

Interview Schedule

Eastern Summit County Planning Commission

Wednesday, March 11, 2015

Conference Room #2, Coalville

2 vacancies

3:40 PM	Marion Wheaton
3:50 PM	Bill Wilde
4:00 PM	Doug Clyde (reapplying)
4:10 PM	Dan Spader

The two vacancies are a result of Mike Brown and Doug Clyde's terms expiring on 2/28/15. Mike Brown has served three consecutive terms, and cannot reapply; Doug Clyde has reapplied.

To clear up any possible confusion (regarding residency of applicants), we are running a revised ad in *The Summit News*. Additional interviews will be held March 25th at the Richins Building.



MEMORANDUM:

Date: March 11, 2015

To: Council Members

From: Tom Fisher

Re: Recommendation to appoint member to the County Fair Advisory Board

Advice and consent of County Manager's recommendation to appoint Katie Stellpflug to the County Fair Advisory Board. Katie's term to expire December 31, 2017.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 25, 2015
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN STREET, COALVILLE, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 1:10 p.m. to 2:00 p.m. Those in attendance were:

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

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*
Jeff Jones, *Economic Development Director*

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

The Summit County Council met in closed session for the purpose of discussing personnel from 2:00 p.m. to 2:05 p.m. Those in attendance were:

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

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*

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

WORK SESSION

Chair Carson called the work session to order at 2:15 p.m.

- **Update on transportation planning; Derrick Radke, Leslie Crawford, Pat Putt, and Peter Barnes**

County Engineer Leslie Crawford presented the staff report and explained that the Fehr and Peers report includes a lot of background information, population and traffic predictions for the Snyderville Basin, and two categories of potential solutions--structural improvements and transportation demand management strategies that are non-structural improvements. Most of the structural improvements were already presented in the 1995 Snyderville Basin Transportation Master Plan, and they include a list of projects that have been constructed, are under construction, and are yet to be scheduled. She reviewed some of the structural projects included in the report. She also reviewed some of the transportation demand management strategies in the report and noted that they align with what Staff came up with in their brainstorming sessions. The report discussed the effect of implementing these strategies on traffic in the Snyderville Basin using the metric of vehicles miles traveled and concluded that the smallest reduction would come from increased transit operations, and the greatest reduction would come from mixed-use development. The report also indicated that it would require 1/8 to 1/2 full-time equivalent employee to implement just one strategy.

Ms. Crawford reported that Staff has continued to hold brainstorming sessions and coordinate with the Snyderville Basin Special Recreation District and the Summit County Health Department, and she believed there are some great opportunities for other options. On Friday Staff will have a way-finding conference call with the consultant that did the wayfinding for the 2002 Winter Olympics to see what can be done to increase bicycle and pedestrian connectivity in Kimball Junction using effective signing and wayfinding. They are exploring a new definition of park-and-ride for bicycles rather than cars. They are working on the formation of a citizens' advisory committee, how to choose the citizens to serve on that committee, and how the committee should function. They have also been working with a gentleman on an on-line platform that would show a person's route, how much CO₂ would be reduced if they use a bike, and how much would be added if they take the bus. It would also show how many calories they can burn if they walk or not burn if they drive a car. Ms. Crawford stated that they will continue to work with other departments as they move forward.

Council Member Robinson stated that he has a list of questions, and Ms. Crawford indicated that she would like to see his questions in written form or meet with him to answer his questions.

Chair Carson requested a comprehensive overview at a future meeting of the projects and Staff's evaluation of which ones are worth putting into the budget.

Council Member Armstrong recalled that in the last meeting Staff talked about breaking things down into bite-sized goals, such as what could be done in six months. He asked what would be reasonable to implement in six months and how they could plan for immediate pinches, such as the 3:00 to 6:00 traffic, on a short-term basis. He believed they should look at the ultimate plan for moving people on Highway 224 and then decide what the next step would be after six months and other steps over the next five or six years to achieve their ultimate goal a step at a time. He suggested that they frame this as a problem-solving issue and start to come up with solutions. He explained that they need to look at all kinds of transportation modes. He reported that he and Chair Carson visited one of the Council people in Zermatt who discussed the congestion they experience at the end of the day getting people off the mountain. They are looking at a potential solution from a German university that uses roller coaster technology to build a monorail to get people off the mountain at a cost of \$20 million for a 3 km stretch of monorail.

Council Member Robinson stated that the funding sources they discussed at a previous meeting also need to be part of this plan, because they need to determine how they are going to pay for implementing the plan.

Ms. Crawford reported that Staff is continuing its efforts to put together a short-range transportation master plan and identify the resources need to implement it. They will look at the next six months, the next year, and a capital facilities plan for the next five years that will identify the projects and funding and which they will update regularly.

- **Discussion regarding citizens survey; Richard Krannich**

Richard Krannich, a consultant from Utah State University, discussed the proposed citizen survey and explained that it would be divided into three segments like the last survey and that they would survey a sample of 1,000 residents from each of those three segments. They would deliver a mail-delivery survey in March, with multiple contacts through May, and provide the results during the summer. They will make a web page version available if people would prefer to respond that way, but the literature indicates that a web-based opportunity does not positively affect response rates, and there is some evidence that a web-based option sometimes suppresses response rates. A mailed questionnaire still generates the best response rates. He explained that the draft questionnaire is very similar to the questionnaire used in the past. They have removed a few questions and added a few, including a question or two about transportation issues. Mr. Krannich requested input from the Council Members.

Council Member Ure asked if they get enough surveys returned to get an accurate idea of the demographics of the area, particularly the Latino population. Mr. Krannich replied that they will not get very many, and they may get a glimmer of what differences might be happening in that segment of the population, but statistically, it would be difficult to put a lot of faith in that information. Council Member Ure commented that may affect their decisions regarding transit. He looks at the survey as a means of education and noted that some of the open space the County has previously purchased has created barriers to solving some transportation problems. He asked if they can ask a question aimed at whether people would prefer more open space or to get some of their transportation problems resolved. In order to solve some of their transportation issues, he believed they will need greater density per acre, and he looks at the survey as an education forum to get people thinking that way. Mr. Krannich explained that they discussed adding

questions about transportation issues, but that would make the survey too long, and the feedback he received from the County Manager's Office was to hold this questionnaire to what they have done before so they will have the ability to see the trend line and look at the change from previous surveys. At some point the County may want to do a more targeted transportation survey, but this survey is at its maximum length.

Council Member Robinson referred to Question 11.j. regarding increasing property tax revenue to preserve open space and recalled that they just went through a successful bond initiative. He believed people might not be interested in further taxation for that purpose at this time. Chair Carson agreed and suggested that they rephrase the question to ask if people support the idea of the County increasing taxes for the purpose of purchasing open space. Mr. Krannich stated that they could frame a short series of questions regarding open space, trails, and transportation. Council Member Robinson was not sure to what degree they need to keep the same framework to have comparability from one survey to another. He was not certain what they would do with the information they get from the answers to several questions, and they may want more current, germane information. Mr. Krannich stated that Economic Development Director Jeff Jones gave him a long list of economic development questions, and they would have to do a stand-alone questionnaire to incorporate all of them. He stated that, with one or two exceptions, this questionnaire is identical to what was there before for purposes of comparability. It has been his experience that a minor wording change can cause people to interpret a question differently so he cannot compare the results with previous surveys. The underlying guideline in this type of questionnaire is to not change anything and keep the questions the same so they can accurately compare so nothing will cause a shift other than a change in conditions. If they don't want to be prisoner to the questions they asked in 2011, he could change the schedule and build a different set of questions. Council Member Robinson felt that they should decide whether they want more comparability with past surveys or more up-to-date information that is more relevant to today.

Chair Carson stated that she would like new economic development questions in the survey. She felt it was important to know how people feel right now as a basis for making decisions. Council Member Armstrong asked if they could include some economic development questions specific to the eastern side of the County so they will have data showing what citizens in each segment of the County are interested in. Council Member Robinson asked if they have the right questions to get information regarding growth and growth management.

County Manager Tom Fisher stated that Staff needs direction on whether the Council wants the survey to provide feedback on the County's performance and/or whether they want it to be on discrete issues that are current. From a high level, he would look at this survey to see whether they are providing County services well. If they get down to specific issues like transportation and economic development, the responses will be very different from survey to survey, because conditions change so much. If they want to do both, they could have a section of the survey that deals only with performance and a section that would change from survey to survey. Council Member Armstrong indicated that he would be interested in having both in the survey.

Council Member Robinson asked how much the survey costs. Mr. Krannich replied that it is currently estimated at \$44,571, which is about \$2,000 more than two years ago.

- **Presentation by Habitat for Humanity of Summit and Wasatch Counties, Utah; Shellie Barrus and Lisa Schneider**

Lisa Schneider, who serves on the Board of Directors of Habitat for Humanity with responsibilities for Business Development and Communications, stated that they often hear feedback that their organization builds houses. However, they also meet some very specific needs in the community. They have always been an advocate and educator in the arena of affordable housing, have added home preservation and care, have made a commitment to build “green” highly efficient homes, preserved community assets and responded to community aspirations, and have done weatherization, preservation, and repair. They serve between 25% and 70% of AMI with the weatherization, preservation, and repair program. She provided a chart showing how they are similar to and different from other housing service programs.

Shellie Barrus, Executive Director for Summit and Wasatch Habitat for Humanity, explained that part of their program is to educate home owners and buyers regarding options available to them and provide workshops about opportunities in the community. They are focusing this year on weatherization and home health and safety. Their ReStore program keeps 270 tons of material out of the landfills annually. They also support economic development in the community and want their programs to benefit the community, not just individual homeowners. Every repair or project they do contributes to the local economy.

Ms. Schneider emphasized that Habitat for Humanity is not a charity, even though it is a not-for-profit organization, but it is a housing business centered on sustainability and economic impact for everyone in the County. She stated that there is a significant amount of affordable housing that will be coming on line. She reviewed community needs data and projects they are working on to meet those needs.

Ms. Barrus stated the most effective way to provide Habitat’s services is through partnerships to maximize what they and other organizations are doing. She reviewed projects they were able to complete and success that was experienced in partnership with other organizations and agencies.

Ms. Schneider summarized that Habitat for Humanity is non-political and interfaith, sustainability and economic impact centered, partnership and community based, and community needs and outreach directed. She hoped they would have a growing relationship with the County and could move beyond the old-fashioned idea that they build houses to what the organization actually does today.

Glen Wright, President of the Habitat for Humanity Board, requested that the County let Habitat help the County do the right thing. The building season will start soon. Sometimes opportunities to provide affordable housing slip by, and he stated that Habitat is here to help the County.

Council Member Robinson asked Ms. Schneider to clarify what she means by saying that Habitat for Humanity is not a charity. Ms. Schneider explained that the distinction is that they do not give away services. Their programs are self-help, and the only thing they give away is education and advocacy.

Council Member Armstrong confirmed with Sustainability Coordinator Lisa Yoder that the weatherization done by Habitat for Humanity qualifies for the Georgetown University prize.

- **Update on Mountain Accord; Chris Robinson**

Council Member Robinson stated that the topics to be discussed include the interlocal agreement and the amendments to it, a debriefing of the trip to Switzerland in which Chair Carson and Council Member Armstrong participated, and a discussion of their current thinking about their position before the April executive committee meeting. He believed the County should move forward and sign the interlocal agreement and contribute the \$50,000 a year. Provided that they can assure exit ramps, he would be in favor of the plan being studied as proposed with whatever modifications may come from the public comment period and including the connection.

Council Member McMullin asked if anything has changed in how Council Member Armstrong and Chair Carson feel about Mountain Accord after their trip to Switzerland.

Chair Carson stated that all along she has been a little suspicious of the tunnel and who will benefit, and that is still a major concern for her. On the trip she had an opportunity to spend a lot of time talking with Laynee Jones and expressing the concerns they have heard from the community, especially regarding the tunnel. She believes it is difficult to separate the tunnel from the Mountain Accord discussion. She would like to stay in the process because of what she sees they could potentially gain from it. She stated that they saw examples of great transportation systems in Europe and how the schedules were all coordinated, and she believes Summit County will have to use a combination of transportation modes. She referred to the discussion they had with the woman in Zermatt about getting people off the mountain with roller coaster technology. That system seems to be very flexible and is reasonably priced. She appreciated the input at last evening's meeting and believes Mountain Accord thoroughly understand Summit County's concerns with the tunnel. Council Member Robinson added that they also understand the County's concern about Highway 224, 248, and 40 and the issues related to those. Chair Carson recalled that last night Peter Metcalf stated that one reason he likes this process is that, over the years they have been bombarded with one idea after another, and he believes this will put to bed some of those competing interests. There will be a master plan, and it will be followed. By allowing the tunnel exploration to go through, she hoped they could at least have the information and know once and for all whether that is feasible. She believed it was worth following through and getting the study completed to get that information, and they should stay at the table to get some of the components they need in their community to solve their issues.

Council Member Armstrong discussed the types of transportation modes they saw in Switzerland and stated that, if they are going to run a train up the Cottonwood Canyons, it would have to be a cog train, because it is too steep for other types of transit. He stated that the transportation schedule and pricing in Switzerland is remarkable and covers every form of transportation. They initially built their railways in the 1850's and have continued to upgrade them, and in the United States we are tearing out rail lines. He stated that it did take him two hours to get to the top of the mountain on the tram. Chair Carson stated that she took a different route, and it took her a half hour to get to the top. Council Member Armstrong stated that there were about 500 people at the base of the tram he was trying to get on, and it took two tram changes to get to the top. He

believed Park City currently has an outstanding guest experience, and they need to keep in mind that is paramount. If they ruin the guest experience, people will go somewhere else, and whatever they do needs to add to the guest experience. He believes Mountain Accord is a little bit overwhelmed by the connection issue. He is against it, and he believes it will hurt Summit County, that it will contribute to growth, and as soon as they put a train station in Sandy they will attract more day skiers from the Salt Lake Valley because it will be easy to get here. Summit County is a major economic driver for Utah's economy, and he believed making drastic changes carries the possibility of harming that. Even after hearing all the input last evening, he was not sure that there is a significant direct benefit that will come from Mountain Accord for Summit County and Park City. Chair Carson commented that they know additional growth is coming, and if they do not channel that within the Cottonwood Canyons, Summit County will get a lot of spill-over effect. She believed it would be a benefit to Summit County to have things managed in the Cottonwood Canyons. Council Member McMullin asked if that would be affected by Summit County being involved in this process. Council Member Armstrong replied that it feels like they are hanging on and writing a check with the hope that they will get some unnamed benefit to solve their transportation problems. Chair Carson stated that she believes Summit County has been able to help Mountain Accord understand how critical their highway corridors are, not only to the County but for the economy of the other participants as well. Council Member Armstrong stated that he served on the transportation committee, and they were not asked about that. Summit County understands that the Cottonwood Canyons have significant challenges, and they deserve to be able to find solutions and have some assistance with the solutions to those problems. However, they never discussed the Cottonwood Canyons problems in their transportation meetings and how they could help them. Council Member McMullin asked Council Member Armstrong if he is for or against staying in the process with Mountain Accord. Council Member Armstrong noted that they are not just being asked to contribute to the process, they are being asked to double their commitment. He believed they could hire a consultant with that \$150,000 to help Summit County solve its own problems. He is reluctant to leave the process, but he is not willing to commit \$150,000. He would prefer to continue in stages to see if some of their questions are answered and if some of what Summit County needs starts to coalesce and be addressed.

Council Member McMullin asked about the downside of exiting the process. Council Member Robinson stated that the biggest downside is that they would miss the potential opportunity to get help with the large transit and transportation issues that face the County, including transit from the airport to the Basin and inter-Basin. He agreed with Council Member Armstrong that most of the environmental and recreational issues are centered around the Cottonwood Canyons. He believes the economic issues are connected to Summit County and that the State is interested in Mountain Accord because it will create a strong economic story, which Summit County will be a part of. It is up to the County to figure out how to be part of that by helping the County, not hurting it. He believed the County would be viewed negatively by the State Legislature and State leaders if they pull out. He acknowledged that the process would go on without Summit County, but he believed net good would come to the County by staying in the process.

Council Member McMullin asked what the downside of staying in the process would be. Council Member Armstrong believed the only downside would be economic. If the County is anything but clear about how they feel about the connection, and they submit the connection for the NEPA process and environmental impact and then pull out at a late stage and say they are not

in favor of this, he was concerned about the damage it could cause to the County if the legislature and everyone else is committed to a connection and the County communicates that it is not. It would be like planning a wedding and then not showing up at the end. Council Member McMullin asked if there is any downside to staying in a process through the EIS that includes a connection that the County is against. Council Member Armstrong replied that it would be important to communicate that they are against it. Council Member McMullin asked what more they need to do to communicate that they are against it. Council Member Armstrong stated that he believes the County has done a good job of communicating that. He has been very vocal about that in the last few months, because he does not want any misunderstanding of his position with regard to the tunnel.

Council Member McMullin stated that she wants to be sure the County's staying in the process is never construed as acquiescence. Chair Carson stated that they have had several opportunities to make that very clear. From the beginning they were concerned that the tunnel is a driver for the City of Sandy, and they are hearing that the connection is not needed to make it work. They think it may create an additional benefit by allowing recreationists to go back and forth. In her conversations with Laynee, she asked for a meeting with the leaders on the Wasatch Front so she and Council Member Robinson can communicate their concerns with them directly. Council Member McMullin stated that she would be in favor of a written statement to that effect signed by the Council. If they are going to stay in this process, they need to make it very clear that they are not in favor of the connection. She was concerned about staying in a process where the connection issue is part of the NEPA and the EIS. Council Member Armstrong noted that Council Member Robinson has made a proposal that, if the connection issue is not resolved, Summit County and Park City want to get out of the process. Council Member Robinson stated that he does not care what the Wasatch Front people say, he wants to have it in writing. He wants to enshrine the fact that, if they are opposed to the connection, it won't happen and that no one can cry foul later. He was not as certain as the other Council Members that under all circumstances a connection would be bad for this community. He wants to see the results of an economic study and what planning would happen in the Basin for transit and how all the pieces would be connected before he knows whether this would be bad for the County. Many things need to be looked at before he is willing to say that he does not want a connection and that they do not want to participate any more. Council Member McMullin stated that she is dead set against it and does not want to stay with the process for five years while they prove that something that is on track to happen is not going to work. Council Member Robinson stated that he does not believe there can be any proof one way or the other until after the NEPA process has been completed. There is a discrete time frame for that process, and there will be a lot of participation in that process. It will not happen in a vacuum. Council Member McMullin stated that she believes this whole process has been focused on a tunnel rather than trying to solve the problems in other ways that are cheaper and easier.

Council Member Robinson expressed concern that trains that dead end in the Cottonwood Canyons will not have the ridership nor create the economic engine to justify them. That puts the County in an awkward position, and wants to consider whether there is a way this connection can be a win-win situation for Summit County if it turns out that the tunnel is the lynchpin to the success of the whole thing. He believes it is shortsighted to say no to this now and not be willing to look at any facts that may surface later. Council Member Armstrong argued that Mountain Accord has had a year to provide facts, and their consultants have stated that the focus is on

getting more day skiers. Council Member Robinson did not believe the connection to the Cottonwood Canyons is designed for their destination skiers. He stated that everything they saw in Switzerland is based on a completely different model, and this connection is not for skiers coming from the airport to Summit County but what is in the system will create bus routes and transit that will bypass traffic jams on Highways 248 and 224. He believed much of the County's clientele is above using mass transit at all. This connection is a transit connection, and a big share of their traffic problems stem from the people who live and work in Summit County. What he believes is needed is a way to get everyone else around in a way that is more efficient, and that is what he wants to see more of before he is ready to cast a definitive vote.

Council Member McMullin expressed concern about the amount of time County Staff has devoted to the Mountain Accord process. If they are going to stay in it, she did not want Staff to be going to all the Mountain Accord meetings, because they already have too much to do to solve the County's problems. She would be willing to stay at the table with Mountain Accord except for Staff time and resources. Council Member Robinson did not believe they could totally disengage from some Staff participation in a process that is so important to the County.

Council Member Ure stated that he was grateful Staff was involved in the first phase of Mountain Accord, because they asked the right questions and provided a lot input to the Council. He commented that only two people in the State House of Representatives know that \$5 million was requested by the Senate President to help fund Mountain Accord. In the Senate, probably less than 15 of the 29 Senators know about. He keeps asking himself what Mountain Accord can do for Summit County in the next 10 years, because he has no faith in them or their consultants. The County can hire consultants, and he did not see how Mountain Accord was going to solve the County's problems from Deer Valley to the freeway. He believed Staff would always have to be involved, because too many things will continue to come up that need to be addressed. He believed Park City would stay in Mountain Accord even if Summit County drops out. He commented that Summit County's participation in Mountain Accord is like being a Democrat in the Utah House of Representatives.

Chair Carson stated that initially they thought they had to sign the two documents immediately, but that is not the case. She worked with Laynee Jones on language for the "exit ramp" for the charter the executive board will approve at their April meeting. The other document is the interlocal agreement that says the County will commit to a certain amount of money for a certain amount of time, and there is exit language in that. She suggested that they inquire about Staff time commitment and get the language corrected in the documents. Council Member Robinson confirmed that there is no urgency to make any decision today, and they can continue to monitor how they want to proceed. Chair Carson invited the public to send comment directly to the County Council.

Council Member Ure commented that he does not believe Mountain Accord will control the road, especially on the Wasatch side, and he also believes the environment will not be as nice and pristine in 30 years as it is now. Just because they can go through the mountain does not mean they should. He is torn about staying with Mountain Accord, because he does not believe it will help Summit County solve their problems, and no matter what happens on either side of the mountain, he believes the watershed will suffer.

- **Update regarding Eastern Summit County Code and Zoning; Pat Putt, Community Development Director**

Community Development Director Patrick Putt recalled that it has been some time since the Eastern Summit County Planning Commission met with the Council. He explained that when they updated the General Plan, it was clear that changes to the Code were needed to include the tools and processes for dealing with the important objectives in the General Plan. They acknowledged that farming, ranching, and extractive industries have been and will continue to be a part of the County, but they also need to organize and be smart about how they grow. The existing Code has very limited tools, and there are not many options to address how they will grow, especially from a residential standpoint. The main driver in Eastern Summit County is the Highway Corridor (HC) Zone. Staff and the Planning Commission have spent the last several months exhaustively reviewing new potential zoning districts. One is the Agricultural 1 (AG1) Zone, with one unit of development for one acre, which allows for some associated agricultural activities. It is possible that could be a replacement for the existing HC Zone. He explained that they do not want to create any more nonconforming uses so they have also developed an AG6 Zone, which is one unit per six acres, which they believe could help them solve a number of non-complying lot situations. They have also drafted a Rural Residential (RR) Zone, which allows one unit per one acre with a minimum lot size of .75 acre with a much more limited agricultural component. They believe they need a true Residential Subdivision Zone where they can build a neighborhood with the necessary infrastructure, and they propose three units per acre, which would be comparable to Jeremy Ranch or Silver Springs. They propose a Recreation Commercial Zone where they can start to build a recreation economy. They have also developed an Agricultural Residential Overlay Zone which could be applied to the AG1 and AG6 Zones and allow for an increase in the number of units based on the ability to apply performance standards for better design. For the last month or so, they have started to explore where the various zones would be applied and have developed five standards for determining where to apply the zones. Those standards include looking at the existing development pattern and parcel size in the area, the physical features of the site, considering the future land use maps for the municipalities' annexation declaration areas, public water and waste water availability, and any targeted economic opportunities. Mr. Putt stated that they are starting to develop concept zoning maps that are designed for discussion and questions. At the next Planning Commission meeting they will present the maps for the northern part of Eastern Summit County and start to test them against the criteria. After that, they will continue to work toward the south end of the planning area, and they will do that with public involvement. They will do this initially in work session, then there will be public hearing opportunities, with the goal to get this to the County Council this spring for their review and the decision process before the Council.

Council Member Robinson asked if there is consensus among the Eastern Summit County Planning Commissioners or if there is dissent and what has been done for the areas that are currently zoned AG40 and AG160. He recalled that they went through an exercise in Brown's Canyon some time ago regarding a light industrial zone, and as they talk about economic development on the east side, they need some places that can handle some industry.

Planning Commissioner Michael Brown stated that there has not been consensus on the Planning Commission, and he anticipated there would not be in a group of seven people. They run their meetings with total transparency and make decisions by majority, and this represents the majority of the Planning Commissioners who are showing up and doing their job. He confirmed that most of the votes are 5 to 1 or 5 to 2, and they definitely have a super majority that supports the direction they are going. Planning Commissioner Doug Clyde commented that they agree on the zones but not on how they are being applied.

Mr. Putt explained that they will go through the decision making process on the zoning map as systematically as they can, so when they bring it to the community and the Council, they will have good, sound reasoning for the zoning in specific locations. He anticipated there would be a lot of discussion and sometimes disagreement, but they hope to end up with something they can explain. He stated that they are trying to be very careful in these last steps to not make a fatal flaw. With regard to the larger zones in the outlying areas, they are not proposing substantial changes to the AG40, AG100, and AG160 zones, although some specific areas may be rezoned. He believed they might change the AG100 to AG80 to make it a more logical increment. The Code changes they are making will allow for rezoning to other zones if someone can justify it with the right access and infrastructure. The only tool they have now is the SPA, which is not included in these Code amendments. He explained that the General Plan recognizes that Eastern Summit County will grow and that there will be a need for other land uses. They hope to create a series of communities on the east side that need to be comprehensive and whole, but right now they do not have the ability to do that.

Chair Carson stated that she would like to hear the reasoning behind the changes so the Council can understand what they are trying to accomplish and how the tools will help them get there. Commissioner Clyde discussed the thinking behind the R3 Zone. Council Member Robinson asked that they look at the eastern side of the County holistically and not choose only the more urbanized areas and highway corridors. Planning Commissioner Ken Henrie explained that much of their effort has been based on the valley corridors, because that is where the development requests come from and where all the activity is. He explained that the larger zones have not fallen off their radar, but initially they have concentrated on where the activity is. They recognize there is potential for other uses in the greater zones, and there will come a time before they are through with their discussions that they will address those zones.

Council Member Ure asked what happened in the public hearing. Commissioner Brown quoted from the *Park Record* that “heading in the right direction” was the phrase most often quoted. They had a big turnout, it was a positive meeting, and although there were concerns, the overall input they received was that they are heading in the right direction. The Planning Commission will continue to work together, and there will have to be some negotiations, but he believed they would bring back a document that would be very palatable.

Council Member Armstrong asked if there is relative consistency among the Planning Commissioners regarding the zones themselves. Commissioner Henrie replied that he believes there is a consensus that they need to do something other than what they are doing now, and the public supports that. When they get down to the details, the process becomes more difficult, and they have not yet determined all the details. How and where they apply the zones has not yet been decided yet, and they will have to discuss that further with the public involved in that

process. He stated that they had a strong turnout at the public hearing, and after Mr. Putt finished presenting what he presented to the Council today, they received applause from the public, which is the first time he has heard that. After the meeting, several people contacted him and said they appreciated what the Planning Commission is doing. He stated that everyone sees there is a genuine need to revise what they have been doing on the eastern side of the County.

Council Member Armstrong asked what 80 people at a public meeting represents in terms of total land owners outside the municipalities. The Planning Commissioners replied that it was a good turnout. Planning Commissioner Tonja Hanson stated that she was surprised there was not more public comment with so many people at the public hearing. Council Member Armstrong stated that he likes what they are doing with the Recreation Commercial Zone, because he and Alyson Weyher spent time trying to promote recreational businesses and opportunities in Eastern Summit County. Commissioner Brown emphasized the importance of moving to a zone-based Code.

Council Member Robinson asked if there is a minimum lot size requirement for a septic system and stated that water and sewer for subdivisions needs to be part of what is proposed. Commissioner Brown replied that a 1-acre lot is required to have a septic system and well. Commissioner Henrie stated that water resources have to be taken into consideration as well.

Council Member Armstrong commented that portions of Eastern Summit County are going to experience a substantial amount of pressure in the several years. As they look at the zoning maps, he encouraged them to look at how to connect areas and provide sufficient neighborhood commercial development so people do not have to get in their cars to get groceries and other basics. Mr. Putt explained that their planning recognizes the existing nodal development, and it is critical to make it as seamless as possible as those areas start to grow. They do not want to dump something on the municipalities and surprise them or compete with them. They don't want to create a strategy that results in suburban sprawl.

Commissioner Brown asked if the Council would like the Commission to bring a proposed zoning map with the Code amendments. Chair Carson felt it would help them understand the Development Code updates if they could see how they potentially could be applied. Council Member McMullin stated that she was not sure they need to wait for the zoning map to amend the Development Code and move forward. Council Member Robinson felt it would be helpful to see the Commission's thoughts about where they think the zoning might be applied, but he did not want to slow down the process to wait for that. Mr. Putt stated that he believes the next logical step is to continue on the track they have been on, and in the interest of time, he suggested that they move forward with presenting a map as early as possible with as much information as possible in conjunction with a complete zoning ordinance amendment.

Council Member Robinson commented that he often sees specific zones but also a General Plan that says within a neighborhood they would consider rezoning to certain uses. Then someone could use the General Plan to say their land would be consistent with the neighborhood. He believed that would be an alternative to a blanket rezone of big areas. Many times when he applies to rezone a property, he is told he will have to amend the General Plan to do that. Commissioner Clyde stated that they need to get into enough detail to know the impacts of their zoning on health and safety. Council Member Robinson did not know what good it would do to

create a lot of zones without also having the parallel guidance of a zoning map or having a General Plan that allows individuals to come in and request a rezone of their property. Council Member Ure stated that he understands a General Plan is just a general plan, and he did not understand Council Member Robinson's comments. Mr. Putt explained that the General Plan is the narrative guide for how they want to develop and grow over a specific period of time, with policies, targets, and objectives. The General Plan includes a future land use map that paints broad strokes of functions in certain areas. Although it might be simpler to do what Council Member Robinson suggests, they also have the issue of nonconforming properties and lots of record, and he believes they can produce a workable Code and some legitimate maps that may result in some baseline zone map amendments. When they go through their annual review of the General Plan, they can develop a future land use map that will be a guide to future rezoning. He expressed concern that, if they were to totally step back and revise the General Plan, they would lose a lot of positive momentum. He stated that they will bring a document as soon as they can that will include a map. He noted that the Council will be the ultimate decision-makers, and Staff and the Planning Commission will have to come to the public and the Council to explain why they have done what they are doing. Council Member Robinson stated that he believes a general land use map is much better, but they need a map of some sort when they come to the Council with the zones.

REGULAR MEETING

Chair Carson called the regular meeting to order at 5:35 p.m.

- **Pledge of Allegiance**

DISCUSSION AND APPROVAL OF 2014 CERTIFIED TAX RATE CORRECTION FOR WEBER BASIN WATER CONSERVANCY DISTRICT; CORRIE FORSLING, TREASURER

County Treasurer Corrie Forsling reported that the Weber Basin Water tax rate was adjusted after the evaluation notices were issued. The previous Auditor was notified of that adjustment, but it was not communicated to her, so the tax bills were sent out with the incorrect tax rate. Rather than go to the expense of sending out new tax bills, they reached a solution with Weber Basin Water. Weber Basin Water has submitted a letter to the Council asking the Council to request that the State Tax Commission allow them to adjust the 2015 tax rate to recoup the \$45,000 in lost revenue from 2014.

Council Member Ure made a motion to approve the letter to the State Tax Commission requesting a correction to the 2014 tax rate for Weber Basin Water Conservancy District as proposed. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION 2015-09, AN INDUCEMENT RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF A QUALIFIED ENERGY CONSERVATION BOND NOT TO EXCEED \$4,300,000 FOR A COUNTYWIDE RESIDENTIAL ENERGY EFFICIENCY AND SOLAR PV LOAN PROGRAM; LISA YODER, SUSTAINABILITY COORDINATOR

Sustainability Coordinator Lisa Yoder reported that this resolution is a procedural requirement to apply for the qualified energy conservation bond previously discussed with the Council. The resolution states that the Council has reviewed the purpose and use of the bond. The amount is the remainder of the State's allocation in the qualified energy conservation fund, and they are anxious to use that money up. The actual balance in the fund is \$4,306,920. When they make application on March 2, this signed resolution must be presented to show that they have been authorized to apply for the bond.

Council Member Robinson asked what this has to do with the Be Wise Energize program. Ms. Yoder explained that this bond will provide the funding for the Be Wise Energize program. Council Member Robinson thought the homeowners who elect to participate would repay the bond. Ms. Yoder explained that it will be a loan fund and confirmed that, when money for one home is paid off, they could lend the money to someone else. Deputy County Attorney Dave Thomas explained that this method of funding was an alternative to creating an assessment district, which State statute does not allow them to do. The County will essentially be a bank from which people will borrow the money, and the County will probably contract with a bank to service the loans, with an interest rate associated with the loans. This is a private activity bond, which is a type of bond the County has not used before. The approval of this resolution is needed before the County can apply for the bond.

Council Member Ure suggested that they adopt this resolution tonight but requested that Ms. Yoder and Brian Baker from Zions Bank explain the parameters and the County's responsibility. He believed a lot of paperwork would be involved, and someone would have to be paid to do that. This sounds good, but they need to understand exactly what is involved and what kind of paperwork and collections efforts will be required. Finance Officer Matt Leavitt confirmed that many details still need to be worked out, but they are facing a March 2 deadline to apply for the bond.

Council Member Robinson made a motion to adopt Resolution 2015-09, an inducement resolution giving preliminary approval to the issuance of a Qualified Energy Conservation Bond not to exceed \$4,300,000 for a countywide residential energy efficiency and solar PV loan program. The motion was seconded by Council Member Ure.

Council Member Armstrong confirmed with Ms. Yoder that the proceeds from this bond could also be used for energy efficiency projects as well as weatherization and solar. Mr. Thomas offered to build that into the resolution. Ms. Yoder commented that a concern previously expressed related to insuring payback of the loans, and her research indicates that the default rate on unsecured energy efficiency loans ranges between 0% and 2%. She stated that the County will build protections into the program to minimize the risk of default.

The motion passed unanimously, 5 to 0.

APPOINT MEMBERS TO THE PARK CITY FIRE SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

Council Member Robinson made a motion to reappoint Michael Howard and Liza Simpson to the Park City Fire Service District Administrative Control Board, with their terms to expire December 31, 2017, with Liza Simpson being the representative recommended by the Park City Council. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

APPROVAL OF MINUTES

JANUARY 28, 2015

Council Member McMullin made a motion to approve the minutes of the January 28, 2015, County Council meeting minutes as written. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

COUNCIL COMMENTS

Council Member Ure expressed concern about the relationship and communication between the State Legislature and Congressman Rob Bishop's office regarding the wilderness preservation bill proposed by Congressman Bishop. He stated that the Legislature needs to pass this, and he hoped they would get something worked out before the end of this session.

Chair Carson stated that she was informed by the Governor's Office that they will work it out. She recalled that they discuss getting BoardDocs for the County Council and included it in the budget, and IT is ready to move forward with it. She requested that the Council Members use the program and get rid of the paper packets. She reported that she was at the Recreation District fieldhouse this morning when they sold the \$25 million bond at an interest rate of 2.77%. The \$7 million bond refinance was awarded to Morgan Stanley. The District has received two bond rating upgrades from Standard and Poors and Moodys based on its financial strength and management and on the overall property values in the District's taxing area. The closing date for the bonds is March 11.

MANAGER COMMENTS

Mr. Fisher reported on what he has been doing the last couple of weeks meeting with legislators, senior staff, the fire districts, Mountainlands Community Housing Trust, several of the mayors, and representatives from Vail. He has attended Planning Commission meetings to get an idea of what they are doing, and he attended a joint meeting with Park City regarding the resorts, Mountain Accord, and transportation. They have been talking about the fairgrounds, and he received a briefing from Staff regarding the development agreement with the Canyons. Next Monday will be the strategic planning session with the facilitator Staff has lined up. With regard to Mountain Accord, he noted that the \$150,000 is not the only commitment to be made. If the Council chooses to move forward, which he recommends they do, it will be his job to determine how to support that. Staff will have to be involved, and he will work up a plan for that.

PUBLIC INPUT

Chair Carson opened the public input.

Sarah Pearce and Donna Greuneich thanked the Council for their work in supporting the Sundance Festival and Sundance Institute. They presented a poster signed by the award-winning film makers. Ms. Pearce stated that they recognize that this is a County-wide effort, and they appreciate the collaboration that occurs with everyone involved.

Mike Crittenden asked for clarification of what the Eastern Summit County Planning District consists of. He provided copies of the boundary map shown on the website and the description of the Planning District boundaries as described on the County website and in the Eastern Summit County Development Code. He noted that the website says people who serve on the Planning Commission must be residents of the Planning District for a year before being appointed to the Commission. The website describes the Eastern Summit County Planning Area as the unincorporated areas surrounding the cities of Henefer, Coalville, Oakley, Kamas, and Francis. He provided copies of a map showing what that description of the Planning Area would look like. He referred to the 1996 Eastern Summit County Development Code, which states that the Code and Zone District Map apply to the portion of Summit County commonly referred to as Eastern Summit County inclusive of the whole of Summit County, except for the Snyderville Basin which coincides with the Park City School District Boundary. In that language, the municipalities on the east side are included, because they are not expressly excluded. He also referred to the Eastern Summit County General Plan, which states that it does not plan for areas in the incorporated boundaries.

Council Member Robinson asked if Mr. Crittenden is trying to make a case that a resident in a municipality in Eastern Summit County is eligible to serve on the Eastern Summit County Planning Commission. Mr. Crittenden replied that he is. He believed the definition of the boundary is vague and open to a lot of interpretation. Vacancies have been noticed for the Eastern Summit County Planning Commission, and the website defines the Eastern Summit County Planning area one way, while the Code defines it differently. He noted that this has been administered both ways in recent years. He would like to see the two Commissioners whose terms are expiring be reappointed to the Planning Commission so they can finish the Development Code process. However, while the Code is open, he would also like the issue of whether municipalities should be included in the Eastern Summit County Planning Area handed back to the Planning Commission for public comment. Council Member Robinson did not believe public opinion should govern the interpretation of the language, but if they want to change the language through a potential amendment to the Code, it would have to go through the Planning Commission process.

Council Member Ure noted that the memo from Mr. Thomas regarding this matter suggests that the Council hold a public discussion about it. Chair Carson suggested that they schedule this for discussion at the next meeting. She asked if Mr. Thomas believes they should withdraw the notice of vacancies. Mr. Thomas replied that there is a concern that some residents of the municipalities may not apply because of what the website says. They may want to correct that and extend the time period for individuals to apply. Chair Carson stated that the first step will be to have a work session discussion about this next week.

Glen Brown stated that there are two individuals in this room who wrote the legislation with the help of legislative counsel. He noted that Council Member Ure sponsored the legislation that allowed the County to have another Planning Commission, and there was never any intention that the resident of a city would be part of the Planning Commission. They did not want to interfere with the cities running their planning commissions, and they never intended for people who did not live in these boundaries to be part of the Planning Commission. He did not know what has happened since, but one frustration of being in the legislature is passing legislation only to find out it did not turn out the way it was intended. He hoped that was not the case here.

Council Member Armstrong asked which of the current Planning Commissioners might be disqualified because they live in a municipality. Mr. Brown replied that he does not know. Council Member Ure confirmed that it was not the intent when he passed the legislation that residents in the municipalities would serve on the County's Planning Commissions. Council Member Robinson stated that, regardless of the intent of the legislature, they have an ordinance that raises a legitimate question, and he asked about the procedure for addressing that. Mr. Thomas replied that the Council can have a public policy debate amongst themselves, and if they decide they want to change something, the Planning Commission would have to hold a public hearing and make a recommendation to the County Council. Mr. Brown stated that this ought to be resolved so every citizen knows whether or not they are eligible to serve on the Planning Commission.

Chair Carson closed the public input.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING ORDINANCE #836, A PROPOSED DEVELOPMENT AGREEMENT AMENDMENT REGARDING RIDGELINES AT THE PROMONTORY DEVELOPMENT; AMIR CAUS, COUNTY PLANNER

County Planner Amir Caus presented the staff report and explained that Staff was reviewing some sketch plans for Promontory and found that the ridgeline vantage points are called out in the Promontory Development Agreement, but it does not specify where those vantage points are located. The vantage points are identified in previous staff reports but were not included in the development agreement. The proposal is to identify four locations as shown on the map in the staff report, one on I-80, two on U.S. 40, and one in Brown's Canyon. He reviewed the photographs in the staff report showing the views from each vantage point. He reported that a public input session was held with the Snyderville Basin Planning Commission, and a public hearing was held with the Eastern Summit County Planning Commission. The Eastern Summit County Planning Commission forwarded a positive recommendation to the County Council.

Council Member Robinson requested a vantage point between the one at Quinn's Junction and Home Depot in case there are parcels beyond the conservation easement area that could skylight the ridgeline. He noted that the findings of fact in the staff report refer to using GPS data, and he did not see that in the second amendment. He believed those points should be in the recorded document, not just in the file. Rich Sonntag, representing Promontory, explained that this was all surveyed by Jack Johnson, and they located the vantage points based on the survey points. He would not want to add a vantage point, because they laid out every permitted unit in

Promontory based on those surveyed points. They made hundreds of millions of dollars of decisions based on a development template created from those points, and he cannot say that another survey point might not hurt some of that.

Chair Carson opened the public hearing.

There was no public comment.

Chair Carson closed the public hearing.

Council Member Armstrong referred to the ordinance and commented that there are too many Exhibit A's. He suggested that the exhibits be numbered differently to make them easier to identify. He also requested a number of edits to references in the document. Council Member Robinson stated that they should list the vantage points and describe them in Exhibit A and also include the GPS coordinates. Mr. Thomas confirmed with the Council Members that Schedule 1 should contain the vantage point descriptions and GPS points, and Schedule 2 should contain the maps.

Council Member McMullin made a motion to approve Ordinance #836, a proposed Development Agreement Amendment regarding ridgelines at the Promontory Development incorporating the comments and edits discussed in this meeting with the following findings of fact, conclusions of law, and conditions of approval outlined in the staff report:

Findings of Fact:

1. Promontory Investments, LLC, is the owner of record of the Promontory Development.
2. The development parameters for this amendment are specifically set forth in the Promontory Development Agreement.
3. Per the Development Agreement language, structures are not allowed to skyline when viewed from I-80, S.R. 40, S.R. 248, and Brown's Canyon Road.
4. Although the Development Agreement mentions locations for vantage points, these points were never identified as part of the final recorded Development Agreement.
5. The applicant is requesting to identify specific locations from which ridgelines will be surveyed.
6. Promontory is located in the Eastern Summit County Planning District.
7. The proposed vantage points are located in the Snyderville Basin Planning District.
8. Staff brought this item before the Snyderville Basin Planning Commission on January 13, 2015, for input to the Eastern Summit County Planning Commission.
9. During the January 13, 2015, public input session, the Snyderville Basin Planning Commission recommended that the vantage points be specified via GPS coordinates to identify the vantage point locations exactly.
10. On February 5, 2015, the Eastern Summit County Planning Commission forwarded a positive recommendation to the Summit County Council.
11. Staff has reviewed the proposed amendment for compliance with applicable Development Code standards.
12. Staff has reviewed the proposed amendment for compliance with the Promontory Development Agreement standards.

13. The proposed amendment will identify specific vantage points which were only mentioned but not specified in the Promontory Development Agreement.
14. Public notice of the public hearing was published in the February 13, 2015, issue of *The Summit County News*.
15. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels on February 9, 2015.

Conclusions of Law:

1. There is good cause for this amendment.
2. The proposal meets the terms of the Promontory Development Agreement.
3. The proposal meets the applicable standards of the Eastern Summit County Development Code.
4. The proposal meets the applicable standards of the Eastern Summit County General Plan.

Conditions of Approval:

1. The vantage points shall be specified via GPS coordinates to identify the vantage point locations exactly.

The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING A SPECIAL EXCEPTION TO AMEND THE LIST OF ALLOWED USES AND A POSSIBLE INCREASE IN ALLOWED SQUARE FOOTAGE OF THE EXISTING MECHAM JEEP BUILDING LOCATED AT 2700 W RASMUSSEN ROAD; PARCEL PP-47; ROBERT BARRUS, APPLICANT; SEAN LEWIS, COUNTY PLANNER

County Planner Sean Lewis explained that this special exception is being requested because the development agreement for this property has expired, and the Development is not equipped to handle changes to the property. Robert Barrus owns the property and has been working with Jeff Jones, Economic Development Director, to recruit Armada Skis to relocate their headquarters in Summit County. The applicant would like to add to the available uses, including a small retail operation and showroom and video editing facilities where skiers can edit their videos at the end of the ski day to post on YouTube. He reviewed the site plan and indicated the expansions proposed by the applicant. He explained that this development was required to contribute to a bridge over East Canyon Creek that was built by the Recreation District, with that contribution being tied to Phase II of the original development. Phase II was never constructed, and the contribution has not been paid to the Recreation District. Phase II is not anticipated in the expansion currently proposed by the applicant. Staff recommended that the County Council approve the proposed special exception with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Council Member McMullin recalled that this is the second special exception the Council has seen because the Code cannot handle these types of situations with expired development agreements. She asked what the plan is going forward to amend the Code so they will have a process to handle these types of circumstances. Mr. Putt explained that one thing they are working on with the Code rewrite is to provide harder zoning for properties that were associated with development agreements and SPAs to reflect the nature of the uses.

Council Member Robinson confirmed with Staff that the proposed painting area meets the required setback from the creek. He asked if impact fees or affordable housing would apply to this proposal. Mr. Lewis explained that the impact fees for office uses are significantly less than for an auto dealership, so the transportation impact fees have been covered by the previous use. The new square footage does not rise to the level of requiring an affordable housing component. Council Member Robinson asked about the owner's obligation to the Recreation District. Will Pratt, representing the Snyderville Basin Special Recreation District, stated that the agreement was that the owner would reimburse the District at the beginning of Phase II, but with the current proposal and expansion the applicant proposes, he would like the Council to consider moving that payment obligation up. Mr. Lewis stated that it is the Community Development Department's position that the obligation is due at the start of Phase II, and if the applicant and Recreation District want to work out an alternative means of payment, they can. Chair Carson believed if the agreement had said any addition to the property rather than Phase II, the applicant would be obligated now. But since it says Phase II, and the applicant is not technically building Phase II, she did not believe they could bind the applicant to reimburse the District with this expansion. Mr. Barrus stated that he is the third owner, and he would like to meet with and talk to the Recreation District, because he has a solution that he believes would be simple and give the District some money for the bridge.

Chair Carson opened the public hearing.

Mr. Pratt commented that this is an expansion of the property, and it will now have other uses that will bring people to the trail system. Mr. Thomas discussed the impact fee ordinance and stated that, when a new use comes in, they should evaluate whether the impacts are greater than the initial use was. That is an administrative decision to be made when the applicant applies for a building permit. Mr. Pratt explained that an obligation for a public benefit is different from an impact fee, and this is not an impact fee. Council Member Robinson believed the Recreation District would have to negotiate that obligation with the applicant. Chair Carson stated that she did not believe they could make that stipulation because of the language in the agreement.

Chair Carson closed the public hearing.

Council Member Robinson made a motion to grant the special exception to amend the list of allowed uses and a possible increase in allowed square footage of the existing Mecham Jeep building located at 2700 West Rasmussen Road based on the following findings of fact, conclusions of law, and conditions of approval shown in the staff report:

Findings of Fact:

- 1. Park City CJD Holdings, LC, is the listed fee title owner of Parcel PP-47.**
- 2. Parcel PP-47 is 3.11 acres in size.**
- 3. Parcel PP-47 is located at 2700 West Rasmussen Road.**
- 4. According to Summit County assessment records, a commercial building was erected on Parcel PP-47 in 2000.**
- 5. Parcel PP-47 was designated as a Specially Planned Area in 2002.**
- 6. The Mecham Development Agreement approved in 2002 expired on October 3, 2012.**
- 7. Specially Planned Areas are no longer permitted outside of Town Center or Resort Center Zones.**

8. The adjacent uses are commercial, office, and warehousing in nature.
9. The proposed uses are office in nature.
10. Per Section 10-3-7 of the Snyderville Basin Development Code, “Where the county council finds that an applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this title unduly burdensome, it may, after a public hearing, approve special exceptions to the zoning provisions of this title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of [the Snyderville Basin Development Code] or any provision thereof.”
11. The proposed expansion of uses allows expanded office uses.
12. The property has been used for commercial and office uses in the past with no reported neighborhood impacts or nuisances.
13. A rezone to Community Commercial, Service Commercial, or Neighborhood Commercial is inconsistent with the current General Plan and pending General Plan update.

Conclusions of Law:

1. The proposed allowance of uses to allow office uses as permitted in the Community Commercial Zoning District as found in Section 10-2-10 of the Snyderville Basin Development Code is not detrimental to the public health, safety, and welfare.
2. The applicant does not reasonably qualify to apply for a rezone of the property.
3. The proposed office uses are compatible with the surrounding commercial buildings.
4. Staff does not anticipate any non-mitigatable impacts related to traffic, parking, lighting, or noise as a result of the proposal.

Conditions of Approval:

1. The applicant shall obtain any required permits, including but not limited to a Building Permit from Summit County prior to beginning any construction activities.
- The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

The County Council meeting adjourned at 7:15 p.m.

Council Chair, Kim Carson

County Clerk, Kent Jones