: June 10, 2026
Type of Item: Code Amendment, Parcel Boundary Adjustments
Process: Public Hearing, Possible Recommendation – Legislative Review

PROPOSAL

The proposed amendments to the Development Code would bring parcel boundary adjustment rules in the Snyderville Basin Development Code into conformance with Utah State Code.

BACKGROUND

A parcel boundary adjustment allows neighboring property owners outside a subdivision to move or modify the shared boundary between their properties without creating a new parcel or subdivision. It may be used to:

- transfer a small piece of land from one parcel to another,
- straighten or clean up irregular property lines,
- resolve boundary issues, or
- better align fences, driveways, buildings, or legal descriptions.

Although the process changes the shape or size of existing parcels, it does not create additional development rights or increase the number of lots.

This process is available only for parcels that are not within a platted subdivision. Property owners within a platted subdivision must instead complete a plat amendment in accordance with the Code.

The Snyderville Basin Development Code currently does not designate a land use authority for parcel boundary adjustments because state law historically treated them only as recording actions. State law has since changed to create a process for a “simple boundary adjustment,” which requires:

- Submittal to a land use authority
- Verification by the authority of compliance and consent

To bring the County's process into compliance, staff proposes the following amendment to the Code.

- A. ~~A parcel boundary adjustment is not subject to the review of the Land Use Authority.~~
The Land Use Authority for a parcel boundary adjustment shall be the CDD or designated Planning Staff Member.

Making the CDD (Community Development Director) the land use authority is consistent with other administrative processes in the Development Code such as low impact permits, building permits, etc.

ANALYSIS

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

Analysis: Chapter 2 of the Snyderville Basin General Plan promotes sustainable land use planning principles that preserve neighborhood character, prevent sprawl, and provide predictable and clear development standards. The proposed amendment advances this goal by bringing the parcel boundary adjustment rules into conformance with state code.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

Analysis: The proposed amendment does not permit any new land use. It only identifies the land use authority for parcel boundary adjustments and aligns the code with state law. Because the amendment is procedural in nature, surrounding land use patterns remain unchanged and compatible.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

Analysis: The amendment does not reduce the suitability of affected properties for their allowed uses. Parcel boundary adjustments remain limited to changes in lot configuration and do not create new parcels or additional development rights. The amendment establishes an administrative review authority and therefore does not impair the use of affected property.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

Analysis: The amendment does not remove existing development restrictions in a manner that would unduly affect nearby property. Parcel boundary adjustments

remain subject to review for compliance and owner consent, and they do not authorize new lots or additional development rights. By identifying the appropriate review authority, the amendment improves administration without creating greater impacts on neighboring properties.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

Analysis: The proposed amendment applies uniformly to all parcels outside a platted subdivision that are eligible for a parcel boundary adjustment. It does not grant a special benefit to any individual property owner or development proposal.

Criteria 6: The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

Analysis: The amendment promotes the public health, safety, and welfare by improving clarity and enforceability in the Development Code. Designating the CDD or a designated Planning Staff Member as the land use authority creates a clear review process for parcel boundary adjustments and ensures consistency with state law. This added clarity supports orderly land use administration and reduces ambiguity for property owners and staff.

RECOMMENDATION

Staff recommend that the Snyderville Basin Planning Commission conduct a public hearing, review the proposed language and forward a positive recommendation to the County Council per the findings of fact and conclusions of law written below.

Findings of Fact

1. The proposed amendment concerns parcel boundary adjustments for parcels outside a subdivision.
2. A parcel boundary adjustment allows neighboring property owners to move or modify a shared boundary line without creating a new parcel or subdivision.
3. Parcel boundary adjustments do not create additional development rights or increase the number of lots.
4. Parcel boundary adjustments are available only for parcels that are not within a platted subdivision.
5. State law now requires a process for a simple boundary adjustment that includes submittal to a land use authority and verification of compliance and consent.
6. The Snyderville Basin Development Code currently does not designate a land use authority for parcel boundary adjustments.
7. The proposed amendment designates the CDD or a designated Planning Staff Member as the land use authority for parcel boundary adjustments.

8. The proposed amendment does not authorize new land uses, create new parcels, or grant special benefits to any individual property owner.
9. On May 26, 2026, the Snyderville Basin Planning Commission conducted a public hearing and forwarded a positive recommendation to the Summit County Council.

Conclusions of Law

1. The proposed amendment is consistent with the goals, objectives, and policies of the Snyderville Basin General Plan because it promotes clear, predictable, and orderly land use administration.
2. The amendment does not permit land uses that are inconsistent with the uses of nearby properties because it is procedural in nature and does not authorize any new land use.
3. The amendment does not impair the suitability of affected properties for their allowed uses because parcel boundary adjustments do not create new parcels or additional development rights.
4. The amendment does not remove restrictions in a manner that would unduly affect nearby properties because parcel boundary adjustments remain subject to compliance review and owner consent.
5. The amendment does not grant special privileges to any individual property owner or developer because it applies uniformly to all eligible parcels outside a platted subdivision.
6. The amendment promotes the public health, safety, and welfare by identifying a clear review authority and aligning the Development Code with state law.

Exhibits

Exhibit A. Proposed Ordinance with Language

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 1013
AMENDING SECTION 10-3-17(B): PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS
OUTSIDE A SUBDIVISION OF THE SNYDERVILLE BASIN DEVELOPMENT CODE**

PREAMBLE

WHEREAS: Section 10-1-1 D of the Snyderville Basin Development Code states that it is “the intention of the County is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”; and

WHEREAS: The Snyderville Basin General Plan supports clear, predictable, and orderly land use administration; and

WHEREAS: The County may adopt regulations that are consistent with the goals of the Snyderville Basin General Plan and with applicable state law governing parcel boundary adjustments; and

WHEREAS: The Snyderville Basin Development Code currently does not designate a land use authority for parcel boundary adjustments; and

WHEREAS: State law now provides a process for a simple boundary adjustment that requires submittal to a land use authority and verification of compliance and consent; and

WHEREAS: Parcel boundary adjustments modify lot lines but do not create new parcels or additional development rights; and

WHEREAS: The purpose of the amendment is to designate the CDD or a designated Planning Staff Member as the land use authority for parcel boundary adjustments and to bring the Development Code into conformance with state law; and

WHEREAS the Snyderville Basin Planning Commission held a public hearing on May 26, 2026; and

WHEREAS the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on May 26, 2026; and

WHEREAS the Summit County Council held a public hearing on June 10, 2026; and,

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

Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ____ day of _____, 2026.

ATTEST:

SUMMIT COUNTY COUNCIL

Malena Stevens
Summit County Clerk

Canice Harte
Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Mckenna	_____
Councilmember Robinson	_____
Councilmember Harte	_____
Councilmember Armstrong	_____
Councilmember Hanson	_____

Exhibit A: Section to be amended

10-3-17(B): - PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION:

- B. ~~A parcel boundary adjustment is not subject to the review of the Land Use Authority.~~
The Land Use Authority for a parcel boundary adjustment shall be the CDD or designated Planning Staff Member.



Community Development Department

P.O. Box 128
60 North Main Street
Coalville, Utah 84017
summitcounty.org

STAFF REPORT

To: Summit County Council (SCC)
From: Jennifer Strader, Principal Planner
Date of Meeting: June 10, 2026
Type of Item: Development Code Amendments - Public Hearing, Possible Approval
Process: Legislative Review

Proposal

Staff is proposing to amend certain sections of the Snyderville Basin Development Code (Code) to align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Eastern Summit County Development Code, and make other non-substantive amendments.

Background

In the 2025 legislative session, SB1006, *the Revisor's Omnibus Bill for County Governance* recodified Utah Code Annotated Title 17 to improve structure, clarity, and organization, without making substantive changes. As a result, all references to the Utah State Code must be updated. Staff is also taking the opportunity to make other non-substantive amendments, as described below.

On January 13, 2026, the Snyderville Basin Planning Commission conducted a public hearing and voted to forward a positive recommendation to the SCC for the proposed Code amendments.

Proposed Amendments

1. Section 10-3-5: CONDITIONAL USE PERMIT
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
 - c. "Special Standards for Conditional Uses" has been deleted. All Conditional Use Permits are required to comply with the development standards in Chapter 4 of the Code, where these standards are already addressed. Retaining this section is repetitive, does not impose additional requirements, and results in unnecessary duplication in staff reports.
2. Section 10-3-9: SUBDIVISIONS
 - a. All references to the Utah State Code Annotated have been corrected.

- b. All defined terms have been capitalized.
 - c. Certain sections have been renumbered to maintain consistency within the Code.
- 3. Section 10-3-15(A)(1) and (D)(2): PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 4. Section 10-3-18(G)(1)(d)(1): BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 5. Section 10-4-16(F)(2): PARKS, TRAILS, AND TRAILHEADS
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 6. Section 10-4-20(C)(4): LANDSCAPING
 - a. All references to the Utah State Code Annotated have been corrected.
- 7. Section 10-7-2(C)(3)-(4): AMENDMENT TO GENERAL PLAN
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 8. Section 10-8-5(B)(1) and (2)(g): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS AND LIVE/WORK DWELLING UNITS
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 9. Section 10-8-13(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES
 - a. All references to the Utah State Code Annotated have been corrected.
- 10. Section 10-9-1: PURPOSE
 - a. All references to the Utah State Code Annotated have been corrected.
- 11. Section 10-9-2: AUTHORITY
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 12. Section 10-9-9(A), (B), and (C): AMENDMENT AND LEGAL EFFECT OF GENERAL PLAN
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
- 13. Section 10-9-17(B)(4): DETERMINATIONS OF VESTED RIGHTS AND OTHER DISPUTES

- a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
14. Section 10-9-20(B): VIOLATIONS AND PENALTIES
- a. All references to the Utah State Code Annotated have been corrected.
15. Section 10-9-21(A): REMEDIES
- a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
16. Section 10-9-22(D)-(G): APPEAL PROCEDURES
- a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
17. CHAPTER 11: DEFINITIONS
- a. Added the following words to the definitions (taken from the Eastern Summit County Development Code):
AFFECTED ENTITIES
CODE
CONDITIONAL USE
LAND USE AUTHORITY
OWNER
PARCEL BOUNDARY ADJUSTMENT
PUBLIC IMPROVEMENT
 - b. Amended the following words:
DEPARTMENT
DIRECTOR
DWELLING UNIT, INTERNAL ACCESSORY
IMPROVEMENT COMPLETION ASSURANCE
COMMISSION
 - c. Created a definition for:
RECREATION DISTRICT

Analysis and Findings

Section 10-7-3 of the Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan.

Analysis: Objective B of the General Plan states, *“Incentivize compact, dense, and nodal development...through clear regulations in the Snyderville Basin Development Code.”* Additionally, Policy 2.5 directs the County to *“Eliminate advisory language from the Code and include clear, predictable, and measurable standards.”*

The proposed amendments are non-substantive and do not modify development standards or land use allowances. However, they improve the clarity, organization, and usability of the Code by correcting references to Utah State Code Annotated, aligning and clarifying defined terms, and improving overall Code structure.

These changes enhance predictability and reduce ambiguity in Code interpretation and administration, supporting a clear and consistent regulatory framework.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.

Analysis: The amendments do not affect any land uses.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.

Analysis: The amendments are non-substantive and do not modify land use designations, permitted uses, or development potential of the affected properties.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.

Analysis: Staff is proposing to remove the “Special Standards for Conditional Uses”; however, this will not unduly affect nearby property as all Conditional Use Permits are required to comply with the development standards in Chapter 4 of the Code, where these standards are already addressed.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer.

Analysis: The amendments will affect the entire Snyderville Basin Planning District.

Criteria 6: The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

Analysis: Staff finds no evidence that the public health, safety, and welfare will be impacted by the amendments. The changes enhance predictability and reduce

ambiguity in Code interpretation and administration, supporting a clear and consistent regulatory framework.

Recommendation

Staff recommends that the SCC review the proposed amendments, conduct a public hearing, and approve the amendments through the adoption of an ordinance, based on the following Findings of Fact and Conclusions of Law.

Findings of Fact:

1. In the 2025 legislative session, SB1006, *the Revisor’s Omnibus Bill for County Governance* recodified Utah Code Annotated Title 17 to improve structure, clarity, and organization, without making substantive changes. As a result, all references to the Utah State Code must be updated.
2. Staff is proposing to amend the Snyderville Basin Development Code to align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Eastern Summit County Development Code, and make other non-substantive amendments.
3. Section 10-7-3 of the Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment.
4. On January 13, 2026, the Snyderville Basin Planning Commission conducted a public hearing and voted to forward a positive recommendation to the SCC for the proposed Code amendments.
5. Objective B of the General Plan states, *“Incentivize compact, dense, and nodal development...through clear regulations in the Snyderville Basin Development Code.”* Additionally, Policy 2.5 directs the County to *“Eliminate advisory language from the Code and include clear, predictable, and measurable standards.”*
6. The amendments do not affect any land uses.
7. Staff is proposing to remove the “Special Standards for Conditional Uses”; however, this will not unduly affect nearby property as all Conditional Use Permits are required to comply with the development standards in Chapter 4 of the Code, where these standards are already addressed.
8. Staff finds no evidence that the public health, safety, and welfare will be impacted by the amendments.

Conclusions of Law:

1. The amendments are consistent with the goals, objectives, and policies of the general plan.
2. The amendments do not permit the use of land that is not consistent with the uses of properties nearby.

3. The amendments will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendments will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendments will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

Attachments

Exhibit A: Proposed Ordinance with Clean Copy of Language

Exhibit B: Proposed Language with Changes Tracked

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE
SECTIONS 10-3-5, 10-3-9, 10-3-15(A)(1) AND (D)(2), 10-3-18(G)(1) (D)(1), 10-4-16(F)(2),
10-10-9-17(B)(4) 4-20(C)(4), 10-7-2(C)(3)-(4), 10-8-5(B)(1) AND (2)(G), 10-8-13(C), 10-
9-1, 10-9-2, 10-9-9(A), (B), AND (C), 10-9-17(B)(4), 10-9-20(B), 10-9-21(A), 10-9-
22(D)-(G), AND CHAPTER 11.**

PREAMBLE

WHEREAS Utah Code Annotated (“UCA”) §17-79-501 provides that counties can enact all ordinances that they consider necessary or appropriate; and,

WHEREAS Objective G of the Snyderville Basin General Plan states: *“Incentivize compact, dense, and nodal development...through clear regulations in the Snyderville Basin Development Code.”* Additionally, Policy 2.5 directs the County to *“Eliminate advisory language from the Code and include clear, predictable, and measurable standards.”*; and

WHEREAS, In the 2025 legislative session, SB1006, *the Revisor’s Omnibus Bill for County Governance* recodified Utah Code Annotated Title 17 to improve structure, clarity, and organization, without making substantive changes. As a result, all references to the Utah State Code must be updated; and,

WHEREAS Staff is also taking the opportunity to make other non-substantive amendments to the Code; and,

WHEREAS the Snyderville Basin Planning Commission held a public hearing and recommended adoption of the amended sections of the Snyderville Basin Development Code on January 13, 2026; and

WHEREAS the Summit County Council held a public hearing on June 10, 2026; and,

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

Section 1. The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. Effective Date: This Ordinance shall take effect immediately after publication.

Enacted this ____ day of ____ 2026.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by _____
Canice Harte, Chair

Councilmember Robinson voted	_____
Councilmember Harte voted	_____
Councilmember Armstrong voted	_____
Councilmember Hanson voted	_____
Councilmember Mckenna voted	_____

ATTEST:

Malena Steven, County Clerk, Summit County, Utah

EXHIBIT A

Snyderville Basin Development Code

10-3-5: CONDITIONAL USE PERMIT:

A. Applicability:

1. Conditional Uses are those Uses which are generally compatible with the permitted Uses in a Zone District, but which, because of their size, scale, intensity of Use, traffic generation, or other characteristics, require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the Use at a particular location within a given Zone District.
2. Only those Uses that are enumerated as Conditional Uses in a Zone District (section 10-2-10 of this title) shall be authorized by the Planning Commission.
3. Conditional Uses may be established only upon approval of a Conditional Use permit pursuant to this section.

B. Criteria For Approval: No Conditional Use permit shall be approved unless the Applicant demonstrates that:

1. The Use is in accordance with the General Plan;
2. The Use conforms to all applicable provisions of this title, including, but not limited to, any applicable provisions of this section and chapter 4 of this title, the General Plan, and state and federal regulations;
3. The Use is not detrimental to public health, safety and welfare;
4. The Use is appropriately located with respect to Public Facilities; and
5. The Use is compatible with the existing neighborhood character and with the character and purpose provision of the applicable Zone District and will not Adversely Impact surrounding land Uses.

C. Submission Requirements: An Applicant shall submit a Conditional Use permit Application and pay the fee for the review thereof; the Conditional Use permit shall contain enough information, in graphic and text form to adequately describe the Applicant's intentions with regard to site layout and compliance with the General Plan, this title, and any applicable Development permit, consent agreement or Development Agreement, including, but not limited to:

1. A detailed Site Plan, drawn to a scale, of not more than one inch equals one hundred feet (1" = 100') that includes:
 - a. A vicinity map and north arrow;
 - b. The location and arrangement of all proposed Uses, including the Building Area;
 - c. The Height and number of floors of all Buildings, other than Single-Family Detached Dwellings, both above and below or partially below the Finished Grade;
 - d. A cross section elevation plat depicting all Buildings, Structures, monuments, and other significant natural and manmade features of the proposed Development;
 - e. Setbacks from the property lines for all Structures;

- f. The traffic and pedestrian circulation system, including the location and width of all Roads, driveways, entrances to parking areas, trails, and pedestrian pathways;
- g. Off road parking and loading areas and Structures, and Landscaping for parking areas;
- h. Architectural elevations and features of typical proposed Structures, including lighting fixtures, Signs and Landscaping;
- i. When the Development is to be constructed in stages or units, a final sequence of Development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit;
- j. A final statement in tabular form which sets forth the following data, when such data is applicable to a given Development plan:
 - (1) The area of the parcel, including total acreage of Roads or other easements;
 - (2) Total number of Dwelling Units, by Development phase or total amount of square footage for nonresidential Uses;
 - (3) Residential and/or nonresidential Density and units per acre;
 - (4) Total Floor Area and Floor Area Ratio for each type of Use;
 - (5) Total area in open space and trails;
 - (6) Total area in Development recreational open space; and
 - (7) Total number of off road parking and loading spaces.

D. Review Procedure:

- 1. The Director or designated planning staff member shall review the Conditional Use permit Application and make preliminary findings as to whether the Application complies with the Development approval criteria established in this title and all applicable provisions of the General Plan.
- 2. The Director or designated planning staff member shall secure input regarding the proposed Development from all affected agencies and Service Providers. Upon receiving such information, the Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.
- 3. The Planning Commission shall review the Application and staff report. After conducting a public hearing, the Planning Commission shall approve, approve with conditions, or deny the proposed Conditional Use permit. The Planning Commission may impose conditions or requirements in addition to those prescribed in this section and chapter 4 of this title in order to ensure that the proposed Use is compatible with other Uses permitted in the applicable Zone District and to mitigate or eliminate the Adverse Impacts of the proposed Use, as set forth in subsection D of this section.

E. Time Limit For Action:

- 1. An approval of a Conditional Use permit shall be valid for a period of time not to exceed one (1) year from the date of such approval, but said approval may be extended for a period not to exceed one (1) year by the Planning Commission upon the property Owner submitting to the Planning Commission satisfactory evidence indicating that reasonable progress is being made to provide project infrastructure and to complete construction. If a Conditional Use permit is allowed to expire, the Applicant or property Owner will be required to submit a new proposal for review and approval under the Development regulations in place at that time.

F. Mandatory Review Process:

1. Conditional Use permits are subject to periodic reviews by the Director or designated planning staff member to assess if the conditions of approval are being satisfied. If the original conditions associated with the Conditional Use permit are not being satisfied, the Planning Commission may commence the Conditional Use permit revocation process.
- G. Establishment Of A Conditional Use Permit: Final approval of a Conditional Use permit shall be in the form of a letter to the Applicant specifically identifying each condition together with the approved Site Plan and any other accompanying documents determined to be relevant by the Director or designated planning staff member and stamped approved.
- H. Amendments To Conditional Use Permits:
1. Minor Amendment: A "minor amendment" is defined as an amendment that does not increase the square footage, Density, or intensity of a previously approved Conditional Use permit, which may be approved administratively. A minor amendment may be commenced by filing a Low Impact Permit application and paying the fee for the review thereof. Refer to section 10-3-4 of this chapter for detailed submission requirements and review process.
 2. Major Amendment: A "major amendment" is defined as an amendment that increases square footage, Density, and/or intensity of a previously approved Conditional Use permit. A major amendment may be commenced by filing a Conditional Use permit Application and paying the fee for the review thereof. Refer to this title for detailed submission requirements and review process.
- I. Adult/Sex Oriented Facilities And Businesses¹:
1. Findings; Zones Permitted As Conditional Use: The County Council finds that the appropriate location for Adult/Sex Oriented Facilities and Businesses within the County is within concentrated areas of the County where it can be better regulated by County officials and law enforcement, and outside of residential or recreational (park) areas where the quality of life will not be as greatly impacted. Within the unincorporated County, Adult/Sex Oriented Facilities and Businesses shall be allowed as specified herein, and shall conform to the criteria mandated under this subsection and title 3, chapter 5 of this Code, governing such activities. This title is hereby amended to allow Adult/Sex Oriented Facilities and Businesses as outlined in section 10-2-10 of this title.
 2. Conditional Use Permit Required: Adult/Sex Oriented Facilities and Businesses must be approved in accordance with the provisions of this subsection and title 3, chapter 5 of this Code. In all cases, a design and Site Plan diagramming the premises shall be provided as part of the Application process. A public hearing shall be required in all cases prior to the issuance of a Conditional Use permit. The Applicant shall receive notice of the public hearing. The procedures for issuance of Conditional Use permits, as found in the appropriate Development Code, shall be followed in all cases. A final decision by the County as to the issuance of a Conditional Use permit for an Adult/Sex Oriented Facility or Business shall be made within ninety (90) days of receipt of a completed Application by Community Development Department, unless a delay is requested or agreed upon by the Applicant, or where the Applicant is causing the delay by not providing needed information. The Director or designated planning staff member shall communicate the final decision to the Applicant.
 3. Nonconforming Uses:

- a. Right To Continue: Adult/Sex Oriented Facilities and Businesses already existing within the unincorporated area of the County shall have the right to continue in their businesses without a Conditional Use permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premises conditions, as provided in this subsection and title 3, chapter 5 of this Code, within ninety (90) days of the adoption of the ordinance codified herein. A time extension may be granted where the County Manager determines, on a case by case basis, that a hardship exists for a business owner/operator.
 - b. Change Or Extension/Enlargement Of Use: Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing development Code.
 - c. Cessation Of Use: If active and continuous operations are not carried on in a nonconforming use during a continuous period of one year, the Building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.
- 4. Right Of Appeal: All appeals from denials by the Planning Commission or County Manager of Conditional Use permit Applications shall be as provided in this title, the eastern summit County development code (as applicable), and Utah Code Annotated section 17-79-1009, to the district court within thirty (30) days of the Planning Commission/County Manager's final action.
 - 5. Penalty: Violations of any of the provisions of this subsection J shall subject the offender to the penalties as provided in this title, other applicable state law, or where no penalty is otherwise provided, a fine of not more than seven hundred fifty dollars (\$750.00) and a ninety (90) day jail sentence.

10-3-9 SUBDIVISIONS:

- A. Purpose: The purposes of this section are to:
 - 1. Guide the future growth of the Snyderville Basin Planning District in a manner consistent with the General Plan.
 - 2. Advance the public health, safety, and welfare of the property Owners and residents who reside within the Snyderville Basin Planning District.
 - 3. Provide Development opportunities for property Owners and residents to live, work, and conduct business within the Snyderville Basin Planning District.
 - 4. To direct Development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.
 - 5. Encourage Development that adequately mitigates any potential Adverse Impacts on Adjacent properties.
 - 6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, Ridgelines, and other environmentally sensitive areas wherever practicable.

7. Provide reasonable and predictable Standards of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. Definitions: As used in this Chapter:

REVIEW CYCLE means the occurrence of:

1. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
2. the Community Development Department's review of that Application for Subdivision; and
3. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
4. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.

SUBDIVISION IMPROVEMENT PLANS: Means the civil engineering plans associated with required infrastructure improvements and County controlled utilities required for a Subdivision.

SUBDIVISION ORDINANCE REVIEW: means review by a county to verify that a Subdivision Application meets the criteria of the county's ordinances.

SUBDIVISION PLAN REVIEW: Means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation Standards and inspection specifications for infrastructure improvements.

C. Subdivisions:

1. Special Provision: When a single parcel includes multiple Zone Districts, Density may be located upon the parcel in the most appropriate manner irrespective of the boundaries of the Zone Districts.
2. Plat Application required when land is subdivided: Whenever any land is laid out and platted, the Owner of the land shall provide to the County an accurate Plat that describes or specifies:
 - a. A Subdivision name that is distinct from any Subdivision name on a Plat recorded in the County Recorder's office; and
 - b. The boundaries course and dimensions of all the parcels of ground divided, by their boundaries, course and extent, whether the Owner proposed that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
 - c. The Lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, unit or Lots, and length and width of the blocks and Lots intended for sale; and
 - d. Every existing Right-of-Way and recorded easement located within the Plat for:

- (1) an underground facility; and
 - (2) a water conveyance facility; or
 - (3) any other Utility Facility.
- e. Any water conveyance facility located, entirely or partially, within the Plat that:
 - (1) is not recorded; and
 - (2) of which the Owner of the land has actual or constructive knowledge, including from information made available to the Owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The Director or designated planning staff member may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

- 3. All Land Necessary for Density Required: All of the land required for the Density needed to create the Lots within the Subdivision, including a remnant parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision Plat, and any remnant parcel shall bear a Plat note stating that no Density exists on such remnant parcel until such time (if ever) as the Zone District is changed to permit additional Density rights and the remnant parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant parcel is otherwise vacated from the Final Subdivision Plat for the purposes of a parcel boundary adjustment, which shall constitute good cause for thereof under State law.
- 4. Remainder Parcel: In the event that the parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such remainder parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such remainder parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone District at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the remainder parcel(s) located outside of the Final Subdivision Plat stating that such remainder parcel(s) are conforming parcels pursuant to this Chapter.
- 5. Separate Review: Preliminary Subdivision Plats and Final Subdivision Plats shall be processed as separate Applications.
- 6. Land Use Authority: The land use authority for Preliminary Subdivision Plats shall be the Planning Commission and the County Manager for Final Subdivision Plats.
- 7. Subdivision Improvement Plan: A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the final Subdivision process.
- 8. Preliminary Subdivision:
 - a. Pre-Application Meeting.

- (1) A pre-application meeting is not required for Subdivision Applications subject to this Chapter, but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
 - (2) The Director or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
 - (A) copies of applicable land use regulations; and
 - (B) a complete list of Standards required for the project; and
 - (C) preliminary and final Application checklists; and
 - (D) feedback on the concept plan.
- b. Notification of Water Conveyance Facility:
- (1) Within 20 days after the day on which an Owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed Subdivision to the facility owner or any water conveyance facility located, entirely or partially, within 100 feet of the Subdivision Plat.
 - (2) The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:
 - (A) Access to the water conveyance facility; and
 - (B) Maintenance of the water conveyance facility; and
 - (C) Protection of the water conveyance facility integrity; and
 - (D) Safety of the water conveyance facility; or
 - (E) Any other issue related to water conveyance facility operations.
- c. Subdivision Review: The Director or designated planning staff member shall conduct a review that includes all Affected Entities and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.
- d. Subdivision Review Standards: The following Subdivision review Standards apply. Because of the limited time frame for preliminary review, compliance with Standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision plat.

- (1) The Subdivision is compliant with the General Plan.
- (2) The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The Subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
- (3) The Subdivision considers Adjacent land uses. Site design shall mitigate any potential Adverse Impacts including, but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
- (4) Where appropriate, Subdivisions shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
- (5) Each proposed Lot shall have legal access through a recorded Right-Of-Way or easement. The Applicant shall demonstrate that adequate access to the property from a public Road may be granted by the State or County, whichever is applicable.
- (6) Compliance with the Standards for Approval of Development Permits in chapter 4 of this title.

- e. Public Hearing: The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.
- f. Preliminary Subdivision Approval: If a preliminary Subdivision Plat complies with this title and all other applicable Standards and specifications, the Planning Commission shall approve the preliminary Subdivision. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the Director or designated planning staff member. After preliminary approval, the Applicant may submit a Final Subdivision Application.

9. Final Subdivision:

- a. Upon approval of the preliminary Subdivision Plat, the Applicant shall submit a Final Subdivision Plat Application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.
- b. No later than 20 business days after the day on which an Applicant submits all the required materials for the Final Subdivision Plat, the Director or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
- c. Review Cycles: After conducting the Subdivision Plan Review, the Director or designated planning staff member may require that the Applicant provide:
 - (1) additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved Standards and specifications for

construction of Public Improvements; and

- (2) modification to plans that do not meet current ordinances, applicable Standards, or specifications, or do not contain complete information.
- d. The Director or designated planning staff member's request for additional information or modifications to plans under (c)(1), and (2) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, Standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific Development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the Director or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous Review Cycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code Annotated Section 17-79-706(8)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:
 - (1) In addition to revised plans submitted during Final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the Director or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
 - (2) The Applicant's written explanation shall be comprehensive and specific, including citations to applicable Standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (3) If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
- k. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property Owner, and within 10 business days after the day on which the request is received:

- (1) For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection 17-79-812(5)(d) of Utah Code Annotated to review and approve or deny the final revised set of plans; or
 - (2) For a dispute arising from the Subdivision ordinance review, advise the Applicant in writing of the deficiency in the Application and of the right to appeal the determination to the County Council.
 - I. The County Manager shall approve a Final Subdivision Plat if the Final Subdivision Plat complies with the Planning Commission's preliminary Subdivision approval, applicable Code regulations, and all other applicable Standards and specifications.
- 10. Plat Preparation: In addition to all requirements in Section C.2 of this chapter, prior to recordation, the final Plat shall contain the following:
 - a. Notarized signatures of each Owner of record of land described in the Plat in the Owner's designation part of the Plat.
 - b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
 - c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
 - d. Certification by a surveyor licensed in the State of Utah.
- 11. Plat Recordation
 - a. After the Plat has been acknowledged, certified and approved, the Owner of the land seeking to record the Plat shall record the Plat in the County Recorder's office per the requirements in Section 10-9-11 of this Title.
 - b. The County shall withhold an otherwise valid Plat approval until the Owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing for the land have been paid.
 - c. Within 30 days after approving a Final Plat, the County shall submit to the Utah Geospatial Resource Center:
 - (1) An electronic copy of the approved Final Plat; or
 - (2) Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

10-3-17(A)(1) and (D)(2): PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION:

- A. A property Owner:

1. May execute a Parcel Boundary Adjustment by quitclaim deed or by a boundary line agreement, as described in Utah Code Annotated section 17-79-806, 17-79-807, or 57-1-45.
- D. Division Of Land For Non-Development Purposes:
2. A division of a parcel without conformance to the Subdivision Plat requirements of this Title or the certificate required by Utah Code Annotated section 17-79-708, as amended, does not create a Lot of Record for the purposes of this Title. However, in conformance with Utah Code Annotated section 17-79-708, as amended, such divisions of land can be recorded for the purposes of conveying property ownership.

10-3-18(G)(1)(d)(1): BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:

- G. Site Plan Requirements:
- (1) Agricultural exempt Buildings that comply with section 17-79-708 of the Utah Code Annotated are excluded from these Site Plan requirements. However, Agricultural exempt Buildings closer than three feet (3') to the required Setback line or greater than twenty-eight feet (28') in Height will require an inspection by the Community Development Department to ensure that Setback and Height requirements for the Zone District in which they are located are being met.

10-4-16(F)(2): PARKS, TRAILS, AND TRAILHEADS:

- F. Pedestrian Nonmotorized Trail Systems:
2. In the event a Community Wide Trail, as identified on the master trails plan adopted by the Recreation District, is located on a Development parcel, the county may, pursuant to the provisions of Utah Code Annotated section 17-79-812, require as part of the Development approval that the proportional share of the Community Wide Trail system running through their site be provided by the Developer as a condition of approval. The proportional share may be provided by deed, easements or Rights of Way for the Community Wide Trail system managed by the Recreation District. When new Development Applications require community benefits in exchange for increased Density as a condition of approval, trail dedication and/or construction will qualify in the criteria to be considered. Trail construction shall be consistent with the design guidelines of the Recreation District and the Snyderville Basin trails master plan and Community Wide Trail system Development Standards.

10-4-20(C)(4): LANDSCAPING:

- C. Improvement Completion Assurance Required:
4. This remaining ten percent (10%) shall constitute the warranty under Utah Code Annotated section 17-79-707 and shall be for a period of two (2) years.

10-7-2(C)(3)-(4): AMENDMENT TO GENERAL PLAN:

- C. Procedures For Amending General Plan Text Or General Plan Land Use Map:
3. Prior to recommending the adoption, rejection or revision of any General Plan amendment, the Planning Commission shall hold a public hearing in accordance with the procedures in Utah Code Annotated, section 17-79-205, after receiving the report of the Director or designated planning staff member and providing reasonable notice. The Director or designated planning staff

member shall cause reasonable notice of the hearing to be published.

4. After the Planning Commission has issued its recommendation, the Director or designated planning staff member shall submit a copy of the General Plan amendment, the recommendation of the Planning Commission, the report of the Director or designated planning staff member, any proposed revisions to the General Plan amendment, and the transcripts of the proceedings before the Planning Commission and its recommendation to the County Council. Following receipt of a certified copy of the General Plan amendment from the Planning Commission, the County Council shall schedule a public hearing to decide whether to adopt the amendment. The Director or designated planning staff member shall cause reasonable notice to be published. The County Council shall consider the proposed amendment and the recommendation of the Planning Commission pursuant to the procedures established in Utah Code Annotated, section 17-79-205. The County Council shall approve the amendment, approve the amendment with modifications or reject the proposed amendment. The County Council may approve a General Plan amendment only upon the affirmative vote of a majority of its total membership. If the County Council approves the proposed amendment, as submitted or as modified, the County Council shall adopt the amendment by ordinance specifically referencing the same and shall cause to be affixed to the amendment the signature of the chair of the County Council.

10-8-5(B)(1) and (2)(g): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS AND LIVE/WORK DWELLING UNITS:

- B. Internal Accessory Dwelling Units: As an alternative to the standards in 10-8-5(A), the following Standards apply. Internal Accessory Dwelling Units are an incidental residential Use within the Building footprint of a Single-Family Detached Dwelling Unit.
 1. Applicability: Internal Accessory Dwelling Units must comply with the standards found in Utah Code Annotated section 17-80-303 as amended. If an Accessory Dwelling Unit is within or attached to a Single-Family Detached Dwelling Unit but does not comply with all standards in Utah Code Annotated section 17-80-303 as amended, the Standards outlined in 10-8-5(A) of this Title shall apply.
 2. General Standards: All Accessory Dwelling Units shall conform to the following standards:
 - g. Certificate of Occupancy: A certificate of occupancy for an Accessory Dwelling Unit shall only be granted concurrent with or after the issuance of a certificate of occupancy for the Single-Family Detached Dwelling Unit or the associated commercial Use. If an existing residence is proposed to be converted to an Accessory Dwelling Unit in conjunction with a proposed primary Single-Family Detached Dwelling Unit, the Building Permit for the new primary Single-Family Detached Dwelling Unit shall not be issued until Staff has determined that the structure to be converted to an Accessory Dwelling Unit complies with all applicable requirements.

10-8-13(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES:

- C. Definitions:

JURISDICTIONAL WETLANDS: An area delineated and approved as a wetland by the United States army corps of engineers consistent with Utah Code Annotated section 17-79-608.

10-9-1: PURPOSE:

This title is adopted for the statutorily authorized purposes set forth in Utah Code Annotated, section 17-79-101, as such may be amended from time to time.

10-9-2: AUTHORITY:

This title implements the Snyderville Basin General Plan of the county (hereinafter "plan"), which has been prepared and adopted pursuant to Utah Code Annotated, section 17-79-401. This title contains requirements for consistency with the General Plan, the processing and approval of Subdivision Plats and Site Plans, building and Development Permits, variances, administrative relief and appeals, Conditional Use permits, amendments to the General Plan and Zoning Districts, specific plans and Development Agreements as authorized by the county land use development and management act, Utah Code Annotated, section 17-79-101 et seq.

10-9-9(A), (B), and (C): AMENDMENT AND LEGAL EFFECT OF GENERAL PLAN:

- A. The county has adopted a General Plan for Development pursuant to the procedures set forth in Utah Code Annotated section 17-79-401. The General Plan is hereby declared to be binding for purposes of future amendments to this title, and all Applications for Development approval, Development Permits, specific plans, administrative relief and appeals. All above Applications for Development approval shall be consistent with the General Plan pursuant to the authority granted in Utah Code Annotated section 17-79-405.
- B. The General Plan text and land use maps may be amended as provided by Utah Code Annotated section 17-79-404 and chapter 7 of this title. No amendment to the General Plan may be recommended by the Planning Commission or approved by the County Council unless such amendment is internally consistent with the other elements of the General Plan, the General Plan land use maps and the goals, objectives and policies of the General Plan. If any amendment is proposed that is inconsistent with any element or provision of the existing General Plan, such amendment shall include proposed additions, revisions or deletions to the other elements or provisions of the General Plan as needed to maintain consistency between the various elements and provisions of the General Plan.
- C. This chapter and this title as adopted are hereby declared to be consistent with the General Plan of the county pursuant to the provisions of Utah Code Annotated section 17-79-405.

10-9-17(B)(4): DETERMINATIONS OF VESTED RIGHTS AND OTHER DISPUTES:

- B. Procedure And Approval:
 - 4. After the Applicant has received approval or denial of a determination of vested rights, an appeal from the decision of the County Council shall be made by any Aggrieved Person to the district court of the county within thirty (30) days of such decision, in accordance with Utah Code Annotated, section 17-79-1009.

10-9-20(B): VIOLATIONS AND PENALTIES:

- B. The county attorney reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated, section 17-79-901.

10-9-21(A): REMEDIES:

- A. No person may challenge in district court a land Use decision under this title until they have exhausted all of their administrative remedies provided herein. Any person adversely affected by any final administrative decision made pursuant to this title must file a petition for review of that final decision with the district court within thirty (30) days and comply with all other requirements of Utah Code Annotated, section 17-79-1009. Failure to comply with this section of the state law divests the district court of the subject matter jurisdiction to review decisions of the County.

10-9-22(D)-(G): APPEAL PROCEDURES:

- D. Timing: Unless otherwise specified in this section or under the County Land Use Management Act contained within Title 17, Chapter 79 of Utah Code Annotated, all appeal periods are based upon calendar days and appeals must be received on or before the close of business (5:00 p.m.) on the last day of the appeal period. Failure to file a completed appeal form (Application) within the time period specific shall act as a jurisdictional bar and render the appeal moot. Electronic submissions of completed Applications (.pdf, .jpg, .tif, etc.) will be accepted by the County via email if time stamped as being received prior to 5:00 p.m. on the last day of the appeal period.
- G. Pursuant to Utah Code Annotated, section 17-79-1009 et. seq, an appeal of a County Council or Administrative Law Judge action goes to district court.

CHAPTER 11: DEFINITIONS

AFFECTED ENTITIES: A county, municipality, local district, special service district, school district, interlocal cooperation entity, property owners association, public utility, or the Utah Department of Transportation, as set forth in Utah Code Annotated section 17-79-102(3) or successor law.

CODE: Title 10 of the Summit County Code.

COMMUNITY DEVELOPMENT DEPARTMENT: The Summit County department of community development.

CONDITIONAL USE: A land Use that, because of the unique characteristics or potential impact of the land Use on the County, surrounding neighbors, or Adjacent land Uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the Adverse Impacts.

DIRECTOR: The director of the Community Development Department, or authorized designee, with overall administrative control of the planning, building, and zoning functions of the County, under the direction of the County Manager.

DWELLING UNIT, INTERNAL ACCESSORY: The definition of an Internal Accessory Dwelling Unit shall be identical to the definition used in Utah Code Annotated section 17-80-303 as amended.

IMPROVEMENT COMPLETION ASSURANCE: The financial assurance for completion of all Landscaping consistent with Utah Code Annotated section 17-79-707.

LAND USE AUTHORITY: The Community Development Director, Planning Commission, Administrative Law Judge, County Manager or County Council, as the case may be, who is empowered under this title to make land use decisions on behalf of Summit County.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having

legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under this title.

PARCEL BOUNDARY ADJUSTMENT: An adjustment to property boundaries as set forth in Utah Code Annotated section 17-79-806, 17-79-807, or 57-1-45.

PLANNING COMMISSION: The Snyderville Basin Planning Commission, the appointment and duties of which are provided for in section 17-79-302 et seq., of Utah Code Annotated and section 10-9-10 of this title.

PUBLIC IMPROVEMENT: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, water or sewer system, or other facility for which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly guaranteed and installed pursuant to County codes, specifications and regulations.

RECREATION DISTRICT: The Snyderville Basin Special Recreation District

Snyderville Basin Development Code

10-3-5: CONDITIONAL USE PERMIT:

A. Applicability:

1. Conditional ~~uses-Uses~~ are those ~~uses-Uses~~ which are generally compatible with the permitted ~~uses-Uses~~ in a ~~zoning-Zone districtDistrict~~, but which, because of their size, scale, intensity of ~~useUse~~, traffic generation, or other characteristics, require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the ~~use-Use~~ at a particular location within a given ~~zoning-Zone districtDistrict~~.
2. Only those ~~uses-Uses~~ that are enumerated as ~~conditional-Conditional uses-Uses~~ in a ~~zoning-Zone districtDistrict~~ (section10-2-10 of this title) shall be authorized by the ~~Planning eCommission~~.
3. Conditional ~~uses-Uses~~ may be established only upon approval of a ~~conditional-Conditional use Use~~ permit pursuant to this section.

B. Criteria For Approval: No ~~conditional-Conditional use-Use~~ permit shall be approved unless the ~~applicant Applicant~~ demonstrates that:

1. The ~~use-Use~~ is in accordance with the ~~general-General planPlan~~;
2. The ~~use-Use~~ conforms to all applicable provisions of this title, including, but not limited to, any applicable provisions of this section and chapter 4 of this title, the ~~general-General planPlan~~, and state and federal regulations;
3. The ~~use-Use~~ is not detrimental to public health, safety and welfare;
4. The ~~use-Use~~ is appropriately located with respect to ~~public-Public facilitiesFacilities~~; and
5. The ~~use-Use~~ is compatible with the existing neighborhood character and with the character and purpose provision of the applicable ~~zoning-Zone districtDistrict~~, and will not ~~adversely-Adversely affect-Impact~~ surrounding land ~~usesUses~~.

~~C. Special Standards For Conditional Uses: In addition to the standards established in this section and in chapter 4 of this title for particular uses, all conditional uses within a zoning district shall conform to the following standards and criteria: (Ord. 818, 2-26-2014)~~

- ~~1. The commission may require the applicant or the owner of the property subject to an application for development approval for a conditional use permit to establish an escrow account, post a bond or provide other financial security, in such form and sum as the commission shall determine, with sufficient surety running to the county to offset any extraordinary costs or expenses associated with the following: a) construction of any highways, roads, water or sewer mains, drainage facilities, or other public infrastructure; b) landscaping; c) compliance with the requirements of this section, any applicable special requirements set forth in this section and chapter 4 of this title, and the conditions attached to the development permit; and d) any expense requirements set forth in this section and chapter 4 of this title, and the conditions attached to the development permit, including the provision of facilities or structures, maintenance or construction work, or the execution or fulfillment of conditions of a continuing nature.~~

Commented [JS1]: The Engineering Department reviews and approves Development Improvement Agreements for projects which include the information contained in this paragraph.

2. ~~The proposed development shall not cause a reduction in the adopted level of service for any public facility.~~
3. ~~Lighting shall not be directed or reflected upon adjoining land and shall meet all other related requirements of section 10-4-21 of this title with respect to exterior lighting.~~
4. ~~The natural topography, soils, critical areas, watercourses and vegetation shall be preserved and used, where possible, through careful location and design of circulation ways, buildings and other structures, parking areas, recreation areas, open space, utilities and drainage.~~
5. ~~All roads shall provide free movement for safe and efficient use within the development. Local roads shall provide access to the site in a manner that discourages unsafe and congested conditions, and which provides convenient accessibility to parking areas, arterial and collector roads that shall be free of backing movement from adjoining parking areas and free from congestion and public safety problems.~~
6. ~~Vehicular and pedestrian passageways shall be separated from public rights of way. Where appropriate, a system of walkways and bicycle paths connecting buildings, open spaces, recreation areas, public facilities, and parking areas shall be provided and appropriately lighted for night use.~~
7. ~~Buildings and other structures shall provide a human scale consistent with adjacent development and appropriate to residential uses in the RR, HS, MR, CC, SC, and NC zoning districts, and consistent with adjacent conforming development in the zoning districts. The massing, scale and architectural design shall be consistent with the design guidelines established in section 10-4-19 of this title. (Ord. 708, 12-10-2008).~~
8. ~~The volume rate of postdevelopment runoff shall not exceed redevelopment runoff. Runoff calculations shall be submitted with the application for site plan approval and shall be based upon: a) the 25-year, twenty-four (24) hour design storm event; b) a fully developed contributing drainage area; c) the specific location of the proposed development; d) the proposed land use and use density or intensity; and e) the specific location and amount of impervious surfaces, in square feet.~~
9. ~~The site shall be landscaped in accordance with the requirements of section 10-4-20 of this title. (Ord. 708, 12-10-2008; amd. Ord. 818, 2-26-2014).~~

Commented [JS2]: Section 10-4-1 (C) states: "No development shall be approved by the county unless there are available and adequate public facilities and services consistent with the county's adopted level of service standards..."

Commented [JS3]: Section 10-4-21 (Lighting) addresses this.

Commented [JS4]: Section 10-4-2 (Environmental Criteria) addresses this.

Commented [JS5]: Section 10-4-10 (Transportation Infrastructure and Access Design) addresses this.

Commented [JS6]: Section 10-4-10 (Transportation Infrastructure and Access Design) addresses this.

Commented [JS7]: Section 10-4-19 (Architectural Regulations) addresses this.

Commented [JS8]: Section 10-4-2 somewhat addresses this. This is reviewed by the Engineering Department and the Stormwater Department to ensure compliance with their ordinances.

Commented [JS9]: Section 10-4-20 (Landscaping) addresses this.

D.C. Submission Requirements: An ~~applicant~~ Applicant shall submit a ~~conditional~~ Conditional use ~~Use~~ permit ~~application~~ Application and pay the fee for the review thereof; the ~~conditional~~ Conditional use ~~Use~~ permit shall contain enough information, in graphic and text form to adequately describe the ~~applicant's~~ Applicant's intentions with regard to site layout and compliance with the ~~general~~ General plan ~~Plan~~, this title, and any applicable ~~development~~ Development permit, consent agreement or ~~development~~ Development agreement ~~Agreement~~, including, but not limited to:

1. A detailed ~~site~~ Site plan ~~Plan~~, drawn to a scale, of not more than one inch equals one hundred feet (1" = 100') that includes:
 - a. A vicinity map and north arrow;
 - b. The location and arrangement of all proposed ~~uses~~ Uses, including the ~~building~~ Building ~~area~~ Area;
 - c. The ~~height~~ Height and number of floors of all ~~buildings~~ Buildings, other than ~~single~~ Single-family ~~Family Detached dwellings~~ Dwellings, both above and below or partially below the

- ~~finished~~-~~Finished grade~~Grade;
- d. A cross section elevation plat depicting all ~~buildings~~Buildings, ~~structures~~Structures, monuments, and other significant natural and manmade features of the proposed ~~development~~Development;
 - e. Setbacks from the property lines for all ~~structures~~Structures;
 - f. The traffic and pedestrian circulation system, including the location and width of all ~~roads~~Roads, driveways, entrances to parking areas, trails, and pedestrian pathways;
 - g. Off road parking and loading areas and ~~structures~~Structures, and ~~landscaping~~Landscaping for parking areas;
 - h. Architectural elevations and features of typical proposed ~~structures~~Structures, including lighting fixtures, ~~signs~~Signs and ~~landscaping~~Landscaping;
 - i. When the ~~development~~Development is to be constructed in stages or units, a final sequence of ~~development~~Development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit;
 - j. A final statement in tabular form which sets forth the following data, when such data is applicable to a given ~~development~~Development plan:
 - (1) The area of the parcel, including total acreage of ~~roads~~Roads or other easements;
 - (2) Total number of ~~dwelling~~Dwelling unitsUnits, by ~~development~~Development phase or total amount of square footage for nonresidential ~~uses~~Uses;
 - (3) Residential and/or nonresidential ~~density~~Density and units per acre;
 - (4) Total ~~floor~~Floor areaArea and ~~floor~~Floor areaArea ratioRatio for each type of ~~use~~Use;
 - (5) Total area in open space and trails;
 - (6) Total area in ~~development~~Development recreational open space; and
 - (7) Total number of off road parking and loading spaces.

~~ED~~. Review Procedure:

1. The ~~CDD~~Director or designated planning staff member shall review the ~~conditional~~Conditional useUse permit ~~application~~Application and make preliminary findings as to whether the ~~application~~Application complies with the ~~development~~Development approval criteria established in this title and all applicable provisions of the ~~general~~General planPlan.
2. The ~~CDD~~Director or designated planning staff member shall secure input regarding the proposed ~~development~~Development from all affected agencies and ~~service~~Service providersProviders. Upon receiving such information, the ~~CDD~~Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the ~~Planning commission~~Commission as soon thereafter as may be practicable.
3. The ~~Planning c~~ommission shall review the ~~application~~Application and staff report. After conducting a public hearing, the ~~Planning commission~~Commission shall approve, approve with conditions, or deny the proposed ~~conditional~~Conditional useUse permit. The ~~Planning commission~~Commission may impose conditions or requirements in addition to those prescribed in this section and chapter 4 of this title in order to ensure that the proposed ~~use~~Use is compatible with other ~~uses~~Uses permitted in the applicable ~~zoning~~Zone districtDistrict and to mitigate or eliminate the ~~adverse~~Adverse impactsImpacts of the proposed ~~use~~Use, as set forth in subsection D of this section.

~~FE~~. Time Limit For Action:

1. An approval of a ~~conditional-Conditional use-Use~~ permit shall be valid for a period of time not to exceed one (1) year from the date of such approval, but said approval may be extended for a period not to exceed one (1) year by the ~~Planning eCommission~~ upon the property ~~owner-Owner~~ submitting to the ~~Planning eCommission~~ satisfactory evidence indicating that reasonable progress is being made to provide project infrastructure and to complete construction. If a ~~conditional-Conditional use-Use~~ permit is allowed to expire, the ~~applicant-Applicant~~ or property ~~owner-Owner~~ will be required to submit a new proposal for review and approval under the ~~development-Development~~ regulations in place at that time.

~~6F.~~ Mandatory Review Process:

1. Conditional ~~use-Use~~ permits are subject to periodic reviews by the ~~CDP-Director~~ or designated planning staff member to assess if the conditions of approval are being satisfied. If the original conditions associated with the ~~conditional-Conditional use-Use~~ permit are not being satisfied, the ~~Planning eCommission-Commission~~ may commence the ~~conditional-Conditional use-Use~~ permit revocation process.

~~HG.~~ Establishment Of A Conditional Use Permit: Final approval of a ~~conditional-Conditional use-Use~~ permit shall be in the form of a letter to the ~~applicant-Applicant~~ specifically identifying each condition together with the approved ~~site-Site plan-Plan~~ and any other accompanying documents determined to be relevant by the ~~CDP-Director~~ or designated planning staff member and stamped approved.

~~H.~~ Amendments To Conditional Use Permits:

1. Minor Amendment: A "minor amendment" is defined as an amendment that does not increase the square footage, ~~density-Density~~, or intensity of a previously approved ~~conditional-Conditional use-Use~~ permit, which may be approved administratively. A minor amendment may be commenced by filing a ~~low-Low impact-Impact permit-Permit~~ application and paying the fee for the review thereof. Refer to section 10-3-4 of this chapter for detailed submission requirements and review process.
2. Major Amendment: A "major amendment" is defined as an amendment that increases square footage, ~~density-Density~~, and/or intensity of a previously approved ~~conditional-Conditional use-Use~~ permit. A major amendment may be commenced by filing a ~~conditional-Conditional use-Use~~ permit ~~application-Application~~ and paying the fee for the review thereof. Refer to this title for detailed submission requirements and review process.

~~H.~~ Adult/Sex Oriented Facilities And Businesses¹:

1. Findings; Zones Permitted As Conditional Use: The County Council finds that the appropriate location for ~~adult-Adult/sex-Sex oriented-Oriented facilities-Facilities~~ and ~~businesses-Businesses~~ within the County is within concentrated areas of the County where it can be better regulated by County officials and law enforcement, and outside of residential or recreational (park) areas where the quality of life will not be as greatly impacted. Within the unincorporated County, ~~adult-Adult/sex-Sex oriented-Oriented facilities-Facilities~~ and ~~businesses-Businesses~~ shall be allowed as specified herein, and shall conform to the criteria mandated under this subsection and title 3, chapter 5 of this Code, governing such activities. This title is hereby amended to allow ~~adult-Adult/sex-Sex oriented-Oriented facilities-Facilities~~ and ~~businesses-Businesses~~ as outlined in section 10-2-10 of this title.
2. Conditional Use Permit Required: Adult/~~sex-Sex oriented-Oriented facilities-Facilities~~ and ~~businesses-Businesses~~ must be approved in accordance with the provisions of this subsection and

title 3, chapter 5 of this Code. In all cases, a design and ~~site-Site plan-Plan~~ diagramming the premises shall be provided as part of the ~~application-Application~~ process. A public hearing shall be required in all cases prior to the issuance of a ~~conditional-Conditional use-Use~~ permit. The ~~applicant-Applicant~~ shall receive notice of the public hearing. The procedures for issuance of ~~conditional-Conditional use-Use~~ permits, as found in the appropriate Development Code, shall be followed in all cases. A final decision by the County as to the issuance of a ~~conditional-Conditional use-Use~~ permit for an ~~adult-Adult/sex-Sex oriented-Oriented facility-Facility~~ or ~~business-Business~~ shall be made within ninety (90) days of receipt of a completed ~~application-Application~~ by the ~~Department of Community Development Department~~, unless a delay is requested or agreed upon by the ~~applicant-Applicant~~, or where the ~~applicant-Applicant~~ is causing the delay by not providing needed information. The ~~CDD-Director~~ or designated planning staff member shall communicate the final decision to the ~~applicant-Applicant~~.

3. Nonconforming Uses:

- a. Right To Continue: ~~Adult/sex-Sex oriented-Oriented facilities-Facilities~~ and ~~businesses Businesses~~ already existing within the unincorporated area of the County shall have the right to continue in their businesses without a ~~conditional-Conditional use-Use~~ permit. However, all such businesses shall be subject to compliance with the criteria, mandatory general conditions, and mandatory design of premises conditions, as provided in this subsection and title 3, chapter 5 of this Code, within ninety (90) days of the adoption of the ordinance codified herein. A time extension may be granted where the ~~county County manager-Manager~~ determines, on a case by case basis, that a hardship exists for a business owner/operator.
- b. Change Or Extension/Enlargement Of Use: Any nonconforming use herein may not be materially changed, nor extended/enlarged unless it comes into compliance with the then existing development ~~codeCode~~.
- c. Cessation Of Use: If active and continuous operations are not carried on in a nonconforming use during a continuous period of one year, the ~~building-Building~~ or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

4. Right Of Appeal: All appeals from denials by the ~~planning-Planning commission-Commission~~ or ~~county-County manager-Manager~~ of ~~conditional-Conditional use-Use~~ permit ~~applications Applications~~ shall be as provided in this title, the eastern ~~Summit-summit~~ County development code (as applicable), and Utah Code Annotated section ~~17-27a-80117-79-1009~~, to the district court within thirty (30) days of the ~~planning-Planning commissionCommission/county-County manager's-Manager's~~ final action.

5. Penalty: Violations of any of the provisions of this subsection J shall subject the offender to the penalties as provided in this title, other applicable state law, or where no penalty is otherwise provided, a fine of not more than seven hundred fifty dollars (\$750.00) and a ninety (90) day jail sentence.

10-3-9 SUBDIVISIONS:

A. Purpose: The purposes of this section are to:

1. Guide the future growth of the Snyderville Basin Planning District in a manner consistent with the ~~Snyderville Basin~~ General Plan.
2. Advance the public health, safety, and welfare of the property ~~owners-Owners~~ and residents who reside within the Snyderville Basin Planning District.
3. Provide Development opportunities for property ~~owners-Owners~~ and residents to live, work, and conduct business within the Snyderville Basin Planning District.
4. To direct Development to areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services.
5. Encourage Development that adequately mitigates any potential ~~adverse-Adverse effects~~ ~~Impacts~~ on ~~adjacent-Adjacent~~ properties.
6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, ~~ridgelines~~~~Ridgelines~~, and other environmentally sensitive areas wherever practicable.
7. Provide reasonable and predictable ~~standards-Standards~~ of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. Definitions: As used in this Chapter:

REVIEW CYCLE means the occurrence of:

1. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
2. the Community Development Department's review of that Application for Subdivision; and
3. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
4. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.

SUBDIVISION IMPROVEMENT PLANS: Means the civil engineering plans associated with required infrastructure improvements and ~~county-County~~ controlled utilities required for a Subdivision.

SUBDIVISION ORDINANCE REVIEW: means review by a county to verify that a ~~subdivision-Subdivision~~ ~~application-Application~~ meets the criteria of the county's ordinances.

SUBDIVISION PLAN REVIEW: Means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation ~~standards-Standards~~ and inspection specifications for infrastructure improvements.

C. Subdivisions:

1. Special Provision: When a single parcel includes multiple Zones ~~Districts~~, Density may be located upon the ~~Parcel-parcel~~ in the most appropriate manner irrespective of the boundaries of the Zones ~~Districts~~.
 2. Plat ~~A~~ application required when land is subdivided: Whenever any land is laid out and platted, the ~~owner-Owner~~ of the land shall provide to the County an accurate ~~plat-Plat~~ that describes or specifies:
 - a. A ~~subdivision-Subdivision~~ name that is distinct from any ~~subdivision-Subdivision~~ name on a ~~plat-Plat~~ recorded in the County Recorder's office; and
 - b. The boundaries course and dimensions of all the parcels of ground divided, by their boundaries, course and extent, whether the ~~owner-Owner~~ proposed that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
 - c. The ~~lot-Lot~~ or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, unit or ~~lots-Lots~~, and length and width of the blocks and ~~lots-Lots~~ intended for sale; and
 - d. Every existing ~~right-Right~~-of-way ~~Way~~ and recorded easement located within the ~~plat-Plat~~ for:
 - (1) ~~An-an~~ underground facility; and
 - (2) ~~A-a~~ water conveyance facility; or
 - (3) ~~Any-any~~ other ~~utility-Utility~~ ~~facility-Facility~~.
 - e. Any water conveyance facility located, entirely or partially, within the ~~plat-Plat~~ that:
 - (1) ~~Is-is~~ not recorded; and
 - (2) ~~Of-of~~ which the ~~owner-Owner~~ of the land has actual or constructive knowledge, including from information made available to the ~~owner-Owner~~ of the land, in the State Engineer's inventory of canals or from a licensed surveyor.
- The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The ~~CDD-Director or designated planning staff member~~ may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.
3. All Land Necessary for Density Required: All of the land required for the Density needed to create the Lots within the Subdivision, including a remnant ~~Parcel-parcel~~, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision ~~plat-Plat~~, and any remnant ~~Parcel-parcel~~ shall bear a ~~plat-Plat~~ note stating that no Density exists on such remnant ~~Parcel-parcel~~ until such time (if ever) as the Zone ~~District~~ is changed to permit additional Density rights and the remnant ~~Parcel-parcel~~ is, if necessary, re-

subdivided in accordance with this chapter; or the remnant ~~Parcel-parcel~~ is otherwise vacated from the Final Subdivision Plat for the purposes of a ~~Parcel-parcel Boundary-boundary Adjustmentadjustment~~, which shall constitute good cause for thereof under State law.

4. Remainder Parcel: In the event that the ~~Parcelparcel~~(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such remainder ~~Parcelparcel~~(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such remainder ~~Parcelparcel~~(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone ~~District~~ at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the remainder parcel(s) located outside of the Final Subdivision Plat stating that such remainder parcel(s) are conforming ~~Parcels-parcels~~ pursuant to this Chapter.
5. Separate Review: Preliminary ~~Subdivision Plats~~ and ~~final-Final~~ Subdivision ~~Plats~~ shall be processed as separate ~~applicationsApplications~~.
6. Land Use Authority: The ~~Land-land Use-use Authority-authority~~ for ~~preliminary-Preliminary subdivisions-Subdivision Plats~~ shall be the Planning Commission and the County Manager for ~~final Final subdivisionsSubdivision Plats~~.
7. Subdivision Improvement Plan: A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the final ~~subdivision-Subdivision~~ process.
8. Preliminary Subdivision:
 - a. Pre-Application Meeting.
 - (1) A pre-application meeting is not required for Subdivision Applications subject to this Chapter, but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
 - (2) The ~~CDP-Director~~ or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
 - (A) copies of applicable land use regulations; and
 - (B) a complete list of ~~standards-Standards~~ required for the project; and
 - (C) preliminary and final ~~application-Application~~ checklists; and
 - ~~4-(D)~~ feedback on the concept plan.
 - b. Notification of Water Conveyance Facility:
 - (1) Within 20 days after the day on which an ~~owner-Owner~~ of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed ~~subdivision-Subdivision~~ to the facility owner or any water conveyance facility located, entirely or partially, within 100 feet of the Subdivision Plat.

- (2) The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:
 - (A) Access to the water conveyance facility; and
 - (B) ~~maintenance~~ Maintenance of the water conveyance facility; and
 - (C) ~~protection~~ Protection of the water conveyance facility integrity; and
 - (D) ~~safety~~ Safety of the water conveyance facility; or
 - (E) ~~any~~ Any other issue related to water conveyance facility operations.
- c. Subdivision Review: The ~~CDD~~ Director or designated planning staff member shall conduct a review that includes all ~~affected~~ Affected ~~agencies~~ Entities and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the ~~CDD~~ Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.
- d. Subdivision Review Standards: The following Subdivision ~~Review~~ standards Standards apply. Because of the limited time frame for preliminary review, compliance with ~~standards~~ Standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision plat.
 - (1) The Subdivision is compliant with the ~~Snyderville Basin~~ General Plan.
 - (2) The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The ~~subdivision~~ Subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
 - (3) The Subdivision considers ~~adjacent~~ Adjacent land uses. Site design shall mitigate any potential ~~adverse~~ Adverse ~~impacts~~ Impacts including, but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
 - (4) Where appropriate, ~~subdivisions~~ Subdivisions shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
 - (5) Each proposed Lot shall have legal ~~Access~~ access through a recorded Right-Of-Way or ~~Easement~~ easement. The Applicant shall demonstrate that adequate ~~Access~~ access to the property from a ~~Public~~ public Road may be granted by the State or County, whichever is applicable.
 - (6) Compliance with the Standards for Approval of Development Permits in

chapter 4 of this title.

- e. Public Hearing: The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.
 - f. Preliminary Subdivision Approval: If a preliminary Subdivision ~~Plat~~ complies with this title and all other applicable ~~standards~~ Standards and specifications, the Planning Commission shall approve the preliminary Subdivision. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the ~~CDD-Director~~ or designated planning staff member. After preliminary approval, the Applicant may submit a Final Subdivision Application.
9. Final Subdivision:
- a. Upon approval of the preliminary ~~subdivision~~ Subdivision Plat, the Applicant shall submit a ~~final-Final subdivision-Subdivision Plat application-Application~~ with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.
 - b. No later than 20 business days after the day on which an Applicant submits all the required materials for the ~~final-Final subdivision-Subdivision Plat~~, the ~~CDD-Director~~ or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
 - c. Review Cycles: After conducting the Subdivision Plan Review, the ~~CDD-Director~~ or designated planning staff member may require that the Applicant provide:
 - (1) additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved ~~standards~~ Standards and specifications for construction of Public Improvements; and
 - (2) modification to plans that do not meet current ordinances, applicable ~~standards~~ Standards, or specifications, or do not contain complete information.
 - d. The ~~CDD-Director~~ or designated planning staff member's request for additional information or modifications to plans under (c)(~~1~~), and (~~2~~) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, ~~standards~~ Standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
 - e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific ~~development~~ Development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
 - f. If an Applicant does not submit a revised plan within 20 business days after the ~~CDD-Director~~ or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
 - g. After the Applicant has responded to the final Review Cycle, and the Applicant has

complied with each modification requested in the County's previous ~~review~~Review cycle~~Cycle~~, the County may not require additional revisions if the Applicant has not materially changed the plan, other than ~~changes~~ that were in response to requested modifications or corrections.

- h. Utah Code Annotated Section ~~17-27a-604-2(5)(e)~~17-79-706(8)(c) limits Review Cycles to no more than four.
 - i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
 - j. Applicant's Reply to Community Development Department's Response:
 - (1) In addition to revised plans submitted during Final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the ~~CDP-Director~~ or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
 - (2) The Applicant's written explanation shall be comprehensive and specific, including citations to applicable ~~standards~~Standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (3) If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
 - k. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property ~~owner~~Owner, and within 10 business days after the day on which the request is received:
 - (1) For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection ~~17-27a-507(5)(d)~~17-79-812(5)(d) of Utah ~~State~~Code Annotated to review and approve or deny the final revised set of plans; or
 - (2) For a dispute arising from the ~~subdivision~~Subdivision ordinance review, advise the ~~applicant~~Applicant in writing of the deficiency in the ~~application~~Application and of the right to appeal the determination to the ~~Summit~~ County Council.
 - l. The County Manager shall approve a Final Subdivision Plat if the Final Subdivision Plat complies with the Planning Commission's preliminary Subdivision approval, applicable ~~Snyderville Basin Development~~ Code regulations, and all other applicable ~~standards~~Standards and specifications.
10. Plat Preparation: In addition to all requirements in Section C.2 of this chapter, prior to recordation, the final ~~plat~~Plat shall contain the following:
- a. Notarized signatures of each ~~owner~~Owner of record of land described in the Plat in the ~~owner's~~Owner's designation part of the Plat.

- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.

11. Plat Recordation

- ~~1-a.~~ After the Plat has been acknowledged, certified and approved, the ~~owner~~Owner of the land seeking to record the ~~plat~~Plat shall record the ~~plat~~Plat in the County Recorder's office per the requirements in Section ~~11-6-13~~10-9-11 of this Title.
- ~~2-b.~~ The County shall withhold an otherwise valid Plat approval until the ~~owner~~Owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing for the land have been paid.
- ~~3-c.~~ Within 30 days after approving a Final Plat, the County shall submit to the Utah Geospatial Resource Center:
 - (1) An electronic copy of the approved Final Plat; or
 - (2) Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

10-3-17(A)(1) and (D)(2): PARCEL BOUNDARY ADJUSTMENTS FOR PARCELS OUTSIDE A SUBDIVISION:

- A. A property ~~owner~~Owner:
 - 1. May execute a ~~parcel~~Parcel boundary Boundary adjustment Adjustment by quitclaim deed or by a boundary line agreement, as described in Utah Code Annotated section ~~17-27a-522~~17-79-806, ~~17-27a-523~~17-79-807, or 57-1-45.
- D. Division Of Land For Non-Development Purposes:
 - 2. A division of a parcel without conformance to the Subdivision Plat requirements of this Title or the certificate required by Utah Code Annotated section ~~17-27a-605(1)~~17-79-708, as amended, does not create a Lot of Record for the purposes of this Title. However, in conformance with Utah Code Annotated section ~~17-27a-605(2)~~17-79-708, as amended, such divisions of land can be recorded for the purposes of conveying property ownership.

10-3-18(G)(1)(d)(1): BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:

- G. Site Plan Requirements:
 - (1) Agricultural exempt ~~buildings~~Buildings that comply with section ~~17-27a-605~~17-79-708 of the

Utah Code Annotated are excluded from these ~~site-Site plan-Plan~~ requirements. However, ~~agricultural-Agricultural~~ exempt ~~buildings-Buildings~~ closer than three feet (3') to the required ~~setback-Setback~~ line or ~~are~~ greater than twenty-eight feet (28') in ~~height-Height~~ will require an inspection by the ~~community-Community development-Development department-Department~~ to ensure that ~~setback-Setback~~ and ~~height-Height~~ requirements for the ~~zone-Zone district-District~~ in which they are located are being met.

10-4-16(F)(2): PARKS, TRAILS, AND TRAILHEADS:

F. Pedestrian Nonmotorized Trail Systems:

2. In the event a ~~community-Community wide-Wide trail-Trail~~, as identified on the master trails plan adopted by the ~~Snyderville-Basin-special-recreation-Recreation district-District~~, is located on a ~~development-Development~~ parcel, the county may, pursuant to the provisions of Utah Code Annotated section ~~17-27a-50717-79-812~~, require as part of the ~~development-Development~~ approval that the proportional share of the ~~community-Community wide-Wide trail-Trail~~ system running through their site be provided by the ~~developer-Developer~~ as a condition of approval. The proportional share may be provided by deed, easements or ~~rights-Rights of way-Way~~ for the ~~community-Community wide-Wide public-trail-Trail~~ system managed by the ~~Snyderville-Basin special-recreation-Recreation district-District~~. When new ~~development-Development applications Applications~~ require community benefits in exchange for increased ~~density-Density~~ as a condition of approval, trail dedication and/or construction will qualify in the criteria to be considered. Trail construction shall be consistent with the design guidelines of the ~~Snyderville-Basin-recreation Recreation district-District~~ and the Snyderville Basin trails master plan and ~~community Community wide-Wide trail-Trail~~ system ~~development-Development standardsStandards~~.

10-4-20(C)(4): LANDSCAPING:

C. Improvement Completion Assurance Required:

4. This remaining ten percent (10%) shall constitute the warranty under Utah Code Annotated section ~~17-27a-604-5(3)17-79-707~~, and shall be for a period of two (2) years.

10-7-2(C)(3)-(4): AMENDMENT TO GENERAL PLAN:

C. Procedures For Amending General Plan Text Or General Plan Land Use Map:

3. Prior to recommending the adoption, rejection or revision of any ~~general-General plan-Plan~~ amendment, the ~~commission-Planning Commission~~ shall hold a public hearing in accordance with the procedures in Utah Code Annotated, section ~~17-27a-20517-79-205~~, after receiving the report of the ~~EDD-Director~~ or designated planning staff member and providing reasonable notice. The ~~EDD-Director~~ or designated planning staff member shall cause reasonable notice of the hearing to be published.
4. After the ~~commission-Planning Commission~~ has issued its recommendation, the ~~EDD-Director~~ or designated planning staff member shall submit a copy of the ~~general-General plan-Plan~~ amendment, the recommendation of the ~~commission-Planning Commission~~, the report of the ~~EDD-Director~~ or designated planning staff member, any proposed revisions to the ~~general-General plan-Plan~~ amendment, and the transcripts of the proceedings before the ~~commission-Planning Commission~~ and its recommendation to the ~~county-County council-Council~~. Following receipt of a certified copy of the ~~general-General plan-Plan~~ amendment from the ~~commission-Planning Commission~~, the ~~county-County council-Council~~ shall schedule a public

hearing to decide whether to adopt the amendment. The ~~CDD-Director~~ or designated planning staff member shall cause reasonable notice to be published. The ~~county-County council-Council~~ shall consider the proposed amendment and the recommendation of the ~~commission-Planning Commission~~ pursuant to the procedures established in Utah Code Annotated, section ~~17-27a-205~~ ~~17-79-205~~. The ~~county-County council-Council~~ shall approve the amendment, approve the amendment with modifications or reject the proposed amendment. The ~~county-County council-Council~~ may approve a ~~general-General Planplan~~ amendment only upon the affirmative vote of a majority of its total membership. If the ~~county-County council-Council~~ approves the proposed amendment, as submitted or as modified, the ~~county-County council-Council~~ shall adopt the amendment by ordinance specifically referencing the same and shall cause to be affixed to the amendment the signature of the ~~chairman-chair~~ of the ~~county-County council-Council~~.

10-8-5(B)(1) and (2)(g): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS AND LIVE/WORK DWELLING UNITS:

- B. Internal Accessory Dwelling Units: As an alternative to the standards in 10-8-5(A), the following ~~standards~~ Standards apply. Internal Accessory Dwelling Units are an incidental residential ~~use-Use~~ within the Building ~~Footprint-footprint~~ of a Single-Family Detached Dwelling Unit.
1. Applicability: Internal Accessory Dwelling Units must comply with the standards found in Utah State-Code ~~Annotated Section-section 17-27a-526~~ 17-80-303 as amended. If an Accessory Dwelling Unit is within or attached to a Single-Family Detached Dwelling Unit but does not comply with all standards in Utah State-Code ~~Annotated Section-section 17-27a-526~~ 17-80-303 as amended, the ~~standards-Standards~~ outlined in 10-8-5(A) of this Title shall apply.
 2. General Standards: All Accessory Dwelling Units shall conform to the following standards:
 - g. Certificate of Occupancy: A certificate of occupancy for an Accessory Dwelling Unit shall only be granted concurrent with or after the issuance of a certificate of occupancy for the Single-Family Detached Dwelling Unit or the associated commercial Use. If an existing residence is proposed to be converted to an ~~ADU-Accessory Dwelling Unit~~ in conjunction with a proposed primary Single-Family ~~Detached~~ Dwelling Unit, the Building Permit for the new primary Single-Family ~~Detached~~ Dwelling Unit shall not be issued until Staff has determined that the structure to be converted to an ~~ADU-Accessory Dwelling Unit~~ complies with all applicable requirements.

10-8-13(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES:

C. Definitions:

JURISDICTIONAL WETLANDS: An area delineated and approved as a wetland by the United States army corps of engineers consistent with Utah Code Annotated section ~~17-27a-520~~ 17-79-608.

10-9-1: PURPOSE:

This title is adopted for the statutorily authorized purposes set forth in Utah Code Annotated, section ~~17-27a-102~~ 17-79-101, as such may be amended from time to time.

10-9-2: AUTHORITY:

This title implements the Snyderville Basin ~~general-General plan-Plan~~ of the county (hereinafter "plan"), which has been prepared and adopted pursuant to Utah Code Annotated, section ~~17-27a-401~~17-79-401. This title contains requirements for consistency with the ~~general-General planPlan~~, the processing and approval of ~~subdivision~~Subdivision plats-Plats and ~~site-Site plansPlans~~, building and ~~development-Development permitsPermits~~, variances, administrative relief and appeals, ~~conditional-Conditional use-Use~~ permits, amendments to the ~~general-General plan-Plan~~ and ~~zoningZoning Districts~~, specific plans and ~~development-Development agreements-Agreements~~ as authorized by the county land use development and management act, Utah Code Annotated, section ~~17-27a-401~~17-79-101 et seq.

10-9-9(A), (B), and (C): AMENDMENT AND LEGAL EFFECT OF GENERAL PLAN:

- A. The county has adopted a ~~general-General plan-Plan~~ for ~~development-Development~~ pursuant to the procedures set forth in Utah Code Annotated section ~~17-27a-401~~17-79-401. The ~~general-General plan Plan~~ is hereby declared to be binding for purposes of future amendments to this title, and all ~~applications~~Applications for ~~development-Development~~ approval, ~~development-Development permitsPermits~~, specific plans, administrative relief and appeals. All above ~~applications~~Applications for ~~development Development~~ approval shall be consistent with the ~~general-General plan-Plan~~ pursuant to the authority granted in Utah Code Annotated section ~~17-27a-405~~17-79-405.
- B. The ~~general-General plan-Plan~~ text and land use maps may be amended as provided by Utah Code Annotated section ~~17-27a-401~~17-79-404 and chapter 7 of this title. No amendment to the ~~general-General plan-Plan~~ may be recommended by the ~~commission-Planning Commission~~ or approved by the ~~county-County council-Council~~ unless such amendment is internally consistent with the other elements of the ~~general-General planPlan~~, the ~~general-General plan-Plan~~ land use maps and the goals, objectives and policies of the ~~general-General planPlan~~. If any amendment is proposed that is inconsistent with any element or provision of the existing ~~general-General planPlan~~, such amendment shall include proposed additions, revisions or deletions to the other elements or provisions of the ~~general-General plan-Plan~~ as needed to maintain consistency between the various elements and provisions of the ~~general-General planPlan~~.
- C. This chapter and this title as adopted are hereby declared to be consistent with the ~~general-General plan Plan~~ of the county pursuant to the provisions of Utah Code Annotated section ~~17-27a-405~~17-79-405.

10-9-17(B)(4): DETERMINATIONS OF VESTED RIGHTS AND OTHER DISPUTES:

- B. Procedure And Approval:
 4. After the ~~applicant-Applicant~~ has received approval or denial of a determination of vested rights, an appeal from the decision of the ~~county-County council-Council~~ shall be made by any ~~aggrieved~~aggrieved person-Person to the district court of the county within thirty (30) days of such decision, in accordance with Utah Code Annotated, section ~~17-27-1001~~17-79-1009.

10-9-20(B): VIOLATIONS AND PENALTIES:

- B. The county attorney reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated, section ~~17-27-1002~~17-79-901.

10-9-21(A): REMEDIES:

- A. No person may challenge in district court a land ~~use~~Use decision under this title until they have exhausted all of their administrative remedies provided herein. Any person adversely affected by any final administrative decision made pursuant to this title must file a petition for review of that final decision with the district court within thirty (30) days and comply with all other requirements of Utah Code Annotated, section ~~17-27-1001~~17-79-1009. Failure to comply with this section of the state law divests the district court of the subject matter jurisdiction to review decisions of the ~~county~~County.

10-9-22(D)-(G): APPEAL PROCEDURES:

- D. Timing: Unless otherwise specified in this section or under the County Land Use Management Act contained within Title 17, Chapter ~~27a-79~~ of the Utah Code Annotated, all appeal periods are based upon calendar days and appeals must be received on or before the close of business (5:00 p.m.) on the last day of the appeal period. Failure to file a completed appeal form (~~application~~Application) within the time period specific shall act as a jurisdictional bar and render the appeal moot. Electronic submissions of completed ~~applications~~Applications (.pdf, .jpg, .tif, etc.) will be accepted by the ~~county~~County via email if time stamped as being received prior to 5:00 p.m. on the last day of the appeal period.
- G. Pursuant to Utah Code Annotated, section ~~Ann. §17-27a-801~~Ann. §17-79-1009 et. seq., an appeal of a ~~county~~County councilCouncil or ~~board of adjustment~~ Administrative Law Judge action goes to district court.

CHAPTER 11: DEFINITIONS

AFFECTED ENTITIES: A county, municipality, local district, special service district, school district, interlocal cooperation entity, property owners association, public utility, or the Utah Department of Transportation, as set forth in Utah Code Annotated section 17-79-102(3) or successor law.

CODE: Title 10 of the Summit County ~~Code~~

Commented [JS10]: Same definition as East Side Code

COMMUNITY DEVELOPMENT DEPARTMENT: The Summit County department of community development.

CONDITIONAL USE: A land Use that, because of the unique characteristics or potential impact of the land Use on the County, surrounding neighbors, or Adjacent land Uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the Adverse Impacts.

Commented [JS11]: Same definition as East Side Code.

DIRECTOR: The director of the ~~Summit County department of community development~~Community Development Department, or authorized designee, with overall administrative control of the planning, building, and zoning functions of the County, under the direction of the County Manager. ~~The director can designate the planning and zoning administrator when appropriate to fulfill the responsibilities authorized in this title~~

DWELLING UNIT, INTERNAL ACCESSORY: The definition of an Internal Accessory Dwelling Unit shall be identical to the definition used in Utah ~~State~~ Code Annotated section ~~17-27a-526(1)~~17-80-303(a) as amended.

IMPROVEMENT COMPLETION ASSURANCE: The financial assurance for completion of all ~~landscaping~~Landscaping consistent with Utah Code Annotated section ~~17-27a-17~~17-79-707.

LAND USE AUTHORITY: The Community Development Director, Planning Commission, Administrative Law Judge, County Manager or County Council, as the case may be, who is empowered under this title to make land use decisions on behalf of Summit County.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having

legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under this title.

PARCEL BOUNDARY ADJUSTMENT: An adjustment to property boundaries as set forth in Utah Code Annotated section 17-79-806, 17-79-807, or 57-1-45.

PLANNING COMMISSION: The Snyderville Basin ~~planning~~ Planning ~~commission~~ Commission, the appointment and duties of which are provided for in section ~~17-27-204~~ 17-79-302 et seq., of the Utah ~~code~~ Code Annotated and section 10-9-10 of this title.

PUBLIC IMPROVEMENT: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, water or sewer system, or other facility for which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly guaranteed and installed pursuant to County codes, specifications and regulations.

RECREATION DISTRICT: The Snyderville Basin Special Recreation District



Community Development Department

P.O. Box 128
60 North Main Street
Coalville, Utah 84017
summitcounty.org

STAFF REPORT

To: Summit County Council (SCC)
From: Jennifer Strader, Principal Planner
Date of Meeting: June 10, 2026
Type of Item: Development Code Amendments - Public Hearing, Possible Approval
Process: Legislative Review

Proposal

Staff is proposing to amend certain sections of the Eastern Summit County Development Code (Code) to align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Snyderville Basin Development Code, and make other non-substantive amendments.

Background

In the 2025 legislative session, SB1006, *the Revisor's Omnibus Bill for County Governance* recodified Utah Code Annotated Title 17 to improve structure, clarity, and organization, without making substantive changes. As a result, all references to the Utah State Code must be updated. Staff is also taking the opportunity to make other non-substantive amendments, as described below.

On January 15, 2026, the Eastern Summit County Planning Commission conducted a public hearing and voted to forward a positive recommendation to the SCC for the proposed Code amendments.

Proposed Amendments

1. Section 11-1-3: AGRICULTURE PROTECTION AREA
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
2. Section 11-4-2(A)(3): LOT/PARCEL REQUIREMENT FOR DEVELOPMENT, SUBDIVISIONS AND/OR USES
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.

3. Section 11-4-5: SUBDIVISIONS, CONDOMINIUMS, SUBDIVISION PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
 - c. Certain sections have been renumbered to maintain consistency within the Code.
4. Section 11-4-5(F)(1)(a) and (G)(2). Parcel Boundary Adjustments
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
5. Section 11-6-5(A)(1)(a-e), (2)(g), (B)(1), (2)(d): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS, AND LIVE/WORK DWELLING UNITS
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
6. Section 11-6-16(F)(1)(d)(1): ISSUANCE OF BUILDING PERMITS
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
7. Section 11-6-19(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES
 - a. All references to the Utah State Code Annotated have been corrected.
8. Section 11-7-10(B): PENALTY
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
9. Section 11-7-14(B): VIOLATIONS AND PENALTIES
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
10. Section 11-7-15: REMEDIES
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
11. Section 11-7-16(B) and (E): APPEAL PROCEDURES
 - a. All references to the Utah State Code Annotated have been corrected.
 - b. All defined terms have been capitalized.
12. Appendix A: DEFINITIONS
 - a. Added the following words to the definitions (taken from the Snyderville Basin Development Code):
ADVERSE IMPACT

COMMUNITY DEVELOPMENT DEPARTMENT
STANDARDS

- b. Amended the following words:
AFFECTED ENTITY
CERTIFICATE
COUNTY ASSESSOR
COUNTY ATTORNEY
COUNTY RECORDER
COMMUNITY DEVELOPMENT DIRECTOR
DWELLING UNIT, ONE FAMILY
LAND USE AUTHORITY
PARCEL BOUNDARY ADJUSTMENT
SUBDIVISION

13. APPENDIX C (D)

- a. All references to the Utah State Code Annotated have been corrected.
- b. All defined terms have been capitalized.

Analysis and Findings

Section 11-5-3 of the Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment. There are no standards for review; however, the General Plan has specific goals related to future amendments.

Goal 2.1(g) states: *“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”*

Goals 2.1(i) states: *“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”*

Recommendation

Staff recommends that the Planning Commission review the proposed amendments, conduct a public hearing, and taking into account any public input, forward a positive recommendation to the County Council based on the following Findings of Fact and Conclusions of Law.

Findings of Fact:

- 1. In the 2025 legislative session, SB1006, *the Revisor’s Omnibus Bill for County Governance* recodified Utah Code Annotated Title 17 to improve structure, clarity, and organization,

without making substantive changes. As a result, all references to the Utah State Code must be updated.

2. Staff is proposing to amend the Eastern Summit County Development Code to align state code references, fix internal inconsistencies (numbering), capitalize defined terms, add definitions of words to match the Snyderville Basin Development Code, and make other non-substantive amendments.
3. Section 11-5-3 of the Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment.
4. On January 15, 2026, the Eastern Summit County Planning Commission conducted a public hearing and voted to forward a positive recommendation to the SCC for the proposed Code amendments.
5. Goal 2.1(g) of the General Plan states: *“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”*
6. Goals 2.1(i) of the General Plan states: *“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”*
7. The amendments do not affect any land uses.
8. Staff finds no evidence that the public health, safety, and welfare will be impacted by the amendments.

Conclusions of Law:

1. The amendments are consistent with the goals, objectives, and policies of the general plan.

Attachments

Exhibit A: Proposed Ordinance with Clean Copy of Language

Exhibit B: Proposed Language with Changes Tracked

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE SECTIONS 11-1-3, 11-4-2(A)(3), 11-4-5, SECTION 11-4-5(F) (1)(A) AND (G)(2), 11-6-5(A)(1)(A-E), (2)(G), (B)(1), (2)(D), 11-6-16(F)(1)(D)(1), 11-6- 19(C), 11-7-10(B), 11-7-14(B), 11-7-15, 11-7-16(B) AND (E), APPENDIX A, AND APPENDIX C (D).

PREAMBLE

WHEREAS Utah Code Annotated (“UCA”) §17-79-501 provides that counties can enact all ordinances that they consider necessary or appropriate; and,

WHEREAS Goal 2.1(g) of the Eastern Summit County General Plan states: *“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”* ; and

WHEREAS, Goal 2.1(i) of the Eastern Summit County General Plan states: Goals 2.1(i) states: *“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”*; and,

WHEREAS Staff is also taking the opportunity to make other non-substantive amendments to the Code; and,

WHEREAS the Eastern Summit County Planning Commission held a public hearing and recommended adoption of the amended sections of the Eastern Summit County Development Code on January 15, 2026; and

WHEREAS the Summit County Council held a public hearing on June 10, 2026; and,

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

Section 1. The Eastern Summit County Development Code is amended as depicted in Exhibit A.

Section 2. Effective Date: This Ordinance shall take effect immediately after publication.

Enacted this ____ day of ____ 2026.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by _____
Canice Harte, Chair

Councilmember Robinson voted	_____
Councilmember Harte voted	_____
Councilmember Armstrong voted	_____
Councilmember Hanson voted	_____
Councilmember Mckenna voted	_____

ATTEST:

Malena Steven, County Clerk, Summit County, Utah

EXHIBIT A

Eastern Summit County Development Code

11-1-3: AGRICULTURE PROTECTION AREA:

The General Plan seeks to ensure that agricultural land Uses and operations in Eastern Summit County are protected, to the extent possible, from the adverse effects of Development. It is the intent of the agricultural protection program to: a) provide incentives to farmers and ranchers that encourage them to stay on the land; b) augment and carry out the state's agriculture protection area provision, established in Utah Code Annotated, section 17-81-101, to maintain Agricultural Activities that are valuable to the state and the County; c) protect farmers and ranchers from nuisance complaints, undesirable rezoning, and unreasonably restrictive state and local actions; and d) educate and raise the awareness of Developers and new residents that Eastern Summit County values, which form the foundation of the General Plan, will be protected from any adverse effects of Development and help ensure the right to farm in Eastern Summit County.

11-4-2(A)(3): LOT/PARCEL REQUIREMENT FOR DEVELOPMENT, SUBDIVISIONS AND/OR USES:

A. A Conforming Parcel: A Conforming Parcel is defined as one of the following:

3. A Parcel created under Utah Code Annotated section 17-79-708 as amended;

11-4-5: SUBDIVISIONS, CONDOMINIUMS, SUBDIVISION PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

A. Purpose: The purposes of this section are to:

1. Guide the future growth of the Eastern Summit County Planning District in a manner consistent with the General Plan.
2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Eastern Summit County Planning District.
3. Provide Development opportunities for property Owners and residents to live, work, and conduct business within the Eastern Summit County Planning District.
4. To direct Development to areas readily accessible to adequate Access,

wastewater, and other necessary public infrastructure and services.

5. Encourage Development that adequately mitigates any potential Adverse Impacts on adjacent properties.
6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, Ridgelines, and other environmentally sensitive areas wherever practicable.
7. Provide reasonable and predictable Standards of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. Definitions: As used in this Chapter:

REVIEW CYCLE: Means the occurrence of:

1. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
2. the Community Development Department's review of that Application for Subdivision; and
3. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
4. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.

SUBDIVISION IMPROVEMENT PLANS: Means the civil engineering plans associated with required infrastructure improvements and County controlled utilities required for a Subdivision.

SUBDIVISION ORDINANCE REVIEW: Means review by a county to verify that a Subdivision Application meets the criteria of the county's ordinances.

SUBDIVISION PLAN REVIEW: Means a review of the Applicant's Subdivision Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation Standards and inspection specifications for infrastructure improvements.

WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other

watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse.

C. Subdivisions:

1. Special Provision: When a single parcel includes multiple Zones, Density may be located upon the Parcel in the most appropriate manner irrespective of the boundaries of the Zones.
2. Plat Application required when land is subdivided: Whenever any land is laid out and platted, the owner of the land shall provide to the County an accurate Plat that describes or specifies:
 - a. A Subdivision name that is distinct from any Subdivision name on a Plat recorded in the County Recorder's office; and
 - b. The boundaries course and dimensions of all the Parcels of ground divided, by their boundaries, course and extent, whether the Owner proposed that any Parcel of ground is intended to be used as a Street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
 - c. The Lot or unit reference, block or Building reference, Street or site address, Street name or coordinate address, acreage or square footage for all Parcels, unit or Lots, and length and width of the blocks and Lots intended for sale; and
 - d. Every existing Right-of-Way and recorded Easement located within the Plat for:
 - (1) an underground facility; and
 - (2) a water conveyance facility; or
 - (3) any other utility facility.
 - e. Any water conveyance facility located, entirely or partially, within the Plat that:
 - (1) Is not recorded; and
 - (2) Of which the Owner of the land has actual or constructive knowledge, including from information made available to the owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The

Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The Director may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

3. All Land Necessary for Density Required: All of the land required for the Density needed to create the Lots within the Subdivision, including a Remnant Parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision Plat, and any remnant Parcel shall bear a Plat note stating that no Density exists on such Remnant Parcel until such time (if ever) as the Zone is changed to permit additional Density rights and the Remnant Parcel is, if necessary, re-subdivided in accordance with this chapter; or the Remnant Parcel is otherwise vacated from the Final Subdivision Plat for the purposes of a Parcel Boundary Adjustment, which shall constitute good cause for thereof under State law.
4. Remainder Parcel: In the event that the Parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such Remainder Parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such Remainder Parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the Remainder Parcel(s) located outside of the Final Subdivision Plat stating that such Remainder Parcel(s) are Conforming Parcels pursuant to this Chapter.
5. Separate Review: Preliminary Subdivision Plats and Final Subdivision Plats shall be processed as separate Applications.
6. Land Use Authority: The Land Use Authority for preliminary Subdivision Plats shall be the Planning Commission and the County Manager for Final Subdivision Plats.
7. Subdivision Improvement Plan: A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the Final Subdivision Plat process.
8. Preliminary Subdivision:
 - a. Pre-Application Meeting.

- (1) A pre-application meeting is not required for Subdivision Applications subject to this Chapter, but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
- (2) The Director or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
 - (A) Copies of applicable land use regulations; and
 - (B) A complete list of standards required for the project; and
 - (C) Preliminary and final application checklists; and
 - (D) Feedback on the concept plan.

b. Notification of Water Conveyance Facility:

- (1) Within 20 days after the day on which an owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed Subdivision to the facility owner or any water conveyance facility located, entirely or partially, within one hundred feet (100') of the Subdivision Plat.
- (2) The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:
 - (A) Access to the water conveyance facility; and
 - (B) maintenance of the water conveyance facility; and
 - (C) protection of the water conveyance facility integrity; and
 - (D) safety of the water conveyance facility; or
 - (E) any other issue related to water conveyance facility operations.

c. Subdivision Review: The Director or designated planning staff member shall conduct a review that includes all Affected Entities and Service Providers no later than 15 business days after the day on

which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.

- d. Subdivision Review Standards: The following Subdivision review Standards apply. Because of the limited time frame for preliminary review, compliance with Standards may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision Plat.
 - (1) The Subdivision is compliant with the General Plan.
 - (2) The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The Subdivision layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
 - (3) The Subdivision considers adjacent land Uses. Site design shall mitigate any potential adverse impacts including, but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
 - (4) Where appropriate, Subdivisions shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
 - (5) Each proposed Lot shall have legal Access through a recorded Right-Of-Way or Easement. The Applicant shall demonstrate that adequate Access to the property from a Public Road may be granted by the State or County, whichever is applicable.
 - (6) Compliance with the Development Evaluation Standards provided in chapter 2 of this title.
 - (7) Compliance with the infrastructure standards in chapter 6 of this title.
 - (8) The minimum Lot size for new Lots created through this process will meet the minimum Lot size requirements for the applicable Zone.
- e. Public Hearing: The Planning Commission may hold no more than one

public hearing for a preliminary Subdivision Plat.

- f. Preliminary Subdivision Approval: If a preliminary Subdivision Plat complies with this title and all other applicable Standards and specifications, the Planning Commission shall approve the preliminary Subdivision Plat. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the Director or designated planning staff member. After preliminary Subdivision Plat approval, the Applicant may submit a Final Subdivision Plat Application.

9. Final Subdivision:

- a. Upon approval of the preliminary Subdivision Plat, the Applicant shall submit a Final Subdivision Plat Application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.
- b. No later than 20 business days after the day on which an Applicant submits all the required materials for the Final Subdivision Plat, the Director or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
- c. Review Cycles: After conducting the Subdivision Plan Review, the Director or designated planning staff member may require that the Applicant provide:
 - (1) additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved Standards and specifications for construction of Public Improvements; and
 - (2) modification to plans that do not meet current ordinances, applicable Standards, or specifications, or do not contain complete information.
- d. The Director or designated planning staff member's request for additional information or modifications to plans under (c)(1), and (2) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, Standards, or specifications that require the modifications to plans, and shall be logged in an

index of requested modifications or additions.

- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific Development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the Director or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous Review Cycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code Annotated section 17-79-706(8)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:
 - (1) In addition to revised plans submitted during final Subdivision Plat Reviews, an Applicant shall provide a written explanation in response to the Director or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.
 - (2) The Applicant's written explanation shall be comprehensive and specific, including citations to applicable Standards and ordinances for the design and an index of requested revisions or additions for each required correction.

- (3) If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.
 - k. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property Owner, and within 10 business days after the day on which the request is received:
 - (1) For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection 17-79-812(5)(d) of Utah Code Annotated to review and approve or deny the final revised set of plans; or
 - (2) For a dispute arising from the Subdivision ordinance review, advise the Applicant in writing of the deficiency in the Application and of the right to appeal the determination to the County Council.
 - l. The County Manager shall approve a Final Subdivision Plat if the Final Subdivision Plat complies with the Planning Commission's preliminary Subdivision approval, applicable Code regulations, and all other applicable Standards and specifications.

10. Plat Preparation:

In addition to all requirements in Section C.2 of this chapter, prior to recordation, the Final Subdivision Plat shall contain the following:

- a. Notarized signatures of each owner of record of land described in the Plat in the Owner's designation part of the Plat.
- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.

- e. Notes stating the following:
 - (1) "Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code."
 - (2) "The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot have/has been given notice and recognize(s) that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving livestock, and other attributes associated with normal agricultural operations and rural businesses."
 - (3) For Subdivisions of 3 lots or less: "Water has not been approved for this Subdivision. It shall be the responsibility of each lot owner to demonstrate that water of adequate quality and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the Utah Water State Engineer for a private well or a written commitment from a municipality or private company."

11. Plat Recordation

- a. After the Plat has been acknowledged, certified and approved, the Owner of the land seeking to record the Plat shall record the Plat in the County Recorder's office per the requirements in Section 11-6-13 of this title.
- b. The County may withhold an otherwise valid Plat approval until the Owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties

owing the land have been paid.

- c. Within 30 days after approving a Final Subdivision Plat, the County shall submit to the Utah Geospatial Resource Center:
 - (1) An electronic copy of the approved Final Plat; or
 - (2) Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

11-4-5(F)(1)(a) and (G)(2). Parcel Boundary Adjustments:

- 1. A property Owner:
 - a. May execute a Parcel Boundary Adjustment by quitclaim deed or by boundary line agreement as described in Utah Code Annotated section 17-79-806, 17-79-807, or 57-1-45.

G. Divisions Of Land For Non-Development Purposes:

- 1. A division of a Parcel for agricultural activity is not a Subdivision for purposes of this chapter.
- 2. A division of a Parcel without conformance to the Final Subdivision Plat requirements of this chapter or the certificate required by Utah Code Annotated section 17-79-708, as amended, does not create a Conforming Parcel for purposes of this chapter. However, in conformance with Utah Code Annotated section 17-79-708, as amended, such divisions of land can be recorded for purposes of conveying property ownership.

11-6-5(A)(1)(a-e), (2)(g), (B)(1), (2)(d): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS, AND LIVE/WORK DWELLING UNITS:

- A. Accessory Dwelling Units: Accessory Dwelling Units are incidental to and on the same Lot as a Single-Family Detached Dwelling Unit.
 - 1. Location: Accessory Dwelling Units may be established:
 - a. within the footprint of a Single-Family Detached Dwelling Unit;
 - b. attached to a Single-Family Detached Dwelling Unit;
 - c. within or attached to a larger Accessory Structure (such as a barn or garage);
 - d. on the same Lot as a Single-Family Detached Dwelling Unit; or

- e. built as a standalone structure on the same Lot as a Single-Family Detached Dwelling Unit.
- 2. General Standards: All Accessory Dwelling Units shall conform to the following standards:
 - g. Certificate of Occupancy: A certificate of occupancy for an Accessory Dwelling Unit shall only be granted concurrent with or after the issuance of a certificate of occupancy for the Single-Family Detached Dwelling Unit or the associated commercial Use. If an existing residence is proposed to be converted to an Accessory Dwelling Unit in conjunction with a proposed primary Single-Family Detached Dwelling Unit, the Building Permit for the new primary Single-Family Detached Dwelling Unit shall not be issued until Staff has determined that the structure to be converted to an Accessory Dwelling Unit complies with all applicable requirements.
- B. Internal Accessory Dwelling Units: As an alternative to the standards in Section 11-6-5(A), the following standards apply. Internal Accessory Dwelling Units are an incidental residential use within the Building footprint of a Single-Family Detached Dwelling Unit.
 - 1. Applicability: Internal Accessory Dwelling Units must comply with the standards found in Utah Code Annotated section 17-80-303 as amended. If an Accessory Dwelling Unit is within or attached to a Single-Family Detached Dwelling Unit but does not comply with all standards in Utah Code Annotated section 17-80-303 as amended, the standards outlined in Section 11-6-5(A) of this Title shall apply.
 - 2. Standards: Internal Accessory Dwelling units must comply with the following standards:
 - d. Parking: In addition to the required parking for a Single-Family Detached Dwelling Unit, at least one (1) off-street parking space must be provided for the Internal Accessory Dwelling Unit.

11-6-16(F)(1)(d)(1): ISSUANCE OF BUILDING PERMITS:

- F. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of eleven inches by seventeen inches (11"x17") (must be legible) and a maximum size of thirty six inches by forty eight inches (36"x48") shall be submitted with all Building Permit Applications for all new construction, including additions, Accessory Buildings, and garages.

- (1) Agricultural Exempt Buildings that comply with section 17-79-708 of the Utah Code Annotated are excluded from these site plan requirements. However, Agricultural Exempt Buildings closer than three feet (3') to the required Setback line or greater than twenty eight feet (28') in Height will require an inspection by the community development department to ensure that Setback and Height requirements for the Zone district in which they are located are being met.

11-6-19(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES:

C: Definitions:

JURISDICTIONAL WETLANDS: An area delineated and approved as a wetland by the United States army corps of engineers consistent with Utah Code Annotated section 17-79-608.

11-7-10(B): PENALTY:

- B. The County Attorney reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated section 17-79-901.

11-7-14(B): VIOLATIONS AND PENALTIES:

- B. The County Attorney reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated section 17-79-901.

11-7-15: REMEDIES:

No person may challenge in district court a land Use decision under this title until they have exhausted all of their administrative remedies provided herein. Any person adversely affected by any final administrative decision made pursuant to this title must file a petition for review of that final decision with the district court within thirty (30) days and comply with all other requirements of Utah Code Annotated section 17-79-1009. Failure to comply with this section of the state law divests the district court of subject matter jurisdiction to review decisions of the county.

11-7-16(B) and (E): APPEAL PROCEDURES:

- B. Timing: Unless otherwise specified in this section or under the County Land Use Management Act contained within Title 17, Chapter 79 of the Utah Code Annotated, all appeal periods are based upon calendar days and appeals must be received on or before the close of business (5:00 p.m.) on the last day of the appeal period.

Failure to file a completed appeal form (Application) within the time period specific shall act as a jurisdictional bar and render the appeal moot. Electronic submissions of completed Applications (.pdf, .jpg, .tif, etc.) will be accepted by the county via email if time stamped as being received prior to 5:00 p.m. on the last day of the appeal period.

- E. Pursuant to Utah Code Annotated section 17-79-1009, et. seq. an appeal of a County Council or Administrative Law Judge action goes to district court.

Appendix A: Definitions

ADVERSE IMPACT: Any potential or actual effect (impact) that is or may be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the reasonable use of property. The term includes secondary and cumulative as well as direct effects or impacts.

AFFECTED ENTITY: A county, municipality, local district, special service district, school district, interlocal cooperation entity, property owners association, public utility, or the Utah Department of Transportation, as set forth in Utah Code Annotated section 17-79-102(3) or successor law.

CERTIFICATE: A document which conforms to the requirements of Utah Code Annotated section 17-79-708(1) or successor law.

COMMUNITY DEVELOPMENT DEPARTMENT: The Summit County department of community development.

COUNTY ASSESSOR: In accordance with Utah Code Annotated title 17, chapter 67, the duly elected Assessor of Summit County or his/her designee.

COUNTY ATTORNEY: In accordance with Utah Code Annotated title 17, chapter 68, the duly elected Attorney of Summit County or his/her designee.

COUNTY RECORDER: In accordance with Utah Code Annotated title 17, chapter 71, the duly elected Recorder of Summit County or his/her designee.

DIRECTOR: The Director of the Community Development Department, or authorized designee, with overall administrative control of the planning, building and zoning functions of the County, under the direction of the County Manager.

DWELLING UNIT, SINGLE-FAMILY DETACHED: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one (1) family and its guests. May be referred to as a single-family dwelling unit.

LAND USE AUTHORITY: The Community Development Director, Planning Commission,

Administrative Law Judge, County Manager or County Council, as the case may be, who is empowered under this title to make land use decisions on behalf of Summit County.

PARCEL BOUNDARY ADJUSTMENT: An adjustment to property boundaries as set forth in Utah Code Annotated section 17-79-806, 17-79-807, or 57-1-45.

STANDARDS: Specific measurements of the quantity or quality of various elements of development.

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument. Subdivision includes divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. Subdivision does not include a bone fide division or partition of agricultural land for agricultural purposes or activity, nor does it include any of the specific circumstances designated in Utah Code Annotated section 17-79-708, as amended.

APPENDIX C (D)

ADULT/SEX ORIENTED FACILITIES AND BUSINESSES

- D. Right Of Appeal: All appeals from denials by the Planning Commission of Conditional Use Permit applications shall be as provided in title 10 of this Code, the Eastern Summit County Development Code (this title) (as applicable), and Utah Code Annotated, section 17-79-1009, to the District Court within thirty (30) days of the Planning Commission's final action.

Eastern Summit County Development Code

11-1-3: AGRICULTURE PROTECTION AREA:

The ~~general~~General planPlan seeks to ensure that agricultural land ~~uses~~Uses and operations in Eastern Summit County are protected, to the extent possible, from the adverse effects of ~~development~~Development. It is the intent of the agricultural protection program to: a) provide incentives to farmers and ranchers that encourage them to stay on the land; b) augment and carry out the state's agriculture protection area provision, established in Utah Code Annotated, section ~~17-41-101~~17-81-101, to maintain ~~agricultural~~Agricultural activitiesActivities that are valuable to the state and the ~~county~~County; c) protect farmers and ranchers from nuisance complaints, undesirable rezoning, and unreasonably restrictive state and local actions; and d) educate and raise the awareness of ~~developers~~Developers and new residents that Eastern Summit County values, which form the foundation of the ~~general~~General planPlan, will be protected from any adverse effects of ~~development~~Development and help ensure the right to farm in Eastern Summit County.

11-4-2(A)(3): LOT/PARCEL REQUIREMENT FOR DEVELOPMENT, SUBDIVISIONS AND/OR USES:

- A. A Conforming Parcel: A ~~conforming~~Conforming parcelParcel is defined as one of the following:
 - 3. A ~~parcel~~Parcel created under Utah Code Annotated section ~~17-27a-605(4)~~17-79-708 as amended;

11-4-5: SUBDIVISIONS, CONDOMINIUMS, SUBDIVISION PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

- A. Purpose: The purposes of this section are to:
 - 1. Guide the future growth of the Eastern Summit County Planning District in a manner consistent with the ~~Eastern Summit County~~General Plan.
 - 2. Advance the public health, safety, and welfare of the property owners and residents who reside within the Eastern Summit County Planning District.
 - 3. Provide Development opportunities for property ~~owners~~Owners and residents to live, work, and conduct business within the Eastern Summit

County Planning District.

4. To direct Development to areas readily accessible to adequate ~~access~~ Access, wastewater, and other necessary public infrastructure and services.
5. Encourage Development that adequately mitigates any potential ~~adverse~~ Adverse effects-Impacts on adjacent properties.
6. Encourage clustered Development to protect Wetlands, riparian areas, steep slopes, ~~ridgelines~~ Ridgelines, and other environmentally sensitive areas wherever practicable.
7. Provide reasonable and predictable ~~standards~~ Standards of review and preview processes and achieve responsible orderly Development.
8. Provide for the division of land for non-Development purposes.

B. Definitions: As used in this Chapter:

REVIEW CYCLE: Means the occurrence of:

1. the Applicant's submittal of a complete Application for Subdivision to the Community Development Department; and
2. the Community Development Department's review of that Application for Subdivision; and
3. the Community Development Department's response to that Application for Subdivision, in accordance with this Chapter; and
4. the Applicant's reply to the Community Development Department's response that addresses each of the Community Development Department's required modifications or requests for additional information.

SUBDIVISION IMPROVEMENT PLANS: Means the civil engineering plans associated with required infrastructure improvements and ~~county~~ County controlled utilities required for a Subdivision.

SUBDIVISION ORDINANCE REVIEW: Means review by a county to verify that a ~~subdivision~~ Subdivision application ~~Application~~ meets the criteria of the county's ordinances.

SUBDIVISION PLAN REVIEW: Means a review of the Applicant's Subdivision

Improvement Plans and other aspects of the Subdivision Application to verify that the Application complies with this title and applicable installation ~~standards~~ Standards and inspection specifications for infrastructure improvements.

WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse.

C. Subdivisions:

1. Special Provision: When a single parcel includes multiple Zones, Density may be located upon the Parcel in the most appropriate manner irrespective of the boundaries of the Zones.
2. Plat ~~application~~ Application required when land is subdivided: Whenever any land is laid out and platted, the owner of the land shall provide to the County an accurate Plat that describes or specifies:
 - a. A ~~subdivision~~ Subdivision name that is distinct from any ~~subdivision~~ Subdivision name on a Plat recorded in the County Recorder's office; and
 - b. The boundaries course and dimensions of all the ~~parcels~~ Parcels of ground divided, by their boundaries, course and extent, whether the ~~owner~~ Owner proposed that any ~~parcel~~ Parcel of ground is intended to be used as a ~~street~~ Street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose; and
 - c. The ~~t~~ Lot or unit reference, block or ~~building~~ Building reference, ~~street~~ Street or site address, ~~street~~ Street name or coordinate address, acreage or square footage for all ~~parcels~~ Parcels, unit or ~~lots~~ Lots, and length and width of the blocks and ~~lots~~ Lots intended for sale; and
 - d. Every existing ~~right~~ Right-of-~~way~~ Way and recorded ~~easement~~ Easement located within the Plat for:
 - (1) ~~An~~ an underground facility; and
 - (2) ~~A~~ a water conveyance facility; or
 - (3) ~~Any~~ any other utility facility.
 - e. Any water conveyance facility located, entirely or partially, within the Plat that:

- (1) Is not recorded; and
- (2) Of which the ~~owner~~ Owner of the land has actual or constructive knowledge, including from information made available to the owner of the land, in the State Engineer's inventory of canals or from a licensed surveyor.

The Owner of the land shall file an Application for approval of the Plat. The Application form is available at the Community Development Department. A complete Application shall include all elements of the Subdivision listed in this section and shall provide all information required by the Subdivision Application. The ~~CDD-Director~~ may waive or defer specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this chapter.

3. All Land Necessary for Density Required: All of the land required for the Density needed to create the Lots within the Subdivision, including a ~~remnant~~ Remnant Parcel, which on its own would not be large enough to qualify for any Density, shall be contained within the boundaries of the Final Subdivision Plat, and any remnant Parcel shall bear a Plat note stating that no Density exists on such ~~remnant~~ Remnant Parcel until such time (if ever) as the Zone is changed to permit additional Density rights and the ~~remnant~~ Remnant Parcel is, if necessary, re-subdivided in accordance with this chapter; or the ~~remnant~~ Remnant Parcel is other-wise vacated from the Final Subdivision Plat for the purposes of a Parcel Boundary Adjustment, which shall constitute good cause for thereof under State law.
4. Remainder Parcel: In the event that the Parcel(s) being Subdivided contain more land than that which is needed to establish the Density for the Subdivision, such ~~remainder~~ Remainder Parcel(s) do not need to be included within the boundaries of the Final Subdivision Plat if each of such ~~remainder~~ Remainder Parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable Zone at the time. In such cases, a certificate executed by the County shall be recorded with the County Recorder, at the same time as the Final Subdivision Plat is recorded, against the ~~remainder~~ Remainder ~~pareet~~ Parcel(s) located outside of the Final Subdivision Plat stating that such ~~remainder~~ Remainder ~~pareet~~ Parcel(s) are ~~conforming~~ Conforming Parcels pursuant to this Chapter.
5. Separate Review: Preliminary Subdivision Plats and Final Subdivision Plats shall be processed as separate Applications.
6. Land Use Authority: The Land Use Authority for ~~Preliminary~~ preliminary Subdivision Plats shall be the Planning Commission and the County Manager for Final Subdivision Plats.

7. Subdivision Improvement Plan: A Subdivision Improvement Plan shall be submitted and reviewed as part of the Subdivision Plan Review during the Final Subdivision Plat process.
8. Preliminary Subdivision:
 - a. Pre-Application Meeting.
 - (1) A pre-application meeting is not required for Subdivision Applications subject to this Chapter, but is recommended. If a pre-application meeting is requested by an Applicant for a Subdivision Application subject to this Chapter, the Community Development Department shall, within 15 business days after the request, schedule the meeting to review the concept plan and provide initial feedback.
 - (2) The ~~CDD~~ Director or designated planning staff member shall provide at the pre-application meeting or have available on the County website the following:
 - (A) Copies of applicable land use regulations; and
 - (B) A complete list of standards required for the project; and
 - (C) Preliminary and final application checklists; and
 - (D) Feedback on the concept plan.
 - b. Notification of Water Conveyance Facility:
 - (1) Within 20 days after the day on which an owner of land submits to the County a complete Subdivision Plat land use application, the County shall mail written notice of the proposed ~~subdivision~~ Subdivision to the facility owner or any water conveyance facility located, entirely or partially, within one hundred feet (100') of the Subdivision Plat.
 - (2) The County shall not approve the Subdivision Plat for at least 20 days after the day on which the County mails to each facility owner the notice to receive any comments from each facility owner regarding:
 - (A) Access to the water conveyance facility; and
 - (B) maintenance of the water conveyance facility; and
 - (C) protection of the water conveyance facility integrity;

- and
- (D) safety of the water conveyance facility; or
- (E) any other issue related to water conveyance facility operations.

- c. Subdivision Review: The ~~CDD-Director~~ or designated planning staff member shall conduct a review that includes all ~~affected-Affected agencies-Entities~~ and Service Providers no later than 15 business days after the day on which an Applicant submits a complete Subdivision Application. Upon completion of the Subdivision Review, the ~~CDD-Director~~ or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a public hearing before the Planning Commission as soon thereafter as may be practicable.
- d. Subdivision Review Standards: The following Subdivision ~~Review review standards-Standards~~ apply. Because of the limited time frame for preliminary review, compliance with ~~standards-Standards~~ may be written in the form of conditions of approval to be met during the Subdivision Plan Review part of the Final Subdivision Plat.
 - (1) The Subdivision is compliant with the ~~Eastern Summit County~~ General Plan.
 - (2) The Subdivision is designed to fit into the topography of the site. Lots shall be sited to best fit into the natural terrain, to minimize excessive site grading and to mitigate impacts on the natural environment and resources of the surrounding area. The ~~subdivision-Subdivision~~ layout shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural feature areas.
 - (3) The Subdivision considers adjacent land ~~uses-Uses~~. Site design shall mitigate any potential adverse impacts including, but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers or nuisances.
 - (4) Where appropriate, ~~subdivisions-Subdivisions~~ shall be designed to accommodate a variety of transportation modes. Vehicle/pedestrian/bicycle/equestrian circulation shall be demonstrated, and where possible pedestrian/bicycle/equestrian circulation should be separated from vehicular circulation.
 - (5) Each proposed Lot shall have legal Access through a recorded Right-Of-Way or Easement. The Applicant shall demonstrate that adequate Access to the property from a Public Road may be granted by the State or County, whichever is applicable.

- (6) Compliance with the Development Evaluation Standards provided in chapter 2 of this title.
 - (7) Compliance with the infrastructure standards in chapter 6 of this title.
 - (8) The minimum Lot size for new Lots created through this process will meet the minimum Lot size requirements for the applicable Zone.
 - e. Public Hearing: The Planning Commission may hold no more than one public hearing for a preliminary Subdivision Plat.
 - f. Preliminary Subdivision Approval: If a preliminary Subdivision ~~Plat~~ complies with this title and all other applicable ~~standards~~ Standards and specifications, the Planning Commission shall approve the preliminary Subdivision Plat. The Applicant shall be notified of the approval in the form of a letter specifically identifying each condition of approval along with the approved preliminary Subdivision and any other accompanying documents determined to be relevant by the ~~GOV-Director~~ or designated planning staff member. After preliminary Subdivision Plat approval, the Applicant may submit a Final Subdivision Plat Application.
9. Final Subdivision:
- a. Upon approval of the preliminary ~~subdivision~~ Subdivision Plat, the Applicant shall submit a ~~final~~ Final subdivision ~~Subdivision Plat application~~ Application with all required material for the Subdivision Plan Review, including Subdivision Improvement Plans, and any amendments required by the Planning Commission during preliminary review.
 - b. No later than 20 business days after the day on which an Applicant submits all the required materials for the ~~final~~ Final ~~subdivision~~ Subdivision Plat, the ~~GOV-Director~~ or designated planning staff member shall complete a Subdivision Plan Review subject to this Chapter.
 - c. Review Cycles: After conducting the Subdivision Plan Review, the ~~GOV-Director or designated planning staff member~~ may require that the Applicant provide:
 - (1) additional information relating to an Applicant's plans to ensure compliance with County ordinances and approved ~~standards~~ Standards and specifications for construction of

Public Improvements; and
(2) modification to plans that do not meet current ordinances, applicable ~~standards~~Standards, or specifications, or do not contain complete information.

- d. The ~~CDP's~~Director or designated planning staff member's request for additional information or modifications to plans under (c)(~~i~~1), and (~~ii~~2) above shall be specific and refer to conditions of approval included in the preliminary approval, regulations, ~~standards~~Standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
- e. Unless the change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific Development, a change or correction not addressed or referenced in the County's Subdivision Plan Review is waived, except if the modifications or corrections are necessary to protect public health and safety or to enforce state or federal law.
- f. If an Applicant does not submit a revised plan within 20 business days after the ~~CDP~~Director or designated planning staff member requires a modification or correction, the County shall have an additional 20 business days to respond to the plans.
- g. After the Applicant has responded to the final Review Cycle, and the Applicant has complied with each modification requested in the County's previous ~~review~~Review cycleCycle, the County may not require additional revisions if the Applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- h. Utah Code ~~Annotated S~~section ~~17-27a-604.2(5)(c)~~17-79-706(8)(c) limits Review Cycles to no more than four.
- i. The Review Cycle restrictions and requirements of this Chapter do not apply to review of Subdivision Applications affecting property within identified Geological Hazard Areas.
- j. Applicant's Reply to Community Development Department's Response:
 - (1) In addition to revised plans submitted during final Subdivision Plat Reviews, an Applicant shall provide a written explanation

in response to the ~~EDD's~~ Director or designated planning staff member's review comments with each Review Cycle, identifying and explaining the Applicant's revisions and reasons for declining to make revisions, if any.

- (2) The Applicant's written explanation shall be comprehensive and specific, including citations to applicable ~~standards~~ Standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- (3) If an Applicant fails to address a review comment in the response, the Review Cycle is not complete and the subsequent Review Cycle may not begin until all comments are addressed.

k. Appeal: If, on the fourth or final Review Cycle, the Community Development Department fails to take final action on the Subdivision within 20 business days, the County shall, upon the request of the property ~~owner~~ Owner, and within 10 business days after the day on which the request is received:

- (1) For a dispute arising from the Subdivision Improvement Plans, assemble an appeal panel in accordance with Subsection ~~17-27a-507(5)(d)~~ 17-79-812(5)(d) of Utah ~~State~~ Code Annotated to review and approve or deny the final revised set of plans; or
- (2) For a dispute arising from the ~~subdivision~~ Subdivision ordinance review, advise the ~~applicant~~ Applicant in writing of the deficiency in the ~~application~~ Application and of the right to appeal the determination to the ~~Summit~~ County Council.

~~4l.~~ The County Manager shall approve a Final Subdivision Plat if the Final Subdivision Plat complies with the Planning Commission's preliminary Subdivision approval, applicable ~~Eastern Summit County Development~~ Code regulations, and all other applicable ~~standards~~ Standards and specifications.

10. Plat Preparation:

In addition to all requirements in Section C.2 of this chapter, prior to recordation, the ~~final~~ Final Subdivision Plat shall contain the following:

- a. Notarized signatures of each owner of record of land described in the Plat in the ~~owner's~~ Owner's designation part of the Plat.

- b. Notarized signatures on the Plat by every person having a security interest in the property which sets forth that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of Development approval proposed by the County.
- c. Signatures of the County Recorder, Land Use Authority, County Engineer, Health Department, the Public Safety Answering Point, applicable Fire District and County Attorney.
- d. Certification by a surveyor licensed in the State of Utah.
- e. Notes stating the following:
 - (1) "Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code."
 - (2) "The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot have/has been given notice and recognize(s) that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving livestock, and other attributes associated with normal agricultural operations and rural businesses."
 - (3) For Subdivisions of 3 lots or less: "Water has not been approved for this Subdivision. It shall be the responsibility of each lot owner to demonstrate that water of adequate quality and quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the Utah Water State Engineer for a private well or a written commitment from a municipality or private company."

11. Plat Recordation

- a. After the Plat has been acknowledged, certified and approved, the ~~owner~~Owner of the land seeking to record the Plat shall record the Plat in the County Recorder's office per the requirements in Section 11-6-13 of this ~~Title~~title.
- b. The County may withhold an otherwise valid Plat approval until the ~~owner~~Owner of the land provides the Community Development Department with a tax clearance indicating that all taxes, interest, and penalties owing the land have been paid.
- c. Within 30 days after approving a Final Subdivision Plat, the County shall submit to the Utah Geospatial Resource Center:
 - (1) An electronic copy of the approved Final Plat; or
 - (2) Preliminary geospatial data that depicts any new streets and situs addresses proposed for construction within the bound of the approved Plat.

11-4-5(F)(1)(a) and (G)(2). Parcel Boundary Adjustments:

1. A property ~~owner~~Owner:
 - a. May execute a ~~parcel~~Parcel boundary Boundary adjustment Adjustment by quitclaim deed or by boundary line agreement as described in Utah Code Annotated section ~~17-27a-522~~17-79-806, ~~17-27a-523~~17-79-807, or 57-1-45.

G. Divisions Of Land For Non-Development Purposes:

1. A division of a ~~parcel~~Parcel for agricultural activity is not a ~~subdivision~~Subdivision for purposes of this chapter.
2. A division of a ~~parcel~~Parcel without conformance to the ~~final~~Final ~~subdivision~~Subdivision plat Plat requirements of this chapter or the certificate required by Utah Code Annotated section ~~17-27a-605(1)~~17-79-708, as amended, does not create a ~~conforming~~Conforming ~~parcel~~Parcel for purposes of this chapter. However, in conformance with Utah Code Annotated section ~~17-27a-605(3)~~17-79-708, as amended, such divisions of land can be recorded for purposes of conveying property ownership.

11-6-5(A)(1)(a-e), (2)(g), (B)(1), (2)(d): ACCESSORY DWELLING UNITS, INTERNAL ACCESSORY DWELLING UNITS, AND LIVE/WORK DWELLING UNITS:

- A. Accessory Dwelling Units: Accessory Dwelling Units are incidental to and on the same Lot as a ~~OneSingle~~-Family ~~Detached~~ Dwelling Unit.
1. Location: Accessory Dwelling Units may be established:
 - a. within the footprint of a ~~OneSingle~~-Family ~~Detached~~ Dwelling Unit;
 - b. attached to a ~~OneSingle~~-Family ~~Detached~~ Dwelling Unit;
 - c. within or attached to a larger Accessory Structure (such as a barn or garage);
 - d. on the same Lot as a ~~OneSingle~~-Family ~~Detached~~ Dwelling Unit; or
 - e. built as a standalone structure on the same Lot as a ~~OneSingle~~-Family ~~Detached~~ Dwelling Unit.
 2. General Standards: All Accessory Dwelling Units shall conform to the following standards:
 - g. Certificate of Occupancy: A certificate of occupancy for an Accessory Dwelling Unit shall only be granted concurrent with or after the issuance of a certificate of occupancy for the Single-Family Detached Dwelling Unit or the associated commercial Use. If an existing residence is proposed to be converted to an ~~ADU~~ Accessory Dwelling Unit in conjunction with a proposed primary Single-Family ~~Detached~~ Dwelling Unit, the Building Permit for the new primary Single-Family ~~Detached~~ Dwelling Unit shall not be issued until Staff has determined that the structure to be converted to an ~~ADU~~ Accessory Dwelling Unit complies with all applicable requirements.
- B. Internal Accessory Dwelling Units: As an alternative to the standards in Section 11-6-5(A), the following standards apply. Internal Accessory Dwelling Units are an incidental residential use within the Building ~~Footprint~~ footprint of a Single-Family Detached Dwelling Unit.
1. Applicability: Internal Accessory Dwelling Units must comply with the standards found in Utah ~~State~~ Code ~~Annotated S~~ection ~~17-27a-52617-80-303~~ as amended. If an Accessory Dwelling Unit is within or attached to a Single-Family Detached Dwelling Unit but does not comply with all standards in Utah ~~State~~ Code ~~Annotated S~~ection ~~17-27a-52617-80-303~~ as amended, the standards outlined in Section 11-6-5(A) of this Title shall apply.
 2. Standards: Internal Accessory Dwelling units must comply with the following

standards:

- d. Parking: In addition to the required parking for a Single-Family ~~Detached~~ Dwelling ~~Detached Unit~~, at least one (1) off-street parking space must be provided for the Internal Accessory Dwelling Unit.

11-6-16(F)(1)(d)(1): ISSUANCE OF BUILDING PERMITS:

- F. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of eleven inches by seventeen inches (11"x17") (must be legible) and a maximum size of thirty six inches by forty eight inches (36"x48") shall be submitted with all ~~building Building permit~~ ~~Permit applications Applications~~ for all new construction, including additions, ~~accessory Accessory buildings Buildings~~, and garages.
 - (1) Agricultural ~~exempt Exempt buildings Buildings~~ that comply with section ~~17-27a-605 17-79-708~~ of the Utah Code Annotated are excluded from these site plan requirements. However, ~~agricultural Agricultural exempt Exempt buildings Buildings~~ closer than three feet (3') to the required ~~setback Setback~~ line or ~~are~~ greater than twenty eight feet (28') in ~~height Height~~ will require an inspection by the community development department to ensure that ~~setback Setback~~ and ~~height Height~~ requirements for the ~~zone Zone~~ district in which they are located are being met.

11-6-19(C): HAZARDOUS LIQUIDS OR MATERIALS TRANSMISSION PIPELINES:

- C: Definitions:

JURISDICTIONAL WETLANDS: An area delineated and approved as a wetland by the United States army corps of engineers consistent with Utah Code Annotated section ~~17-27a-520 17-79-608~~.

11-7-10(B): PENALTY:

- B. The ~~county County attorney Attorney~~ reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated section ~~17-27-1002 17-79-901~~.

11-7-14(B): VIOLATIONS AND PENALTIES:

- B. The ~~county County attorney Attorney~~ reserves the right to enforce this title using any of the remedies provided for in Utah Code Annotated section ~~17-27a-802 17-79-901~~.

11-7-15: REMEDIES:

No person may challenge in district court a land ~~use~~ Use decision under this title until they have exhausted all of their administrative remedies provided herein. Any person adversely affected by any final administrative decision made pursuant to this title must file a petition for review of that final decision with the district court within thirty (30) days and comply with all other requirements of Utah Code Annotated section ~~17-27a-801~~ 17-79-1009. Failure to comply with this section of the state law divests the district court of subject matter jurisdiction to review decisions of the county.

11-7-16(B) and (E): APPEAL PROCEDURES:

- B. Timing: Unless otherwise specified in this section or under the County Land Use Management Act contained within Title 17, Chapter ~~27a-79~~ of the Utah Code Annotated, all appeal periods are based upon calendar days and appeals must be received on or before the close of business (5:00 p.m.) on the last day of the appeal period. Failure to file a completed appeal form (~~application~~ Application) within the time period specific shall act as a jurisdictional bar and render the appeal moot. Electronic submissions of completed ~~applications~~ Applications (.pdf, .jpg, .tif, etc.) will be accepted by the county via email if time stamped as being received prior to 5:00 p.m. on the last day of the appeal period.
- E. Pursuant to Utah Code Annotated section ~~17-79-1009~~, ~~§17-27a-801~~ et. seq. an appeal of a ~~county~~ County council ~~Council~~ or ~~Board of Adjustment~~ Administrative ~~Law~~ Judge action goes to district court.

Appendix A: Definitions

ADVERSE IMPACT: Any potential or actual effect (impact) that is or may be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the reasonable use of property. The term includes secondary and cumulative as well as direct effects or impacts.

AFFECTED ENTITY: A county, municipality, local district, special service district, school district, interlocal cooperation entity, property owners association, public utility, or the Utah Department of Transportation, as set forth in Utah Code Annotated section ~~17-27a-103(1)~~ 17-79-102(3) or successor law.

CERTIFICATE: A document which conforms to the requirements of Utah Code Annotated section ~~17-27a-605(1)~~ 17-79-708(1) or successor law.

COMMUNITY DEVELOPMENT DEPARTMENT: The Summit County department of community development.

COUNTY ASSESSOR: In accordance with Utah Code Annotated title 17, chapter ~~176~~7, the duly elected Assessor of Summit County or his/her designee.

COUNTY ATTORNEY: In accordance with Utah Code Annotated title 17, chapter ~~18a~~68, the duly elected Attorney of Summit County or his/her designee.

COUNTY RECORDER: In accordance with Utah Code Annotated title 17, chapter ~~24~~71, the duly elected Recorder of Summit County or his/her designee.

~~COMMUNITY DEVELOPMENT~~ DIRECTOR: The Director of the Community Development Department, or authorized designee, with overall administrative control of the planning, building and zoning functions of the County, under the direction of the County Manager.

DWELLING UNIT, ~~ONE-FAMILY~~SINGLE-FAMILY DETACHED: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one (1) family and its guests. May be referred to as a single-family dwelling unit.

LAND USE AUTHORITY: The Community Development Director, Planning Commission, ~~Board of Adjustment~~Administrative Law Judge, County Manager or County Council, as the case may be, who is empowered under this title to make land use decisions on behalf of Summit County.

PARCEL BOUNDARY ADJUSTMENT: An adjustment to property boundaries as set forth in Utah Code Annotated section ~~17-27a-522~~17-79-806, ~~17-27a-523~~17-79-807, or 57-1-45.

STANDARDS: Specific measurements of the quantity or quality of various elements of development.

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument. Subdivision includes divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. Subdivision does not include a bone fide division or partition of agricultural land for agricultural purposes or activity, nor does it include any of the specific circumstances designated in Utah Code Annotated section ~~17-27a-103(62)(c) and (d)~~17-79-708, as amended.

APPENDIX C (D)
ADULT/SEX ORIENTED FACILITIES AND BUSINESSES

- D. Right Of Appeal: All appeals from denials by the Planning Commission of ~~conditional~~Conditional use~~Use permit~~Permit applications shall be as provided in title 10 of this Code, the Eastern Summit County Development Code (this title) (as applicable), and Utah Code Annotated, section ~~17-27a-704~~17-79-1009, to the District Court within thirty (30) days of the Planning Commission's final action.