



**AMENDED AGENDA
COUNTY COUNCIL
Wednesday, August 26, 2026**

NOTICE is hereby given that the Summit County Council will meet, on Wednesday, August 26 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

2:20 PM Closed Session Property acquisition (45 min); Litigation (30 min)

3:35 PM Move to auditorium (10 min)

3:45 PM Work Session

1. 3:45 PM - Pledge of Allegiance (5 min)
2. 3:50 PM - Update on HB 48; Shayne Scott (30 min)
[Staff Report HB 48.doc](#)

4:20 PM Convene as the Governing Board of Mountain Regional Water Special Service District

1. 4:20 PM - Discussion and possible action regarding Resolution MRW 2026-21, Authorizing the Issuance and Sale of Not More than \$20,000,000 Aggregate Principal Amount of Water Revenue Bonds and Related Matters; Andy Garland (20 min)
[2026 MRW Council Presentation 8.19.2026.pdf](#)
[SHWTP 90Percent Update 7.23.2026.pdf](#)
[Parameters Resolution - Mt Regional Water SSD Water Rev 2026B.docx](#)
[Bond Purchase Agreement \(Short Form\) - Mt. Regional Water SSD Water Rev 2026B.docx](#)
[Seventeenth Supplemental Indenture - Mt. Regional Water SSD Water Rev 2026B.docx](#)

Dismiss as the Governing Board of Mountain Regional Water Special Service District

4:40 PM Consideration of Approval

1. 4:40 PM - Discussion and possible approval of the purchase of the Oakley Four Badgers; Jess Kirby (20 min)
[2026 08 26 4 Badger Staff Report.docx](#)
2. 5:00 PM - Discussion and Possible Action regarding a Vested Rights Determination associated with BJ Rees's Enterprise LLC's gravel pit operation located at 1662 S West Hoytsville Road. Wade Budge will be presenting on behalf of the property owner; Helen Strachan and Peter Barnes (45 min)
[2026 0617 L Budge to Barnes Re Summit County Request for Determination of Vested Rights](#)

[4900-6987-6917_1.pdf](#)

[Vested Rights Request Response.pdf](#)

3. 5:45 PM - Approval of Council Minutes dated June 24, 2026, and July 7, 2026 (5 min)
[SCC Draft Minutes 6-24-26.pdf](#)
[SCC Draft Minutes Joint Meeting 7-7-26.pdf](#)
4. 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, August 26, 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 Hearing

1. Public hearing and possible action regarding Ordinance No. 1017, changes to the Business License Code; Malena Stevens and Scott Buchanan
[08.26.26 Business License Staff Report.docx](#)
[Latest CLEAN 8.17 CHAPTER 1 BUSINESS LICENSE PROVISIONS.pdf](#)
[Latest REDLINE 8.17 Chapter 1 Business License Provisions.pdf](#)

Adjourn



STAFF REPORT

To: Summit County Council
From: Jess Kirby, Lands and NR Director
Kathryn McMullin, Summit County Emergency Manager
Chief Ben Neilson, North Summit Fire
Chief Scott Thorell, South Summit Fire
Chief Pete Emery, PC Fire
Shayne Scott, Summit County Manager
Date of Meeting: August 26, 2026
Type of Item: HB 48 Update
Process: Work Session

Requested Council Action

To provide a brief history and update on next steps around HB48 and requirements of Summit County in implementation and ongoing management around wildfire management and Wildland Urban Interface.

Background

In 2025, during the Legislative Session, the Legislature passed HB 48. Subsequently in 2026, HB 41, which modified portions of HB 48, was passed. Among other changes, HB 41 delayed implementation and required Forestry, Fire, and State Lands (FFSL) to provide counties an opportunity to review and comment on the proposed High-Risk WUI map before it is finalized. FFSL subsequently revised its implementation schedule to accommodate this process.

Under the program, taxable structures located within the High-Risk WUI map will be subject to an annual WUI fee. The fee is intended to support wildfire prevention, preparedness, and mitigation efforts. Beginning in 2028, the amount of the fee will depend on both the size of the structure and the results of a "lot assessment" that evaluates the property's wildfire preparedness. These assessments are performed by the State of Utah and certified Wildland Urban Interface (WUI) Coordinators. FFSL is responsible for administering the assessment program but has indicated that it hopes counties will partner with FFSL to perform these assessments eventually.

The purpose of this item is to simplify update the council on this bill, the responsibility the county has, and to highlight how this will affect the residents of Summit County.



Mountain Regional Water

Signal Hill Water Treatment Plant Optimization Project
Summit County Council Presentation

August 26th, 2026



System Metrics



Approximately
6,067 connections

Standby
Customers: 848

Area:
approximately
38 square miles

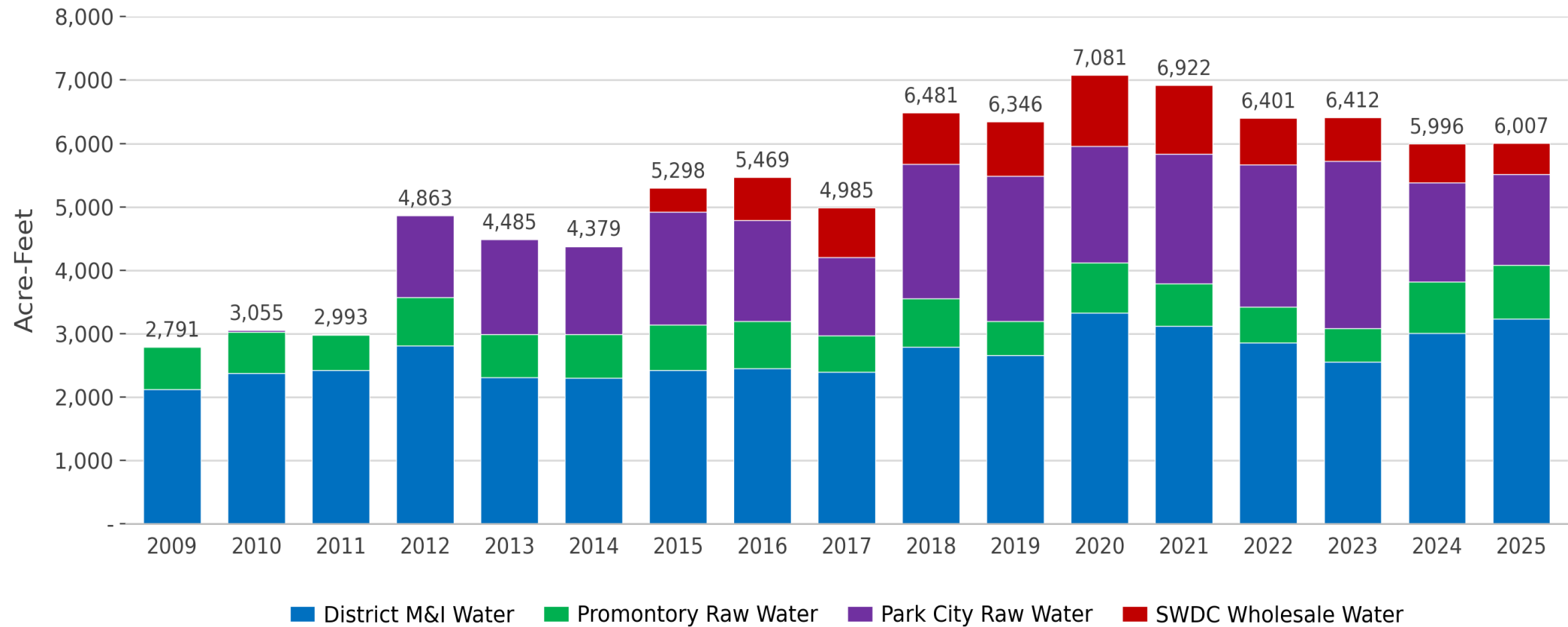
6.3 million gallons
of drinking water
delivered on peak
day

9,200 GPM
capacity at Lost
Canyon pump
station

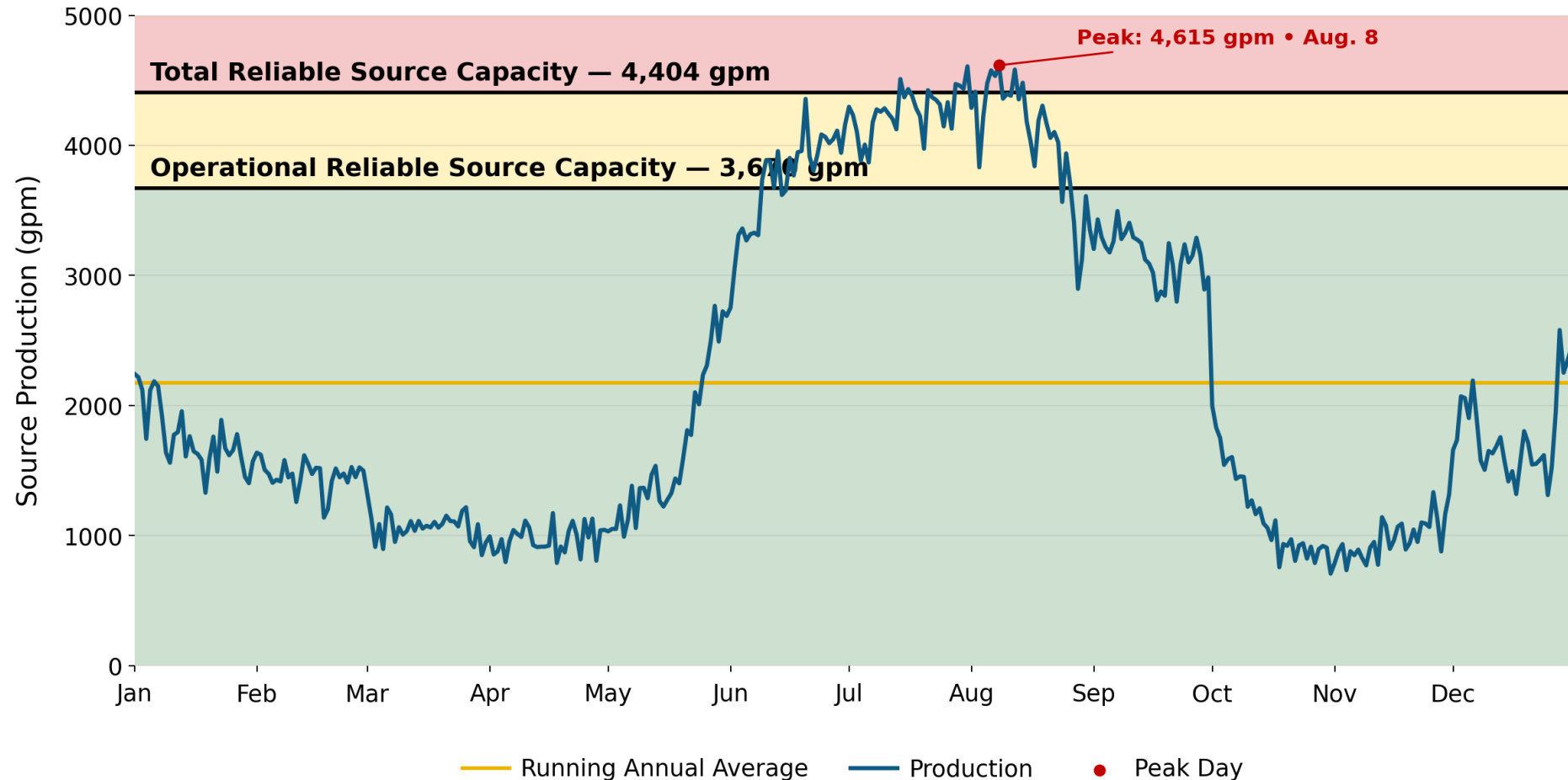
2.6 MGD surface
water treatment
capacity

- Interconnections
 - Regionalized many independent water systems
 - 7 emergency/wholesale with other water agencies
- Infrastructure:
 - 16 groundwater wells
 - Over 250 miles of pipe
 - 12.5 MG drinking water storage
 - 8.9 MG raw water storage

Water Production over Time

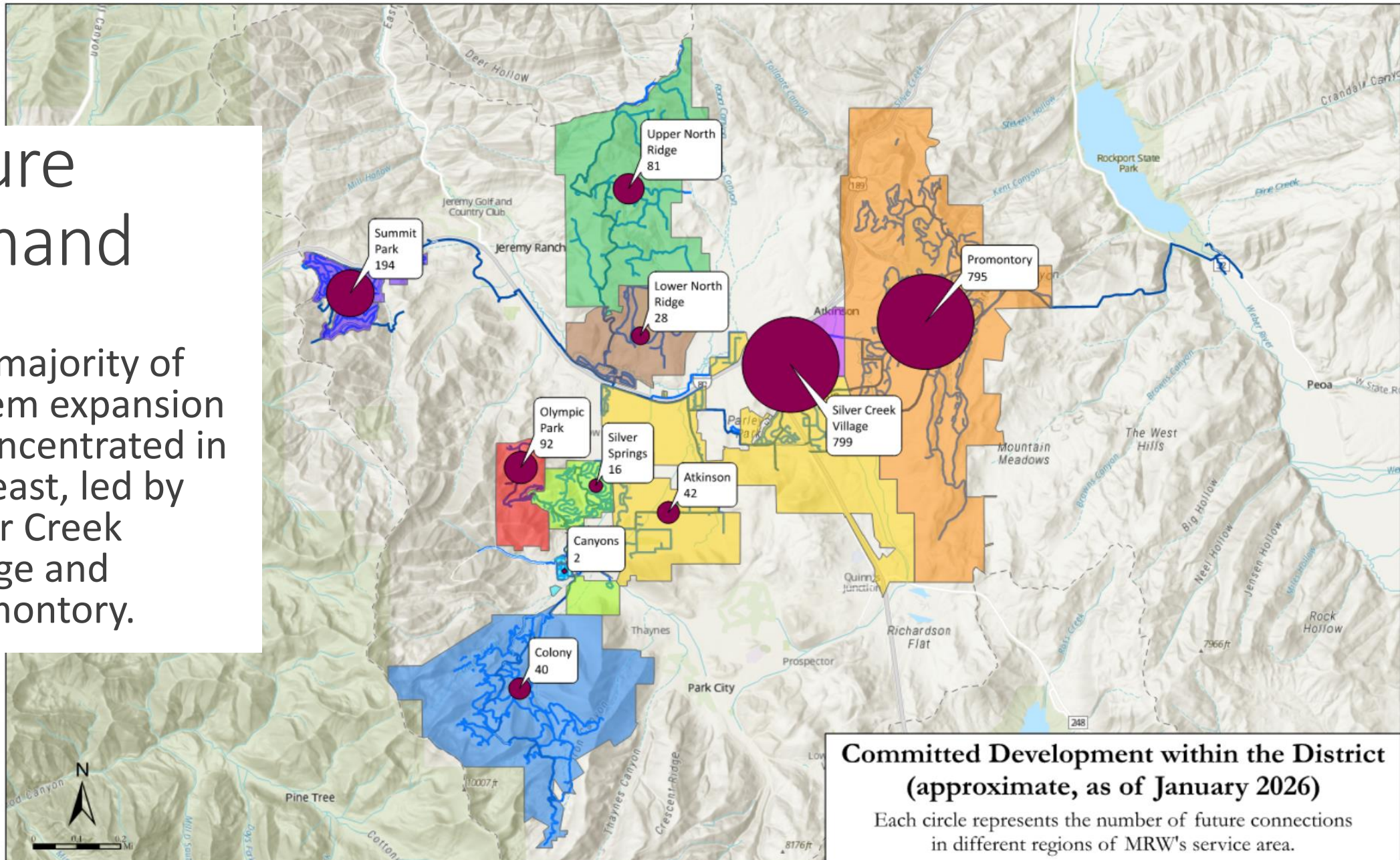


2025 M&I Source Production



Future Demand

- The majority of system expansion is concentrated in the east, led by Silver Creek Village and Promontory.



Project Information and Update



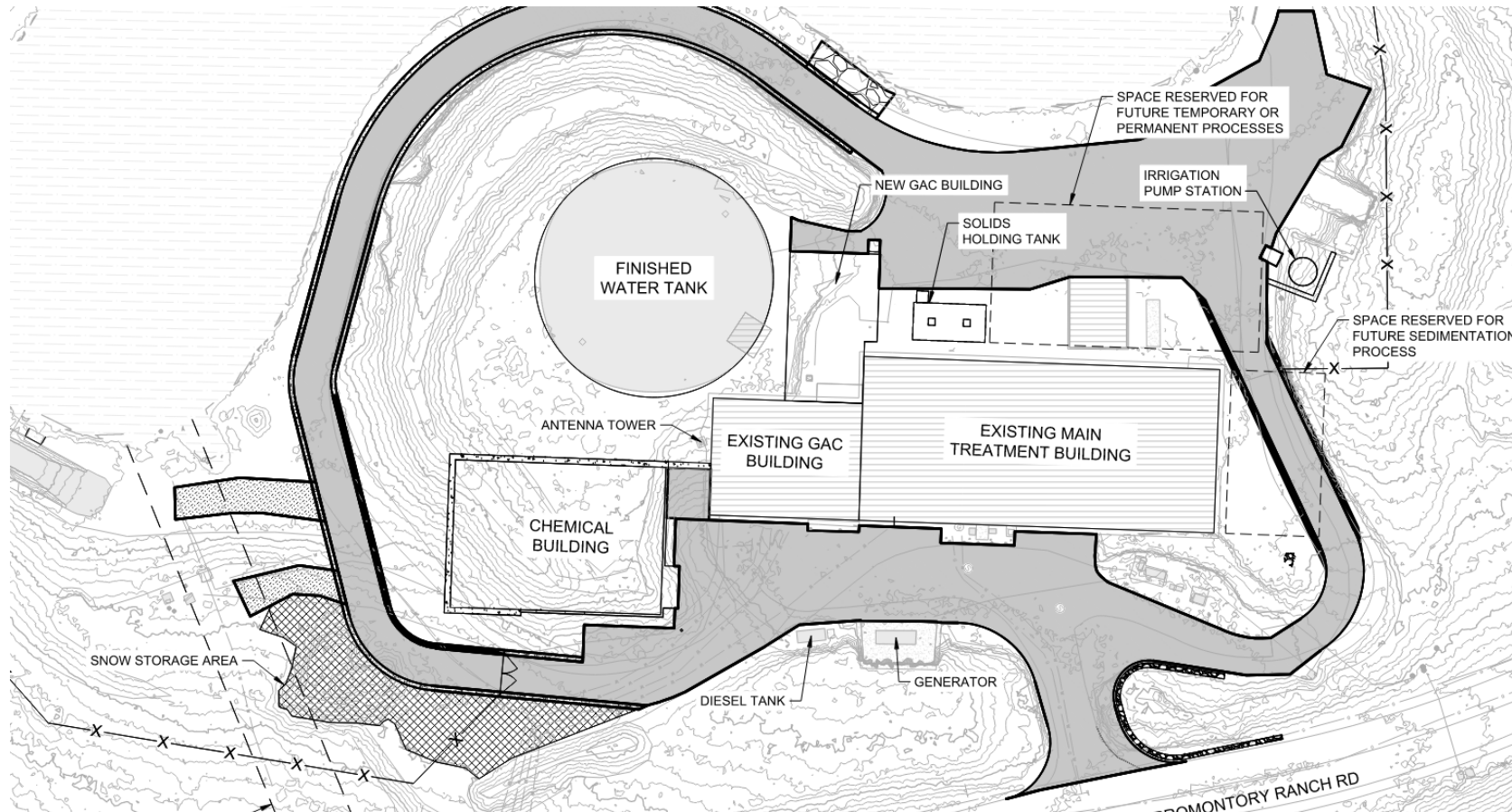
Project Objectives



- Meet increased demand
- Fully utilize Lost Canyon water
- Meet water quality objectives
- Increase safety
- Improve operations & maintenance
- Provide reliability/redundancy
- Future resilience (e.g., regulatory changes, wildfire, etc.)
- Capital and O&M costs



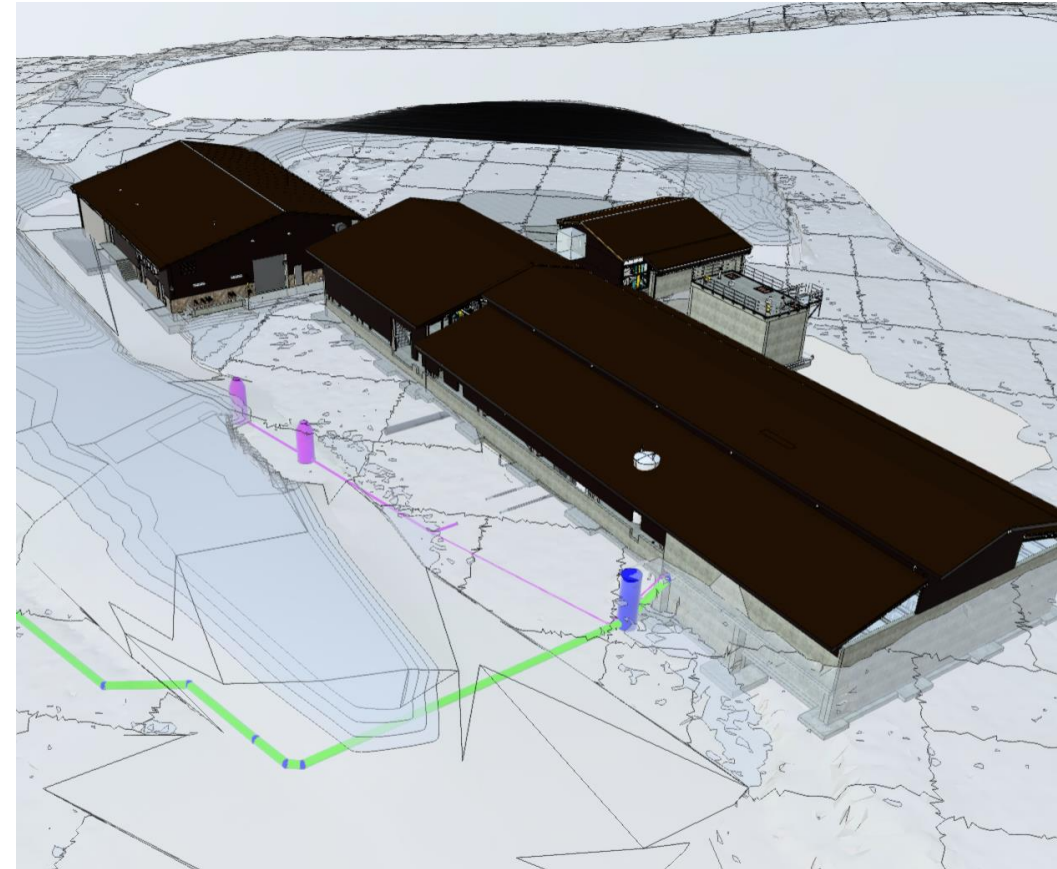
Proposed Project Layout



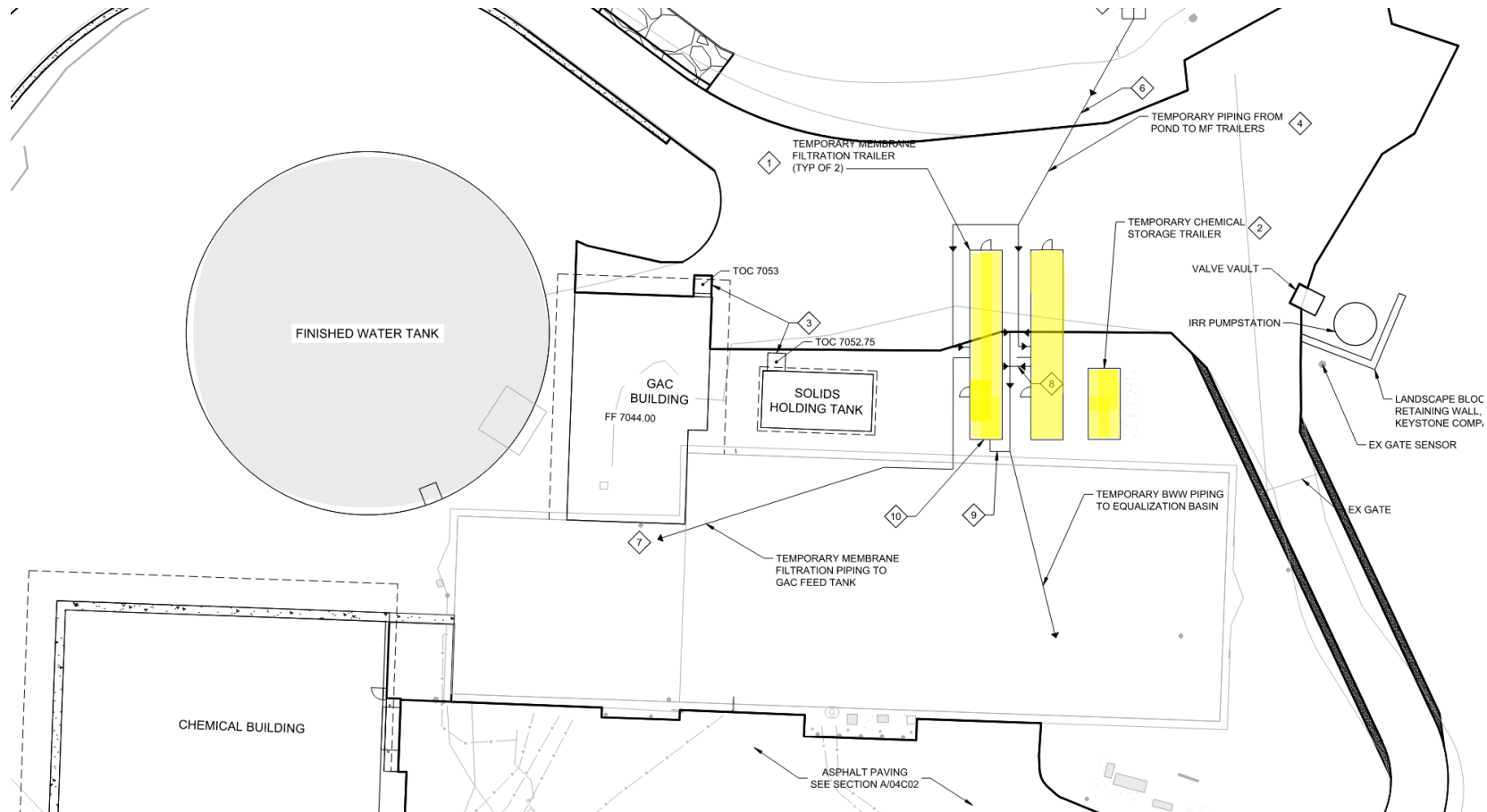
90% Design Update



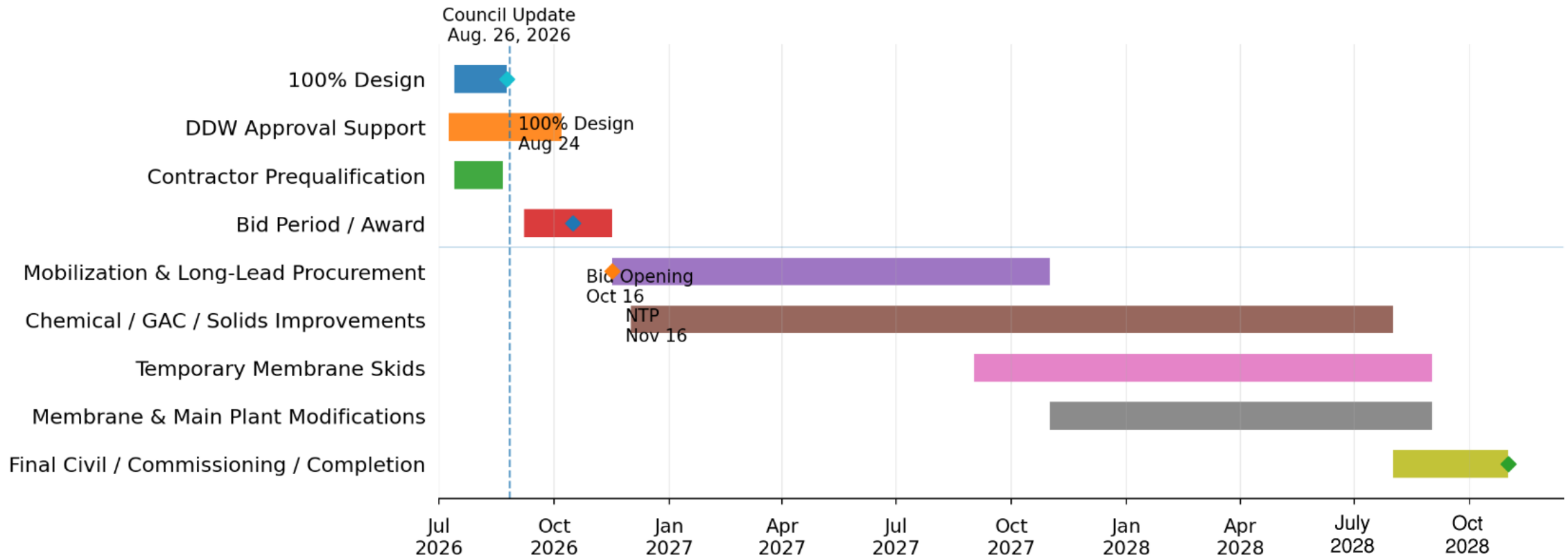
- The project objectives and overall treatment approach **have not fundamentally changed**; the design has advanced from planning-level concepts to construction-level detail.
- **Electrical:** detailed design replaced conceptual allowances.
- **Site conditions:** geotechnical work better defined rock excavation and shoring.
- **Constructability:** piping, plant modifications, and temporary treatment were fully developed.



Temporary Membrane Trailers



Project Schedule



Previous construction estimate from Carollo Engineers, Inc.

No.	Description	Total
01	Flash Mix and Flocculation	\$895,000
02	Direct Filtration and Membrane Wet Well	\$120,000
03	Membrane Filtration	\$15,125,000
04	GAC	\$4,466,000
05	Chemical Building	\$8,996,000
06	Solids Handling	\$4,719,000
07	Other Civil	\$1,047,000
	TOTAL CONSTRUCTION COST	\$35,368,000
	Pre-Design/Design Fee	\$3,501,993
	Assumed Construction Management Fee	\$2,900,000
	Assumed SBWRD Impact Fee	\$500,000
	TOTAL COST	\$42,269,993

90% Design
construction
estimate from
Carollo
Engineers, Inc.

No	Description	Rate	Total
01	General Conditions		\$ 3,180,198
02	Duration Equipment		\$ 3,959,887
03	Sitework		\$ 3,377,953
04	Yard Pipe		\$ 1,452,609
05	Site Electrical		\$ 2,373,386
10	Treatment Bldg General*		\$ 2,755,090
20	Pretreatment/Wet Well/Solids		\$ 2,745,603
30	Membrane Filtration		\$ 10,987,968
40	GAC		\$ 5,949,790
60	Solids Holding Tank		\$ 2,698,885
70	Chemical Building		\$ 10,189,805
80	Irrigation Wet Well		\$ 1,152,455
	TOTAL CONSTRUCTION COST		\$ 50,823,629
	H2OI Design Support		\$ 275,000
	Pre-Design/Design Fee		\$ 3,800,000
	Assumed Construction Management Fee		\$ 3,150,000
	Assumed SBWRD Impact Fee		\$ 755,000
	TOTAL COST		\$ 58,803,629

Sources and Uses

<i>Previous Estimate</i>		<i>Updated Estimate</i>	
Description	Total	Description	Total
Total Project Cost	\$42,269,993	Total Project Cost	\$58,803,629
Additional Contingency	\$2,000,000	Additional Contingency	\$4,205,244
Financing Costs	\$320,000	Financing Costs	\$320,000
Other Costs Incurred	\$838,381	Other Costs Incurred	\$838,381
TOTAL COST	\$45,428,374	TOTAL COST	\$64,167,254
WIFIA LOAN	\$34,292,460	WIFIA LOAN	\$38,031,340
Division of Drinking Water Funding	\$2,000,000	Division of Drinking Water Funding	\$2,000,000
Other Costs Incurred	\$838,381	Other Costs Incurred	\$838,381
Impact Fees	\$2,300,000	Impact Fees	\$2,300,000
Additional District Cash	\$5,997,533	Additional District Cash	\$5,997,533
Direct Placement Bond	\$0	Direct Placement Bond	\$15,000,000
TOTAL SOURCES	\$45,428,374	TOTAL SOURCES	\$64,167,254

WIFIA Update

- Loan closed March 12, 2026
- Authorized amount to borrow is \$38,031,340
- No draws have been made against the loan yet.
- First draw planned for either 4th quarter 2026 or 1st quarter 2027
- Interest rate set at 4.88%
- Interest rate can be reset once before the first draw is taken

Direct Placement Plan

- Work with Zions Public Finance (Brian Baker) and Gilmore Bell to facilitate placement
- Requesting bids from multiple institutions
- Parameters allow for \$20 million, plan is for \$15 million
- TIC (True Interest Cost) estimated at 4.75%
- 20-year amortization
- Can be refunded (refinanced) at anytime

Rate Increase Projections

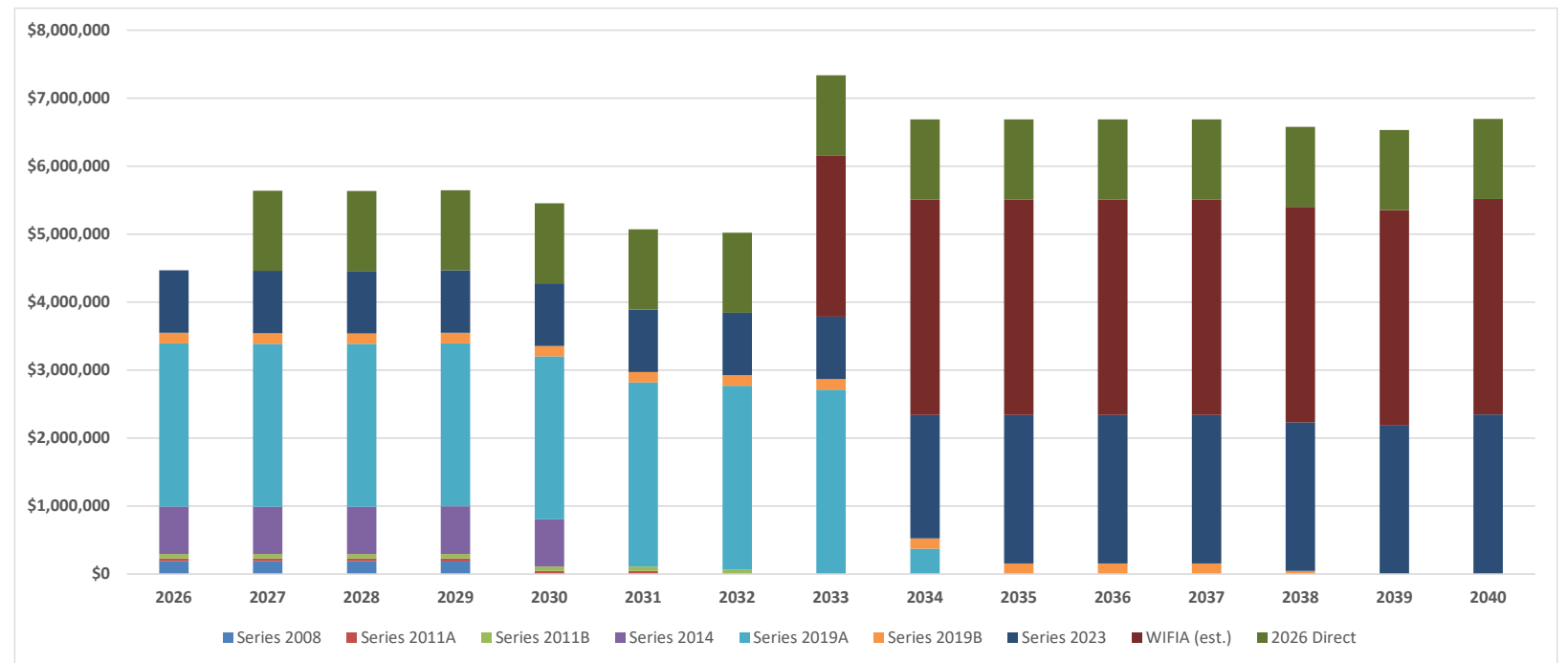
- Previous rate increase projections
 - 2027 through 2033: 3%-5%
 - 2034: 8%-9%
 - 2035 through 2040: 4%-6%
(assumes normal inflation/cost increases)
- Updated rate increase projections
 - 2027: 7%-9%
 - 2028 through 2033: 3%-5%
 - 2034 through 2040: 4%-6%
(assumes normal inflation/cost increases)

Average Residential Customer Bill Estimate

Average Water Bill Estimate							
	2026 est.	2027 est.	2028 est.	2029 est.	2030 est.	2031 est.	2032 est.
Rate Increase		8%	4%	4%	4%	4%	4%
Average Monthly Water Bill	\$155.42	\$167.86	\$174.57	\$181.55	\$188.81	\$196.36	\$204.21
Monthly Increase		\$12.44	\$6.71	\$6.98	\$7.26	\$7.55	\$7.85
Annual Increase		\$149.28	\$80.52	\$83.76	\$87.12	\$90.60	\$94.20

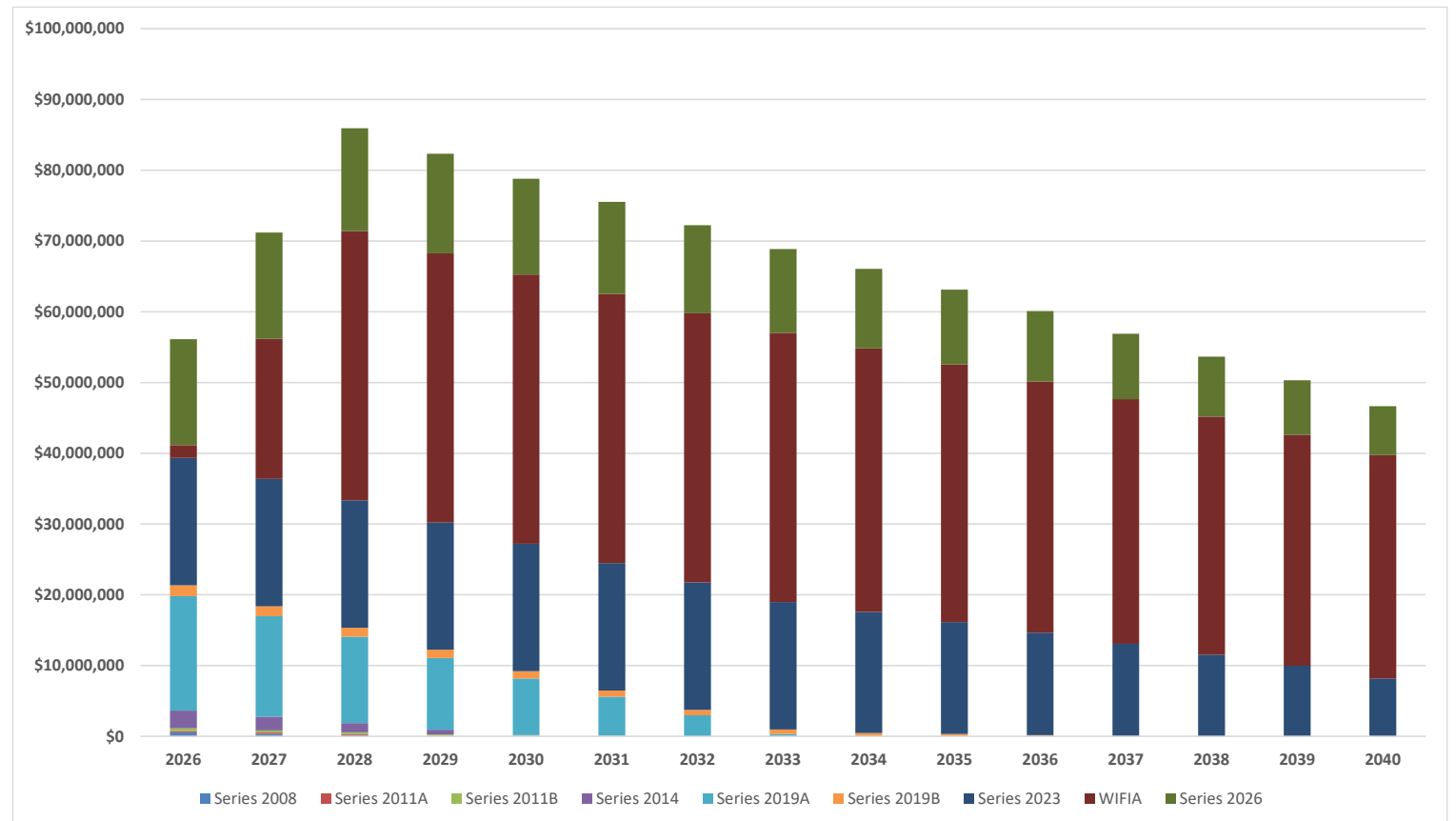
Annual debt payments

- 2033 currently forecasted to have the highest annual debt payments at \$7.34 million
- 2026 debt payments total \$4.47 million



Total Parity Debt

- Parity debt to begin 2026 was \$39.34 million
- Parity debt forecasted to hit its high point in 2028 at \$85.92 million



Timeline

- August 26th – Council meeting to adopt Parameters Resolution
- September 16th – Council meeting for Public Hearing
- October 15th – Bid opening for treatment plant expansion
- October 16th through December 15th – Close Direct Placement
- October 2026 through January 2027- Work on updating Impact Fee Facilities Plan and Impact Fee Analysis



Questions?





To: Mountain Regional Water Administrative Control Board Members

From: Sam Grenlie, District Engineer

Date: July 27th, 2026

Re: **Signal Hill Water Treatment Plant Optimization Project**
90% Workshop Review, Cost Estimates, Bidding Schedule, and Bid Alternate Recommendation

1. 90% Design Review Workshop

On July 8, 2026, District staff and Carollo Engineers conducted the 90% Design Review Workshop for the Signal Hill Water Treatment Plant (SHWTP) Optimization Project. Key topics included:

- **Temporary Membrane Trailers:** Confirmed the temporary membrane trailer layout along the raw water pond. This enables MRW to meet summer peak production while allowing the Contractor a longer construction window, which may result in lower overall project cost while ensuring quality.
- **Electrical Pre-Purchase Package:** To mitigate long equipment lead times, major electrical switchgear will be pre-purchased via a separate bid package issued in late July 2026 and assigned to the awarded Contractor.
- **Contractor Prequalification:** Prequalification Statements of Qualifications (SOQs) for General and Electrical Contractors are currently live on District Website and Utah Procurement Portal. Minimum qualifications require \$30M+ in municipal water/wastewater experience. SOQs are due August 7.

2. Cost Estimates over Time

The 90% Class 2 cost estimate submitted on July 15, 2026, places total construction costs at **\$50,823,629**.

This creates a significant financial challenge: MRW finalized its Water Infrastructure Finance and Innovation Act (WIFIA) loan funding structure based on the 30% design estimate. The 90% estimate exceeds that baseline by \$13,803,385 (+37.3%).

Milestone	Construction Cost	Cost Increase	Percent Increase	Cumulative Increase
30 Percent	\$ 37,020,244			
60 Percent	\$ 42,269,993	\$ 5,249,749	14%	14%
90 Percent	\$ 50,823,629	\$ 8,553,636	20%	37%

While analyzing estimate changes over time does not alter the current situation, they still offer useful context:

- **Detailed Electrical Design:** 30% electrical costs were based on a percentage of total project costs. At 60% a detailed evaluation led to a increased cost of +\$4.3M.
- **Rock Excavation & Site Shoring:** Geotechnical work was incorporated at 60% which led to a significant increase of rock excavation costs at +\$2.2M.
- **Mechanical Piping:** There appears to be an omission in the 60% cost estimate to capture all the required mechanical piping for modifications inside SHWTP, which were incorporated into the 90% cost estimate.
- **Temporary Membrane Filtration Trailers:** Temporary membrane trailer setup is suggested to maintain plant production while giving a longer window to the Contractor costing \$1.5M at 90%. Conceptually, this should reduce overall project cost – however, past cost estimates likely didn't correctly 'cost' the **complexity and constraints** of the SHWTP site.

3. Moving Forward, Bidding & Schedule

Pausing the project for a major value-engineering (VE) redesign is not recommended. Value-engineering evaluations were already conducted during earlier design and every major design decision has been made to control overall project costs – moving to direct filtration, for example.

Key items to consider:

- The District is contractually committed to completing plant optimization to meet wholesale delivery obligations in 2029.
- Delaying bidding schedule will eliminate remaining schedule float. Significant delays introduce risks with construction costs escalating as seen during previous years.
- Proceeding with bidding gives the District cost certainty prior to making a decision.
 - Bidding the project does not oblige the District to award the contract.
 - It provides the precise cost data needed to make an informed decision.

Current bidding schedule is as follows:

58	Task 10.2 - Bid Services	51 days	Mon 9/7/26	Mon 11/16/26	
59	Advertise Bids (MRW)	0 days	Mon 9/7/26	Mon 9/7/26	50FS+10 days
60	Bid Period (Questions, Addenda)	30 days	Mon 9/7/26	Fri 10/16/26	50FS+9 days
61	Pre-bid Meeting/Site Visit	0 days	Wed 9/23/26	Wed 9/23/26	59FS+12 days
62	Bid Opening	0 days	Fri 10/16/26	Fri 10/16/26	60FF
63	Review Bids & Recommend Award	5 days	Mon 10/19/26	Fri 10/23/26	62
64	MRW Issue NTP	0 days	Mon 11/16/26	Mon 11/16/26	63FS+16 days
65	Task 10.3 - Conformed Drawings and Specifications	30 days	Mon 10/19/26	Fri 11/27/26	60

4. Bid Alternate and Phasing

To align bids with funding, Staff and Carollo Engineers recommend eliminating several low cost **value engineering items** and altering the Contract Documents to place a few major items into a **Bid Alternate** package.

4.1. Value Engineering Items.

There are four value engineering items proposed. These are very conservative design elements and removing them does not compromise project quality, performance or operations:

- Eliminating double contained piping.
- Relying on the chemical metering pumps to eliminate chemical flow meters.
- Relying on a flow switch to eliminate sludge pressure relief system.
- Eliminating some paving.

These represent approximately \$600,000 of cost savings resulting in a revised 90% cost estimate for complete project: **\$50,200,000**.

4.2. Bid Alternate Package.

This instructs the Contractor to include two separate costs in their bid – a base bid cost that does not include the alternate bid package items, and a cost to add the alternate (additive) bid package. The bid alternate items can be clearly defined for the bidders, and represent work that can easily be constructed in a future project if necessary. Award will be given on the 'Base Bid', and the District can elect to include or not include the 'Bid Alternate':

- **Base Bid**

- Scope:
 - Main chemical building.
 - Ultrafiltration skids.
 - Pretreatment improvements.
 - Plant influent upgrades and flash mix.
 - Essential site civil/electrical infrastructure.
- 90% Construction Estimate for Base Bid alone:
 - **\$42,900,000.**

- **Bid Alternate**

- Scope:
 - Granular activated carbon (GAC) building expansion.
 - New mechanical belt filter press and associated solids handling.
- 90% Construction Estimate for Additive Bid Alternate Package:
 - **\$7,300,000.**

Structuring the bid package in this way allows the District a number of pathways after bid:

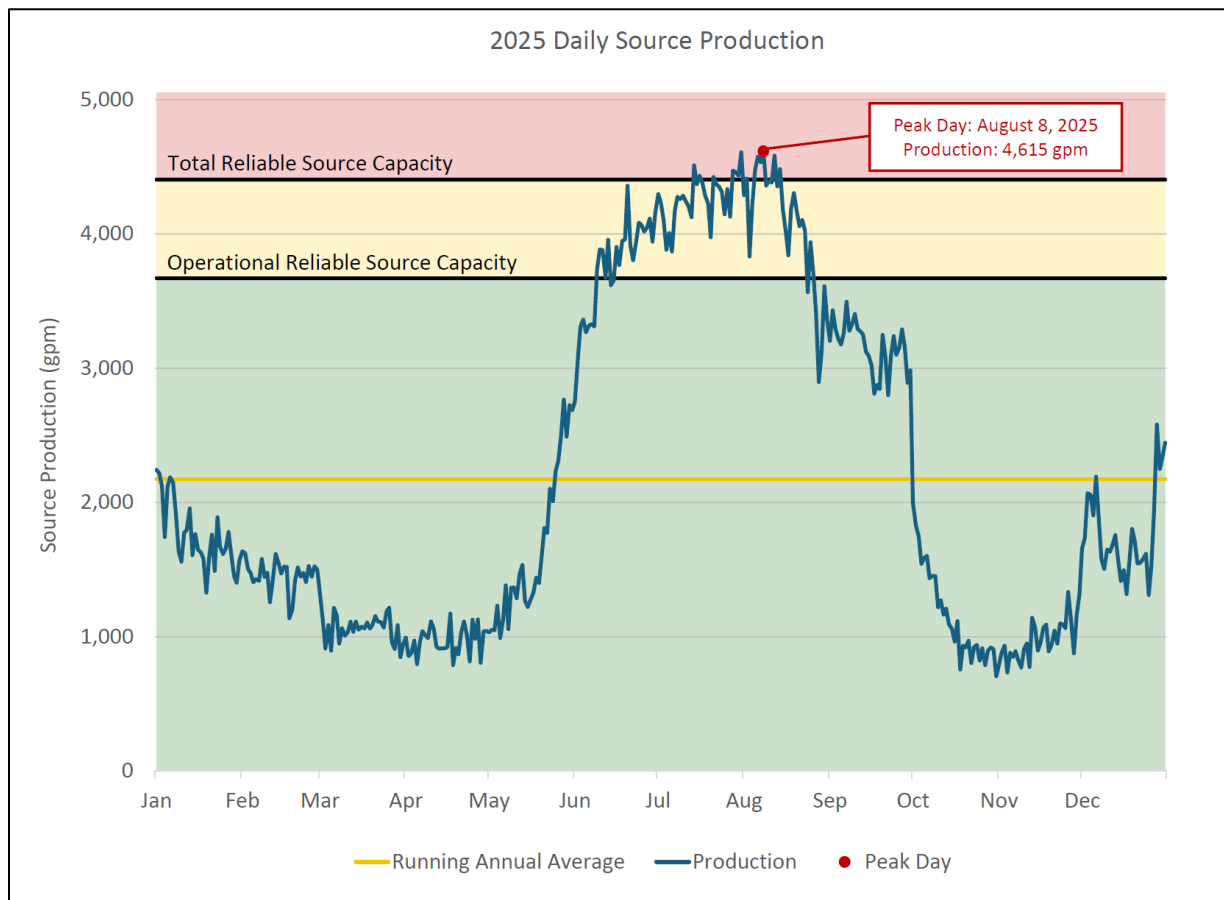
- Award both the Base Bid and Bid Alternate if market conditions yield highly competitive pricing within available funding.
- Omit Bid Alternate at award, moving forward with core plant project while planning a 'Phase 2' project.
- Award the Base Bid initially, then add the Bid Alternate via change order (and negotiated pricing adjustments) prior to project completion if funding is secured.
- Reject all bids if pricing is unfavorable.

This strategy carries very little risk for the District. MRW obtains pricing across both full and reduced scope options without delaying current project schedule.

5. Phased Projection

5.1. Baseline Peak Demand

During 2025, summer peak customer demand reached 4,615 gpm. This briefly exceeded the District's predicted limit, or Total Reliable Source Capacity (TRSC). Moving forward, the District will utilize an updated, baseline TRSC of 4,567 gpm to reflect this system performance during 2025.



Summit Water Distribution Company (SWDC) wholesale obligations expired in 2025 (which eliminates 500 gpm of continuous peak demand). As such, the District's Municipal and Industrial (M&I) peak demand will be adjusted to a planning baseline of 4,115 gpm for this evaluation.

For this evaluation Operational Source Capacity (OSC) will be used, which applies a safety factor the limits of the system (TRSC discussed above). This safety factor matches the District Master Plan and has been used internally as a planning tool between Master Plan updates.

Comparing this adjusted baseline against current operational limits underscores why source development is critical:

- Adjusted Operational Source Capacity: 3,806 gpm
- Adjusted baseline demand: 4,115 gpm
- Current operational deficit: **-309 gpm (-8.1%)**

In current conditions, customer demand may exceed OSC during a heavy irrigation year. Delaying the plant expansion comes with risk that the District will not meet its demands, and fail to provide adequate Levels of Service for our customers without a contingency plan of action.

5.2. Base Bid Expansion

Constructing the Base Bid expands capacity by approximately 700 gpm (or 1.0 million gallons per day or MGD). The limiting factor becomes the ability for SHWTP to treat organics with the GAC contactors. Being limited to four contactors (instead of the Bid Alternate of six) will lower the rated capacity of the plant to project 3.6 MGD (66% of the planned 5.4 MGD capacity).

This raises the District's Operational Source Capacity to 4,506 gpm in 2029.

In coordination with District Finance, growth projections are modeled at a 2.0% annual growth rate. This aligns directly with the growth assumptions in the District's impact fee projections and reflects the pace of development post-COVID boom. This analysis simply scales up the Baseline Demand 2% year over year.

In addition, MRW has committed to wholesale deliveries starting in 2029, in conjunction with the planned expansion.

Combining these factors into a simple projection results in the following:

Year	Growth Rate	OSC (gpm)	Projected Peak Demand (gpm)	Wholesale Delivery (gpm)	Peak Day Surplus (Deficit)	Comment
2025	Baseline	3,806	4115	500	-809	2025 production figures.
2026	2.00%	3,806	4197	0	-391	
2027	2.00%	3,806	4281	0	-475	
2028	2.00%	3,806	4367	0	-561	
2029	2.00%	4,506	4454	372	-320	Phase 1 Project completed.
2030	2.00%	4,506	4543	322	-360	
2031	2.00%	4,506	4634	285	-413	
2032	2.00%	4,506	4727	260	-481	
2033	2.00%	4,506	4821	223	-539	
2034	2.00%	4,506	4918	198	-610	
2035	2.00%	4,506	5016	161	-671	
2036	2.00%	4,506	5116	136	-747	

The Base Bid option does **not resolve the Peak Day Demand deficit** or allow the District to operate within its source production safety factor. Instead, after a 'Phase 1' project completion the District will have more source resilience than in 2025 (-809 gpm deficit).

Ultimately, this is a judgement call that must weigh significant capital costs (and associated debt) vs accepting additional risk operating above the OSC and having limited (or no) safety factor across District sources.

It is possible that these figures could be improved. MRW is currently working on a new well-source development project which is not considered in this projection. Additionally, through efficient and creative operation there are strategies to control organics in other ways:

- More frequent (capital intensive) GAC replacements and operational improvement to allow a GAC contactor to be replaced during irrigation season.
- Flushing of the distribution system and weekly monitoring for disinfection byproducts (DBPs) to combat compliance issues in Promontory.
- Active ventilation in Promontory storage tanks to combat volatile DBPs.
- Increasing capital spending on coagulant and optimizing new acid feed and membrane systems to remove organics earlier in the treatment train.

Lastly, the District also has other avenues to help control customer demands utilizing the existing Rules and Regulations. These include:

- Strict enforcement of Section 6.12 (Wasting of Water) and mandatory every-other-day irrigation schedules under Section 9.6, utilizing formal warnings, violations, and fines for non-compliance.
- Continuing to implement steep tiered block rates for residential/commercial usage and enforcing a water conservation penalty surcharge under Section 9.3.
- Utilizing Section 6.13 to declare formal water emergencies during peak stress allowing watering restrictions and restricting new connections if demands approach TRSC.

6. Conclusion

Utilizing the Bid Alternate strategy allows MRW to move forward with the bidding process and obtain price certainty to make the best decision.

The Base Bid option will improve operational deficits, safety, and redundancy at SHWTP. Many aspects of the plant project must be addressed regardless of the capacity increases analyzed in the previous section.

Deferring the Bid Alternate gives the District a window to make funding decisions and move forward with a 'Phase 2 Project' if bids exceed the District's tolerance for debt. Under this scenario, other measures to limit demands and ensure water quality must be aggressively pursued starting in 2027.

[Park City], Utah

August 26, 2026

The County Council (the “Council”) of Summit County, Utah acting as the governing body of the Mountain Regional Water Special Service District, Utah (the “Issuer”), met in regular public session at [the Richins Building, 1885 West Ute Boulevard, Park City,] Utah at ____ p.m. on Wednesday, August 26, 2026, with the following members present:

Canice Harte	Chair
Roger Armstrong	Vice Chair
Tonja Hanson	Councilmember
Megan McKenna	Councilmember
Chris Robinson	Councilmember

Also present:

Shayne Scott	County Manager
Malena Stevens	County Clerk
David Thomas	Chief Deputy County Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this August 26, 2026 meeting was presented to the Council, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Councilmember _____ and seconded by Councilmember _____, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

RESOLUTION NO. MRW _____

A RESOLUTION OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH (THE “COUNTY”) ACTING AS THE GOVERNING BODY OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, UTAH (THE “ISSUER”); AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$20,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, IN ONE OR MORE SERIES; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF SUCH BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH SUCH BONDS MAY MATURE, THE MAXIMUM INTEREST RATES WHICH SUCH BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH SUCH BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF EACH SERIES OF BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE POSTING OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD AND SETTING OF A PUBLIC HEARING DATE; AUTHORIZING AND APPROVING THE EXECUTION OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, on June 25, 2025, Mountain Regional Water Special Service District, Utah (the “Issuer”), authorized not to exceed \$43,000,000 of its Water Revenue Bonds, Series 2026A (the “Series 2026A Bonds”) to finance the optimization and expansion of the Issuer’s Signal Hill Water Treatment Plant and all related improvements (the “Project”); and

WHEREAS, on March 12, 2026, the Issuer issued \$38,031,340 of the Series 2026A Bonds to the United States Environmental Protection Agency, acting by and through the Administrator of the Environmental Protection Agency; and

WHEREAS, the costs of the Project have increased such that additional funds are necessary to complete the Project; and

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), the County Council (the “County Council”) of Summit County, Utah acting as the governing body of the Issuer, has authority to issue bonds from time to time as one or more series and with such other series or title designation(s) as may be determined by the Issuer payable from the revenues received by the Issuer from its existing water system (the “System”) for the municipal purposes set forth therein; and

WHEREAS, subject to the limitations set forth herein and pursuant to the provisions of the Act, the Issuer desires to issue bonds to (a) finance the completion of the Project, (b) fund a debt service reserve fund, if necessary, and (c) pay costs of issuance related thereto; and

WHEREAS, in order to accomplish the foregoing, the Issuer desires to issue its Water Revenue Bonds in one or more series from time to time in an aggregate principal amount of not to exceed Twenty Million Dollars (\$20,000,000) (collectively, the “Series 2026B Bonds”) pursuant to (i) the Act, this Resolution, and (ii) a General Indenture of Trust dated June 1, 2001, as heretofore further amended and supplemented (the “General Indenture”) and a Seventeenth Supplemental Indenture of Trust (the “Supplemental Indenture” and collectively with the General Indenture, the “Indenture”), with the Indenture in substantially the form presented to the meeting at which this Resolution was adopted and which are attached hereto as Exhibit B; and

WHEREAS, the Act provides that prior to issuing bonds for project purposes, an issuing entity must (a) give notice of its intent to issue such Series 2026B Bonds and (b) hold a public hearing to receive input from the public with respect to (i) the issuance of the Series 2026B Bonds and (ii) the potential economic impact that the improvement, facility or property for which the Series 2026B Bonds pay all or part of the cost will have on the private sector; and

WHEREAS, the Act provides for the posting of a Notice of Public Hearing and Bonds to Be Issued and the Issuer desires to post such notice in compliance with the Act with respect to the Series 2026B Bonds; and

WHEREAS, the County Council desires to approve and authorize the preparation and use of a Bond Purchase Agreement (the “Bond Purchase Agreement”) to be entered into between the Issuer and the purchaser for one or more of the series of the Series 2026B Bonds, which are in substantially the form attached hereto as Exhibit C; and

WHEREAS, in order to allow the Issuer flexibility in setting the pricing date of the Series 2026B Bonds to optimize debt service costs to the Issuer, the County Council desires to grant to one of the General Manager, Assistant General Manager, or the Chief Financial Officer of the Mountain Regional Water Special Service District (the “District”) (together, the “Designated Officers”), the authority to (a) determine whether all or a portion of the Series 2026B Bonds should be sold pursuant to a private placement or a public offering (including via a negotiated underwriting or public bid); (b) approve the principal amounts, interest rates, terms, maturities, redemption features, and purchase price at which the Series 2026B Bonds shall be sold; (c) make any changes with respect thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the “Parameters”); and (d) select the Underwriter(s)/Purchasers for the Series 2026B Bonds.

NOW, THEREFORE, it is hereby resolved by the County Council of Summit County, Utah, acting as the governing body of the Mountain Regional Water Special Service District, Utah, as follows:

Section 1. The County Council hereby finds and determines that it is in the best interests of the Issuer and rate payers of Issuer to issue not more than Twenty Million Dollars

(\$20,000,000) aggregate principal amount of the Issuer's Water Revenue Bonds, Series 2026B (to be issued in one or more series, under one or more indentures and with such other series or title designation(s) as may be determined by the Issuer), to bear interest at a rate of not to exceed 6.0% per annum, to mature in not more than twenty-one (21) years from their dated date or dated dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, all pursuant to this Resolution, a resolution to be adopted by the County Council authorizing and confirming the issuance and sale of the Series 2026B Bonds (herein referred to as the "Final Bond Resolution"), an Indenture to be entered into at the time of issuance of the Series 2026B Bonds in substantially the form attached hereto as Exhibit B, a Bond Purchase Agreement to be entered into at the time of issuance of the Series 2026B Bonds in substantially the form attached hereto as Exhibit C, and the Issuer hereby declares its intention to issue the Series 2026B Bonds according to the provisions of this Resolution, the Indenture, the Bond Purchase Agreement and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby authorizes and approves the sale of the Series 2026B Bonds pursuant to the provisions of this Resolution, the Indenture, the Bond Purchase Agreement and the Final Bond Resolution to be adopted by the County Council authorizing and confirming the issuance and sale of the Series 2026B Bonds and the final form of the Indenture and the Bond Purchase Agreement.

Section 3. With regard to the Series 2026B Bonds to be issued to finance the Project, the Issuer shall hold a public hearing on September __, 2026, to receive input from the public with respect to (1) the issuance of the Series 2026B Bonds and (2) the potential economic impact that the improvements to be financed with the proceeds of the Series 2026B Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is published (A) as required in Section 45-1-101, Utah Code, and (B) as a Class A notice under Section 63G-30-102, Utah Code, (i) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code, (ii) on the Issuer's official website, and (iii) in a public location that is reasonably likely to be seen by residents within the geographical bounds of the Issuer. The Issuer additionally authorizes the publication of such notice pursuant to Sections 11-14-316, and 11-14-318 of the Act as (x) notice of its intent to issue bonds, (y) notice of a public hearing to receive input from the public with respect to the Series 2026B Bonds and (z) the initiation of a 30-day contestability period in which any person of interest may contest the issuance of the Series 2026B Bonds. The District Clerk shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's offices, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the initial posting thereof. The Issuer directs its officers and staff to post a "Notice of Public Hearing and Bonds to be Issued" in substantially the form attached hereto as Exhibit D.

Section 4. The Issuer hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project. The Series 2026B Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid. The maximum principal amount of the Bonds which will be issued to finance the reimbursed costs of the Project is not expected to exceed \$20,000,000.

Section 5. The Issuer hereby reserves the right to opt not to issue the Series 2026B Bonds for any reason.

Section 6. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

Section 7. If any provision of this Resolution should be held to be invalid, the invalidity of such provision shall not affect the validity of any other provisions of this Resolution.

Section 8. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this August 26, 2026.

(SEAL)

Canice Harte, Chair

Attest and Countersign:

Malena Stevens, County Clerk

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

By: _____
Canice Harte, Chair

ATTEST:

By: _____
Malena Stevens, County Clerk

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

I, Malena Stevens, the duly appointed and qualified County Clerk of Summit County, Utah (the “County”), do hereby certify according to the records of the County Council (the “Council”) of the County in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the County Council held on August 26, 2026, including a resolution (the “Resolution”) adopted at said meeting as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said County, this August 26, 2026.

(SEAL)

Malena Stevens, County Clerk

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

I, Andy Garland, the duly appointed and qualified District Clerk of Mountain Regional Water Special Service District, Summit County, Utah (the “District”), do hereby certify that the parameters resolution of the District, dated August 26, 2026 (the “Resolution”), with all exhibits attached, was deposited in my office on August 26, 2026, and pursuant to the Resolution, as it pertains to the Series 2026B Bonds to be issued to pay the costs of the Project, a Notice of Public Hearing and Bonds to be Issued will be posted as a Class A notice under Section 63G-30-102 (i) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (ii) on the District’s official website and (iii) in a public location within the District that is reasonably likely to be seen by residents within the geographical boundaries of the District, no less than fourteen (14) days before the public hearing date.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said County, this August 26, 2026.

(SEAL)

Andy Garland, District Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Malena Stevens, the undersigned County Clerk of Summit County, Utah (the “County”), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 26, 2026, public meeting held by the County Council of the County (the “County Council”) as follows:

(a) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted in a public location within the County that is reasonably likely to be seen by residents of the County at least twenty-four (24) hours prior to the convening of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the County’s official website at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1 to be posted on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2026 Annual Meeting Schedule for the County Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be (i) posted in a public location within the County that is reasonably likely to be seen by residents of the County, (ii) posted on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, and (iii) posted on the County’s official website, during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 26, 2026.

(SEAL)

Malena Stevens, County Clerk

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2
ANNUAL MEETING SCHEDULE

EXHIBIT B
FORM OF INDENTURE

EXHIBIT C

FORM OF BOND PURCHASE AGREEMENT

EXHIBIT D

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on August 26, 2026, the County Council (the “Council”) of Summit County, Utah acting as the governing body of the Mountain Regional Water Special Service District, Utah (the “Issuer”), adopted a resolution (the “Resolution”) in which it authorized the issuance of the Issuer’s Water Revenue Bonds, Series 2026B (the “Bonds”) (to be issued in one or more series, under one or more indentures and with such other series or title designation(s) as may be determined by the Issuer) and called a public hearing.

PURPOSE, TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on September __, 2026, at the hour of 6:00 p.m. at [60 N. Main Street, Coalville,] Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE BONDS

The Bonds will be issued for the purpose of (a) financing the completion of the optimization and expansion of the Issuer’s Signal Hill Water Treatment Plant and all related improvements, (b) funding any required debt service reserve fund, and (c) paying costs of issuance of the Bonds.

REVENUES TO BE PLEDGED

The Bonds are special limited obligations of the Issuer payable from the net revenues of the Issuer’s water system (the “Revenues”).

PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the aggregate principal amount of not more than Twenty Million Dollars (\$20,000,000), to mature in not more than twenty-one (21) years from their dated date or dated dates, to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, and bearing interest at a rate or rates not to exceed six percent (6.0%) per annum. The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust and a Supplemental Indenture of Trust (collectively, the “Indenture”) and a Bond Purchase Agreement (the “Bond Purchase Agreement”), which Indenture and Bond Purchase Agreement were before the Council in substantially final forms at the time of the adoption of the Resolution and said Indenture and Bond Purchase Agreement are to be executed by the Issuer in such forms and with such changes thereto as shall be approved by the Issuer; provided that the principal amount, interest rate or rates, maturity, and discount of the Bonds will not exceed the maximums set forth above.

OUTSTANDING BONDS SECURED BY REVENUES

Other than the proposed Bonds, the Issuer currently has \$_____ principal amount of bonds outstanding secured by the Revenues.

OTHER OUTSTANDING BONDS OF THE ISSUER

Information regarding all of the Issuer's outstanding bonds may be found in the Issuer's audited financial report (the "Financial Report") at: <https://reporting.auditor.utah.gov/searchreport/s/>. For additional information more recent than as of the date of the Financial Report please contact Andy Garland, District General Manager (phone: 435-940-1916).

TOTAL ESTIMATED COST OF BONDS

Based on the Issuer's current plan of finance and a current estimate of interest rates, the total principal and interest cost of the Bonds for the Project, if held until maturity, is approximately \$_____.

A copy of the Resolution, the Indenture and the Bond Purchase Agreement are on file in the office of Mountain Regional Water Special Service District, 6421 North Business Park Loop, Suite A, Park City, Utah, where they may be examined during regular business hours of the Issuer from 8:30 a.m. to 5:00 p.m., Monday through Friday, for a period of at least thirty (30) days from and after the date of posting of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the posting of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture (but only as it relates to the Bonds), the Bond Purchase Agreement, or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this August 26, 2026.

/s/ Andy Garland
District Clerk

BOND PURCHASE AGREEMENT

\$ _____
MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, UTAH
WATER REVENUE BONDS
SERIES 2026B

_____, 2026

Mountain Regional Water Special Service District
6421 North Business Park Loop, Suite A
Park City, Utah 84098

The undersigned, _____, its successors and assigns, (collectively, the “Purchaser”), offers to purchase from Mountain Regional Water Special Service District, Utah (the “Issuer”), all (but not less than all) of the \$_____ Water Revenue Bonds, Series 2026B of the Issuer (the “Bonds”) for the par amount thereof with delivery and payment at the offices of Gilmore & Bell, P.C. in Salt Lake City, Utah, based upon the covenants, representations, and warranties set forth below. This offer is made subject to your acceptance of this Bond Purchase Agreement (the “Purchase Agreement”) on or before 11:59 p.m., Utah time, on the date hereof.

1. Upon the terms and conditions and upon the basis of the representations set forth herein, the Purchaser hereby agrees to purchase from the Issuer, and the Issuer hereby agrees to sell and deliver to the Purchaser, the Bonds. Exhibit A, which is hereby incorporated by reference into this Purchase Agreement, contains a brief description of the Bonds, the manner of their issuance, the purchase price to be paid, and the expected date of delivery and payment therefor (the “Closing”).

2. You represent and covenant to the Purchaser that (a) you have and will have at the Closing the power and authority to: (i) adopt the Resolution dated _____ (the “Resolution”), (ii) execute and enter into the General Indenture of Trust dated as of June 1, 2001, as previously amended and supplemented and further supplemented by a Seventeenth Supplemental Indenture of Trust, dated as of _____, 2026, (together the “Indenture”), each between you and Zions Bancorporation, National Association, as successor trustee to Wells Fargo Bank, N.A., as trustee (the “Trustee”), (iii) enter into and perform this Purchase Agreement, dated as of _____, 2026 (the “Purchase Agreement”), and (iv) deliver and sell the Bonds to the Purchaser; (b) this Purchase Agreement, the Indenture, and the Bonds do not and will not conflict with or create a breach or default under the Resolution or any existing law, regulation, order, or agreement to which the Issuer is subject; (c) other than the Resolution, no governmental approval or authorization is required in connection with the execution and delivery of the Indenture; (d) the Resolution and the Bonds are and shall be at the time of the Closing legal, valid, and binding obligations of the Issuer enforceable in accordance with their respective terms, subject only to applicable bankruptcy, insolvency, or other similar laws generally affecting creditors’ rights; and (e) there is no action, suit, proceeding, inquiry, or investigation, at law or in equity, before or by any court, public board,

or body, pending or, to the knowledge of the Issuer, threatened against or affecting the Issuer or affecting the corporate existence of the Issuer or the titles of its officers to their respective offices or seeking to prohibit, restrain, or enjoin the sale, issuance, or delivery of the Bonds or in any way contesting or affecting the transactions contemplated hereby or the validity or enforceability of the Bonds, the Indenture, the Resolution, or this Purchase Agreement, or contesting the powers of the Issuer or any authority for the issuance, sale and delivery of the Bonds, or the adoption, execution, and delivery of the Resolution, the Indenture or this Purchase Agreement.

3. As conditions to the Purchaser's obligations hereunder:

(a) From December 31, 2025 to the date of Closing, there shall not have been any (i) material adverse change in the financial condition or general affairs of the Issuer and its System (as defined in the Indenture); (ii) event, court decision, proposed law, or rule which may have the effect of changing the federal income tax incidents of the Bonds or the interest thereon or the contemplated transaction; or (iii) international or national crisis, suspension of stock exchange trading, or banking moratorium materially affecting in an adverse way, in the Purchaser's opinion, the market price of the Bonds.

(b) At the Closing, the Issuer will deliver or make available to the Purchaser:

(i) The Bonds, in definitive form, duly executed and registered;

(ii) The Indenture in final form, duly executed and delivered;

(iii) A certificate from authorized officers of the Issuer, in form and substance acceptable to the Purchaser, to the effect that the representations and information of the Issuer contained in this Purchase Agreement are true and correct when made and as of the Closing as if made as of the time of the Closing;

(iv) The approving opinion of Gilmore & Bell, P.C., Bond Counsel to the Issuer, satisfactory to the Purchaser dated the date of Closing, relating to the legality and validity of the Bonds and the excludability of interest on the Bonds from gross income of the holders thereof for federal and State of Utah income tax purposes;

(v) The opinion of legal counsel to the Issuer, satisfactory to the Purchaser dated the date of Closing; and

(vi) Such additional certificates, instruments, and other documents as the Purchaser may deem necessary with respect to the issuance and sale of the Bonds, all in form and substance satisfactory to the Purchaser.

4. The Issuer will pay the cost of the fees and disbursements of counsel to the Issuer, and of Bond Counsel, Trustee fees and Municipal Advisor's fees. The Purchaser's counsel fees (up to \$_____) will be paid as a cost of Issuance by the Trustee.

5. This Purchase Agreement is intended to benefit only the parties hereto, and the Issuer's representations and warranties shall survive any investigation made by or for the Purchaser, delivery, and payment for the Bonds, and the termination of this Purchase Agreement.

6. This Purchase Agreement shall be governed by the laws of the State of Utah.

7. This Purchase Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Purchase Agreement shall become effective upon the execution by the parties hereto.

Sincerely,

By:_____

Accepted on behalf of
SUMMIT COUNTY COUNCIL, UTAH
ACTING AS THE GOVERNING BODY
OF MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT, UTAH

By:_____

Canice Harte, County Council Chair

ATTEST AND COUNTERSIGN:

By:_____

Malena Stevens, County Clerk

(SEAL)

EXHIBIT A

DESCRIPTION OF BONDS

1. Issue Size: \$ _____
2. Purchase Price: \$ _____
3. Purchaser's Counsel Fee: \$ _____ to be paid as a cost of issuance
4. Accrued Interest: \$-0-
5. Interest Payment Dates: _____ and _____, beginning _____
6. Dated Date: Date of delivery
7. Form: Registered Bonds
8. Closing Date: _____, 2026 or as otherwise agreed upon
9. Redemption: The Bonds are subject to optional redemption as provided in the Indenture.

MATURITY SCHEDULE

Maturity (_____)	<u>Principal Amount</u>	<u>Interest Rate</u>
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SEVENTEENTH SUPPLEMENTAL INDENTURE OF TRUST

Dated as of [_____], 2026

by and between

MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, UTAH

and

ZIONS BANCORPORATION, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO
WELLS FARGO BANK, N.A.,
as Trustee

Supplementing the
General Indenture of Trust

Dated as of June 1, 2001

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SEVENTEENTH SUPPLEMENTAL INDENTURE OF TRUST

This Seventeenth Supplemental Indenture of Trust, dated as of [_____], 2026, by and between Mountain Regional Water Special Service District, Utah, a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah (the “Issuer”) and Zions Bancorporation, National Association, as successor trustee to Wells Fargo Bank, N.A., as trustee, a national banking association duly organized and existing under the laws of the United States of America, authorized by law to accept and execute trusts and having its principal office in Salt Lake City, Utah (the “Trustee”);

W I T N E S S E T H:

WHEREAS, the Issuer has entered into a General Indenture of Trust, dated as of June 1, 2001, as heretofore supplemented and amended (the “General Indenture”) with the Trustee; and

WHEREAS, the Issuer desires to issue its [\$_____] Water Revenue Bonds, Series 2026B (the “Series 2026B Bonds”) to (i) finance the completion of the optimization and expansion of the Issuer’s Signal Hill Water Treatment Plant and all related improvements (the “Series 2026B Project”), (ii) fund a debt service reserve fund, in necessary, and (iii) pay costs of issuance; and

WHEREAS, the Series 2026B Bonds are authorized, issued and secured under the General Indenture, as previously supplemented and amended and as further supplemented by this Seventeenth Supplemental Indenture (the “Seventeenth Supplemental Indenture,” and collectively with the General Indenture, and any amendments thereto or hereto, the “Indenture”); and

WHEREAS, pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and the General Indenture which authorizes the issuance of Additional Bonds, the Issuer has the authority to issue bonds for the purposes set forth above; and

WHEREAS, the execution and delivery of the Series 2026B Bonds and of this Seventeenth Supplemental Indenture have in all respects been duly authorized and all things necessary to make the Series 2026B Bonds, when executed by the Issuer and authenticated by the Trustee, the valid and binding legal obligations of the Issuer and to make this Seventeenth Supplemental Indenture a valid and binding agreement have been done;

NOW, THEREFORE, THIS SEVENTEENTH SUPPLEMENTAL INDENTURE OF TRUST WITNESSETH, that to secure the Series 2026B Bonds, the payment of the principal or redemption price thereof and interest thereon, the rights of the Registered Owners of the Series 2026B Bonds, to secure the Security Instrument Issuers of Security Instruments for any Series 2026B Bonds, and of all Reserve Instrument Providers of Reserve Instruments for any Series 2026B Bonds, and the performance of all of the covenants contained in such Series 2026B Bonds and herein, and for and in consideration of the mutual covenants herein contained and of the purchase of such Bonds by the Registered Owners thereof from time to time and the issuance of Reserve Instruments by the Reserve Instrument Providers, and of the acceptance by the Trustee of the trusts hereby created, and intending to be legally bound hereby, the Issuer has executed and delivered this Seventeenth Supplemental Indenture of Trust, and by these presents does, in confirmation of the General Indenture, as supplemented pursuant to its terms, hereby sell, assign, transfer, set over and pledge unto Zions Bancorporation, National Association, as Trustee, its

successors in trusts and its assigns forever, to the extent provided in the General Indenture, as supplemented, all right, title and interest of the Issuer in and to (i) the Net Revenues (as defined in the General Indenture), (ii) all moneys in funds and accounts held by the Trustee under the General Indenture and hereunder (except the Rebate Fund), and (iii) all other rights granted under the General Indenture and hereinafter granted for the further securing of such Series 2026B Bonds.

TO HAVE AND TO HOLD THE SAME unto the Trustee and its successors in trust hereby created and its and their assigns forever;

IN TRUST, NEVERTHELESS, FIRST, for the equal and ratable benefit and security of all present and future Registered Owners of Series 2026B Bonds and Security Instrument Issuers of Security Instrument for any Series 2026B Bonds without preference, priority, or distinction as to lien or otherwise (except as otherwise specifically provided), of any one Series 2026B Bond over any other Series 2026B Bond and SECOND, for the equal and proportionate benefit, security and protection of all Reserve Instrument Providers, without privilege, priority or distinction as to the lien or otherwise of any Reserve Instrument Repayment Obligation over any of the others by reason of time of issuance, delivery or expiration thereof or otherwise for any cause whatsoever.

ARTICLE I SUPPLEMENTAL INDENTURE; DEFINITIONS

Section 1.1. Supplemental Indenture. This Seventeenth Supplemental Indenture is supplemental to and is executed in accordance with and pursuant to Articles II and IX of the General Indenture.

Section 1.2. Definitions. All terms which are defined in the General Indenture, shall have the meanings, respectively, when used herein (including the use thereof in the recitals and the granting clauses thereof) unless expressly given a different meaning or unless the context clearly otherwise requires. All terms used herein which are defined in the recitals hereto shall have the meanings therein given to the same unless the context requires otherwise and, in addition, the following terms shall have the meanings specified below:

“Authorized Representative” means the Chair, Chair pro tem, Clerk, Qualified Finance Officer or any other officer of the Issuer so designated in writing by an Authorized Representative of the Issuer to the Trustee.

“Dated Date” means with respect to the Series 2026B Bonds the date of their initial delivery.

“Interest Payment Date” means, with respect to the Series 2026B Bonds, each June 15 and December 15, commencing [_____].

“Paying Agent”, when used with respect to the Series 2026B Bonds, means the person or persons authorized by the Issuer to pay the principal of (and premium, if any, on), and interest on, the Series 2026B Bonds on behalf of the Issuer, and initially is the Trustee.

[“Purchaser” means _____]

“Register” means the record of ownership of the Series 2026B Bonds maintained by the Registrar.

“Series 2026B Bonds” means the Mountain Regional Water Special Service District, Utah Water Revenue Bonds, Series 2026B authorized herein.

“Series 2026B Costs of Issuance Account” means the Series 2026 Cost of Issuance Account created pursuant to Section 3.1(b) hereof.

[“Series 2026B Debt Service Reserve Requirement” means, with respect to the Series 2026B Bonds, an amount equal to [\$0]].

“Series 2026B Project” has the meaning provided in the recitals hereto.

ARTICLE II ISSUANCE OF THE SERIES 2026B BONDS

Section 2.1. Principal Amount, Designation and Series. The Series 2026B Bonds are hereby authorized for issuance under the Indenture for the purpose of providing funds to (i) finance the Series 2026B Project, (ii) fund a debt service reserve fund, in necessary, and (iii) pay costs of issuance. The Series 2026B Bonds shall be limited to [\$_____] in aggregate principal amount, shall be issued in fully registered form, shall be in substantially the form and contain substantially the terms contained in Exhibit A attached hereto and made a part hereof, and shall bear interest at the rates and be payable as to principal or redemption price as specified herein. The Series 2026B Bonds shall be designated as, and shall be distinguished from the Bonds of all other series by the title, “Water Revenue Bonds, Series 2026B” or such other designation as determined by the Issuer.

Section 2.2. Date, Maturities and Interest. The Series 2026B Bonds shall be dated as of the Dated Date, shall mature in the years and in the amounts set forth below and shall bear interest from the Interest Payment Date next preceding their date of authentication thereof unless authenticated as of an Interest Payment Date, in which event such Bonds shall bear interest from such date, or unless such Bonds are authenticated prior to the first Interest Payment Date, in which event such Bonds shall bear interest from and including their Dated Date or unless, as shown by the records of the Trustee, interest on the Series 2026B Bonds shall be in default, in which event such Bonds shall bear interest from the date to which interest has been paid in full, or unless no interest shall have been paid on such Bonds, in which event such Series 2026B Bonds shall bear interest from and including their Dated Date, payable on each Interest Payment Date at the rates per annum as set forth below:

Maturity (_____)	<u>Principal Amount</u>	<u>Interest Rate</u>
---------------------	-------------------------	----------------------

Maturity
() Principal Amount Interest Rate

Interest shall be calculated on the basis of a year of 360 days comprised of twelve 30-day months.

Section 2.3. Optional Redemption. The Series 2026B Bonds maturing on or before [], are not subject to redemption prior to maturity. The Series 2026 Bonds maturing on or after [], are subject to redemption prior to maturity in whole or in part at the option of the Issuer on [], or on any date thereafter prior to maturity, in whole or in part, from such maturities or parts thereof as may be selected by the Issuer at a redemption price equal to 100% of the principal amount of the Series 2026B Bonds to be redeemed plus accrued interest, if any, thereon to the date of redemption.

Section 2.4. Execution of Bonds. The Chair is hereby authorized to execute by facsimile or manual signature the Series 2026B Bonds and the Clerk to countersign by facsimile or manual signature the Series 2026B Bonds and to have imprinted, engraved, lithographed, stamped or otherwise placed on the Series 2026B Bonds a facsimile of the official seal of the Issuer, and the Trustee shall manually authenticate the Series 2026B Bonds.

Section 2.5. Delivery of Bonds. The Series 2026B Bonds when executed, registered and authenticated as provided herein and by law, shall be delivered by the Issuer to the Purchaser upon payment of the purchase price thereof.

Section 2.6. Designation of Registrar. Zions Bancorporation, National Association, 7860 South Bingham Junction Blvd., Midvale, Utah 84047 is hereby designated as Registrar for the Series 2026B Bonds, acceptance of which appointment shall be evidenced by a written acceptance from the Registrar.

Section 2.7. Designation of Paying Agent. Zions Bancorporation, National Association, 7860 South Bingham Junction Blvd., Midvale, Utah 84047 is hereby designated as Paying Agent for the Series 2026B Bonds, acceptance of which appointment shall be evidenced by a written acceptance from the Registrar.

Section 2.8. Limited Obligation. The Series 2026B Bonds, together with interest thereon, shall be limited obligations of the Issuer payable solely from the Net Revenues (except to the extent paid out of moneys attributable to the Series 2026B Bond proceeds or other funds created hereunder or under the Indenture (excluding the Rebate Fund) or the income from the temporary investment thereof).

Section 2.9. Perfection of Security Interest.

(a) The Indenture creates a valid and binding pledge and assignment of security interest in all of the Net Revenues pledged under the Indenture in favor of the Trustee as security for payment of the Series 2026B Bonds, enforceable by the Trustee in accordance with the terms thereof.

(b) Under the laws of the State, such pledge and assignment and security interest is automatically perfected by Section 11-14-501, Utah Code Annotated 1953, as amended, and is and shall have priority as against all parties having claims of any kind in tort, contract, or otherwise hereafter imposed on the Net Revenues.

Section 2.10. Series 2026B Bonds as Additional Bonds. The Series 2026B Bonds are issued as Additional Bonds under the Indenture. The Issuer hereby certifies that the requirements set forth in Section 2.13 of the General Indenture have been and will be complied with in connection with the issuance of the Series 2026B Bonds, as follows:

(a) No Event of Default has occurred and is continuing under the Indenture on the date of authentication of the Series 2026 Bonds; and

(b) A certificate has been delivered to the Trustee by an Authorized Representative to the effect that the Net Revenues, plus Other Available Funds, for any Year in the twenty-four (24) months immediately preceding the proposed date of issuance of such Additional Bonds were at least equal to one hundred twenty-five percent (125%) of the sum of the Aggregate Annual Debt Service Requirement on all Bonds Outstanding for said Year; and

(c) The Issuer has delivered to the Trustee a certificate from a Qualified Finance Officer (i) setting forth the Estimated Net Revenues as described in Section 2.13(b) of the General Indenture (assuming, if applicable, the completion of the Project, or any portion thereof, financed with proceeds of the Additional Bonds) either: (A) for each of the two Bond Fund Years succeeding the latest estimated date of completion of the Project, or any portion thereof, if proceeds of the Additional Bonds are used to fund interest during the construction period, or (B) if (A) is not the case, for the then current Bond Fund Year and each succeeding Bond Fund Year to and including the second Bond Fund Year succeeding the latest estimated date of completion of the Project, or any portion thereof; and (ii) verifying that the Estimated Net Revenues as shown in (i) above for each of such Bond Fund Years are not less than one hundred twenty-five percent (125%) of the Aggregate Annual Debt Service Requirement for each of such Bond Fund Years with respect to all of the Bonds and Additional Bonds which would then be Outstanding (after taking into account any principal reductions resulting from regularly scheduled principal or sinking fund redemption payments) and the Additional Bonds so proposed to be issued; and

(d) All payments required by the Indenture to be made into the Bond Fund have been made in full, and there is on deposit in each account of the Debt Service Reserve Fund

(taking into account any Reserve Instrument coverage) the full amount required to be accumulated therein at the time of issuance of the Series 2026 Bonds; and

(e) The proceeds of the Series 2026 Bonds will be used to finance a Project (including the funding of necessary reserves and the payment of costs of issuance).

ARTICLE III APPLICATION OF PROCEEDS AND FUNDS AND ACCOUNTS

Section 3.1. Creation of Series 2026B Accounts. There is hereby established with the Trustee the following accounts:

(a) A Series 2026B Construction Account within the Construction and Acquisition Fund; and

(b) A Series 2026B Costs of Issuance Account.

Section 3.2. Application of Proceeds of the Series 2026B Bonds. The Issuer shall deposit with the Trustee the proceeds from the sale of the Series 2026B Bonds [\$_____] (representing the original principal amount of the Series 2026B Bonds) and the Trustee shall deposit such proceeds as follows:

(a) \$_____ into the Series 2026B Construction Account; and

(b) the remaining amount shall be deposited into the Series 2026B Cost of Issuance Account to be held by the Trustee under this Supplemental Indenture and to be used to pay costs of issuance of the Series 2026B Bonds.

Section 3.3. Series 2026 Construction Account. To the extent any proceeds of the Series 2026B Bonds are deposited in the Series 2026B Construction Account, disbursements of moneys in the Series 2026B Construction Account shall be made in accordance with the terms of Section 5.1 of the General Indenture.

Section 3.4. Cost of Issuance Account. The costs of issuance shall be paid by the Trustee from the Series 2026B Cost of Issuance Account upon receipt from the Issuer of an executed Cost of Issuance Disbursement Request signed by an Authorized Representative of the Issuer in substantially the form of Exhibit B attached hereto. Any unexpended balance remaining in the Series 2026B Cost of Issuance Account ninety (90) days after delivery of the Series 2026B Bonds shall be paid to the Bond Fund.

Section 3.5. [No Series 2026B Debt Service Reserve Requirement. There is no Debt Service Reserve Requirement with respect to the Series 2026B Bonds.]

ARTICLE IV CONFIRMATION OF GENERAL INDENTURE

As supplemented by this Seventeenth Supplemental Indenture, and except as provided herein, the General Indenture is in all respects ratified and confirmed, and the General Indenture

and this Seventeenth Supplemental Indenture shall be read, taken and construed as one and the same instrument so that all of the rights, remedies, terms, conditions, covenants and agreements of the General Indenture shall apply and remain in full force and effect with respect to this Seventeenth Supplemental Indenture, and to any revenues, receipts and moneys to be derived therefrom.

ARTICLE V MISCELLANEOUS

Section 5.1. Confirmation of Sale of Series 2026B Bonds. The sale of the Series 2026B Bonds to the Purchaser at a price of [\$_____], is hereby ratified, confirmed and approved.

Section 5.2. Severability. If any provision of this Seventeenth Supplemental Indenture shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or sections in this Seventeenth Supplemental Indenture contained, shall not affect the remaining portions of this Seventeenth Supplemental Indenture, or any part thereof.

Section 5.3. Counterparts. This Seventeenth Supplemental Indenture may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 5.4. Applicable Law. THIS SEVENTEENTH SUPPLEMENTAL INDENTURE SHALL BE GOVERNED EXCLUSIVELY BY THE APPLICABLE LAWS OF THE STATE OF UTAH.

Section 5.5. Effective Date. This Seventeenth Supplemental Indenture shall become effective immediately upon execution.

IN WITNESS WHEREOF, the Issuer and the Trustee have caused this Seventeenth Supplemental Indenture of Trust to be executed as of the date first written above.

SUMMIT COUNTY, UTAH ACTING
AS THE GOVERNING BODY OF THE
MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT, UTAH

(SEAL)

By: _____
County Council Chair

COUNTERSIGN:

County Clerk

ZIONS BANCORPORATION, NATIONAL
ASSOCIATION, as Trustee

By: _____
Its: _____

EXHIBIT A

(FORM OF SERIES 2026B BOND)

**UNITED STATES OF AMERICA
MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, UTAH
WATER REVENUE BONDS
SERIES 2026B**

Registered

Registered

Number RB - ____

[\$_____]

Interest Rate

Maturity Date

Original Issue Date

_____%

Registered Owner: [_____]

Principal Amount: _____

Mountain Regional Water Special Service District, Utah (“Issuer”), a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah, for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner named above or registered assigns, out of the special fund hereinbelow designated and not otherwise, the Principal Amount specified above on the Maturity Date specified above with interest thereon until paid at the Interest Rate specified above per annum, payable semiannually on [_____] and [_____] of each year, commencing _____ (each an “Interest Payment Date”), until said Principal Amount is paid in full. Principal and premium, if any, shall be payable upon surrender of this Bond at the principal corporate offices of Zions Bancorporation, National Association, Salt Lake City, Utah (“Trustee” and “Paying Agent”) or its successors. Interest on this Bond shall be payable by wire or check or draft mailed via certified mail to the Registered Owner hereof at its address as it appears on the registration books of the Paying Agent, who shall also act as the Registrar for the Issuer, or at such other address as is furnished to the Paying Agent in writing by such Registered Owner. Interest hereon shall be deemed to be paid by the Paying Agent when wired or sent by certified mail. Both principal and interest shall be payable in lawful money of the United States of America.

This Bond is one of an issue of Bonds of the Issuer designated as the “Water Revenue Bonds, Series 2026B” (the “Series 2026B Bonds”) in the aggregate principal amount of [\$_____] of like tenor and effect, except as to date of maturity and interest rate, numbered RB-1 and upwards, issued by the Issuer pursuant to a General Indenture of Trust

dated as of June 1, 2001, as previously supplemented and amended and as further supplemented by a Seventeenth Supplemental Indenture of Trust dated as of [____], 2026 (together, the “Indenture”) and a resolution of the Summit County Council, acting as the governing body of the Issuer, on _____, 2026 (together, the “Bond Resolution”), for the purpose of (i) financing [the optimization and expansion of the Issuer’s Signal Hill Water Treatment Plant and all related improvements] (the “Series 2026B Project”), (ii) funding a debt service reserve fund, in necessary, and (iii) paying costs of issuance, all in full conformity with the Constitution and laws of the State of Utah. Both principal of and interest on this Bond and the issue of which it is a part are payable solely from a special fund designated “Mountain Regional Water Special Service District, Utah Water Revenue Refunding Bond Fund” (the “Bond Fund”), into which fund, to the extent necessary to assure prompt payment of the principal of and interest on the issue of which this is one and on all series of bonds issued on a lien parity with this Bond shall be paid the Net Revenues (as defined in the Indenture) derived and to be derived from the Issuer’s System all as more fully described and provided in the Indenture.

The Series 2026B Bonds shall be payable only from the Net Revenues and other funds created under the Indenture (excluding the Rebate Fund) and the income from the temporary investment thereof and shall not constitute a general indebtedness or pledge of the full faith and credit of the Issuer, within the meaning of any constitutional or statutory provision or limitation of indebtedness.

As provided in the Indenture, additional bonds, notes and other obligations of the Issuer may be issued and secured on an equal lien parity with the Series 2026B Bonds, from time to time in one or more series, in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Indenture, and the aggregate principal amount of such bonds, notes and other obligations issued and to be issued under the Indenture is not limited.

Reference is hereby made to the Indenture, copies of which are on file with the Trustee, for the provisions, among others, with respect to the nature and extent of the rights, duties and obligations of the Issuer, the Trustee and the Registered Owners of the Series 2026B Bonds, the terms upon which the Series 2026B Bonds are issued and secured, and upon which the Indenture may be modified and amended, to all of which the Registered Owner of this Bond assents by the acceptance of this Bond.

Except as otherwise provided herein and unless the context indicates otherwise, words and phrases used herein shall have the same meanings as such words and phrases in the Indenture.

Interest on the Series 2026B Bonds authenticated prior to the first Interest Payment Date shall accrue from and including the Dated Date specified above. Interest on the Series 2026B Bonds authenticated on or subsequent to the first Interest Payment Date shall accrue from the Interest Payment Date next preceding their date of authentication, or if authenticated on an Interest Payment Date, as of that date; provided, however, that if interest on the Series 2026B Bonds shall be in default, interest shall accrue at the Default Rate from the date to which interest has been paid in full, or unless no interest shall have been paid on the Series 2026B

Bonds, in the event such Series 2026B Bonds shall bear interest from and including their Dated Date.

The Series 2026B Bonds are subject to optional redemption prior to maturity as provided in the Indenture.

The Series 2026B Bonds are issued as fully registered Bonds. Subject to the limitations and upon payment of the charges provided in the Indenture, registered Bonds may be exchanged for a like aggregate principal amount of registered Bonds of other authorized denominations of the same series and the same maturity.

This Series 2026B Bond is transferable by the registered holder hereof in person or by its attorney duly authorized in writing at the principal corporate offices of Zions Bancorporation, National Association (the “Registrar”) in Salt Lake City, Utah, but only in the manner, subject to the limitations and upon payment of the charges provided in the Indenture and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond or Bonds of the same series, interest rate and maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The Issuer and the Paying Agent may deem and treat the Registered Holder hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and neither Issuer nor Paying Agent shall be affected by any notice to the contrary.

This Bond is issued under and pursuant to the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended, and this Bond does not constitute a general obligation indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. The issuance of the Series 2026B Bonds shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

The Issuer covenants and agrees that it will cause to be collected and accounted for sufficient Net Revenues as will at all times be sufficient to pay promptly the principal of and interest on this Bond and the issue of which it forms a part and to make all payments required to be made into the Bond Fund, and to carry out all the requirements of the Indenture.

It is hereby declared and represented that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in regular and due time, form and manner as required by law, that the amount of this Bond, together with the issue of which it forms a part, does not exceed any limitation prescribed by the Constitution or statutes of the State of Utah, that the Net Revenues of the Issuer have been pledged and that an amount therefrom will be set aside into a special fund by the Issuer sufficient for the prompt payment of the principal of and interest on this Bond and the issue of which it forms a part, as authorized for issue under the Indenture, and that the Net Revenues of the Issuer are not pledged, hypothecated or anticipated

in any way other than by the issue of the Series 2026B Bonds of which this Bond is one and all bonds issued on a parity with this Bond.

This Bond shall not be valid or become obligatory for any purpose nor be entitled to any security or benefit under the Indenture until the Certificate of Authentication on this Bond shall have been manually signed by the Trustee.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed by the manual or facsimile signature of its Chair and countersigned by the manual or facsimile signature of its Clerk under its corporate seal or a facsimile thereof.

SUMMIT COUNTY, UTAH ACTING AS THE
GOVERNING BODY OF MOUNTAIN
REGIONAL WATER SPECIAL SERVICE
DISTRICT, UTAH

(SEAL)

(facsimile or manual signature)

County Council Chair

COUNTERSIGN:

(facsimile or manual signature)

County Clerk

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Water Revenue Bonds, Series 2026B of Mountain Regional Water Special Service District, Utah.

ZIONS BANCORPORATION, NATIONAL
ASSOCIATION, as Trustee

By: _____ (Manual Signature)
Authorized Officer

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto:

(Social Security or Other Identifying Number of Assignee)

(Please Print or Typewrite Name and Address of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an “eligible guarantor institution” that is a member of or a participant in a “signature guarantee program” (e.g., the Securities Transfer Agents Medallion Program, the Stock Exchange Medallion Program or the New York Stock Exchange, Inc. Medallion Signature Program).

EXHIBIT B

COST OF ISSUANCE DISBURSEMENT REQUEST

Zions Bancorporation, National Association
7860 South Bingham Junction Blvd.
Midvale, Utah 84047

Pursuant to Section 3.4 of the Seventeenth Supplemental Indenture of Trust dated as of [____], 2026, you are hereby authorized to pay the following costs of issuance from the Series 2026B Cost of Issuance Account:

(See Attached Schedule)

AUTHORIZED REPRESENTATIVE,
MOUNTAIN REGIONAL WATER SPECIAL
SERVICE DISTRICT, UTAH

Costs of Issuance

<u>Payee</u>	<u>Purpose</u>	<u>Amount</u>
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STAFF REPORT

To: Summit County Council
From: Jess Kirby, Land and Natural Resources Director
Date of Meeting: August 26, 2026
Type of Item: Consideration of Approval - Discussion and possible approval of the purchase of the Oakley 4 Badgers

I. BACKGROUND

The Four Badgers property (the ‘Project’), formerly known as the Oakley Ozarks project, consists of approximately 9.82 acres along the Weber River in Oakley and is comprised of parcels owned by three separate landowners: David Calvin, Ennis Gibbs, and Lloyd Fahrni. The property contains significant conservation, recreation, watershed, and wildlife habitat values and is strategically located across the river from Franson Park and is a strategic part of the larger Weber River Corridor Project.

In early 2024 Summit Land Conservancy and Oakley City approached Summit County with the Project and in March 2024 Summit County applied for funding through the Utah Outdoor Recreation Infrastructure (ORI) Grant Program to leverage proposed open space general obligation funds to support acquisition of the property and future public recreation improvements. In November 2024, the State of Utah awarded the County an \$800,000 grant for the project.

In January 2025, Summit County and Summit Land Conservancy entered into a Memorandum of Understanding to collaboratively pursue conservation and recreation acquisitions within the Kamas Meadows area, including the Four Badgers property. As part of this agreement, Summit Land Conservancy has served as the lead acquisition partner, negotiating with landowners, securing purchase agreements, conducting due diligence, and assembling the property for eventual County ownership.

Staff is before you today to present the Project and to request authorization for the County Manager to execute all necessary additional agreements and distribute approved funds to complete the acquisition of the Four Badgers properties.

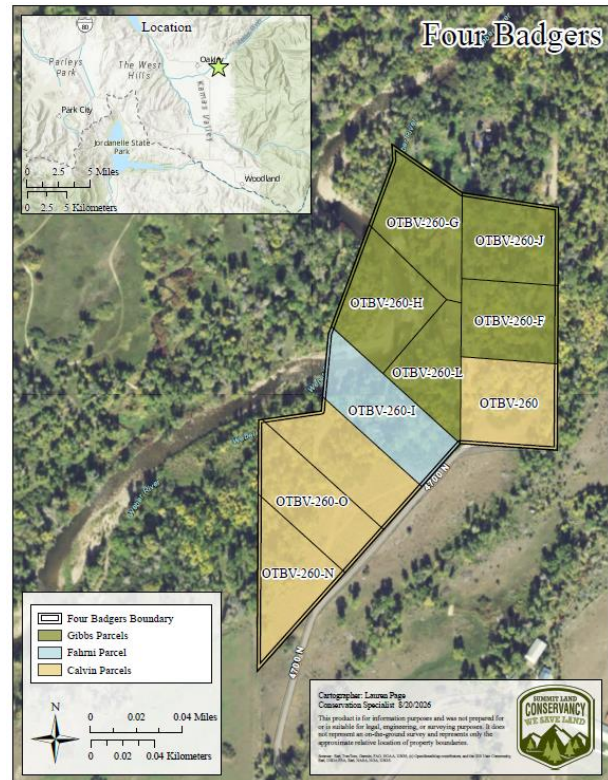
II. PURPOSE

The purpose of this acquisition is to permanently protect approximately 9.82 acres of Weber River frontage for public recreation, open space preservation, watershed protection, wildlife habitat conservation, and future trail connectivity as part of the Weber River Corridor Project (see map below). The acquisition will expand public access opportunities while preserving the property's natural and scenic resources in perpetuity through a conservation easement held by Summit Land Conservancy.

The project also advances the County's voter-approved Open Space Bond goals by leveraging significant state recreation funding to acquire property with long-term public benefit.

III. ANALYSIS

The Four Badgers acquisition is a complex multi-party transaction involving the assembly of approximately 9.82 acres from three separate landowners: David Calvin (3.98 acres), Ennis Gibbs (4.74 acres), and Lloyd Fahrni (1.10 acres). Unlike a traditional single-owner acquisition, Summit Land Conservancy coordinated multiple negotiations, appraisals, due diligence requirements, grant obligations, and conservation planning to bring the project together. The acquisition is being completed through a phased conveyance process in which Summit Land Conservancy secures the properties from individual landowners and subsequently transfers them to Summit County for permanent public ownership and conservation protection. Steps to the phase approach are as follows;



Step 1: Landowner Acquisition

- November 2025: Summit Land Conservancy purchased the Calvin parcels (3.98 acres) for approximately \$500,000.
- November 2025: Summit Land Conservancy secured a purchase contract for the Gibbs parcels (4.74 acres) for \$1,050,000.
- February 2026: Summit Land Conservancy secured a purchase contract for the Fahrni parcel (1.10 acres) for \$130,000.

Step 2: Conveyance Agreement with Summit County

- July 2026: Summit County and Summit Land Conservancy executed a Real Estate Conveyance Agreement outlining the transfer of all Four Badgers properties to Summit County. The agreement established:
 - August 3, 2026: County purchase of the Calvin parcels from the Conservancy
 - November 2026: Conservancy acquisition and subsequent conveyance of the Fahrni parcel to the County
 - January 2027: Assignment of the Gibbs purchase contract to the County for final closing

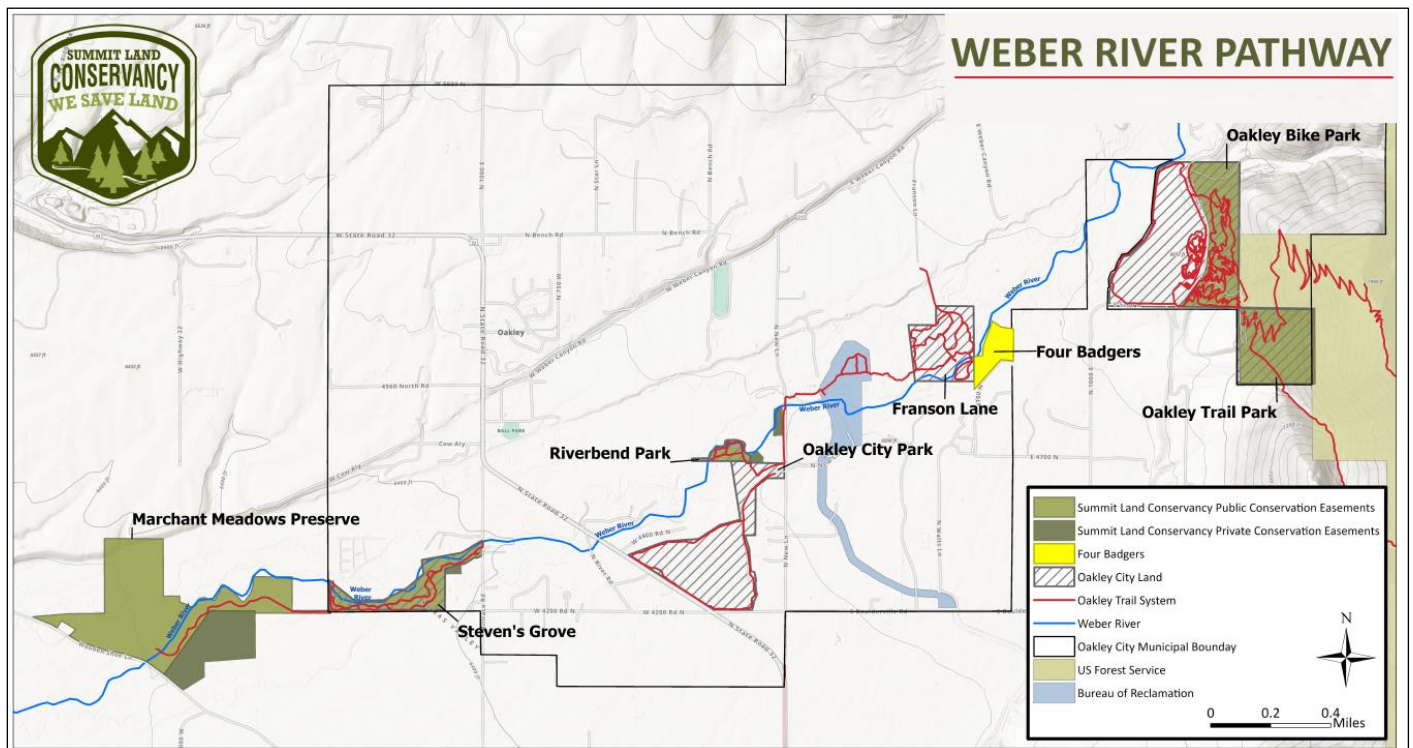
Step 3: Permanent Conservation Protection

Following acquisition, Summit County agrees to grant a perpetual conservation easement to Summit Land Conservancy, ensuring the entire Project remains protected for open space, habitat preservation, and public recreation in perpetuity. The easement will allow passive recreational uses, including pedestrian, bicycle, and equestrian access, while preserving open space, wildlife habitat, water quality, and scenic resources. The easement is anticipated to be completed by April 2027.

Step 4: Oakley City MOU

The Project directly supports Oakley City's long-term Weber River Corridor vision (see map below). The ultimate goal of the Project is to become a permanent part of a connected recreation network associated with Franson Park, future trail connections, and river access opportunities. A future Memorandum of Understanding (MOU) between Summit County and Oakley City to establish long-term management responsibilities, detailing Oakley City trail maintenance and recreation amenity responsibilities while retaining Summit County's ownership and maintenance of major infrastructure or structures.

In summary, the Project moves property from the three private landowners to Summit Land Conservancy and ultimately to Summit County, with a permanent conservation easement held by the Conservancy to ensure the property's conservation and recreational values are protected for future generations. This project also exemplifies the strong partnership between Summit County, Summit Land Conservancy, and Oakley City, leveraging the unique strengths and resources of each organization. Through continued collaboration on stewardship, recreation planning, and long-term management, the partners can maximize public benefit while sharing expertise, operational capacity, and financial resources, resulting in a more sustainable and cost-effective approach than any one entity could achieve independently.



IV. ACQUISITION FINANCIAL CONSIDERATIONS

The total land Project cost is approximately \$1,680,000. Funding sources include:

- Utah Outdoor Recreation Infrastructure (ORI) Grant: \$800,000
- Summit County Open Space Bond Funds: \$831,000
- Summit Land Conservancy contribution and project costs: \$49,000

V. REQUESTED ACTION

Staff Recommendation: Staff recommends that the County Council authorize the County Manager to proceed with acquisition of the Four Badgers properties and expend up to \$831,000.00 in Summit County Open Space Bond Funds toward the purchase of approximately 9.82 acres along the Weber River corridor.

Recommended Motion: *I move to authorize the County Manager to proceed with the acquisition of the Four Badgers properties and to expend up to \$831,000 of Summit County Open Space Bond Funds toward the acquisition, leveraging \$800,000 in Utah Outdoor Recreation Infrastructure Grant funding previously secured by Summit County, subject to completion of due diligence, satisfaction of grant requirements, and execution of all necessary agreements and closing documents.*



June 17, 2026

VIA E-MAIL

Peter Barnes
Community Development Director
Summit County
60 N Main Street
P.O. Box 128
Coalville, UT 84017

Re: Request for Vested Rights Determination for the property located at 1662 S West Hoytsville Road

Dear Mr. Barnes,

I. Introduction and Purpose

This firm represents BJ Rees's Enterprise LLC, the gravel pit operator located at 1662 S West Hoytsville Road in Sec. 8, T1N- R5E, SLB & M ("**Property**"). This Request for Vested Rights Determination is submitted pursuant to Summit County Code § 11-7-12, which authorizes property owners to seek a formal determination that certain land use rights have vested and remain in full force and effect. Consistent with Utah's land use statutes and case law, including Utah Code § 17-79-801 and the vested-rights doctrine articulated in Western Land Equities, Inc. v. City of Logan, 617 P.2d 388, 394–99 (Utah 1980), the Applicant respectfully requests that Summit County confirm and acknowledge that the land use rights established through the original 1985 Conditional Use Permit ("1985 CUP") approval and subsequently renewed and confirmed through the 1990 Conditional Use Permit ("1990 CUP") remain vested and legally enforceable, and that such rights were not lawfully extinguished by the letter issued by the Community Development Director in 2022 (the "2022 Letter").

II. Background and History of Approvals

A. The 1985 Approval

In 1985, the subject property received a conditional use approval under the then applicable code for a "Processing and Manufacturing Use", which use, according to the use table attached as Attachment A, allowed "Rock crushers, concrete batching plants, asphalt plants". In reliance on the approval the then landowners began the rock crushing operation and hot asphalt plant which included ancillary uses, such as truck scales, material stockpiles, aggregate feed bins, drum mixer, hot oil storage, fuel tank, water pond and an asphalt storage bin. These uses were all lawful and approved according to the prior Summit County Code section 12.19, which is attached hereto as **Attachment A**. The 1985 CUP was approved with a time limit of 5 years, in which the CUP would need to be renewed. The approved use was established and exercised on the property following the 1985 CUP approval, which is attached to this letter as **Attachment B**.

B. The 1990 Conditional Use Permit

In 1990 the property owner applied for the 1990 CUP to renew the 1985 CUP approval. In July of 1990, the Planning Commission approved the CUP for crushing operations and asphalt batch plant for 120 days while mitigation studies were done. In September of 1990, once the additional studies were completed, the Planning Commission approved the renewal/new 1990 CUP with added conditions. Again, the use table at the time allowed “rock crusher, concrete batching plants, asphalt plants” and this renewed approval was consistent with the then existing code. In reliance on the 1990 CUP owner continued these uses:

1. Gravel pit area;
2. Crushing area;
3. Rock and sand piles; and
4. Asphalt plant area.

The 1990 CUP was issued following full compliance with the procedural and substantive requirements of the Summit County Code then in effect, including public notice, public hearing, and a finding by the approving authority that the proposed uses satisfied all applicable criteria. A copy of the approved 1990 CUP permit is included with this letter as **Attachment C**. The 1990 CUP constituted a new and independent grant of additional land use rights that expanded upon and otherwise supplemented the rights previously established under the 1985 approval. The property owner thereafter made substantial investments and undertook development activities in good-faith reliance on the 1990 CUP.

III. Vesting of Rights Under the 1990 CUP

The land use rights granted under the 1990 CUP vested upon the issuance of that approval and the property owner's subsequent reliance thereon. Under well-established principles of Utah land use law, a property owner acquires vested rights in an approved use when a property owner applies for a use. See Western Land Equities, Inc. v. City of Logan, 617 P.2d 388, 394–99 (Utah 1980) (recognizing time-of-application/approval vesting where the applicant proceeds in good faith reliance); see also Utah Code § 17-79-803 (entitlement to approval under standards in place when a complete application complies). The owner then protects its vested rights by obtaining approvals, as it did in 1985 and 1990, and relies on these approvals. See id.

The uses authorized by the 1990 CUP have been continuously exercised, or have remained available for exercise, since the date of that approval. At no point has the property owner abandoned the approved uses or taken any action inconsistent with the rights conferred by the 1990 CUP. After the 1990 CUP approval, hot asphalt plants were intermittently operated. In the early 2000s, Geary Construction went out of business, and Flair Construction leased the property from the Pace family and continued crushing operations and material sales. In 2021, BJ Rees approached the Pace family about assuming the lease and continuing gravel pit operations. Prior to commencing operations, Rees met with the County to confirm there were no issues with the CUP, and the County advised that there were no concerns. Since 2021, Rees has made substantial improvements to the property, including securing line power and water service to the site, and has maintained continuous crushing and batching-related operations over the last five years.

Accordingly, the rights established by the 1990 CUP are fully vested and may not be diminished, revoked, or extinguished except through the lawful procedures established by applicable law. See, e.g., Utah Code

§ 17-79-903 (legally established uses are permitted to continue); cf. Utah Code § 17-79-505 (conditional uses administered through ordinance-based standards).

IV. The 2022 Letter Exceeded the Director's Authority

In 2022, the Community Development Director issued a letter that at best is confusing. At one level it acknowledged a feature of the historic approval, the right to engage in concrete mixing. Where it gets confusing is the reference to some how restricting the approved asphalt use that was also approved under the 1990 CUP. A copy of this letter is attached hereto as **Attachment D**.

Again, the property owner requested the 2022 letter in order to confirm that the use of concrete mixing on the subject property was a permitted use under the 1990 Conditional Use Permit (CUP) approval, and further to establish that concrete mixing constituted a less intensive use, with fewer and lesser environmental, operational, and land use impacts than the other uses already legally authorized under the 1990 CUP. This inquiry is consistent with Utah's plain-language approach to land use regulation and the directive to favor the application where the regulation does not plainly restrict it. See Utah Code § 17-79-801, Office of the Property Rights Ombudsman (OPRO), Advisory Opinion 275 (Sept. 27, 2023) (plain-language application; ambiguous regulations construed to favor the application).

The Applicant respectfully submits that the 2022 Letter does not diminish the rights established in the approval of the 1985 CUP and the 1990 CUP for four main reasons:

A. The Director Lacked Authority to Revoke or Modify Vested Rights

The Summit County Code does not grant the Community Development Director the authority to unilaterally revoke, modify, or extinguish vested land use rights that were established through a duly approved Conditional Use Permit. Utah law assigns "land use decisions" to the designated land use authority and treats those decisions as administrative acts taken pursuant to ordinance, not by staff correspondence. See Utah Code § 17-79-801 (land use decisions are administrative acts; apply regulations as written). The 1990 CUP was issued by the appropriate approving body following a public hearing process. The Director's administrative authority does not extend to the substantive modification or revocation of land use entitlements granted through that process. See Utah Code § 17-79-1001 (appeal authority and due-process requirements for administrative land use decisions). A ministerial officer cannot undo a quasi-judicial act of a higher approving authority absent express statutory authorization and ordinance-prescribed procedure, which do not exist here. See Northern Monticello Alliance v. San Juan County, 2022 UT 10, ¶¶ 20–23 (addressing county CUP enforcement and revocation as administrative matters governed by ordinance-based procedures).

B. No Lawful Revocation Proceedings Were Conducted

In February 2022, Community Development Director Patrick Putt issued written confirmation via email to Mr. Rees that the 1985 Conditional Use Permit ("CUP") authorized the following uses on the subject property: rock crushing and hot batch plant operations, together with truck scales, rock and sand stockpiles, crushers, aggregate feed bins, drum mixers with conveyor and storage bins, and fuel tanks. Director Putt further confirmed that the CUP does not expire and runs with the land, remaining in full force and effect regardless of any change in ownership. In response, Mr. Rees informed Director Putt that he intended to conduct a less intensive operation than which was previously approved, which included

the operation of a concrete batch plant. Director Putt subsequently issued a letter acknowledging that the facility would no longer utilize a hot batch plant and that a concrete batch plant would be operated in its place.

Even assuming, *arguendo*, that some mechanism exists for the revocation or modification of a conditional use permit, no such proceedings were initiated or conducted prior to the issuance of the 2022 Letter. The property owner received no notice of any proposed revocation, was afforded no opportunity to be heard, and no findings were made that would support the termination of vested rights. Moreover, the 2022 Letter purported to authorize a use that was already allowed by the code in place at the time of the original CUPs. Utah law requires counties to channel administrative land use actions through their ordinance-prescribed decisionmakers and processes. See Utah Code § 17-79-1001, -1006 (appeal authority; due-process procedures); see also Northern Monticello Alliance v. San Juan County, 2022 UT 10, ¶¶ 20–23 (recognizing that CUP revocation and enforcement occur through formal administrative proceedings). To this extent it is believed that the 2022 Letter took away asphalt rights, the 2022 Letter was issued without due process and in the absence of any adjudicative proceeding, rendering it legally ineffective to alter the rights established by the 1990 CUP.

C. Vested Rights Cannot Be Eliminated by Administrative Correspondence

A letter from a staff-level official does not constitute a lawful land use decision capable of extinguishing vested property rights where no ordinance authorizes that power. Utah law recognizes that once land use rights have vested, they are protected from retroactive application of subsequent regulations or unauthorized administrative actions. See *Western Land Equities*, 617 P.2d at 394–99 (protecting reliance interests once rights vest); see also Utah Code § 17-79-1008 (judicial review requires a final land use decision—underscoring that informal correspondence is not the operative vehicle). OPRO has likewise distinguished informal staff steps from formal decisions by the land use authority. See OPRO Advisory Opinion 284 (Jan. 25, 2024) (decision formality; ordinance-grounded action). The 2022 Letter, regardless of its characterization, cannot serve as the legal vehicle by which established and vested conditional use rights are terminated.

D. Utah Statutory Direction Favors the Application and Continuation of Legally Established Uses

Utah statutes direct land use authorities to construe and apply ambiguous land use regulations in favor of an applicant and to allow legally established uses to continue. See Utah Code § 17-79-801 (if a land use regulation does not plainly restrict an application, the land use authority shall interpret and apply the regulation to favor the application); OPRO Advisory Opinion 275 (Sept. 27, 2023) (same principle). Further, Utah Code § 17-79-903 provides that legally established uses are permitted to continue. These mandates reinforce that the 1990 CUP uses remain protected and that any uncertainty must be resolved in favor of the Applicant and the continuation of those uses. See also Kilgore Companies v. Utah Cnty. Bd. of Adjustment, 2019 UT App 20, ¶¶ 17–24, 438 P.3d 1025 (substantial-evidence/record-based administration of CUP conditions), and Bermes v. Summit County, 2023 UT App 94, ¶ 15 (articulating substantial-evidence benchmarks), both underscoring that any limitation must rest on ordinance-based standards and evidence developed in the proper proceeding).

V. Requested Determination

Based on the foregoing, the Applicant respectfully requests that Summit County issue a formal determination pursuant to Summit County Code § 11-1-12 confirming the following:

1. The land use rights established by the 1990 CUP remain vested and in full force and effect. See Western Land Equities, 617 P.2d at 394–99; Utah Code § 17-79-803 (entitlement to approval); Utah Code § 17-79-903 (legally established uses may continue).
2. The uses permitted under the 1990 CUP, as identified in Section II.B above, are lawfully authorized uses of the subject property and may continue to be exercised without interruption. See Utah Code § 17-79-903 (continuation of legally established uses); see also Utah Code § 17-79-801 (application of regulations as written; ambiguous provisions construed to favor the application).
3. The 2022 Letter issued by the Community Development Director did not and could not lawfully extinguish, revoke, or modify the vested rights established under the 1990 CUP, as the Director lacked the authority to take such action. See Utah Code § 17-79-801; (administrative decisionmakers and due-process procedures); Northern Monticello Alliance, 2022 UT 10, ¶¶ 20–23.
4. Any future attempt to limit or revoke the rights established under the 1990 CUP must comply with all applicable procedural and substantive requirements of the Summit County Code and Utah law, including notice, hearing, and a demonstration of lawful grounds for revocation, supported by substantial evidence in the administrative record. See Kilgore Companies v. Utah Cnty. Bd. of Adjustment, 2019 UT App 20, ¶¶ 17–24, 438 P.3d 1025; Bermes v. Summit County, 2023 UT App 94, ¶ 15; Utah Code §§ 17-79-1001, -1006.

VI. Conclusion

The Applicant has relied in good faith on the land use rights granted by Summit County in 1990 and has exercised those rights continuously since that time. The 2022 Letter represented an unauthorized and procedurally deficient attempt to eliminate vested property rights without legal basis. The Applicant respectfully urges Summit County to confirm that the 1990 CUP rights remain intact and enforceable, consistent with Utah’s vested-rights doctrine and administrative framework, including: Western Land Equities, 617 P.2d at 394–99; Utah Code § 17-79-801; Utah Code § 17-79-903; Utah Code §§ 17-79-1001, -1006; and the standards for substantial-evidence, ordinance-grounded action in Kilgore, 2019 UT App 20, ¶¶ 17–24, and Bermes, 2023 UT App 94, ¶ 15, as well as OPRO Advisory Opinions 275 (2023) and 284 (2024).

Very truly yours,

SNELL & WILMER L.L.P.



Wade R. Budge, P.C.

WRB:dm

cc: Helen Strachan, Esq.

Attachments

- Attachment A: Copy of 1985 Summit County Code Section 12.19
- Attachment B: Copy of 1985 Approval
- Attachment C: Copy of 1990 Conditional Use Permit
- Attachment D: Copy of 2022 Letter from Community Development Director

Attachment A: Copy of 1985 Summit County Code Section 12.19

12.19 AUTHORIZED USES

	SR-1	RR-1	RR-2	R-1	AG-1	WR-1	WF-1	C-1	CR-1	HD-1	LI-1
1. Accessory buildings and uses customarily incidental to permitted and traditional uses.	P	P	P	P	P	P	P	P	-	P	P
2. Agriculture											
A. The raising, cultivating, grazing or breeding of plants or animals in unlimited quantities.	-	-	C	-	P	P	P	-	-	-	-
B. Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.	P	P	P	P	P	P	P	P	-	P	P
C. Agriculture industries or businesses involving agricultural production in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including animal feed yards, kennels, fur farms, food packaging or processing plants, commercial greenhouses, commercial poultry or egg production, saw mills, and similar uses.	-	-	C	-	P	C	-	-	-	-	P
3. Dwellings											
A. Single Family Dwellings	P	P	P	P	P	P	C	-	-	-	P
B. Two Family dwellings	-	-	C	-	P	C	-	-	-	-	P
C. Multiply family dwellings in planned unit developments.	P	P	P	P	-	-	-	P	P	P	-
D. Multiple unit dwellings for commercial purposes, i.e., motels, hotels, condominiums, and boarding houses, provided that the density											

Of units with kitchen facilities shall not exceed six (6) per acre and units without kitchen facilities, ten (10) per acre, unless it can be shown that adequate fire protection is provided to safeguard human life to justify a greater height than permitted in Section 5.6 of this Code; in such cases densities may be increased, provided however that the density shall not exceed the above described densities for each two building levels above fire fighting grade.

- - - - - P P P -

E. Multiple unit dwellings for commercial purposes, i.e., hotels, motels, and condominiums, with no density requirements, provided however that at least seventy (70) percent of the project, excluding parking space and road rights-of-way, is maintained as natural or landscaped open space or outdoor recreation facilities, i.e., swimming pools, tennis courts, etc.

- - - - - P - -

F. Mobile homes on one acre lots and subject to requirements of Chapter 10.

P P P P - - C - - -

G. Mobile homes for housing agricultural employees and subject to the requirements of Chapter 10.

- - C - C C C - - - C

H. Mobile home parks and subdivisions subject to requirements of Chapter 10.

C C C C - - - - C -

I. Recreation vehicle parks subject to requirements of Chapter 9.

- - C C C C - C - C C

	SR-1	RR-1	RR-2	R-1	AG-1	WR-1	WF-1	C-1	CR-1	HS-1	LI-1
J. Farm or ranch housing for employees of the farm or ranch.	-	-	C	-	P	P	P	-	-	-	-
4. Outdoor commercial recreation activities including archery and rifle ranges, campgrounds, golf courses, dude ranches, public stables, ski lifts, public snowmobile trails and other similar uses.	C	C	C	C	C	C	C	C	C	C	C
5. Sales Activities											
A. Retail establishments such as grocery and general merchandise stores and novelty, gift, and photo supply stores.	-	-	-	-	-	-	-	P	P	P	-
B. Service establishments, including barber shops, confectionary shops, laundromats and dry cleaners, indoor recreation centers, mortuary, home appliance repair shops, banks and other similar commerce.	-	-	-	-	-	-	-	P	P	P	-
C. Travel Service and entertainment establishments such as automobile service stations, restaurants, drive in food stands and theatres.	-	-	-	-	-	-	-	P	P	P	-
D. Office buildings, including clinics animal hospitals, and other office activities.	-	-	C	-	-	-	-	P	C	C	P
E. Liquor and beer sales and places for the drinking of liquor and beer	-	-	-	-	-	-	-	P	P	P	-
F. Neighborhood convenience stores for the primary use of the residents in this immediate vicinity.	C	C	C	C	-	-	-	P	P	P	P

6. Home Occupations

A. Home occupations conducted entirely within a dwelling by one or more persons residing within a dwelling not to include however the sale of commodities except those which are produced on the premises and involve the use of any accessory buildings or yard space. Qualifying home occupations include the use of the home by a physician, surgeon, dentist, or physical therapist for emergency consultation or treatment or for the use of a lawyer, engineer, or other professional person for consultation and for auxiliary use; the occupation of an artist who gives private lessons in voice, dance, boxing, piano or other musical instrument limited to a maximum of eight (8) pupils at a time; a foster home or child care center for not more than eight (8) children at a time; the renting of one or more rooms to not more than four (4) persons provided that one additional space of off-street parking be provided for each two renting persons.

P P P P P P P P P P P P

B. Home occupations involving the use of yard space or accessory buildings and including the sale of commodities not produced on the premises, provided however that such occupation shall not be detrimental to adjacent property owners. Such occupation shall be subject to annual issuance and annual reissuance of home occupation permits by the Board of Commissioners. Such home occupations include home appliance repairs, carpentry, and the raising of animals for other than family use or consumption.

C C C C P C C P P P P P

	SR-1	RR-1	RR-2	R-1	AG-1	WR-1	WF-1	C-1	CR-1	HS-1	LI-
7. Private Service Activities											
A. Child day car or nursery.	C	C	C	C	C	-	-	P	P	P	-
B. Private educational institution having a curriculum similar to public schools and approved by the State.	C	C	C	C	C	C	-	P	-	P	C
C. Private Institution or organization recreational grounds and facilities, not open to the general public and to which no admission charge is made.	C	C	C	C	C	C	C	C	C	C	C
D. Rest or convalescent homes.	C	C	C	C	C	C	-	C	-	-	-
E. Private parks, recreational grounds, recreational camps or resorts including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which they are accessory.	C	C	C	P	C	C	C	P	P	-	P
8. Public or Quasi Public Service Activities											
A. Power generation plants, dams and reservoirs, and transmitting stations and sub-stations.	C	C	C	C	P	P	C	C	C	C	P
B. Hospitals, medical clinics, cemeteries and churches.	C	C	C	C	C	C	-	P	C	C	C
C. Public buildings	P	P	P	P	P	P	-	P	P	P	P
D. Parks	P	P	P	P	P	P	C	P	P	P	P
9. Processing and Manufacturing											
A. Quarries, gravel pits, open pit mines and tunnel mines.	-	-	C	C	P	P	C	-	-	-	P
B. Oil wells, natural gas wells, and stream wells.	C	C	C	C	P	P	C	C	-	C	P

C. Rock crushers, concrete batching plants, asphalt plants, and petroleum refineries.

- - - - C C C - - - 1

D. Manufacturing, curing, compounding, processing, packaging, and treatment of bakery goods, candy, cereal, pharmaceuticals, toiletries, cosmetics, sporting goods, and other goods which will be manufactured by non polluting methods.

- - - - - - - C - - P

E. Uses which because of their incompatibility with domestic activities are required to be located at least 300 feet from a zone boundary including foundry, casting of light weight non-ferrous metals, blast furnaces, and similar uses. Such uses shall not exceed state or federal environment protection standards.

- - - - - - - - - P

F. Manufacturing, processing, refining, treatment, distilling, storage, compounding or pipeline transmission of acid, ammonia, acetylene gas, disinfectants, plastics, pot ash, and other such materials.

- - - - C C - - - P

G. Pipeline transmission of petroleum and natural gas.

P P P P P P C P P P P

H. Welding and blacksmith shops

- - - - - - - P - C P

10. Signs subject to Chapter 8

P P P P P P - P P P P

11. Transportation

A. Bus terminal

- - - - - - - P C C P

B. Freighting or trucking yard or terminal.

- - - - - - - P - C P

	SR-1	RR-1	RR-2	R-1	AG-1	WR-1	WF-1	C-1	CR-1	HS-1	LI
C. Airport	-	-	C	C	C	C	C	C	-	-	C
D. Truck stop and service facilities	-	-	-	-	-	-	-	P	-	P	P
12. Storage and Warehousing											
A. Coal and fuel yards.	-	-	C	C	C	C	C	C	-	C	P
B. Contractors equipment storage yard and plant.	C	C	C	-	C	C	C	C	-	-	P
C. Garage, public	-	-	-	-	-	-	-	C	-	C	P
D. Junk yard	-	-	-	-	C	C	-	-	-	-	C
E. Warehouse	-	-	-	-	-	-	C	P	-	-	P
F. Rental storage sheds.	-	-	C	P	-	-	-	P	-	P	P
13. Planned Unit Development subject to requirements of Chapter 11.	C	C	C	C	C	C	C	C	C	C	C
14. Subdivisions, subject to Chapter 13 where each lot meets requirements of the Zone in which it is located.	P	P	P	P	-	-	-	P	P	P	P

Attachment B:
Copy of 1985 Approval

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

June 12, 1985

Wilkinson Construction Co. Inc.
365 South State
Morgan, UT 84050

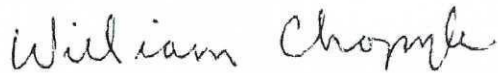
Dear Sirs:

This is to confirm action taken by the Summit County Planning Commission at their regular meeting held June 11, 1985, with respect to your request for a conditional use permit for a hot asphalt plant located in Section 8, T1N-R5E, SLB & M.

It was the decision of the Planning Commission to approve this request for a period of five (5) years. After that time it will be necessary for you to submit a new application with this office for renewal of the permit.

Should you have any questions concerning this matter, please contact the Summit County Planning Office at 336-4451 ext.306.

Sincerely,



William Chopyk, Assistant Planner
Summit County Planning Office

WC/kh

MINUTES OF THE PLANNING COMMISSION
MEETING HELD
JUNE 11, 1985

PRESENT: Bob McGregor, Chairman Jerry Smith, Planning Director
 LaMar Pace Bill Chopyk, Planning Assistant
 Kristen Rogers Kathy Hansen, Planning Coordinator
 Van Martin
 DelRay Hatch

ABSENT: Thomas Flinders, County Commissioner

The meeting was called to order at 7:34 p.m. by Chairman, Bob McGregor.

GEARY CONSTRUCTION INC./ WILKINSON CONSTRUCTION CO. INC. - Request for a conditional use permit for a rock crushing operation and a hot asphalt plant located in Sec. 8, T1N-R5E, SLB & M, approximately 1 mile west of 1565 South West Hoytsville Road.

John Wilkinson presented a site plan and summary data for emissions. Jim Koertge asked about the location of the proposed site. LaMar, who owns the property, explained where the site is located and said he is leasing the property to the applicants for five (5) years.

Kristen asked about surrounding property and uses.

LaMar replied that the nearest home is 1000 feet away and the surrounding property consists mainly of sagebrush.

Kristen asked about the noise produced from the rock crushers. John replied that the noise is minimal.

John explained that the hot asphalt plant requires water to operate and that the water would not go back into the stream.

Kristen made the motion to approve the Conditional Use Permit for five (5) years. Van seconded the motion. All voted in favor except LaMar, who abstained from voting.

DISCUSSION - Status update on the Jordanelle Water Quality Management Plan.

Jerry pointed out the proposed location of the Jordanelle reservoir in Wasatch County.

A mutual effort from all surrounding counties and cities is needed to control pollution and protect water quality. The levels of phosphorous must be safe for culinary use. A cooperative effort is asked on our part to protect watersheds that feed into the reservoirs of Wasatch County.

6.1 Purpose.

Conditional use permits are to be granted to allow certain uses which may be harmonious under special conditions and in specific locations within a zone, but would be improper under general conditions and in other locations to be properly integrated into Summit County. A conditional use permit shall be required for all uses listed as conditional uses in this code.

6.2 Applications

Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Commission on such form as provided. The applicant shall include detailed site plans drawn to scale and other documents necessary to assist the Planning Commission in arriving at an appropriate decision. Written notice of the time and place of the Planning Commission meeting to consider the conditional use application shall be mailed to all owners of property as per the requirements of Table 1, at least five (5) working days prior to such meeting. In condominium projects, notification of the property owners association shall be sufficient notification of all property owners within the project. The request for a permit shall be accompanied by a fee established by the Board of Commissioners.

6.3 Notice and Public Hearing

Written notice of the time and place of the Planning Commission meeting to consider the conditional use application shall be mailed to all owners of property as per the requirements of Table 1, at least five (5) working days prior to such meeting. The Planning Staff shall prepare and mail the notices to the owner(s) of record, based on the current ownership records of the County Records Office. The applicant shall be assessed a reasonable notification fee as established by Board of Commission resolution. In condominium projects, notification of the property owners association shall be sufficient notification of all property owners within the project. No public hearing need be held; however, a hearing may be held when the Planning Commission deems such a hearing to be necessary and in the public interest. If a public hearing is to be held, a notice of the hearing shall be given by at least one publication in a newspaper of general circulation in the county at least five (5) days prior to the date of said hearing.

6.4 Determination

The Planning Commission may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this Code. In authorizing any conditional use, the Planning Commission may impose such requirements and conditions as are determined necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

(a) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property and improvements in the vicinity; and

(b) The proposed use will comply with the regulations and conditions specified in this Code for such use; and

(c) The proposed use will conform to the intent of the Summit County Master Plan

6.5 ISSUANCE OF BUILDING PERMIT

Following the issuance of a conditional use permit the Building Inspector shall approve an application for a building permit, provided all other requirements of this code are met.

6.6 TIME LIMIT

Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, said permit shall expire. The Planning Commission shall determine the duration of conditional use permits and may grant extensions as deemed in the public interest.

6.7 TEMPORARY USES

The following uses are hereby defined as temporary uses and are subject to the following restrictions:

(1) Carnival, Circus, or Rodeo. A conditional use permit for a carnival, circus, or rodeo may be issued in any zone except an Overlay 2 Zone, for a period not longer than fifteen (15) days.

(2) Christmas Tree Sales. A conditional use permit may be issued in any zone except an Overlay 2 Zone for the display and open lot sales of Christmas trees for a period not longer than forty-five (45) days.

(3) Contractor's Office and Equipment Shed. A conditional use permit may be issued in any zone for a contractor's temporary office and equipment sheds incidental to a construction project. A contractor's temporary office and related equipment sheds placed on a construction site for less than ninety (90) days is exempt from the conditional use permit requirement. The permit shall be valid for not more than one (1) year but is renewable. The office or shed shall be removed upon completion of the construction project.

(4) Real Estate Sales Office. A conditional use permit may be issued in any zone for a temporary real estate sales office in any new subdivision or development which has been approved in accordance with this Code. The permit for such office shall be valid for not more than one (1) year but is renewable. The office shall be removed upon completion of the development or subdivision. A model home may be used as a temporary sales office under the same conditions.

(5) Mobile Homes. A conditional use permit may be issued as a temporary dwelling in accordance with the provisions of Chapter 10.

6.8 APPEALS

Appeal of any decision of the Planning Commission shall be to the Board of Commissioners.

Appeals shall be in writing and shall be filed at the office of the County Clerk not more than ten (10) days after the decision of the Planning Commission. The Board of Commissioners may affirm, modify or reverse the decision of the Planning Commission. However, the Board shall present, in writing, the reasons for its action.

6.9 REVOCATION

A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

SUMMIT COUNTY STATE OF UTAH

CLERK - AUDITOR
REED D. PACE

TREASURER
GLEN G. THOMPSON

RECORDER
ALAN SPRIGGS

P. O. BOX 128
COALVILLE, UTAH
84017
(801) 336-4451

ATTORNEY
ROBERT ADKINS

SHERIFF
FRED ELEY

ASSESSOR
LEO O. FRAZIER

BOARD OF COMMISSIONERS
CLIFF BLONQUIST THOMAS E. FLINDERS STANLEY D. LEAVITT

May 20, 1965

Geary Construction Inc.
111 Main Street
Coalville, UT 84017

Dear Sirs:

We recently became aware of a rock crushing operation by Geary Construction Inc. located in Section 5, Township 1 North, Range 5 East, SLE & M (parcel # NS-113-A).

A conditional use permit is required to operate rock crushers in the AG-1 zone. You are in violation of the Development Code of Summit County. Please complete and submit the enclosed agenda application for a conditional use permit to the Summit County Planning Office as soon as possible.

Should you have any questions, please contact us at 336-4451, ext 306.

Sincerely,

William Chopyk

William Chopyk, Assistant Planner
Summit County Planning Office

WC/jlp

Enclosure

#NS-113-A Sec. 5 T1N-R5E SLB+M

#NS-120 Sec. 6 T1N-R5E Grace & Lillian Pace
(Grants)

PROPERTY OWNERS WITHIN 100 FEET:

1S-121 Summit Range and Livestock Co.
c/o Earl McQueen
RFD Box 236
Coalville, UT 84017

1S-113-A Vernon & Velma Judd
RFD Box 222
Coalville, UT 84017

1S-122 { Ford's Inc. 40% und. int.
Reed Robison 10% und. int.
Lowell Daines 10% und. int.
Chris & Mary Ford 20% int.
Michael & Ruth Ford 20% int.

Lowell Daines et. al.
P.O. Box 1269
Ogden, UT 84402

SUMMIT COUNTY PLANNING OFFICE

AGENDA APPLICATION FOR PROJECT APPROVALS

This form must be completed and submitted for each agenda request with the Planning Commission. Applications must be received two weeks prior to a scheduled meeting, unless otherwise noted herein. Regular meetings are scheduled for the second and fourth Tuesday of each month. Meetings to consider Master Plan amendments are scheduled for the second Tuesday in April, August, and December. Submittals for Master Plan amendments must be received by the first of the month preceeding the meeting. Departures from the regular scheduled meetings may be caused by Tuesday holidays, special meetings, etc. The Board of County Commissioners meet every Tuesday.

REQUESTED MEETING DATE June 11, 1985

NAME GEARY CONSTRUCTION, INC.
 ADDRESS P.O. Box 176, Coalville, 84017 PHONE 336-5584
 PROPOSAL Request for a conditional use permit for a rock crushing operation.

Complete for each item to be considered. Incomplete applications not accepted.

GENERAL DISCUSSION

Please indicate items you wish to discuss with the Planning Commission.

CONCEPT PLAN

Submitted with this application are:

- ☐ A sketch plan showing location, layout, etc.
- ☐ Project description as per Section 13.4 (2) Development Code

PROJECT MASTER PLAN

Submitted with this application are:

- ☐ Project Master Plan as per Section 13.4 (4) Development Code including:
 1. Circulation plan
 2. Proposed land use, density
 3. Proposed sequence of phases

COUNTY MASTER PLAN AMENDMENT

Submitted with this application as per Section 2.8 Development Code are:

- ☐ A legal description of property.
- ☐ A brief summary of the proposed use of the property.
- ☐ Map showing location, topography with contour intervals of at least 40 feet, acreage, and density proposed for each use.
- ☐ Ownership status of the property
- ☐ Application fee \$40.00

ENVIRONMENTAL IMPACT STATEMENT

Submitted with this application are:

- ☐ A professionally prepared impact statement as per Section 13.4 (3) Development Code including:
 1. Background information
 2. Base maps
 3. Written reports
- ☐ 10 copies for review submitted no later than the meeting date prior to the proposed date of consideration.
- ☐ Filing fee \$40.00

CONDITIONAL USE PERM.

Submitted with this application are:

- ☐ Site plan drawn to scale, legal description of the property, present zoning.
- ☐ Envelopes, stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ A brief explanation of the proposal and discussion of why the Conditional Use Permit should be granted; measures that will be taken to safeguard surrounding property.

Application fee \$15.00

Paid \$750 6/5/85 W.B.C.

ZONE CHANGE

Submitted with this application are:

- ☐ A map showing the location of the property.
- ☐ An exact legal description with acreage listed.
- ☐ Existing zoning, proposed zoning, and use of property.
- ☐ Envelopes stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ Application fee \$40.00

(NOTE: Zone change requests must be certified by the Planning Commission prior to a Public Hearing before the Board of County Commissioners. A hearing date will be set upon certification.)

PRELIMINARY PLAT

Submitted with this application are:

- ☐ Three copies of complete graphic layout as per Section 13.4 (5) Development Code.
- ☐ Statement from Division of Water Rights on water rights.
- ☐ State Division of Health feasibility letter on water, waste systems.
- ☐ Letter from water and sewer district approving preliminary plans, if applicable.
- ☐ Letter from fire district on design.
- ☐ Statement from school district on bus turn-arounds and pick-up stations.
- ☐ Letter from local postmaster on efficiency of mail delivery.
- ☐ Drawings have been submitted to County Engineer two weeks prior to requested meeting date.
- ☐ Filing fee (\$75.00 plus \$3.00 per lot/unit)

FINAL PLAT

Submitted with this application are:

- ☐ One mylar or linen tracing and 3 copies as per Section 13.4 (6) Development Code; one copy 18"x18" mylar also for condominium or subdivision.
- ☐ State Division of Health approval of water, sewer facilities.
- ☐ A preliminary title report prepared or updated to within 30 days of the date of plat filing.
- ☐ Recordable letter from Fire District approving plans for fire protection.
- ☐ Signed contract between developer & sewer or water district if applicable
- ☐ Plat, drawings, specifications and materials list have been submitted to County Engineer (3) three weeks prior to requested meeting date.
- ☐ Copies of sales information, brochures to be used.
- ☐ Copy of the Restrictive Covenants and Homeowners Articles of Association or Incorporation.
- ☐ Filing fee (\$50.00 plus \$2.00 per lot/unit).

FINAL APPROVAL

(Board of County Commissioners)

Before coming before the Board for final approval, you must check to see that the following have been completed:

- ☐ Planning Commission approval; signature
- ☐ Certificate; Approval of County Engineer
- ☐ Certificate, Approval of County Attorney (form and title)
- ☐ County Engineer letter recommending acceptance of completed improvements or
- ☐ Completed escrow agreement or corporate bond.- see Section 13.4 (7)

All submittals should be to the Summit County Planning Office, County Courthouse, Coalville, UT 84017. Engineering submittals should be to Forsgren - Perkins Engineering, Attn: Rick Noll, 1849 West North Temple, Salt Lake City, Utah, 84116. Fees for engineer review will be billed directly to the applicant at the current cost charged to the County for such services. Checks for all fees should be sent to the Summit County Planning Office.

SUMMIT COUNTY PLANNING OFFICE

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REQUESTED MEETING DATE June 11, 1985

NAME Wilkinson - Const Co Inc.

ADDRESS 365 So. State Morgan UT 84050 PHONE 829-6833

PROPOSAL Set up Hot Plant And mix the Asphalt for the County

Complete for each item to be considered. Incomplete applications not accepted.

GENERAL DISCUSSION

Please indicate items you wish to discuss with the Planning Commission.

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\$7⁵⁰ PAID 5/30/85

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- ☐ Letter from local postmaster on efficiency of mail delivery.
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- ☐ Signed contract between developer & sewer or water district if applicable
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(Board of County Commissioners)

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- ☐ County Engineer letter recommending acceptance of completed improvements or
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WILKINSON CONSTRUCTION CO. INC.

Summary Data for Emissions
Barber-Green Plant Venturi
Scrubber.

HEAVY CONSTRUCTION
BLACK TOPPING
GRAVEL

CONSTRUCTION
GRADING

Wilkinson Construction Company

Phone 829-8444

MORGAN, UTAH

NORTH

CATTLE GUARD

COUNTY ROAD

WILKINSON CONST.
TRUCK SCALES
ON RAMP
OFF RAMP
GRAVEL ROAD TO PIT

DEAN GEAR'S
CRUSHER

Rock
STACKPILE

SAND
STACKPILE

POINT B

POINT A

NOTE

DISTANCE BETWEEN
POINTS A & B IS ABOUT
1/4 OF A MILE

NOTE

AREA USED UP BY
ASPHALT PLANT IS
200' X 200'

WALT STORAGE BIN

AGG.
FEED
BINS

CONTROL

DRUM MIXER
HOT OIL STORAGE
(FUEL TANK)

WATER POND

MOUNTAIN STREAM

STACK

Diameter	2.31 Ft.
Hieght	22.0 Ft.
Temperture	122 ^o
Flow	5 ¹⁰ ⁵ SCF/Hr.
H ² O	13%
Burner Rate	25.1 ⁵
Natural Gas	N.A.
Consumption	1,209,400 Ft ³
Heating Value	1.05
Diesel Fuel	#2
Consumption	1.36 gal/ton
Sulpher	0

GAS ANALYSIS

Test	%N2	%O2	%CO2	%CO
1	80.4	16.5	3.1	.1
2	80.5	16.5	3.0	.1
3	80.0	18.2	1.0	.1

EMISSION RATES

Test	Duration Min.	Grain/SCDF	LBS./HR.
1	62.5	0.0158	1.087
2	75.0	0.0123	0.933
3	75.0	0.0095	0.793

Summit Range & Livestock Co.
c/o Earl McQueen
RFD Box 236
Coalville UT 84017

Vernon & Velma Judd
RFD BOX 222
coalville, UT 84017

Wilkinson Const. Co. Inc.
365 South State Street
Morgan, UT 84050

Geary Construction Inc.
111 Main St.
Coalville, UT 84017

Lowell Daines et. al.
P.O. Box 1269
Ogden, UT 84402

6/4/85 AGENDAS WERE
SENT TO EACH OF THE ABOVE

W.B.C.

APPLICATION STATUS FORM

1. Concept Approval Date _____
2. Hearing to Consider Master Plan Amendment Date _____
Action Taken _____
Date _____
3. EIS Acceptance Date _____
Fee of _____ Paid
4. Project Master Plan Approval Date _____
5. Hearing for Conditional Use Permit \$15.00 PAID W.B.C. (7.00 + 7.00) - 6/1/85 Date 6/11/85 APPROVED for 5 YEARS
Action Taken _____
Date _____
6. Planning Commission Certification of Zone Change Request Date _____
7. Hearing to Consider Zone Change Date _____
Action Taken _____
Date _____
8. Preliminary Approval Date _____
Conditions _____
Fee of _____ Paid
9. Final Plat Approved by Planning Commission Date _____
Conditions _____
Fee of _____ Paid
10. Final Approval Date _____
From Board of Commissioners Conditions _____

REVIEWS

Municipality _____

Soil Conservation Service _____

Division Wildlife Resources _____

School District _____

Fire District _____

Sewer District _____

Attachment C:
Copy of 1990 Conditional Use Permit

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

September 4, 1990

DeAnn Geary
Geary Construction
P.O. Box 176
Coalville, UT 84017

Dear Ms. Geary:

This is to confirm action taken by the Summit County Planning Commission at its regular meeting held August 14, 1990 with respect to your request for a Conditional Use Permit for crushing operation located in Hoytsville.

It was the decision of the Planning Commission to approve this request. This approval was given providing:

- 1 Adopting county health department concerns;
- 2 Recommend the county commission adopt an ordinance on operating hours for gravel/ crushing operations; and
- 3 Recommend the county commission adopt an ordinance for no engine brakes in certain areas.

If you have any further questions, please contact our office.

Sincerely,


Jim Peterson
Planning Director

JP/css

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

MINUTES

SUMMIT COUNTY PLANNING COMMISSION

TUESDAY, AUGUST 14, 1990

COUNTY COURTHOUSE

COALVILLE, UTAH

The regular meeting of the Summit County Planning Commission was called to order Tuesday, August 14, 1990, at 7:30 p.m.

PRESENT: Susan Glasmann, Chairman, DelRay Hatch, Robert Crandall, Reed Schumann, Larry Shafkind, County Commissioner Jim Soter

STAFF PRESENT: Jim Peterson, Planning Director, Lesley Burns, Planning Assistant, Brian Preece, Planning Assistant, Cindy Sadler, Planning Coordinator, Frank Andersen, Deputy County Attorney

APPROVAL OF MINUTES: Minutes of July 31, 1990, Summit County Planning Commission meeting were approved with corrections.

OLD BUSINESS:

- 1 Geary Construction - Conditional Use Permit for crushing operation, Hoytsville.

Planning Director Peterson said a letter was sent July 17, 1990 to the county attorney, planning commissioners, county commissioners, county health department and surrounding property owners requesting a response on the suggestions and conditions raised at the public hearing on July 10, 1990. He explained the letters received.

Commissioner Shafkind asked if it is legal for the planning commission to charge \$100/day fine for violations.

Deputy County Attorney Andersen stated no, unless the county commission created an ordinance for penalties on all operations in the county.

Geary Construction Attorney Larry Moore explained the conditions proposed by Geary Construction and the problems with some of the staff's conditions. (SEE ATTACHED DOCUMENT)

Summit County Planning Commission
August 14, 1990

Vernon Family Attorney Craig Adamson stated the Vernon's are happy with the conditions in the staff report. He added the 7 a.m. - 7 p.m. operating schedule is more than adequate for most of the year, but, if the condition is imposed, it needs to be more specific, i.e. no truck traffic before 7 a.m., no crushing after 7 p.m., etc.; the county commission can adopt an ordinance to fine violations, but \$100/day is not enough for this type of operation; 5 years is an adequate time period; moving the road is not an inappropriate request; and the road is dangerous and needs to be improved.

Lamar Pace said it is not feasible to move the road because of livestock, high water table and blind spots in the road.

Commissioner Crandall said he feels the road needs to be improved, but a business should not be required to pay for all the repairs. He added to move the access would be costly and does not eliminate the problem for all the residents; and it is not within the planning commission's right to restrict the direction of traffic, although it should be encouraged.

County Commissioner Soter said the county engineer looked at the road and reported a cost of \$40,000 to improve it, and the county plans to include the project in its long range road improvements. He added he does not like a 15 year approval because changes occur too quickly in the county.

Commissioner Hatch said he would like to see additional road widening for a turn-out lane, engine brake signs, a 5 year permit, and operating hours from 7 a.m. - 7 p.m.

Moore showed a site plan illustrating the widening of the access road entrance which Geary had recently done.

Commissioner Hatch stated the road needs to be widened more.

Larry Vernon, property owner, said he purchased his land before the gravel pit was developed and has been forced to live with an unpleasant situation for the last 5 years. He added he would like more restrictions on the permit.

Chairman Glasmann said she would like the county to adopt ordinances for engine brakes, operating hours and fines. She added the road improvements should be paid by the those impacting the road.

Summit County Planning Commission
August 14, 1990

Commissioner Crandall moved to approve the conditional use permit for 5 years with the following conditions:

- 1 Adopting county health department concerns;
- 2 Recommend the county commission adopt an ordinance on operating hours for gravel/crushing operations; and
- 3 Recommend the county commission adopt an ordinance for no engine brakes in certain areas.

Commissioner Shafkind seconded the motion, and it passed without dissent.

NEW BUSINESS:

- 1 Joe Cunningham - Preliminary plan approval for The Springs P.U.D., Silver Springs.

Planning Director Peterson explained the project is a 3.4 acre P.U.D. with 10 residential lots, one commercial lot and ponded common areas. The project's entrance is 600 feet from Olympic Parkway (Hwy 224) intersection on Silver Springs Road. He added according to the formula in the Development Code of Summit County, 10.35 lots would be allowed on this parcel, however, staff is recommending 11 residential lots be allowed and the commercial lot be eliminated because commercial development is discouraged along Olympic Parkway.

Chairman Glasmann asked where the project fits within the Silver Springs master plan.

Joe Cunningham showed the preliminary plan with the lot configurations. He said the entire parcel was designated as commercial in the master plan for Silver Springs, but he changed the project to residential to be more compatible with the surrounding areas. He added the commercial lot is a buffer between the proposed residential and the existing blue roofed commercial building and would be a 2000 - 2800 square foot, single level office building accessed through the existing commercial parking lot.

Chairman Glasmann asked if the residential lots are single family or multi-family.

Summit County Planning Commission
August 14, 1990

Cunningham said single family lots for 1800 - 2200 square foot homes which would be compatible with the existing Silver Springs development.

Chairman Glasmann asked if a commercial lot could be restricted in a motion.

Deputy County Attorney Andersen said he would need to research the idea.

Commissioner Shafkind asked if the common areas would be irrigated.

Cunningham said yes and would be the responsibility of the homeowners association.

Chairman Glasmann asked if there were CC & R's for the P.U.D.

Cunningham said they will be ready at the final plan approval stage of the process.

Planning Director Peterson asked what the average setback from Highway 224 will be.

Cunningham said there was approximately 70 feet to the top of the berm which runs parallel with Highway 224 and another 50 - 75 feet to the right-of-way. He added a bike path would be developed across the berm and could tie into an area trail system.

Chairman Glasmann asked about the height of the houses.

Cunningham said the houses have not been designed yet, but he would use the same CC & R's as Silver Springs and Northshore subdivisions.

Commissioner Schumann asked if water was secured for the project.

Cunningham said he has 10 water shares secured as well as sewer hook-up approved.

Summit County Planning Commission
August 14, 1990

Planning Director Peterson stated trails and fencing are not required in this grandfathered project, but he hoped the developer would be willing to work with the county in implementing these things within his project.

Cunningham said he is willing to keep his project compatible with other areas in the Snyderville Basin as long as the expense is reasonable. He added he is planning to build a 4 foot stone wall along Silver Springs Road.

Commissioner Hatch said he is opposed to the cul-de-sac design especially if the county is responsible for snow removal and maintenance. He added he would like the county road department and Park City fire district to approve the plan.

Cunningham said the road would be private and the responsibility of the homeowners' association.

Ruth Wagner from the Silver Springs master association said she would like a guarantee the development join the master association and design guidelines be the same as Silver Springs and Northshore subdivisions. She added the stone wall separating the development from the rest of the Silver Springs would not be in keeping with community harmony. She asked if the road would cross the stream.

Cunningham said the road crosses the stream in two places and the necessary permits from the Utah Department of Natural Resources had been obtained.

Commissioner Schumann asked what kind of structures would be used in the stream crossings.

Cunningham said a buried steel pipe with possible decorative structures on the ends.

Bonnie Evans from the Silver Springs single family association said she is concerned the stone wall will separate the project from the rest of Silver Springs and the lot sizes are too small for the area.

Commissioner Shafkind asked about the architectural plans.

Cunningham said the CC & R's would specify the building styles allowed.

Summit County Planning Commission
August 14, 1990

Chairman Glasmann said the height and the intensity of the project need to be addressed. She said she is also concerned about isolating the area with a wall.

Hatch moved to approve the preliminary plat with the recommendations from staff, developer's agreement to work with the county on trails and fencing, changing the commercial lot to residential or allowing only a low profile building, and adopting architectural guidelines which are compatible with the surrounding areas.

Commissioner Schumann seconded the motion with an amendment that the commercial building not be retail.

Commissioner Hatch agreed. The motion passed without dissent.

-2 Flare Construction Inc. - Pre-application Conference Gravel Pit, Quinn's Junction.

Alan Simister presented a document illustrating their request for a gravel pit operation. He explained the proposed site is 1.25 miles northeast of the existing Monroc and Geneva operations near Quinn's Junction.

Chairman Glasmann said she feels there is little community support for additional industrial development in the Snyderville Basin. She added she feels it is an inappropriate location for a gravel pit because the area is becoming critically important to the resort economy and the site directly conflicts with the view corridor along Highway 40.

Sam Wright said the area needs this type of facility right now because of all the new development occurring.

Chairman Glasmann said she feels action should not be taken until the master plan map is approved.

Commissioner Shafkind asked about the environmental impacts such as air quality.

Simister and Wright said those concerns would be addressed in the state permit and there operation would have to comply with state regulations.

Summit County Planning Commission
August 14, 1990

Commissioner Shafkind said a landscaping, buffering and screening plan would need to be addressed in accordance with the Snyderville Basin Development Code in the proposal, as well as a reclamation plan.

Simister stated the reclamation of the site is part of their lease agreement with the property owner.

Commissioner Shafkind said the visual impacts would need to be softened.

- 3 Steve & Michelle Stucker - Class II Development Permit
Compatibility Meeting Auto Body Shop, Highland Estates.

Planning Director Peterson reviewed the history of the project.

Commissioner Hatch asked if a legal opinion on whether or not the property is in a commercial node had been made.

Planning Director Peterson showed the planning commission a memorandum from District County Attorney Andersen.

Robert Felton, attorney for Stucker's, said they feel the project is eligible to come under the Development Code of Summit County and, therefore, the neighborhood/compatibility meeting is not necessary.

Commissioner Crandall asked if the project could come under the Development Code of Summit County.

Deputy County Attorney Andersen said he would need to research that issue.

Commissioner Shafkind moved to postpone the hearing until August 28, 1990.

Commissioner Crandall seconded the motion and it passed without dissent.

Summit County Planning Commission
August 14, 1990

CHAIRMAN AND COMMISSION ITEMS:

- 1 Chairman Glasmann asked Planning Director Peterson about statutes regarding master plan approvals with county commission.

Planning Director Peterson said he would review the statutes.

DIRECTOR'S ITEMS:

- 1 Planning Director Peterson presented compatibility report for T.L. Henderson.
- 2 Planning Director Peterson said easement for church and nursery on Highway 224 does not exist. The vesting deed does not show the easement.

Meeting adjourned 10:20 p.m.

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

July 12, 1990

DeAnn Geary
Geary Construction, Inc.
P.O. Box 176
Coalville, UT 84017

Dear Ms. Geary:

This is to confirm action taken by the Summit County Planning Commission at its regular meeting held July 10, 1990 with respect to your renewal of a Conditional Use Permit Crushing Operation located in Hoytsville.

It was the decision of the Planning Commission to approve the Conditional Use Permit for 120 days while studies are made on the impacts of the project.

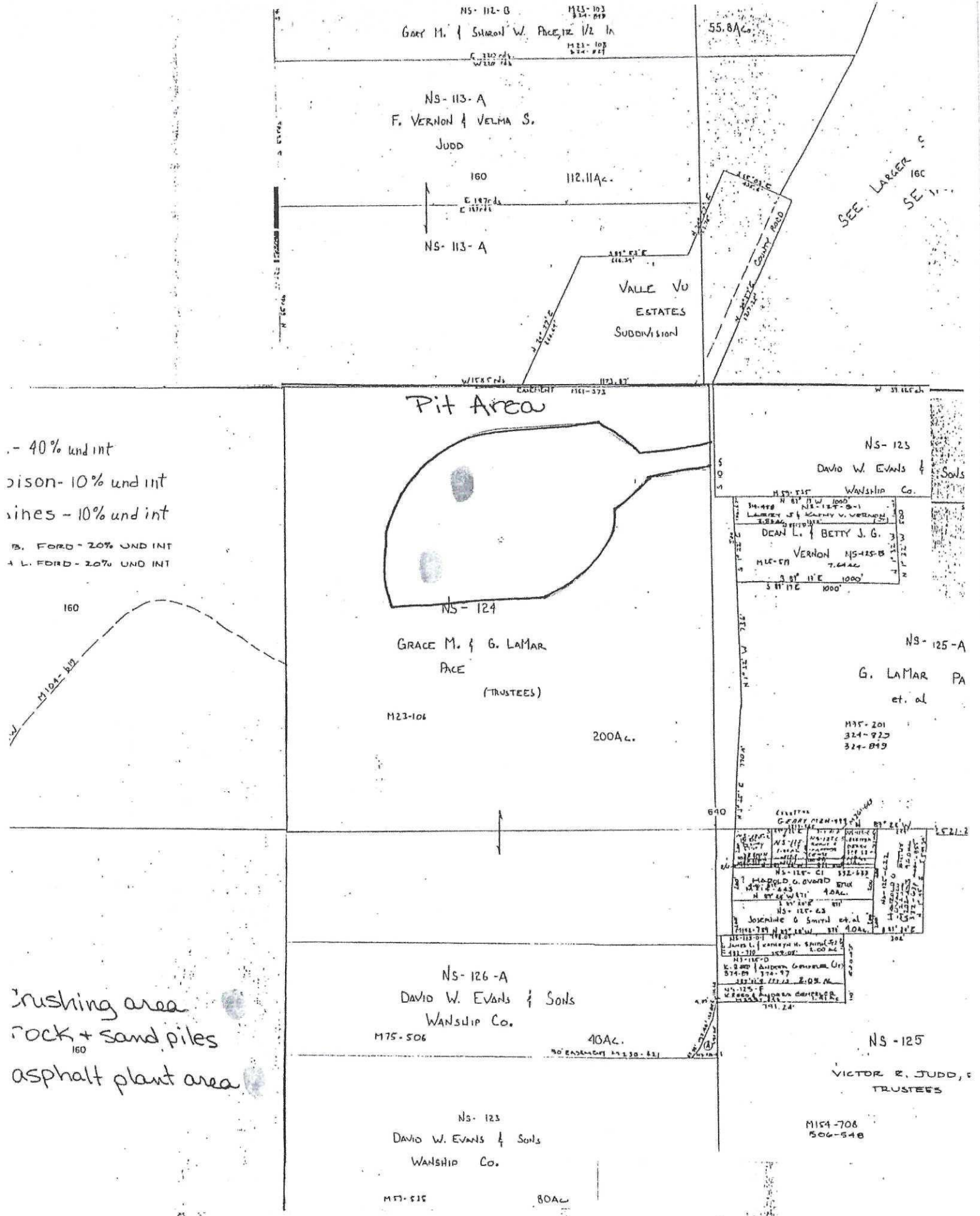
If you have any further questions please contact our office.

Sincerely,



Lesley Burns
Planning Assistant

LB/css



Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

AGENDA

NOTICE is hereby given that the Summit County Planning Commission will hold its regular meeting August 14, 1990, beginning at 7:30 p.m. in the New Summit County Courtroom, County Courthouse, Coalville, Utah.

The proposed agenda is as follows:

7:30 Approval of Minutes

7:35 OLD BUSINESS:

- 1 Geary Construction - Conditional Use Permit Crushing Operation, Hoytsville

NEW BUSINESS:

- 1 Joe Cunningham - Preliminary Plat Approval The Springs, Silver Springs
- 2 Flare Construction - Pre-application Conference Gravel Pit, Quinn's Junction
- 3 Steve & Michelle Stucker - Class II Development Permit Compatibility Meeting Auto Body Shop, Highland Estates

CHAIRMAN AND COMMISSION ITEMS

DIRECTOR'S ITEMS

ADJOURN

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

Summit County Planning Commission Members

STAFF REPORT

TO: Planning Commission Members

RE: Conditional Use Permit

DATE: July 14, 1990

Prepared by: Jim Peterson

GENERAL INFORMATION SUMMARY

APPLICANT: DeAnn Geary - Geary Construction

REQUESTED ACTION: Rock Crushing & Asphalt Batch Plant C.U.P.

PREVIOUS ACTIONS: At the public hearing held before the Planning Commission July 10, 1990 the hearing was continued until the next meeting with 120 day interim approval.

PARCEL SIZE/LOCATION: Portion of a 200 acre parcel 2 miles north of Wanship.

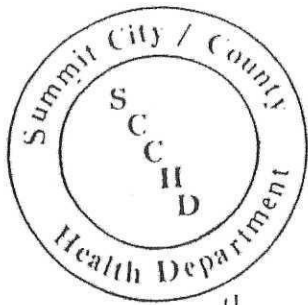
ANALYSIS: The rock crushing/asphalt plant activity is located in an AG-1 zone and has operated for five years under a conditional use permit. The operation impacts several residences and formal complaints have been filed over the five year period concerning dust and noise. At the same time the operation appears to be a "model" in the industry and an attempt to mitigate the problems has been expressed by the owner. Attached are examples of how other similar operations have worked with the county and their neighbors to lessen adverse impacts.

RECOMMENDATIONS/FINDINGS: The staff recommends a 5 year approval to include the following conditions:

- 1 To adopt the county health dept. concerns,
- 2 To improve county road encroachments, turning lanes, acceleration lanes and road widenings in compliance with county engineer and road dept.
- 3 To provide access onto the west Hoytsville road approximately 2000' to the south of the present access.

- 4 To only use a southern direction towards Wanship for company traffic and encourage the same directional use for all clients.
- 5 To contract with the county for restoration implementation procedures for the site and county roads.
- 6 Maintain an operating schedule to include 7 a.m. - 7 p.m. with no Sunday or holiday activity.
- 7 That a violation fine of \$100/day be effective to after a written notice of five working days is delivered to the owner or agent of the company by the county.

APPLICABLE REGULATIONS:



Steve Jenkins
Health
Director

Ruth Richins
Nursing
Director

Bob Swensen
Environmental
Director

RaNaë Crittenden
Administrative
Assistant

July 10, 1990

Ms. Susan Glasmann, Chairperson
Summit County Planning Commission
P.O. Box 128
Coalville, Utah 84017

OFFICES

COALVILLE

P.O. Box 128
Coalville, Ut.
84017

336-4451
Ext 350

PARK CITY

P.O. Box 680166
Park City, Ut.
84068

649-9072

KAMAS

P.O. Box 698
Kamas, Ut.
84036

783-4374

Dear Ms Glasmann,

The Summit City/County Health Department would like to offer the following items for your consideration, to use as conditions, to help control and alleviate some of the problems associated with gravel crushing operations.

1. Control of fugitive dust.
 - a. Haul roads should be watered to control dust or haul roads should be paved.
 - b. During windy weather the stock piles should be sprayed to eliminate as much dust as possible.
 - c. Comply with all State and Federal Regulations applying to fugitive dust control.
2. The Summit City/County Health Department will monitor for the violations listed above, and also monitor the operations for violations that might pertain to the Air Quality Regulations.

As you may have noticed we have only addressed those things that we have the authority to control and monitor. If there are other items that you would like addressed, please let me know.

I would liked to be in attendance at the meeting tonight, but have prior commitments.

Sincerely,

A handwritten signature in cursive script that reads "Steve Jenkins".

Steve Jenkins, Director
Summit City/County Health Dept.

SUMMARY DATA

	<u>Test 1</u>	<u>Test 2</u>	<u>Test 3</u>
1. Dry Molecular Weight (Lb/Lb Mole)	29.16	29.14	29.02
2. Correct Dry Gas Vol. (SCF)	27.89	33.44	36.88
3. Volume Water Vapor (SCF)	5.977	7.522	4.261
4. Moisture Content	0.1765	0.1837	0.1036
5. Molecular Weight Stack Gases (Wet)	27.19	27.09	27.88
6. Velocity Stack Gases (Ft /Sec)	61.54	63.61	62.66
7. Volumetric Flow Rate (SCF/Hr) X 10^5	4.807	5.300	5.841
8. Particulate Concentration (1 Lb/SDCF) X 10^{-6}	2.261	1.761	1.357
9. Particulate Concentration (Grain/SDCF)	0.0158	0.0123	0.0095
10. Emission Rate (Lb/Hr)	1.0868	0.9333	0.7927

The allowable emission rate, as specified by the Utah State Bureau of Air Quality, is 0.03 grain/SDCF which is listed in item # 9 of the summary data.

Attachment D:
Copy of 2022 Letter from Community Development Director



March 15, 2022

Blaine Rees
Dba Rees's Enterprise
1045 South Hoytsville Road
Coalville UT. 84017

RE: Geary Rock Crushing Conditional Use Permit;

Dear Mr. Reese:

This letter serves to confirm that on June 11, 1985 Summit County approved a conditional use permit for a rock crushing operation/hot-batch plant operation located in Section 8, T1N, R5E, SL B& M, also described as Assessor's Parcel Number NS-124 & S-415, in Hoytsville, Utah. A copy of the permit file is attached to this letter. The site plan of the approved operation includes the following uses:

- Truck Scales
- Rock and Sand Stockpiles
- Crusher
- Aggregate Feed Bins
- Drum Mixer with Conveyor and Storage Bin
- Fuel Tank

Pursuant to state law, conditional use permits do not expire and run with the ownership of the land. The above-listed uses are permitted on the above-described properties provided the operations are conducted in accordance with all original conditional use permit conditions of approval and current County Engineering and Health Department requirements. I note that the facility will no longer utilize a hot-batch plant. Instead, a concrete batch plant will be operated. Given that a concrete batch facility generates less air quality and odor issues for the surrounding neighborhood, I find this alteration in operations to be consistent with the original June 1985 Conditional Use Permit.

I will be happy to discuss this matter in greater detail with you should you have further questions. I can be reached at (435) 336-3158.

Patrick J. Putt

Patrick J. Putt
Community Development Director

cc: Helen Strachan, Deputy County Attorney
Peter Barnes, Planning and Zoning Director
Mike Kendell, County Engineer
Phil Bondurant, Health Director
Tom James, Code Enforcement Officer

60 North Main • P.O. Box 128 • Coalville, UT 84017
Phone (435) 336-3124, 615-3124, 783-4351 x3124 • Fax (435) 336-3024

COUNTY ATTORNEY MARGARET H. OLSON

Criminal Division

BRAD BLOODWORTH
Chief Prosecutor

JOSEPH S. HILL
Prosecutor

FRED BURMESTER
Prosecutor

LINDSAY CHERVENAK
Prosecutor

WENDY CROSSLAND
Prosecutor



Civil Division

DAVID L. THOMAS
Chief Civil Deputy

HELEN E. STRACHAN
Deputy County Attorney

RYAN P.C. STACK
Deputy County Attorney

LYNDA VITI
Deputy County Attorney

To: Summit County Council

From: Helen Strachan, Deputy County Attorney & Peter Barnes,
Community Development Director

Date: August 26, 2026

*RE: Request for a Vested Rights Determination related
to an asphalt plant use at 1662 S West Hoytsville Road*

BJ Rees's Enterprise LLC ("Rees's") has submitted a request for a vested rights determination related to an asphalt plant use located at 1662 S. West Hoytsville Road. The Eastern Summit County Development Code (the "Code") §11-7-12, "Vested Rights Determination" states as follows:

11-7-12: - VESTED RIGHTS DETERMINATION:

It is the intent of the county to review applications for development that were made prior to the adoption of this title under the provisions of the code then in effect, so long as the application was determined to be complete prior to this title. Applications submitted after the effective date hereof shall be reviewed under the provisions herein. The county council shall develop a procedure for considering any vested rights claims that are affected by the approval of this title and to effectuate public policy favoring the settlement disputes. Said procedure may include the processing of consent agreements for the settlement of disputes pertaining to vested rights or other legal claims arising from this title. It is the intent of the county to adjudge vested rights in accordance with state law, and nothing in this section should be read or construed as suggesting a standard different from that provided by such state law.

A procedure to consider vested rights claims has not been developed by the County Council, however, ultimately, such a decision is one made by the County's legislative body which is why this request is before this body.

Civil Division: PO BOX 128 • 60 North Main Street • Coalville Utah 84017 • Telephone (435) 336-3206 • Facsimile (435) 336-3287

Criminal Division: 6300 Justice Center Road • Park City Utah 84098 • Telephone (435) 615-3828 • Facsimile (435) 608-4462

Email: (first initial)(last name)@summitcountyutah.gov

County staff does not take issue with the Background and History of Approvals as presented Rees's in the vested rights determination request dated June 17, 2026. Missing, however, from that analysis is a couple of key matters.

Asphalt Plants are Nonconforming Uses in the AG-10 Zone

Asphalt plants are no longer an allowed use within the AG-10 zone, which is where the property in question is located. In the Code §11-3-16, asphalt and concrete plants are within the definition of "heavy manufacturing" as follows:

MANUFACTURING, HEAVY: *The converting of raw or partially processed materials into a product used for further processing or distribution. Examples of heavy manufacturing include lumber and paper mills, stone, clay, glass product manufacturing, **asphalt and concrete batch plants**, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious byproducts such as dust, fumes, hazardous waste products, noise, vibration, and glare (emphasis added).*

Heavy manufacturing is not an allowed use within the AG-10 zone:

Permitted Uses	R-2.5	AG-5	AG-10	AG-20	AG-40	AG-80	CA	C	LI	I	Additional Reference
Manufacturing, custom		C	C	C	C	C		L	L	L	
Manufacturing, heavy										C	
Manufacturing, light		C	C	C	C	C		L	A	A	
Mobile home park											

As such, asphalt plants on the Rees's property are considered a nonconforming use under the Code:

NON-CONFORMING USE: *The present use of a structure or land which does not conform to current regulations stated in this title, but which conformed to all regulations at time of its establishment or which was in existence prior to the adoption of the current zoning regulations.*

They also meet the similar definition found in Utah Code §17-79-102:

(56) "Nonconforming use" means a use of land that: (a) legally existed before the land's current land use designation; (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

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Email: (first initial)(last name)@summitcounty.org

Rees's Possibly Abandoned the Asphalt Plant Use

Nonconforming uses may be legally maintained and Utah state law allows local ordinance to adopt regulations related to the expansion or abandonment of nonconforming uses. The Code provides as follows for abandonment of nonconforming commercial or industrial uses:

§11-6-2 (J)(2), "Abandonment Or Loss Of Nonconforming Commercial Or Industrial Use":

A nonconforming commercial or industrial use that is discontinued for a continuous period of one year is presumed abandoned and shall not thereafter be reestablished or resumed. The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing such abandonment. All evidence either providing non abandonment or abandonment shall be submitted to the CDD who shall make a final determination of abandonment status. Any subsequent use of the building, structure, or land must conform to the regulations specified in this title for the zone district in which the use is located.

At issue here is whether the asphalt plant use was abandoned by Rees's. The March 15, 2022 letter from former Summit County Community Development Director, Patrick Putt, to Blaine Rees referenced in Rees's request (*See Attachment D of the Rees's Request*) suggests that the operator was abandoning the use of the hot-batch or asphalt plant in exchange for a concrete batch plant instead:

I note that the facility will no longer utilize a hot-batch plant. Instead, a concrete batch plant will be operated. Given the a concrete batch facility generates less air quality and odor issues for the surrounding neighborhood, I find this alternation in operations to be consistent with the original June 1985 Conditional Use Permit.

While County staff agrees with Rees's that Mr. Putt's letter does not amend or change the uses of the property, it does suggest that Rees's was discontinuing the asphalt plant use on the property. This is further supported by a letter from Don Sargent dated December 3, 2025 which states Rees's desire to resurrect the asphalt plant use: *Although at the time of the CDD letter the applicant did not plan to operate an asphalt hot plant, the demand for this approved use has substantially increased and now desires to operate the use on the property.*" (*See Exhibit A*). Rees's thus admit that they discontinued this use of the property since as early as March of 2022.

Per the above-cited Code, the CDD has not made any determination related to whether Rees's abandoned the asphalt plant use at this time. Rees's is required to maintain permits with the State for both asphalt and cement uses and there are different permitting requirements for the two. The County has not verified whether these State permits for both types of uses have been continuously maintained.

Rees's Seeks To Expand the Nonconformity

What precipitated the vested rights request is the October 2, 2025 letter that Rees's sent to County staff which states that they are "looking to install another hot-batch plant." (See Exhibit B) This letter is an indication that Rees's would like to expand the existence of the non-conforming use. Rees's will likely argue that the 1990 CUP Approval did not impose any caps on the number of plants, a defined footprint, etc., however, if that is the case, it begs the question as to why Rees's approached the County last October to ensure concurrence from the County as to Rees's intentions. What's more, the October letter also references the site plan of the approved operations. If Rees's believes that such a use is per se allowed under their existing 1990 CUP Approval, then there is no need to obtain the County's blessing.

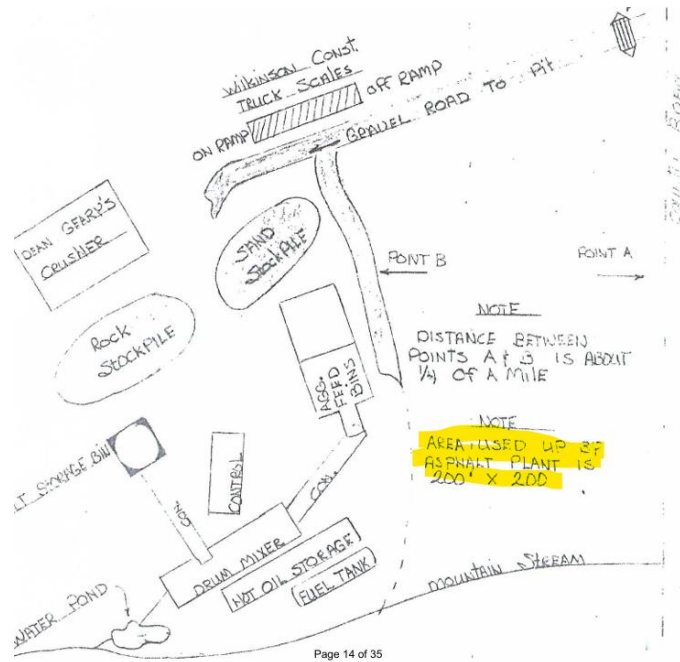
However, given that Rees's came to County staff with the desire to expand, County staff offered Rees's a path forward as such an expansion of a nonconforming commercial use is allowed per the Code, however, it requires an applicant to go through the low impact permit process as follows:

11-6-2: NONCONFORMING USES, STRUCTURES AND LOTS:

J. Enlargement Or Conversion Of A Nonconforming Commercial Or Industrial Use: A nonconforming commercial or industrial use may be enlarged or converted to another nonconforming use according to the following criteria:

1. Low Impact Permit Required: A nonconforming commercial or industrial use shall not be enlarged in any way that increases the nonconformity except through the low impact permit process described in section 11-4-16 of this title and according to the criteria found in this section. A public hearing shall be held before the commission. Following the public hearing, the commission shall make a recommendation to the CDD regarding an approval, approval with conditions or denial of the application.

It is also clear from Ree's original approval that they have and will continue to expand the use. The original site plan, albeit lacking in detail, indicated a 200' by 200' area for the asphalt plant use:



The most current GIS indicates the approximate areas of the asphalt plant site on the property as shown below, however, there does not appear to be an asphalt plant on site at all.



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Email: (first initial)(last name)@summitcounty.org

Rees's request for a vested rights determination fails to even address or recognize that the uses associated with the property are nonconforming uses and as such, require compliance with the County's regulations of nonconforming uses. The uses are allowed to continue but if expanded or discontinued, must adhere to the County's regulations. As such, the County does not necessarily disagree with Rees's request to confirm that the uses under the 1990 CUP remain vested and that Mr. Putt's letter does not revoke or extinguish uses under the 1990 CUP, however, it must be made clear to the Rees's that the uses associated with the property no longer conform to zoning and that they do not have carte blanche to expand or enlarge those uses under the 1990 CUP.

EXHIBIT A



DBS + ASSOCIATES, LLC
Don B Sargent, Principal
P.O. Box 266 | Coalville, UT 84017
435-901-0201 | dbs@allwest.net

DATE: December 3, 2025
TO: Robert Wadman, Bill Wilde
FROM: Don Sargent, Land Use Consultant
SUBJECT: Rees Gravel Pit Property Entitlement Summary – 1662 S West Hoytsville Road

Robert and Bill, from researching prior permits, applicable development code provisions, and county correspondence I have prepared the following summary analysis of the property entitlements and vested rights related to rock crushing, concrete batch plant, and asphalt plant uses.

1662 S West Hoytsville Road Property Summary

A. Property Background and Current Status

1. Property currently includes Parcels NS-124 (135 acres) and S-415 (65 acres).
2. 190 total acres in size.
3. Current Zoning: AG/Grazing-10.
4. Current uses on the property include aggregate crushing and a concrete batch plant with the following associated operations:
 - a. Truck scales
 - b. Rock and sand stockpiles
 - c. Crusher(s)
 - d. Aggregate feed bins
 - e. Drum mixer with conveyor and storage bins
 - f. Fuel tank(s)
 - g. Miscellaneous ancillary uses.
5. Earth berm has been installed along West Hoytsville Road blocking view of all operations on the property except the batch plant tower(s).
6. Dust, noise, and tracking of mud regularly monitored and controlled.
7. Operations being conducted in accordance with 1990 conditional use permit and 2022 community development director supplemental letter.

B. Property Entitlement History

1. The property is classified as existing lots of records with previous approved conditional use permits.
2. The attached conditional use permit (CUP) was approved for the property in 1985 for a rock crushing operation and hot asphalt plant. The permit was approved for a 5-year time frame.
3. In 1990 the attached CUP was renewed for the property for the continued rock crushing and asphalt batch plant operation.

4. State law confirms that once issued, a conditional use permit runs with the land and does not expire.
5. In 2022 the Summit County Community Development Director (CDD) provided a letter (attached) that acknowledged the allowed operational uses with an additional similar and associated concrete batch plant use.
6. Although at the time of the CDD letter the applicant did not plan to operate an asphalt hot plant, the demand for this approved use has substantially increased and now desires to operate the use on the property.

C. Findings for Allowance of an Asphalt Hot-Plant

1. The county previously approved and acknowledged an asphalt hot-plant operation on the property with the approval of the 1985 and 1990 CUP.
2. Asphalt plant use is a vested use on the property under state law as it was listed as a specific allowed use with the CUP approvals.
3. The CDD letter clarified that concrete batch plant use was standard for the industry consistent with the CUP approvals.
4. The CDD letter did not constitute an amendment of the CUP approvals as an action by the required land use authority (planning commission) for a CUP amendment did not occur.
5. All uses specified by the 1985 and 1990 CUP approvals including concrete batch plant use as clarified by the CDD is allowed on the property.

ATTACHMENTS:

- A.** 1985 Conditional Use Permit
- B.** 1990 Conditional Use Permit
- C.** 2022 Community Development Director Letter

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

June 12, 1985

Wilkinson Construction Co. Inc.
365 South State
Morgan, UT 84050

Dear Sirs:

This is to confirm action taken by the Summit County Planning Commission at their regular meeting held June 11, 1985, with respect to your request for a conditional use permit for a hot asphalt plant located in Section 8, T1N-R5E, SLB & M.

It was the decision of the Planning Commission to approve this request for a period of five (5) years. After that time it will be necessary for you to submit a new application with this office for renewal of the permit.

Should you have any questions concerning this matter, please contact the Summit County Planning Office at 336-4451 ext.306.

Sincerely,

William Chopyk

William Chopyk, Assistant Planner
Summit County Planning Office

WC/kh

MINUTES OF THE PLANNING COMMISSION
MEETING HELD
JUNE 11, 1985

PRESENT: Bob McGregor, Chairman Jerry Smith, Planning Director
 LaMar Pace Bill Chopyk, Planning Assistant
 Kristen Rogers Kathy Hansen, Planning Coordinator
 Van Martin
 DelRay Hatch

ABSENT: Thomas Flinders, County Commissioner

The meeting was called to order at 7:34 p.m. by Chairman, Bob McGregor.

GEARY CONSTRUCTION INC./ WILKINSON CONSTRUCTION CO. INC. - Request for a conditional use permit for a rock crushing operation and a hot asphalt plant located in Sec. 8, T1N-R5E, SLB & M, approximately 1 mile west of 1565 South West Hoytsville Road.

John Wilkinson presented a site plan and summary data for emissions. Jim Koertge asked about the location of the proposed site. LaMar, who owns the property, explained where the site is located and said he is leasing the property to the applicants for five (5) years.

Kristen asked about surrounding property and uses.

LaMar replied that the nearest home is 1000 feet away and the surrounding property consists mainly of sagebrush.

Kristen asked about the noise produced from the rock crushers. John replied that the noise is minimal.

John explained that the hot asphalt plant requires water to operate and that the water would not go back into the stream.

Kristen made the motion to approve the Conditional Use Permit for five (5) years. Van seconded the motion. All voted in favor except LaMar, who abstained from voting.

DISCUSSION - Status update on the Jordanelle Water Quality Management Plan.

Jerry pointed out the proposed location of the Jordanelle reservoir in Wasatch County.

A mutual effort from all surrounding counties and cities is needed to control pollution and protect water quality. The levels of phosphorous must be safe for culinary use. A cooperative effort is asked on our part to protect watersheds that feed into the reservoirs of Wasatch County.

6.1 Purpose.

Conditional use permits are to be granted to allow certain uses which may be harmonious under special conditions and in specific locations within a zone, but would be improper under general conditions and in other locations to be properly integrated into Summit County. A conditional use permit shall be required for all uses listed as conditional uses in this code.

6.2 Applications

Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Commission on such form as provided. The applicant shall include detailed site plans drawn to scale and other documents necessary to assist the Planning Commission in arriving at an appropriate decision. Written notice of the time and place of the Planning Commission meeting to consider the conditional use application shall be mailed to all owners of property as per the requirements of Table 1, at least five (5) working days prior to such meeting. In condominium projects, notification of the property owners association shall be sufficient notification of all property owners within the project. The request for a permit shall be accompanied by a fee established by the Board of Commissioners.

6.3 Notice and Public Hearing

Written notice of the time and place of the Planning Commission meeting to consider the conditional use application shall be mailed to all owners of property as per the requirements of Table 1, at least five (5) working days prior to such meeting. The Planning Staff shall prepare and mail the notices to the owner(s) of record, based on the current ownership records of the County Records Office. The applicant shall be assessed a reasonable notification fee as established by Board of Commission resolution. In condominium projects, notification of the property owners association shall be sufficient notification of all property owners within the project. No public hearing need be held; however, a hearing may be held when the Planning Commission deems such a hearing to be necessary and in the public interest. If a public hearing is to be held, a notice of the hearing shall be given by at least one publication in a newspaper of general circulation in the county at least five (5) days prior to the date of said hearing.

6.4 Determination

The Planning Commission may permit a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this Code. In authorizing any conditional use, the Planning Commission may impose such requirements and conditions as are determined necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such to establish:

(a) Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property and improvements in the vicinity; and

(b) The proposed use will comply with the regulations and conditions specified in this Code for such use; and

(c) The proposed use will conform to the intent of the Summit County Master Plan

6.5 ISSUANCE OF BUILDING PERMIT

Following the issuance of a conditional use permit the Building Inspector shall approve an application for a building permit, provided all other requirements of this code are met.

6.6 TIME LIMIT

Unless there is substantial action under a conditional use permit within a maximum period of one (1) year of its issuance, said permit shall expire. The Planning Commission shall determine the duration of conditional use permits and may grant extensions as deemed in the public interest.

6.7 TEMPORARY USES

The following uses are hereby defined as temporary uses and are subject to the following restrictions:

(1) Carnival, Circus, or Rodeo. A conditional use permit for a carnival, circus, or rodeo may be issued in any zone except an Overlay 2 Zone, for a period not longer than fifteen (15) days.

(2) Christmas Tree Sales. A conditional use permit may be issued in any zone except an Overlay 2 Zone for the display and open lot sales of Christmas trees for a period not longer than forty-five (45) days.

(3) Contractor's Office and Equipment Shed. A conditional use permit may be issued in any zone for a contractor's temporary office and equipment sheds incidental to a construction project. A contractor's temporary office and related equipment sheds placed on a construction site for less than ninety (90) days is exempt from the conditional use permit requirement. The permit shall be valid for not more than one (1) year but is renewable. The office or shed shall be removed upon completion of the construction project.

(4) Real Estate Sales Office. A conditional use permit may be issued in any zone for a temporary real estate sales office in any new subdivision or development which has been approved in accordance with this Code. The permit for such office shall be valid for not more than one (1) year but is renewable. The office shall be removed upon completion of the development or subdivision. A model home may be used as a temporary sales office under the same conditions.

(5) Mobile Homes. A conditional use permit may be issued as a temporary dwelling in accordance with the provisions of Chapter 10.

6.8 APPEALS

Appeal of any decision of the Planning Commission shall be to the Board of Commissioners.

Appeals shall be in writing and shall be filed at the office of the County Clerk not more than ten (10) days after the decision of the Planning Commission. The Board of Commissioners may affirm, modify or reverse the decision of the Planning Commission. However, the Board shall present, in writing, the reasons for its action.

6.9 REVOCATION

A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

SUMMIT COUNTY STATE OF UTAH

CLERK - AUDITOR
REED D. PACE

TREASURER
GLEN G. THOMPSON

RECORDER
ALAN SPRIGGS

P. O. BOX 128
COALVILLE, UTAH
84017
(801) 336-4451

ATTORNEY
ROBERT ADKINS

SHERIFF
FRED ELEY

ASSESSOR
LEO O. FRAZIER

BOARD OF COMMISSIONERS
CLIFF BLONQUIST THOMAS E. FLINDERS STANLEY D. LEAVITT

May 20, 1965

Geary Construction Inc.
111 Main Street
Coalville, UT 84017

Dear Sirs:

We recently became aware of a rock crushing operation by Geary Construction Inc. located in Section 5, Township 1 North, Range 5 East, SLE & M (parcel # NS-113-A).

A conditional use permit is required to operate rock crushers in the AG-1 zone. You are in violation of the Development Code of Summit County. Please complete and submit the enclosed agenda application for a conditional use permit to the Summit County Planning Office as soon as possible.

Should you have any questions, please contact us at 336-4451, ext 306.

Sincerely,

William Chopyk

William Chopyk, Assistant Planner
Summit County Planning Office

WC/jlp

Enclosure

#NS-113-A Sec. 5 T1N-R5E SLB+M

#NS-120 Sec. 6 T1N-R5E Grace & Lillian Pace
(Grants)

PROPERTY OWNERS WITHIN 100 FEET:

1S-121 Summit Range and Livestock Co.
c/o Earl McQueen
RFD Box 236
Coalville, UT 84017

1S-113-A Vernon & Velma Judd
RFD Box 222
Coalville, UT 84017

1S-122 { Ford's Inc. 40% und. int.
Reed Robison 10% und. int.
Lowell Daines 10% und. int.
Chris & Mary Ford 20% int.
Michael & Ruth Ford 20% int.

Lowell Daines et. al.
P.O. Box 1269
Ogden, UT 84402

SUMMIT COUNTY PLANNING OFFICE

AGENDA APPLICATION FOR PROJECT APPROVALS

This form must be completed and submitted for each agenda request with the Planning Commission. Applications must be received two weeks prior to a scheduled meeting, unless otherwise noted herein. Regular meetings are scheduled for the second and fourth Tuesday of each month. Meetings to consider Master Plan amendments are scheduled for the second Tuesday in April, August, and December. Submittals for Master Plan amendments must be received by the first of the month preceeding the meeting. Departures from the regular scheduled meetings may be caused by Tuesday holidays, special meetings, etc. The Board of County Commissioners meet every Tuesday.

REQUESTED MEETING DATE June 11, 1985

NAME GEARY CONSTRUCTION, INC.

ADDRESS P.O. Box 176, Coalville, 84017 PHONE 336-5584

PROPOSAL Request for a conditional use permit for a rock crushing operation.

Complete for each item to be considered. Incomplete applications not accepted.

GENERAL DISCUSSION

Please indicate items you wish to discuss with the Planning Commission.

CONCEPT PLAN

Submitted with this application are:

- ☐ A sketch plan showing location, layout, etc.
- ☐ Project description as per Section 13.4 (2) Development Code

PROJECT MASTER PLAN

Submitted with this application are:

- ☐ Project Master Plan as per Section 13.4 (4) Development Code including:
 1. Circulation plan
 2. Proposed land use, density
 3. Proposed sequence of phases

COUNTY MASTER PLAN AMENDMENT

Submitted with this application as per Section 2.8 Development Code are:

- ☐ A legal description of property.
- ☐ A brief summary of the proposed use of the property.
- ☐ Map showing location, topography with contour intervals of at least 40 feet, acreage, and density proposed for each use.
- ☐ Ownership status of the property
- ☐ Application fee \$40.00

ENVIRONMENTAL IMPACT STATEMENT

Submitted with this application are:

- ☐ A professionally prepared impact statement as per Section 13.4 (3) Development Code including:
 1. Background information
 2. Base maps
 3. Written reports
- ☐ 10 copies for review submitted no later than the meeting date prior to the proposed date of consideration.
- ☐ Filing fee \$40.00

CONDITIONAL USE PERM.

Submitted with this application are:

- ☐ Site plan drawn to scale, legal description of the property, present zoning.
- ☐ Envelopes, stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ A brief explanation of the proposal and discussion of why the Conditional Use Permit should be granted; measures that will be taken to safeguard surrounding property.

Application fee \$15.00

Paid \$750 6/5/85 W.B.C.

ZONE CHANGE

Submitted with this application are:

- ☐ A map showing the location of the property.
- ☐ An exact legal description with acreage listed.
- ☐ Existing zoning, proposed zoning, and use of property.
- ☐ Envelopes stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ Application fee \$40.00

(NOTE: Zone change requests must be certified by the Planning Commission prior to a Public Hearing before the Board of County Commissioners. A hearing date will be set upon certification.)

PRELIMINARY PLAT

Submitted with this application are:

- ☐ Three copies of complete graphic layout as per Section 13.4 (5) Development Code.
- ☐ Statement from Division of Water Rights on water rights.
- ☐ State Division of Health feasibility letter on water, waste systems.
- ☐ Letter from water and sewer district approving preliminary plans, if applicable.
- ☐ Letter from fire district on design.
- ☐ Statement from school district on bus turn-arounds and pick-up stations.
- ☐ Letter from local postmaster on efficiency of mail delivery.
- ☐ Drawings have been submitted to County Engineer two weeks prior to requested meeting date.
- ☐ Filing fee (\$75.00 plus \$3.00 per lot/unit)

FINAL PLAT

Submitted with this application are:

- ☐ One mylar or linen tracing and 3 copies as per Section 13.4 (6) Development Code; one copy 18"x18" mylar also for condominium or subdivision.
- ☐ State Division of Health approval of water, sewer facilities.
- ☐ A preliminary title report prepared or updated to within 30 days of the date of plat filing.
- ☐ Recordable letter from Fire District approving plans for fire protection.
- ☐ Signed contract between developer & sewer or water district if applicable
- ☐ Plat, drawings, specifications and materials list have been submitted to County Engineer (3) three weeks prior to requested meeting date.
- ☐ Copies of sales information, brochures to be used.
- ☐ Copy of the Restrictive Covenants and Homeowners Articles of Association or Incorporation.
- ☐ Filing fee (\$50.00 plus \$2.00 per lot/unit).

FINAL APPROVAL

(Board of County Commissioners)

Before coming before the Board for final approval, you must check to see that the following have been completed:

- ☐ Planning Commission approval; signature
- ☐ Certificate; Approval of County Engineer
- ☐ Certificate, Approval of County Attorney (form and title)
- ☐ County Engineer letter recommending acceptance of completed improvements or
- ☐ Completed escrow agreement or corporate bond.- see Section 13.4 (7)

All submittals should be to the Summit County Planning Office, County Courthouse, Coalville, UT 84017. Engineering submittals should be to Forsgren - Perkins Engineering, Attn: Rick Noll, 1849 West North Temple, Salt Lake City, Utah, 84116. Fees for engineer review will be billed directly to the applicant at the current cost charged to the County for such services. Checks for all fees should be sent to the Summit County Planning Office.

SUMMIT COUNTY PLANNING OFFICE

AGENDA APPLICATION FOR PROJECT APPROVALS

This form must be completed and submitted for each agenda request with the Planning Commission. Applications must be received two weeks prior to a scheduled meeting, unless otherwise noted herein. Regular meetings are scheduled for the second and fourth Tuesday of each month. Meetings to consider Master Plan amendments are scheduled for the second Tuesday in April, August, and December. Submittals for Master Plan amendments must be received by the first of the month preceeding the meeting. Departures from the regular scheduled meetings may be caused by Tuesday holidays, special meetings, etc. The Board of County Commissioners meet every Tuesday.

REQUESTED MEETING DATE June 11, 1985

NAME Wilkinson - Const Co Inc.

ADDRESS 365 So. State Morgan UT 84050 PHONE 829-6833

PROPOSAL Set up Hot Plant And mix the Asphalt for the County

Complete for each item to be considered. Incomplete applications not accepted.

GENERAL DISCUSSION

Please indicate items you wish to discuss with the Planning Commission.

CONCEPT PLAN

Submitted with this application are:

- ☐ A sketch plan showing location, layout, etc.
- ☐ Project description as per Section 13.4 (2) Development Code

PROJECT MASTER PLAN

Submitted with this application are:

- ☐ Project Master Plan as per Section 13.4 (4) Development Code including:
1. Circulation plan
 2. Proposed land use, density
 3. Proposed sequence of phases

COUNTY MASTER PLAN AMENDMENT

Submitted with this application as per Section 2.8 Development Code are:

- ☐ A legal description of property.
- ☐ A brief summary of the proposed use of the property.
- ☐ Map showing location, topography with contour intervals of at least 40 feet, acreage, and density proposed for each use.
- ☐ Ownership status of the property
- ☐ Application fee \$40.00

ENVIRONMENTAL IMPACT STATEMENT

Submitted with this application are:

- ☐ A professionally prepared impact statement as per Section 13.4 (3) Development Code including:
1. Background information
 2. Base maps
 3. Written reports
- ☐ 10 copies for review submitted no later than the meeting date prior to the proposed date of consideration.
- ☐ Filing fee \$40.00

CONDITIONAL USE PERMIT

Submitted with this application are:

- ☐ Site plan drawn to scale, legal description of the property, present zoning.
- ☐ Envelopes, stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ A brief explanation of the proposal and discussion of why the Conditional Use Permit should be granted; measures that will be taken to safeguard surrounding property.

☒ Application fee \$15.00

\$7⁵⁰ PAID 5/30/85

ZONE CHANGE

Submitted with this application are:

- ☐ A map showing the location of the property.
- ☐ An exact legal description with acreage listed.
- ☐ Existing zoning, proposed zoning, and use of property.
- ☐ Envelopes stamped and addressed to all owners of property within 1000 feet of the parcel in question.
- ☐ Application fee \$40.00

(NOTE: Zone change requests must be certified by the Planning Commission prior to a Public Hearing before the Board of County Commissioners. A hearing date will be set upon certification.)

PRELIMINARY PLAT

Submitted with this application are:

- ☐ Three copies of complete graphic layout as per Section 13.4 (5) Development Code.
- ☐ Statement from Division of Water Rights on water rights.
- ☐ State Division of Health feasibility letter on water, waste systems.
- ☐ Letter from water and sewer district approving preliminary plans, if applicable.
- ☐ Letter from fire district on design.
- ☐ Statement from school district on bus turn-arounds and pick-up stations.
- ☐ Letter from local postmaster on efficiency of mail delivery.
- ☐ Drawings have been submitted to County Engineer two weeks prior to requested meeting date.
- ☐ Filing fee (\$75.00 plus \$3.00 per lot/unit)

FINAL PLAT

Submitted with this application are:

- ☐ One mylar or linen tracing and 3 copies as per Section 13.4 (6) Development Code; one copy 18"x18" mylar also for condominium or subdivision.
- ☐ State Division of Health approval of water, sewer facilities.
- ☐ A preliminary title report prepared or updated to within 30 days of the date of plat filing.
- ☐ Recordable letter from Fire District approving plans for fire protection.
- ☐ Signed contract between developer & sewer or water district if applicable
- ☐ Plat, drawings, specifications and materials list have been submitted to County Engineer (3) three weeks prior to requested meeting date.
- ☐ Copies of sales information, brochures to be used.
- ☐ Copy of the Restrictive Covenants and Homeowners Articles of Association or Incorporation.
- ☐ Filing fee (\$50.00 plus \$2.00 per lot/unit).

FINAL APPROVAL

(Board of County Commissioners)

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- ☐ Planning Commission approval; signature
- ☐ Certificate; Approval of County Engineer
- ☐ Certificate, Approval of County Attorney (form and title)
- ☐ County Engineer letter recommending acceptance of completed improvements or
- ☐ Completed escrow agreement or corporate bond.- see Section 13.4 (7)

All submittals should be to the Summit County Planning Office, County Courthouse, Coalville, UT 84017. Engineering submittals should be to Forsgren - Perkins Engineering, Attn: Rick Noll, 1849 West North Temple, Salt Lake City, Utah, 84116. Fees for engineer review will be billed directly to the applicant at the current cost charged to the County for such services. Checks for all fees should be sent to the Summit County Planning Office.

WILKINSON CONSTRUCTION CO. INC.

Summary Data for Emissions
Barber-Green Plant Venturi
Scrubber.

HEAVY CONSTRUCTION
BLACK TOPPING
GRAVEL

CONSTRUCTION
GRADING

Wilkinson Construction Company

Phone 829-8444

MORGAN, UTAH

NORTH

CATTLE GUARD

COUNTY ROAD

WILKINSON CONST.
TRUCK SCALES
ON RAMP
OFF RAMP
GRAVEL ROAD TO PIT

DEAN GEAR'S
CRUSHER

Rock
STACKPILE

SAND
STACKPILE

POINT B

POINT A

NOTE

DISTANCE BETWEEN
POINTS A & B IS ABOUT
1/4 OF A MILE

NOTE

AREA USED UP BY
ASPHALT PLANT IS
200' X 200'

WALT STORAGE BIN

AGG.
FEED
BINS

CONTROL

DRUM MIXER

HOT OIL STORAGE
(FUEL TANK)

WATER POND

MOUNTAIN STREAM

SUMMARY DATA

	<u>Test 1</u>	<u>Test 2</u>	<u>Test 3</u>
1. Dry Molecular Weight (Lb/Lb Mole)	29.16	29.14	29.02
2. Correct Dry Gas Vol. (SCF)	27.89	33.44	36.88
3. Volume Water Vapor (SCF)	5.977	7.522	4.261
4. Moisture Content	0.1765	0.1837	0.1036
5. Molecular Weight Stack Gases (Wet)	27.19	27.09	27.88
6. Velocity Stack Gases (Ft /Sec)	61.54	63.61	62.66
7. Volumetric Flow Rate (SCF/Hr) X 10^5	4.807	5.300	5.841
8. Particulate Concentration (1 Lb/SDCF) X 10^{-6}	2.261	1.761	1.357
9. Particulate Concentration (Grain/SDCF)	0.0158	0.0123	0.0095
10. Emission Rate (Lb/Hr)	1.0868	0.9333	0.7927

The allowable emission rate, as specified by the Utah State Bureau of Air Quality, is 0.03 grain/SDCF which is listed in item # 9 of the summary data.

STACK

Diameter	2.31 Ft.
Hieght	22.0 Ft.
Temperture	122 ^o
Flow	5 ¹⁰ ⁵ SCF/Hr.
H ² O	13%
Burner Rate	25.1 ⁵
Natural Gas	N.A.
Consumption	1,209,400 Ft ³
Heating Value	1.05
Diesel Fuel	#2
Consumption	1.36 gal/ton
Sulpher	0

GAS ANALYSIS

Test	%N2	%O2	%CO2	%CO
1	80.4	16.5	3.1	.1
2	80.5	16.5	3.0	.1
3	80.0	18.2	1.0	.1

EMISSION RATES

Test	Duration Min.	Grain/SCDF	LBS./HR.
1	62.5	0.0158	1.087
2	75.0	0.0123	0.933
3	75.0	0.0095	0.793

Summit Range & Livestock Co.
c/o Earl McQueen
RFD Box 236
Coalville UT 84017

Vernon & Velma Judd
RFD BOX 222
coalville, UT 84017

Wilkinson Const. Co. Inc.
365 South State Street
Morgan, UT 84050

Geary Construction Inc.
111 Main St.
Coalville, UT 84017

Lowell Daines et. al.
P.O. Box 1269
Ogden, UT 84402

6/4/85 AGENDAS WERE
SENT TO EACH OF THE ABOVE

W.B.C.

APPLICATION STATUS FORM

1. Concept Approval Date _____
2. Hearing to Consider Master Plan Amendment Date _____
Action Taken _____
Date _____
3. EIS Acceptance Date _____
Fee of _____ Paid
4. Project Master Plan Approval Date _____
5. Hearing for Conditional Use Permit \$15.00 PAID W.B.C. (7.50 + 7.50) - 5 6/1/85 Date 6/11/85 APPROVED for 5 YEARS
Action Taken _____
Date _____
6. Planning Commission Certification of Zone Change Request Date _____
7. Hearing to Consider Zone Change Date _____
Action Taken _____
Date _____
8. Preliminary Approval Date _____
Conditions _____
Fee of _____ Paid
9. Final Plat Approved by Planning Commission Date _____
Conditions _____
Fee of _____ Paid
10. Final Approval Date _____
From Board of Commissioners Conditions _____

REVIEWS

Municipality _____

Soil Conservation Service _____

Division Wildlife Resources _____

School District _____

Fire District _____

Sewer District _____

ATTACHMENT B

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

September 4, 1990

DeAnn Geary
Geary Construction
P.O. Box 176
Coalville, UT 84017

Dear Ms. Geary:

This is to confirm action taken by the Summit County Planning Commission at its regular meeting held August 14, 1990 with respect to your request for a Conditional Use Permit for crushing operation located in Hoytsville.

It was the decision of the Planning Commission to approve this request. This approval was given providing:

- 1 Adopting county health department concerns;
- 2 Recommend the county commission adopt an ordinance on operating hours for gravel/ crushing operations; and
- 3 Recommend the county commission adopt an ordinance for no engine brakes in certain areas.

If you have any further questions, please contact our office.

Sincerely,


Jim Peterson
Planning Director

JP/CSS

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

MINUTES

SUMMIT COUNTY PLANNING COMMISSION

TUESDAY, AUGUST 14, 1990

COUNTY COURTHOUSE

COALVILLE, UTAH

The regular meeting of the Summit County Planning Commission was called to order Tuesday, August 14, 1990, at 7:30 p.m.

PRESENT: Susan Glasmann, Chairman, DelRay Hatch, Robert Crandall, Reed Schumann, Larry Shafkind, County Commissioner Jim Soter

STAFF PRESENT: Jim Peterson, Planning Director, Lesley Burns, Planning Assistant, Brian Preece, Planning Assistant, Cindy Sadler, Planning Coordinator, Frank Andersen, Deputy County Attorney

APPROVAL OF MINUTES: Minutes of July 31, 1990, Summit County Planning Commission meeting were approved with corrections.

OLD BUSINESS:

- 1 Geary Construction - Conditional Use Permit for crushing operation, Hoytsville.

Planning Director Peterson said a letter was sent July 17, 1990 to the county attorney, planning commissioners, county commissioners, county health department and surrounding property owners requesting a response on the suggestions and conditions raised at the public hearing on July 10, 1990. He explained the letters received.

Commissioner Shafkind asked if it is legal for the planning commission to charge \$100/day fine for violations.

Deputy County Attorney Andersen stated no, unless the county commission created an ordinance for penalties on all operations in the county.

Geary Construction Attorney Larry Moore explained the conditions proposed by Geary Construction and the problems with some of the staff's conditions. (SEE ATTACHED DOCUMENT)

Summit County Planning Commission
August 14, 1990

Vernon Family Attorney Craig Adamson stated the Vernon's are happy with the conditions in the staff report. He added the 7 a.m. - 7 p.m. operating schedule is more than adequate for most of the year, but, if the condition is imposed, it needs to be more specific, i.e. no truck traffic before 7 a.m., no crushing after 7 p.m., etc.; the county commission can adopt an ordinance to fine violations, but \$100/day is not enough for this type of operation; 5 years is an adequate time period; moving the road is not an inappropriate request; and the road is dangerous and needs to be improved.

Lamar Pace said it is not feasible to move the road because of livestock, high water table and blind spots in the road.

Commissioner Crandall said he feels the road needs to be improved, but a business should not be required to pay for all the repairs. He added to move the access would be costly and does not eliminate the problem for all the residents; and it is not within the planning commission's right to restrict the direction of traffic, although it should be encouraged.

County Commissioner Soter said the county engineer looked at the road and reported a cost of \$40,000 to improve it, and the county plans to include the project in its long range road improvements. He added he does not like a 15 year approval because changes occur too quickly in the county.

Commissioner Hatch said he would like to see additional road widening for a turn-out lane, engine brake signs, a 5 year permit, and operating hours from 7 a.m. - 7 p.m.

Moore showed a site plan illustrating the widening of the access road entrance which Geary had recently done.

Commissioner Hatch stated the road needs to be widened more.

Larry Vernon, property owner, said he purchased his land before the gravel pit was developed and has been forced to live with an unpleasant situation for the last 5 years. He added he would like more restrictions on the permit.

Chairman Glasmann said she would like the county to adopt ordinances for engine brakes, operating hours and fines. She added the road improvements should be paid by the those impacting the road.

Summit County Planning Commission
August 14, 1990

Commissioner Crandall moved to approve the conditional use permit for 5 years with the following conditions:

- 1 Adopting county health department concerns;
- 2 Recommend the county commission adopt an ordinance on operating hours for gravel/crushing operations; and
- 3 Recommend the county commission adopt an ordinance for no engine brakes in certain areas.

Commissioner Shafkind seconded the motion, and it passed without dissent.

NEW BUSINESS:

- 1 Joe Cunningham - Preliminary plan approval for The Springs P.U.D., Silver Springs.

Planning Director Peterson explained the project is a 3.4 acre P.U.D. with 10 residential lots, one commercial lot and ponded common areas. The project's entrance is 600 feet from Olympic Parkway (Hwy 224) intersection on Silver Springs Road. He added according to the formula in the Development Code of Summit County, 10.35 lots would be allowed on this parcel, however, staff is recommending 11 residential lots be allowed and the commercial lot be eliminated because commercial development is discouraged along Olympic Parkway.

Chairman Glasmann asked where the project fits within the Silver Springs master plan.

Joe Cunningham showed the preliminary plan with the lot configurations. He said the entire parcel was designated as commercial in the master plan for Silver Springs, but he changed the project to residential to be more compatible with the surrounding areas. He added the commercial lot is a buffer between the proposed residential and the existing blue roofed commercial building and would be a 2000 - 2800 square foot, single level office building accessed through the existing commercial parking lot.

Chairman Glasmann asked if the residential lots are single family or multi-family.

Summit County Planning Commission
August 14, 1990

Cunningham said single family lots for 1800 - 2200 square foot homes which would be compatible with the existing Silver Springs development.

Chairman Glasmann asked if a commercial lot could be restricted in a motion.

Deputy County Attorney Andersen said he would need to research the idea.

Commissioner Shafkind asked if the common areas would be irrigated.

Cunningham said yes and would be the responsibility of the homeowners association.

Chairman Glasmann asked if there were CC & R's for the P.U.D.

Cunningham said they will be ready at the final plan approval stage of the process.

Planning Director Peterson asked what the average setback from Highway 224 will be.

Cunningham said there was approximately 70 feet to the top of the berm which runs parallel with Highway 224 and another 50 - 75 feet to the right-of-way. He added a bike path would be developed across the berm and could tie into an area trail system.

Chairman Glasmann asked about the height of the houses.

Cunningham said the houses have not been designed yet, but he would use the same CC & R's as Silver Springs and Northshore subdivisions.

Commissioner Schumann asked if water was secured for the project.

Cunningham said he has 10 water shares secured as well as sewer hook-up approved.

Summit County Planning Commission
August 14, 1990

Planning Director Peterson stated trails and fencing are not required in this grandfathered project, but he hoped the developer would be willing to work with the county in implementing these things within his project.

Cunningham said he is willing to keep his project compatible with other areas in the Snyderville Basin as long as the expense is reasonable. He added he is planning to build a 4 foot stone wall along Silver Springs Road.

Commissioner Hatch said he is opposed to the cul-de-sac design especially if the county is responsible for snow removal and maintenance. He added he would like the county road department and Park City fire district to approve the plan.

Cunningham said the road would be private and the responsibility of the homeowners' association.

Ruth Wagner from the Silver Springs master association said she would like a guarantee the development join the master association and design guidelines be the same as Silver Springs and Northshore subdivisions. She added the stone wall separating the development from the rest of the Silver Springs would not be in keeping with community harmony. She asked if the road would cross the stream.

Cunningham said the road crosses the stream in two places and the necessary permits from the Utah Department of Natural Resources had been obtained.

Commissioner Schumann asked what kind of structures would be used in the stream crossings.

Cunningham said a buried steel pipe with possible decorative structures on the ends.

Bonnie Evans from the Silver Springs single family association said she is concerned the stone wall will separate the project from the rest of Silver Springs and the lot sizes are too small for the area.

Commissioner Shafkind asked about the architectural plans.

Cunningham said the CC & R's would specify the building styles allowed.

Summit County Planning Commission
August 14, 1990

Chairman Glasmann said the height and the intensity of the project need to be addressed. She said she is also concerned about isolating the area with a wall.

Hatch moved to approve the preliminary plat with the recommendations from staff, developer's agreement to work with the county on trails and fencing, changing the commercial lot to residential or allowing only a low profile building, and adopting architectural guidelines which are compatible with the surrounding areas.

Commissioner Schumann seconded the motion with an amendment that the commercial building not be retail.

Commissioner Hatch agreed. The motion passed without dissent.

- 2 Flare Construction Inc. - Pre-application Conference Gravel Pit, Quinn's Junction.

Alan Simister presented a document illustrating their request for a gravel pit operation. He explained the proposed site is 1.25 miles northeast of the existing Monroec and Geneva operations near Quinn's Junction.

Chairman Glasmann said she feels there is little community support for additional industrial development in the Snyderville Basin. She added she feels it is an inappropriate location for a gravel pit because the area is becoming critically important to the resort economy and the site directly conflicts with the view corridor along Highway 40.

Sam Wright said the area needs this type of facility right now because of all the new development occurring.

Chairman Glasmann said she feels action should not be taken until the master plan map is approved.

Commissioner Shafkind asked about the environmental impacts such as air quality.

Simister and Wright said those concerns would be addressed in the state permit and there operation would have to comply with state regulations.

Summit County Planning Commission
August 14, 1990

Commissioner Shafkind said a landscaping, buffering and screening plan would need to be addressed in accordance with the Snyderville Basin Development Code in the proposal, as well as a reclamation plan.

Simister stated the reclamation of the site is part of their lease agreement with the property owner.

Commissioner Shafkind said the visual impacts would need to be softened.

- 3 Steve & Michelle Stucker - Class II Development Permit
Compatibility Meeting Auto Body Shop, Highland Estates.

Planning Director Peterson reviewed the history of the project.

Commissioner Hatch asked if a legal opinion on whether or not the property is in a commercial node had been made.

Planning Director Peterson showed the planning commission a memorandum from District County Attorney Andersen.

Robert Felton, attorney for Stucker's, said they feel the project is eligible to come under the Development Code of Summit County and, therefore, the neighborhood/compatibility meeting is not necessary.

Commissioner Crandall asked if the project could come under the Development Code of Summit County.

Deputy County Attorney Andersen said he would need to research that issue.

Commissioner Shafkind moved to postpone the hearing until August 28, 1990.

Commissioner Crandall seconded the motion and it passed without dissent.

Summit County Planning Commission
August 14, 1990

CHAIRMAN AND COMMISSION ITEMS:

- 1 Chairman Glasmann asked Planning Director Peterson about statutes regarding master plan approvals with county commission.

Planning Director Peterson said he would review the statutes.

DIRECTOR'S ITEMS:

- 1 Planning Director Peterson presented compatibility report for T.L. Henderson.
- 2 Planning Director Peterson said easement for church and nursery on Highway 224 does not exist. The vesting deed does not show the easement.

Meeting adjourned 10:20 p.m.

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

July 12, 1990

DeAnn Geary
Geary Construction, Inc.
P.O. Box 176
Coalville, UT 84017

Dear Ms. Geary:

This is to confirm action taken by the Summit County Planning Commission at its regular meeting held July 10, 1990 with respect to your renewal of a Conditional Use Permit Crushing Operation located in Hoytsville.

It was the decision of the Planning Commission to approve the Conditional Use Permit for 120 days while studies are made on the impacts of the project.

If you have any further questions please contact our office.

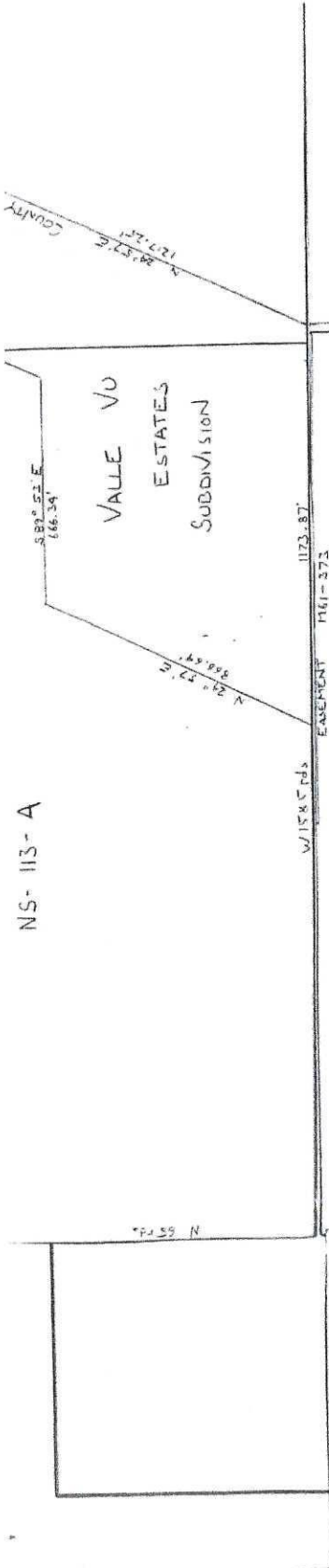
Sincerely,



Lesley Burns
Planning Assistant

LB/css

NS-113-A



DAVID W

M59-535 VAN
N 87° NW 1000'
34.45H N 87° NW 1000'
L 2000' 54' KATHY V VER
3.832' 1000'
DEAN L. & BETTY J.
VERNON NS-1
M25-518 7 60AC
J 38' 11 E 1000'
S 89° 19 E 1000'

NS-124

GRACE M. & G. LAMAR
PAC
(TRUSTEES)

M23-106

200A L.

G

M35
424
424

nd int

nd int

nd int

nd int

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

AGENDA

NOTICE is hereby given that the Summit County Planning Commission will hold its regular meeting August 14, 1990, beginning at 7:30 p.m. in the New Summit County Courtroom, County Courthouse, Coalville, Utah.

The proposed agenda is as follows:

7:30 Approval of Minutes

7:35 OLD BUSINESS:

- 1 Geary Construction - Conditional Use Permit Crushing Operation, Hoytsville

NEW BUSINESS:

- 1 Joe Cunningham - Preliminary Plat Approval The Springs, Silver Springs
- 2 Flare Construction - Pre-application Conference Gravel Pit, Quinn's Junction
- 3 Steve & Michelle Stucker - Class II Development Permit Compatibility Meeting Auto Body Shop, Highland Estates

CHAIRMAN AND COMMISSION ITEMS

DIRECTOR'S ITEMS

ADJOURN

Summit County Planning Commission

Summit County Court House
Coalville, Utah 84017

Summit County Planning Commission Members

STAFF REPORT

TO: Planning Commission Members

RE: Conditional Use Permit

DATE: July 14, 1990

Prepared by: Jim Peterson

GENERAL INFORMATION SUMMARY

APPLICANT: DeAnn Geary - Geary Construction

REQUESTED ACTION: Rock Crushing & Asphalt Batch Plant C.U.P.

PREVIOUS ACTIONS: At the public hearing held before the Planning Commission July 10, 1990 the hearing was continued until the next meeting with 120 day interim approval.

PARCEL SIZE/LOCATION: Portion of a 200 acre parcel 2 miles north of Wanship.

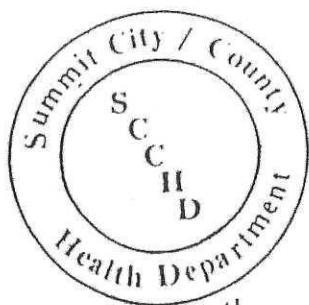
ANALYSIS: The rock crushing/asphalt plant activity is located in an AG-1 zone and has operated for five years under a conditional use permit. The operation impacts several residences and formal complaints have been filed over the five year period concerning dust and noise. At the same time the operation appears to be a "model" in the industry and an attempt to mitigate the problems has been expressed by the owner. Attached are examples of how other similar operations have worked with the county and their neighbors to lessen adverse impacts.

RECOMMENDATIONS/FINDINGS: The staff recommends a 5 year approval to include the following conditions:

- 1 To adopt the county health dept. concerns,
- 2 To improve county road encroachments, turning lanes, acceleration lanes and road widenings in compliance with county engineer and road dept.
- 3 To provide access onto the west Hoytsville road approximately 2000' to the south of the present access.

- 4 To only use a southern direction towards Wanship for company traffic and encourage the same directional use for all clients.
- 5 To contract with the county for restoration implementation procedures for the site and county roads.
- 6 Maintain an operating schedule to include 7 a.m. - 7 p.m. with no Sunday or holiday activity.
- 7 That a violation fine of \$100/day be effective to after a written notice of five working days is delivered to the owner or agent of the company by the county.

APPLICABLE REGULATIONS:



Steve Jenkins
Health
Director

Ruth Richins
Nursing
Director

Bob Swensen
Environmental
Director

RaNae Crittenden
Administrative
Assistant

July 10, 1990

Ms. Susan Glasmann, Chairperson
Summit County Planning Commission
P.O. Box 128
Coalville, Utah 84017

OFFICES

COALVILLE

P.O. Box 128
Coalville, Ut.
84017

336-4451
Ext 350

PARK CITY

P.O. Box 680166
Park City, Ut.
84068

649-9072

KAMAS

P.O. Box 698
Kamas, Ut.
84036

783-4374

Dear Ms Glasmann,

The Summit City/County Health Department would like to offer the following items for your consideration, to use as conditions, to help control and alleviate some of the problems associated with gravel crushing operations.

1. Control of fugitive dust.
 - a. Haul roads should be watered to control dust or haul roads should be paved.
 - b. During windy weather the stock piles should be sprayed to eliminate as much dust as possible.
 - c. Comply with all State and Federal Regulations applying to fugitive dust control.
2. The Summit City/County Health Department will monitor for the violations listed above, and also monitor the operations for violations that might pertain to the Air Quality Regulations.

As you may have noticed we have only addressed those things that we have the authority to control and monitor. If there are other items that you would like addressed, please let me know.

I would liked to be in attendance at the meeting tonight, but have prior commitments.

Sincerely,

A handwritten signature in cursive script that reads "Steve Jenkins".

Steve Jenkins, Director
Summit City/County Health Dept.



March 15, 2022

Blaine Rees
 Dba Rees's Enterprise
 1045 South Hoytsville Road
 Coalville UT. 84017

RE: Geary Rock Crushing Conditional Use Permit;

Dear Mr. Reese:

This letter serves to confirm that on June 11, 1985 Summit County approved a conditional use permit for a rock crushing operation/hot-batch plant operation located in Section 8, T1N, R5E, SL B& M, also described as Assessor's Parcel Number NS-124 & S-415, in Hoytsville, Utah. A copy of the permit file is attached to this letter. The site plan of the approved operation includes the following uses:

- Truck Scales
- Rock and Sand Stockpiles
- Crusher
- Aggregate Feed Bins
- Drum Mixer with Conveyor and Storage Bin
- Fuel Tank

Pursuant to state law, conditional use permits do not expire and run with the ownership of the land. The above-listed uses are permitted on the above-described properties provided the operations are conducted in accordance with all original conditional use permit conditions of approval and current County Engineering and Health Department requirements. I note that the facility will no longer utilize a hot-batch plant. Instead, a concrete batch plant will be operated. Given that a concrete batch facility generates less air quality and odor issues for the surrounding neighborhood, I find this alteration in operations to be consistent with the original June 1985 Conditional Use Permit.

I will be happy to discuss this matter in greater detail with you should you have further questions. I can be reached at (435) 336-3158.

Patrick J. Putt

Patrick J. Putt
 Community Development Director

cc: Helen Strachan, Deputy County Attorney
 Peter Barnes, Planning and Zoning Director
 Mike Kendell, County Engineer
 Phil Bondurant, Health Director
 Tom James, Code Enforcement Officer

EXHIBIT B



Summit County
Ray Milliner
RE: Pace Pit Conditional Use Permit.

October 2, 2025

This letter serves to confirm that on June 11, 1985, Summit County approved a conditional use permit for a rock crushing operation/hot-batch plant operation located in Section 8, T1N-R5E, SLB & M, and includes as it is shown today, Assessor's Parcel Number NS-124 & S-415 in Hoytsville, Utah. The site plan of the approved operation includes the following uses:

- Truck Scales
- Rock and Sand Stockpiles
- Crusher
- Aggregate Feed Bins
- Drum Mixer with Conveyor and Storage Bin / Cement Storage Bin and Conveyor
- Fuel Tank

Rees's currently operate all the above listed uses and is looking to install another Hot-Batch Plant which we interpret, falls under the Drum Mixer with Conveyor and Storage Bin use, we want to make sure that Summit County is aware of our intentions and concur. Rees's must meet all State and Federal dust and omission standards.

Robert Wadman
General Manager



MINUTES

SUMMIT COUNTY

County Council

RICHINS BUILDING AUDITORIUM, 1885 W. UTE BLVD

1885 W. UTE BLVD., PARK CITY, UTAH, 84060

WEDNESDAY, JUNE 24, 2026

Meeting also conducted via Zoom.

DRAFT

Site visit to the proposed site of a Master Planned Development for the Junction Commons, a 19-building mixed-use redevelopment project at Junction Commons (formerly Outlets Park City), located at 6699 N Landmark Dr, Kimball Junction, Summit County, UT; Parcel FSE-1; Applicant: Elliott Workgroup representing SRE Ontario LLC; Legislative Process. Project #24-087. Amir Caus, AICP, Senior Planner (12:00 PM)

Travel to Richins building (12:45 PM)

1. Closed Session (1:07 PM)

Roger Armstrong made a motion to enter closed session to discuss Property acquisition (1:07 PM). Megan McKenna seconded, and all voted in favor, (5-0).

1) Property acquisition (1:07 PM)

Council members Hanson, Harte, Robinson, Armstrong, and McKenna, along with Manager Shayne Scott, Deputy Manager Janna Young, Chief Civil Deputy Attorney Dave Thomas, Human Resources Director David Warnock, Lands and Natural Resources Director Jessica Kirby and Executive Secretary Annette Singleton met in closed session to discuss property acquisition. (1:07 PM)

Roger Armstrong made a motion to leave closed session to discuss property acquisition and enter closed session to discuss personnel. (1:13 PM). Megan McKenna seconded, and all voted in favor, (5-0).

2) Personnel (1:13 PM)

Council members Hanson, Harte, Robinson, Armstrong, and McKenna, along with Manager Shayne Scott and Human Resources Director David Warnock met in closed session to discuss personnel. (1:13 PM)

Roger Armstrong made a motion to leave closed session and enter open session (1:50 PM). Megan McKenna seconded, and all voted in favor, (5-0).

Attachment: Closed Affidavit 6-24-26

Move to auditorium (2:16 PM)

Roger Armstrong
Tonja B Hanson
Christopher Robinson
Megan McKenna
Excused: Canice Harte

Shayne Scott
Janna Young
Dave Thomas
Cindy Keyes
Chase Black
Travis Lewis
Amir Caus
Carl Miller
Brandon Brady
Madlyn McDonough
Katie Madsen
Jess Kirby
Matt Leavitt
Melissa Mendez
Brian Craven

2. **Pledge of Allegiance (2:16 PM)**

3. **Convene as the Board of Equalization (2:17 PM)**

Megan McKenna made a motion to convene as the Board of Equalization. (2:17 PM). Tonja B Hanson seconded, and all voted in favor, (4-0). Absent: Canice Harte.

1) ***Discussion and approval of 2026 early Board of Equalization recommendations; Chase Black*** (2:17 PM)

Attachment: Cover Page

Attachment: BOE Adjustments Staff Report 2026.06.24.pdf

Chief Deputy Auditor Chase Black and Chief Deputy Assessor Travis Lewis presented the early 2026 Board of Equalization recommendations to Council. (2:17 PM)

Council members commented and asked questions. Deputy Black responded. (2:20 PM)

Megan McKenna made a motion to approve 2026 early Board of Equalization recommendations as contained in the packet. (2:22 PM). Tonja B Hanson seconded, and all voted in favor, (4-0). Absent: Canice Harte.

Tonja B Hanson made a motion to dismiss as the Board of Equalization and reconvene as the County Council (2:23 PM). Megan McKenna seconded, and all voted in favor, (4-0). Absent: Canice Harte.

4. **Work Session (2:23 PM)**

1) ***Continued discussion regarding a Master Planned Development for the Junction Commons, a 19-building mixed use redevelopment project at Junction Commons (formerly Outlets Park City), located at 6699 N Landmark Dr, Kimball Junction, Summit County, UT; Parcel FSE-1; Applicant: Elliott Workgroup representing SRE Ontario LLC; Legislative Process. Project #24-087. Amir Caus, AICP, Senior Planner*** (2:23 PM)

Attachment: Cover Page

Attachment: APPLICANT SUBMITTAL - 6.16.26 Junction Commons Executive Summary.pdf

Attachment: APPLICANT SUBMITTAL - 2026-06-15 Updated Sheets and Calculations.pdf

Attachment: STAFF SUBMITTAL (CARL MILLER) - Junction Commons TIS Memo 061126.pdf

Attachment: APPLICANT SUBMITTAL - Summit County - Junction Commons TIS Addendum 20260605 Signed.pdf

Senior Planner Amir Caus; Craig Elliot, Partner at Elliot Workgroup; Adam Greenebaum, Senior Vice President at Singerman Real Estate of SRE Ontario LLC; and Justin Keyes of Jones, Waldo, Holbrook & McDonough presented an update on the Junction Commons redevelopment project. Their presentation highlighted project density and different density types. (2:24 PM)

Council Chair Canice Harte joined the meeting. (2:31 PM)

Roger Armstrong
Tonja B Hanson
Christopher Robinson
Canice Harte
Megan McKenna

Shayne Scott
Janna Young
Dave Thomas
Cindy Keyes
Chase Black
Travis Lewis
Amir Caus
Carl Miller
Brandon Brady
Madlyn McDonough
Katie Madsen
Jess Kirby
Matt Leavitt
Melissa Mendez
Brian Craven

Council members commented and asked questions. Planner Caus, Partner Elliot, and Attorney Keyes responded. (2:32 PM)

Regional Transportation Planning Director Carl Miller provided a traffic update on the Junction Commons redevelopment project. (2:42 PM)

Council members commented and asked questions. Director Miller responded. (2:45 PM)

Planner Caus, and Attorney Keyes asked Council for direction on proceeding with the Junction Commons redevelopment project. Council members responded. Dave Thomas asked if the applicant needed clarification on the agreement document. Attorney Keyes responded. (2:53 PM)

- 2) ***Discussion regarding the renaming of Tech Center Drive; Brandon Brady*** (2:59 PM)

Attachment: Cover Page

Attachment: Tech Center Drive Name Change Staff Report 062426.pdf

Engineer Brandon Brady presented a proposal to rename Tech Center Drive. (2:59 PM)

Council members commented and asked questions. Engineer Brandon Brady responded. (3:05 PM)

3) ***Annual update from the Summit County Housing Authority, and discussion regarding the draft Strategic Plan; Madlyn McDonough*** (3:08 PM)

Attachment: Cover Page

Attachment: 6.26_SCHA_Strategic Plan.pdf

Attachment: Bylaws_4.2026_CLEAN.pdf

Attachment: SR_6.24.26_CC_Strategic Plan.pdf

Attachment: Appendix A_Monitoring and Evaluation_Strategic Plan_6.26.pdf

Attachment: Appendix B_Affordable Housing Terms.pdf

Executive Director of the Summit County Housing Authority, Madlyn McDonough, presented the Summit County Housing Authority's annual update and led a discussion on the draft Strategic Plan. (3:09 PM)

Council members commented and asked questions. Manager McDonough responded. (3:33 PM)

5. **Consideration of Approval** (3:51 PM)

1) ***Advice and consent of the County Manager's recommendation to appoint members to serve on the Summit County Heritage and Landmark Commission*** (3:51 PM)

Attachment: Cover Page

Attachment: Appointments to SC Heritage and Landmark Commission.docx

Attachment: 060926 Members.docx

Manager Shayne Scott presented the recommendation to appoint members to the Summit County Heritage and Landmark Commission. (3:51 PM)

Megan McKenna made a motion to appoint the members recommended to the Summit County Heritage and Landmark Commission. That would be Richard Bullough, Charity Richins, and Kendall Kelley. (3:52 PM). Roger Armstrong seconded, and all voted in favor, (5-0).

2) ***Discussion and ratification of the 2026 Certified Tax Rates; Cindy Keyes*** (3:52 PM)

Attachment: Cover Page

Attachment: 2026 Certified Tax Rates Staff Report.pdf

Attachment: PT-800 forms (update with Multi-county).pdf

Auditor Cindy Keyes presented the 2026 Certified Tax Rates to Council. (3:53 PM)

Council members commented and asked questions. Auditor Keyes and Financial Officer Matt Leavitt responded. (3:56 PM)

Christopher Robinson made a motion to ratify the 2026 Certified Tax Rates as found in the staff report. (4:05 PM). Tonja B Hanson seconded, and all voted in favor, (5-0).

Recess (4:05 PM)

- 3) ***Reconsideration and action regarding the 2026 Restaurant Tax Grant Application by North Summit Recreation Special Service District; Katie Madsen*** (4:23 PM)

Attachment: Cover Page

Attachment: Staff Report-Reconsideration of 2026 Restaurant Tax Grant Applicant.pdf

Grant Coordinator Katie Madsen presented the reconsideration and action item regarding the 2026 Restaurant Tax Grant Application from the North Summit Recreation Special Service District to the Council. (4:23 PM)

Council commented and asked questions. Coordinator Madsen and North Summit Recreation Special Service District Executive Director Jaycie Diston, Manager Shayne Scott, Matt Leavitt, and Janna Young responded. (4:24 PM)

Tonja B Hanson made a motion to Distribute the 2026 Restaurant Tax to the North Summit Recreation Service District for the amount of \$327,598.35 according to the Restaurant Tax Grant. The funds will be coming from the 10% Restaurant Tax Reserve (4:28 PM). Christopher Robinson seconded, and all voted in favor, (5-0).

- 4) ***Discussion and approval of Waiver of County Fees for Park City Conservation Association, Inc., dba Recycle Utah, for the development of its new facility on Lot 4 of the Gillmor Subdivision; Neil Hafer*** (4:29 PM)

Attachment: Cover Page

Attachment: Recycle Utah Fee Waiver Request.doc

Attachment: Fee Waiver Application Recycle Utah.pdf

Manager Shayne Scott provided an update on the County's position regarding this request to waive the impact fees, while Chief Civil Deputy Attorney Dave Thomas explained the distinction between standard and impact fees. (4:30 PM)

Recycle Park City Board Treasurer Neil Hafer and local developer Rory Murphy presented a request to waive county fees, specifically the transportation impact fee, for Park City Conservation Association, Inc. (dba Recycle Utah) as they develop their new facility on Lot 4 of the Gillmor Subdivision. (4:35 PM)

Council members commented and asked questions. Attorney Thomas, Manager Scott, Regional Transportation Planning Director Carl Miller, Financial Officer Matt Leavitt, and Treasurer Hafer responded. (4:36 PM)

Christopher Robinson made a motion to approve Waiver of County Fees for Park City Conservation Association, Inc., doing business as Recycle Utah, for the development of its new facility on Lot 4 of the Gillmor Subdivision as presented. (4:58 PM). Roger Armstrong seconded, and all voted in favor, (5-0).

- 5) ***Discussion and approval of Waiver of Transportation Impact Fee Waiver Request for Park City Conservation Association, Inc. dba Recycle Utah, for the development of its new facility on Lot 4 of the Gillmor Subdivision; Neil Hafer*** (4:59 PM)

Attachment: Cover Page

Attachment: Recycle Utah Fee Waiver Request.doc

Attachment: Recycle Utah Transportation Impact Fee Waiver Request Recommendation Memo 062426.pdf

The Council addressed the Transportation Impact Fee Waiver Request for Recycle Utah's new facility as part of the previous agenda item. (4:59 PM)

Christopher Robinson made a motion to approve the wavier of Transportation impact fees for the request for a waiver for Park City Conservation Association, Inc, dba Recycle Utah for the development of the new facility on Lot 4 of the Gilmore subdivision as presented. (4:59 PM). Roger Armstrong seconded, and all voted in favor, (5-0).

6) ***Discussion and action regarding the Ure Ranch Conservation Easements; Jess Kirby*** (5:01 PM)

Attachment: Cover Page

Attachment: 2026 06 24 Ure CE Staff Report.pdf

Attachment: 2026 06 24 Ure CE Staff Report_presentation.pdf

Lands and Natural Resources Director Jessica Kirby, Summit Land Conservancy Chief Executive Officer Cheryl Fox, and Vice President Brett Denney presented proposed actions regarding the Ure Ranch Conservation Easements. (5:02 PM)

Council members commented and asked questions. Director Kirby, Executive Officer Fox, Vice President Denney and Chief Civil Deputy Attorney Dave Thomas responded. (5:04 PM)

6. **Public Hearing** (5:36 PM)

1) ***Public hearing regarding the 910 Ranch Recreation Management Plan; Jess Kirby*** (5:37 PM)

Attachment: Cover Page

Attachment: 2026 06 24 910 Recreation Management Plan Presentaion.pdf

Attachment: 2026 06 24 910 Recreation Plan Staff Report.pdf

Lands and Natural Resources Director Jessica Kirby presented the 910 Recreation Management Plan to the Council. (5:37 PM)

Council Chair Harte opened the public hearing. (5:44 PM)

David Atherley came forward to speak. (5:44 PM)

Jenny Alison came forward to speak. (5:51 PM)

Bob Radke came forward to speak. (5:53 PM)

Charlie Sturgis came forward to speak. (5:55 PM)

Leslie Miller came forward to speak. (5:58 PM)

7. **Public Input** (6:05 PM)

Council Chair Harte opened the meeting for public comment. (6:05 PM)

Charlie Sturgis appeared to comment. (6:06 PM)

Davi Paletz-Gytri appeared to comment. (6:08 PM)

Council Chair Harte closed the meeting for public comment. (6:09 PM)

8. **Public Hearing Continued** (6:09 PM)

Patrick Putt came forward to speak. (6:09 PM)

Mitch Dailey came forward to speak. (6:16 PM)

Roger Osguthorpe came forward to speak. (6:19 PM)

Heinrich Deters came forward to speak. (6:23 PM)

Council Chair Harte closed the public hearing. (6:25 PM)

Attachment: Sign- In Sheets 6-24-26

9. **Consideration of Approval Continued** (6:25 PM)

7) **Council and Manager comments** (6:25 PM)

Council member Megan McKenna provided updates about her activities on behalf of the Council last week. (6:26 PM)

Council member Tonja B Hanson provided updates about her activities on behalf of the Council last week. (6:28 PM)

Manager Shayne Scott highlighted an email relevant to upcoming Council activities. (6:28 PM)

10. **Public Hearing** (6:28 PM)

- 1) ***Public hearing and action regarding a Special Exception for an increase of disturbance area on a ridgeline/hilltop for a single-family residence on Parcel HE-B-268-A, located at 6315 N Silver Sage Dr, Highland Estates, Summit County, UT; Applicant: Greg Cropper (Parsons, Bahle, & Latimer) representing Thomas W. Mason; Legislative Review. Project #26-041. Amir Caus, AICP, Senior Planner*** (6:29 PM)

Attachment: Cover Page

Attachment: Highland Estates Lot 268-A Special Exception Staff Report.pdf

Senior Planner Amir Caus and Greg Cropper of Parsons, Bahle, & Latimer, attorney and owner Thomas Mason presented a Special Exception to expand disturbance on a ridgeline for a single-family home. (6:29 PM)

Council Chair Harte opened the public hearing. (6:44 PM)

Davi Paletz-Gytri appeared to comment. (6:44 PM)

Council Chair Harte closed the Public hearing. (6:48 PM)

Council members commented and asked questions. Planner Caus and Attorney Cropper responded. (6:48 PM)

Christopher Robinson made a motion to table this application. (7:30 PM). Tonja B Hanson seconded, and all voted in favor, (5-0).

11. Adjournment (7:31 PM)

Canice Harte, Chair

Malena Stevens, Clerk

Meeting minutes and recordings appear at summitcountyutah.gov/meetings. When in the electronic version of the minutes, clicking on the hyperlinked times takes you to that spot in the meeting recording.



MINUTES

SUMMIT COUNTY

County Council

MORGAN COUNTY

1885 W. UTE BLVD., 48W YOUNG STREET, UTAH, 84050

TUESDAY, JULY 7, 2026

Meeting also conducted via Zoom.

Draft

1. Welcome/Attendance (6:21 PM)

Roger Armstrong

Tonja B Hanson

Canice Harte

Excused: Christopher Robinson

Megan McKenna

Shayne Scott

Dave Thomas

Gregory Wolbach

Matt Wilson

Mike Newton

Raelene Blocker

Blaine Fackrell

Vaughn Nickerson

Kate Becker

Janet Christofferson

Melissa Mendez

Chloe Adams

Jeremy Archibald

2. Public Hearing 6:21 PM

- 1) ***Public hearing and possible action regarding three Resolutions regarding Morgan County and Summit County Boundary Adjustments: 1) Resolution No. 2026-15 a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: the Preserve Phase Three Subdivision; and 2) Resolution No. 2026-16 a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: Stagecoach Estates Subdivision Plats A, B, D, & E; and 3); Resolution No. 2026-17 a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: Pine Meadow Ranch Subdivision Plats A, E & G; Greg Wolbach (6:21 PM)***

Attachment: Cover Page

Attachment: Staff Report - 2026 Morgan Summit Boundary Adjustment_Final.pdf

Attachment: Joint Resolution on County Boundary 6-9-26 - Pine Meadow.pdf

Attachment: Joint Resolution on County Boundary 6-9-26 - Preserve.pdf

Attachment: Joint Resolution on County Boundary 6-9-26 - Stagecoach.pdf

Summit County Recorder and Surveyor Gregory Wolbach presented Resolutions No. 2026-15, 2026-16, and 2026-17. These resolutions propose joint action with Morgan County to adjust boundaries for the Preserve Phase Three, Stagecoach Estates (Plats A, B, D, E), and Pine Meadow Ranch (Plats A, E, G) subdivisions. (6:22 PM)

Commissioner Newton moved to adjourn the public meeting and convene a public hearing for item 22. Commissioner Fackrell seconded. The motion passed unanimously. (6:30 PM)

Michael Fisher came forward to speak. (6:30 PM)

Lisa Night came forward to speak. (6:33 PM)

Kent Holiday came forward to speak. (6:36 PM)

Carol Steman came forward to speak. (6:37 PM)

Matt Meyer came forward to speak. (6:39 PM)

Gilbert Vince came forward to speak. (6:40 PM)

Commissioner Newton moved to adjourn the public hearing and reconvene the public meeting. Commissioner Blocker seconded. The motion passed unanimously. (6:41 PM)

Summit County Council members and Morgan County Commissioners commented and asked questions. Summit County Recorder and Surveyor Wolbach, Morgan County Recorder Shaun Rose, and Morgan County Deputy Attorney Janet Christofferson responded. (6:42 PM)

Canice Harte made a motion to convene as the Summit County Council (6:52 PM). Tonja B Hanson seconded, and all voted in favor, (3-0). Absent: Christopher Robinson, Megan McKenna.

Commissioner Newton moved to approve Resolution MC CR 01 Jr, CR 02 JR, and CR 03 JR, a joint resolution between Summit and Morgan County to adjust portions of the common boundary between Morgan and Summit County. Commissioner Fackrell seconded. The motion passed unanimously. (6:52 PM)

Roger Armstrong made a motion to approve Resolution No. 2026-15, a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: the Preserve Phase Three Subdivision, as contained in the packet. (6:53 PM). Tonja B Hanson seconded, and all voted in favor, (3-0). Absent: Christopher Robinson, Megan McKenna.

Attachment: Res 2026-15-Executed

Roger Armstrong made a motion to approve Resolution No. 2026-16 a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: Stagecoach Estates Subdivision Plats A, B, D, & E; and 3) as contained in the packet (6:53 PM). Tonja B Hanson seconded, and all voted in favor, (3-0). Absent: Christopher Robinson, Megan

McKenna.

Attachment: Res 2026-16-Executed

Roger Armstrong made a motion to approve Resolution No. 2026-17 a Joint Resolution of the Summit County Council and the Morgan County Commission to Adjust Portions of Common Boundary: Pine Meadow Ranch Subdivision Plats A, E & G (6:54 PM). Tonja B Hanson seconded, and all voted in favor, (3-0). Absent: Christopher Robinson, Megan McKenna.

Attachment: Res 2026-17-Executed

3. **Adjournment (6:54 PM)**

Roger Armstrong made a motion to adjourn. Tonja B Hanson seconded, and all voted in favor, (3-0). Absent: Christopher Robinson, Megan McKenna.

Canice Harte, Chair

Malena Stevens, Clerk

Meeting minutes and recordings appear at summitcountyutah.gov/meetings. When in the electronic version of the minutes, clicking on the hyperlinked times takes you to that spot in the meeting recording.



Summit County Clerk
60 North Main Street,
PO Box 128
Coalville UT 84017

STAFF REPORT

TO: Summit County Council

FROM: Malena Stevens, Summit County Clerk, Scott Buchanan, Summit County Code Enforcement Officer, and Lynda Viti, Deputy Summit County Attorney

DATE: August 26, 2026

RE: Business License Code Changes

Summary Recommendation

Staff recommends that the Council review the proposed amendments to Summit County Code Title 3, Chapter 1, Business License Provisions, with the additions requested by council, hold a public hearing, and adopt this ordinance.

As was discussed in the previous work session, the proposed ordinance is the first phase of a comprehensive review of the County's Business License Code. This phase focuses on administrative updates and clarifications—such as definitions, revised cross-references, corrected grammar, and made organizational improvements—vs. large-swath policy changes.

Staff anticipates returning to the Council with a second phase of amendments addressing broader policy considerations identified during the review process, including renewal procedures, fee administration, and other operational issues in early 2027. Amendments related to the County's Short-Term Rental licensing program are not included in this ordinance and will be presented separately at the Council's direction.

Background

Summit County Code Title 3, Chapter 1, Business License Provisions, was last comprehensively updated in 2013. Since then, amendments have addressed specific license categories, including Nightly Rental and Condotel Management Licenses, but much of the chapter has remained unchanged.

As part of the County Clerk's ongoing review of administrative procedures, staff reviewed the Business License Code to determine whether it reflects current County practices, organizational structure and Utah law.



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Staff identified outdated terminology, undefined terms, obsolete references and provisions that no longer reflect current practices.

In the August 5, 2026 meeting, Council Member Armstrong indicated that the application closing date verbiage was confusing and so this section was reworked and has been updated in the attached drafts (Sections 3-1-7D and 3-1-7E).

Overview

The proposed ordinance makes changes throughout Title 3, Chapter 1. Most are technical, including updated terminology, cross-references and organization. Several also clarify how the County currently administers business licenses.

The principal changes are summarized below. A redlined ordinance is included in the packet.

Business License Applicability and Exemptions

The ordinance:

- Clarifies when a County business license is required;
- Clarifies exemptions for businesses licensed by another Utah jurisdiction;
- Establishes a process for reviewing exemption requests;
- Clarifies the treatment of nonprofit organizations; and
- Distinguishes fee exemptions from other regulatory requirements.

Section 3-1-3 clarifies when a business operating in Summit County must obtain a County license and reorganizes existing exemptions.

One area of clarification involves businesses licensed by another Utah jurisdiction. Under the current ordinance, a business may be required to obtain a County license simply because it performs work in Summit County, even if it has no physical location here. This can create uncertainty for businesses that operate in the County only on a project-by-project basis.

Section 3-1-3E provides that a business licensed by another Utah jurisdiction may qualify for an exemption if it does not maintain a **Place of Business** in Summit County and provides services only on a project-by-project basis. This recognizes existing licensing requirements while preserving the County's ability to regulate businesses with an ongoing presence in the unincorporated County.

Section 3-1-3A maintains the existing fee exemption for qualifying nonprofits. Nonprofits remain subject to the application process and any applicable permitting, inspection and



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Coalville UT 84017

regulatory requirements. A fee exemption does not exempt an organization from other legal requirements.

Together, these changes provide a clearer and more consistent process for determining when a license is required and when an exemption may apply.

Business License Administration

The ordinance also clarifies the roles of applicants, reviewing departments and the County Clerk.

Principal changes include:

- Clarifying that a business license is separate from other permits and approvals;
- Updating the application process for electronic applications;
- Clarifying departmental review responsibilities;
- Establishing a consistent inspection process;
- Consolidating denial standards;
- Clarifying license issuance; and
- Reorganizing requirements that apply after a license is issued.

Section 3-1-5 clarifies that a business license is separate from any permit or approval required by County, state or federal law. A business may need multiple approvals before beginning operations. Obtaining one approval does not eliminate the need for another. For example, a building permit or conditional use permit does not authorize a business to operate if a business license is also required.

Section 3-1-9B recognizes the County's use of electronic applications and clarifies that applications must contain enough information for staff to evaluate compliance. This should reduce delays and give applicants a clearer understanding of what is required.

Section 3-1-5D clarifies that each reviewing department is responsible for the requirements it administers. Review by one department does not replace an approval required by another department or outside agency.

Section 3-1-5E establishes a general inspection requirement. Applicable inspections must be completed before a license is issued. This approach allows inspection requirements to vary based on the type of business without requiring the ordinance to list each one.



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Section 3-1-5G reorganizes requirements that apply after a license is issued, including displaying the license, changes in ownership, permitted transfers and continued compliance with County regulations.

Compliance and Enforcement

Section 3-1-8 reorganizes the provisions governing suspension and revocation. The County's authority is not materially changed. The revisions instead clarify when those actions may occur and the procedural protections available before a final decision.

The goal is to give businesses a clearer understanding of the enforcement process and provide staff with a more consistent framework for administration.

Business License Fees and Renewals

Section 3-1-6 makes limited administrative changes to fees and renewals while maintaining the existing fee structure.

The County would collect fees at the beginning of the administrative process, similar to the planning process, rather than immediately before a license is issued. More comprehensive changes to fees and renewals may be addressed in the second phase of the code review in early 2027.

Next Steps

This ordinance is the first phase of a broader effort to update the Business License Code. The focus at this stage is clarity, organization and administration—not broader policy changes.

Following approval of the attached ordinance, staff will convene with a broader stakeholder group to look at any policy changes to the business licensing code that may be advantageous to businesses and administration of the licensing process. Much of the process is geared toward health, safety, and welfare of the public, and we will be working with relevant stakeholders—such as the fire departments, law enforcement, and the health department—to ensure the ordinance incorporates any additional best practices that would serve this process.

Consistent with prior Council direction, changes to the County's Short-Term Rental licensing program are not included in this ordinance and will be brought forward separately.

CHAPTER 1 BUSINESS LICENSE PROVISIONS

3-1-1: PURPOSE:

Pursuant to powers granted by the state as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the County intends by this chapter to regulate and license businesses and occupations within its unincorporated limits, to maintain a current index of licensed businesses and occupations and to regulate licensed entities.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances. Where this chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this chapter shall control. The amendment of this chapter does not preclude enforcement of violations or collection of business License taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

(Ord. 806, 6-12-2013)

3-1-2: DEFINITIONS:

For the purposes of this chapter, the following terms, words and phrases and their derivations shall have the meanings prescribed in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT: Person applying for a License.

BRANCH ESTABLISHMENT: Each separate location licensed in the County at which a specific Business conducts business.

BUSINESS: as defined in Utah Code § 17-64-505, any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

BUSINESS LICENSE ADMINISTRATOR OR ADMINISTRATOR: The County Clerk or designee charged with issuance, suspension and revocation of Business Licenses and compliance of Licenses to this chapter.

CONSENT: A written license or instrument issued by the County authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

CONSENTEE: The Person to whom a consent has been issued pursuant to the provisions of this chapter and who may also be referred to under the general term "Licensee".

CONTRACTOR: Means and includes anyone defined as a contractor in Utah Code section 58-55-102, as may be amended.

COUNTY: The jurisdiction of unincorporated Summit County, state of Utah.

COUNTY COUNCIL: The legislative body of Summit County.

COUNTY MANAGER: The chief executive officer of Summit County.

ENGAGE OR ENGAGING IN BUSINESS OR CONDUCT OF BUSINESS: Includes, but is not limited to, selling tangible Personal property, goods or services at retail or wholesale, manufacturing goods or property, or rendering

personal services for a consideration such as the practice of any profession, trade, craft, business, occupation, or other calling. The rendering of personal services by an employee to an employer under any contract of personal employment shall not be considered as Engaging in Business so long as the employer is licensed under the provisions of this chapter.

INSIGNIA: Any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any License.

LICENSE: A certificate or document issued by the County evidencing permission or authority of its named holder to carry on a particular business or to pursue a particular occupation.

LICENSEE: The Person to whom a License has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "Licensee" is used in a general sense of this definition.

NUMBER OF EMPLOYEES: The average number of employees Engaged in Business at the place of business each regular working day during the preceding calendar year. In computing the number, each part-time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total amount of hours regularly worked by a full-time employee as the denominator.

PERMIT: A written license or instrument issued by the County authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

PERMITTEE: The Person to whom a permit has been issued pursuant to the provisions of this chapter and who may also be referred to under the general term "Licensee".

PERSON: Any individual or natural Person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, syndicate, estate, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; or any officer, agents, employees, factors, or any kind of personal representatives thereof in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

PLACE OF BUSINESS: A location maintained or operated within the County from which a Person engages in Business, including a Branch of Establishment, dispatch office, or yard.

PREMISES: Means and includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any Business, and also any personal property which is either affixed to or is otherwise used in connection with any such Business conducted on such premises.

REGISTRANT: The Person who has registered with the County pursuant to the provisions of this chapter and who may also be referred to under the general term "Licensee".

REGISTRATION: A written License or instrument issued by the County authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

(Ord. 806, 6-12-2013)

3-1-3: EXEMPTIONS:

- A. The provisions of this chapter shall not be deemed or construed to require the payment of a license fee by, or the issuance of a License to, any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly by an individual, firm or profit corporation; nor shall the payment of a License fee or the issuance of a License be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, musical, religious or moral subject, whenever the receipt from such is to be appropriated to any church or school or to any religious or benevolent purpose within the County; nor shall the payment of a

License fee or the issuance of a License be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, County or municipal organization or association when the receipts from such are to be appropriated for the purposes and objects for which such association or organization is formed and from which profit is not derived, either directly or indirectly by any individual, firm or profit corporation. Organizers, managers or owners of such exempt event or organization located within the unincorporated areas of the County must register with the County Clerk's Office. Applicants must attach a copy of the 501(c)(3) exempt status filed with the state of Utah or similar documentation prior to License and fee waiver by the Business License administrator. Exempt organizations shall not pay any fee required of any applicant for License or exemption.

- B. Organizers, managers or owners of such exempt event or organization located within the unincorporated County must register with the County Clerk's Office. Proof of exempt status in written form shall be required of the applicant prior to License and fee waiver by the Business License administrator.
- C. Exemption from fees is not an exemption from required registration with the County Clerk's, code compliance with other state, federal and local codes, nor from payment of other County fees, such as fire, health, zoning, transit, etc., as required.
- D. Solicitation for any purpose, including fundraising for charitable causes, is subject to article J, "Solicitors", of this chapter.
- E. No licensing fee shall be imposed under this section upon the state of Utah or any of its political subdivisions; nor shall any such fee be imposed upon any Person doing Business within unincorporated Summit County who has paid a like or similar license fee to some other governmental unit within the state of Utah and does not have a Place of Business, nor shall any such fee be imposed upon the Business of a bona fide farm or ranch engaged in raising plants and/or animals useful to man unless said Business is authorized to collect sales taxes under Utah statute for sales made on such products. Any Person requesting an exemption shall be required to apply, in writing, with the County Clerk's Office. Fees for either a License or an exemption shall not be exempt.
- F.

(Ord. 806, 6-12-2013)

3-1-4: PUBLIC RECORDS:

Access to records kept by the County, such as are, or may be, required in this chapter, are governed by Utah's Government Records Access and Management Act ("GRAMA"). Pursuant to GRAMA, the County may charge a reasonable fee to individuals requesting information on issued Business Licenses in order to cover reasonable costs associated with research and reproduction of information.

(Ord. 806, 6-12-2013)

3-1-5: LICENSING REQUIRED:

- A. Required: It shall be unlawful for any Person to Engage in Business within Summit County without a valid current License for issued by either:
 - 1. Summit County if the Business has a Place of Business, regardless of whether another governmental entity has issued a License to the Person for that Business, or
 - 2. Any governmental unit within the state of Utah, if the Person does not have a Place of Business; and
 - 3. has been issued any other Licenses and permits required by this chapter.

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- B. Each Business Must Obtain Separate License: A separate License must be obtained for each type of Business, even if located on a single parcel or situs, each branch establishment or location or Business within the County as if such types, branch establishments or locations were separate Businesses and each License shall authorize the Licensee to engage only in the Business licensed thereby at the location or in the manner designated in such License; however, warehouses and distributing places used in connection with or incident to a Business Licensed under this chapter shall not be deemed to be separate places of Business or branch establishments.
- C. Application; Contents: It shall be the responsibility of a Person Engaging in Business within the unincorporated County to voluntarily apply for and maintain in full force and effect a valid License.
1. Applications for Business Licenses shall be made to the County Clerk on forms provided on the County website for that purpose. Any incomplete applications shall be returned to the applicant.
 2. No Business License application shall be accepted and processed unless all information required on the application form is provided and any required fees are paid. No License shall be issued until any required fees are paid.
 3. The general Business License required under this chapter is in addition to all other approvals, Licenses and permits required by other County ordinances, or state or federal law. As such, issuance of a Business License shall not be deemed a waiver of the County's right to enforce all other provisions of its ordinances, development codes, or conditions of prior development approvals. No Person shall Engage in Business without first procuring the necessary approvals, Licenses and permits required by other Summit County ordinances, or state or federal laws, in addition to the License required by this section.
- D. License Review Procedure:
- Once an application is found to be complete, the County Clerk shall submit such to other County departments for review. Should any department find sufficient evidence from the application that a License should not be issued, an explanation for the recommended denial will be attached to the form and it will be returned to the County Clerk. The County Clerk shall provide the applicant with a copy of the explanation for denial. Approval by one or more departments shall not substitute for or waive requirements for additional approvals, Licenses, and development permits (i.e., conditional use permit, low impact or other development permit) required by County ordinance or state or federal law, nor shall it be construed as a waiver of such requirements.
- E. Inspections Prior to Issuance: Prior to the issuance of a License to engage in a new Business not heretofore Licensed, the applicant shall permit inspections to be made of the prospective place of business by the appropriate department of the County or other governmental agency to ensure compliance with all applicable codes. No License shall be granted without the approval of all such required inspections.
- F. License Issuance or Denial:
1. Applicants for specified Business Licenses are required to obtain and produce to the County a criminal history background check as specified on the Business License Application and provide the results to the County Clerk.
 2. An applicant's criminal background may be grounds for denial of the License application if the applicant's record contains convictions for violations of any County, state or federal laws or other verifiable issues which demonstrate a potential risk to the health, safety, peace or general welfare of the County or its inhabitants; or if there are unresolved warrants for any applicant; or any other reason expressly provided for in this chapter as applicable to the License.

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3. Within thirty (30) days of the County Clerk's receipt of all the reviewing department officials' approvals/denials as set forth in subsection D of this section and criminal background check if applicable, the Business License Administrator shall either: a) issue the License as applied for, or b) provide the applicant with the reason for denial. Failure of the County Clerk to act within said thirty (30) days shall constitute an automatic approval of the application. If circumstances do not allow completion of the application process in a timely manner, the applicant shall receive a notice warning of application denial for noncompliant issues and allowing a specified time frame for resolution of such. If compliance is not possible, the application will be denied. If an application is denied, the applicant may reapply and said application shall be treated as a new application and shall follow the same procedure as set forth in this section. If an application is approved, the applicant shall be notified of the approval, and the final fee shall be paid in full before the License is issued.
 4. A License may be denied if the applicant:
 - a. Has been convicted of a fraud or felony by any state or federal court within the past ten (10) years or now has criminal proceedings pending against him/her in any state or federal court for fraud or a felony;
 - b. Has obtained a License by fraud, misrepresentation or deceit;
 - c. Has failed to pay personal property taxes or other required taxes or fees imposed by the County, including prior licensing fees;
 - d. Has violated the laws of the state of Utah, the United States, or the ordinances of Summit County governing the operation of the Business for which the applicant is applying for the License;
 - e. If applying for a solicitation License or a License for a Sexually Oriented Business as defined in chapter 5 of this title, or a License for a Business which also has a liquor License, the applicant has been convicted of any criminal offense against minors, sexual assault or is listed as a registered sex offender;
 - f. Has failed to comply with the conditions or requirements of a conditional use or low impact permit;
 - g. Is not in compliance with the terms or conditions of a development agreement or other development approval; or
 - h. Has failed to obtain all the required department approvals as may be required pursuant to this section.
 - G. Display: Every Licensee Licensed pursuant to the provisions of this chapter shall keep his License displayed and exhibited while the same is in force in conspicuous public location in the Place of Business. It shall be the duty of any Licensee to produce a valid License when requested to do so by any law enforcement or code enforcement officer. Every Licensee not having a fixed place of Business shall carry such License, or a copy thereof, with them at all times while carrying on the Business for which the License is issued and shall produce the License for inspection when requested to do so by any Person.
 - H. Inspections After Issuance:
 1. Notice of Violations: Existing Places of Business licensed within the County shall be inspected periodically by departments of the County for compliance with applicable codes. Upon the finding of any code violation, and after considering the violation's impact on public health, welfare or safety, an inspector or code enforcement officer may issue either a warning in writing that that specifies a reasonable period in which to correct the violation; or a Notice of Violation that specifies a reasonable period in which to correct the violation; or an administrative citation.

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2. Noncompliance: A Licensee who fails to comply with a Notice of Violation or a Citation may, at the request of the County, be required to appear before an administrative law judge, who may order compliance, payment of fees and fines, and/or issue a default order, as provided in Title 1, Chapter 13 of this Code.
 - I. Preparation and Listing: The Business License administrator shall prepare and issue an appropriate License for every Person qualifying therefor under the provisions of this chapter and shall state in each License the period of time for which it is issued, the name of the Person to whom issued and location of the place of Business. All Licenses shall be signed by the administrator. The Business License administrator shall maintain a list of all Persons holding Licenses and the status of each such License.
 - J. Applications for Special Licenses: Applications shall be required and special Licenses issued pursuant to the provisions of this chapter. For the activities defined in subsequent articles of this chapter and chapters of this title, a regular License to engage in Business of the kind required by this chapter may also be required in addition to the respective special Licenses.
 - K. Transfers: No License granted or issued under the provisions of this chapter may be assigned, transferred, or sold by the Licensee nor may the License be used for any purpose or Business other than that for which said License was issued. Furthermore, a Business License issued for a particular location may not be transferred for use to another location. Any County Business License transferred or used as described in this section is deemed revoked.

(Ord. 806, 6-12-2013)

3-1-6: LICENSE FEES:

- A. Fees:
 1. There is hereby levied an annual Business License fee, in accordance with the Utah Code, upon the Business of every Person Engaging in Business in Summit County unless otherwise specifically exempted in this chapter or under state or federal law. The fee imposed shall be in the amounts described in the rate table established by the County. Any Business type not listed in the rate tables shall be assessed at the rate and on the same basis as the Business determined by the administrator to be most similar to the Business to be Licensed. If the applicant does not agree with the rate imposed, they may appeal the decision of the administrator regarding the fee, pursuant to the provisions of section 3-1-9 of this chapter.
 2. The schedule of fees shall be established by the County and may be amended from time to time.
- B. Business License Processing Fee: Applicants for a Business License shall be charged a nonrefundable processing fee which is the cost of processing said application, as provided in the County Fee Schedule.
- C. Fees; Additional: The fees imposed by this section shall be in addition to any and all other assessments, taxes or licenses imposed by any other provisions of the ordinances of the County. Failure to pay assessments, property taxes, sales tax, Personal property taxes or other required taxes or assessments imposed by the County will be reason for new Business Licenses or renewals to be denied.
- D. Fee Adjustment to Avoid Burdening Interstate Commerce: None of the fees provided in this section shall be applied to occasion an undue burden on interstate commerce. State law requires local governments to establish fees based on the cost to the County to regulate and license the Business. The County has an interest in not bearing undue burden for licensing any type of Business practice or enterprise. The fee structure approved by the County council shall be reasonably related to the actual cost to the County of the licensing process and uniformly assessed on businesses of like nature. In any case, where a license fee is believed by a Licensee or an applicant for a License to place an undue burden upon such interstate

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commerce, such Licensee or applicant, by supporting affidavits, may apply to the administrator for an adjustment of the fee to relieve such burden. The Licensee or applicant shall indicate the method of doing Business and such other information as the administrator may deem necessary in order to determine the extent, if any, of such undue burden. The administrator shall then conduct an investigation, comparing the subject Business with other Businesses of like nature and shall make findings of fact from the administrator to determine whether the License is discriminatory, unreasonable or unfair as to the Licensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the County council an appropriate License fee under the circumstances and the County council shall fix the License fee in such amount. If the regular License fee has already been paid, the County council shall order a refund of the amount over and above the fee fixed, if different. In fixing the fee to be charged, the administrator shall have the power to base the fee on number of employees or may use any other method which will assure that the fee assessed shall be uniform with that assessed on Businesses of like nature; provided, however, that the amount assessed shall in no event exceed the regular fee prescribed in this chapter. The administrator shall make any adjustments to the License category and/or fee assessment, if merited, and report to the Licensee or applicant any findings and subsequent action taken. If the applicant or Licensee is not satisfied with the decision of the administrator, he or she may appeal the decision as described in section 3-1-9 of this chapter.

- E. Exemption of Insurance Companies: Insurance companies shall apply in all respects for the obtaining of a Business License pursuant to this chapter but shall not pay a fee unless providing services that are not exempt from local fees pursuant to state law. The certificate of authority issued by the state of Utah department of insurance for that Business shall accompany the Business License application and shall be maintained in good standing for the duration of the conduct of such Business. The Licensee shall notify the Business License office in writing should additional authorities be granted the company by the Utah department of insurance. Businesses which perform services in addition to insurance services Licensed by the Utah department of insurance shall pay fees as set by resolution of the County council and as administered by the Business License administrator.
- F. Refunds: No refund shall be made against any fee for a License issued pursuant to this chapter unless such refund is approved by the administrator.

(Ord. 806, 6-12-2013)

3-1-7: LICENSE RENEWAL:

- A. All applications License renewal shall be submitted only on-line through the County Clerk's website.
- B. License Renewal Period:
 - 1. Application period for the 2027 licenses opens on January 1, 2027, and ends on January 15, 2027.
 - 2. For the 2028 application period and thereafter, the application period shall begin on November 15 and end on December 31.
- C. Licenses issued under this chapter shall be valid for not more than one (1) year. All fees provided for in this chapter shall be paid annually in advance, by the Licensee to the County Clerk's Office on or before the application closing date each year, either January 15 for 2027 Licenses or December 31 for Licenses issued in 2028 and thereafter; and shall be effective through December 31 of the following year.
- D. Fees and fines may be imposed for non-compliance with the renewal process, including Operating a Business without a License or submitting applications after the application period.
- E. Business License Processing fees are not prorated.

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- F. The County Clerk's Office shall notify each current Licensee of the option to renew. The renewal application form shall be returned to the County Clerk's Office according to the notice directions. Renewal of Licenses is not of right, and no claim of vested right shall ensure to an applicant who has received Licenses in past years.
- G. Upon showing of hardship to the administrator, or its designees, as outlined below, the administrator may waive at or a portion thereof, of the Business License Processing fees owed to the County, on a one-time only basis.
1. Hardship may be found if:
 - a. Enforcement of the fee schedule would cause an unreasonable economic hardship for the applicant that is not self-imposed and not part of the regular course of business but imposed by extraordinary uncontrollable circumstances. Such a hardship may only be requested if the fee owed is not past due;
 - b. There are special circumstances not within the applicant's control which have created an economic crisis in the ability to do business within the County; or
 - c. Force majeure events.
 2. The applicant shall bear the burden of proving that all of the conditions justifying a hardship waiver have been met.
- H.
1. Summit County may post an eight and one-half by eleven (8 1/2 x 11) sign on the door of an unlicensed Business that states the following:

"UNLICENSED BUSINESS"

This establishment does not have a current License to conduct Business within Summit County. It shall be unlawful to remove this sign without authorization from the Summit County Code Enforcement Officer.
 2. It shall be a violation of this chapter to remove an "Unlicensed Business" sign without prior authorization from the Summit County code enforcement officer. Violators may be subject to a fine per the Summit County fee schedule.

(Ord. 852, 12-2-2015; Ord. 986, 12-11-2024)

3-1-8: REVOCATION:

- A. Any License issued under this chapter may be revoked by the County Clerk's Office, as follows:
1. The County Clerk may administratively revoke any previously issued License when the County Clerk's Office finds that the Licensee has:
 - a. Filed a false or fraudulent License application;
 - b. Been convicted of or plead guilty to any criminal action which would be a basis for denial of a permit, including pleas under a deferred adjudication or other similar agreement;
 - c. Paid fines, settlements or been convicted in criminal or civil actions by the state tax commission for the collection of, or arising from the nonpayment of taxes imposed by or collected by the state of Utah;
 - d. Used the Business as a front for or site of illegal activity;

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- e. Engaged in its Business without acquiring or having had revoked any appropriate additional approvals, Licenses, and permits required by County ordinance or state or federal law for the operation of said Business within the County;
 - f. The Licensee has been found by an ALJ to have failed to comply with:
 - i. the development code;
 - ii. the conditions or requirements of a building permit, conditional use permit, or grading permit or low impact permit;
 - iii. a development improvement agreement including bonding agreements; or,
 - iii. with the terms of an applicable development agreement, settlement or stipulation agreement, consent agreement, or other agreement governing the development of property;
 - iv. requirements of any special license described in this Title.
 - B. Notification of the License revocation shall be sent by the Administrator to the Licensee at the address provided on the most recent application. Such notice shall be sent by email, and certified mail and shall contain the following:
 - 1. The name of the Licensed Business and responsible party;
 - 2. The nature of the allegations on which the revocation is based;
 - 3. The sanction to be imposed and the effective date of the sanction
 - 4. The appellate or other process which is applicable to the revocation
 - C. Any License revoked under this section shall remain revoked until the conditions that caused the revocation have been corrected. A revoked License which has not been corrected, or a revoked License for which reinstatement fees have not been paid, may not be renewed during the annual Business License renewal process.
 - D. There shall be progressive sanctions imposed for the reinstatement of a revoked License as outlined below and fees imposed as established by the County and set forth in the County fee schedule. Violation(s) in any License year resulting in the revocation of the License shall be sanctioned as follows:
 - 1. First: the Business License will be revoked until the violation(s) has been corrected, and a fee paid to reinstate the Business License;
 - 2. Second: the Business License will be revoked for 30 days, and the Licensee shall correct the violation(s). Upon expiration of the revocation period and correction of violations, a fee shall be paid to reinstate the Business License.
 - 3. Third violation: the Business License will be revoked permanently.
 - E. Conditions of approval for a permit or development agreement cannot be amended or changed through the License revocation process.
 - F. No License may be issued after revocation for a minimum of one year for either the same or similar type of business at the same address or by the same or an affiliated applicant, even at a different address.

(Ord. 806, 6-12-2013; Ord. 986, 12-11-2024)

3-1-9: APPELLATE PROCESS:

The purpose of this section is to provide uniform appellate procedures for appeals of Business License suspensions, revocations and denials.

- A. Exceptions: Exceptions to the use of the appeal process in this section will occur if an appeal process is detailed otherwise for a special License within the applicable ordinance.
- B.
 - 1. All appeals of the County Clerk's decision to deny, suspend, or revoke a Business License shall be in writing and initiated by electronically submitting a form provided by the County to the County Clerk's Office within ten (10) calendar days from the date of the email, or if the County Clerk provided notice of the decision or action on the License by U.S. mail because no email address was available, within fifteen (15) days the post marked date of a certified letter notifying the Licensee or applicant of a License denial, suspension or revocation
 - 2. The request for an appeal shall include:
 - a. the name, email address, mailing address and phone number of the appellant;
 - b. the name of the Business;
 - a. The date of the action being appealed;
 - b. A copy of any written decision being appealed;
 - c. The basis for the appeal and the relief requested;
 - d. Any documentation on which the appellant relies in making the appeal.
 - 3. Failure to timely submit a complete request for an appeal as described in this section shall constitute an absolute bar to any appeal of the decision or action at issue.
- C. A properly submitted request for an appeal shall be heard at least fourteen (14) calendar days, but not more than thirty (30) calendar days, absent exigent circumstances or agreement of the parties, from the date of the email requesting the appeal.
- D. All appeals of denials, suspensions or revocations of Licenses under this chapter shall be heard by the License Review Board (LRB).
- E. The LRB is created as follows:
 - 1. Purpose: The LRB is created as a quasi-judicial body for the purpose of hearing all appeals from the administrative denial, suspension, or revocation of a License issued under this chapter;
 - 2. Board Composition: The County Manager shall appoint at least five (5) and no more than seven (7) members and may be comprised of representatives from the health department, sheriff's office, the community development department, the fire department(s), and/or other representatives as deemed appropriate by the County Manager.
 - 3. Board Quorum: A quorum shall consist of a least three (3) members of the board if composed of five (5) members and at least four (4) members if composed of seven (7) members.
 - 4. Split Vote: Should a split vote occur due to an even number of members present, the action or decision under appeal will be upheld.
- D. Standing to File an Appeal: The Licensee or Applicant may file an appeal of the County Clerk's decision to deny, suspend or revoke a License.
- E. Appeal Hearing Procedure:

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1. The County Manager shall, within (14) calendar days of the receipt of a request for a hearing, grant or deny a request for a hearing absent exigent circumstances. A timely filed complete hearing request filed by an person with standing to appeal shall be granted. If granted a hearing will be scheduled no sooner than 30 days after receipt of a timely and complete request for a hearing. The County Attorney's Office will ensure both parties are advised of the hearing date;
 2. The LRB may in its discretion hold the hearing electronically;
 3. The County shall be represented by the County Clerk or designated staff member and shall be advised and assisted at the hearing by the County Attorney or designated staff member;
 4. The County Clerk's Office shall prepare a written staff report or memorandum explaining the basis for the decision or action. The report shall be provided to the appellant, the LRB, and the County Attorney's Office no less than 10 calendar days prior to the hearing;
 5. Both parties, the County and the Appellant, may present visual aids or other exhibits at the hearing if in the judgement of the LRB, such items are relevant and helpful to resolving the issues presented by the appeal. A copy of any visual aid or exhibit not provided to the other party less than five (5) business days prior to the hearing shall be excluded from the hearing;
 6. All hearing shall be open to the public, but the LRB may in its discretion close the hearing to maintain order or security;
 7. The appellant shall bear the burden of establishing by a preponderance of evidence that the County Clerk's decision or action was illegal or not supported by substantial evidence.
 8. The LRB shall hear the arguments of the County and arguments and, if applicable, the sworn testimony of the appellant , consider the staff report. No other witnesses may be heard.

F. Decision on the Appeal: After hearing all the evidence and arguments, the LRB may consider the evidence in private. The board shall then render its decision in open meeting, by majority vote of the members present. The LRB may approve, deny, or modify the decision of the County Clerk. In the case of a revocation only, it shall issue a written decision within fifteen (15) business days after the hearing.

- J. The decision of the LRB with respect to a denial or a suspension is final and not appealable.
- K. Appeal of LRB Revocation: The decision of the LRB upholding a revocation of a Business License may be appealed to the County Manager of Summit County by submitting an appeal in writing to the County Manager within fifteen (15) calendar days of issuance of the written decision. The written appeal may be no longer than five (5) type-written pages in 12-point font. The County Clerk may submit a response within 30 calendar days after receipt of the appeal.
- L. The County Manager shall review the decision of the LRB only to determine the correctness of a decision of the LRB in its interpretation and application of this chapter. The County Manager's decision is not subject to appeal.

(Ord. 806, 6-12-2013)

3-1-10: CRIMINAL VIOLATION, ENFORCEMENT:

- A. Violations and Penalty: Violation of any provision of this chapter, including Engaging in Business without a License, as required by section 3-1-5, may be criminally charged as a Class B misdemeanor.
- B. Violations of any provision(s) of this chapter may be charged as separate offense for each and every day or portion thereof, any violation is committed, continued, or allowed to be committed or continue.

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- C. In cases where a corporation would be punishable for a misdemeanor in violation of this chapter, such corporation is punishable by a fine not exceeding one thousand dollars (\$1,000.00).
 - D. Nothing in this chapter, including administrative actions or orders, shall prevent a criminal prosecution for any violation of the provisions of this title, nor excuse or exempt any Person from the payment of any outstanding fees or fines owed under the provisions of this Code.
 - E. Law Enforcement Officers; Code Enforcement Officer; Authority:
 - 1. All County code enforcement officers are empowered as provided in section 1-13-3 of this Code and specifically, to examine all places of Business for violations of this chapter, including examining Licenses for validity; and proper posting, as required by this chapter, and
 - i. enter any place of Business for which a License is required and demand the exhibition of a current License by any person engaged or employed in the conduct of such Business; and,
 - ii. if no License is produced, or the License is not properly displayed in compliance with this chapter, issue an administrative citation as provided in section 1-13-3.
 - 2. A law enforcement officer shall have the same authority of a code enforcement officer and in addition, may:
 - issue a criminal citation to any person engaged or employed in the conduct of a Business required to be licensed with Failing to Properly Display a License, and/or Engaging in Business without a License or any other violation of any provisions of this chapter that threaten the health and safety of the public or an animal, as provided in Utah Code section 17-64-501(3)(e), or as subsequently amended.
 - F. Each day a violation of this chapter continues shall constitute a separate offense, unless otherwise prohibited.
 - G. Enforcement of Other County Ordinances: The grant or denial of a Business License shall in no way bind, waive, or alter the County's ability to enforce any other County ordinances where there is a violation of such. Estoppel shall not be a defense to such actions by the County when it is engaged in the process of enforcing compliance with its laws, regulations, ordinances, development codes and agreements in relation to the operation of any Business within the County. This section specifically allows, but is not limited to, the County's enforcement of conditional use and other permit rules, regulations, and laws.

(Ord. 806, 6-12-2013)

CHAPTER 1 BUSINESSBUSINESS LICENSELICENSE PROVISIONS

3-1-1: PURPOSE:

Pursuant to powers granted by the state as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the ~~county~~County intends by this chapter to regulate and ~~license~~license ~~business~~businesses and occupations within its unincorporated limits, to maintain a current index of ~~license~~licensed ~~business~~businesses and occupations and to regulate ~~license~~licensed entities.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances. Where this chapter imposes a greater restriction upon ~~person~~persons, premises or ~~person~~personal property than is imposed or required by such existing provisions of law, contract or deed, the provisions of this chapter shall control. The amendment of this chapter does not preclude enforcement of violations or collection of ~~business~~business ~~license~~License taxes and penalty fees under this chapter which existed at the time of taxation or violation prior to the implementation of any amendment.

(Ord. 806, 6-12-2013)

3-1-2: DEFINITIONS:

For the purposes of this chapter, the following terms, words and phrases and their derivations shall have the meanings prescribed in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT: Person applying for a License.

BRANCH ESTABLISHMENT: Each separate location ~~license~~licensed in the ~~county~~County for at which a specific ~~business~~Business conducts ~~business~~business.

BUSINESS: as defined in Utah Code § 17-64-505, any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

BUSINESSBUSINESS LICENSELICENSE ADMINISTRATOR OR ADMINISTRATOR: The ~~division manager~~County Clerk or the administrator's designee charged with issuance, suspension and revocation of ~~business~~Business ~~license~~Licenses and compliance of ~~license~~Licenses to this chapter.

CONSENT: A written ~~license~~license or instrument issued by the ~~county~~authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

CONSENTEE: The ~~person~~Person to whom a consent has been issued pursuant to the provisions of this chapter and who may also be referred to under the general term "~~license~~Licensee".

CONTRACTOR: Means and includes anyone defined as a contractor in Utah Code ~~Annotated~~section 58-55-102, as may be amended.

COUNTYCOUNTY: The jurisdiction of unincorporated Summit ~~County~~County, state of Utah.

COUNTYCOUNTY COUNCIL: The legislative body of Summit ~~County~~County.

COUNTY/COUNTY MANAGER: The chief executive officer of Summit ~~County~~County.

ENGAGE OR ENGAGING IN BUSINESS/BUSINESS OR CONDUCT OF BUSINESS/BUSINESS: Includes, but is not limited to, selling tangible ~~person~~Personal property, goods or services at retail or wholesale, manufacturing goods or property, or rendering ~~person~~personal services for a consideration such as the practice of any profession, trade, craft, ~~business~~business, occupation, or other calling. The rendering of ~~person~~personal services by an employee to an employer under any contract of ~~person~~personal employment shall not be considered as ~~E~~engaging in ~~business~~Business so long as the employer is ~~license~~licensee under the provisions of this chapter.

INSIGNIA: Any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any ~~license~~License.

LICENSE/LICENSE: A certificate or document issued by the ~~county~~County evidencing permission or authority of its named holder to carry on a particular ~~business~~business or to pursue a particular occupation.

LICENSE/LICENSEE: The ~~person~~Person to whom a ~~license~~License has been issued pursuant to the provisions of this chapter or to whom a consent, permit or registration has been granted pursuant to the provisions of this chapter when the term "~~license~~Licensee" is used in a general sense of this definition.

~~LRB: The license review board which governs the appellate process.~~

NUMBER OF EMPLOYEES: The average number of employees ~~E~~engaged in ~~business~~Business at the place of ~~business~~business each regular working day during the preceding calendar year. In computing the number, each part-time employee shall be counted as that fraction which is formed by using the total number of hours worked by such employee as the numerator and the total amount of hours regularly worked by a full-time employee as the denominator.

PERMIT: A written ~~license~~license or instrument issued by the ~~county~~County authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

PERMITTEE: The ~~person~~Person to whom a permit has been issued pursuant to the provisions of this chapter and who may also be referred to under the general term "~~license~~Licensee".

PERSON/PERSON: Any individual or natural ~~person~~Person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, syndicate, estate, club, company, ~~business~~business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; or any officer, agents, employees, factors, or any kind of ~~person~~personal representatives thereof in any capacity, acting either for himself, or for any other ~~person~~person, under either ~~person~~personal appointment or pursuant to law.

PLACE OF BUSINESS/BUSINESS: A location maintained or operated within the ~~county~~County from which a ~~person~~Person engages in ~~business~~Business, ~~including a Branch of Establishment, dispatch office, or yard.~~

PREMISES: Means and includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any ~~business~~Business, and also any ~~person~~personal property which is either affixed ~~to, or to or~~ is otherwise used in connection with any such ~~business~~Business conducted on such premises.

REGISTRANT: The ~~person~~Person who has registered with the ~~county~~County pursuant to the provisions of this chapter and who may also be referred to under the general term "~~license~~Licensee".

REGISTRATION: A written ~~license~~License or instrument issued by the ~~county~~County authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

(Ord. 806, 6-12-2013)

3-1-3: EXEMPTIONS:

- A. The provisions of this chapter shall not be deemed or construed to require the payment of a [licenseLicense](#) fee by, or the issuance of a [licenseLicense](#) to, any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly by an individual, firm or profit corporation; nor shall the payment of a [licenseLicense](#) fee or the issuance of a [licenseLicense](#) be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, musical, religious or moral subject, whenever the receipt from such is to be appropriated to any church or school or to any religious or benevolent purpose within the [countyCounty](#); nor shall the payment of a [licenseLicense](#) fee or the issuance of a [licenseLicense](#) be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, [countyCounty](#) or municipal organization or association when the receipts from such are to be appropriated for the purposes and objects for which such association or organization is formed and from which profit is not derived, either directly or indirectly by any individual, firm or profit corporation. Organizers, managers or owners of such exempt event or organization located within the unincorporated areas of the [countyCounty](#) must register with the [CountyCounty Clerk's Office license division](#). Applicants must attach a copy of the 501(c)(3) exempt status [filing](#) with the state of Utah or similar documentation prior to [licenseLicense](#) and fee waiver by the [businessBusiness licenseLicense](#) administrator. ~~This exemption does~~ [Exempt organizations not waive](#) ~~shall not pay any the application~~ fee required of any applicant for [licenseLicense](#) or exemption.
- B. Organizers, managers or owners of such exempt event or organization located within the unincorporated [countyCounty](#) must register with the [businessCounty Clerk's Office license division](#). Proof of exempt status in written form shall be required of the applicant prior to [licenseLicense](#) and fee waiver by the [businessBusiness licenseLicense](#) administrator.
- C. Exemption from [business license](#) fees is not an exemption from required registration with the [divisionCounty Clerk's](#), code compliance with other state, federal and local codes, nor from payment of other [countyCounty](#) fees, such as fire, health, zoning, transit, etc., as required.
- D. Solicitation for any purpose, including fundraising for charitable causes, is subject to article J, "Solicitors", of this chapter.
- E. No licensing fee shall be imposed under this section upon the state of Utah or any of its political subdivisions; nor shall any such fee be imposed upon any [personPerson](#) doing [businessBusiness](#) within unincorporated Summit [CountyCounty](#) who has paid a like or similar [licenseLicense](#) fee to some other governmental unit within the state of Utah and ~~has not established a separate branch establishment~~ [does not have a Place of Business](#), nor shall any such fee be imposed upon the [businessBusiness](#) of a bona fide farm or ranch engaged in raising plants and/or animals useful to man unless said [businessBusiness](#) is authorized to collect sales taxes under Utah statute for sales made on such products. Any [personPerson](#) requesting an exemption shall be required to apply, in writing, with the [businessCounty Clerk's Office license division](#). ~~F~~ [Application](#) fees for either a [licenseLicense](#) or an exemption shall not be exempt.

[F.](#)

(Ord. 806, 6-12-2013)

3-1-4: PUBLIC RECORDS:

Access to records kept by the [countyCounty](#), such as are, or may be, required in this chapter, are governed by Utah's [G](#)overnment [R](#)ecords [A](#)ccess and [M](#)anagement [A](#)ct ("GRAMA"). Pursuant to GRAMA, the

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~~countyCounty shall may~~ charge a reasonable fee to individuals requesting information on issued ~~businessBusiness~~ ~~licenseLicense~~s in order to cover reasonable costs associated with research and reproduction of information.

(Ord. 806, 6-12-2013)

3-1-5: LICENSING REQUIRED:

- A. Required: It shall be unlawful for any ~~personPerson~~ to ~~E~~engage in ~~businessBusiness~~ within Summit ~~CountyCounty~~ ~~without without first procuring a valid current License for issued by either:~~
- ~~1. Summit County if the Business has a Place of Business, regardless of whether another governmental entity has issued a License to the Person for that Business, or~~
 - ~~2. Any governmental unit within the state of Utah, if the Person does not have a Place of Business; and~~
 - ~~3. has been issued any otherthe licenseLicense~~s and/or permits required by this chapter.
- B. Each ~~BusinessBusiness~~ Must Obtain Separate ~~LicenseLicense~~: A separate ~~licenseLicense~~ must be obtained for each type of ~~businessBusiness~~, even if located on a single parcel or situs, each branch establishment or location or ~~businessBusiness~~ within the ~~countyCounty~~ as if such types, branch establishments or locations were separate ~~businessBusiness~~s and each ~~licenseLicense~~ shall authorize the ~~licenseLicense~~ee to engage only in the ~~businessBusiness licenseLicense~~d thereby at the location or in the manner designated in such ~~licenseLicense~~; however, warehouses and distributing places used in connection with or incident to a ~~businessBusiness licenseLicense~~d under this chapter shall not be deemed to be separate places of ~~businessBusiness~~ or branch establishments.
- C. Application; Contents: It shall be the responsibility of a ~~personPerson~~ ~~E~~engaging in ~~businessBusiness~~ within the unincorporated ~~countyCounty~~ to voluntarily apply for and maintain in full force and effect a valid ~~licenseLicense~~.
- Applications for ~~businessBusiness licenseLicense~~s shall be made to the ~~county clerkCounty Clerk~~ on forms provided ~~on the County website~~ for that purpose. ~~Such forms shall contain sufficient information so as to satisfy the requirements of county departments involved in the review process and such information as the county council may direct. Any incomplete applications shall be returned to the applicant. Application forms shall be made available at the office of the county clerk during regular business hours, online, or by mail. Each license application shall be accompanied by an application fee.~~
 - The application form shall require the following information: business name, address, mailing address and telephone number; owner's and local manager's names, addresses and home telephone numbers; dates of birth; driver's license numbers; emergency phone number; ~~Utah state sales tax number, federal employer identification number, Utah employer withholding number, business name and entity registration information, Utah state regulatory license information; and other identifiers as they are required for the applicant to legally conduct the applied for business; business start date; location start date (if different from business start date); and a description of the business activity to be conducted. No Business License application shall be accepted and processed unless all information required on the application form is provided and any required fees are paid. No License shall be issued until any required fees are paid.~~
 - The general ~~businessBusiness licenseLicense~~ required under this chapter is in addition to all other approvals, ~~licenseLicense~~s and permits required by other ~~countyCounty~~ ordinances, or state or federal law. ~~As such, issuance of a businessBusiness licenseLicense shall not be deemed a waiver of the countyCounty's right to enforce all other provisions of its ordinances, development codes, or conditions of prior development approvals. No personPerson shall Eengage in businessBusiness without first procuring the necessary approvals, licenseLicense~~s and permits required by other Summit

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CountyCounty ordinances, or state or federal laws, in addition to the licenseLicense required by this section.

D. LicenseLicense Application Review Procedure:

1- Submission of an application does not constitute license approval. Upon receipt of the application form, the office of the county clerk shall review such for compliance with this chapter. Should the application be deemed incomplete or the required fee not be included, said application will be returned to the applicant with an explanation as to its deficiencies.

2- Once an application is found to be complete, the county clerkCounty Clerk shall submit such to other countyCounty departments for review. These departments shall include, but shall not be limited to, health, planning and zoning, assessor, fire district, Snyderville Basin transit district, and sheriff. If, after review, the departments find the application form acceptable, it shall be returned to the county clerk bearing the signature of the reviewing official. Should any one (1) or more of these departments find sufficient evidence from the application that a licenseLicense should not be issued, an explanation for the recommended denial will be attached to the form and it will be returned to the county clerkCounty Clerk. The county clerkCounty Clerk shall provide the applicant with a copy of the explanation for denial. Approval by Signature of one or morea departments official shall not substitute for or waive requirements for additional approvals, licenseLicenses, and development permits (i.e., conditional use permit, low impact or other development permit) required by countyCounty ordinance or state or federal law, nor shall it be construed as a waiver of such requirements.

E. Inspections Prior to Issuance: Prior to the issuance of a licenseLicense to engage in a new businessBusiness not heretofore licenseLicensed, the applicant shall permit inspections to be made of the prospective place of businessbusiness by the appropriate department of the countyCounty or other governmental agency to ensure compliance with zoning, fire, health and safety all applicable codes. No licenseLicense shall be granted without the approval of all such required inspections.

F. Applicant Information Referred to Law Enforcement; ~~License Issuance or Denial~~:

1. Applicants for specified businessBusiness licenseLicenses are required to obtain and produce to the County a criminal history background check as specified on the Business License Application and provide the results to the County Clerk. will have their business and personal identification information referred to law enforcement officials by the administrator for a local background check and to alert law enforcement to any new business to enable informed emergency support.
2. An applicant's criminal background may be grounds for denial of the licenseLicense application if the applicant's record contains convictions for violations of any countyCounty, state or federal laws or other verifiable issues which demonstrate a potential risk to the health, safety, peace or general welfare of the countyCounty or its inhabitants; or if there are unresolved warrants for any applicant; or any other reason expressly provided for in this chapter as applicable to the subject special licenseLicense or registration.
- 3- Applicants may appeal license application denial or conditional approval by submitting a request to the business license division pursuant to the appellate process identified within this chapter.

G. ~~License Issuance or Denial~~:

3. 1- Within thirty (30) days of the county clerkCounty Clerk's receipt of all the reviewing department officials' approvals/denials as set forth in subsection D of this section and criminal background check if applicable, the businessBusiness licenseLicense Administrator shall either: a) issue the licenseLicense as applied for, or b) provide the applicant with the reason for denial. Failure of the county clerkCounty Clerk to act within said thirty (30) days shall constitute an automatic approval of the application. If circumstances do not allow completion of the application process in a timely manner, the applicant

shall receive a notice warning of application denial for noncompliant issues and allowing a specified time frame for resolution of such. If compliance is not possible, the application will be denied. If an application is denied, the applicant may reapply and said application shall be treated as a new application and shall follow the same procedure as set forth in this section. If an application is approved, the applicant shall be notified of the approval and the final fee shall be paid in full before the [licenseLicense](#) is issued.

42. A [licenseLicense](#) may be denied if the applicant:

- a. Has been convicted of a fraud or felony by any state or federal court within the past ten (10) years or now has criminal proceedings pending against him/her in any state or federal court for fraud or a felony;
- b. Has obtained a [licenseLicense](#) by fraud, misrepresentation or deceit;
- c. Has failed to pay [personperson](#)al property taxes or other required taxes or fees imposed by the [countyCounty](#), including prior licensing fees;
- d. Has violated the laws of the state of Utah, the United States, or the ordinances of Summit [CountyCounty](#) governing the operation of the [businessBusiness](#) for which the applicant is applying for the [licenseLicense](#);
- e. If applying for a solicitation [licenseLicense](#) or a [licenseLicense](#) for a sexually oriented [businessBusiness](#) as defined in chapter 5 of this title, or a [licenseLicense](#) for a [businessBusiness](#) which also has a liquor [licenseLicense](#), the applicant has been convicted of any criminal offense against minors, sexual assault or is listed as a registered sex offender;
- f. Has failed to comply with the conditions or requirements of a conditional use or low impact permit;
- g. Is not in compliance with the terms or conditions of a development agreement or other development approval; or
- h. Has failed to obtain all the required department [official-signaturesapprovals](#) as may be required pursuant to this section.

GH. Display: Every [licenseLicensee licenseLicense](#) pursuant to the provisions of this chapter shall keep his [licenseLicense](#) displayed and exhibited while the same is in force in ~~some~~ conspicuous [public location in part of the place of businessBusiness](#). It shall be the duty of any [licenseeLicensee](#) to produce a valid [licenseLicense](#) when requested to do so by any law enforcement or code enforcement officer. Every [licenseeLicensee](#) not having a fixed place of [businessBusiness](#) shall carry such [licenseLicense](#), or a copy thereof, with them at all times while carrying on the [businessBusiness](#) for which the [licenseLicense](#) is issued and shall produce the [licenseLicense](#) for inspection when requested to do so by any [personPerson](#).

HI. Inspections After Issuance:

1. Notice of Violations: Existing [Places of businessBusiness licenselicensed](#) within the [countyCounty](#) shall be inspected periodically by departments of the [countyCounty](#) for compliance with ~~zoning, fire, health and safety~~[applicable](#) codes. ~~Upon the finding of any code violation, and after considering the violation's impact on public health, welfare or safety, Written notice shall be given by an the inspector or code enforcement officer may issue either r to a licensee a warning in writing that that specifies a reasonable period in which to correct the violation upon the finding of any code violation; or a Notice of Violation that specifies a reasonable period in which to correct the violation; or an administrative citation, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such violations.~~ the failure of which shall result in a criminal citation and/or the revocation of

~~the license by the administrator. A copy of any such notice to the licensee shall be provided by the inspector to the administrator when issued to the licensee.~~

2. ~~Complaint in Case of Noncompliance: The administrator shall request that a criminal citation be issued to any applicant. A Licensee who fails to comply with a Notice of Violation or a Citation may, at the request of the County, be required to appear before an administrative law judge, who may order compliance, payment of fees and fines, and/or issue a default order, as provided in Title 1, Chapter 13 of this Code, or any licensee who continues to conduct business beyond the time limits provided in this chapter for noncompliance with the required standards.~~

- IJ. Preparation and Listing: The ~~businessBusiness~~ ~~licenseLicense~~ administrator shall prepare and issue an appropriate ~~licenseLicense~~ for every ~~personPerson~~ qualifying therefor under the provisions of this chapter and shall state in each ~~licenseLicense~~ the period of time for which it is issued, the name of the ~~personPerson~~ to whom issued and location of the place of ~~businessBusiness~~. All ~~licenseLicenses~~ shall be signed by the administrator. The ~~businessBusiness~~ ~~licenseLicense~~ administrator shall maintain a list of all ~~personPersons~~ holding ~~licenseLicenses~~ and the status of each such ~~licenseLicense~~.
- KJ. Applications for Special ~~LicenseLicenses~~: Applications shall be required and special ~~licenseLicenses~~ issued pursuant to the provisions of this chapter. For the activities defined in subsequent articles of this chapter and chapters of this title, a regular ~~licenseLicense~~ to engage in ~~businessBusiness~~ of the kind required by this chapter may also be required in addition to the respective special ~~licenseLicenses~~.
- LK. Transfers: No ~~licenseLicense~~ granted or issued under the provisions of this chapter may be assigned, transferred, or sold by the ~~licenseeLicensee~~ nor may the ~~licenseLicense~~ be used for any purpose or ~~businessBusiness~~ other than that for which said ~~licenseLicense~~ was issued. Furthermore, a ~~businessBusiness~~ ~~licenseLicense~~ issued for a particular location may not be transferred for use to another location. Any ~~countyCounty~~ ~~businessBusiness~~ ~~licenseLicense~~ transferred or used as described in this section is deemed revoked.

(Ord. 806, 6-12-2013)

3-1-6: ~~LICENSELICENSE~~ FEES:

A. Fees:

1. There is hereby levied an annual ~~businessBusiness~~ ~~licenseLicense~~ fee, in accordance with the Utah Code, upon the ~~businessBusiness~~ of every ~~personPerson~~ ~~Engaging in~~ ~~businessBusiness~~ in Summit ~~CountyCounty~~ unless otherwise specifically exempted in this chapter or under state or federal law. The fee imposed shall be in the amounts described in the rate table established by the ~~countyCounty~~. Any ~~businessBusiness~~ type not listed in the rate tables shall be assessed at the rate and on the same basis as the ~~businessBusiness~~ determined by the administrator to be most similar to the ~~businessBusiness~~ to be ~~licenseLicense~~. If the applicant does not agree with the rate imposed, they may appeal the decision of the administrator regarding the fee, pursuant to the provisions of section 3-1-9 of this chapter.
2. The schedule of fees shall be established by the ~~countyCounty~~ and may be amended from time to time.

- B. ~~Business License Application Processing Fee~~: Applicants for a ~~businessBusiness~~ ~~licenseLicense~~ ~~will shall~~ be charged a nonrefundable ~~administrative processing~~ fee which is the cost of processing said application, ~~as provided in the County Fee Schedule. For those businesses which may be licensed in other jurisdictions, the applicant must submit the administrative fee with application, but may be exempt from all other fees upon proof of a current valid business license from any governmental or political jurisdiction.~~

- C. Fees; Additional: The ~~license~~ fees imposed by this section shall be in addition to any and all other assessments, taxes or ~~licenselicenses~~ imposed by any other provisions of the ordinances of the

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countyCounty. Failure to pay assessments, property taxes, sales tax, personPersonal property taxes or other required taxes or assessments imposed by the countyCounty will be reason for new businessBusiness licenseLicense or renewals to be denied.

- D. Fee Adjustment to Avoid Burdening Interstate Commerce: None of the license fees provided in this section shall be applied to occasion an undue burden on interstate commerce. State law requires local governments to establish license fees based on the cost to the countyCounty to regulate and license the businessBusiness. The countyCounty has an interest in not bearing undue burden for licensing any type of businessBusiness practice or enterprise. The fee structure approved by the countyCounty council shall be reasonably related to the actual cost to the countyCounty of the licensing process and uniformly assessed on businessbusinesses of like nature. In any case, where a license license fee is believed by a licenseeLicensee or an applicant for a licenseLicense to place an undue burden upon such interstate commerce, such licenseeLicensee or applicant, by supporting affidavits, may apply to the administrator for an adjustment of the fee to relieve such burden. The licenseeLicensee or applicant shall indicate the method of doing businessBusiness and such other information as the administrator may deem necessary in order to determine the extent, if any, of such undue burden. The administrator shall then conduct an investigation, comparing the subject businessBusiness with other businessBusinesses of like nature and shall make findings of fact from the administrator to determine whether the licenseLicense is discriminatory, unreasonable or unfair as to the licenseeLicensee or applicant from the standpoint of its impact on interstate commerce and shall recommend to the countyCounty council an appropriate licenseLicense fee under the circumstances and the countyCounty council shall fix the licenseLicense fee in such amount. If the regular licenseLicense fee has already been paid, the countyCounty council shall order a refund of the amount over and above the fee fixed, if different. In fixing the fee to be charged, the administrator shall have the power to base the fee on number of employees or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businessBusinesses of like nature; provided, however, that the amount assessed shall in no event exceed the regular fee prescribed in this chapter. The administrator shall make any adjustments to the licenseLicense category and/or fee assessment, if merited, and report to the licenseeLicensee or applicant any findings and subsequent action taken. If the applicant or licenseeLicensee is not satisfied with the decision of the administrator, he or she may appeal the decision as described in section 3-1-9 of this chapter.
- E. Exemption of Insurance Companies: Insurance companies shall apply in all respects for the obtaining of a businessBusiness licenseLicense pursuant to this chapter, but chapter but shall not pay a fee unless providing services that are not exempt from local fees pursuant to state law. The certificate of authority issued by the state of Utah department of insurance for that businessBusiness shall accompany the businessBusiness licenseLicense application and shall be maintained in good standing for the duration of the conduct of such businessBusiness. The licenseeLicensee shall notify the businessBusiness licenseLicense office in writing should additional authorities be granted the company by the Utah department of insurance. BusinessBusinesses which perform services in addition to insurance services licenseLicensed by the Utah department of insurance shall pay fees as set by resolution of the countyCounty council and as administered by the businessBusiness licenseLicense administrator.
- ~~F. Unspecified Fees or Time Periods: The fees and time periods for licenses not set forth elsewhere in this chapter for the conduct of any business shall be those set forth by resolution of the county council. The licenses shall be effective from the date of approval, expiring on January 15 of the following year. Business license fees are not prorated.~~
- FG. Refunds: No refund shall be made against any fee for a licenseLicense issued pursuant to this chapter unless such refund is approved by the administrator.

(Ord. 806, 6-12-2013)

Commented [LV1]: does this need to change?

3-1-7: ~~LICENSE~~ RENEWAL:

~~A.~~ All applications License renewal shall be submitted only on-line through the County Clerk's website.

~~B.~~ ~~A.~~ License Renewal Period:

~~1.~~ Application period for the 2027 licenses opens on January 1, 2027, and ends on January 15, 2027.

~~2.~~ For the 2028 application period and thereafter, the application period shall begin on November 15 and end on December 31.

~~C.~~ ~~License~~ issued under this chapter shall be valid for not more than one (1) year. All ~~license~~ fees provided for in this chapter shall be paid annually in advance, by the ~~licensee~~ to the ~~business~~ County Clerk's Office ~~license division of Summit County~~ on or before ~~January 15 of the application closing date~~ each year, either January 15 for 2027 Licenses or December 31 for Licenses issued in 2028 and thereafter; and shall be effective through ~~December 31~~ ~~January 15~~ of the following year.

~~D.~~ Fees and fines may be imposed for non-compliance with the renewal process, including Operating a Business without a License or submitting applications after the application period.

~~E.~~ Business License Processing fees are not prorated.

~~F.~~ ~~B.~~ On or before the renewal date each year, the ~~business~~ County Clerk's Office ~~license division~~ shall send ~~notify a notice to each current licensee~~ within the county of the option to renew, which shall state the amount of the regulatory fee to be imposed for the coming year. Any changes in the application information shall be noted on the renewal form. ~~The notice shall also contain a statement by the licensee that the information provided on the renewal application form is correct and that all necessary and proper approvals, licenses, and permits for the applicant's business have been acquired.~~ The renewal application form shall be returned to the ~~business~~ County Clerk's Office ~~license division~~ according to the notice directions. Renewal of ~~license~~ is not of right, and no claim of vested right shall ensure to an applicant who has received ~~license~~ in past years.

~~G.~~ ~~The annual business license fee provided in this chapter shall be due and payable to the county on or before January 15 of each year for renewals of licenses for businesses which were licensed the previous year.~~

~~D.~~ Late fees shall be imposed for in-home businesses, commercial businesses, and nightly rental/condotel businesses who fail to renew their license as set forth in the county fee schedule.

~~E.~~ Upon showing of hardship to the administrator, or its designees, as outlined below, the administrator may waive at or a portion thereof, of the ~~business~~ ~~Business~~ ~~license~~ ~~License~~ Processing fees owed to the ~~county~~ County, on a one-time only basis.

1. Hardship may be found if:

- a. Enforcement of the fee schedule would cause an unreasonable economic hardship for the applicant that is not self-imposed and not part of the regular course of ~~business~~ business, but imposed by extraordinary uncontrollable circumstances. Such a hardship may only be requested if the fee owed is not past due;
- b. There are special circumstances not within the applicant's control which have created an economic crisis in the ability to do ~~business~~ business within the ~~county~~ County; or
- c. Force majeure events.

2. The applicant shall bear the burden of proving that all of the conditions justifying a hardship waiver have been met.

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HF. Any person more than forty-five (45) days delinquent in his or her license fees shall be considered to be operating a business without a license and a criminal citation may be issued for engaging in a business without a valid business license, or legal action may be initiated for collection of the delinquent fees, or both.

1. For any business more than forty-five (45) days delinquent in renewing its license, Summit County shall may post an eight and one-half by eleven (8 1/2 x 11) sign on the door of an unlicensed the businessBusiness that states the following:

"UNLICENSELICENSED BUSINESSBUSINESS"

This establishment does not have a current licenseLicense to conduct businessBusiness within Summit CountyCounty. It shall be unlawful to remove this sign without authorization from the Summit CountyCounty Code Enforcement Officer.
2. It shall be a violation of this chapter to remove an "Unlicenselicensed businessBusiness" sign without prior authorization from the Summit CountyCounty code enforcement officer. Violators may be subject to a fine per the Summit CountyCounty fee schedule.

(Ord. 852, 12-2-2015; Ord. 986, 12-11-2024)

3-1-8: REVOCATION:

- A. Any License issued under this chapter may be revoked by the CountyCounty Clerk's Office, as follows:
1. The CountyCounty Clerk may administratively revoke any previously issued License when the County Clerk's Office findsfound that the Licensee has:
 - a. Filed a false or fraudulent License application;
 - b. Been convicted of or plead guilty to any criminal action which would be a basis for denial of a permit, including pleas under a deferred adjudication or other similar agreement;
 - c. Paid fines, settlements or been convicted in criminal or civil actions by the state tax commission for the collection of, or arising from the nonpayment of taxes imposed by or collected by the state of Utah;
 - d. Used the Business as a front for or site of illegal activity;
 - e. Engaged in its Business without acquiring or having had revoked anythe appropriate additional approvals, Licenses, and permits required by countyCounty ordinance or state or federal law for the operation of said Business within the countyCounty;-
 - f. The Licensee has been issued a citationfound by an ALJ to havefor faileding to comply with:
 - i. the development code;
 - ii. the conditions or requirements of a building permit, conditional use permit, or grading permit or low impact permit;
 - iii. a development improvement agreement including bonding agreements; or,
 - iii. with the terms of an applicable development agreement, settlement or stipulation agreement, consent agreement, or other agreement governing the development of property;
 - iv. requirements of any special license described in this Title.

Commented [SB2]: Why isn't this simply the Clerk revokes and the appeal goes to the ALJ?

~~g. The Licensee has failed to comply with the conditions or requirements of a building permit, conditional use permit, grading permit, development improvement agreement including bonding agreements, or low impact permit; or~~

~~h. The Licensee has failed to comply with the terms of an applicable development agreement, stipulation agreement, consent agreement, or other agreement governing the development of property.~~

~~4. The County manager shall hear all revocation matters which are the third or fourth revocation in a License year thereby triggering sanctions under subsection E of this section.~~

B. Notification of the License revocation shall be sent by the Administrator to the Licensee at the address provided on the most recent application. Such notice shall be sent by email, and certified mail and shall contain the following:

1. The name of the Licensed Business and responsible party;
2. The nature of the allegations on which the revocation is based;
3. The sanction to be imposed and the effective date of the sanction
4. The appellate or other process which is applicable to the revocation

C. Any License revoked under this section shall remain revoked until the conditions that caused the revocation have been corrected. A revoked License which has not been corrected, or a revoked License for which reinstatement fees have not been paid, may not be renewed during the annual Business License renewal process.

D. There shall be progressive sanctions imposed for the reinstatement of a revoked License as outlined below and fees imposed as established by the County and set forth in the County fee schedule. Violation(s) in any License year resulting in the revocation of the License shall be sanctioned as follows:

1. First: the Business License will be revoked until the violation(s) has been corrected, and a fee paid to reinstate the Business License;
2. Second: the Business License will be revoked for 30 days, and the Licensee shall correct the violation(s). Upon expiration of the revocation period and correction of violations, a fee shall be paid to reinstate the Business License.
3. Third violation: the Business License will be revoked permanently.

E. Conditions of approval for a permit or development agreement cannot be amended or changed through the License revocation process.

F. No License may be issued after revocation for a minimum of one year for either the same or similar type of business at the same address or by the same or an affiliated applicant, even at a different address.

~~C. Upon receipt of the notice, the licensee shall have fifteen (15) calendar days in which to request a hearing on the matter before the license review board. The request for a hearing shall be in writing and shall be filed with the county clerk's office. If no request for hearing is made, the revocation shall be deemed final upon the expiration of the fifteen (15) calendar day period. In the event a hearing is requested, the hearing shall be held at~~

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least fourteen (14) calendar days, but not more than thirty (30) calendar days, from the date of the written request for hearing. At the hearing, the license review board may revoke or suspend the license, place it on probation for a period of less than one (1) year, deny the revocation or take no action at all thereby keeping the license active, as the circumstances merit.

D. Any license revoked under this section shall remain revoked until the conditions that caused the revocation have been corrected. A revoked license which has not been corrected, or a revoked license for which reinstatement fees have not been paid, may not be renewed during the annual business license renewal process.

E. There shall be a progressive sanction imposed for the reinstatement of a revoked license as outlined below and fees imposed as established by the county and set forth in the Summit County fee schedule:

1. For the first violation in any license year resulting in the revocation of the license, the business license will be revoked until the violation(s) has been corrected, and a fee paid to reinstate the business license.
2. For the second violation in any license year resulting in the revocation of the license, the business license will be revoked until the violation(s) has been corrected and a fee paid to reinstate the business license.
3. For the third violation in any license year resulting in the revocation of the license, the business license will be revoked for one (1) week and be required to correct the violation(s). After the one (1) week revocation and after correction of violations, a fee shall be paid to reinstate the business license.
4. For the fourth violation in any license year resulting in the revocation of the license, the business license will be revoked permanently.

F. Conditions of approval for a permit or development agreement cannot be amended or changed through the license revocation process.

(Ord. 806, 6-12-2013; Ord. 986, 12-11-2024)

3-1-9: APPELLATE PROCESS:

The purpose of this section is to provide uniform appellate procedures for appeals of business license License suspensions, actions of revocations the county, including application and denial, conditional approval of the license, and license denial, nonrenewal, revocation, or suspension.

- A. Exceptions: Exceptions to the use of the appeal process in this section will occur if an appeal process is detailed otherwise for a special license License within the applicable ordinance.
- B.
 1. All appeals of the County Clerk's decision to deny, suspend, or revoke a Business License shall be in writing and initiated by electronically submitting a form provided by the County to the County Clerk's Office within ten (10) calendar days from the date of the email, or if the County Clerk provided notice of the decision or action on the License by U.S. mail because no email address was available, within fifteen (15) days the post marked date of a certified letter notifying the Licensee or applicant of a License denial, suspension or revocation
 2. The request for an appeal shall include:
 - a. the name, email address, mailing address and phone number of the appellant;
 - b. the name of the Business;
 - a. The date of the action being appealed;
 - b. A copy of any written decision being appealed;

c. The basis for the appeal and the relief requested;

d. Any documentation on which the appellant relies in making the appeal.

3. Failure to timely submit a complete request for an appeal as described in this section shall constitute an absolute bar to any appeal of the decision or action at issue.

Filing Appeals- C. A properly submitted request for an appeal shall be heard at least fourteen (14) calendar days, but not more than thirty (30) calendar days, absent exigent circumstances or agreement of the parties, from the date of the email requesting the appeal.

~~1. All appeals of administrative decisions by the business license administrator or the LRB shall be filed in writing with the business license administrator in the business license office of the county within fifteen (15) calendar days of the action being appealed. An appeal application not filed in the above specified location shall not constitute a filing for purposes of meeting the fifteen (15) calendar day limit. The written appeal shall contain:~~

~~a. The date of the action being appealed;~~

~~b. The agency taking the action;~~

~~c. The basis for the appeal and the relief requested;~~

~~d. Any documentation on which the appellant relies in making the appeal.~~

~~2. Appeals from the decision of the county manager shall be filed with district court in conformance with the requirements of state law and court procedures. Nothing in this chapter is intended to imply changes to create other procedures for, or otherwise override standard procedures and time lines of, the district court.~~

DC. All appeals of denials, suspensions or revocations of Licenses under this chapter shall be heard by the LicenseReview Board (LRB).

E. The LRB is created as follows:

1. Purpose: ~~There is hereby created a license review board~~The ("LRB") is created as a quasi-judicial body for the purpose of hearing all appeals from the administrative denial, suspension, or revocation of a business license issued under this chapter; ~~or any other administrative action regarding a business license.~~

2. Board Composition: ~~The County Manager shall appoint~~The LRB shall consist of at least five (5) and no more than seven (7) members and may be comprised of representatives from the health department, sheriff's office, the community development department, the fire department(s), and/or other representatives as deemed appropriate by the ~~county~~County manager.

3. Board Quorum: A quorum shall ~~consist be comprised~~ of a least three (3) members of the board if composed of five (5) members and at least four (4) members if composed of seven (7) members.

4. Split Vote: Should a split vote occur due to an even number of members present, the ~~decision action or decision being under appealed~~ will be upheld.

D. Standing to File an Appeal: The ~~licensee~~Licensee or, Applicant, proponent, or any affected party may file an appeal of the County Clerk's a decision to deny, suspend or revoke a License by the administrator. In the case of death or health related disability of the applicant, rendering that individual unable to request or participate in the appeal process, the applicant's designee may proceed on behalf of the applicant.

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E. ~~Contents of the Request for an Appeal: At a minimum, the request for an appeal shall be filed in writing and include the name of the person filing the appeal, mailing address, and phone number; the business name and identification number assigned by the administrator in the appeal process notification, the date of the action notice, appeal application fee, if applicable, and the specific issues being appealed.~~

1. ~~If the application was denied or the license was suspended, revoked or not renewed, the request for appeal shall specify the findings used by the administrator or other decision maker(s) that have generated the appeal request;~~

2. ~~An incomplete application for an appeal shall not be accepted. Submitting an incomplete application shall not waive, defer, or delay the fifteen (15) calendar day appeal deadline.~~

EF. ~~Staff Report Required: The administrator rendering the decision being appealed shall provide the board and appellant with a written report or memorandum explaining the basis of the decision or interpretation.~~

G. ~~Appeal Hearing Procedure:~~

1. ~~Not less than fourteen (14) calendar days nor more than fifteen (15) calendar days of the receipt of a request for a hearing, grant or deny a request for a hearing absent exigent circumstances. A timely filed complete hearing request filed by an person with standing to appeal shall be granted. If granted a hearing will be scheduled no sooner than 30 days after receipt of a timely and complete request for a hearing, than thirty (30) calendar days following the receipt of the application for appeal, the LRB shall conduct an evidentiary hearing to hear the appeal. The County Attorney's Office will ensure both parties are advised of the hearing date;~~

2. ~~The LRB may in its discretion hold the hearing electronically; At that hearing,~~

3. ~~The County shall be represented by the County Clerk or designated staff member and shall be advised and assisted at the hearing by the County Attorney or designated staff member;~~

4. ~~The County Clerk's Office shall prepare a written staff report or memorandum explaining the basis for the decision or action. The report shall be provided to the appellant, the LRB, and the County Attorney's Office no less than 10 calendar days prior to the hearing;~~

5. ~~Both parties, the County and the Appellant, may present visual aids or other exhibits at the hearing if in the judgement of the LRB, such items are relevant and helpful to resolving the issues presented by the appeal. A copy of any visual aid or exhibit not provided to the other party less than five (5) business days prior to the hearing shall be excluded from the hearing;~~

6. ~~All hearing shall be open to the public, but the LRB may in its discretion close the hearing to maintain order or security;~~

7. ~~The appellant shall bear the burden of establishing by a preponderance of evidence that the County Clerk's decision or action was illegal or not supported by substantial evidence.~~

8. ~~The LRB shall hear the arguments of the County and arguments and, if applicable, the sworn testimony of the appellant administrator's, consider the staff report including a summary of the action being appealed, clarification by the other decision maker(s) involved, as needed, and the testimony of the appellant. No other witnesses may be heard. and any additional proponent(s) of the appeal.~~

H. ~~Conflict of Interest: Should any of the witnesses involved in the decision to revoke the license be from the same department as a member of the LRB, that member of the LRB shall recuse themselves from the hearing and shall not participate, discuss or otherwise influence the decision of the LRB.~~

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~~_____ F. Decision on the Appeal: After the hearing all the evidence and arguments, the LRB may consider the evidence in private. The board shall then render its decision in open meeting, by majority vote of the members present. If the LRB requires further information or legal advice, the hearing may be continued to a future date certain to be set at the time of continuance. The LRB may overturn the administrator on the basis of its findings, it may uphold the administrator, or if new information is presented that was not previously presented to the administrator, the board may return the matter to the administrator for new proceedings. With the exception of subsection K of this section, the action of the license review board is the final administrative procedure within the county's process. The LRB may approve, deny, or modify the decision of the County Clerk. In the case of a revocation only, it shall issue a written decision within fifteen (15) business days after the hearing.~~

J. ~~Findings Required to Overturn or Modify the Decision Maker's Action: If the LRB overturns or modifies the action of the administrator, the board shall make findings substantiated in conformance with the requirements of procedures for the type of action being appealed. If the board upholds the appealed action, no additional findings are required, the board's action automatically affirms the previously adopted finding. The board may, upon upholding the administrator, add, clarify, or enhance findings based upon the facts of the appeal meeting. The decision of the LRB with respect to a denial or a suspension is final and not appealable.~~

K. ~~Appeal of LRB Revocation: The decision of the LRB upholding In the event a revocation of a businessLicense is revoked pursuant to a decision of the LRB as outlined in subsection 3-1-8C of this chapter and not as an administrative act of the business license administrator or other county staff, the affected licensee may be appealed to the countyCounty Manager of Summit CountyCounty by submitting an appeal in writing with the business license administrator in the business license office of the countyto the County Manager within fifteen (15) calendar days of issuance of the written decision. the LRB revocation being appealed. An appeal application not filed in the above specified location shall not constitute a filing for purposes of meeting the fifteen (15) calendar day limit. The written appeal may be no longer than five (5) type-written pages in 12 point font. The County Clerk may submit a response within 30 calendar days of receipt of the appeal.~~

L. ~~Upon receipt of an appeal, the countyCounty managerManager shall hear the appeal of the LRB revocation within thirty (30) calendar days and shall review the decision of the LRB only to determine the correctness of a decision of the LRB in its interpretation and application of this chapter. This subsection shall not be applicable to appeal an administrative appeal decision of the LRB, only to appeal the revocation decision of the LRB under subsection 3-1-8C of this chapter and once exhausted The County Manager's decision shall be deemed the final administrative decision within the county's process.~~

(Ord. 806, 6-12-2013)

3-1-10: CRIMINAL VIOLATION, ENFORCEMENT:

- A. ~~Violations and Penalty: Violation of any provision of this chapter, including Engaging in Business without a License, as required by section 3-1-5, may be criminally charged as a Class B misdemeanor.~~
- B. ~~Violations of any provision(s) of this chapter may be charged as separate offense for each and every day or portion thereof, any violation is committed, continued, or allowed to be committed or continue.~~
- C. ~~In cases where a corporation would be punishable for a misdemeanor in violation of this chapter, such corporation is punishable by a fine not exceeding one thousand dollars (\$1,000.00).~~

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D. Nothing in this chapter, including administrative actions or orders, shall prevent a criminal prosecution for any violation of the provisions of this title, nor excuse or exempt any Person from the payment of any outstanding fees or fines owed under the provisions of this Code.

E. Law Enforcement Officers; Appointed Inspectors of LicensesCode Enforcement Officer; Powers and DutiesAuthority:

1. In addition to the code enforcement officers designated by the county manager, allAll County law enforcement officers-code enforcement officers of the county are appointed inspectors of licenses and, in addition to their several duties as law enforcement officers, are empowered as provided in section 1-13-3 of this Code and specifically, and required in the performance of their duties to examine all places of businessBusiness for violations of this chapter, including examining and persons who are required to see that such licenseLicenses are in factfor validity; and that they areproper posting, ed in a conspicuous place within the place of business or displayed as requiredas required by this chapter, and

i. enter any place of Business for which a License is required and demand the exhibition of a current License by any person engaged or employed in the conduct of such Business; and,

ii. if no License is produced, or the License is not properly displayed in compliance with this chapter, issue an administrative citation as provided in section 1-13-3.

2. A law enforcement officer shall have the same authority of a code enforcement officer and in addition, may:

issue a criminal citation to any person engaged or employed in the conduct of a Business required to be licensed with Failing to Properly Display a License, and/or Engaging in Business without a License or any other violation of any provisions of this chapter that threaten the health and safety of the public or an animal, as provided in Utah Code section 17-64-501(3)(e), or as subsequently amended.

Law enforcement officers shall have and exercise the power:

a. To enter free of charge, at any time, any place of business for which a license is required; to demand the exhibition of a current license by any person engaged or employed in the conduct of such business; and if such person shall then and there fail to exhibit such license, such person shall be liable for the penalties provided for violation of this section;

b. To make arrests for the violation of any provisions of this chapter.

2. It shall be the duty of the county law enforcement officers to cause complaints to be filed for all persons violating any of the provisions of this section.

F. B. Civil and/or Criminal Action to Recover Fee: In all cases, where this chapter requires a license to be obtained and fixed the amount to be paid therefor, and where said amount shall not have been paid at the time or in the manner provided in this chapter, a civil and/or criminal action may be brought in the name of the county against the person failing to pay such license fee to recover the same, including any penalties, and/or to enjoin further business operation of such person. In any case where several amounts for licenses or permits required or fixed by any county ordinance shall remain due and unpaid by any person, such several amounts of license fees may be joined as separate causes of action in the same civil or criminal complaint. Each day a violation of this chapter continues shall constitute a separate offense, unless otherwise prohibited. The county attorney shall prepare, bring, and prosecute all civil and criminal actions contemplated by this section upon written request of the county manager.

G. C. Enforcement of Other County Ordinances: The grant or denial of a Business License shall in no way bind, waive, or alter the County's ability to enforce any other County ordinances where there is a violation of such. Estoppel shall not be a defense to such actions by the County when it is engaged in the

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process of enforcing compliance with its laws, regulations, ordinances, development codes and agreements in relation to the operation of any Business within the County. This section specifically allows, but is not limited to, the County's enforcement of conditional use and other permit rules, regulations, and laws. Effect of Conviction; Prosecution Not Barred: The conviction and punishment of any person for transacting business without a license shall not excuse or exempt such person from the payment of any license fees due or unpaid at the time of such conviction; and nothing in this chapter shall prevent a criminal prosecution for any violation of the provisions of this title.

- D. ~~Violations and Penalty:~~ Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punishable as a class B misdemeanor except that in all cases where a corporation would be punishable as for a misdemeanor, and there is no other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding one thousand dollars (\$1,000.00).
- E. ~~Enforcement of Other County Ordinances:~~ The grant or denial of a general business license shall in no way bind, waive, or alter the county's ability to enforce any other county ordinances where there is a violation of such. Estoppel shall not be a defense to such actions by the county when it is engaged in the process of enforcing compliance with its laws, regulations, ordinances, development codes and agreements in relation to the operation of any business within the county. This section specifically allows, but is not limited to, the county's enforcement of conditional use and other permit rules, regulations, and laws.

(Ord. 806, 6-12-2013)