

Summit County Drug Court Program Evaluation

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Introduction

The Summit County Drug Court started in 2011. Since that time, there have been 29 total participants in the court. Summit County currently expends \$20,000 annually to support the court in addition to in-kind donations of personnel and facilities to operate the court. As with any governmental program, a periodical review of the efficacy of the program is appropriate. Examinations of this type can help stakeholders understand current issues and concerns that affect the program.

As part of our coursework at the Marriott School of Management Romney Institute of Public Management, we approached Summit County Manager Tom Fisher inquiring if there was a program that we could evaluate. Mr. Fisher asked if we would review the Summit County Drug Court and do our best to answer two questions; 1) Does the existence of the drug court reduce the number of inmates in the County Jail Facility on an average daily basis and, in turn, help the facility remain viable long term by delaying the need to expand or build a new facility. 2) Is the Court effective in reducing recidivism, or the number of drug offenders who are repeat offenders.

Research Methods

The majority of research was performed via personal interviews with those who organize and operate the court. We were able to perform five, 30-minute interviews with key stakeholders of the Summit County Drug Court. Interviews were conducted with Judge Paige Petersen, Prosecuting Attorney Matt Bates, Detective Jon Evans of the Summit County Sheriff's Office, Detective Trent Jarman of the the Park City Police Department, as well as Dodi Wilson and Kelly Ovard from Valley Behavioral Health. A list of questions asked during the interviews is included as Exhibit A of this report.

As part of our review of the court, both Valley Behavioral Services and Summit County provided records, which helped provide context and clarity to the information gleaned from our interviews.

Research Barriers

The support of the Summit County Attorney's office in our research was invaluable, and eliminated most of the barriers that we could have encountered. However, we still encountered difficulties in our research as case files were not released to us due to confidential or sensitive information about the defendant's. We were able to overcome this hurdle by allowing the Attorney's office to redact any identifying data from those files.

In an effort to compare the Summit County Court to courts of similar size within the State of Utah, inquiries were made to several courts to determine case load and budgetary information. These requests were mostly ignored. We were able to receive some anecdotal data that we have been unable to confirm through official channels.

Why a Drug Court?

The Summit County Drug Court was established in 2011 to allow non-violent felony drug offenders who meet certain criteria an opportunity to avoid lengthy incarceration by voluntarily participating in a program that provides structured regular drug testing and monitoring of the offender for compliance with firm conditions.

The drug court serves two purposes; 1) to reduce the number of inmates in the county jail system; and 2) to allow those who have drug problems to receive treatment outside of the criminal justice system and not have a drug conviction that could make finding a job or affordable housing difficult in the future. By providing a program for rehabilitation, it is believed that offenders can continue to contribute to society, rather than be a drain on public resources.

Organization and Key Stakeholders

There are several entities involved with running the Summit County drug court. There is not an official governing board other than the elected Summit County Council. The court follows the policies Summit County has put in place as well as all of requirements attached to funding they receive from the county and state.

The court's day to day operations, such as tracking participants drug test results, updates to all of the progress of participants, organizing group and individual meetings and helping the participants with their day-to-day needs is overseen by Valley Mental Health, a non-profit organization.

Both the Summit County Sheriff's Office and Park City Police Department assign an officer to act as a field agent, performing random house visits, administering drug testing and general field monitoring of participants. This work is done part time in addition to their regularly assigned duties with their respective agencies.

The Summit County Attorney's Office allows the County Prosecutor time to work at the drug court to help rehabilitate felony drug offenders.

The 3rd District Court of the State of Utah assigns a judge to Summit County and allows her to act as the Drug Court Judge as part of her assignment.

Each one of these stakeholders is working to provide a quality program with limited resources to help the Drug Court participants. The Staff that works with the Court are highly motivated, and in all instances appear to see their work with the court as a "labor of love", meaning that they believe the effort is worthwhile, even if the budgetary restrictions are such that they are not able to help with as many participants as they would like.

With limited staffing and budgetary resources, the quality of service that provided to the participants is sufficient and commendable. The court has been successful so far in helping 38% (7 of a possible 18) of participants graduate from the program. While the recidivism rate appears high at 17%, this is attributed to a small sample size, as only 3 participants have reoffended. Each person on the staff is very organized and aware of the daily lives of the participants.

Eleven participants are currently participating in the program. Each participant is required to attend weekly group and individual counseling sessions, complete an average of 3 random drug

tests per week, and be integrated into society by maintain a job or working towards educational goals. The group and individual sessions and drug tests are paid out of pocket by the participants. These costs can be a limiting factor, as those who are not financially able to cover the costs of the drug tests may choose to stay incarcerated rather than participate in the court.

Anyone that comes into court with a felony drug violation gets the choice of attending the drug court program, or having the felony go onto their records and possibly serve time. The drug court does a risk and need triage (RANT) assessment to make sure that they do not mix a low risk low/low need with the high risk/high need violators. Only high risk/high need violators are invited into the program.

In order to expand to serve additional violators, including low risk/low need offenders, the court will need to increase their budget to hire additional staff.

In 2016, Summit County contributed \$20,000 to Valley Mental Health for the operation of the court. Other courts of similar size in Utah reportedly operate with budgets \$30,000-40,000 higher than Summit County's court.

All staff members involved are required to attend yearly trainings to keep them in compliance and up to date on all legal standards and procedures. This also helps the staff keep up on current trends that are working for participants that participate in similar programs.

The drug court allows past participants that have successfully gone through the program to come back and mentor those that are currently in the program. These graduates participate in peer group discussions where they are allowed to tell their story on how the drug court helped them get free of their addictions and what they are doing with their lives now.

Eligibility

When a drug offender is recommended for Drug Court, they are given a risk/needs assessment. Only those who have been charged with a felony and rank as "high risk/high need" are allowed to participate in the court. It is reasonable that the court separate offenders in this way as data shows that the high risk people will influence the low risk people for the worst and you will end up with 2 high risk/high needs people.

There are many drug offenders who are charged in Summit County who are not eligible to participate due to the nature of their offense (misdemeanor as opposed to felony) or not being assessed as high risk/high need. Others choose not to participate due to the high cost of drug testing and counseling/group sessions.

There are no other current programs that provide the adequate supervision for other classifications of drug offenders, so those addicts are repeating their behavior. It is conceivable that establishing programs for those who rank as non-high risk/high need could also work at reducing drug offenses and the need for the drug court.

Measurement

The metrics of this project is twofold; 1) Determine if the program is able to reduce the number of inmates in the County Jail Facility. 2) Determine if the program is reducing recidivism, or the number of drug offenders who are repeat offenders.

It was easy to determine that the rate of reduction in the inmate population was 11, which is the total current number of participants in the Summit County Drug Court. Within the numbers we found that the average cost to house, guard, feed, and control an inmate is more than \$30,000.00 per year. The total budgeted cost to the County for drug court is \$20,000.00 per year for the program. This cost does not include any wages of the officials who preside over the drug court, but is rather the total budgeted amount to run the court. If all eleven of the current drug court participants were in jail, it would cost over \$300,000 to take care of them.

According to Summit County Sheriff Justin Martinez, the Summit County Jail has an operational capacity of 85 beds. Over the past 18 months, the average daily jail population has been 74 inmates. Of these 74 between 25 and 30 inmates are prisoners serving sentences for the State of Utah. Summit County receives a stipend from the State to house these prisoners. The 11 drug court participants do represent a reduction in the number of beds that would be filled otherwise.

A review of the jail population on a representative day shows that of the 40 Summit County Inmates incarcerated that day, 27 of the inmates (68%) are charged with crimes that were attributed to drugs and/or alcohol. Seventeen of the 27 inmates were facing specific drug related charges. The remaining 13 inmates were incarcerated on sex crimes.

Summit County taxpayers are better served by having the drug court in place. The County is saving a substantial amount of money, by having the drug offenders live at home, and work in the community, rather than sitting in jail.

To determine the cost per jail bed of just the inmate housing area operations, subtract the County overhead costs, support services and the booking operations from the entire jail budget. Then divide by the number of jail beds and the number of days in the year. This then amounts to approximately \$92 per inmate per day.

Is the program reducing the recidivism rate? Of the 29 participants, Summit County reports that 3 of the 7 graduates have reoffended. One of those is among the 11 are currently in the program, the other 2 did not commit offenses that qualified for drug court. Another 6 participants were removed from the program for various reasons. Sadly, 2 participants died from fatal overdoses while participating in the program.

Analysis and Recommendations

Organizational

While reviewing the program, it became apparent that while the court staff works tirelessly to coordinate the various roles, there is a distinct lack of a central coordinator that could act as a single point of contact to all of the stakeholders. When trying to figure out who has control of the operations of the Drug Court, and who is the manager of the program we find inconsistencies. Some say that the Judge has final say on all decisions, but the judge would say that Valley Mental Health is making each decision. The Sheriff knows that he can call for advice from anyone, but he's not sure who has control.

Recommendation: Adding a formal organizational chart to the defined roles in the Policy & Procedures Manual could relieve some of this confusion.

Recommendation: Funding a new position of a central coordinator could also provide clarity, as it would provide a single point of contact for the drug court staff and other interested parties.

Funding

The type and quality of treatment participants receive is comparable to other drug courts such as Salt Lake County and Tooele County. The amount of time and money spent on the participants to help them with their addictions appears to be adequate for the budget provided. As presently constituted, Summit County appears to be receiving good value for the monies spent on the program.

However, the high cost of participation does appear to be a deterrent for some to participate. Each participant must pay for every drug screening they get. A urine analysis costs \$30.00 per test, and is usually given three times per week. They also pay for every group and individual therapy session. These costs can make it difficult for participants to be fully integrated into society and can increase the participants stress at a vulnerable time, causing them to relapse. Increased budget money could allow for a subsidy of drug testing costs, which could allow for increased participation in the program.

Recommendation: Increase funding to allow for a small subsidy of drug testing costs for participants.

Recommendation: Apply for available grants to help offset costs of program. There are grants available to provide funding for drug court operations and treatment of participants. If this is a priority, consideration should be given to finding a grant writer who could focus on grants specifically for the drug court.

Additional Programs

The Summit County Drug Court only serves those who qualify as high risk/high need. As shown by the information provided by Sheriff Martinez regarding the jail population, more than half of the jail population is made up of those with drug or drug related offenses who don't qualify for drug court as high risk/high need, or for other reasons. There does not appear to be any alternative programs that target the non-high risk/high need population, either as a treatment, or preventative program. A program that serves these other populations could further reduce the average population of the Summit County Jail.

Recommendation: Investigate alternative programs that serve the low risk/low need, high risk/low need, and low risk/high need populations. Alternative programs could include expansion of the drug court program to serve these populations at separate times as the high risk/high need population.

Appendix A

Interview Questions for Summit County Drug Court Evaluation

- 1) What is the mission of the drug court?
- 2) What is the vision of the drug court?
- 3) Do you have exclusion criteria?
- 4) Do you view and treat juvenile offenders differently than adult offenders? And how so?
- 5) What is the recidivism rate?
- 6) How many participants come back immediately?
- 7) How many participants come back after 2 years?
- 8) How many participants come back after 4 years?
- 9) How many of the current participants would be incarcerated if the drug court program were not available?
- 10) What is the process with repeat offenders? (How many strikes before incarceration?)
- 11) What are the steps you take for social reintegration with offenders?
- 12) What are some political push-backs to the drug court?
- 13) How might increased funding help you achieve the mission of the drug court?
- 14) How have expenditures changed in the past 2 years?
- 15) What percent of the drug court funding comes from asset forfeitures?

Appendix B

Drug Court Policy and Procedures Manual

SUMMIT COUNTY FELONY DRUG COURT



Policy & Procedures Manual

June 2014

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Mission Statement

The mission of the Summit County Felony Drug Court is to decrease the prevalence of substance abuse and drug-related crime in Summit County by breaking the cycle of addiction, crime, and incarceration. This will be achieved by diverting qualified offenders to a program of comprehensive treatment and education, offender accountability, and intensive court supervision designed to help participants gain control of their lives and stop the cycle of recidivism caused by their addiction.

The program is characterized by:

- Collaboration among the courts, prosecutors, public defenders, law enforcement, treatment providers, case managers, social service agencies, and community-based treatment organizations.
- A system of graduated sanctions and incentives to encourage recovery goals and hold offenders accountable for non-compliant behaviors.
- A standardized assessment process used to identify eligible offenders.
- Applying evidence-based practices in all aspects of the program.
- Staff members trained in substance abuse and recovery issues operating in a non-adversarial atmosphere.
- Continuing training and education on a state and national level for drug court professionals.
- On-going program evaluation and implementing changes and improvements as warranted.

Program Overview

The Summit County Felony Drug Court program is a voluntary, abstinence-based program founded on the following Ten Key Components identified by the National Association of Drug Court Professionals (NADCP).

1. Integrating drug and alcohol treatment services with justice system case processing.
2. Using a non-adversarial approach while also promoting public safety and protecting participants' due process rights.
3. Identifying eligible participants early and promptly placing them in the drug court program; ideally within 30-50 days of the offense.
4. Providing access to a full continuum of drug, alcohol, and other related treatment and rehabilitation services.
5. Abstinence monitored by frequent drug and alcohol testing.
6. A coordinated strategy to inform the drug court's response to participants' compliance.
7. Ongoing and frequent judicial interaction with each participant.
8. Monitoring and evaluating the achievement of program goals to accurately gauge its effectiveness.
9. Continuing interdisciplinary education to promote effective drug court planning, implementation, and operation.
10. Forging partnerships among drug courts, public agencies, and community-based organizations to enhance community support and increase program effectiveness.

Drug Court provides a courtroom environment where the judge is actively involved in the progress of individual clients. Clients undergo treatment and counseling, make regular appearances before the judge, submit to frequent and random drug testing, and are monitored closely by case management staff and trained law enforcement. Graduated sanctions are imposed for program non-compliance taking into consideration the proximal and distal goals associated with substance abuse treatment.

Pleas can be addressed in two ways in Drug Court, at the discretion of the State:

- Plea in Abeyance: Clients enter a guilty plea which is held in abeyance until successful completion of the program. Upon graduation, the guilty plea is withdrawn and the criminal charges are dismissed.
- Condition of Probation: Clients enter a guilty plea and work towards successful completion of the program. Upon graduation, the criminal charges may be reduced, pursuant to Utah Code § 76-3-402.

Regardless of entry status, participants must complete at least 24 months in the program and advance through five phases of treatment. Certain requirements must be met and progress obtained in each phase before moving on to the next phase.

Roles and Responsibilities of Drug Court Team

A. DRUG COURT JUDGE.

The Drug Court Judge must stay abreast of current law and research on best practices in Drug Courts, must participate in all team meetings including weekly staffing and court sessions, and must interact frequently, meaningfully, and respectfully with each participant. The judge offers supportive comments to participants, stresses the importance of their commitment to treatment and other program requirements, and expresses optimism about their abilities to improve their health and behavior. The judge does not humiliate participants or subject them to abusive language or conduct. The judge must allow participants a reasonable opportunity to explain their perspectives concerning factual controversies and imposition of sanctions and incentives.

The Drug Court judge makes the final decisions on matters of factual dispute and the final decision concerning imposition of incentives or sanctions. The judge makes these decisions only after giving due consideration to the input of other team members and discussing the matter with the participant or participant's legal representative. The judge relies on the expert input of duly trained treatment professionals with imposing treatment-related conditions.

The Drug Court judge's term is indefinite and the judge is expected to serve a term that is of sufficient duration to permit the effective operation of the program.

B. DRUG COURT PROSECUTOR.

The County Attorney will designate a single prosecutor to act as the Drug Court Prosecutor. The Drug Court Prosecutor must stay abreast of current law and research on best practices in Drug Courts and must participate in all team meetings including weekly staffing and court sessions.

The Drug Court Prosecutor must participate fully as a member of the team and advocate for effective incentives and sanctions for program compliance or lack thereof, consistent with the therapeutic goals of the program.

The Drug Court Prosecutor, in conjunction with the County Attorney and other attorneys in the office, will take steps to ensure that potential Drug Court candidates are identified as early as possible in case processing. The Drug Court Prosecutor also will ensure that eligibility and exclusion criteria are followed.

The Drug Court Prosecutor also will be the contact point for other Drug Courts on matters such as transfers of cases.

C. DRUG COURT DEFENSE COUNSEL.

Drug Court Defense Counsel will be determined by contract with the County, and will be compensated pursuant to the terms of that contract. Drug Court defense counsel must have the requisite skill and experience to effectively represent participants.

The Drug Court Defense Counsel must stay abreast of current law and research on best practices in Drug Courts, must participate in all team meetings including weekly staffing and court sessions, and must regularly confer with clients outside of court. Drug Court Defense counsel must advise participants on their legal rights and options, program conditions, and sentencing outcomes, while developing a relationship with the participant that promotes his or her long-term best interests.

Drug Court Defense Counsel will advocate on behalf of participants consistent with National Drug Court standards

All Drug Court participants must be represented by the assigned Drug Court defense counsel. Participants may consult with their own counsel about any matter, but must agree that they will be represented in Drug Court only by the assigned Drug Court counsel.

The Drug Court Defense Counsel will also serve as the liaison between the defense bar and Drug Court, helping to identify potential Drug Court candidates as early as possible in case processing and ensuring that eligibility and exclusion criteria are followed.

D. DRUG COURT COMMUNITY SUPERVISION.

Effective community supervision of participants is essential to the success of Drug Court. Community supervision involves regularly communicating with participants outside of court, monitoring their progress, home and work checks, electronic monitoring of participants where ordered, and coordinating with county and local law enforcement agencies. The community supervisor must stay abreast of current law and research on best practices in Drug Courts and must participate in all team meetings including weekly staffing and court sessions.

The Drug Court community supervision presently is provided by the Adult Probation & Parole agent assigned to the jurisdiction.

E. DRUG COURT TREATMENT.

All Drug Court participants will receive substance abuse treatment based on a standardized assessment of their treatment needs. Substance abuse treatment is not provided to reward desired behaviors, punish infractions, or serve other non-clinically indicated goals. Treatment providers must be trained and supervised. The Drug Court Treatment Provider must be capable and funded

for delivering a full continuum of evidence-based interventions that are documented in treatment manuals.

The Drug Court treatment provider will be determined by contract with the County. The current Drug Court treatment provider is Valley Behavioral Services (“Valley”).

The Drug Court Treatment team must stay abreast of current research on best practices in Drug Courts, must participate in all team meetings (including weekly staffing), and must coordinate the delivery of treatment to participants, and track their progress, throughout the program.

F. COMMUNICATION.

In addition to weekly staffing and court sessions, all Drug Court Team members will communicate regularly by email concerning UA results, treatment, compliance issues, and related matters. All Drug Court Team members must share cell phone numbers and contact information so they can be reached at any time. Drug Court Team members also must attend periodic planning and review meetings, and are encouraged to attend special events and community gatherings related to the mission of Drug Court.

PURPOSE

Eligibility requirements assist Drug Court professionals to identify qualified candidates for Drug Court Services. Eligibility and exclusion criteria for Drug Court are predicated on empirical evidence indicating which types of offenders can be treated safely and effectively in Drug Courts. Candidates are evaluated for admission to Drug Court using evidence-based assessment tools and procedures.

POLICY

A. ELIGIBILITY

The following requirements must be met for acceptance into the Drug Court Program:

1. Participants must reside in Summit County and must be legal residents of the United States (unless exempted by the Transfer Policy #10).
2. Participants must have a DSM- IV diagnosis of current drug dependence as determined by a clinical assessment.
3. Participants must demonstrate high risk/high needs as determined by a standardized risk/need assessment (RANT) completed prior to admission into the program.
4. Participants must have a felony charge and must plead to a felony or must be on felony probation. The County Attorney's Office will make the determination of whether the defendant receives a "plea in abeyance" or "condition of probation" offer.
5. Participants will be assessed for treatment needs by the Summit County mental health provider, Valley Behavioral Health, using a standardized assessment/test. The participant must agree to follow Valley's treatment recommendations.
6. Participants cannot be currently on parole.
7. Participants must be willing and able to terminate use of lawfully prescribed controlled substances, prescriptions, and over-the-counter medications that affect the integrity and accuracy of drug screening.
8. The County Attorney, after reviewing the findings of the Valley treatment team, has final approval for inclusion or acceptance in the Drug Court program.

B. EXCLUSIONS

Individuals may be excluded from Drug Court for the following reasons:

1. The individual has one or more prior sex offenses or a pending offense that would make the individual a registered sex offender if convicted.
2. The individual poses a risk of harm to treatment providers or other participants, or cannot be managed safely or effectively in Drug Court. Except as provided herein or otherwise provided by law, current charges or prior convictions do not automatically exclude someone from Drug Court but may be considered in determining whether the individual can be safely or effectively managed.
3. The individual has restitution amounts owing in excess of \$5000.

In conjunction with input from the Drug Court Team, the County Attorney’s office may elect to grant an exception after review of the facts of these offenses. All decisions will be made with the safety of the Drug Court staff and participants in mind.

C. NON-DISCRIMINATION.

Individuals receive the same opportunities to participate and succeed in Drug Court regardless of race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status.

D. LENGTH OF PROGRAM

1. Drug Court is 24 months in duration. The 24 months begins at the time of entering a plea agreement (for pleas in abeyance) or admissions to probation violations (for probation violation conditions).
2. Time in jail (exclusive of jail treatment programs), time on bench warrant, time spent taking lawfully prescribed program-prohibited controlled substances, or time during which a client is unable to participate in treatment are not counted. Exceptions will be considered on a case-by-case basis.
3. If a defendant does not complete the Drug Court program requirements during the term of the plea-in-abeyance or probation, the court may extend the term of the plea-in-abeyance or probation through an Order to Show Cause hearing. The defendant may waive the Order to Show Cause hearing and consent to the extension.

PURPOSE

To define generally the rights waived by participants and outline the basic expectations of the program.

POLICY

Drug Court requires that certain rights and privileges be waived in order to allow for full program participation and communication within the Drug Court team.

Participants agree to the following prior to entering the program:

A. Waiver of Search and Seizure Rights.

I acknowledge and agree in writing to be subject to search and seizure of my person, property, vehicle, or residence by Drug Court-assigned law enforcement personnel, or a court bailiff at the direction of the Drug Court judge, at any time of the day or night, with or without a search warrant and with or without probable cause. I understand that this includes drug testing.

B. Defense Attorney Role.

I understand that my defense attorney will advocate in conformity with the National Drug Court standards. This means that he will not always advocate for what I want. Rather, he will advocate for what is in my best-interests in the long-term. This will occasionally include agreeing to sanctions and encouraging me to be honest with the Court about my drug use.

C. Guilty Plea.

I understand that in Drug Court I will be required to admit the crimes charged in this case.

D. Admission of Drug Problem.

I understand that by entering Drug Court I acknowledge that I have a drug addiction, as determined by a clinical assessment based on ASAM criteria and in conformity with clinical assessments.

E. Subject to Sanctions.

I understand that if I do not remain clean and sober or otherwise comply with Drug Court rules, I may be sanctioned by the court without the court receiving an affidavit specifying the violation or without the court holding a hearing. Sanctions may include revocation of pretrial or bond release, incarceration, fines, community service, or other sanctions.

F. Drug Court Is Program of Abstinence.

I will not be allowed to take, on an ongoing basis, certain medications that are shown to have addictive or abuse potential and/or any other prescription that may test positive as a controlled substance. Time on these medications will not count towards graduation. If I am on Suboxone or Methadone, I will need to be seen at an approved provider immediately to safely taper off of those substances, unless I am approved for addiction medication by the Drug Court Team.

G. Responsibilities for Cost.

I understand that I will be responsible for treatment costs and UA testing as determined by Valley. If I cannot afford all or part of these costs, it is my responsibility to work with Valley and provide them all information they need to determine an appropriate, sliding-scale fee schedule and payment terms. I understand I must pay all of these expenses.

H. Confidential Information.

I understand that I will be required to sign a release authorizing Valley to share with the Drug Court Team and others confidential information about me, including confidential medical information. I also understand that the sessions held in court are open to the public and the court's file is accessible to the public. Reasonable efforts will be made to protect certain confidential information from public disclosure, but I understand some of this information may become publically known.

PURPOSE

To clarify the client expectations while in each of the five phases of treatment in Drug Court.

POLICY

Each client will progress through five (5) phases. The Drug Court Staff will determine when each participant is ready to move phases, and these will occur in court. Participants will be provided a check list of the expectations for changing phases at each level. A participant's treatment progress may or may not correspond with their Drug Court phases. Treatment progress is determined by the participant's treatment team at Valley and may be changed depending on each participant's individual circumstances. The treatment team has the discretion to increase or decrease treatment as may be necessary from time to time, without affecting the participant's Drug Court phase. Changes to a participant's Drug Court phase must be approved by Drug Court Staff. Upon successful completion of each of the five phases and any other requirements of the court, the client is eligible to graduate from Drug Court.

A. PHASE ONE – Stabilize and Orient

This phase begins with the legal orientation in court, or the signing of a Drug Court Agreement, whichever occurs first. It is a minimum of one month. Phase One is used to stabilize the participant, orient the participant to Drug Court policies, and evaluate the participant's commitment to the program. Phase One has the following components which may be modified upon decision of the judge:

Legal

- Attend Legal Orientation in court and staff orientation with Valley.
- Sign a Drug Court agreement.
- Enter a plea or admissions to a probation violation with Drug Court conditions imposed.
- Attend court every Monday at 8:00 a.m.
- Provide random urine samples for drug testing at least three times a week or as directed by the Court.
- Be employed full-time or perform four hours of community service each day.

Treatment

- Prepare an individualized treatment plan with a qualified Mental Health Professional at Valley and begin following the plan. At a minimum, the plan will include group therapy

at least three times a week and individual therapy once a week. At Valley's recommendation, treatment may include an inpatient component.

- Observe a 9:00 p.m. curfew.
- Write an autobiography and share it with the group.
- Demonstrate ability to manage the structure of the Drug Court program.
- Taper off all non approved controlled substances. Participation in Drug Court will not count towards phase advancement or graduation until the Participant has tapered off all substances.

B. PHASE TWO Sobriety

This phase requires a minimum of four months to complete. Phase Two has the following components which may be modified upon decision of the judge.

Legal

- Appear in Drug Court each Monday at 8 a.m.
- Provide random urine samples for drug testing at least three times a week or as directed by the Court.
- Complete sixteen hours of community service for a charitable non-profit organization.
- Maintain full-time employment.

Treatment

- Comply with individualized treatment plan, as determined by Valley.
- Write and present a drug history time line.
- Read "*Am I an Addict?*" Write a paper and present it to the group.

C. PHASE THREE - Personal Enhancement

This phase requires a minimum of 6 months to complete. Phase Three has the following components which may be modified upon decision by the Judge:

Legal

- Appear in Drug Court the first and third Mondays at 8:00 a.m.
- Provide random urine samples for drug testing at least three times a week or as directed by the Court.
- Complete sixteen hours of community service.
- Maintain full-time employment.

Treatment

- Comply with individualized treatment plan, as determined by Valley.

- Attend a minimum of one support group meeting on each day the participant is not in treatment.
- Complete journal assignment and share with the group.

D. PHASE FOUR- Leadership

This phase requires a minimum of 6 months to complete. The purpose of this phase is to help participants prepare to maintain a drug-free lifestyle without the structure of Drug Court.

Phase Four has the following components, which may be modified upon decision by the Judge:

Legal

- Appear in Drug Court the first Monday of each month
- Provide random urine samples for drug testing at least three times a week or as directed by the Court.
- Complete sixteen hours of community service.

Treatment

- Comply with individualized treatment plan, as determined by Valley.
- Attend at least two support group meetings per week.
- Lead check in drug group.
- Run two groups on different topics (must have 6 months sobriety in order to run a juvenile group, and must be approved by individual therapist for appropriateness).
- Write a good bye letter to alcohol and/or drugs and read it to the group.

E. PHASE FIVE- Aftercare

This phase requires a minimum of 6 months to complete. Phase Five has the following components, which may be modified upon decision of the Judge:

Legal

- Appear in Drug Court the first Monday of each month
- Provide random urine samples for drug testing at least three times a week or as directed by the Court.
- Complete sixteen hours of community service.
- Pay off all remaining fines, fees, and restitution.

Treatment

- Comply with individualized treatment plan, and develop an aftercare plan.
- Attend at least one support group meeting per week.
- Lead check in drug group.

- Run two groups on different topics (must have 6 months sobriety in order to run a juvenile group, and must be approved by individual therapist for appropriateness).
- Complete your graduation packet.

PURPOSE

Consequences for participants' behavior must be predictable, fair, consistent, and administered in accordance with evidence-based principles of effective behavior modification. Incentives reward positive behavior and sanctions discourage non-compliance. Incentives and sanctions are meant to effect long-term behavior change and abstinence.

POLICY

Drug Court utilizes incentives and sanctions throughout the program as recognized and endorsed by the National Drug Court Institute (NDCI). The Drug Court team has developed a sanctions and incentives chart that outlines the presumptive sanction or incentive that will be imposed. A copy of that chart will be available to all members of the Drug Court Team. The Drug Court Team may recommend to the Drug Court Judge that the judge modify a sanction if the team determines that doing so is in the participant's best interest.

The court generally imposes sanctions at the regularly scheduled court hearing. The judge may impose a sanction in advance of a regularly-held court hearing if the judge determines that it is necessary to do so, but only after conferring with the Drug Court Team.

A. INCENTIVES

Drug Court clients are rewarded for progress in the program during weekly court sessions. Incentives may include, but are not limited to the following:

1. Recognition of accomplishments (good list, clean days, employment, education, etc.)
2. Weekly drawings for clients on the good list (gift certificates, UA waivers, inspirational messages, etc.).
- 3.

B. SANCTIONS.

For any Drug Court program violation that does not result in removal from the program, sanctions may be imposed at the discretion of the judge, with input from the Drug Court team. Graduated sanctions will be imposed in accordance with evidence-based principles in order to encourage program compliance. Sanctions may include community service, electronic monitoring, and incarceration when appropriate.

C. THERAPEUTIC ADJUSTMENTS.

Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment interventions. Under these circumstances, the appropriate course of action generally will be to reassess the individual and adjust the treatment plan accordingly. Adjustments to treatment plans are based on the recommendations of duly trained treatment professionals.

PURPOSE

To ensure that intensive monitoring of program requirement occurs in order to closely track the progress of each participant in the program.

POLICY

Case Managers and Law Enforcement are responsible for ensuring that all relevant participant activities are monitored, documented, and reported to the Drug Court team. Relevant activity includes phone contact, face-to-face contact, house checks, correspondence, referrals, and collaboration with other criminal justice and social service agencies.

A. LAW ENFORCEMENT

1. Track each Drug Court client's participation in the Drug Court program. This includes, but is not limited to, logging all law enforcement interaction with the client in Spillman, conducting portable urinalysis testing in court or in the field and serving arrest warrants issued by the drug courts.
2. Conduct random house visits for participating Drug Court clients. The house check ensures the residence is a safe, drug-free place for the client and other individuals living there.
3. Verify addresses given by new and existing Drug Court clients to ensure safe and appropriate housing for continued participation in the program.
4. Verify employment of Drug Court clients.
5. Investigate violations of the Drug Court agreement or other matters affecting the integrity of the Drug Court program.
6. Oversee electronic monitoring and compliance with terms and conditions of monitoring.

B. CASE MANAGEMENT

1. Demonstrate that participants are complying, progressing in the program, and meeting treatment goals through communication with treatment professionals. Ensure that all recent client activity has been documented.

2. Review Drug Court compliance and follow-up with appropriate action to ensure client's timely completion of conditions within each phase of the program.
3. Coordinate referrals to appropriate ancillary service providers. Ensure that written monthly updates are received from outside treatment providers or other social service agencies.
4. Provide critical insight and input to the Drug Court team. Upon receipt of each court calendar, Case Managers will review client progress in the program, review/obtain treatment updates, and come to staffing prepared to make recommendations for court.
5. Monitor and record sanctions and incentives so information is readily available to Drug Court team.
6. Monitor and record drug test results so information is readily available to Drug Court team.
7. Hold at least one structured meeting monthly to review case plan and identified need areas, based on a risk/needs assessment.

PURPOSE

To clarify the standards of drug testing in the program and expectations of the clients.

POLICY

All drug tests will be reported to Valley Behavioral Services (“Valley”) by the contracted vendor through established protocols. Valley will communicate test results to the Drug Court team.

A. CLIENT EXPECTATIONS

1. Clients will submit to random drug testing while in Drug Court.
2. Clients must test at the contracted vendor site unless otherwise approved by the Drug Court team.
3. Clients are responsible to be aware of drug testing procedures and avoid substances that will compromise the drug testing results.
4. Clients must call the check-in number every day and must test on every RED day.

B. TESTING FEES

1. Clients are expected to pay for all drug testing fees and associated costs.
2. Clients in need of financial assistance with testing fees may apply for assistance through their Case Manager.

C. MISSED TESTS, DILUTES, AND TAMPERING

1. Missed tests, for any reason, may subject the client to sanctions. The Drug Court team treats an unexcused missed test as an unexpected positive result.
2. Dilute urine samples may subject the client to sanctions. The Drug Court team treats a dilute as an unexpected positive result.
3. Tampering with, or the adulteration of, drug tests may result in an Order to Show Cause leading to possible termination from Drug Court.

D. EXCUSING TESTS

Drug tests may be excused and therefore not counted as a missed test with approval of the Case Manager or Judge. Clients must obtain prior approval. Tests may be excused with prior approval, under the following circumstances:

1. *Hospitalization:* Clients must provide documentation to their Case Manager verifying the reason for the hospitalization, admission days, medication received, and other related information.
2. *Death of a Family Member:* Clients are expected to provide documentation of the funeral to their Case Manager.
3. *Vacation:* With prior approval from the Case Manager, clients may take vacations twice while in the program – while in Phase 4 and Phase 5. If clients have demonstrated good performance in Phase 3 (for a period of three consecutive months) they may be considered for a vacation leave of up to three (3) days missing no more than three (3) drug tests. Any vacation request outside of this policy must be approved in advance by the judge.
4. *Unusual and extraordinary circumstances:* All other excusals will be reviewed and approved by the Drug Court team on a case-by-case basis.

E. CHALLENGING TEST RESULTS

1. A client may challenge the accuracy of any positive test result, in accordance with these procedures.
2. Upon being advised of a positive test result, a client must advise the Case Manager or Judge that the client disputes the accuracy of a test result.
3. The Case Manager will send the sample for re-testing by an independent laboratory. The results of that independent laboratory are final and no further challenge will be permitted.
4. If the results from the independent laboratory confirm the prior results- i.e., those results show the presence of alcohol, controlled substances, or tampering with the sample – then:
 - a. The client will receive a sanction for the positive result;
 - b. The client will receive an additional sanction for not being honest; and
 - c. The client will pay the full cost of the confirming test and shipping costs (approximately \$100).

PURPOSE

To establish protocol for medical/dental treatment and prescription use in Drug Court.

POLICY

A. MEDICALLY ASSISTED TREATMENT (MAT)

1. Certain medically assisted treatments have been proven to improve addicted offender's retention in counseling and reduce illicit substance use.
2. The decision on whether or not to allow the use of MAT is based on an assessment of the needs of the participant by qualified medical personnel, with input from the Drug Court team.
3. In cases where the participant, legal counsel, or a medical expert has requested the use of MAT, the judge must articulate the rationale for allowing or disallowing the use of MAT.
4. If allowed, time on addiction medication will count towards graduation.

B. MEDICAL/ DENTAL/MENTAL HEALTH TREATMENT

1. When medications are being administered and/or prescribed, clients must inform their medical/dental/mental health care provider and/or emergency room personnel that they are undergoing treatment for substance abuse. This information should be documented on the Medical Prescription Disclosure form provided to all clients.
2. When possible, clients will notify their Case Manager prior to attending medical/dental/mental health appointments. This information will be forwarded to the Drug Court team for review.
3. Clients must provide documentation to their Case Manager verifying the reason for a medical/dental/mental health treatment/procedure, medication(s) received, and other related information.
4. Clients are required to sign a release of information for all medical/dental/mental health care providers.
5. Clients will request non-narcotic medications when medically appropriate.

C. OTHERPRESCRIPTION USE IN DRUG COURT

1. Clients may take prescription medication while in the program. However, there are some medications that are not appropriate for Drug Court. Clients may be asked to discuss other treatment options with their physician or may be prohibited from participation in the program.
2. Clients are required to provide prescription verification to their Case Manager upon admission to Drug Court.
3. Medications must be taken as prescribed (dose and period of time). Clients must notify the Case Manager when they have completed taking the medication.
4. Clients may be required to obtain all prescriptions from one physician.
5. Time spent on prohibited medications will not count towards graduation, unless the participant has been approved for addiction medication by the drug court team.

D. TAPERING OFF MEDICATION

1. Clients may be required to taper off medications after admittance into the program.
2. The Drug Court team, in conjunction with the client's physician, will determine a taper schedule.
3. Time in Drug Court does not begin until the taper is complete.

E. NEW PRESCRIPTIONS

1. All new medications must be reported to the Case Manager within 24 hours. Whenever medically practical, the Case Manager must be notified before the prescription(s) are filled. This information will be forwarded to the Drug Court team for review.
2. Clients are required to provide prescription verification to the Case Manager.

F. PRESCRIPTION DISPOSAL

1. Unused medication must be disposed of properly by Law Enforcement.
2. Clients are to bring unused medication to court for Summit County Sheriff's Deputies to collect and dispose of.
3. No other team members are allowed to accept or destroy prescription medications.

PURPOSE

To clarify client responsibilities relating to new charges and police contact.

POLICY

- A. Misdemeanor cases will be handled in the court of original jurisdiction.
- B. Felony cases based on conduct occurring after entry of a plea in Drug Court may be accepted into Drug Court if approved by the Prosecutor pursuant to Policy #1 (Eligibility).
- C. Clients shall report to their Case Manager any police contact or new arrests/charges within 48 hours.
- D. Case Managers and Treatment Staff are expected, upon knowledge of the incident/charges, to report to the Drug Court Team.
- E. Any charge that does not result in removal from the program may result in a six (6) month extension from the date of adjudication.

PURPOSE

To establish the issuance and consistent treatment of bench warrants in Felony Drug Court and to establish the grounds for which a defendant may be removed from the program.

POLICY

A. Bench warrants may be issued to clients while in the program.

The term “bench warrant” as used in this policy refers only to bench warrants issued on the case(s) in Drug Court.

1. One pre-plea bench warrant will be allowed. Upon issuance of the second warrant pre-plea, the client may be terminated from the program and referred back to the regular district court calendar.
2. Any pre-plea bench warrant outstanding over three (3) months may result in removal from the program.
3. Two (2) post-plea bench warrants will be allowed. Upon issuance of the third warrant, the court may issue an Order to Show Cause as to why the defendant should not be removed from Drug Court and sentenced.
 - i) Upon completion of six (6) months with no drug court violations, a defendant will have one post-plea bench warrant excused.
 - ii) A defendant may only have one warrant excused under this section.
4. If any post-plea bench warrant is outstanding over six (6) months, the court may issue an Order to Show Cause as to why the defendant should not be removed from Drug Court and sentenced.

B. Any new conduct committed by the defendant that would constitute a criminal violation may be grounds for an Order to Show Cause as to why the defendant should not be removed from Drug Court and sentenced, if the new criminal violation would be:

1. A misdemeanor that would be grounds for exclusion from the Drug Court program under Policy #1 (Eligibility); or
2. A felony.

- C. Tampering with urinalysis testing may result in an Order to Show Cause and removal from the program.
- D. If the Drug Court team determines that removal from the program may be warranted, the prosecutor shall prepare an Order to Show Cause supported by an Affidavit setting forth the grounds for removal. The client will be given an opportunity to respond to the OSC with the assistance of counsel and shall be entitled to an evidentiary hearing if requested.
- E. Upon removal, the client will be sentenced in accordance with applicable law.

PURPOSE

To allow District Drug Courts within the State of Utah to transfer and accept participants from any certified Drug Court within the State.

POLICY

To allow District Drug Courts within the State of Utah to transfer and accept participants from any certified Drug Court within the State.

Procedure:

- A.** The assigned prosecutor in the sending jurisdiction and the Drug Court team prosecutor in the accepting jurisdiction must approve the transfer of any drug court case from and to another jurisdiction within the State of Utah.
- B.** Prior to the transfer the participant must be informed of and agree to comply with all of the policies and procedures of the accepting jurisdiction's drug court.
- C.** The plea agreement is determined by the sending jurisdiction and the plea, (unless the prosecutors agree and stipulate) is entered prior to the transfer. The Court Clerk of the sending jurisdiction obtains a date for the participant to appear in the accepting jurisdiction and gives the participant notice of that date of the time of plea or transfer.
- D.** The sending court shall provide the accepting court with copies of all plea forms and agreements. The accepting jurisdiction then has jurisdiction over and is responsible for all further proceedings in the case, including but not limited to any Orders to Show Cause, incentives and sanctions, terminations from the Drug Court Program and probation, sentencing, dismissals and graduation from Drug Court.

PURPOSE

Drug Court graduations provide a venue for dismissal/reduction of the criminal charges as well as an opportunity to recognize the graduating participants and their families.

POLICY

Potential graduates must meet all program requirements and receive approval from the Drug Court team, in order to qualify for graduation.

A. GRADUATION REQUIREMENTS

Prior to being approved for graduation, participants must comply with all conditions listed. Exceptions may be granted on a case-by-case basis in the interest of justice.

1. Complete a minimum of 24 months in the program.
2. Complete requirements in each phase and move into Phase 5.
3. Remain drug/alcohol-free with no violations of the drug testing policy for the last six (6) months of the program.
4. Client's overall progress in treatment must be satisfactory for at least the last six (6) months prior to graduation.
5. Client must have developed an aftercare plan acceptable to the treatment team.
6. Clients cannot graduate with outstanding warrants. All criminal matters resulting from conduct occurring after the entry of the plea into Drug Court must be adjudicated.
7. Schedule and complete an exit interview.
8. Pay program fees in full, or obtain waiver of any outstanding fees.

PURPOSE

To educate new and seasoned Drug Court team members on the skills specific to working in an operational drug court program.

POLICY

All members of the Drug Court team will receive ongoing training on evidence-based practices, therapeutic issues, and all other issues relevant to drug court.

- A.** Drug Court will ensure that each team member has training requirements/opportunities and completes a minimum of eight (8) hours annual training specific to drug court.
- B.** Drug Court Team members are encouraged to attend annual statewide conferences and national conferences as resources allow.

PURPOSE

To ensure that clients of Summit County Felony Drug Court provide beneficial services to our community while maintaining the safety and the integrity of all parties involved.

ELIGIBILITY CRITERIA

In order to be a community services partner with Summit County Felony Drug Court, each organization must demonstrate the following:

- A.** Be a Government entity, licensed social service provider or a non-profit organization, recognized by the IRS.
- B.** Provide a benefit to the overall community of Summit County.
- C.** Maintain Workers Compensation insurance or utilize an adequate liability waiver.
- D.** Provide verification to drug court staff of all services carried out by drug court clients. Verification must be provided on organization letterhead and signed by an individual with authority to do so.
- E.** Community service provided by drug court clients shall not include activities that could allow for the possibility of victimization of vulnerable populations. For example, one-on-one time spent with youth or the elderly.

PURPOSE

Interactions among group members should occur in an environment that is safe, free from unwanted advances or the possibility of exploitation, and where the possibility of a relapse is reduced.

POLICY

Each participant must understand and agree to the following:

1. Any sexual involvement or romantic relationship with another Drug Court participant is prohibited under any circumstances.
2. Social contact with any Drug Court participant or group of participants, outside of group, community support meetings, or Court is prohibited unless approved by a staff member or by the Court.
3. Drug Court participants may not be employed by the same employer or work together, whether paid or unpaid, unless approved by a staff member or by the court.
4. If any participant intends to provide transportation to any other participant, this must be approved by a staff member or by the court.
5. Drug Court participants may not loan one another money, clothing, or other personal items.
6. Drug Court participants may not perform, offer to perform, or solicit professional, technical, or vocational services for any other participant, unless approved by a staff member or by the court.

Drug Court Staff Contact Information

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Appendix C

Sanction Chart & Sanction Supplement Chart

SANCTIONS

This chart is a framework the drug court team uses when making decisions regarding sanctions and incentives. Each drug court participant is Unique and there will be times that the drug court team deviates from this chart to meet the individual needs of each participant.

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
MISSED UA OR DILUTE	12 hrs C/S	12 hrs C/S, plus low sanction	2 days scheduled jail, plus low sanction	3 days forthwith jail, plus low sanction	7 days forthwith jail, plus restart phase 5
RELAPSE OR POSITIVE UA: HONEST¹	Low Sanction	6 hrs C/S	6 hrs C/S, plus medium sanction	12 hrs C/S, plus medium sanction	2 days scheduled jail, plus restart phase 5
RELAPSE OR POSITIVE UA: DISHONEST²	12 hrs C/S	12 hrs C/S, plus low sanction	12 hrs C/S, plus medium sanction	2 days scheduled jail	3 days forthwith jail, plus restart phase 5
UNEXCUSED MISSED TREATMENT	Make up missed, plus low sanction	Make up missed, plus medium sanction	Make up missed, plus 6 hrs C/S, plus medium sanction	Make up missed, plus 12 hrs C/S, plus medium sanction	Make up missed, plus high sanction
LATE CURFEW	6 hrs C/S	6 hrs C/S, plus medium sanction	N/A	N/A	N/A
UNEMPLOYED	Complete job search sheet	Complete job search sheet, plus 4 hrs C/S per weekday (1 hr daily may be credited for attendance at non-drug court support groups)	Complete job search sheet, plus 4 hrs C/S per weekday (1 hr daily may be credited for attendance at non-drug court support groups)	Complete job search sheet, plus 4 hrs C/S per weekday (1 hr daily may be credited for attendance at non-drug court support groups)	Complete job search sheet, plus 4 hrs C/S per weekday (1 hr daily may be credited for attendance at non-drug court support groups)

* MULTIPLE "LOW" SANCTIONS WILL INCREASE THE SANCTION TO A "MEDIUM".

* MULTIPLE "MEDIUM" SANCTIONS WILL INCREASE THE SANCTION TO A "HIGH".

* IF A PARTICIPANT ACCUMULATES 48 C/S HOURS OR MORE, THROUGH ONE OR MORE SANCTIONS, THOSE HOURS WILL AUTOMATICALLY CONVERT TO AN EQUIVALENT NUMBER OF HOURS IN JAIL. THE TREATMENT TEAM WILL DETERMINE WHETHER THAT JAIL COMMITMENT WILL BE SERVED FORTHWITH OR SCHEDULED AT A TIME CONVENCIENT TO THE PARTICIPANT.

* UNLESS OTHERWISE ORDERED BY THE COURT, ALL C/S HOURS MUST BE COMPLETED WITHIN ONE WEEK OF BEING ORDERED BY THE COURT. PARTICIPANTS MUST TURN IN WRITTEN PROOF OF C/S HOURS ON A WEEKLY BASIS, NO LATER THAN THURSDAY AT 5:00.

* UNLESS OTHERWISE ORDERED BY THE COURT, PARTICIPANTS MAY GET CREDIT FOR C/S BY ATTENDING A COMMUNITY SUPPORT GROUP MEETING; UP TO ONE HOUR PER DAY AND/OR 7 HOURS PER WEEK.

¹ An "honest" relapse is one where the participant makes a full, truthful disclosure of the relapse to a member of the treatment team before providing a UA sample or otherwise being caught.

² A "dishonest" relapse is one that is not "honest"; in other words, the participant fails to disclose the relapse to a member of the treatment team, fails to disclose the relapse prior to a UA, or fails to disclose it before being caught.

LOW	MEDIUM	HIGH
<ul style="list-style-type: none"> • Verbal Admonition • Letter of Apology • Essay • Daily Activity Log • Journal • Life Skills Assignment • Jury Box Observation • Increased Community Restrictions • Team Round-Table • Purchase UA's for Other DC Participants • Bring Breakfast for MRT 	<ul style="list-style-type: none"> • Increased Supervision • Electronic Surveillance (30 days or less) • Useful Community Service (Gun Range, landfill, recycling, furburbia) • Monetary Fine or Fee (specific gift cards) • Holding Cell • Home Confinement with Work Release • Daily UA's for Two Weeks • Set time for UA Testing • UA's sent to Redwood 	<ul style="list-style-type: none"> • Phase Demotion • Electronic Surveillance (more than 30 days) • Flash Jail Sanction (3-5 day commitment) • Daily UA's for One Month • Restart Phase • Termination



STAFF REPORT

To: Summit County Council
From: Planning Staff
Date of Meeting: April 27, 2016
Type of Item: Code Amendment – Work Session
Process: Legislative

RECOMMENDATION: Staff recommends that the County Council review the attached amendments to Chapters 3 and 4 of the Eastern Summit County Development Code, and provide staff with direction.

BACKGROUND

On August 13, 2013, the Summit County Council in conjunction with the Eastern Summit County Planning Commission completed an update to the Eastern Summit County General Plan. In Chapter 2 - Land Use, a number of policies were established recognizing the need for changes to the Development Code and the Zoning Map, including:

“2.1 GOAL: Develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.

- a) Work to ensure that new development is suitably located to minimize impacts to surrounding areas.
- b) Ensure that all new development has adequate resources and infrastructure to support the proposed intensity of use, and work to ensure that the infrastructure costs of new development are proportionally borne by the developer.
- c) Work to ensure that single-family residential development minimizes disturbance, and is clustered where appropriate.
- d) Encourage new agricultural and residential development that is consistent with the immediate surrounding area. Large agriculture buildings and high-impact animal production operations should not be placed in residential areas; consider the development of a residential zone and other zones as appropriate to separate agricultural and residential uses in locations where higher density development may be appropriate.
- e) Identify existing land uses, land use patterns, agricultural lands, environmental constraints, and other factors as appropriate to aid in land use decisions.
- f) Develop provisions in the Development Code that will allow simple, single lot, land divisions while controlling larger subdivision developments in a way that

protects the property rights of the landowners as well as the surrounding neighbors.

- g) Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.
- h) Create, modify, and maintain appropriate zone districts to accommodate a variety of uses while recognizing and respecting existing land use patterns.
- i) Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.
- j) Proactively forecast the impact of the existing development code and new amendments to understand their impact upon the future buildout of Eastern Summit County.”

Based on this language, the Commission initiated a process to amend the Zoning Ordinance and Map and bring them up to date.

Rationale

Currently development opportunities for property owners on the east side are limited to:

- Base zoning
- Land divisions that include a clustering provision with additional bonus units.
- The Specially Planned Area process.

The Commission worked to create tools to provide property owners with additional opportunities, including creating new zoning districts, expanding existing districts and amending development processes and regulations.

To provide a legal nexus to their decisions, the Commission established the following factors as a general guideline for making decisions:

1. Resolution of nonconformity parcel size.
2. Geographic concerns such as steep slopes and wetlands.
3. Is infrastructure available? Is it planned?
4. What are the growth needs?
5. Is the proposal consistent with the Eastern Summit County General Plan?
6. The annexation declaration areas of the neighboring municipality.

To date, the Commission has conducted 32 work sessions and 22 public hearings to discuss the issues and make amendments to the documents.

On February 18, 2016, the Eastern Summit County Planning Commission forwarded amendments to the Eastern Summit County Zoning Map and Development Code to the County Council with a positive recommendation.

Excluded from the February 18, 2016 recommendation were items that the Commission determined were not ready for Council review. The Commission directed staff to remove them from the recommendation, and to bring them back for further discussion and analysis.

The purpose of this work session is to begin discussions of the proposed amendments to the Development Code. Included in this staff report is draft language for chapters 3, 4 and the definitions chapter of the Code (no redline changes for chapter 4 have been included due to the fact that it is essentially a complete rewrite and a redline copy would be cumbersome).

Proposed Amendments to Chapter 4

Chapter 4 of the Development Code supplies the instructions for development in the County, including:

- Requirements to get a development permit.
- How property can be divided.
- How Conditional Use, Low-Impact, and Temporary Use Permits are evaluated/decided.
- How to get relief from specific zoning regulations where hardships exist (Variances).

Highlights of the Commission changes include:

Elimination of the Lot of Record Process

- Development Rights based on zoning compliance.
- Elimination of “Lot of Record” concept.
- “LOR” replaced with review of zoning compliance.
- Does property meet minimum parcel size requirement? (legal conforming Lot/Parcel)
- If not (legal non-Conforming Lot/Parcel), does it have a Grandfathered Right (created prior to May 1996)
- Development Right vs. Land Use Right (I.E. building a structure vs. conducting an activity).

The proposed changes base development rights on zoning compliance and not when a property was created. To achieve that, the Commission has eliminated the Lot of Record (there will still be some dates that are important triggers). If someone comes to the counter to ask questions about developing their property, the question they will be asked is what zone is it in, and does it meet the minimum parcel size. If it does, it will be a legal complying parcel. The question won't be asked when it was created.

If it isn't a legal complying parcel, it may have a grandfathered right associated with it. The grandfathered right has a date of May 1996 (May 1996 is the point at which the East Side Planning District was established and the first definition of "lot of record" was created). If there is a grandfathered right, the landowner has the right to develop the property. If the property doesn't have grandfathered status, it means the landowner has a legal non-complying parcel. In order to develop it, the landowner would have to wait until the zoning changes or additional land area is added to the property to achieve zoning compliance.

Simplification of the Subdivision Process

- 5 Lots or less (Administrative)
- 6 Lots or more (PC/SCC review/approval)
- Optional Sketch Plan process.
- Revised/clarified submittal requirements

Currently there are several complicated subdivision processes. The proposed changes simplify these while keeping the review criteria process and the matters that speak to the public health, safety, and welfare. The tests for these should be the ones that are important, clearly described, and clearly measurable.

An administrative process for subdivisions that are five lots or less is proposed. An applicant will have to meet all of the requirements. Unless there was a protest, it would be approved administratively, which wouldn't require holding a public hearing. Six or more lots would go through the traditional Planning Commission process that currently exists. They believe this will allow reasonable administration of the Code without necessarily undue burdens in the process.

There are three steps in the subdivision process proposed. The sketch plan is becoming optional. The reason is because there is a redundancy of required information with the other plans. The review criteria have been carefully examined to determine the ones that are truly needed to evaluate a project.

Creation of a Division of Land for Non-Development Process

- agricultural purposes
- court settlements/probate/judgment purposes
- mortgage financing
- inheritance

The Commission is proposing a new process called the division of land for non-development purposes. Landowners frequently run into the need to divide and create a description for a piece of property for purposes other than building a home. They include agricultural purposes, probate reasons, financing for a mortgage, or an inheritance. This process would allow

property owners to create and record descriptions through a predictable process but does not allow development without first meeting all zoning and subdivision requirements.

Elimination of the Specially Planned Development (SPA) process

The Commission is proposing that the Specially Planned Area (SPA) process be eliminated. This process would be replaced with a Master Planned Development process.

Proposed Amendments to Chapter 3

Chapter 3 establishes each of the zones in Eastern Summit County and:

- Provides a purpose and intent for each zoning district.
- Provides the rules and regulations for each individual zone (height, setbacks, density etc.).
- Provides language to incorporate the Zone District Map
- Provides language to create the Annexation Declaration Area Overlay
- Creates the Chart of Allowed, Conditional and Permitted Uses.

Highlights of the proposed changes from the Planning Commission include:

Creation of the Agriculture -1 (AG-1) Zone

This zone is intended to replace and expand the existing Highway Corridor (HC) Zone. The AG-1 zone would also have a density of 1 unit per acre. The width of the zone has been expanded to measure 500 feet (from 250 feet) on either side of the centerline of the right-of-way for a total of 1,000 feet. The area that the zone covers has also been expanded to include areas that were not covered by the existing HC zone.

Creation of the Agriculture-6 (AG-6) Zone

The density associated with that is one unit of development for six acres of land. The idea here is to create a zone that transitions density from the higher densities that are found along the highway areas.

Creation of the Agriculture -20 (AG-20) Zone

This zone would be primarily agricultural, and would be the next transition area from the six to the larger 40 and 80 acre zones.

Creation of the Agriculture-40 (AG-40) Zone

This zone would remain the same as existing.

Creation of the Agriculture-80 (AG-80) zone

This zone replaces the AG-100 and an AG-160 zones. The State Code allows parcels in these zones to be subdivided in two, if it meets the subdivision standards. The practical reality is that these are really 80-acre zones.

Amendments to the Use Chart

The Commission modified uses allowed in the County and added the newly created zones.

Definitions

Chapter A - Definitions creates a legal definition of the terms used in the Code. Amendments included:

- Clarification of existing terms
- Creation of new terms

Items not forwarded to the Council

Excluded from the February 18, 2016 recommendation were items that the Commission determined were not ready for Council review. The Commission directed staff to remove them from the recommendation, and to bring them back for further discussion and analysis, including:

Recreation Commercial Zone

This zone district is intended to give property owners an opportunity to apply for a mixed use recreation zone that would include a variety of uses that may not be allowed in other parts of the County. Uses include hotels, multi-family development, resort facilities, commercial retail, restaurants etc.

Rural Residential Zone

This zone is intended to allow one unit per acre residential development anywhere in the County provided certain criteria were met. Uses allowed in this zone would be limited to single family residential.

Residential Subdivision Zone

This zone is intended to allow 3 units per acre as long as the property is developed with all necessary infrastructure, including water, sewer, roads etc. It is intended that this zone only be

allowed within the annexation declaration areas of a municipality. Uses in this zone would be limited to single family residential.

Village Overlay Zone

This zone would be a land use designation placed over an existing base zoning district and is intended to incentivize community master planning flexibility and to reestablish and revitalize historic, traditionally compact, non-incorporated communities. Properties eligible for the overlay include:

- Echo
- Upton
- Hoytsville
- Wanship
- Marion
- Peoa
- Woodland

Uses included in this zone include residential, multi-family residential, office, commercial uses, restaurants etc.

Master Planned Development (MPD) Process

The master planned development process is intended to provide developers and the County with opportunities to create projects that incorporate site conditions, the characteristics of surrounding properties, the community, and market demands into a project. The process creates administrative tools that promote efficient use of land resources, efficient public infrastructure and utility services.

EXHIBITS

- A. Chapter 3
- B. Chapter 4
- C. Chapter A - Definitions

Chapter 3 ZONING DISTRICTS AND REQUIREMENTS

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

11-3-2: AGRICULTURE – 1 (AG-1)

11-3-3: AGRICULTURE – 6 (AG-6)

11-3-4: AGRICULTURE – 20 (AG-20)

11-3-5: AGRICULTURE -40 (AG-40)

11-3-6: AGRICULTURE -80 (AG-80)

11-3-2: AGRICULTURE PROTECTION (AP):

11-3-3: AGRICULTURE GRAZING 100 (AG-100)

11-3-4: AGRICULTURE GRAZING 160 (AG-160):

11-3-5: HIGHWAY CORRIDOR (HC):

11-3-6 7: CABIN AREA (CA):

11-3-7 8: COMMERCIAL (C):

11-3-8 9: LIGHT INDUSTRIAL (LI):

11-3-9 10: INDUSTRIAL (I):

11-3-10 : SPECIALLY PLANNED AREA (SPA):

11-3-11 11: ANNEXATION DECLARATION AREA OVERLAY (ADA):

11-3-12 12: ZONE DISTRICT MAP:

11-3-13 13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:

11-3-14 14: CHART OF ALLOWED AND PERMITTED USES:

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

In order to carry out the purposes and provisions of this chapter, the following Zone districts are permitted within the unincorporated area of the eastern Summit County planning district:

Agriculture – 1 (AG-1)

Agriculture – 6 (AG-6)

Agriculture – 20 (AG-20)

Agriculture - 40 (AG-40)

Agriculture – 80 (AG-80)

Agriculture protection (AP)

Agriculture grazing 100 (AG-100)

Agriculture grazing 160 (AG-160)

Highway corridor (HC)

Cabin area (CA)

Commercial (C)

Light industrial (LI)

Industrial (I)

Specially planned area (SPA)

Annexation declaration area overlay (ADA)

DRAFT

11-3-2: AGRICULTURE-1 (AG-1)

- A. **District Intent:** The Agricultural (AG-1) Zone designates areas of Eastern Summit County for residential Use with a Base Density of one (1) unit per acre. The AG-1 Zone also allows agricultural activities and pursuits.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

- a. The Base Density is one (1) unit per acre.
- b. The minimum Lot size is one (1) acre.
- c. On Lots with documented service from a culinary water and sewer provider, the minimum Lot size is one half (1/2) of an acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

DRAFT

11-3-3: Agriculture-6 (AG-6)

- A. **District Intent:** The intent of the AG-6 Zone is to provide residential and agricultural opportunities on lots that display a variety of sizes and characteristics. Uses are intended to promote farm and residential Uses with an emphasis on agricultural pursuits, including the keeping of farm animals.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Parcel or Lot Size and Base Density

- a. The Base Density is one (1) unit per six (6) acres.
- b. The minimum Lot size is one (1) acre.
- c. On Lots with documented service from a culinary water and sewer provider, the minimum Lot size is one half (1/2) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water</u>

	<u>mark.</u>
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Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

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11-3-4: Agriculture-20 (AG-20)

- A. **District Intent:** The intent of the AG-20 Zone is to ensure that farm areas with moderate residential Development continue agricultural pursuits, including the keeping of farm animals. Agricultural pursuits and the preservation of the rural environment should be promoted in this Zone.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-20 Zone is one (1) unit per twenty (20) acres.
The minimum Lot size in the AG-20 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

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11-3-4: Agriculture-40 (AG-40)

- A. **District Intent:** The intent of the AG-40 Zone is to ensure that farm areas with low Base Density residential Development continue agricultural pursuits, including the keeping of farm animals. Agricultural pursuits and the preservation of the rural environment should be promoted in this Zone.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-40 Zone is one (1) unit per forty (40) acres.
The minimum Lot size in the AG-40 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

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11-3-4: Agriculture-80 (AG-80)

- A. District Intent:** The intent of the AG-80 Zone is to maintain the rural/agricultural character of areas generally without culinary water or sewer services. Uses are intended to allow low Base Density residential Development and to continue agricultural pursuits, including the keeping of farm animals.

- B. Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-80 Zone is one (1) unit per eighty (80) acres.
The minimum Lot size in the AG-80 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

- C. Special Regulation:** No Subdivision within the AG-80 Zone shall be approved by county without a plat note containing the language stated below. No Building Permit shall be issued for any platted Lot without the signing of a "memorandum of understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick-up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new Development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

11-3-2: AGRICULTURE PROTECTION (AP):

~~A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leapfrog nonagricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.~~

~~B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in section [11-4-8](#) or [11-4-9](#) of this title.~~

~~C. Setbacks: Unless otherwise noted on a recorded plat the minimum setback shall be: at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

~~1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~2. Nonconforming Lots:~~

~~a. Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:~~

~~(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~

~~(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~

~~b. Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.~~

~~D. Height: Maximum building height shall be thirty two feet (32'). (Ord. 776, 7-18-2012)~~

~~11-3-3: AGRICULTURE-GRAZING 100 (AG-100):~~

~~A. District Intent: The AG-100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.~~

~~B. Lot and Site Requirements: Except as otherwise provided in this code, no building permit shall be issued for a lot unless such lot has the area, width, depth and frontage as required below. Minimum Lot and Site requirements are as follows:~~

~~C. Setbacks: Unless otherwise noted on a recorded plat, the minimum setback shall be: at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

~~1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~2. Nonconforming Lots:~~

~~a. Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:~~

~~(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~

~~(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~

~~b. Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.~~

~~D. Height: Maximum building height shall be thirty two feet (32').~~

E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "memorandum of understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick-up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

~~11-3-4: AGRICULTURE-GRAZING 160 (AG-160):~~

~~A. District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.~~

~~B. Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres.~~

~~C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public Roadway right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

~~1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~2. Nonconforming Lots:~~

~~a. Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:~~

~~(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~

~~(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~

~~b. Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.~~

~~D. Height: Maximum building height shall be thirty two feet (32').~~

~~E. Special Regulation: No subdivision plat shall be approved by the county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "memorandum of understanding" containing the~~

language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

~~—The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.~~

~~(Ord. 776, 7-18-2012)~~

~~11-3-5: HIGHWAY CORRIDOR (HC):~~

~~A. District Intent:~~

- ~~1. The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:
 - ~~a. Ease of providing services.~~
 - ~~b. Possibility of connection to a water system.~~
 - ~~c. Existing land use patterns.~~
 - ~~d. Annexation boundaries of cities.~~
 - ~~e. Wetlands and water flow patterns.~~~~
- ~~2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county Roadways designated as highway corridor on the zone district map.~~

~~B. Area: Minimum land area for each dwelling unit for density purposes is one acre.~~

~~C. Lot Width: Minimum lot width shall be one hundred (100) linear feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.~~

~~D. Setbacks: Minimum setback shall be at least fifty feet (50') from any county designated Roadway right of way or, in the absence of a designated right of way, at least eighty feet (80') from the centerline of the county designated Roadway. Front setbacks from a private driveway or access Road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access Road, the minimum setback shall be fifty five feet (55') from the centerline of the driveway or Road. The minimum side and rear setbacks for all structures shall be twelve feet (12').~~

~~1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~E. Height: Maximum building height shall be thirty two feet (32').~~

~~F. Special Provision: For the purpose of locating development, density can be transferred between commonly owned property in the HC and abutting zone district to protect agriculture lands and open space based upon the findings of a site specific agricultural plan. (Ord. 776, 7-18-2012)~~

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11-3-7: ~~11-3-6:~~ CABIN AREA (CA):

- A. District Intent: The cabin area (CA) Zone district is established for the purpose of recognizing those Subdivisions that were established typically in remote areas, and largely prior to the existence of planning and zoning in eastern Summit County. The CA Zone is to apply only to the Subdivisions identified at the time of the creation of this Zone. Subdivisions created after the adoption of this Zone are not eligible to be rezoned to the Cabin Area Zone. Uses permitted in the Zone are those typically associated with seasonal or year round residential and recreation.
- B. Area: Minimum land area for each dwelling unit for Base Density purposes is the recorded lot size of the existing Subdivision Plats. No further Subdivision of these lots is permitted for Base Density purposes. Lot line adjustments that do not result in an increase of Base Density may be permitted, pursuant to the requirements of this title.
- C. Setbacks: ~~Unless otherwise noted on a recorded plat, minimum setback shall be as provided below:~~ Unless otherwise indicated on the recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>50 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private Driveway or access Road</u>	<u>50 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>20 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from annual high water mark.</u>
<u>Lake or Natural Pond</u>	<u>100 FEET from annual high water mark.</u>

~~1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~3. Lot Setbacks:~~

a. ~~Default setbacks shall be applied as described below:~~

~~(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~

~~(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~

D. Height: Maximum building Height shall be thirty two feet (32') above Natural Grade. (Ord. 776, 7-18-2012)

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11-3-8: COMMERCIAL (C):

- A. District Intent: This Zone district is established for the purposes of providing the general public with access to a limited range of neighborhood Commercial and service related Uses necessary to support the needs of residents in the surrounding area. This Zone district allows existing Commercial Uses to be expanded and new Commercial Uses to be established within the Commercial Zone ~~of the traditional town center area of an unincorporated community. All Commercial Uses exceeding two thousand (2,000) square feet are reviewed through the conditional Use review process.~~
- B. Existing Legal Nonconforming Commercial Uses: Existing legal nonconforming Commercial Uses not located within a Commercial Zone district may continue and may be enlarged and/or expanded in accordance with section [11-6-2](#) of this title and the Commercial Use criteria listed in subsection C of this section.
- C. Commercial Zone And Use Criteria: New Commercial Uses shall not be established nor shall existing Commercial Uses be expanded within the Commercial Zone unless the Use complies with all of the following criteria:
 - a. The Commercial Use provides goods and/or services and employment opportunities to the residents of eastern Summit County.
 - b. There is sufficient off Street parking at a minimum ratio of three (3) spaces per one thousand (1,000) square feet of Floor Area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
 - c. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the Commercial Use without negatively impacting the level of service to adjoining Uses or existing Businesses as determined through an infrastructure analysis.
 - d. The property does not contain Critical Areas that are negatively impacted by the Commercial Use.
 - e. The Commercial Use is compatible and consistent with or supports other nearby Uses and/or property conditions ~~and has frontage along a public Roadway.~~
 - f. The Commercial Use will not substantially alter the essential character of the surrounding area.
 - g. The Commercial Use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
 - h. A Site Plan, building architectural drawings and operational management plan will be required as part of any conditional Use, low impact permit, rezoning or expansion of a Commercial Use to fully address potential impacts to neighboring Uses or the community at large.

- D. Floor Area and Lot Coverage: Floor Area and Lot coverage requirements in the Commercial Zones shall be dictated by off Street parking, adequate circulation and other site design requirements and Development standards. The maximum Floor Area or Lot coverage shall not exceed sixty percent (60%) of the Lot.
- E. Lot Width: There shall be no requirement for Lot width, provided all off Street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum front yard Setbacks shall be twenty feet (20') from any Roadway right of way. Minimum side yard Setbacks shall be twelve feet (12') from the side property line. Minimum rear yard Setback shall be twenty four feet (24') from the rear property line to provide adequate alleyways for deliveries. Variances to the required Setbacks to facilitate the Use of existing buildings may be considered by the Board of Adjustment.
- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of Commercial buildings with only limited parking allowed at the front of the building between the Roadway and the building.
- H. Building Height: Maximum building Height shall be thirty two feet (32') unless additional building Height is required for the Commercial Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. Special screening and buffer requirements shall be determined through the ~~conditional Use~~ planning permit review processes. (Ord. 776, 7-18-2012)

11-3-9: LIGHT INDUSTRIAL (LI):

- A. District Intent: This Zone district is established for the purposes of providing the general public with access to a range of light industrial and service related Uses that are consistent with and supportive of the goals of the eastern Summit County general plan, necessary to support the economic growth of Summit County. This Zone district is also established to serve as the gap between the industrial and Commercial Zones. This Zone district allows existing Commercial and light industrial Uses to be expanded and new Commercial Uses to be established within the light industrial Zone of the unincorporated community. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the economic growth of eastern Summit County when appropriate services can be made available and the Use is compatible with its surroundings.
- B. Existing Legal Nonconforming Light Industrial Uses: Existing legal nonconforming light industrial Uses not located within a light industrial Zone district may continue and may be enlarged and/or expanded in accordance with section [11-6-2](#) of this title and the Use criteria listed in subsection C of this section.
- C. Light Industrial Zone And Use Criteria: New light industrial Uses shall not be established nor shall existing light industrial Uses be expanded within the light industrial Zone unless the Use complies with all of the following criteria:
 - 1. There is adequate off Street parking, circulation areas, and safe convenient access to the property.
 - 2. Public services (sewer, water, electric, phone, etc.) are readily available to the property and/or can be provided at adequate levels to serve the demands of the Use without negatively impacting the level of service to adjoining Uses or existing Businesses as determined through an infrastructure analysis.
 - 3. The property does not contain Critical Areas that are negatively impacted by the Use.
 - 4. The light industrial Use will not substantially alter the essential character of the surrounding area.
 - 5. The Use will not substantially increase the danger of fire or otherwise substantially endanger public safety.
 - 6. A Site Plan, building architectural drawings, and plan of operations will be required as part of any conditional Use, low impact permit, rezoning or expansion of a light industrial Use to fully address potential impacts to neighboring Uses or the community at large.
- D. Lot Width: There shall be no requirement for Lot width, provided all material handling, off Street parking and circulation requirements can be satisfied.

- E. Building Height: Maximum building Height shall be thirty two feet (32') unless additional building Height is required for the subject Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').
- F. Setback Requirements: Minimum Setbacks for light industrial Uses shall be determined through the low impact or conditional Use approval process. The minimum Setback shall be at least fifty feet (50') from any county designated Roadway Right of Way or, in the absence of a designated right of way, at least eighty feet (80') from the centerline of the county designated Roadway. Front Setbacks from a private Driveway or access Road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private Driveway or access Road, the minimum Setback shall be fifty five feet (55') from the centerline of the Driveway or Road. The minimum side and rear Setbacks for all Structures shall be twelve feet (12').

For Structures taller than thirty two feet (32') and/or parcels larger than five (5) acres, the Setbacks shall be at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway, and the minimum side and rear Setbacks shall be fifty feet (50').

- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. Special screening and buffer requirements shall be determined through the planning permit review processes. (Ord. 776, 7-18-2012)

11-3-10 ~~11-3-9~~: INDUSTRIAL (I):

- A. District Intent: This Zone district is established for the purposes of providing locations for those industrial land Uses that are consistent with and supportive of the goals of the eastern Summit County general plan. This Zone district is intended to encourage industrial Development near incorporated municipalities, where adequate services are generally available. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the needs of eastern Summit County residents when appropriate services can be made available and the Use is compatible with its surroundings. ~~Industrial Uses are reviewed through the conditional Use review process.~~
- B. Existing Legal Nonconforming Industrial Uses: Existing legal nonconforming industrial Uses not located within an industrial Zone district may continue and may be enlarged and/or expanded in accordance with section [11-6-2](#) of this title and the industrial Use criteria listed in subsection C of this section.
- C. Industrial Zone And Use Criteria: New industrial Uses shall not be established nor shall existing industrial Uses be expanded within the industrial Zone unless the Use complies with all of the following criteria:
1. There is adequate off Street parking and circulation areas and direct access to a major Roadway from the property where heavy equipment or truck traffic will not travel through established residential neighborhoods.
 2. All public services are readily available to the property and can be provided at adequate levels to serve the demands of the industrial Use without negatively impacting the level of service to adjoining Uses or existing industrial Uses.
 3. The industrial Use is compatible and consistent with or supports other nearby Uses and/or property conditions.
 4. The property does not contain Critical Areas that cannot be mitigated if negatively impacted by the industrial Use.
 5. A final Site Plan, design guidelines and operational management plan will be required as part of any conditional Use, rezoning or expansion of an industrial Use to fully address potential impacts to neighboring Uses or the community at large.
- D. Floor Area and Lot Coverage: Floor Area and Lot coverage requirements in the industrial Zones shall be dictated by off Street parking, adequate circulation and other site design requirements and Development standards. The maximum Floor Area or Lot coverage shall not exceed sixty percent (60%) of the Lot.
- E. Lot Width: There shall be no requirement for Lot width, provided all off Street parking and circulation requirements can be satisfied.

- F. Setback Requirements: Minimum Setbacks for industrial Uses shall be determined through the conditional Use review process.
- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of industrial buildings with only limited parking allowed at the front of the building between the Roadway and the building.
- ~~H.~~ Building Height: Maximum building Height shall be ~~thirty two feet (32')~~ fifty feet (50') measured from natural grade. ~~unless additional building Height is required for the industrial Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').~~
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. ~~Special screening and buffer requirements shall be determined through the conditional Use review processes.~~ (Ord. 776, 7-18-2012)

11-3-10: SPECIALLY PLANNED AREA (SPA):

~~A. District Purpose: The purpose of the SPA zone district is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design. The county shall only use the SPA zone when it is clearly demonstrated that in doing so, substantial benefits will be derived by the residents of eastern Summit County. The SPA zone may be designated by the county only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed SPA is in the best interest of the general health, safety, and welfare of eastern Summit County residents. The SPA is intended to: (Ord. 776, 7-18-2012)~~

- ~~1. Allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities;~~
- ~~2. Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public;~~
- ~~3. Better relate residential, commercial, and industrial development with community facilities and infrastructure location, size, and design. (Ord. 799, 3-6-2013)~~

~~B. Requirements For Approving An SPA: Before an SPA zone is designated in any area, the planning commission and county council shall determine the following:~~

- ~~1. That there are substantial tangible benefits to be derived by the general public of eastern Summit County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone district;~~
- ~~2. That there are unique circumstances, above the normal limitations and allowances of the underlying zone, that justify the use of an SPA;~~
- ~~3. That the development proposed in an application for SPA consideration is compatible with the rural, agricultural, and small town character of eastern Summit County;~~
- ~~4. That the development proposed in the application will not adversely affect the social, cultural, and rural values and institutions of eastern Summit County; (Ord. 776, 7-18-2012)~~
- ~~5. That the development proposed complies with criteria described in this title for approving a development project, including:
 - ~~a. The development evaluation standards contained in [chapter 2](#) of this title;~~
 - ~~b. The criteria for approving an SPA that are described in section [11-4-10](#) of this title;~~
 - ~~c. The provisional requirements of development agreements in section [11-6-9](#) of this title; and~~~~
- ~~6. That approving an SPA zone district will not adversely affect the public health, safety, and general welfare. (Ord. 799, 3-6-2013)~~

~~C. Application And Review Procedure: The procedure for applying for an SPA is described in subsection [11-5-3B](#) of this title. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for SPA consideration and approval. (Ord. 776, 7-18-2012)~~

11-3-11: ANNEXATION DECLARATION AREA OVERLAY (ADA):

- A. District Purpose: The purpose of the ADA overlay is to allow, at the discretion of the county, flexibility in the Use of land, densities, site layout, and project design, and to permit a choice in living environments available in eastern Summit County. The ADA overlay is intended to:
1. Ensure that Development occurring in the annexation declaration area of each incorporated municipality is compatible with applicable and appropriate standards and policies of the municipality and the county;
 2. Better relate residential, Commercial, and industrial Development with municipal facilities and infrastructure location, size, and design; and
 3. Ensure that appropriate and reliable services and infrastructure are available to serve the Development.
- B. Applicability: The location of the ADA overlay shall be identical to the annexation declaration area of each municipality within eastern Summit County that has so designated such an area. The boundaries of the ADA shall automatically adjust to conform to all declared changes in annexation declaration areas by each municipality. In instances where parcels held under one ownership are divided by an annexation declaration area boundary, the entire parcel shall be considered to be located within the ADA overlay.
- C. Review Procedure: Before any Development can occur on property containing an ADA overlay, it shall be reviewed in accordance with the appropriate Development review procedure described in [chapter 4](#) of this title. The underlying Zone shall be used as a guide for determining Use and Base Density for the property. The county may impose certain other site layout requirements and infrastructure design requirements beyond those suggested in this title to ensure compliance with the standards and policies of the municipality and county for Development in annexation declaration areas. (Ord. 776, 7-18-2012)

11-3-12: ZONE DISTRICT MAP:

- A. Incorporation of Map: The location and boundaries of established Zone districts are set forth on the Zone District Map of the eastern Summit County planning district. The map, with all notations, references and other information shown thereon, is incorporated herein and is considered part of this title.
- B. Amendments: If, in accordance with the provisions of [chapter 5](#) of this title, changes are made in district boundaries or other matters portrayed on the Zone District Map, such changes shall be entered on the map promptly after amendment by the CDD or designated planning staff member.
- C. Official Copy on File: Regardless of the existence of purported copies of the Zone District Map, the official Zone District Map shall be located in the office of the community Development department and shall be the final authority as to the current zoning status of land, buildings, and other Structures in eastern Summit County.
- D. When, due to scale, the Zone District Map lacks detail, is illegible, or where there is uncertainty, contradiction, or conflict as to the intended location of any Zone district boundary as shown thereon, the CDD or designated planning staff member shall make an interpretation of the map upon request of any person, and any person aggrieved by any such interpretation may appeal the same to the Planning Commission.

11-3-13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:

- A. To facilitate public understanding of this code and for better administration, convenience, and Use thereof, those Uses designated as "allowed" are permitted as a matter of right without special authorization, provided the Use complies with all requirements of the Zone district as described in this chapter. The establishment of any allowed Use is subject only to obtaining a Building Permit, Business license, and/or Road encroachment permit.
- B. Conditional Uses are those Uses which are permitted in a particular Zone district upon showing that such Use at a specific site within that Zone district will comply with all conditions and standards specified in this code for ensuring compatibility with surrounding land Uses. Conditional Uses that are not capable of meeting the Development evaluation standards described in [chapter 2](#) of this title at a specific location shall not be approved at that location. However, the conditional Use may be acceptable at another location where it can comply with the Development evaluation standards. (Ord. 776, 7-18-2012)
- C. Low impact Uses are Uses, projects and activities that are considered to have little or no impact on the public health, safety and general welfare. Low impact Uses determined to be in compliance with the Development evaluation standards and general regulation of the code may be approved administratively by the CDD or designated planning staff member. (Ord. 799, 3-6-2013)
- D. A temporary Use is a Use that can be established for a limited duration with the intent to discontinue such Use upon the expiration of the time period. Any Use not listed as an allowed Use or a conditional Use within a Zone district may be considered as a temporary Use pursuant to and in accordance with the provisions of section [11-4-13](#) of this title. (Ord. 776, 7-18-2012)

11-3-14: CHART OF ALLOWED AND PERMITTED USES:

- A. The following chart titled "Chart of Allowed and Permitted Uses" defines allowed, conditional and low impact Uses for the various Zone districts. Those Uses designated by the letter "A" shall be considered allowed Uses in the particular Zone district; the letter "C" shall represent those Uses that require conditional Use approval and the letter "L" shall represent those Uses that require low impact permit approval. If there is no letter designated for a use in a particular zone, or if a particular use is not listed on the Chart of Allowed and Permitted Uses, it is prohibited.

CHART OF ALLOWED AND PERMITTED USES

Zoning legend ¹ :		Use legend ² :	
AP	Agriculture protection (1 dwelling unit per 40 acres)		A = Allowed
AG-100	Agriculture protection (1 dwelling unit per 100 acres)		C = Conditional
AG-160	Agriculture protection (1 dwelling unit per 160 acres)		L = Low impact
HC	Highway corridor		T = Temporary
<u>AG-1</u>	<u>Agriculture – 1</u>		<u>Prohibited</u>
<u>AG-6</u>	<u>Agriculture – 6</u>		
<u>AG-20</u>	<u>Agriculture – 20</u>		
<u>AG-40</u>	<u>Agriculture – 40</u>		
<u>AG-80</u>	<u>Agriculture – 80</u>		
CA	Cabin area		
C	Commercial		
LI	Light industrial		
I	Industrial		

11-3-14: CHART OF ALLOWED AND PERMITTED USES:

Permitted Uses	AP	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I	Additional Reference
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet	A	A	A	A	A	A	A	A	A	A	A	L	A	A	
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet	☞ A	A		C	L	C			☞	☞	C	☞	L	L	
Accessory dwelling unit	L	L	⊥	C	L	C		C	☞	⊥	L	L	L	L	Section 11-6-5 of this title
Agricultural employee dwelling unit	C	L				C			☞						Section 11-6-5 of this title
Agricultural employee facility for the purpose of providing shelter for more than 1 family	C	C	☞	C	C	C			☞						
Agriculture buildings and uses customarily associated with traditional "agriculture" operations as defined in appendix A of this title	A	A	A	A	A	A			A	A	A				
Auto impoundment yard and towing services												C	AC	☞A	
Auto repair, service and detailing												C	C	A	
Auto wrecking yard														C	
Automotive sales												C	C	C	
Banks and financial services												A			
Bars, taverns, private clubs											C	C			
Bed and breakfast inn	C	C	☞	C	C	C			☞		A	A			
Butcher, retail											L	A	L	L	
Car wash												C	C	C	
Cemetery	C	C	☞	C	C	C	C		☞			C			
Childcare, in home (4 children or less)	L	L	⊥	L	L	L	L	L	⊥		L	A			
Childcare, family (fewer than 9 children)	L	L	⊥	C	L	L	C	C	⊥		L	A			
Childcare, family (with 9 _ 16 children)	L	L	⊥	C	L	L			⊥		L	A			
Childcare, commercial				C	C						L	A			
Commercial kennels	C	C	☞			C			☞		C	C	C	C	
Commercial riding arenas	C	C	☞								A				
Commercial stables	C	C	☞								A				
Contractor's Yard/Office				L	L	L						C	A	A	
Dwelling unit, multi-family	☞								☞		C				
Dwelling unit, one-family	A	A	A	A	A	A	A	A	A	A	A				
Dwelling unit, single-family attached	⊥								⊥		A				
Distillery											C	C			
Equipment, Heavy (rental, sales, service)												C	A	A	
Equipment, rental (indoor and/or outdoor)															
Food processing, commercial	C	C		C	C	C					A	A	L	L	
Funeral services	☞	☞	☞						☞			A	A		
Gas and fuel, storage and wholesale												C	C	A	

Permitted Uses	AP	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I	Additional Reference
Gasoline service station with or without convenience store											C	L	A	A	
Guest ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay	←	←	←								A				
Hazardous Liquids or Materials Transmission Pipelines	C	C	←	C	C	C	C	C	←	C	C	C	C	C	Section 11-6-19
Historic structures, preservation of, including related accessory and supporting uses	A	A	A						A	A		A	A	A	
Home occupation	A	A	A	A	A	A	A	A	A	A	A				Section 11-6-3 of this title
Hospitals												C			
Hotel, motel or inn											C	C			
Houses of worship including churches and other religious institutions	C	C	←	C	C	C	C	C	←	C	C	C			
Indoor entertainment such as bowling alleys, skating rinks, movie theater, performing arts center											L	A			
Industrial uses and operations including storage and processing													C	A	
Institutional uses including fire stations, private schools and public or quasi-public buildings	C	C	←	C	C	C	C	C	←	C	C	C	C	C	
Logging camp	C	L	←						←			L	L	L	
Manufacturing, custom	L			C	C	L			←			L	L	L	
Manufacturing, heavy														C	
Manufacturing, light				C	C								A	A	
Microbrewery/microdistillery											L	C	L	A	
Mobile home park									←						
Mobile home with foundation (see definition of "prefabricated home" in appendix A of this title)	A	A	A	A	A		A		A	A		L			
Mobile home without foundation that is occupied for less than 180 days	C	C	←	C	C		C		←	C					
Municipal landfill														C	
Nursery/greenhouse	C	C	←	A	A	A			←		A	A			
Oil wells, natural gas wells and steam wells	C	C	←											C	Subsection 11-4-16F of this title
Open recreational uses	C	L	←	L	L	C	C		←	C	A	L			
Petroleum refineries		C	←											C	
Professional offices											A	L			
Railroad industrial uses including shipping and distribution													L	L	
Recreation and athletic facilities				C	C	C			←		A	L			
Recycling facility, class I	A	A	A	C	C	A			A	A	C	A	A	A	
Recycling facility, class II				C	C						C			L	
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances				A	A		A	A			A	A			
Residential care facilities	C	C	←	C	C	C			←		C	C			Section 11-6-18 and appendix A of this title
Restaurant, exceeding 2,000 square feet											A	←			

Permitted Uses	AP	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I	Additional Reference
Restaurant, not exceeding 2,000-square feet				C							A	A			
Restaurant with drive-through											C	L			
Retail commercial establishments, exceeding 2,000 square feet											A	L			
Retail commercial establishments, not to exceed 2,000 square feet											A	A			
Rock quarries, gravel pits, and associated surface mining uses, including, but not limited to, filtering, sifting, and processing of soil	C	C	L											L	
Sawmill and related uses														C	C
Seasonal Farm Stand				A	A		C	C			A	A			
Seasonal recreation, commercial (motorized)	C	C	L			C			L		A			C	
Seasonal recreation, commercial (nonmotorized)	L	L	L	C	C	L			L		A			L	
Sexually oriented businesses														C	Appendix B of this title
Shooting ranges, indoor											C	C	C	L	
Shooting ranges, outdoor	C	C	L								C	C	C		
Telecommunications facilities - collocation	A	A	L	A	A	A	A	A	L	A	A	A	A	A	Section 11-6-7 of this title
Telecommunications facilities - stealth	A	A	L	A	A	A	A	A	L	A	A	A	A	A	Section 11-6-7 of this title
Underground transmission lines exceeding 6 inches in diameter that are not considered hazardous liquids or materials transmission pipelines as defined in section 11-6-19 of this title	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Underground transmission lines 6 inches or less in diameter such as, but not limited to, transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	L	A	A	A	A	A	L	A	A	A	A	A	
Underground transmission lines exceeding 12 inches diameter (i.e., gas, oil, water, etc.)	C	C	L	C	C	C	C	C	L	C	C	C	C	C	
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	L	A	A	C	A	A	L	A	A	A	A	A	
Utility structures and related facilities	C	L	L	L	L	C	L	C	L	C	L	C	L	L	Section 11-6-6 of this title
Utility towers and associated transmission and distribution lines 45 feet in height or less	L	A	L	A	A	L	C	C	L	L	L	L	L	A	
Utility towers and associated transmission and distribution lines greater than 45 feet in height	C	C	L	L	L	C	C	C	L	C	C	C	C	L	
Veterinarian clinic	L	L	L	L	L				L	C	C	L			
Warehousing and commercial storage										C		C	C	C	
Water and wastewater treatment plant	C	C	L	C	C		C	C	L	C	C		C	C	

Permitted Uses	AP	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I	Additional Reference
Welding shop, commercial												C	A	A	
Wind power generation facilities 45 feet in height and less	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Wind power generation facilities greater than 45 feet in height	C	L	L	C	C	C				C	C		L	L	Subsection 11-4-16G of this title

Chapter 4

Development Review Processes and Procedures

SECTION:

- 11-4-1: Purpose
- 11-4-2: Legal Lots/Parcels Requirement for Development and/or Land Use Activity
- 11-4-3: Permits Required
- 11-4-4: General Provisions
- 11-4-5: Subdivisions, Condominiums, Plat Amendments, Parcel Boundary Adjustments, & Divisions of Land for Non-Development Purposes
- 11-4-6: Final Site Plan Review
- 11-4-7: Conditional Use Review
- 11-4-8: Low Impact Use Review
- 11-4-9: Temporary Use Review
- 11-4-10: Zoning Variances
- 11-4-11 Special Exceptions

11-4-1: PURPOSE: The purpose of this chapter is to provide clear and predictable standards of review and processes for the administration of Development and Land Use Land Use activities in Eastern Summit County.

11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT AND/OR LAND USE ACTIVITY:

1. Lot: A Lot is a numbered property within a recorded Subdivision.
2. Parcel: A Parcel is a tract of land that is not a numbered lot within a recorded Subdivision.
3. Conforming Parcels and Conforming Lots:
 - a. A Conforming Parcel is a tract of land that conforms to the minimum size requirements of the applicable Zone at the time of a Land Use or Development Application. For Development purposes and in order to apply for Development, a Parcel must be a Conforming Parcel or have a Grandfathered Development Right as set forth in this section.
 - b. A Conforming Lot is a numbered property within a recorded Subdivision that conforms to the minimum size requirement of the applicable Zone at the time of a Use or Development Application. For Development purposes and in order to apply for Development, a Lot must be a Conforming Lot or have a Grandfathered Development Right as set forth in this section.

- c. Parcels created through the Divisions of Land for Non-Development Purposes process must be divided per the requirements of this title.
4. Non-Conforming Parcel: A Non-Conforming Parcel is a tract of land that does not conform to the minimum size requirements of the applicable Zone at the time of a Use or Development Application.
- a. Non-Development: A Non-Conforming Parcel may be eligible for a non-Development Land Use pursuant to the requirements of this Title
 - b. A Non-Conforming Parcel may be eligible to apply for Development, pursuant to an approved Grandfathered Right status as determined by the Community Development Director or designated planning staff member pursuant to the requirements of this Title. Grandfathered Right: A Grandfathered Right is a Development entitlement status accorded to a Parcel created prior to May 6, 1996 that does not conform to the minimum size requirements of the applicable Zone at the time of a Development Application.
 - c. An appeal of a Community Development Department decision regarding a Grandfathered Right may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with Section 11-7-16 of this Title.

11-4-3: PERMITS REQUIRED: No Development, Land Division or Land Use activity may be undertaken within the unincorporated areas of Eastern Summit County unless all permits applicable to the proposed Development, Land Division or Land Use activity are issued in accordance with the provisions of this Title.

11-4-4: GENERAL PROVISIONS:

1. Initiation: An Application for Development, Land Division or a Land Use activity approval shall be initiated by submitting the appropriate Application to the Community Development Department.
2. Community Development Department Review, Recommendation, and Action:
 - A. The Community Development Department shall review the Application to determine that all necessary submittal requirements and information are provided. If the Community Development Department determines that the Application does not contain the required information sufficient for compliance with this Title, a Staff member shall provide written notice to the Applicant specifying the deficiencies of the Application. The Community Development Department may elect to take no further action on the Application until such time as all necessary submittal requirements are

provided.

- i. An Application for Development and/or Land Use activity shall be deemed insufficient if:
 2. any relevant information is not provided,
 3. the Application form is not signed by the Owner,
 4. required fees are not paid,
- B. If all required Application submittal information is not provided within thirty (30) days of Staff notification, all Application materials (including Application fees) shall be returned to the Applicant.
- C. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this Title, nor shall it indicate that the information submitted by the Applicant is accurate or has been verified. Additional information may be required at a later date throughout the approval process.
- D. All Development approvals shall be conditioned so that no final approval shall be issued on the subject property until all outstanding and current property taxes have been paid.
- E. The Community Development Director is the delegated authority to make administrative interpretations of this Title and to provide such guidance as is necessary to Applicants for Development and/or Land Use activity approvals consistent with and in furtherance of this Chapter.
- F. Any person adversely affected by an administrative interpretation of this Title may appeal such interpretation to the Summit County Council, in accordance with the Appeals Procedures set forth in Section 11-7-16 of this Title.

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

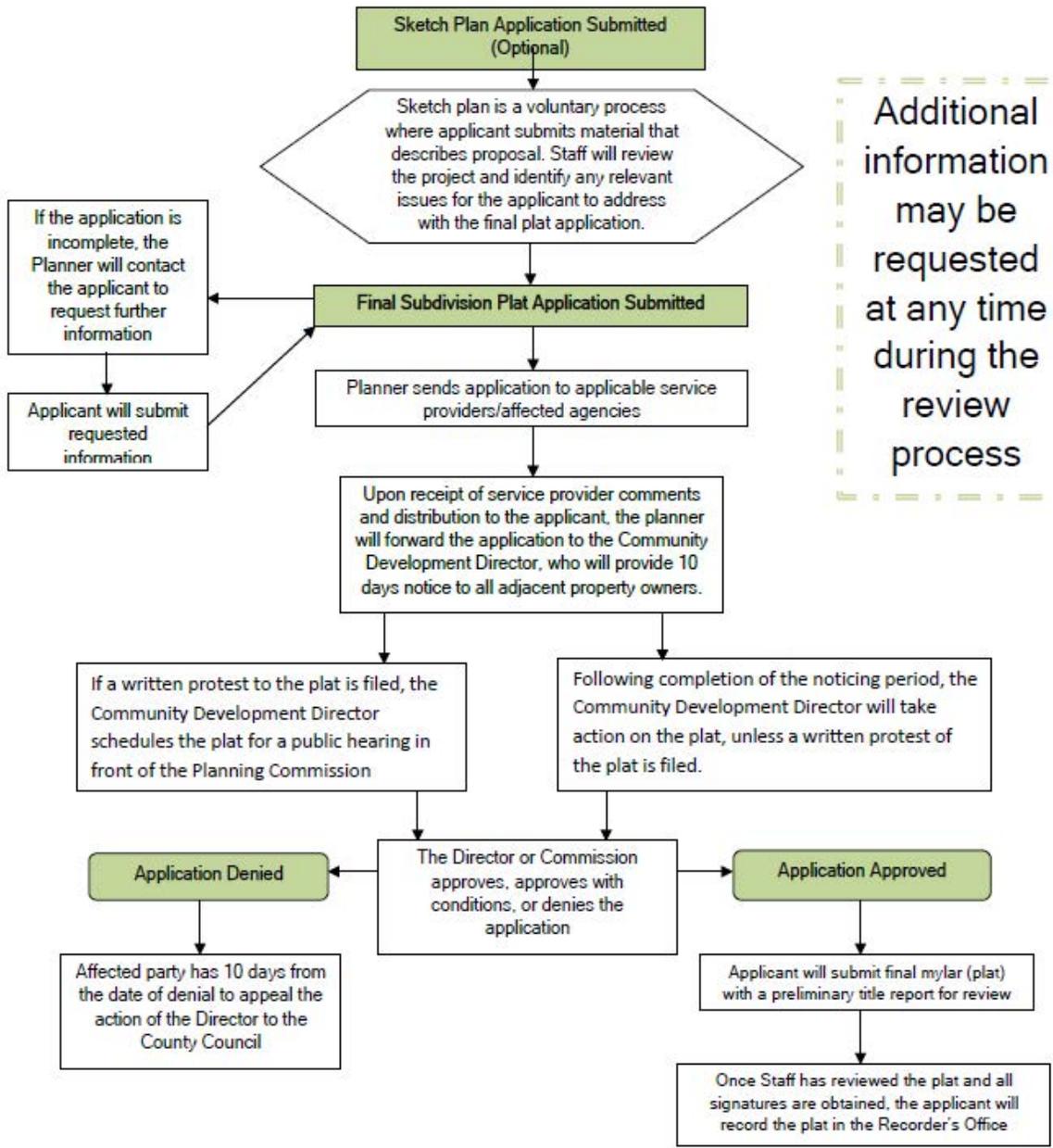
1. Purpose: The purposes of this section are to:
 - A. Guide the future growth of Eastern Summit County in a manner consistent with the Eastern Summit County General Plan;
 - B. Advance the public, health, safety, and welfare of the property owners and residents of Eastern Summit County;

- C. Provide Development opportunities for property owners and residents to live, work, and conduct business in Eastern Summit County;
- D. Encourage new Development in areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services;
- E. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly development;
- F. Establish a reasonable process for the division of land for non-Development purposes.

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SUBDIVISION CONSISTING OF 5 LOTS OR LESS



Additional information may be requested at any time during the review process

2. Subdivisions Consisting of Five (5) or Less Lots

- A. Special Provision: When a single Parcel includes multiple Zone Districts Density may be relocated across Zone lines.
- B. Submission Requirements: An Application for a Subdivision consisting of five (5) lots or less shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - 1. Completed Subdivision Application signed by the Owner(s);
 - 2. Subdivision Application fee payment;
 - 3. The Subdivision Application shall contain sufficient land area necessary to meet the density proposed in the Subdivision.
 - 4. Name and address, including telephone number, of all the Owner(s), and citation of last instrument conveying title to each Parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference;
 - 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, water wells, streams/rivers, Structures, and/or other physical improvements affecting the property and existing covenants on the property, if any;
 - d. A delineation of environmentally sensitive areas floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%).
 - 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;

- b. The name of the land surveyor;
- c. approximate true north arrow;
- d. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lots, rights-of-way, easements; Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
- e. Notation of any self-imposed Plat restrictions;
- f. Signature blocks for the County Recorder, final Land Use Authority, County Engineer, County Health Director, County Attorney, applicable Fire District , Local Power and Gas Providers;
- g. Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
- h. All monuments erected, corners, and other points established in the field;
- i. Plat notes stating that

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the

purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well, spring or a written commitment from a municipality or private water company.”

7. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
8. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

C. Review Procedure:

1. Optional Sketch Plan: Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the Applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.

- a) Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the Applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the Applicant.

C. Final Subdivision Plat Review Procedure:

1. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report

analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.

2. The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Subdivision Plat Application to all adjacent property owners in the manner set forth in this title. Following the completion of the required noticing period, the Community Development Director shall take Final Action on the Subdivision Plat if no protest(s) is filed.
3. The Community Development Director or the Director's designee may refer any Subdivision Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD or designated planning staff member regarding an approval, approval with conditions or denial of the Application.
4. Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
5. Upon approval of the County Attorney and once all required signatures are obtained on the final mylar, the detailed final Plat shall be recorded in the records of the County Recorder.

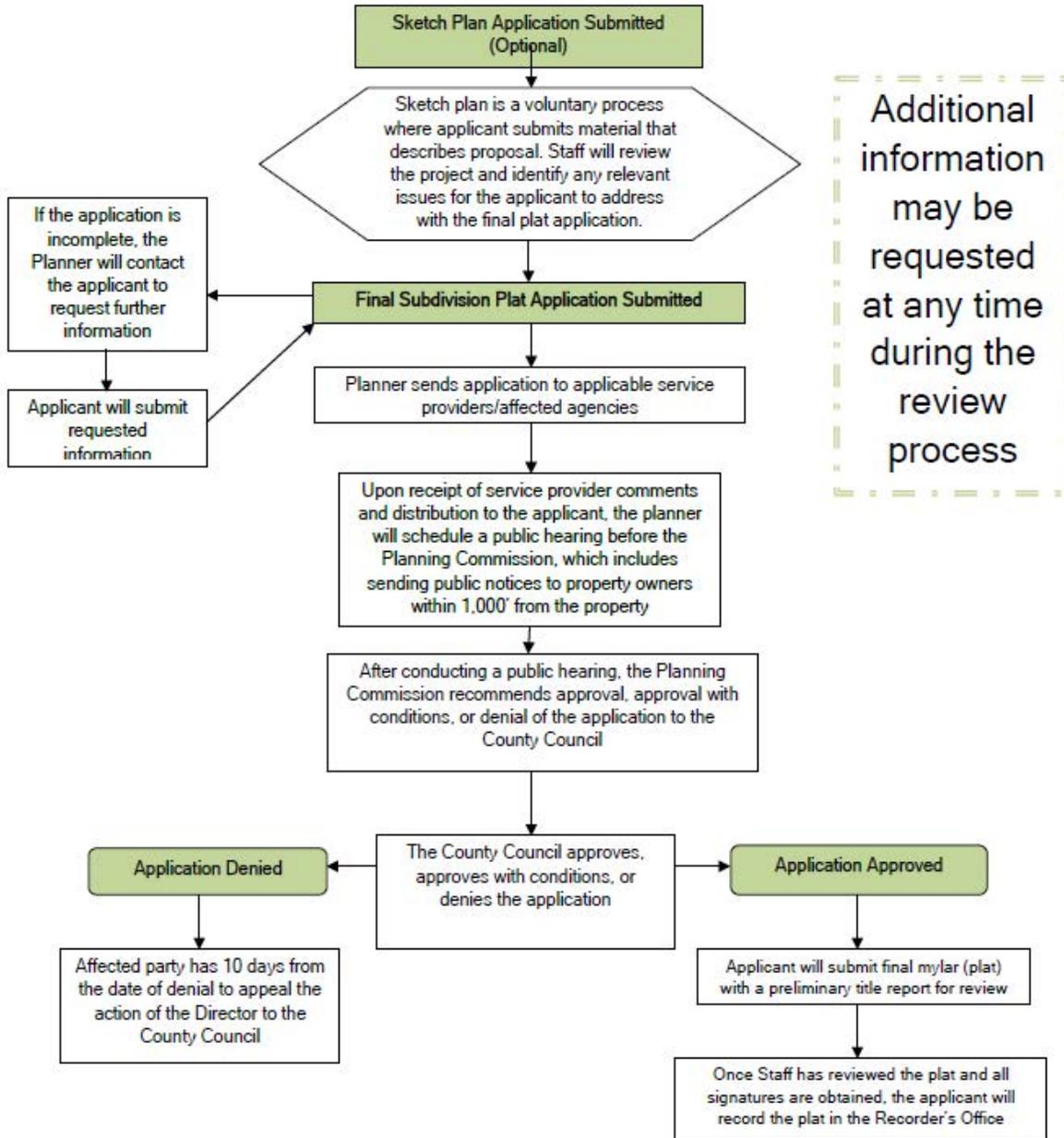
D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating, that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
2. Each proposed Lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is applicable.
3. Compliance with the development evaluation standards provided in Chapter 2 of this Title.

4. Compliance with the infrastructure standards in Chapter 6 of this Title.
5. The minimum Lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable Zone.
6. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
 - a. Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
 - b. Wait at least 10 days after the day on which the Land Use authority notifies a canal company or canal operator to approve or reject the Subdivision Application.
7. A positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system.
8. Proof that property taxes for the applicable property are paid.
9. Compliance with all applicable County Codes.



SUBDIVISION CONSISTING OF 6 LOTS OR MORE



3. Subdivisions Consisting of Six (6) or More Lots

- A. Special Provision: When a single Parcel includes multiple Zone Districts, Density may be relocated across Zone lines.

- B. Submission Requirements: An Application for Subdivision consisting of six (6) lots or more shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.
1. Completed Subdivision Application signed by the Owner;
 2. Subdivision Application fee payment;
 3. The Subdivision Application shall contain sufficient land area necessary to meet the density proposed within the Subdivision.
 4. Name and address, including telephone number, of all the Owners, and citation of last instrument conveying title to each parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.
 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any.
 - d. A delineation of Environmentally Sensitive Areas, floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%).
 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;
 - d. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in

- decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements
- e. Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
 - f. Notation of any required Plat restrictions.
 - g. Signature blocks for the County Recorder, Final Land Use authority, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
 - h. Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
 - i. All monuments erected, corners, and other points established in the field.
 - j. Plat notes stating that:

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is

available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer for a private well or a written commitment from a municipality or private company.”

7. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
8. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

C. Review Procedure:

1. Optional Sketch Plan: Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.

- b) Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

C. Final Subdivision Plat Review Process:

1. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.
2. The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the

proposed Subdivision Plat Application to all property owners in the manner set forth in this title and schedule the Application for a Public Hearing with the Eastern Summit County Planning Commission.

3. The Eastern Summit County Planning Commission shall hold a Public hearing on the proposed Subdivision Plat and forward a recommendation to the County Council.
4. The County Council shall take final action on the proposed Subdivision Final Plat.
5. Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
6. Upon approval of the County Attorney and once all required signatures are obtained, the detailed final Plat shall be recorded in the records of the County Recorder.

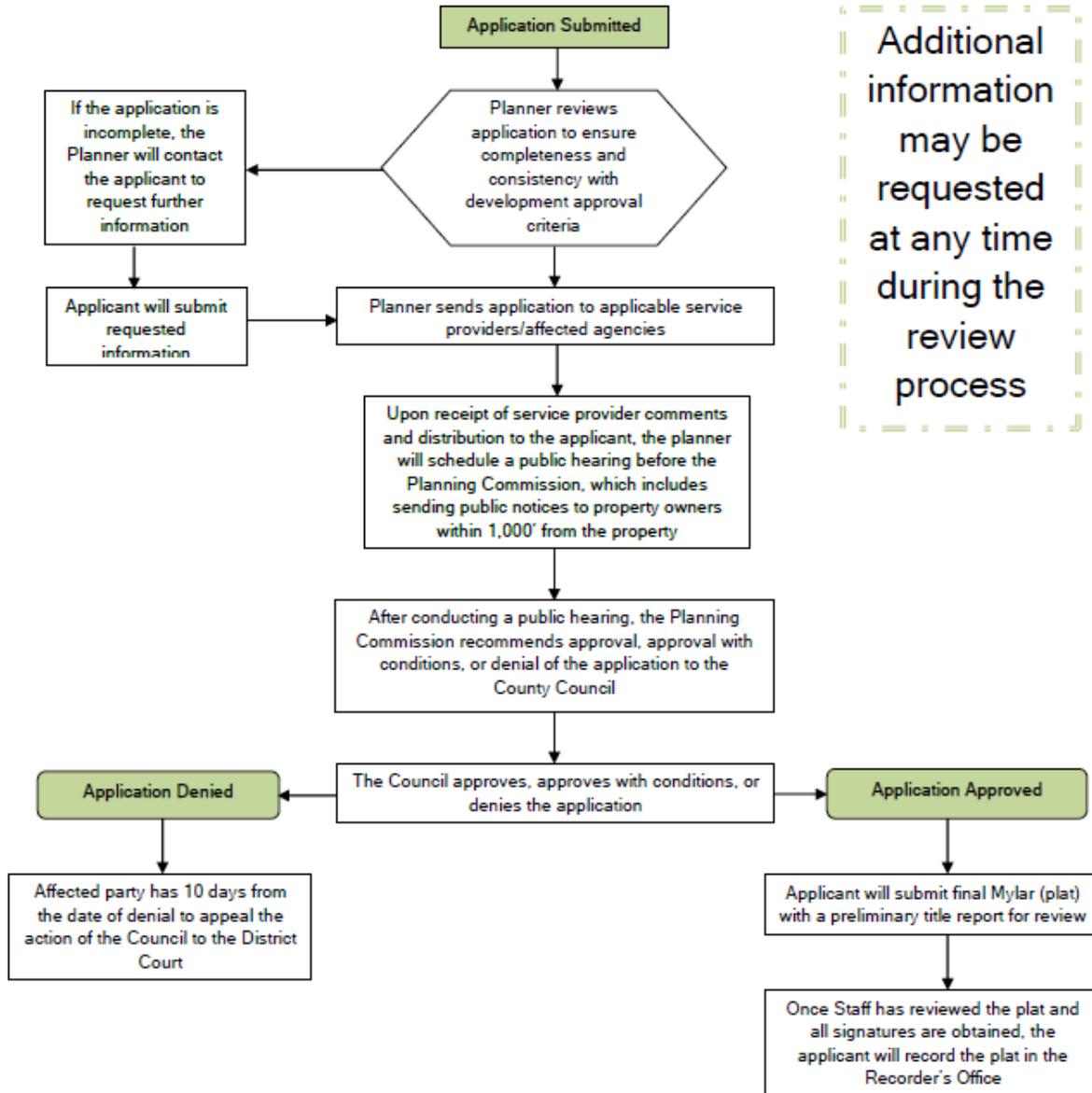
D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating, that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
2. Each proposed Lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is applicable.
3. Compliance with the development evaluation standards provided in Chapter 2 of this Title.
4. Compliance with the infrastructure standards in Chapter 6 of this Title.
5. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
 - a. Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
 - b. Wait at least 10 days after the day on which the Land Use authority

notifies a canal company or canal operator to approve or reject the Subdivision Application.

6. The minimum lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable zone.
7. In the case of a Subdivision with between six (6) and ten (10) proposed Lots, a positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system. In the case of a Subdivision with more than ten (10), a positive approval from the County Council on the Subdivision's proposed wastewater system.
8. If a parcel that was necessary for the calculation of Density in the Subdivision Application is not included in the Subdivision Plat, a memorandum of understanding will be recorded against that parcel stating that the Parcel has no remaining Density until such time as the Zoning Density is increased. The memorandum shall be recorded at the same time as the Subdivision Plat with the County Recorder's Office.
9. Proof that the taxes for the applicable property are paid.
10. Compliance with all applicable County Codes.

CONDOMINIUM PLAT

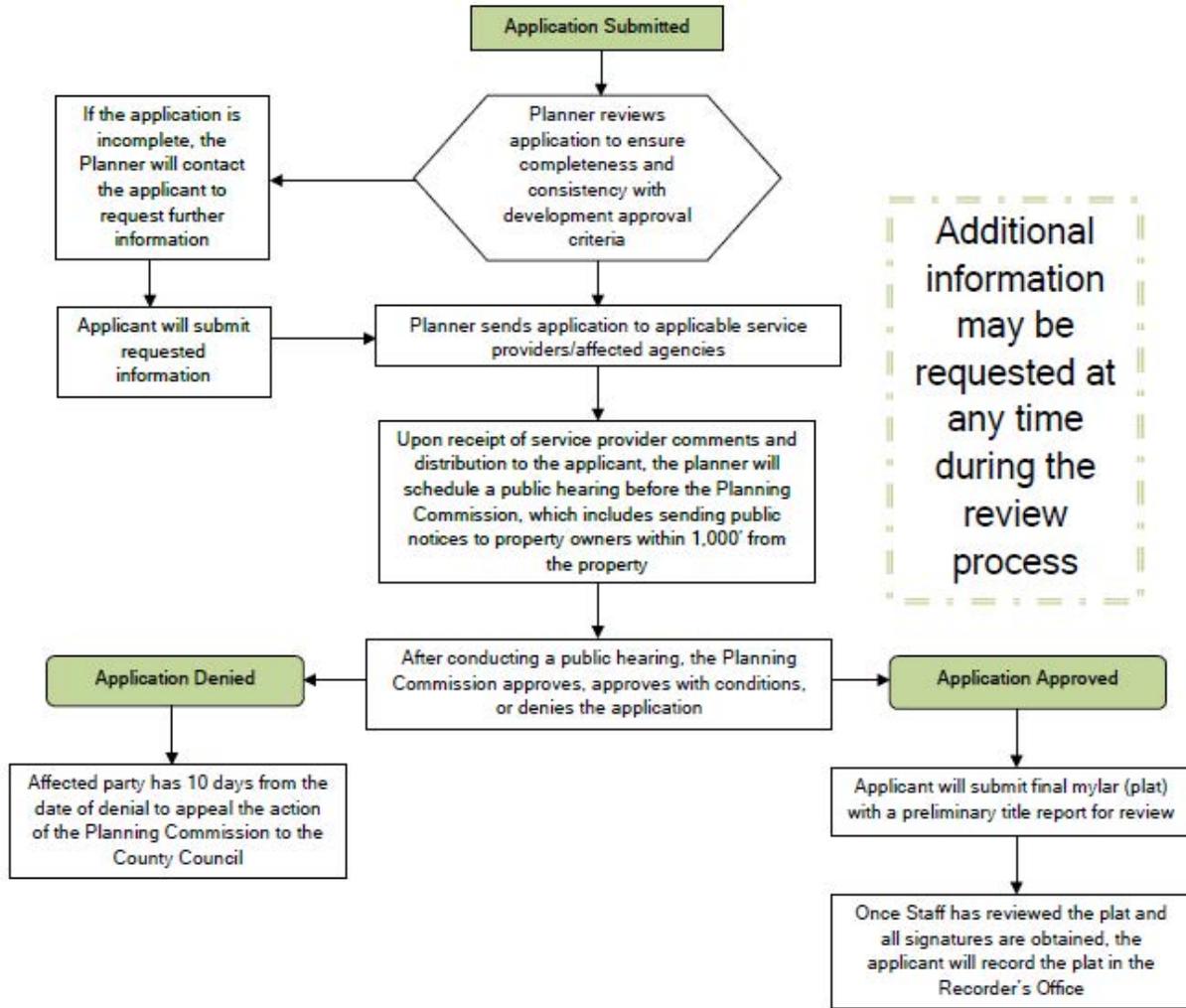


4. CONDOMINIUM PLATS

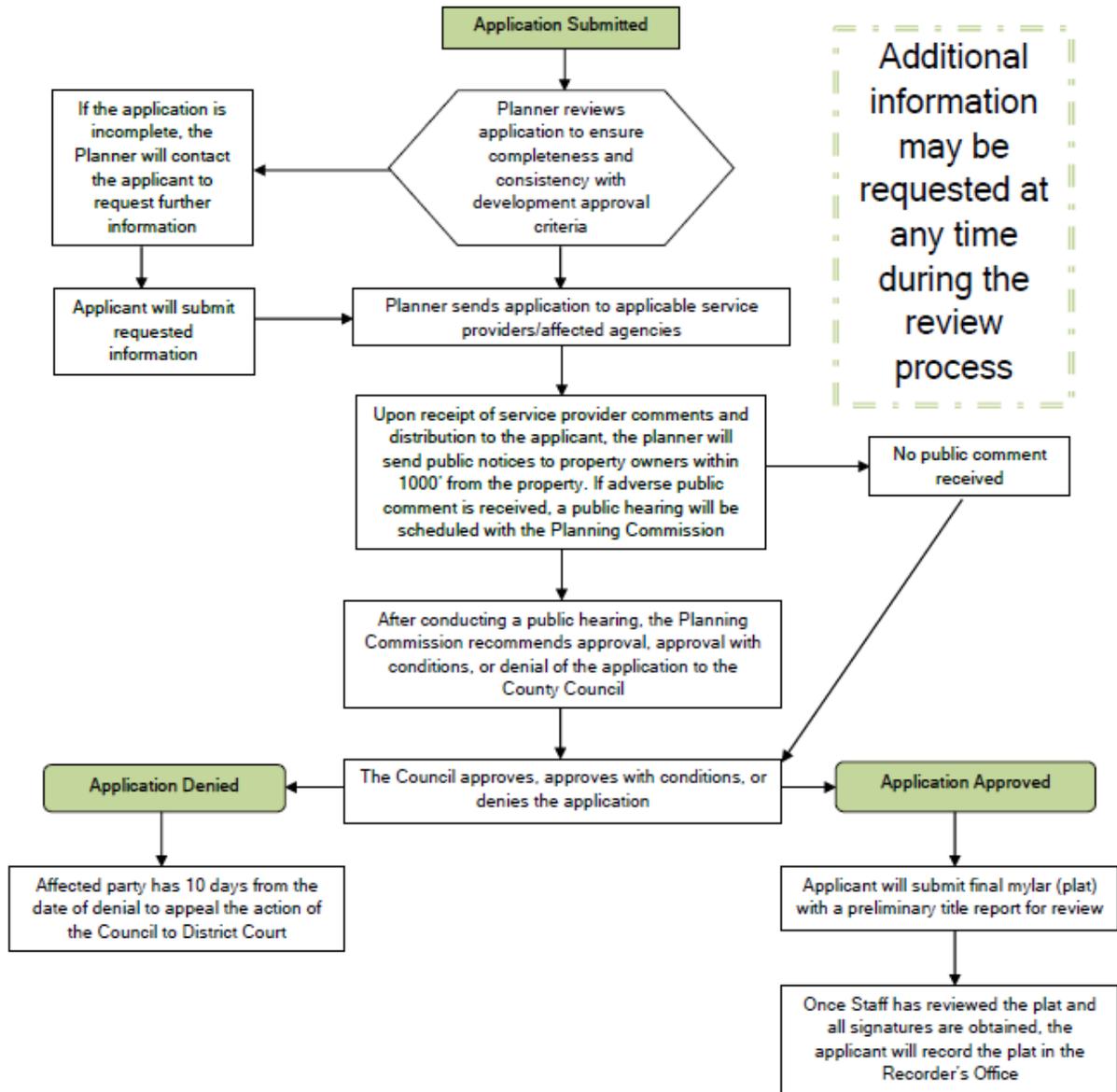
- A. Plat Requirements: A detailed condominium Plat is required in all cases which comply with the definition of "Condominium." A Condominium Plat shall contain the information required for a final site plan as identified in section [11-4-6](#) of this chapter. CCRs for the development shall also be submitted for review by the Summit County attorney's office prior to recordation of the Plat.
- B. Review Procedure: The review procedure for a condominium Plat shall be the same as the review procedure for a final site plan, as outlined in section [11-4-6](#) of this chapter.
- C. Issuance Of Building Permit: Building permits for condominium units can be issued following approval of the final Plat by the Planning Commission as provided by this chapter. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.
- D. Filing: All condominium Plats shall be filed in the office of the county recorder following completion of construction and before acceptance of improvements.



PLAT AMENDMENT (Amendments that do not alter a public road)



PLAT AMENDMENT (Amendment that alters a public road)



5. PLAT AMENDMENTS

1. Submission Requirements: Any request for a proposed vacation, alteration or amendment of a Subdivision Plat, any portion of such Subdivision Plat, or any road or Lot contained in such Plat shall require the Application for a Subdivision Plat Amendment. An Application for a Plat Amendment shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

a. Completed Plat Amendment Application including a description of all proposed amendments to the Subdivision Plat;

b. Proof that property taxes for the applicable property are paid;

c. Subdivision Plat Amendment Application fee payment;

d. Name and address, including telephone number, of the Owner(s), and citation of last instrument conveying title to each parcel of the property involved in the Amendment, giving grantor, grantee, date, and land records reference.

e. The signature of each Owner who consents to the Plat Amendment.

f. If the Subdivision Plat Amendment

1. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Plat Amendment and one electronic copy of a scaled Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:

The Plat Amendment name and date of Plat creation;

1. The name of the land surveyor;

2. approximate true north arrow;

3. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).

4. Consecutively numbered or lettered lots with addresses authorized by Summit County;

5. Notation of any self-imposed Plat restrictions or

revisions thereof;

6. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
7. Endorsement on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
8. All monuments erected, corners, and other points established in the field;
9. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
10. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

2. Review Procedures:

1. A. Plat amendments that result in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision: Land Use Authority: The Community Development Director shall be the Land Use Authority for all Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision.
2. Prior to the approval of a Plat amendment the Community Development Director shall provide written notice by first class mail a minimum of ten (10) days in advance of the requested action to all Owners of Property and affected entities located within one thousand feet (1000') subject to the application.
3. Review And Decision By The Planning Director: On the basis of written findings of fact, the Community Development Director or the Director's designee shall either approve, deny or conditionally approve an application for a Plat amendment based on the standards in this chapter.

The decision of the Director shall become effective at the time the decision is made.

4. Referral Of Application By Community Development Director to Planning Commission: The Community Development Director or the Director's designee may refer any Plat amendment Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD or designated planning staff member regarding an approval, approval with conditions or denial of the Application.

B. Plat amendments that result in building pad adjustments, Subdivision title changes Plat Note revisions, altering of utility easements, and all other amendments that do not affect a Road:

1. Land Use Authority: The Planning Commission shall be the Land Use Authority for all of the above-referenced Plat amendments.
2. The Planning Commission shall hold a Public Hearing in accordance with this Title prior to taking final Action on a proposed Plat amendment.

C. Plat amendments that alter a private road shown on a Subdivision Plat.

1. Land Use Authority: The Planning Commission shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a private road.
2. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a request to alter a private road within a Subdivision Plat.

D. Plat amendments that alter a public road shown on a Subdivision Plat.

1. Land Use Authority: The County Council shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a public road within a Subdivision.

2. The Planning Commission shall hold a Public Hearing in accordance with this Title. The Planning Commission shall forward a recommendation to the County Council.
3. The County Council shall hold a Public Hearing in accordance to this Title prior to taking final action on a request to alter a public road shown on a Subdivision Plat.
4. Required Notice of Public Hearings for Plat Amendments.

A. The Community Development Department shall give notice of any proposed Plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within one thousand feet (1000'). In addition, notice may be sent to all owners within the affected Plat and the affected Home Owners' Association. The notice shall fulfill all applicable requirements of the Utah State Code Annotated.

B. If the proposed Plat amendment involves the vacation, alteration, or amendment of a road, the Community Development Department shall give notice of the date, place, and time of the public hearing by:

1. Mailing notice, as required in this Title; and
2. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

5. Required Public Hearing Timeframe.

Once a Subdivision Plat Amendment Application/petition is filed and it is determined that a public hearing is required, the Land Use Authority shall hold the public hearing within forty-five (45) days following the receipt of a complete Application.

6. Waiver of the Public Hearing Requirement.

At the discretion of the Community Development Director, the public hearing requirement may be waived for Plat amendments if the following criteria are met:

- A. The name and address and consenting signatures of all owners of record of the land contained in the entire Subdivision Plat are submitted with the Application; or

- B. The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended is submitted with the Application; or
- C. The signatures of all owners within the Subdivision acknowledging consent to the petition is submitted with the Application.

7. General Criteria:

- A. Upon approval of the Subdivision Plat amendment, the following signatures are required on the final amended Plat:
 - 1. Community Development Director: Subdivision Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines;
 - 2. County Manager: Subdivision Plat Amendments resulting in an alteration of a private road shown on a Subdivision Plat;
 - 3. Planning Commission: Subdivision Plat Amendments resulting in building pad adjustments, Subdivision title changes, Plat note revisions and all other amendments that do not affect a public or private road, lot line adjustments, or the combination of lots);
 - 4. County Council: Subdivision Plat Amendments resulting in an alteration a public road shown on a Subdivision Plat; and
 - 5. County Recorder, County Engineer, County Attorney, and County Assessor. A "Certificate of Consent" from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.
- B. Once the Application is approved and all applicable signatures are obtained on the Plat amendment mylar, the County Attorney shall review a preliminary Title Report for acceptability.
- C. Upon approval of the County Attorney, and once all required signatures are obtained on the mylar, the Subdivision Plat amendment shall be recorded in the records of the County Recorder.

8. Vacation by County Manager, or County Council: When the County Manager or County Council proposes to vacate, alter or amend a Subdivision Plat, or any road or lot within a Subdivision Plat, the County Manager or County Council shall consider the issue at a public hearing after giving notice required by this Section.

9. Grounds for Vacating or Amending a Plat:

A. If the Final Land Use Authority is satisfied that the public interest will not be materially injured by the proposed vacation, alteration or amendment, and there is good cause for the vacation, alteration or amendment, the Final Land Use Authority, may vacate, alter or amend the Plat, any portion of the Plat, or any road or lot therein.

B. No Plat amendment shall be approved which results in an increase in density.

10. Appeal: An aggrieved party may appeal the final decision of a Subdivision Plat amendment in accordance with Appeals Procedures set forth in Section 11-7-16 of this Title.

6. PARCEL BOUNDARY ADJUSTMENTS

1. A property Owner:

- a) May execute a parcel boundary adjustment by quitclaim deed or by boundary line agreement as described in Utah State Code Section 57-1-45.
- b) Shall record the quitclaim deed or boundary line agreement in the office of the County Recorder.

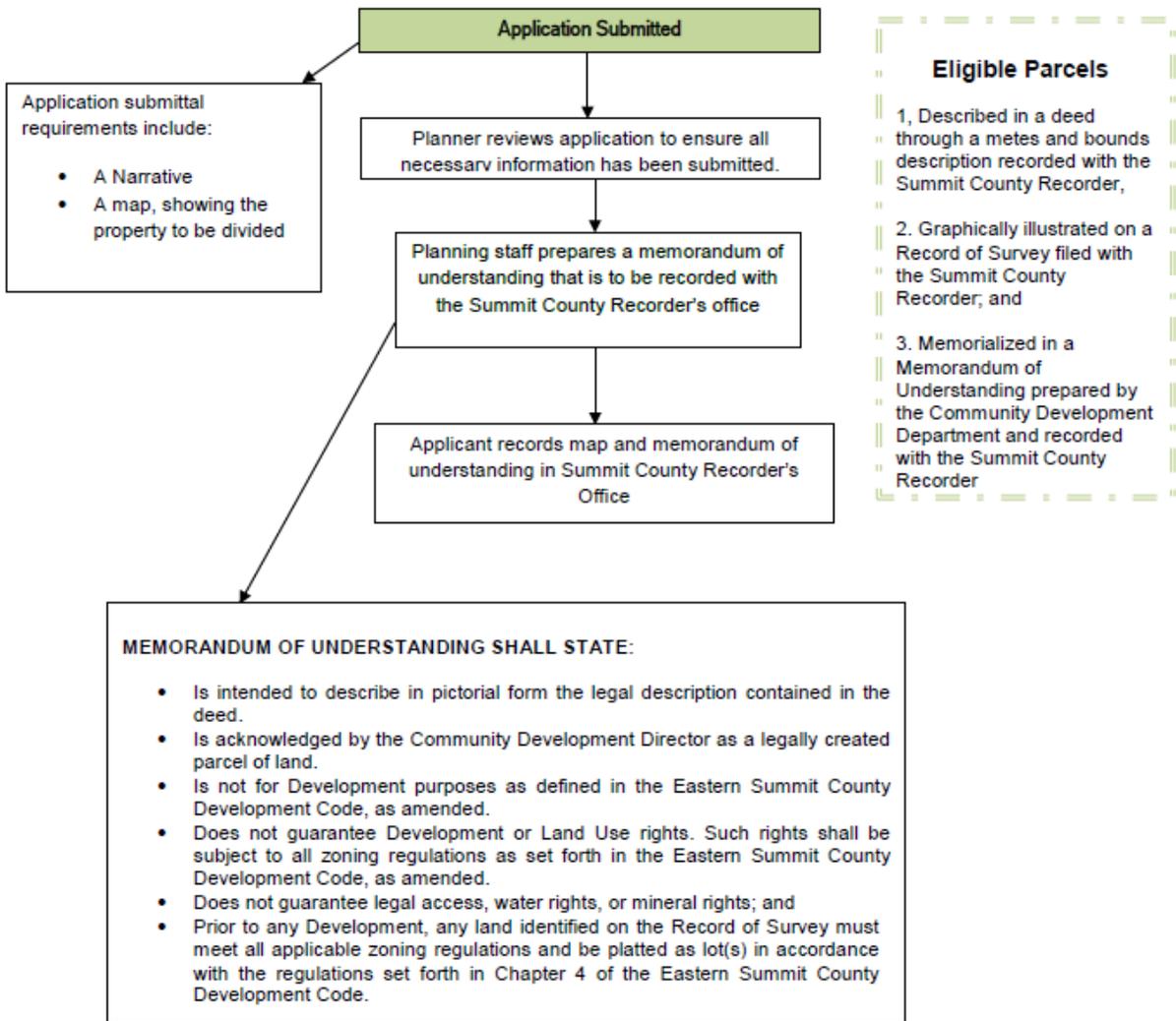
2. A parcel boundary adjustment is not subject to the review of the land use authority.

3. Creation of any new legal description through this process does not affect legal Grandfathered status of a parcel.



DIVISIONS OF LAND FOR NON-DEVELOPMENT

This is a process designed for the division or partition of land for non-development purposes. Eligible parcels are exempt from the subdivision process.



7. DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

- A. This section sets forth a process and associated requirements wherein the Community Development Director may approve the division or partition of land into 10 parcels or less for non-Development purposes.
- B. General Criteria Prior to approval of an Application for the Division of Land For Non-Development purposes, the Community Development Director or the Director's designee must make the following findings:
1. A courtesy notice shall be mailed to each owner of property located within three hundred feet (300') of the property to be divided.
 2. The property to be divided may not be traversed by the mapped lines of a proposed right-of-way as shown in the Eastern Summit County Transportation Master Plan and does not require the dedication of any land for street or other public purposes.
 3. Where applicable, the division has been approved by the culinary water authority and the sanitary sewer authority.
 4. The property to be divided must be located in a zoned area.
 5. The property to be divided must conform to all applicable provisions of this title or have properly received a variance from the requirements of this title.
 6. The property must be described in a deed recorded with the Summit County Recorder,
 7. The proposed division must be graphically illustrated on a Record of Survey filed with the Summit County Recorder; and
 8. The proposed divisions must be memorialized in a Memorandum of Understanding prepared by the Community Development Department and recorded with the Summit County Recorder.

D. Submittal Requirements

A Record of Survey for non-Development land division shall include the following information:

1. Narrative identifying:
 - a. Purpose of the Survey.
 - b. Basis upon which the lines were established.
 - c. Identification of which found monuments and deed elements controlled the lines established.
2. Map Requirements:
 - a. The map must be permanent in nature, drawn on a stable medium and reproducible.

- b. The size of the map must be 24" x 36".
- c. The scale must be shown and must be a scale found on a standard engineers rule.
- d. North arrow.
- e. Date of Survey.
- f. Client name for indexing purposes.
- g. Location by ¼ Section, Township, and Range.
- h. Basis of bearing shall include sufficient data for retracement.
- i. Tie to section corner.
- j. Distance and Courses of all lines traced or established.
- k. All measured bearings or angles and distances separately indicated from those of record.
- l. Relationship between monument found and monuments set.
- m. Legend (set and found monument separately indicated and described by size, length, type and how marked).
- n. Surveyors business name and address, certificate, license number, signature, and seal
- o. Legal description.

C. Review Procedure: Applications for the divisions of land for non-Development purposes shall be submitted to the Community Development Department. The Community Development Director shall review the Application to ensure all necessary information has been provided in a manner consistent with this section. The Community Development Director shall prepare a Memorandum of Understanding to be recorded jointly with the record of survey with the Summit County Recorder. The Memorandum of Understanding shall state that the non-Development land division Record of Survey:

- 1. Is intended to describe in pictorial form the legal description contained in the deed.
- 2. Is acknowledged by the Community Development Director as a legally created parcel of land.
- 3. Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
- 4. Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
- 5. Does not guarantee legal access, water rights, or mineral rights; and
- 6. Prior to any Development, any land identified on the Record of Survey must meet all applicable zoning regulations and be Platted as lot(s) in accordance with the regulations set forth in Chapter 4 of the Eastern Summit County Development Code.

11-4-6: FINAL SITE PLAN REVIEW:

- 1. Information Required: A detailed final site plan is required for all Conditional Use Permits, Low Impact Permits, and Temporary Use Permits. Final Site plans shall contain the information set forth in this section. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - a. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
 - b. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded Plats. The legal description shall include the following data:
 - 1. Metes and bounds of all property lines;
 - (i) Total area of property;
 - (ii) North scale and north arrow; and
 - 2. Name and route numbers of boundary roads and the width of existing rights-of-way.
 - c. Existing topography with maximum contour intervals of two feet (2').
 - d. A final detailed Land Use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
 - 1. The location and arrangement of all proposed uses, including Building area.
 - 2. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
 - 3. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
 - 4. The yard dimensions from the development boundaries and adjacent roads and alleys.

5. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.
6. Off road parking and loading areas and structures, and landscaping for parking areas.
7. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
8. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
9. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
10. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
11. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.
12. All existing monuments found during the course of the survey (including a physical description such as "brass cap").
13. All existing easements or rights-of-way, including those contiguous to the Platted area, their nature, width, and the book and page number of their recording in the County records.
14. All rights-of-way and easements and trails (including open space) created by the Subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.
15. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
 - (a) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
 - (b) Total number of dwelling units, by development phase;
 - (c) Residential density and units per acre;
 - (d) Total floor area and floor area ratio for each type of use;

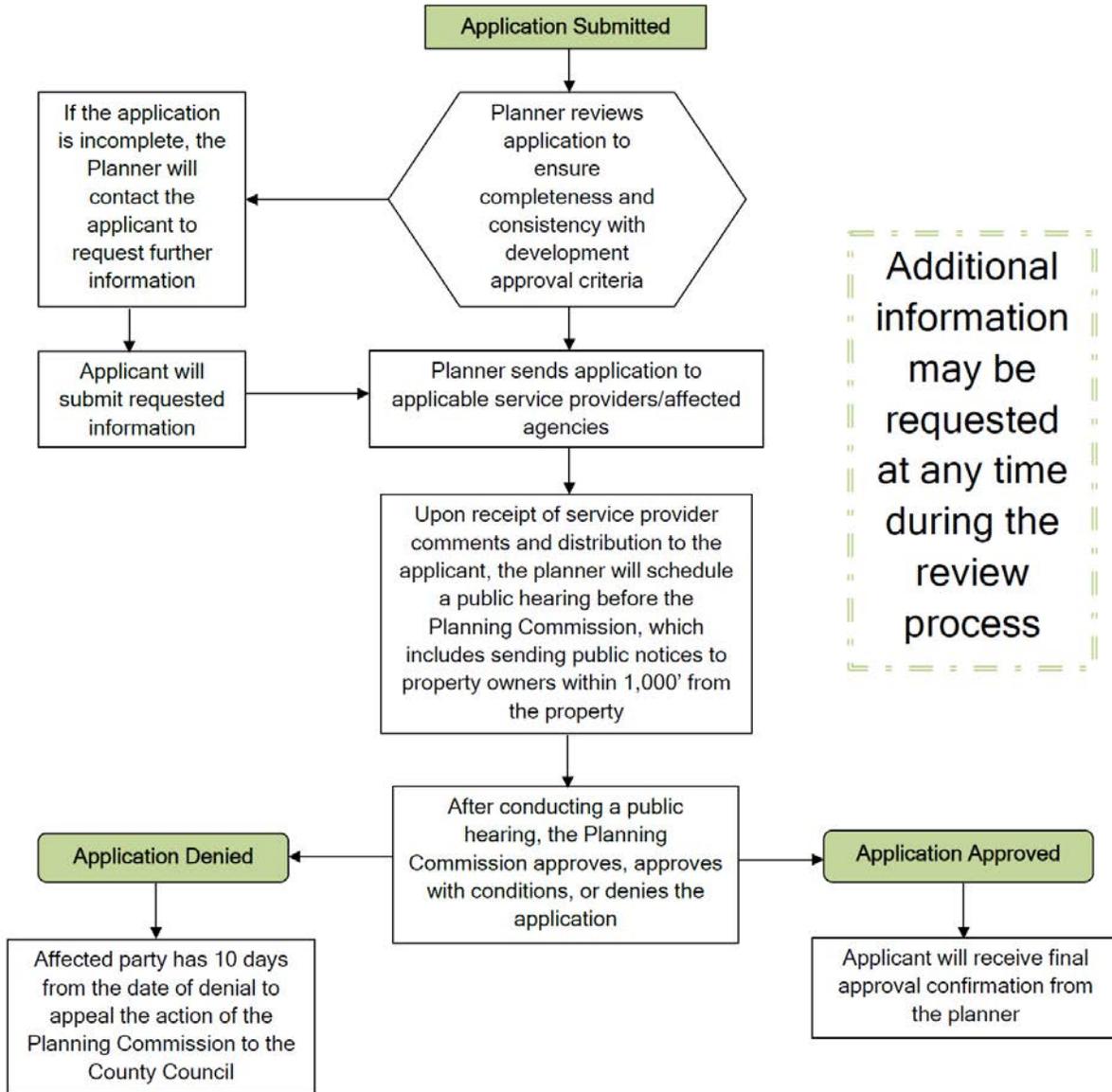
- (e) Total area in open space and length of trails;
- (f) Total area in developed recreational open space; and
- (g) Total number of off road parking and loading spaces.

2. Site Plan Contents: In addition to the requirements of Subsection A of this Section, the final site plan shall conform to current surveying practice and shall show the following information:
 - a. A title block giving the Subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and county of its location.
 - b. A notation of any adjoining Plats or certificates of survey and titles thereto.
 - c. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.
 - d. The owner's certificate of consent, including a legal description of the Subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.
 - e. The owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
 - f. A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the Subdivision. These certificates shall be signed, dated and notarized.
 - g. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
 - h. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, Power, and Gas companies (when applicable) and applicable Fire District. A signature block shall also be provided for the County Assessor indicating that all taxes, interest and penalties owing to the land have been paid.
3. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (Mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

4. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). (Ord. 323, 3-9-1998)
5. Review Procedure:
 - A. The Community Development Director or designated planning staff member shall review the Final Site Plan Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and approval, approve, approve with conditions or denial after a public hearing.

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CONDITIONAL USE PERMIT



11-4-7: CONDITIONAL USE REVIEW:

1. Purpose: It is recognized that there are activities which, because of the nature of the intended Land Use and potential impact upon the Use and enjoyment of neighboring properties, require special review these Uses, referred to as Conditional Uses, are identified in the Chart of Allowed and Conditional Uses in Section 11-3-14 of this Title. Conditional Uses shall be reviewed in accordance with the following criteria and procedures.
2. Findings for Approval: Before an Application for a Conditional Use Permit is approved, the Planning Commission must conclude that factual evidence exists to verify the following findings:
 - a. The proposed Use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.
 - b. The proposed Use, as conditioned, shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - c. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.
 - d. The Use will not adversely affect, in a significant manner, the public health, safety, and welfare.
3. Review Procedure:
 - A. The Applicant shall submit a completed Conditional Use Permit Application and all information set forth in this section. The Community Development Director may waive specific submittal requirements based on a finding that the information is not necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or Planning Commission may require additional information based upon a finding that the information is necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or designated planning staff member shall review the Application and shall make findings and recommendations and shall schedule a review before the Planning Commission as soon thereafter as may be practicable.
 - B. The Planning Commission shall review the project and the staff report. After holding a Public Hearing, the Planning Commission

shall approve, approve with conditions, or deny the proposed Conditional Use.

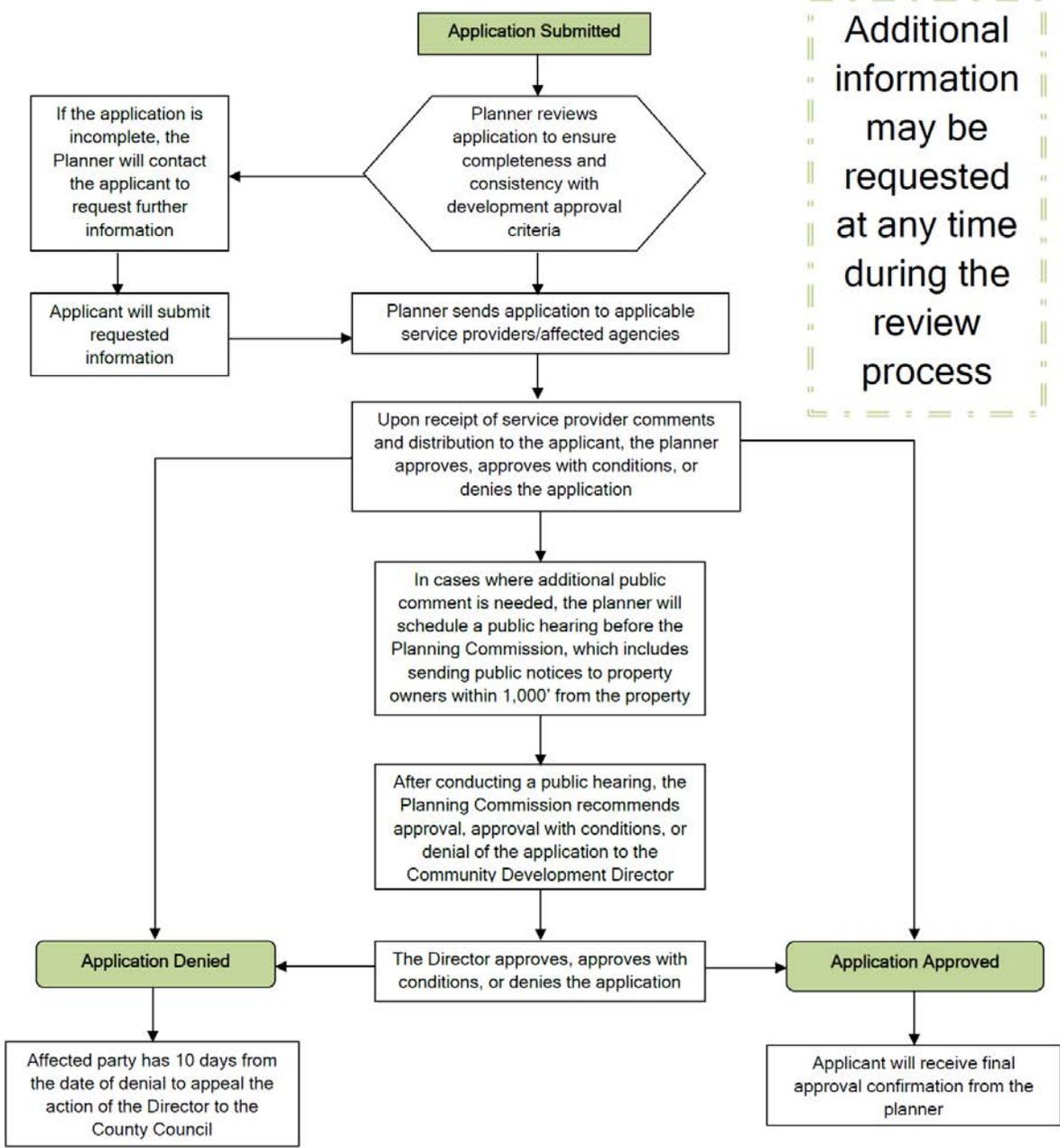
4. Time Limit for Action: Unless otherwise approved by the Planning Commission, Conditional Use Permits shall expire in one (1) year from the date of Planning Commission's written approval unless the Conditional Use Permit activity has commenced.
5. Periodic Review Process: Conditional Use Permits are subject to periodic reviews by the Community Development Director or designated planning staff member to assess if the conditions of approval are being satisfied. If the original conditions associated with the Conditional Use Permit are not being satisfied, the Planning Commission may commence a review of the Conditional Use Permit and possible revocation action.
6. Establishment of a Conditional Use Permit. Final approval of a Conditional Use Permit shall be in the form of a letter to the Applicant specifically identifying each condition together with the approved site plan and any other accompanying documents determined to be relevant by the Community Development Director or designated planning staff member and stamped approved.
7. Amendments to Conditional Use Permits:
 - A. Minor Amendment: A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved Conditional Use Permit, which may be approved by the Community Development Department administratively.
 - B. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, and/or intensity of a previously approved Conditional Use Permit. A major amendment may be commenced by filing a Conditional Use Permit Application and paying the fee for the review thereof.
8. Adult/Sex-Oriented Facilities: See Appendix B of this Title for Adult/Sex-Oriented Facilities and Businesses requirements.
9. Additional criteria for oil wells, gas wells and steam wells. A Conditional Use Permit Application shall be reviewed and approved for oil, gas, and steam wells according to the following additional criteria:
 - A. Access to the drill site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to maintain existing drainage patterns.

- C. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and drill site.
 - D. The drilling and production operation shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, and odors.
 - E. All waste shall be disposed of in such a manner as to comply with the air and water quality regulations of state and county ordinances.
 - F. Firefighting apparatus and supplies as approved by the County Wildland Fire Marshall shall be maintained on the drilling site at all times during drilling and production operations.
 - G. Upon completion or abandonment of the well, all disturbed areas, including the drill site and staging areas shall be reclaimed by re-contouring the area blend with the natural terrain, replacing top-soil and re-vegetating. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - H. Drill sites and/or staging areas located on sensitive lands such as steep slopes and ridgelines or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as hours of operation, screening and buffering, fencing, traffic, and lighting.
10. Additional criteria for wind power generation facilities. A Conditional Use Permit Application shall be reviewed and may be approved for wind power generation facilities according to the following additional criteria:
- a. Access to the site shall utilize existing roads as much as possible.
 - b. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to blend into the natural terrain and maintain existing drainage patterns. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - c. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and facility site.
 - d. Transmission lines shall be located along existing roadways where possible or in other locations that avoid vegetation disturbance and visual scaring of prominent hillsides.

- e. Facility sites located on sensitive lands such as steep slopes, ridgelines, view corridors or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as height, colors, and security fencing.

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LOW IMPACT PERMIT



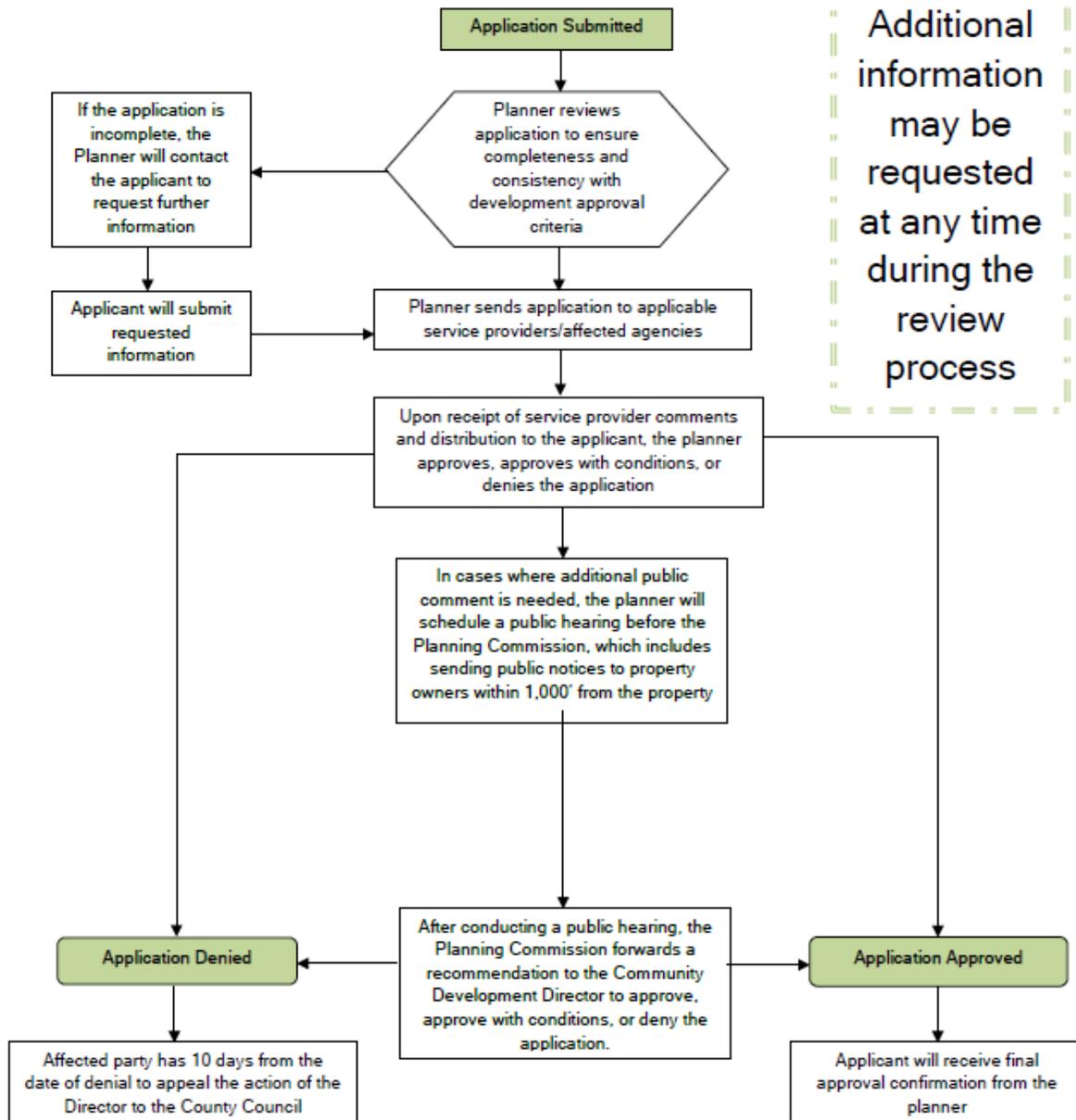
11-4-8: LOW IMPACT PERMIT REVIEW:

1. Purpose: The purpose of the Low Impact Permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a Low Impact Use. Upon compliance with the provisions of this Section, a Low Impact Use approval may be granted by the Community Development Director or designated planning staff member, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.
2. Applicability: The Low Impact Review Process can be utilized to obtain administrative approval for projects determined to be low impact and which are in conformance with the Development Evaluation Standards and general regulations of the Code. An Application for approval of a Low Impact Permit shall be commenced by filing a plan and paying the applicable fee with the Community Development Department.
3. Review Procedure:
 - A. The Applicant shall provide a Development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director or designated planning staff member the applicant's intentions with regard to use, site layout and compliance with the "Code," and any applicable ordinance, development permit, or development agreement.
 - B. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise or additional comment is needed or has been received from the community, a Public Hearing on the Conditional Use Permit Application may be scheduled with the Planning Commission. Following the Public Hearing, the Planning Commission shall approve, approve with conditions or deny the Application.
 - C. The Community Development Director or designated planning staff member shall determine whether the Application is sufficient and in compliance with the provisions of the Code. The Community Development Director or designated planning staff member may require the Applicant to submit such additional information as may be necessary to determine whether the Application conforms to the requirements of the Code.
 - D. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the Low Impact Permit Application and shall communicate the decision to the Applicant. The

Community Development Director or designated planning staff member may impose all reasonable conditions necessary to ensure compliance with applicable provisions of Chapter 2 of the Code. The Community Development Director or designated planning staff member may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code. Oil, gas and steam wells are exempt from this provision and are allowed by right according to the standards described in Section 11-4-10(F) below.

- E. The Planning Commission shall periodically be provided with a list of the Low Impact Permits that have been issued by the Community Development Director or designated planning staff member, or as requested.
4. Findings for Approval. Before a Low Impact Permit is approved, the Community Development Director or designated planning staff member must conclude that factual evidence exists to verify the following findings:
- A. The use conforms to all applicable requirements of the Code and state and federal regulations.
 - B. The use is consistent with the goals and policies of the Eastern Summit County General Plan.
 - C. The Use conforms to all requirements in Chapter 2 of this Code, Development Evaluation Standards.
 - D. The use is not detrimental to public health, safety and welfare.
 - E. The use is appropriately located with respect to public facilities and services.
 - F. The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

TEMPORARY USE PERMIT



11-4-9 TEMPORARY USE REVIEW:

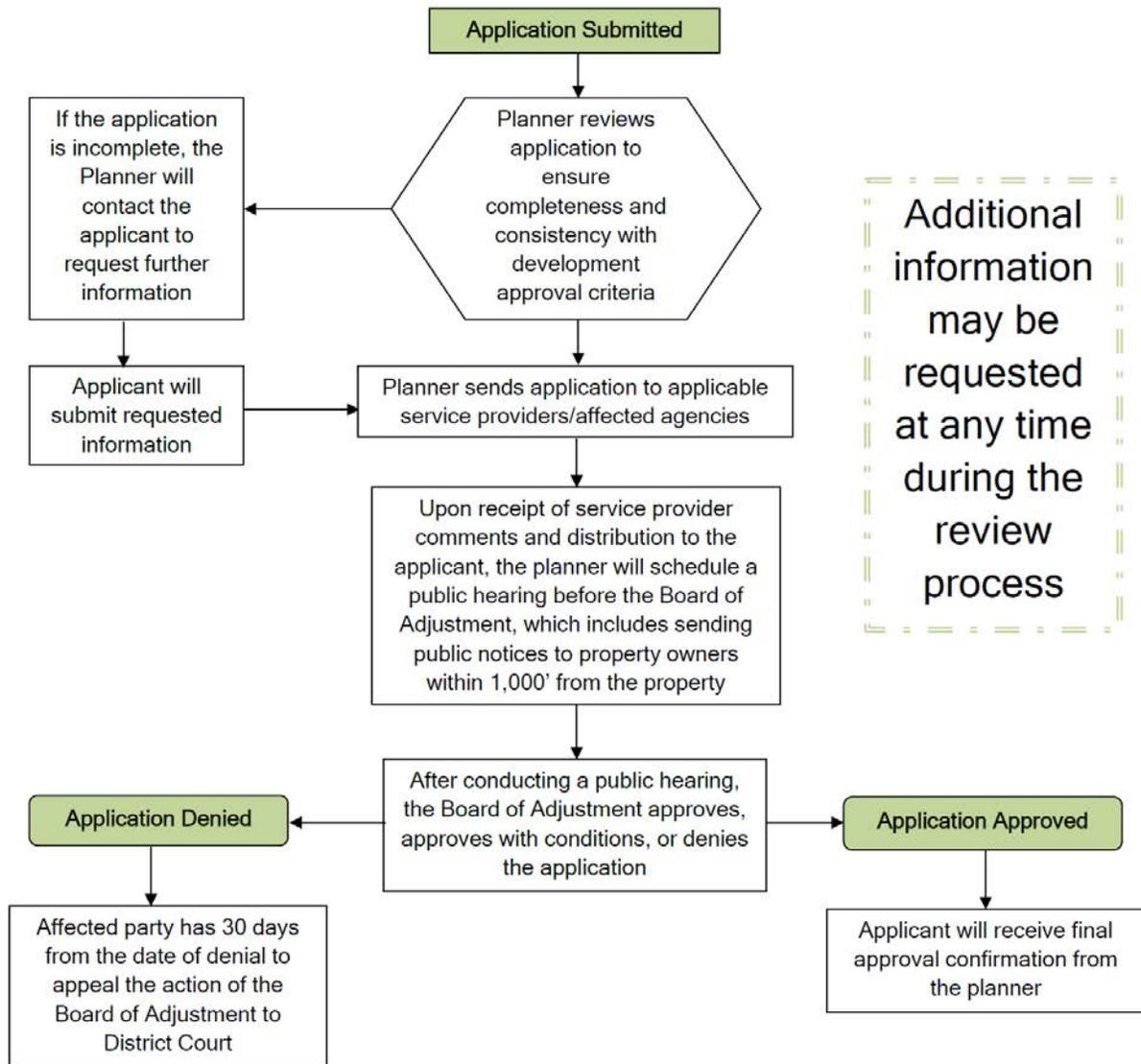
1. Purpose: Upon compliance with the provisions of this section, a Temporary Use approval may be granted, upon reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare. This Section is intended to provide a process and procedure for reviewing and approving, approving with conditions, or denying a temporary use, or limited duration activity that will provide an overall benefit to the community for the time frame during which it is permitted to exist.
2. Findings for Approval: Before an Application for a Temporary Use is approved, the Community Development Director or Planning Commission must conclude that factual evidence exists to verify following findings:
 - A. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare.
 - B. The proposed Use shall be appropriate, on a temporary basis, in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.
 - B. The proposed Use shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.
 - C. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.
 - C. The site shall be returned to its original condition or, when significant disturbance has occurred, to a condition approved by the Planning Commission.
3. Review Procedure:
 - A. Temporary uses shall not be permitted for a period to exceed one (1) year. The Applicant shall submit a completed Temporary Use Application and all information deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the temporary use Application and shall communicate the decision to the applicant. Approval of a Temporary Use

shall not be considered valid unless a specific period of time during which the use may exist and operate designated. The Community Development Director or designated planning staff member may consider and approve one six (6) month extension of a temporary use.

- B. Referral of Application by Community Development Director to Planning Commission: The Community Development Director or the Director's designee may refer any Temporary Use Application or Temporary Use Extension to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the Director or designated planning staff member regarding an approval, approval with conditions or denial of the Application.

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ZONING VARIANCE

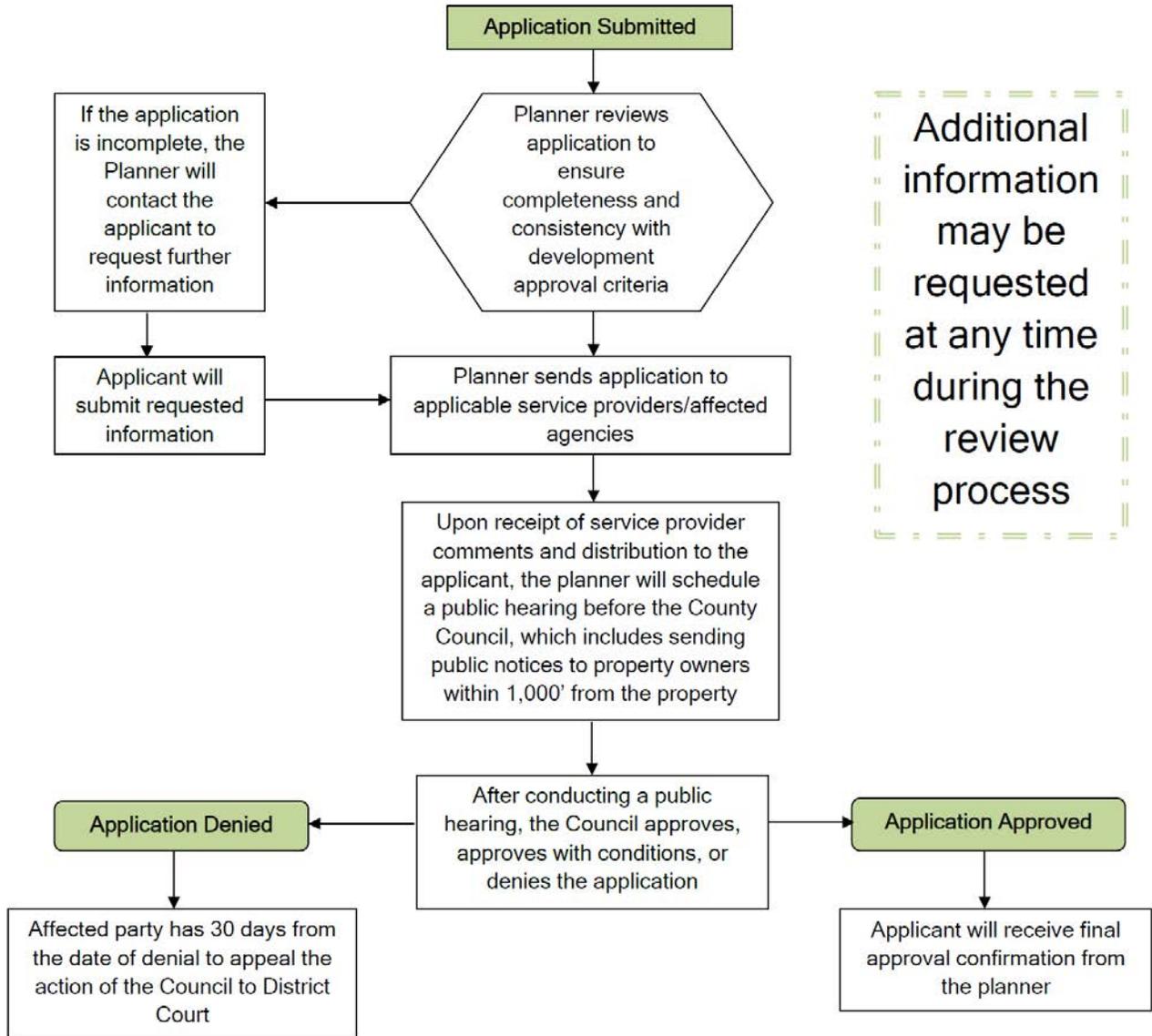


11-4-10: ZONING VARIANCES:

1. Any person or entity desiring a waiver or modification of the requirements of this Development Code as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Summit County Board of Adjustment for a variance from the terms of the Code.
2. Prohibited Variances: The Board of Adjustment may not grant a use variance.
3. Standards: The Board of Adjustment may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same Zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zone;
 - d. The variance will not substantially affect the General plan and will not be contrary to the public interest; and
 - e. The spirit of the Land Use ordinance is observed and substantial justice done.
4. Circumstances Peculiar to Property: In determining whether or not enforcement of this title would cause unreasonable hardship under standard a. of this section, the Board of Adjustment may not find an unreasonable hardship unless:
 1. The alleged hardship located on or associated with the property for which the variance is sought; and
 2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
5. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
6. Special Circumstances: In determining whether or not there are special circumstances attached to the property under Section 3 of this chapter, the Board of Adjustment may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
7. Conditions: In approving a variance, the BOA may impose additional requirements on the applicant that will:
- a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
8. Variances run with the land.
9. Review Procedure:
- A. The Community Development Director or designated planning staff member shall review the Board of Adjustment Application and make preliminary findings as to whether the Application complies with the standards for approving a variance established in this Title.
 - B. If applicable, the Community Development Director or designated planning staff member may secure input regarding the proposed request from any affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the BOA.
 - C. The BOA shall review the proposal and staff report. After conducting a Public Hearing, the BOA shall approve, approve with conditions, or deny the proposed request.

SPECIAL EXCEPTION



Additional information may be requested at any time during the review process

11-4-11: SPECIAL EXCEPTIONS:

1. Purpose: Where the County Council finds that an Applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this Title unduly burdensome, it may, after a Public Hearing, approve special exceptions to the zoning provisions of this Title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of this Title or any provision thereof.
2. Criteria for Approval: The County Council shall not approve a special exception unless the Applicant demonstrates compliance with each of the following:
 - A. The special exception is not detrimental to the public health, safety, and welfare;
 - B. The intent of the Development Code and General Plan will be met;
 - C. The Applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and
 - D. There are equitable claims or unique circumstances warranting the special exception.
3. Submission Requirements: An Application for a Special Exception shall not be accepted as complete unless such Application contains sufficient information in graphic and text form to adequately describe the applicant's objective and all applicable fees are paid.
4. Review Procedure:
 - A. If applicable, the Community Development Director or designated planning staff member may obtain input regarding the proposed Special Exception from all affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the County Council as soon thereafter as may be practicable.
 - B. The County Council shall review the proposal and staff report. After conducting a public hearing, the County Council shall approve, approve with conditions, or deny the Special Exception request.

APPENDIX A DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this appendix (called "Capitalized Terms"). Where definitions are given in another chapter or section of this title that apply to only that section or chapter, those definitions shall apply first.

Capitalized Terms uses in this code have the meaning as stated in this section. If the term starts a sentence and is intended to have the meaning ascribed to it in these definitions, then term must be followed by its initial letter in parentheses in caps to denote the meaning. e.g. "Structures (S) are not allowed in wetlands." When terms are not capitalized then they have the meaning that is conferred by common usage and the context in which they are used. "Shall" is always mandatory.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include singular; the word "herein" means "in these regulations"; the word "regulation" means "these regulations" the word "Code" means "the Eastern Summit County Development Code" or "this Title".

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to structures, facilities, land or parcel.

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ADMINISTRATIVE PERMIT: A permit issued by the planning staff, Community Development Director or building official for specified uses after compliance with applicable zoning or development code regulations is determined.

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ADULT / SEXUALLY ORIENTED BUSINESS: Defined according to Section 10-5-2 of the County Code of Summit County et seq.

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AGRICULTURE: The tilling of the soil, raising of crops (including timber), forage, grazing and raising of animals/fish for agricultural purposes.

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AGRICULTURE ADVISORY BOARD: The Agriculture Advisory Board (Advisory Board) as so designated by the County Manager for the purposes of assisting in the implementation of the agricultural protection measures and incentives described in this title.

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AGRICULTURAL BUILDING: a Building or Structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the Person(s) engaged in agriculture. Agricultural Buildings do not include dwelling units.

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AGRICULTURAL EXEMPTION: Agricultural structures used for agriculture as defined by State Code.

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ANTENNA: Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials and shapes, including, but not limited to, solid or wire mesh dish, cone, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to, the following:

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A. Roof Mounted Antenna: An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the rooftop of a building.

B. Top Hat Antenna: Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two feet (2') in width as viewed looking directly at the structure.

C. Wall Mounted Antenna: Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

ANTENNA SUPPORT STRUCTURE: A structure, the principal purpose of which is for location of antennas. Types of antenna support structures may include:

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A. Lattice Tower: A multiple sided, open steel frame structure used to support one or more antennas.

B. Monopole: A standing antenna support structure placed directly on the ground to support one or more antennas.

APPLICANT: The owner of land and/or his/her representative seeking formal County action.

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APPLICATION: A form or checklist supplied by the Community Development Department, indicating the data and information necessary to process the applicant's proposed project.

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ARTERIAL: Any road intended to provide direct year around connection to other jurisdictions, or which links such roads, and is intended or used primarily for free flowing traffic movement. Traffic velocity is generally greatest on arterial roads, due primarily to road design.

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ATTACHED BUILDING: Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all units.

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AUTO IMPOUNDMENT YARD AND ASSOCIATED TOWING SERVICES: An outdoor storage facility for impound of automobiles brought there by a towing service.

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AUTOMOTIVE SALES: An establishment primarily engaged in the sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats,

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including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

AUTOMOTIVE REPAIR, SERVICE AND DETAILING: An establishment primarily engaged in the repair of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

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AUTO WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

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BANKS AND FINANCIAL SERVICES: An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond broker's loan and lending activities.

BARS, TAVERNS, NIGHTCLUBS: An establishment serving alcoholic beverages for consumption on the premises.

BED AND BREAKFAST INNS: A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

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BUILDING: Any Structure built for the support, shelter or enclosure of persons, animals, or movable property.

BUILDING, ACCESSORY: A Building upon the same lot (or on a contiguous lot under the same ownership) as the principal Building and which is: a) clearly incidental to, and customarily found in connection with, such principal Building or Use; and b) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

BUILDING CODE: The International Building Code (IBC) as adopted by the County.

BUILDING OFFICIAL. The Building Official as defined in the IBC

BUILDING ENVELOPE: The building envelope denotes that area within which a structure must be located. A building envelope is designated by building setback lines or can be shown specifically on a subdivision plat.

BUILDING PERMIT: An official document or certification that is issued by the Building Official and which authorizes the construction, enlargement, alteration, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a

Building or Structure.

BUSINESS: Any lawful enterprise, profession, occupation or activity engaged in by a Person with the objective of profit, gain, benefit or advantage, direct or indirect, which is conducted within Eastern Summit County.

BUTCHER WITH SLAUGHTERING, RETAIL: A commercial establishment for small-scale slaughtering and processing of animals, including the sale of meat and related products.

BUTCHER, RETAIL: A commercial establishment for the processing of animals, including the sale of meat and related products.

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, tents, mobile trailers, and other temporary housing for dwelling, lodging, or sleeping purposes on a temporary recreational basis. Does not include manufactured housing communities or similar long-term housing Developments or trailer parks.

CARWASH: The Use of a site for washing and cleaning of vehicles in a commercial operation open to the public. Does not include facilities that are accessory uses to the principal permitted Use.

CELL ON WHEELS (COW): A mobile temporary telecommunications facility which is located on a trailer. COWs are subject to Temporary Use permits (see use chart)

CEMETERY: Land used or dedicated to the burial or internment of the dead, including crematoriums and mausoleums.

CHILD CARE, IN-HOME (4 CHILDREN OR LESS): Providing child care services within a dwelling home for four or less children.

CHILD CARE, FAMILY (FEWER THAN 9 CHILDREN): A child care facility operated by a party who resides at the premises used for child care services, which provides service for fewer than nine children.

CHILD CARE, FAMILY (WITH 9-16 CHILDREN): Providing child care services within a dwelling that is licensed by the state wherein are received nine or more children under 17 years of age who are not related to such person and whose parents or guardians are not residents in the same house with such person responsible for the control and care of children enrolled therein.

CHILD CARE, COMMERCIAL: Providing child care services within a commercial establishment that is licensed by the state wherein are received children under 17 years of age.

CHURCHES / HOUSES OF WORSHIP: A Building used for non-profit purposes by a recognized and legally established sect primarily for the purpose of worship.

COLLECTOR ROAD: A road intended to move traffic from local roads to arterial roads. Collector roads typically collect traffic from a neighborhood or large subdivision and provide a connection to the arterial road system.

COLOCATION: A telecommunications facility includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

COMMERCIAL USE: the act of selling goods or services under a business license as required by the County: includes non-profit enterprises and 501 C3 operations.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the Community Development Department, with overall administrative control of the planning, building and zoning functions of the county, under the direction of the County Manager.

CONDITIONAL USE: Land Uses that because of their potential detrimental impacts may require mitigation in order to be permitted under this code. Conditional Uses are allowed in a Zone only if the reasonably anticipated detrimental effects of the Use can be substantially mitigated through the imposition of reasonable conditions.

CONDOMINIUM: Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act, whether for residential, non-residential, and any other use.

CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission or county engineer as a condition of the approval of the plat.

CONTRACTOR'S OFFICE: A room or group of rooms used for conducting business affairs that does not use any exterior storage area.

CONTRACTOR'S YARD: Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components uses by the owner or occupant of the premises in the conduct of any building trades or building craft.

CORNER LOT: A Lot located at the intersection of two roads/streets.

COUNTY COUNCIL: The Legislative Body of Summit County, Utah.

COUNTY MANAGER: The Chief Executive Officer of Summit County, Utah.

CRITICAL AREA: Fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, streams and wetlands.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as firefighting and other public safety equipment.

DENSITY, BASE: The maximum number of Dwelling Units permitted per acre(s) of land by a Zone district.

DENSITY, RESIDENTIAL: The sum of all Residential Dwelling Units within a development or Zoning District. Often expressed as Units per Acre.

DENSITY COMMERCIAL: The Floor Area of a Structure within a Lot or Parcel calculated as a ratio of Floor Area /Lot or Parcel area.

DEVELOPER: The person, persons, corporation, firm or partnership proposing to engage, or who is engaged, in DEVELOPMENT.

DEVELOPMENT: the act of building a Structure for the purpose of Residential, Commercial, Industrial, Institutional or Municipal Use along with the necessary infrastructure improvements directly related to the construction of the same: includes Accessory Buildings. Development does not include, minor grading (cuts and fills less than three feet), Structures not regulated by the Building Code (including Building Code exempt retaining walls), flat work such as concrete slabs, patios, walkways and driveways, revegetation, landscaping, erosion control or underground utilities and infrastructure within an existing Lot or Parcel..

DEVELOPMENT AGREEMENT: An agreement between a developer or property owners and the county pursuant to the provisions of this title contained herein adopted in connection with a legislative act.

DISTILLERY: A place where liquor is manufactured.

DRIVEWAY: A means of access to one but not more than five (5) one-family dwelling units. Without assurances that only five (5) dwellings will use a driveway, it shall otherwise be a local road.

DWELLING UNIT, MULTI-FAMILY: A dwelling unit in a structure containing three (3) or more dwelling units sharing common vertical walls or floors/ceilings, but not including hotels, lodges and other similar uses.

DWELLING UNIT, ONE-FAMILY: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one family and its guests. . May be referred to as a single-family dwelling unit.

DWELLING UNIT, SINGLE-FAMILY ATTACHED: A dwelling unit in a structure containing two (2) or more units sharing one or more vertical and no horizontal common walls, each of which is designed for and used as a dwelling unit exclusively by one family and its guests. May also be referred to as a townhouse.

DWELLING UNIT: A building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking and sanitation, and is intended for occupancy by a family and its guests, independent of other families.

DWELLING UNIT, ACCESSORY: An area used by the owner of the primary residence or primary tenant/business as a dwelling for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest or similar users. An accessory dwelling unit shall contain cooking, sanitation and sleeping facilities.

DWELLING UNIT, AGRICULTURAL EMPLOYEE: A one-family dwelling unit located on an agricultural parcel/lot. The dwelling unit must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural employee dwelling unit shall contain cooking, sanitation and sleeping facilities.

EASEMENT: A quantity of land set aside over which a liberty, privilege or advantage in land without profit exists distinct from the ownership of land, which is granted to the public or some particular person or part of the public.

EQUIPMENT RENTAL, HEAVY: The temporary leasing of a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders or lifts having a gross weight of 2.5 tons or more.

EQUIPMENT RENTAL, LIGHT: The temporary leasing of tools, lawn and garden equipment, recreation equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

ESCROW: A deposit of cash with the county or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit on a continuous basis.

FENCE: A structure constructed for reasons of privacy, security or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls.

FINAL APPROVAL: Final approval by the County Manager, County Council, Planning Commission, Board of Adjustment or Community Development Department, where commission action is not always required, of a plan, project, rezoning, use, activity or other action that shall be given after all the requirements set out in the preliminary approval have been met and after all concerns of all service providers regarding such plan, project, rezoning, use, activity or other action have been addressed and answered.

FINAL PLAT: The map or plan of a subdivision and any accompanying material, as

described in these regulations, that is intended to be recorded in the office of the Summit County Recorder.

FLOODPLAIN: An area adjoining a river, stream or watercourse, or other body of standing water, in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses designated as a floodplain by the Federal Emergency Management Agency.

FLOOR AREA: The total of all square footage of floor space within all floors of a building as measured from the inside of the exterior walls. Does not include attics, crawl spaces, attached garages, loading areas, breezeways, enclosed or unenclosed porches, elevator or stair bulk heads, and decks ~~and non-habitable spaces~~ within a Structure.

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FLOOR AREA RATIO: The percentage of the Floor Area divided by the sum of the square feet of the Lot or Parcel on which it sits.

FOOD PROCESSING, COMMERCIAL: An establishment that transforms raw ingredients into food or transforms food into other forms for consumption.

FORESTRY: The Use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Does not include the temporary or long-term operation of a sawmill.

FUNERAL SERVICES: An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home, crematoriums, or mortuaries.

GAS AND FUEL, STORAGE AND SALES: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

GASOLINE SERVICE STATION WITH OR WITHOUT CONVENIENCE STORE: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises, often in combination with the retailing of items typically found in a convenience market or supermarket.

GENERAL PLAN: The General Plan for Eastern Summit County, prepared by the Planning Commission and the County Council, pursuant to state law.

GEOLOGICAL HAZARD: The hazard presented by surficial or deep geological instabilities including, landslides, rapid erosion, rock fall, liquefaction and earth quakes.

GEOLOGICAL HAZARD AREA: A site where risk of harm from one or more Geological Hazards is present.

GOVERNMENT LOTS: A subpart of a section which is not described as an aliquot part of the section, but which is designated by number, for example, Lot 3. A lot may be regular or irregular in shape, and its acreage may vary from that of regular aliquot parts. (an aliquot part is the standard subdivisions of a section, such as a half section, quarter section, or quarter-quarter section).

GRADE, NATURAL: The existing profile of the surface of the land prior to any ground disturbance resulting in a change to the topography. When existing grade does not exist due to excavation, landslide or other disturbances regardless of cause, Natural Grade will be established by the Development Director based on best available information. Such designation is subject to appeal to the Planning Commission.

GRADE, FINISHED: The finished or resulting grade where the surface of the ground meets the building after the completion of development.

GUEST RANCH or LODGE: A Commercial Use consisting of recreational activities that may include, but are not limited to, horseback riding, fishing, hunting, skiing and snowmobiling. The Guest Ranch may include overnight lodging, food service, meeting and conference facilities as well as other uses

HEALTH CARE FACILITIES: A facility or clinic, whether public or private, principally engaged in providing services for health maintenance, diagnosis, and treatment. Services are provided on an outpatient basis only, and of a smaller scale than a Hospital.

HEALTH DEPARTMENT AND HEALTH OFFICER: The person within the Summit County Health Department, so designated by the County Council, to administer the health regulations of the county and/or state.

HEIGHT: For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of a flat or pitched roof or other portion of a structure. This measurement shall occur at any point within the exterior walls of the building or structure. Vertical architectural features on Houses of Worship, such as steeples which are associated with the religious function of the building, may be constructed 2-1/2 times the height of the building.

HOME OCCUPATIONS: Those occupations or professions which may be conducted within a dwelling unit or on the premises thereof and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HORSE BOARDING, COMMERCIAL: An establishment providing for the housing, breeding, raising, or care of horses owned by person(s) other than the property owner or occupant, for a fee.

HOSPITAL: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, out-patient facilities, training facilities, medical offices, or staff residences.

HOTEL, MOTEL OR INN: An establishment containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, but not including lock-outs or boarding houses. Motels are generally an establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

HOUSING, MODERATE INCOME: Housing that is affordable, either for rent or for sale, to households that earn no more than eighty percent (80%) of the Area Median Wage.

INDOOR ENTERTAINMENT: An establishment providing entertainment or recreational activities within an enclosed building, such as motion picture theaters, live theaters, roller skating, bowling, ice skating and similar uses.

INDUSTRIAL USES: Operations which include the storage, manufacturing and processing of agricultural or timber products, minerals extraction and production, treatment, packaging, wholesaling, fabrication, assembly and warehousing.

INSTITUTIONAL USES: A use operated by a private or public non-profit educational, recreational, charitable or public service organization, such as having the purpose primarily of serving the general public, but not including Houses of Worship.

KENNEL, COMMERCIAL: Any premises, except where accessory to an agricultural use, where five (5) or more domestic animals, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use.

LAKE: A lake is a large body of still water formed naturally that is surrounded by land.

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LOCAL ROAD: A roadway intended to provide access to and from a local subdivision or a cluster of single-family attached and/or multi-family dwelling units. It provides access to abutting properties.

LOGGING CAMP: An establishment engaged in cutting down trees for commercial purposes, including transportation to a sawmill. A "logging camp" does not include cutting or alteration of trees incidental to construction activities.

LOT: A numbered lot described within a recorded subdivision plat. (See definition of Legal Parcel/Lot).

LOT COVERAGE: The combined area of the footprint of all Structures, exterior impervious surface associated with the Use of the property (including storage areas, parking lots, driveways and similar areas) in a commercial or industrial Use. Coverage does not include building eave overhangs or pervious decks or similar coverings that do not directly impose an impervious covering on the ground.

LOT LINE, FRONT: The property line dividing a lot from a road, whether public or private, or located adjacent to the principal means of access.

LOT LINE, REAR: The property line opposite the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT OF RECORD: See "Right, Grandfathered".

LOT WIDTH: The minimum distance between the side property lines.

MAINTENANCE AND CONSTRUCTION SERVICES: An establishment providing services relating to the maintenance or repair of commercial and dwelling structures, such as plumbing/heating/air conditioning, painting, electrical services, masonry, landscaping, carpentry, roofing/sheet metal, concrete services, and well drilling.

MANUFACTURING, CUSTOM: A use that may be home-based that is engaged in the on-site production of goods and the incidental direct sale to customers of only those goods produced on-site. Typical uses include cabinet shops, ceramic studios, candle-making shops, custom jewelry manufacturing, bakeries, decorative art or uses of a similar scale.

MANUFACTURING, LIGHT: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

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, sewage treatment plants, 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 by-products such as dust, fumes, hazardous waste products, noise, vibration, and glare.

MEMORANDUM OF UNDERSTANDING: A recorded document describing a bilateral or multilateral legal agreement between Summit County and/or one or more parties.

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MINING or RESOURCE EXTRACTION: The extraction of a mineral or resource from its natural occurrence on or under the ground.

MOBILE HOME: Any vehicle or object intended for occupancy by an individual or family that was originally constructed in total so as to be portable or mobile, whether presently affixed to the ground or not, and which is intended to be connected to on site utilities.

MOBILE HOME PARK: A Parcel or Lot under one ownership that has been planned and improved for the placement of two (2) or more mobile homes intended for occupancy.

MUNICIPAL LANDFILL: A government facility intended for the disposal, dumping, and/or burial of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or vehicle parts, and other non-toxic waste material. A Municipal Landfill may also include recycling facilities.

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 establishment of the current zoning regulations.

NON-COMPLYING USE: The Use of a Building, Structure or activity which does not conform to current use regulations for the district in which it is situated, and which did not conform to all regulations at time of its establishment.

NON-CONFORMING STRUCTURES: A Structure that does not conform to existing zoning regulations (including size, setbacks, height, architecture). Non Conforming Structures can only be expanded if the expansion does not increase the buildings non conformity.

NURSERY / GREENHOUSE: An enterprise that conducts the retail or wholesale of plants grown on or off the premises, as well as related accessory equipment.

OFFICES: A room or suite of rooms used for conducting the affairs of a business, profession, service industry, or government.

OPEN RECREATION USE: Land or the use of land intended for public/private uses, including facilities such as playgrounds, campgrounds, golf courses, tennis courts, corrals, skiing, snowmobiling, riding arenas, rafting tours, mountain biking tours, horseback riding, commercial snowmobile tours, all-terrain vehicle tours and other similar activities, but not including shooting ranges, and other similar activities as determined by the Planning Commission as part of a Use approval.

OPEN SPACE, COMMON: Facilities, land and yard areas identified within a subdivision for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of the Development.

OPEN SPACE LAND: Land deed restricted for public or private purposes of agricultural, scenic, or recreational purposes.

ORDINANCE: Any legislative action, however denominate, of the County which has the force of law, including any amendment or repeal of any ordinance.

ORDINARY HIGH WATER MARK: The mark along water bodies that is evident by examining the bed and banks where the presence and action of waters and riparian vegetation boundaries are common in ordinary years, as to mark upon the soil a distinct character from that of the abutting upland. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

OVERLAY ZONE: A zone district that encompasses one or more underlying zones and imposes additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by the underlying zone. These special requirements shall take precedence over the provisions of the underlying zone.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

PARCEL: A tract of land that is not a numbered lot within a recorded subdivision.

PARCEL/LOT, LEGAL (conforming): A lawfully created lot within a recorded subdivision or a parcel of land conforming to the minimum parcel size requirement of the applicable zoning district at the time of a land use or Development request is a Legal Parcel/Lot. A Legal Parcel/Lot is eligible for a Land Use activity and or Development pursuant to the requirements of this title.

PARCEL/LOT, LEGAL (non- conforming): A lawfully created parcel/lot that does not conform to the minimum size requirements of the applicable zoning district based on current Code at the time of a development request. A non-conforming Legal Parcel/Lot may be eligible for Development pursuant to a Grandfathered Right status determination. A non-conforming Legal Parcel/Lot is eligible for a non-Development Land Use action pursuant to the requirements of this Title.

RIGHT, GRANDFATHERED: A Development entitlement status accorded to Legal Parcel/Lot non-conforming created prior to May 6,1996 that does not conform to the minimum size requirements of the applicable zoning district at the time of a Development request.

PARCEL, REMAINDER: A Parcel of land that is the remnant of a Subdivision process.

PARK: An area reserved for recreational, educational, or scenic purposes and may include small-scale recreational facilities such as playground equipment.

PERMITTED USE: A use of land allowed by right under the provisions of this Title.

PERSON: A "person" includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club.

PETROLEUM REFINERY: A facility involved in producing petroleum distillates from crude.

PLANNING COMMISSION: The Eastern Summit County Planning Commission of Summit County, Utah, established in this Title.

PLAT: A map of lands being laid out and prepared in accordance with Utah State and County that, once approved, is recorded.

PLAT AMENDMENT: A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "resubdivision."

PLAT NOTE: A statement on a recorded Plat used to identify restrictions, setbacks, disclaimers, and other appropriate information.

Pond, Artificial: An artificial pond is a small body of still water created by excavating and/or diking dry land and used exclusively for such purposes as stock watering, irrigation, settling basins, recreation purposes, aesthetic ornamentation or as a landscape/architectural feature.

Pond, Natural: A natural pond is a small body of still water that is surrounded by land. Natural ponds may arise naturally in floodplains, wetlands, as part of a river system, or may be created specifically for habitat restoration.

PREFABRICATED HOME: A home constructed with steel frame may be considered a "mobile home" for the purpose of Section 11-3-12 of this Title.

PROFESSIONAL OFFICES: A building or space used by persons such as accountants, architects, engineers, artists, dentists, designers, lawyers, physicians, realtors, and others by virtue of their training and/or license, are qualified to perform services of a professional nature.

PUBLIC HEARING: A meeting noticed and advertised in advance and open to the public, in which members of the public have an opportunity to participate prior to formal action by the County.

PUBLIC FACILITY: A Use, facility, or Building owned or managed by the County, or a quasi-public entity, that provides a function, activity, or service for public benefit.

PUBLIC IMPROVEMENT: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, water or sewer system, or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county

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responsibility is established. All such improvements shall be properly guaranteed and installed as per county codes, specifications and regulations.

PUBLIC ROAD: Land intended for vehicular travel and transport by the public.

RAILROAD INDUSTRIAL USES: Industrial uses and activities associated with the railroad including shipping and distribution of agricultural, timber products, minerals and other materials.

RECYCLING FACILITY, CLASS I: Recycling containers totaling up to 60 cubic yards of capacity per lot or residential/business development used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, limited to the use by a specific residential neighborhood, civic facility, or commercial business park.

RECYCLING FACILITY, CLASS II: A building, structure or designated area with recycling containers totaling over 60 cubic yards of capacity per lot or residential/business development used for the collection, processing, composting, and temporary storage or transfer of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard that may be for the use of the entire community.

REGISTERED ENGINEER: An engineer properly licensed and registered in the state of Utah.

REHEARSAL OR TEACHING STUDIO FOR CREATIVE, PERFORMING AND/OR MARTIAL ARTS WITH NO PUBLIC PERFORMANCES: A recreation facility operated as a business on private or public property and open to the public for a fee, such as a dance studio, gymnastics studio, music studio, or substantially similar use, and support facilities customarily associated with the development.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered in the state of Utah.

RESERVOIR: A reservoir is an artificial lake used as a source of water supply, for recreation or aesthetic purposes.

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RESIDENTIAL CARE FACILITY: A 24-hour group living environment for four (4) or more individuals that offers room and board and specialized care and treatment for the elderly or persons with disabilities.

RESTAURANT: A Commercial establishment for preparation, consumption and sale of food and beverages on the premises or for take away consumption.

RETAIL COMMERCIAL ESTABLISHMENTS: An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use serving the immediate or surrounding neighborhood. Typical uses include apparel stores, drug stores, grocery stores, book stores, auto parts stores, and other similar uses.

RIDING ARENA: A Building or Structure, the use of which is to board horses and/or conduct recreational activities and events, provide riding lessons, instruction or training and showing of horses or other domesticated animals

RIDING ARENA, COMMERCIAL: A commercial business for the riding and/or training, boarding, breeding, or rental of horses

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, irrigation ditch, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right of way" for land platting purposes shall mean every right of way hereafter established and shown on a final plat to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

RIVER: A river is a natural stream of water of fairly large size flowing in a definite course or channel or series of diverging and converging channels. A river is fed along its course by converging tributaries.

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ROAD: A public or private vehicular way consisting of a Right of Way or easement and related improvements for the purpose of vehicular transportation.

ROAD, DEAD END: A road or a portion of a street with only one vehicular traffic outlet.

SAWMILL: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot. Incidental sales of these products and associated products may occur on site.

SCREENING: A visual barrier.

SERVICE PROVIDER: A public or private entity providing public facilities or private utility services to a proposed Use or development.

SETBACK: The distance between a lot line to the foundation of a structure or the finished exterior surface of a structure, whichever is closer to the property line, excluding uncovered stairs, roof eaves that don't extend into the setback more than three feet (3'), and decks that don't exceed one foot (1') in height, measured from the top of the deck to the grade directly below.

SETBACK, FRONT: A front setback will be required for each side of a lot bordering a public street or other right of way.

SHOOTING RANGE, INDOOR: A facility designed or used for archery and / or the discharging of firearms for the purposes of target practice or temporary

competitions, which is completely enclosed within a Building or Structure.

SHOOTING RANGE, OUTDOOR: The use of land for archery and / or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, which is not completely enclosed within a Building or Structure.

SIGN, FREESTANDING: A sign supported by poles, uprights or braces extending from the ground or from an object on the ground; provided that no part of the sign is attached to any part of a building.

SITE PLAN: A document or map that may be required by Summit County during a preliminary review preceding the issuance of a development permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

SKETCH PLAN: A sketch preparatory to the preparation of a final plat or plan.

STREAM, Perennial: Waters that are composed primarily of natural channels, have a continuous bed and bank and normally flow year round.

STREAM, INTERMITTENT: Water reaches with a defined bed and bank that flow annually but not year round and have continuous channels from origin to terminus.

STREAM, EPHEMERAL: Ephemeral streams or spring flows are channels that do not flow on a regular annual basis but flow only during major storm events. These channels lack continuous bed and bank features or appear discontinuous over their reach. If they are not connected to a Water of the US, they are not afforded any protection under this Code.

STREET: See "ROAD", "LOCAL ROAD", "PUBLIC ROAD".

STRUCTURE: Anything constructed, the use of which requires a fixed location on or in the ground and which projects above the general surface of the ground, or attached to something having a fixed location upon the ground, excluding poles, lines, cables, fences, on grade decks, driveways, and other similar features. All structures must maintain the minimum setbacks for the district in which they are located, both above and below the ground. This definition includes "Building".

SUBDIVISION: The division or redivision of land in accordance with State law.

SUBDIVISION PLAT: The final map or drawing of a subdivision in accordance with State law.

TELECOMMUNICATIONS EQUIPMENT: Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.

TELECOMMUNICATIONS EQUIPMENT ENCLOSURE: A Structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

TELECOMMUNICATIONS FACILITY: An unmanned structure which consists of "antennas", "antenna support structures", "telecommunications equipment" and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, "cellular" or "PCS" (personal communications system) communications and paging systems, whether commercially or privately operated.

TELECOMMUNICATIONS, NONSTEALTH DESIGN: Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures aboveground and unscreened would be considered non-stealth.

TELECOMMUNICATIONS, STEALTH DESIGN: Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility, such as by heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the rural aesthetics of Eastern Summit County. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but are not limited to, roof mount antennas, utility pole antennas, light or flag poles, artificial rocks or trees.

TEMPORARY USE: Any use intended for a limited duration.

TEMPORARY STRUCTURE or BUILDING: those buildings and structures that meet the definition of Temporary under the Building Code.

UNINCORPORATED: Not part of a City or Municipality.

USE: The activity that occurs on the land and/or within a Structure.

USE, ACCESSORY: A Use conducted on the same lot as the principal Use or Structure with which it is associated; and is a Use which is clearly incidental to and is customarily found in connection with such principal Use and is either in the same ownership as such Principal Use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the Principal Use. No accessory Use shall be allowed on any lot or parcel unless the Principal Use is being actively utilized.

USE, LAND: The performance of an activity. Does not include Development.

USE, PRINCIPAL: A use that is an Allowed use by zoning or Conditionally approved in accordance with the Use Table in Chapter 3. Does not include Accessory Use.

USE, PROHIBITED: Any Use that is not an Allowed, Conditional, Temporary, or Accessory as identified in the Use Table of this Code. A Prohibited Use cannot be permitted.

UTILITY ANCILLARY SUPPORT BUILDING: A building which is subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.

UTILITY LINE, UNDERGROUND: Wires, cables, and pipes placed in the ground to transmit materials, energy services, or communication services.

UTILITY STRUCTURE AND RELATED FACILITIES: May include a building/structure that is constructed so as to provide assistance, benefit and aid, directly or indirectly, to a service such as electrical power, light, and forms of communication including: telephone, telegraph, fiber optic signals, cellular service for both analog and digital signals, and radio and television signals to name a few. This list is not intended to be all inclusive.

UTILITY TOWER: A structure typically higher relative to surrounding structures that provides a service in the form of electrical power, light, or forms of communication, limited to: telephone, telegraph and fiber optic signals. Utility Towers do not include towers used exclusively for wireless communications.

VARIANCE, ZONING: A waiver of specific zoning regulations of this title granted by the Board of Adjustment in accordance with the provisions set forth in this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by similar properties.

VESTED RIGHT: A legal entitlement to a use or structure.

VETERINARIAN CLINIC: A licensed medical establishment for the care and treatment of small, domestic animals.

WAREHOUSING AND STORAGE: An establishment offering wholesaling, storage, and handling of materials and equipment. May include storage warehouses, wholesale distributors, self-storage facilities, and moving and storage firms.

WATER, RIGHT: The legal right to use water.

WATER or WASTEWATER TREATMENT PLANT: The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, in preparation for the discharge of treated waters into natural waters.

WATER, WET: Actual ability to obtain physical water on site, such as through a water system or an operational well.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas. An area of land can only be determined to be Wetlands through a delineation process in accordance to the procedures set out in the 1987 Corps of Engineers Wetland Delineation Manual and the current Regional Supplement: Arid West Region (Version 2.0). Wetlands include all areas delineated by this manual regardless of whether they are subject to Corps jurisdiction or not.

ZONE: A land use area designated on the official Zoning District Map adopted by this Code.

ZONE DISTRICT MAP: The official Summit County zoning map as adopted and/or revised by the Summit County Council.

Auditor



Michael R. Howard

April 19, 2016

County Council,

RE: Parcel RP-T-84

Parcel RP-T-84 is scheduled to go to Tax Sale on May 26th. This parcel is owned by Kenneth W. Chambers. It is his primary residence. Due to medical issues he has fallen behind in paying his taxes.

Ken has submitted a letter stating his situation and a payment agreement for you to review and possibly approve.

He will pay his taxes in full by April of 2017. He will agree to pay at least \$700.00 per month for 1 year, understanding that there will be additional interest accruing over the year.

If you agree to this proposal and he fails to keep his payments current, his property will go to sale in May 2017. There will be no other payment plans accepted.

Sincerely,

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

Kathryn Rockhill
Deputy Auditor

April 19, 2016

Dear County Council,

My name is Ken Chambers and I am sole owner of parcel RP-T-84. My town home in Redpine at the bottom of the Canyons Village. This is my primary residence and I own my home outright, no notes or mortgages.

In the last 5 years I have become severely delinquent on my property taxes which at the moment of this letter totals at \$7,841.89.

Some years ago I was in an accident and broke my back in 4 places and had a 9 inch fusion installed in the middle of my spine. Lots of titanium and bolts and tie wire. I am very lucky to the point that I can function normally most of the time. In recent years other areas of my back have had to pay the price periodically sidelining me for weeks or months at a time.

This is not an excuse for my delinquency; many have done far more with less.

I have been a builder and craftsman my whole life and self-employed for most of it. The last several years I have been in the process of transitioning from a manual labor based income to more job management and shop based finish work. The goal is to not bend over. That is when I become injured.

Several months ago I paid a couple grand to my bill and have been focused on paying the rest of my debt. I was ignorant to the severity of my delinquency and procedure of clearing current taxes before clearing the oldest. I have attempted to secure some basic financing to clear my debt with the county. Even though I own my home completely I was still declined.

With some guidance from Katheryn Rockhill I am respectfully requesting consideration from the council to set up a payment plan so that I may be able to clear my debt over the next twelve months or sooner. With accruing penalties still to be added it calculates out to slightly less than \$700.00 a month. I am currently healthy and producing billable hours. I can and will be able to make the call to cover my debt in this time period. Rest assured I will be paying this bill first. I have this very nice laminated Tax Sale Notice I am keeping for inspiration.

Please accept my apologies for any extra work on my behalf. Thank you for the consideration and your service to the county.

Respectfully,

Ken Chambers

Summit County Weed Week Resolution

The Summit County Cooperative Weed Management Area, Summit County Weed Board and Utah State University Extension Service would like the Summit County Council to recognize May 1st – 7th, as Summit County Weed Awareness Week. This recognition would be through the means of signing a resolution (attached) designating this week as Weed Awareness Week. This resolution would be signed by the Council during the regular Council meeting scheduled for Wednesday April 27, 2016. Several representatives from the above organizations will be on hand during the signing of the resolution by County Council members.

The purpose of the resolution is to help residents of Summit County become aware of the problems associated with noxious weeds. A newspaper article and other publicity items will be used during the week to help promote the control of noxious weeds.

If you have any further questions, contact Sterling Banks, USU Extension Agent (435) 336-3219 or Mindy Wheeler, Summit County Weed Board/CWMA Chairperson (801) 699-5459.



RESOLUTION NO. 2016-_____

**A RESOLUTION DESIGNATING
May 1-7, 2016 AS SUMMIT COUNTY WEED AWARENESS WEEK**

WHEREAS, it is the role and duty of county government to protect land within its jurisdiction from invasive weeds and to work on preventive measures for their control; and,

WHEREAS, it is the desire of the County Council (the "Council") to support the County Weed Board in its noxious and invasive weed control programs; and,

WHEREAS, it is also the desire of the Council to support the National and State noxious and invasive weed control programs; and,

WHEREAS, it is the desire of the Council that Summit County residents observe the National Invasive Weed Awareness Week ("Weed Awareness Week"), which is planned nationwide; and,

WHEREAS, the purpose of Weed Awareness Week is to focus attention on the severe problems created by noxious and invasive weeds, such as choking out desirable native plant species; and,

WHEREAS, it is the desire of the Council to publicly declare the week of May 1-7, 2016 as Summit County Weed Awareness Week.

NOW, THEREFORE, be it resolved by County Council, Summit County, Utah, that May 1-7, 2016 is designated as "Summit County Weed Awareness Week."

APPROVED AND ADOPTED this 27th day of April, 2016

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

Kent Jones, County Clerk

By: _____
Roger Armstrong, Chair

March 16, 2016

The Board of County Council
Summit County, Utah
60 N. Main Street
Coalville, UT 84017

**PETITION FOR ANNEXATION TO THE MOUNTAIN REGIONAL WATER SPECIAL
SERVICE DISTRICT**

1. Pursuant to the provisions of Utah Code Annotated (UCA), Section 17D-1-401, as amended, the undersigned petitioner requests that the Board of County Council of Summit County, Utah, annex the property (Property) described in Exhibit A, which is attached hereto and incorporated by reference, into the boundaries of Mountain Regional Water Special Service District (District).
2. The undersigned petitioner(s) own one hundred percent of the Property to be annexed. Therefore, the notice, hearing, and protest requirements of Sections UCA 17D-1-1205, 17D-1-206, and 17D-1-207 do not apply.
3. The undersigned petitioner is desirous of receiving water service from the District for the Property and is willing to abide by all lawful adopted rules and regulations of the District as a condition of receiving water service from the District.

The undersigned petitioner has read and knows the contents of the foregoing Petition, and the fact set forth are true, accurate, and complete to the best of the undersigned petitioner's knowledge and belief.

N Rome Two LLC
BLKSMS-LV4-B, BLKSMS-LV4-C


Harrison Horn (manager)
[Enter signatory name and title here]

March 18, 2016
Date

[Attach Exhibit A that includes the property's TAX ID numbers, and legal property description, and map of the boundaries satisfactory to the County Recorder]

LEGAL DESCRIPTION:

ALL OF LOT LV4-B AND LOT LV4-C OF BLACKSTONE MASTER SUBDIVISION
PLAT ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY
RECORDERS OFFICE AS ENTRY NUMBER 998391. CONTAINS 2.81 ACRES.

PP-102-B-3-A

PP-102-B-3-A

PP-102-B-3

PP-102-B-12

LVDAM-LV13

LOWER VILLAGE ROAD

LVDAM-LV3-AM

BLKSMS-LV4-B

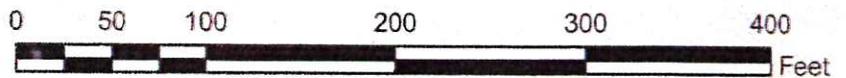
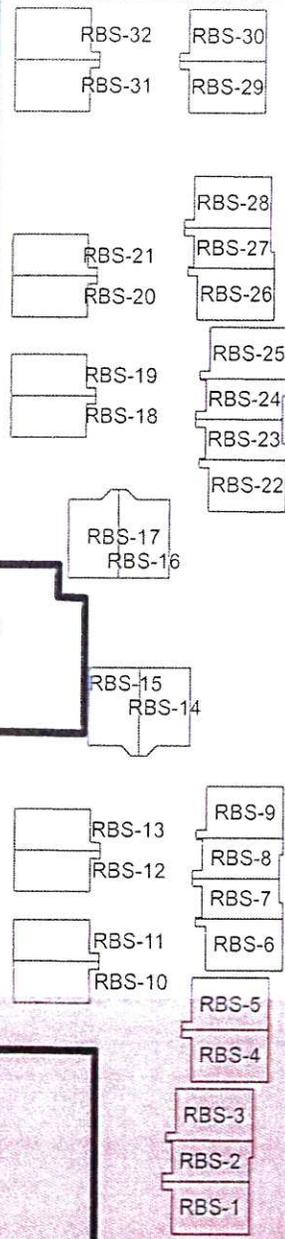
LVDAM-LV11-X

LVDAM-LV6

EXISTING DISTRICT BOUNDARY FROM PARCEL CONFIGURATION PRIOR TO LOWER VILLAGE PLAT RECORDATION

BLKSMS-LV4-C

LVDAM-LV10



1 inch = 100 feet

By C. Braun
Date: 3/28/2016

ANNEXATION EXHIBIT MAP

PARCELS BLKSMS-LV4-B AND BLKSMS-LV4-C

**Mountain Regional Water
Resolution No. 2016-____ MRW**

**A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN
REGIONAL WATER SPECIAL SERVICE DISTRICT
Tax Parcel Numbers: **BLKSMS-LV4-B, BLKSMS-LV4-C****

WHEREAS, the Board of Commissioners of Summit County, Utah, established a local district designated as the Mountain Regional Water Special Service District (the “District”), to provide water services within its boundaries; and,

WHEREAS, Utah Code Ann. (“UCA”) §17D-1-401 provides that additional land from that specified in the resolution establishing a local district may be annexed to the district in conformance with the applicable procedures; and,

WHEREAS, UCA §17D-1-203 and UCA §17D-1-401(2) provide that the County Council of Summit County, Utah (the “Council”), may be petitioned to annex an area into the District; and,

WHEREAS, there have been numerous annexations into the District since its establishment in 1987; and,

WHEREAS, Blackstone Master Subdivision, N Rome Two LLC, has petitioned the Council to annex its land **BLKSMS-LV4-B & BLKSMS-LV4-C** into the District (the “Petition”). In the Petition, Blackstone Master Subdivision represented that it is the sole owner of the **BLKSMS-LV4-B & BLKSMS-LV4-C**; and,

WHEREAS, the Summit County Clerk has duly certified the Petition; and,

WHEREAS, UCA §17D-1-402 provides that the notice, hearing, and protest period do not apply if a petition for annexation of additional area is filed with the signatures of all of the owners of taxable real property; and,

WHEREAS, Blackstone Master Subdivision, N Rome Two LLC, has signed the

Petition for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Summit County Council as follows:

Section 1. **Findings.** The Council finds and determines that public health, convenience, and necessity requires that certain land situated in Summit County, State of Utah, being generally described as Tax Parcel, **BLKSMS-LV4-B & BLKSMS-LV4-C** located in Summit County, Utah, and more particularly described in Exhibit A hereto (the “Property”), be annexed into the District.

Section 2. **Annexation.** The Property is hereby annexed into the boundaries of the Mountain Regional Water Special Service District. The Property annexed shall be governed by and become an integral part of the District. Pursuant to this annexation, the owners of the Property shall be entitled to receive the benefit of water services and facilities provided by the District, and shall be subject to the rights, powers and authority of the District, including, without limitation, the right, power and authority to promulgate rules and regulations for the operation of the District, to levy ad valorem taxes on the Property, and to impose such fees and charges as shall be necessary to pay for all or part of the commodities, facilities and services to be provided by the District and for the payment of the District’s bonds and other obligations.

Section 3. **Direction.** All officers and employees of the District are hereby directed to take such action as shall be necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon its approval and adoption by the Summit County Council.

APPROVED AND ADOPTED this _____ day of _____, 2016.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

Roger Armstrong
Chair

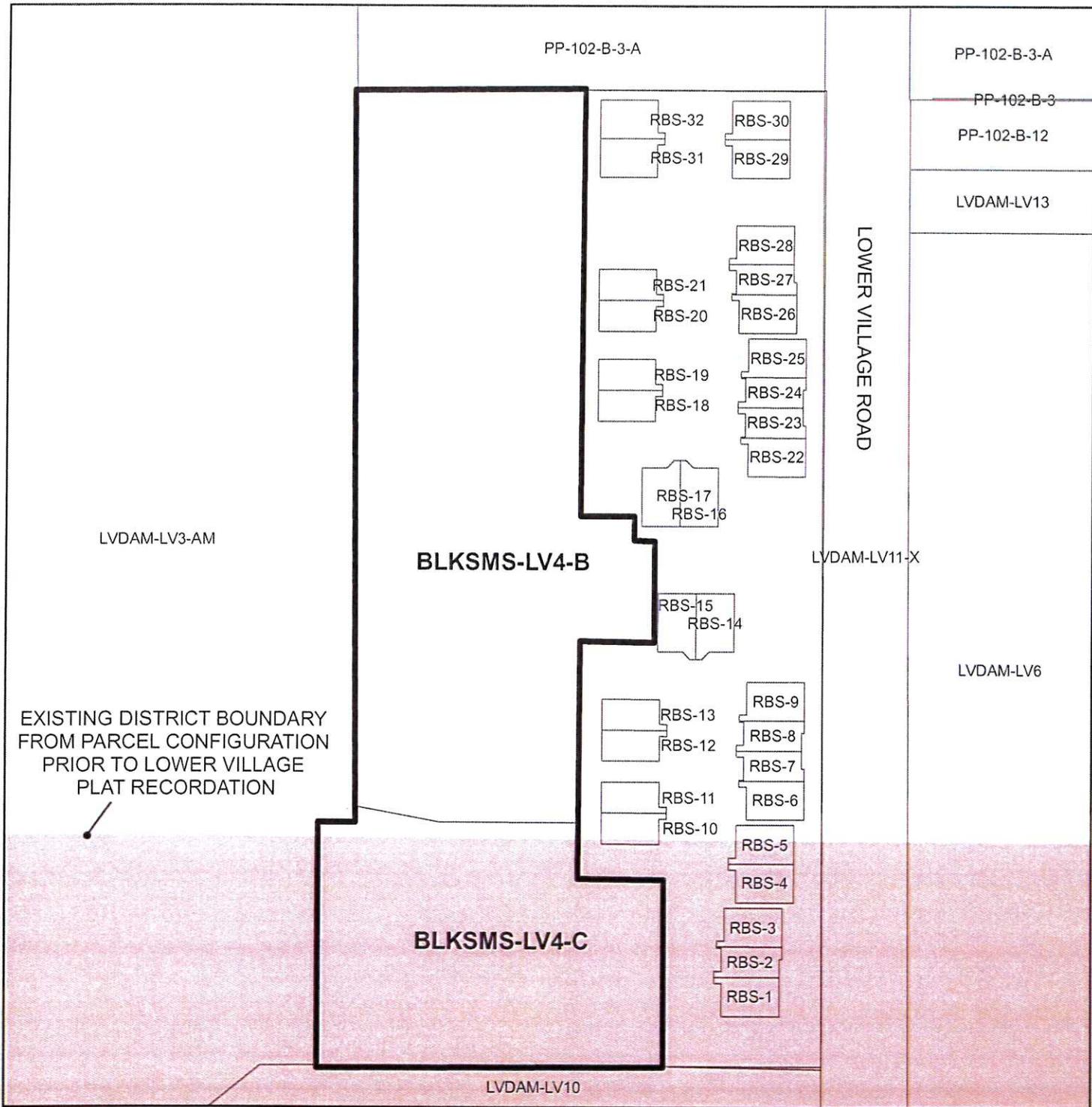
ATTEST:

Kent Jones
County Clerk

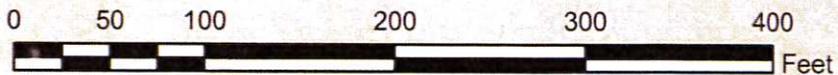
EXHIBIT

LEGAL DESCRIPTION:

ALL OF LOT LV4-B AND LOT LV4-C OF BLACKSTONE MASTER SUBDIVISION
PLAT ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY
RECORDERS OFFICE AS ENTRY NUMBER 998391. CONTAINS 2.81 ACRES.



Mountain Regional Water
Special Service District



1 inch = 100 feet

By C. Braun
Date: 3/28/2016

ANNEXATION EXHIBIT MAP

PARCELS BLKSMS-LV4-B AND BLKSMS-LV4-C

TITLE 6

MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT of Summit County

Water Rules and Regulations

Revised _____, 2016



MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT

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

**MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT
RESOLUTION NO. 2016-__ Adopted on _____2016**

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

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

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

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

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

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

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

1.0 GENERAL

1.1 Repealer

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

1.2 Purpose

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

1.3 Services Provided

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

2.0 DEFINITIONS

- 2.1 **Administrative Control Board.** A Board appointed by the Summit County Council, consisting of the number of District customers specified in the District's Governing Ordinance. The powers of the Administrative Control Board are those set forth in Utah Code Ann. 17D-1-301 as amended, as delegated by the Summit County Council through the Governing Ordinance, and those powers necessarily implied.
- 2.2 **Applicant for Annexation.** A party who owns real property proposed for annexation into the District for the purpose of receiving water service from the District.
- 2.3 **Applicant for Water Service.** A party or owner within the boundaries of the District seeking water services from the District.
- 2.4 **Board.** The Mountain Regional Water Special Service District Administrative Control Board.
- 2.5 **County.** Summit County, Utah.
- 2.6 **County Council.** The legislative body of Summit County.
- 2.7 **Commitment-of-Service Letter.** An irrevocable, contractual commitment in letter form issued by the District to a Customer, in consideration for (a) payment of the District's impact and/or connection fees, and (b) execution of a Water Service Agreement.
- 2.8 **Culinary Water.** Water that meets state and federal water quality standards provided through the District's public water systems, regardless of use.
- 2.9 **Customer.** The owner of an existing residential, industrial, institutional, or commercial structure, or irrigated property connected to the District's water system which receives retail or wholesale water service; including the owner of standby lots or property within the District; or a person or entity receiving bulk type water service.
- 2.10 **Developer.** A person or entity that develops a Development including an owner of property seeking water service from the district. A Developer may be referred to as an applicant or Owner.
- 2.11 **Development.** Any new construction within the boundaries of the District which requires water services from the District
- 2.12 **District.** The Mountain Regional Water Special Service District, a political subdivision of the State of Utah, organized by the Summit County Council pursuant to the authority of Utah Code Ann. 17D, Chapter 1 as amended or successor provision (the "Act").
- 2.13 **District Engineer.** A District employee or qualified consultant who is a registered professional engineer in good standing with the State of Utah, as designated by the General Manager, who has primary responsibility for supervision and management of all District water development and improvement projects.
- 2.14 **General Manager.** A person recommended by the Administrative Control Board and appointed by the Summit County Council to act as General Manager for the District as outlined in the District Governing Ordinance and By-laws.

- 2.15 Governing Board.** The County Council of Summit County, acting in its capacity as the Governing Board of the District. The powers of the Governing Board are those set forth in the Act, and those necessarily implied. Specific powers of the Governing Board may, by the District's Governing Ordinance, be delegated to the Administrative Control Board, as per Utah Code Ann. §17D-1-301 as amended or any successor provision.
- 2.16 Governing Ordinance.** The organizational regulations of the District enacted at Summit County Code, Title 2, Chapter 9, as amended.
- 2.17 Irrigation Water.** Water provided by the District through a separate water system, for outdoor use, that is not intended for human consumption and need not meet drinking water standards. Irrigation water is meant to be served to larger metered commercial or common type spaces, and therefore should not be confused with typical secondary water systems which provide irrigation water service to individual residential customers.
- 2.18 Owners.** The owners of property within the boundaries of the Mountain Regional Water Special Service District. (Ord. 749-A, 12-15-2010, as amended or any successor provision.) Owners may also be referred to as an applicant or Developer in these Rules and Regulations.
- 2.19 Prepayment Letter.** A letter issued when the impact fees for a lot are prepaid. The Prepayment Letter can be exchanged for a Commitment-of-Service Letter up to the quantity of water prepaid. If a lot owner requires additional water, the incremental impact fee must be paid prior to issuance of the Commitment-of-Service Letter.
- 2.20 Rules and Regulations.** All Rules and Regulations adopted by the District as herein set forth.
- 2.21 Service Laterals.** The water service pipeline extending from a retail customer's structure or point of use until it connects to the District's main pipeline.
- 2.22 Standby Fee.** A fee imposed upon a Developer, lot owner, or to those contractually obligated, that can be serviced by the District but are currently not connected to its system. The standby fee offsets the fixed costs to the District allocable to standby accounts based upon the total number of District connections and standby fees assessed. The standby fee includes operations and maintenance costs, appropriate water lease and reservation fees, and any other cost incurred by the District to ensure the availability of water and to provide for fire flow and property protection capability to standby lots and Developments.
- 2.23 Theft of Service.** A person commits theft if he or she obtains water service by deception, threat, force, or any other means designed to avoid the proper metering, accounting, and payment for the services. Pursuant to Utah Code Ann. §76-6-409.3, *as amended*, theft of service can range from a class B misdemeanor to a third degree felony, depending upon the amount of the theft as designated in state law. If a person has been convicted of theft of water service in the past, future thefts can be a second degree felony.
- 2.24 Water Distribution System or Facilities.** The primary water storage, treatment facilities, transmission and distribution lines, wells, springs, tunnels, pump stations, conservation facilities, and other off-site water system improvements and appurtenant facilities, including SCADA facilities, owned by the District and utilized to develop, transport and distribute water to individual customers within or without the District boundaries.
- 2.25 Water Service Agreement.** An agreement whereby a Customer connects an individual service line to the District's water system and agrees to pay all applicable fees and abide by all applicable Rules and Regulations of the District in exchange for water service from the District.
- 2.26 Willing-to- Serve Letter.** A letter provided to a Developer that indicates the District currently has the ability and willingness to provide water service to his/her development. A Willing-to-Serve Letter does not require the

prepayment of impact fees and is not legally binding. The District only commits to water service after the Developer enters into a Water Service Agreement and fully complies with all of these Rules and Regulations.

3.0 WATER SERVICE

3.1 Culinary Water Service

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

- A. **Project Review Meeting.** The Developer shall meet with District Management to ascertain the feasibility, impact, scope, water availability, and proposed timing of the development.
- B. **Preliminary Water Demand.** In order to plan for and calculate system demands, impacts and fees, the Developer will provide the District the preliminary development or project sizes and water demand loads as determined by a competent engineer and in a form acceptable to the District.
- C. **Willing-to-Serve Letter.** If the District determines it has the capacity and resources to properly serve the proposed development, it will issue a Willing-to-Serve Letter which the Developer can provide to the County Planning Department.
- D. **Annexation Requirements.** It is the policy of the District to provide retail water services only to those properties wholly located within its political boundaries. Any individual or entity desiring retail water service for property located outside the boundaries of the District must annex into the District and comply with all applicable Rules and Regulations as may be amended from time to time. Annexation procedures are as follows:
 - 1. **Annexation Conference.** Prior to filing any petition for annexation to the District, the owner of the property sought to be annexed shall arrange a conference with the District Management to describe the proposed project, the area proposed for annexation, the number of connections to be served in the proposed project, and any other relevant information requested by District Management at the conference. At or after the conference, the District shall require the payment of the Annexation Fee as specified below. Upon payment, the owner of the property shall be an Applicant for Annexation and the District shall commence with the annexation proceedings.
 - 2. **Annexation Administrative Fee.** The District may charge an Annexation Administrative fee which shall be commensurate with the workload, legal efforts required, engineering, and other analysis required for the proposed annexation.
 - 3. **Annexation Infrastructure Fee.** If the area requesting annexation is currently served by a water supply system, the District shall assess an infrastructure fee on all lots currently connected to the system requesting annexation. This fee will be calculated based on the deficiencies found in the current system, and will be assessed using the various elements in the District's impact fee schedule in effect at the time of the annexation.
 - 4. **Annexation Agreement.** The District shall prepare an annexation agreement specifying the terms and conditions relative to the proposed annexation.

¹ For an existing development outside the District boundaries, with a water system already in place, the District, the District shall determine, at its sole discretion, which of the provisions and processes set forth in Section 3.1 shall apply.

5. **Annexation Vote.** Any area requesting annexation shall demonstrate to the District that a proper majority vote of all lot owners was held, and approving the terms of the annexation agreement by all the property owners within the proposed area requesting annexation. The percent of approval necessary for annexation will be specified in the annexation agreement and shall be consistent with any Conditions, Covenants and Restrictions pertaining to the lots.
6. **District Management Recommendation.** District Management shall evaluate the election results and the annexation proposal and make a recommendation to the Administrative Control Board.
7. **Administrative Control Board Recommendation.** Following District Management's recommendation, the Administrative Control Board shall evaluate the annexation, as a noticed agenda item at a scheduled meeting, and allow public input regarding the proposed annexation and its impacts. Following such discussion, the Administrative Control Board shall vote on a recommendation to the County Council.
8. **Public Hearings and Review.** The Summit County Council, at its discretion, may hold such public hearings as it deems advisable or are required by law to disclose the annexation proposal and related issues to the public and to receive public comment on the proposed annexation and its impacts on the District and its facilities and resources.
9. **Information.** The District Management, Administrative Control Board and/or Summit County Council may request additional information from time to time and may require additional studies, engineering, design or consideration of other material matters from the Applicant for Annexation during the annexation process. The Applicant for Annexation shall provide all requested information at the Applicant for Annexation's sole expense.
10. **Compliance with These Regulations.** All property owners desiring to annex into the District shall be required to comply with all applicable provisions of these Rules and Regulations.
11. **Value to District.** In any instance where the District annexes or acquires a water system or other assets, the District shall consider the value of the water system or other assets to the District, rather than the fair market value of the water system or other assets. Typically water systems in need of significant repairs, upgrades, or any other improvements, including source capacity or concurrency rating deficiencies, or that have no practical capacity enhancements for the District, shall be deemed to have a value of zero or less.

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

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

1. **Inspection Fee.** Upon execution of a water service agreement, the Developer or Owner shall pay an inspection fee in an amount, which is estimated by the District to be three (3) percent of the cost of the water infrastructure for the first Phase of the development, as certified by the Developer's or Owner's licensed engineer, to adequately compensate the District for the services of the engineer, surveyor, inspector, hydrologist, geologist, attorney, accountant or

other service professionals deemed advisable by the District to assist in the new development, including the inspection, final inspection, and approval of all water system infrastructure.

An additional three (3) percent inspection fee will be assessed for each subsequent Phase of the project based upon the cost estimate of the water infrastructure for that Phase, as certified by the Developer's or Owner's licensed engineer. This additional fee will be due prior to the District's approval of the plans and specifications for the necessary water infrastructure for each subsequent Phase.

A Phase may include the installation of water system infrastructure that is not tied to specific plat that will serve all or a portion of a development; or a Phase may include the installation of water system infrastructure that will service one or more plats; or some combination thereof.

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

2. **Construction Standards, Specifications & Drawings; Approvals.** All construction and development of the water infrastructure must meet the District's standards and specifications as well as any appurtenant State of Utah and Summit County regulations. Any booster stations, treatment facilities, pressure reducing valves and/or storage facilities shall be placed at elevations and locations that are compatible with existing pressure zones and operational strategies within the local area and the overall regional water system. The internal culinary water system infrastructure shall not be connected to the District's main distribution and/or transmission system until accepted by the District in writing with all the necessary documents as stated herein. The Developer or Owner shall be required to submit for approval and prior to any construction, plans and specifications of all necessary on-site and off-site water related infrastructure necessary to properly service said Development as required by the District. The Developer or Owner is also required to supply proper plans and specifications to the Utah State Division of Drinking Water for construction approval, as well as record drawings, O&M manuals, and other materials necessary to receive proper State Operating Permits for said improvements. This approval is necessary before the District approves any new improvement, or provides a final acceptance of installed improvements. The construction of distribution pipeline projects of twelve (12) inch diameter or less are not subject to State approvals. In these instances, the District can provide the approval.
3. **Bond/Security.** The Developer will provide evidence of bonding through Summit County, or security in some other form approved by the Administrative Control Board as outlined in a separate Infrastructure Security Agreement ("Security Agreement") between the parties, to cover the costs of infrastructure improvements and installation for the Development prior to commencing with construction. The District will authorize partial bond releases as work is completed and approved by the District.
4. **Construction and Inspections of Culinary Water System Infrastructure.** Upon said plan and specification approval and providing evidence of the bonding or Security Agreement required by the District, the Developer or Owner will coordinate with the District to establish an inspection schedule and process for the construction and development of all necessary on-site and off-site water system infrastructure. Approved plans and specifications will be available on the construction site at all times for review and inspection.

On or before the date of final inspection and system acceptance, the Developer's or Owner's engineer of record shall provide accurate completed prints certified to the Record of

Construction to the District as well as any O&M manuals. Record prints shall consist of three (3) sets of 11x17 prints, one (1) set of 24x36 prints, and one (1) CD or other approved electronic media device consisting of AutoCad files and pdf's of all prints. If required by the District, the engineer shall also provide an ArcGIS compatible shape file containing all record information with coordinate data in a format and projection specified and usable by the District.

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

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

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

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

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

6. **Developer Warranty.** In addition, the Developer or Owner will provide the District with the warranty information applicable to any parts within the installed water system infrastructure and will further provide security acceptable for said system for a period of 12 months starting at the acceptance date of the improvements. If water service can be safely utilized to protect

property and provide services to users within or without the development, the District, at its sole discretion reserves the right to place the water system into operation prior to acceptance of the infrastructure, if water service can be safely utilized to protect property and provide service to users within or without the development. Utilization of the system in any way does not relieve the Developer or Owner of its obligations to fully complete and warrant all water system improvements in accordance with these regulations.

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

8. **Acceptance, and Transfer of the Water System.** Within 30 days of acceptance of the water system by the District, the Developer shall convey to the District, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the District, in a conveyance instrument acceptable to the District with the following terms:
 - a. The internal and external culinary water distribution system and all appurtenant facilities, specifically including but not limited to, all distribution lines, pumps, storage facilities, booster pumps, pressure regulation equipment, SCADA and communication equipment, and any required treatment facilities, together with all appurtenant easements and rights-of-way for the operation, repair, and replacement of the water distribution system.
 - b. Title to all on-site and off-site pipelines, treatment, storage, maintenance facilities, and well or other source sites, together with any and all easements and appurtenances in connection with these sites, including any required protection zone easements to protect water sources, pipeline, and utility easements and rights-of-way.
 - c. The Developer or Owner shall provide the District with record drawings or "as-builts", and O&M manuals as specified herein, including maps, for the water system infrastructure within the applicable Development.
 - d. The Development will be served using existing excess water rights currently owned or leased by the District. The District will ensure it has sufficient existing water rights to serve said Development.

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

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

DATE _____ Authorized Agent _____

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

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

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

10. **Impact Fees**. Developer or Individual lot owners shall pay the full impact fee, as legally adopted or amended, before receiving a Commitment-of-Service Letter from the District. Prepaid connections may be tendered in lieu of the components of the impact fee covered by the prepaid connections, as documented in a Prepayment Letter.
11. **Standby Fees**. The District will impose a Standby Fee in accordance with these regulations, as legally adopted or amended, on any lot that can be serviced by the District, but is currently not connected to its system. The fee shall be charged to the owner of an undeveloped lot or the Developer for unsold lots in a platted subdivision prior to application for service to provide for water service to protect the lot from fire and keep the system in a ready to serve condition when the connection is desired.
12. **Customer Rates & Fees**. All user rates and fees, as legally adopted or amended, will be assessed on all lots connecting to or connected to the system.
13. **Alternative Water Service Provider Fee**. By entering into a Water Service Agreement, the Developer or Owner agrees to have the District provide water service to the Development. If the Developer or Owner decides to have another water service provider for the Development, the Developer or Owner will pay the District the alternative water service provider fee as legally adopted or amended.

14. **District Service Warranties and Limitations of Liability.**

- a. **Service Warranty.** The District warrants that its work in constructing, operating, servicing, and maintaining the external improvements that serve the Development, as well as the operation and maintenance of the internal and external improvements provided by the Developer shall be consistent with prudent water utility servicing practices. THE DISTRICT DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTY OF MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE, AND SIMILAR WARRANTIES. The District's liability for any action arising out of its activities relating to the District's provision of water service, the newly constructed development water improvements or the District's primary sources, storage, treatment, distribution, and transmission facilities, shall be limited to repair or replacement of any non-operating or defective portion of the improvements or the District's water facilities. Under no circumstances shall the District be liable for economic losses, costs or damages, including but not limited to special, indirect, incidental, consequential, punitive, or exemplary damages.
- b. **Indemnity.** To the fullest extent permitted by law, the Developer shall release, indemnify, hold harmless, and defend the District and its successors, assigns, Summit County, affiliates, and subsidiaries, and their respective officers, directors, representatives, contractors, agents, and employees (Indemnified Parties) from and against any and all claims, liabilities, losses, damages, costs, expenses, actions, and causes of action, including attorney fees, litigation expenses, court costs and costs of investigation, for damage or injury to any persons or property (collectively Losses), arising out of or related to the provision of water service hereunder, except to the extent such losses are caused by the sole negligence, gross negligence, or willful misconduct of the District.

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

F. **Development Plat Approval and Project Construction.** Upon execution of the Water Service Agreement as outlined above, the process to completion shall proceed as follows:

1. Inspection Fees will be paid to the District in full.
2. The District and the State of Utah Division of Drinking Water (if necessary for the type of improvements), shall complete review of all water system improvements and issue a plan approval.
3. The Developer or Owner will provide to the District a proof of all necessary payment and performance bonds required for the project under the Security Agreement.
4. All easements required for all water related improvements will be executed, recorded, and copies provided to the District.
5. If the plat needs to be recorded before construction begins, the District will sign such plat(s) after ensuring that the proper language is contained therein as expressed in the executed Water Service Agreement. If construction is to begin before the plat signing, the District will sign as specified in the Water Service Agreement when it is available.

6. The District inspection staff will make periodic inspections to ensure that all construction is performed in a satisfactory manner, according to these Rules and Regulations, District Construction Standards and Drawings, and the approved system plans and specifications. A stop work order may be issued in the event of non-compliance and the Developer or Owner will not be allowed to continue until the defect(s) are remedied to the satisfaction of the District.
7. When the new system is completed and properly disinfected, tested, and declared safe, the project will be connected to the District's primary water infrastructure feeding the Development.
8. Upon system connection and signing of the final plat – all properties served by the improvements will be assessed stand-by fees according to these Rules and Regulations. In some cases, the properties may already be assessed a standby fee pursuant to a previous agreement.
9. The District will perform a final inspection and prepare a punch list of completion items to the Developer or Owner for proper remediation.
10. Upon completion of the punch list items, the Developer or Owner will receive a final approval from the District. The District will formally accept the improvements and the Developer or Owner will convey all title to such system improvements to the District.
11. Upon final approval from and acceptance by the District of the improvements, Customers will be allowed to receive service on the newly completed water system.
12. The Developer or Owner will provide to the District a final breakdown and total of all the costs associated with the water system improvements.
13. Upon final approval and acceptance by the District, the Developer or Owner will warrant all improvements for a period no less than one year from the date of acceptance. All repairs will be performed by the Developer or Owner immediately upon the District's request.
14. Prior to the end of the warranty period, the District will provide to the Developer or Owner a final punch list of items that need to be repaired.
15. Upon completion of any necessary repairs and expiration of the warranty period, the warranty bond will be released.
16. The District will own, operate, repair, and maintain all improvements in perpetuity in accordance with section 3.3 below.
17. The Developer or Owner will provide any future easements as needed by the District in order to expand, extend, loop, or enhance the quality or quantity of service to the Development and any other developments serviced by the District.

3.2 Irrigation Water Service

The development of irrigation water from sources of supply that are of lower quality or untreated water can increase the supply of good quality water available for culinary use, as well as extend the use of good quality groundwater sources.

A. Irrigation Policy:

1. With the exception of the Quarry Mountain subdivision, residential un-metered secondary irrigation systems connected to the District's system will not be allowed within the District.
2. Raw untreated irrigation water can only be developed from the importation project(s), and not from other groundwater or surface water sources located within the Snyderville Basin.
3. To reduce the summer demand peaking factor, projects utilizing irrigation water may be required to provide active storage systems constructed according to District standards and engineering reviews. The volume of storage will have an impact on the final irrigation rate determined by the District for the development.
3. The methodology used to calculate irrigation rates will be determined on a project by project basis, and will be included in the Irrigation Supply Contract.
4. All irrigation water proposals and contracts must be approved by the Administrative Control Board. Irrigation water is limited to:
 - a. Common open space, cumulatively equal to or greater than 5 acres.
 - b. Road or transportation corridors landscaping, greater than 1,000 linear feet in length.
 - c. Recreational water features such as ponds and lakes, cumulatively greater than 2 acres in surface area.
 - d. Golf Courses.
 - e. Recreational ball fields and parks, greater than 3 acres in area.
 - f. Environmental remediation projects such as wetlands development as approved on a case-by-case basis by the District.
 - g. Snowmaking.
 - h. Other uses as approved by the Administrative Control Board.
6. All approved irrigation projects (and appropriately sized sub-projects of a larger project) must be master metered by District approved magnetic type or similar type flow meters designed to accurately meter water carrying suspended solids.
7. The irrigation water is delivered "as-is", and has no warranties or guarantees of any kind as to any water quality parameters. The Developer is responsible for any pre-treatment equipment or storage necessary to use the water on the landowner's site, and such equipment will be owned and properly maintained by the Owner.
8. Key irrigation system transmission piping, metering, storage, and pumping facilities, which can serve more than the immediate project will be owned and operated by the District. Internal distribution type related infrastructure will be properly maintained and owned by the Developer or Owner.
9. Irrigation projects which extend facilities to their location must size transmission related facilities to a size that will allow the irrigation service to be extended beyond their

development, as determined solely by the District. The District will pay for all such upsizing of the facilities.

- B. Irrigation Water Supply Contract.** The Developer will execute an irrigation water supply contract with the District which shall set forth, among other things, impact fees and rates, the quantity of irrigation water to be supplied, the place of use for such irrigation water supply, and will describe the water rights and sources of supply to be utilized by the District in providing such service. Irrigation water service will be provided on an equal basis with all other irrigation customers within the District, but may be curtailed in pressure or availability during periods of drought or water loss. Culinary sources and systems will always take precedence over irrigation systems when public health, safety, or need exists.
- C. Irrigation Water Distribution System.** The internal and external irrigation water distribution system within the development, including irrigation water transmission lines and laterals, pump stations, pressure regulation equipment, meters and meter stations, water storage reservoirs or ponds and all other equipment and facilities necessary for the transportation and delivery of irrigation water within the Development will be constructed by the Developer, at its sole expense. The internal water distribution system shall be approved and constructed in accordance with the District's standards and specifications. Any booster stations, pressure reducing valves and/or storage facilities shall be placed at elevations which will be compatible with existing pressure zones within the District's system. These improvements shall not be connected to the District's main irrigation transmission system until they have been inspected and approved by the District's engineers and accepted by the District. Title to external improvements shall be transferred to the District upon their inspection and approval in consideration for the District's assumption of the perpetual obligation of operation, maintenance, repair and replacement of these improvements and its obligation to provide service to the development project in accordance with its Rules and Regulations. The external irrigation water distribution system will be transferred at no cost to the District for operation and maintenance as part of the District's irrigation water distribution system. All internal infrastructures, as determined in extent solely by the District, will be operated and maintained by the Developer or Owner in perpetuity. All internal irrigation infrastructure must also be properly separated and adequate protections afforded to prevent the possible cross connection contamination of any adjacent culinary water systems, using approved backflow protection devices and technology. All backflow protection devices must be tested and certified annually.

3.3 Water System Improvements Title, Maintenance, and Warranty Details

- A. District Maintenance and Repairs.** With respect to all water distribution and transmission systems, the District shall hold title to it and all related infrastructure. The District shall maintain, repair and replace the same in perpetuity.

With respect to service laterals for the water systems, the District shall hold title as follows:

1. Meter Located Near the Street or Property Line. The District owns the lateral from the main up to and including the meter box. If the meter or shut-off valve is turned off or closed and a water leak continues, the District shall be responsible for the leak including the meter, meter box, backflow prevention device (if located in the meter setter), and shutoff valve.
2. Meter Located Inside Structure or Directly Next to Structure. The District shall own the service lateral to the property line and be responsible for leaks up to the property line.
3. Other Meter Locations. The District, at its sole discretion, shall make a reasonable determination as to whether the District or the Customer is responsible to repair the leak.

- B. Customer Maintenance and Repairs.** With respect to service laterals on water systems, the Customer shall hold title to the portion of the service lateral and make repairs as follows:
1. Meter Located Near the Street or Property Line. If the meter or shut-off valve is turned off or closed and a water leak stops, the Customer shall be responsible for the leak unless it is in the meter saddle or yoke.
 2. Meter Located Inside Structure or Directly Next to Structure. The Customer shall be responsible for leaks inside their property line.
 3. Other Locations. The District, at its sole discretion, shall make a reasonable determination as to whether the District or the Customer is responsible to repair the leak.
- C. District Repairs Where the Customer is Liable.** The District may, without incurring liability, make emergency repairs to service laterals that are the responsibility of the Customer in order to mitigate damage, prevent waste of water, and to prevent contamination of the water supply. Any such repairs shall be at the Customer's expense and shall be billed to Customer by the District. Customers shall pay any such bill, (or make payment arrangements,) by the due date on the bill.
- D. Warranty of Improvements Constructed by Developers for District.** All water improvements constructed by Developers or their agents, for the benefit of the District will be warranted from defects in installation, workmanship, and equipment for a period of one (1) year from the date of final acceptance of the system improvements by the District.

3.4 Development Related Fees.

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

- A. Impact Fees.** Impact Fees shall be imposed in connection with each Development utilizing District water infrastructure and applicable sources of water supply. Payment of Impact Fees, or the tendering of authorized prepaid connections for the components of the Impact Fee covered by the prepaid connections, shall be due to the District, as a condition to water service, in conformance with the following:
1. **Pursuant to Impact Fees Act.** Impact fees shall be imposed pursuant to and in conformance with the provisions of the Utah Impact Fees Act, Utah Code Ann. Title 11 Chapter 36a, *as amended*, or any successor provision, and shall be enacted and administered by a separate Ordinance or Resolution.
 2. **Imposition of Impact Fees.** Impact Fees may be divided into one or more components, which are assessed on each Development or property based on the needs of the project, the water infrastructure dedicated to the District by the Developer, and the value of said infrastructure to the District. Impact Fees may also be based on regional needs and demands. Water Right, Source Development, Storage, and Distribution System Impact Fees shall be imposed based upon the proportional costs outlined in the adopted Impact Fee Ordinance or Resolution as follows:
 - a. The Impact Fee for a residential user is based upon the livable square feet of the home(s) on a lot; and for larger homes with livable square feet of 8,000 square feet or more, the acre feet of outdoor irrigated property or other water features as well. The minimum residential Impact Fee is based upon one Equivalent Residential Connection (ERC) or 0.60 acre feet of average annual demand – which is applied to

homes with up to 3,000 square feet of livable space. For homes with more than 3,000 square feet of livable space, an additional Impact Fee is assessed based upon multipliers applied to the additional square feet as outline in the Impact Fee Ordinance or Resolution. Condominiums and town homes which are under 1,700 square feet will be assessed 0.45, acre feet per unit, plus an additional Impact Fee based upon the acre feet of outdoor irrigated property.

- b. The District may calculate additional demands as well, based on landscaping type, irrigated acreage, type and size of building, fixture counts, conservation measures, etc. When there is a dispute in calculations between the District and a Developer, the District calculations shall prevail.
- c. Each non-residential user will be assessed Impact Fees based upon a calculated ERC basis. For non-residential users, ERC multipliers based upon the Utah Division of Drinking Water standards are used to calculate total ERCs. In cases where Utah Division of Drinking Water standards do not apply, the non-residential users must prepare water use estimates calculated by a licensed architect or engineer and provide them to the District for its review, potential adjustment, and approval.
- d. Impact Fees shall be due to the District prior to the issuance of a Commitment-of-Service Letter by the District.

- 3. **Differential Rates and Fees.** Because of the varying nature of services the District provides as well as the unique character, infrastructure types, deficiencies, elevations, ages, and special needs of areas annexed into the District, the District may assess differential rates and fees for different areas or sub-zones of the District. Differential rates shall be substantiated with studies or data clearly demonstrating the needs for varying rates and fees in different areas.

3.5 Ponds, Swimming Pools, and Other Water Features

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

3.6 Plan and Connection Approvals

No District water connection and/or water service shall be allowed to any type of Development that has not submitted for review and received proper approval by the District of plans and specifications for the connection of any related water infrastructure according to District and State of Utah Division of Drinking Water standards and specifications in force at the time, including these Rules and Regulations.

3.7 Standards, Specifications and Drawings

The District is empowered to adopt water system construction standards, drawings, and specifications and such standards, drawings, and specifications as may be amended from time to time are incorporated into these regulations by reference and are enforceable on a same level as these regulations. All development of new or enlarged water infrastructure shall comply with said standards, drawings, and specifications. The General Manager, with the consultation of the District Engineer, is empowered to make revisions, modifications, or

amendments to the standards, drawings, and specifications at any time. The standards, drawings, and specifications may also specify certain brands of equipment to be exclusively used in construction so that the District does not need to acquire and stock multiple brands of repair parts and equipment inventories.

3.8 De-annexations

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

3.9 Line Extension Agreements

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

4.0 SERVICE TO RETAIL CUSTOMERS

4.1 Application for Service

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

4.2 Service to Customers with New Connections

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

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

1. The currently approved District Impact fee and/or tender a Prepayment Letter for all or a portion of the Impact Fees covered by the Prepayment Letter, and
2. A Security Deposit, and
3. A meter connection fee for each connection based upon meter size and appurtenant remote read equipment. Any connection requiring larger than a one and one half inch (1-1/2") meter shall be made only upon prior written approval of the District

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

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

receipt of all required fees, the District shall refund to customer the security deposit less the cost to repair any damage to the District's water infrastructure following the final inspection. If the repair exceeds the amount of the deposit, it will be billed to the Customer and must be paid before water service will be provided.

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

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

- A. **Final Meter Reads.** Upon receipt of this written request, the District shall read the meter, weather conditions permitting, and shall, at its option, close the shutoff valve and terminate water service to the unit or facility. Where it is not possible to read the meter, the District shall estimate the Customer's metered use.
- B. **Renewed Service.** The subsequent Customer, shall be required to make a formal application for renewed service to the home or structure on a form provided by the District.
- C. **Application for Service.** As a precondition to renewed service, the proposed Customer shall sign a new Water Service Agreement on a form provided by the District and agree to comply with the lawfully adopted Rules and Regulations of the District.
- D. **Meter/MXU Upgrade Fee.** The subsequent Customer may be required to pay, at the discretion of the District, a meter/MXU upgrade fee to ensure compliance with new meter standards and cross connection control rules. A Meter Inspection Fee shall be assessed even if a new meter/MXU is already installed on the Customer's property.

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

4.4 Water Service Fees and Other Charges

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

- A. **Culinary Water Service Fees.** The District shall impose culinary water service fees upon each culinary water service connection in conformance with the following:
 - 1. The fees shall be in an amount sufficient to pay all costs and expenses incurred in connection with operating, maintaining, depreciating, replacing, rebuilding or making capital improvements to District's culinary water distribution system, including, without limitation, all obligations due and payable by the District to its bond holders.
 - 2. The culinary water service usage fee shall be of the accelerated or increasing block type to promote conservation and shall be composed of a base fee element and a series of overage blocks, whose accelerating fee increments will be based upon the quantity of water used. The starting base fee and overage block rates are multiplied, at the Owner's discretion by either:
 - a. the number of ERC's arrived at in the Impact Fee calculation for the associated home or project(s); or
 - b. (One) 1.

3. Vacant structures shall be billed a monthly base fee based on section 4.4(A)(2).
4. The culinary water service fee shall be billed monthly.
5. The District may impose reasonable penalties, late charges, and interest on any past due culinary water service fee or any unpaid portion thereof, as legally adopted and amended.

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

1. The fees shall be in an amount sufficient to pay all costs and expenses incurred in connection with operating, maintaining, depreciating, replacing, rebuilding or making capital improvements to District's irrigation water distribution system, including, without limitation, all obligations due and payable by the District to its bond holders.
2. The irrigation water service fees shall be billed monthly, using metered rates, and shall be in addition to all other fees and charges lawfully imposed by the District.
3. The District may impose reasonable penalties, late charges, and interest on any past due irrigation water service fee or any unpaid portion thereof.
4. Increasing Block rates may be implemented in the irrigation contract to encourage conservation of irrigation water on a particular Development or project.

C. Standby Fees. The District shall impose a Standby Fee against any Developer or lot owner that can be serviced by the District but are currently not connected to its system; or as dictated pursuant to a contract with a Developer or lot owner, in conformance with the following:

1. The standby fee applies to those lots or Developments within the District's boundaries where any one of the following circumstances apply: (1) the District's signature and/or note appears on any plat for a lot or subdivision that has been recorded in the Office of the Summit County Recorder; (2) an Owner of a lot or Development has applied to receive water service from the District or paid any required deposits, impact fees or application fees; (3) an Owner of a lot or Development has signed a Water Service Agreement with the District; (4) the District has otherwise entered into a contractual service or purchase agreement for a lot or Development; or (5) the District has issued a Commitment-of-Service Letter for a lot or Development.
2. The standby fee shall recover the fixed costs (i.e. those that don't vary with water consumption) to the District allocable to standby accounts based upon the total number of District connections and standby fees assessed. The standby fee shall include operations and maintenance costs, appropriate water lease and reservation fees, and any other relevant cost.
3. Subject to 4.4(C)(1), the fee shall be charged to the Owner of an undeveloped lot or the Developer for unsold lots in a platted subdivision prior to application for service to provide for water service to protect the lot from fire and keep the system in a ready to serve condition when the connection is desired.
4. The Standby Fee shall be charged monthly.

5. Subject to 4.4(C)(1), the fee shall be chargeable whether or not the Owner or Developer has paid all or some of the relevant impact and connection fees.
 6. Subject to 4.4(C)(1), the fee shall also be chargeable from and after the time an application for service until such time as a service connection is made and service charges for connected properties are applicable. If a lot is sold, the Standby Fee shall be pro-rated between the buyer and seller for the current billing period.
 7. The Standby Fee shall not recover any capital infrastructure costs, including costs used in the calculation of impact fees or those improvements funded with debt. The fee may recover the cost of capital equipment funded from operations.
- D. New Connection - Connection and Meter/MXU Fees.** Each new Customer shall be required to pay a connection and meter/MXU fee for each culinary and irrigation water connection prior to connecting to the District's water distribution system.
- E. Existing Connection – Meter/MXU Replacement & Connection Fees.** Each purchaser of an existing lot may be required to pay a meter/MXU replacement connection fee if the lot has an existing meter and/or MXU that needs to be replaced or upgraded, as determined by the District.
- F. Security Deposits.** The District shall require a security deposit for each new connection. Said Security Deposit can be utilized to reimburse the District for any damage done to its water infrastructure. Upon satisfactory connection and "sign-off" on the installation during the final District inspection, the remaining unused Security Deposit, will be refunded to the lot Owner at the time the connection passes final inspection.
- G. Inspection Fees.** The District shall assess a fee to inspect new water connections to determine if the meter and connection are properly installed. The District shall assess a fee to inspect existing water connections whenever a lot is sold to determine if a meter replacement or upgrade is required.
- H. Resumption of Service Fee / Title Transfer Fee (If not disconnected).** The District shall assess an administrative fee (i) each time a lot is sold or an account is changed into a new Customer's name or (ii) when a Customer terminates service. This fee includes both developed and undeveloped lots.
- I. Inaccessible Meter Fee (formerly Buried Meter Fee Service).** If a meter is buried or otherwise not accessible to the District for meter reads, the District shall assess a monthly fee as established in the District's then current rate schedule based upon annual ERC usage using the ERC acre foot standard established in the District's current Impact Fee Ordinance or Resolution, or other reliable methodologies, depending on nature, size, and type of service.
- J. Water Leak Adjustments:**
1. **Normal Leak Adjustment.** In the case of water leaks on a Customer's property receiving service from the District, the Billing Manager may make a billing adjustment or credit providing the Customer has made every effort to remedy or inform the District in a timely manner of the leak. If in the sole discretion of the District an adjustment is allowed, the Customer shall be charged for 50% of water used at the current adopted water rates, or a minimum of 40,000 gallons if 50% is less than 40,000 gallons. The remaining gallons shall be charged at the adopted leak rate. The elevation surcharge amount (if applicable) shall apply to the full usage amount. Water leak adjustments may be made for up to a two month period during summer months and in winter months for Customers whose meters are read year round; and for the period between meter reads during winter months. In order to qualify for

a leak adjustment, the water received from the District must exceed 40,000 gallons per month.

2. **Catastrophic Leak Adjustment.** A residential or a commercial/industrial Customer may qualify for a Catastrophic Leak Adjustment if the following apply: 1) the leak must be in excess of 300,000 gallons per month and the historical use must be substantially below 300,000 gallons per month; or 2) if the historical usage for the same monthly time period is above 300,000 gallons per month, the monthly amount of usage, including leaked water, must be twice the historical average usage for the same monthly period. The Billing Manager and General Manager have the discretion to determine whether the Customer qualifies for the Catastrophic Leak Adjustment. If the Catastrophic Leak Adjustment applies, the Customer will be charged for 25 percent of the water used at the current adopted water rates, and 75 percent of the water used for that month shall be charged at the adopted leak rate. Water leak adjustments may be made for up to a two month period by the Billing Manager and General Manager. Any additional adjustments beyond the Catastrophic Leak Adjustment must be approved by the Administrative Control Board.
 3. **Leak Repair and Verification.** Prior to receiving an adjustment or credit, the Customer must diligently repair the leak, notify the District in writing the source of the leak and how and when the leak was repaired, and provide the District with all receipts related to the cost of the repairs and any other documentation available to verify the leak. The District shall verify that the leak is repaired before any leak adjustment is made to a Customer's account.
- K. **New Residential Customer Outdoor Watering Adjustments.** In the case of a new District residential Customer, the Billing Manager may make a billing adjustment or credit so the Customer is charged only the cost of production for water usage, including the elevation surcharge, in excess of 40,000 gallons per month for up to the Customer's first two months using outdoor water, to allow the Customer time to adjust outdoor watering in response to the District's accelerated Conservation Rate Plan. Prior to receiving an adjustment or credit, the Customer must diligently monitor outdoor watering to reduce usage, and notify the District in writing of the adjustments made to reduce outdoor water usage.
- L. **Release of Restrictive Covenants Fees & Charges.** In situations where a lot Owner within the District places a restrictive use covenant on their lot indicating that it will not be developed in the future, the District will not assess Standby Fees and other charges to that lot. If a lot Owner or Developer subsequently releases this restrictive use covenant so the lot can be developed, the District will be entitled to assess all back fees and charges that would have been billed to that lot from the date the restrictive use covenant was applied to the date it is released, including annual interest at the legally adopted and amended rate.
- M. **Owner's Liability for Charges.** Due to the public health and safety nature of water service, including property protection issues, and the District's power to levy delinquent charges on a parity with a property tax lien, the Owner of record of any property, rather than any tenants, shall be responsible and liable for all water service fees, Standby Fees and all other fees and charges lawfully imposed by the District.
- N. **Collection of Delinquent Service Charges.** Pursuant to UCA §17B-1-904, *as amended*, for any culinary water and/or irrigation water service fees, Standby Fees, or other fees and charges lawfully imposed by the District that are delinquent as of June 1 of any year, the Customer receiving the bill shall be notified in writing of the current amount of the delinquency. If the account is not brought current within fifteen (15) calendar days after the District has mailed the delinquency notice, including any additional delinquent amounts that accrue within that time period, the delinquent amount due, together with reasonable administrative and attorney's fees incurred by the District with respect to

the collection of such fees or charges, shall be certified by the District to the Summit County Treasurer in accordance with UCA §17B-1-902, *as amended*. These delinquent fees and charges, together with applicable interest shall, immediately upon certification, become a lien on the delinquent premises on parity with and collected at the same time and in the same manner as general county property taxes that are a lien on the premises. The Owner of record of the property being served is responsible for all water service fees, Standby Fees, or other fees and charges lawfully imposed by the District. Interest at the rate of eighteen (18) per cent per annum shall be charged on all past due accounts. Interest may not be collected on administrative expenses and attorney's fees and costs incurred by the District in connection with the collection and certification of past due fees and charges. Certification shall proceed in conformance with the following:

1. A Notice of Certification and Lien shall be recorded with the Summit County Recorder setting forth the name of the delinquent Customer, the delinquent Customer's account number, the amount due and owing, the parcel identification number of the delinquent Customer's property, and notice of attachment of a lien upon certification of the past due fees and charges to the Summit County Treasurer.
2. The recorded original of each Notice of Certification and Lien shall be certified by cover letter from the District and be delivered to the Summit County Treasurer immediately upon recordation with the Summit County Recorder, with a request that the past due amount set forth in the Notice of Certification and Lien be collected in conformance with the provisions of Utah Code Ann. §17B-1-902, *as amended* or any successor provision..
3. After all amounts due and owing as set forth in the Notice of Certification and Lien have been paid, the District shall file for recordation in the office of the Summit County Recorder a "Release of the Lien."

O. Termination of Services for Non-payment. In the event of nonpayment of culinary and/or irrigation water service fees, Standby Fees, and other fees and charges lawfully imposed by the District, the District may terminate water service to any Customer for non-payment of the same after first providing Customer with ten (10) business days written notice of the delinquency, and providing Customer an opportunity to cure the default prior to the service being terminated. The Customer may request a hearing of the Administrative Control Board regarding any such delinquency, which hearing shall be held before service is terminated. In the event a delinquency is not cured within ten (10) business days, the District shall terminate water service to the premises involved. The Customer shall be required to pay the resumption of service / title transfer fee as outlined in the then current rate schedule, and any applicable water shutoff fees, in addition to curing the delinquencies, as a condition to the resumption of water services.

P. Alternative Water Service Provider Fee. This fee applies to any lot or development within the District's boundaries where any one of the following circumstances applies:

1. The signature on behalf of the District and/or note appears on any plat for a lot or subdivision that has been recorded in the Office of the Summit County Recorder;
2. An Owner of a lot or Development has applied to receive water service from the District or paid any required deposits, impact fees or application fees;
3. An Owner of a lot or Development has signed a Water Service Agreement with the District;
4. The District has otherwise entered into a contractual service or purchase agreement for a lot or Development; or

5. The District has issued a Commitment-of-Service Letter for a lot or Development

4.5 Temporary Suspension of Culinary and Irrigation Water Service by District

The District reserves the right at any time to shut off the water anywhere within its culinary and irrigation water distribution system for the purpose of making any repairs and/or extensions to the system or for other temporary purposes as deemed necessary by the District. No claim or cause of action shall arise against the District by reason of: (i) any suspension of water service for the purpose of making any repairs and/or extensions to the system or for other temporary purposes, (ii) the stoppage of water or interruption of water service due to the scarcity of water, (iii) damage to any water work or facility of the District, (iv) the stoppage of water or interruption of water service due to a sudden or potential water quality problem or cross connection, or (v) any other cause beyond the reasonable control of the District.

4.6 Temporary Suspension of Water Service by Customer

Water service may not be terminated on a seasonal basis due to lack of occupancy of a connection, unless the suspension will last more than one (1) year. Upon reconnection, a disconnection of service fee shall be charged as legally adopted and amended. Service will not be suspended, if in the discretion of the District, the suspension would pose a health, safety, or property protection hazard. Standby service cannot be suspended.

4.7 One Structure per Meter

All uses of culinary and irrigation water from the District's water distribution system, including fire hydrants (construction water), shall be metered. Not more than one structure or building shall be connected to any one culinary water meter without the prior written approval of the District. Multiple dwelling (condominium type) units will be serviced by individual unit meters, which can be read in one location. Anyone using water through an un-metered connection, without the express prior written authorization of the District, shall be subject to prosecution under the theft of services statutes of the State of Utah.

4.8 Meter Readers and Meter Maintenance

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

- A. Meter Error.** In the event a meter should malfunction and a reliable reading is not possible to obtain, or due to weather conditions it is not possible to read a meter, charges shall be estimated by comparing the past known water usage through the water meter to that of adjoining or similar properties where past and current month's usage is known, or by reference to the past water usage through the water meter during a corresponding time of the year. Where such data is unavailable, then estimates shall be made by comparing the past known water usage on similar or adjoining properties, and averaging the same.
- B. Meter Testing.** If a Customer contests the accuracy of the water meter serving the property, the District shall perform the service necessary to verify the accuracy of the meter. If the water meter is over or under reading, there will be no charge for the repair to the meter. Appropriate adjustments for water usage will be made to the Customer's next water bill. Adjustments shall not be made for any

period greater than three (3) months. Meter errors of five percent (5%) or less shall be deemed to be accurate readings, warranting no adjustments. If, upon a second meter reading (as requested by Customer) within a one (1) year period for the purposes of determining meter error, the meter is found to be accurately calibrated, the Meter Inspection Fee, as legally adopted and amended, shall be assessed on the next billing to Customer.

- C. **Meter Tampering.** It shall be a violation of these Rules and Regulations to tamper with or bypass any water meter for the purpose of causing it to produce inaccurate readings or for bypassing the meter so as to obtain un-metered water. Willful consumption of water through a water meter known to be damaged, bypassed, or tampered with shall constitute a theft of service and shall subject the offender to prosecution in accordance with the laws of the State of Utah. In addition, any unauthorized connection to the District's water system shall constitute a theft of service and the property owner where the illegal connection occurred will be subject to prosecution under the laws of the State of Utah.

4.9 Water Pressure and Level of Service

After compliance with all District Rules and Regulations and payment of required fees, the District will provide water service at the highest possible level of safety and service it can reasonably provide to its Customers. While recognizing that interruptions in service and pressure fluctuations are normal in a region with heavy growth and construction constraints, the Customer must maintain a reliable pressure reducing device on the property to protect Customer plumbing fixtures (including fire protection equipment) from pressure fluctuations and surges caused by water line breaks, construction damage, and system equipment failures. The District will not be responsible for damage to Customer properties, including culinary, irrigation, and fire protection water systems, due to pressure fluctuations. The Customer is responsible to take whatever means necessary to prevent damage to their culinary, irrigation, and fire protection water systems from pressure fluctuations.

4.10 Differential Rates and Fees

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

4.11 Violation Fees

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

4.12 Theft of Service

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

4.13 Wasting of Water Prohibited.

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

- A. Purpose.** This section is not intended to regulate or prevent the beneficial use of water on property within the District service area. It is intended to prevent and discourage the waste of water within the District service area.
- B. Wasting of Water defined.** No person shall waste any water supplied by the District. In general, the water is put to waste if it is not beneficially used. The Wasting of Water specifically includes, but is not limited to, the following:
1. Water running off a landscaped area to another area where it is not beneficially used such as to a street, sidewalk, gutter, alley, public utility easement or parking area (paved or unpaved);
 2. Washing vehicles in a driveway in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
 3. The hosing down of driveways, sidewalks and other landscape should be limited and accomplished in a way that the water will run off into other landscaped areas, but, in no event, in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
 4. Outside watering on days in violation of an approved watering schedule; or
 5. Any use of water in excess of that reasonably necessary to accomplish the intended task.
- C. Causes of Wasting of Water.** A typical significant cause for the Wasting of Water is the failure by the Customer to properly maintain outdoor watering systems. Specific examples of such failure to maintain include but are not limited to the following:
1. Damaged or missing spray heads;
 2. Damaged or missing bubbler heads;
 3. Damaged or missing drip irrigation lines;
 4. Failure to properly maintain berms, laterals and pipes for urban irrigation; or
 5. Failure to properly maintain automatic timing systems on landscape watering.
- D. Leakage, escape of water prohibited.** It is hereby prohibited for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the Customer's plumbing or distribution facilities for any period of time after such escape of water should have reasonably been discovered and corrected.
- E. Appeals and Exceptions.** The District's General Manager may grant an exemption for the uses of water otherwise prohibited hereby if he/she finds and determines that compliance with 4.13 will be detrimental to the health, safety and welfare of the public. Upon granting any such exception, there may be imposed any conditions the General Manager determines to be reasonable and proper. The conditions shall include, at a minimum, a water conservation audit of the Customer's facility.
- F. Enforcement:**
1. **Warning.** For a first violation, the District shall issue a warning by written notice ("Warning Notice") and provide educational materials on water conservation, as well as the written

policy pertaining to the approved watering schedule, including times of watering, to a Customer violating the provisions of 4.13. The District may engage in prior contacts and verbal notifications prior to a first violation being issued.

2. **First Notice of Violation (for the same matter).** The District shall issue a written notice of violation to a Customer for a second violation of 4.13 which occurs within a twelve (12) month period ("Notice of Violation"). A fine, as legally adopted and amended, will be added to the water bill for the violation. The District may engage in prior contacts and verbal notifications prior to a Notice of Violation being issued.
3. **Second Notice of Violation (for the same matter).** The District shall issue a second written Notice of Violation to a Customer for a third violation of 4.13 which occurs within a twelve (12) month period. A fine, as legally adopted and amended, will be added to the water bill for the violation. The District may engage in prior contacts and verbal notifications prior to a Notice of Violation being issued.
4. **Third Notice of Violation (for the same matter).** The District shall issue a third written Notice of Violation to a Customer for a fourth violation of 4.13 which occurs within a twelve (12) month period. A fine, as legally adopted and amended, will be added to the water bill for the violation. The District may engage in prior contacts and verbal notifications prior to a Notice of Violation being issued.

G. Subsequent violations (for the same matter) after the Third Notice of Violation; discontinuance of service. For any violation subsequent to the Third Notice of Violation of 4.13 within twenty-four (24) months after the date of issuance of the Warning Notice, a fine, as legally adopted and amended, will be added to the water bill for the violation. In addition to the fine, the District may discontinue water service with written notification to that Customer at the premises or to the meter where the violations occurred. Further, the District may require a Security Deposit. The District shall also be entitled to take legal action to enforce compliance with these Rules and Regulations, whether by injunctive relief or otherwise.

H. Notice. A written Notice of Violation (or a Warning Notice in the case of the first violation) shall be issued for each violation. The Warning Notice shall be delivered in person or by regular mail to the Customer. All subsequent notices will be delivered by certified mail to the person identified on the account for the meter through which the wasted water was supplied. The notice will:

1. Inform the Customer that second, third, fourth or subsequent violation of these regulations, above, has occurred;
2. Specify when the previous violation(s) (of the same matter) occurred;
3. Inform the Customer of the requirement for a water audit and the development of a compliance schedule indicating when required measures will be completed;
4. Inform the Customer that failure to correct the problem within the time limit provided for in the compliance schedule will result in another Notice of Violation; and
5. The notice shall contain, in addition to the facts of the violation, a statement of the possible penalties and/or fines for each violation and a statement informing the Customer of his or her right to request a hearing before the Administrative Control Board on the Notice of Violation. Such request must be made within fifteen (15) calendar days of the effective date of the violation. The effective date of the violation shall be the date of issuance of the Notice of Violation or Warning Notice.

- I. **Hearings.** Any Customer or person against whom a penalty or fine is levied pursuant to 4.13 shall have a right to a hearing before the Administrative Control Board. The rights of the District pursuant to 4.13 are cumulative to any other right or ordinance of the District in relation to the Customer or person. All monies collected by the District pursuant to any of the penalty or fine provisions of these Rules and Regulations shall be deposited in the District operating account.

4.14 Fire Hydrants

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

- A. **District Fire Hydrants.** Apart from the authorized uses above, District Fire Hydrants can only be used for construction related activities as authorized by the District. The authorized user shall pay a Security Deposit and a Wear Fee, as legally adopted and amended, for the use of a District meter and fire hydrant, and will be billed for water usage at the culinary construction water rates which are in effect at the time. Any damage to the hydrant or unauthorized use of water from an approved metered hydrant shall be the responsibility of the applicant or authorized user and will be taken out of the Security Deposit to pay for the damages and/or use. If the damages exceed the Security Deposit, the authorized user shall be billed for the difference. In addition, any unauthorized connection, which is not metered, to any fire hydrant shall constitute a theft of service.

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

- B. **Private Fire Hydrants Connected to the District System.** Private Fire Hydrants and the lateral line to the District's main transmission line, which are required by the Developer, Owner, or Fire District, to be located within the private property area or lot confines (typically in large lots) of a residential or commercial customer, and which are necessary to supply any fire needs not available by the hydrants located along a typical abutting street or District owned distribution system, remain the property of the Developer, lot owner or Customer, and the operation, testing, safety, and functionality of the hydrant and lateral, ultimately remain the responsibility of said Owner(s). The Developer, lot owner, or Customer is required to have their Private Fire Hydrants inspected, at their sole cost and expense, no less often than every 12 months. The District may enact fees, as designated in the current District rate schedule, to test, inspect, and maintain said hydrants, on a regular basis. If, however, in the sole discretion of the District, it is determined that a Private Fire Hydrant could jeopardize the District's primary water distribution system, the District may initiate a repair and/or service order on the hydrant facility and appurtenant hydrant service lateral, and impose a related fee for the service, including time and materials, upon the property owner or Customer in a priority commensurate with any assessment or monthly water use fee. Such situations requiring said service may include, but may not be limited to: water leaks, theft of water service, illegal or unapproved water taps on the hydrant or lateral, hydrant failure or damage, residual pressure problems, lack of hydrant visibility or access, or stagnant water or backflow conditions in the hydrant service or lateral, which could pose a water quality or water born pathogen problem on the primary system; thus jeopardizing public health and

safety. In addition, any unauthorized connection, which is not metered, to any fire hydrant shall constitute a theft of service.

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

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

4.15 Emergency Situations

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

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

5.1 Extra-Territorial Water and Operation Service

To further the objectives of regionalization and cooperation, the District, with the approval of the Administrative Control Board, may service existing non-District entities with water delivery, in any combination of services, on a wholesale basis by contract, as well as provide operation and maintenance services to non-District entities with or without water sales, on a case-by-case basis and subject to these Rules and Regulations. Wholesale water sales are allowed, if excess or surplus water capacity is available, to increase revenue, which in turn benefits all Customers, as well as putting to use possible idle infrastructure. Wholesale water sales always utilize surplus water source and infrastructure capacity, and are supplied at an "interruptible" or lesser priority to retail Customers within the District. As such, wholesale rates are usually lower in cost, are often bulk-sales in nature, and should usually be based on "take-or-pay" type contracts. Wholesale contracts with any non-governmental water company that resells the wholesale water to its own customers are limited to 10% of total District water sales.

5.2 Transportation and Delivery of Entity's Own Water

- A. **System Operations Contract.** Any entity desiring to have the District assume the operation and/or control of its water system (including at the District's sole option, Developers who have water rights, a water source and water system sufficient for all of the culinary and irrigation water requirements of its Development) if acceptable to the Administrative Control Board, shall enter into a systems operation contract with the District, pursuant to which the District shall provide water service, using the entity's

own water rights, water source and water system, on an equal basis with all other contracts. If the entity is a public agency, the contract may be in the form of an Interlocal Agreement with that entity. If the system is a private water utility, the District may require that the entity provide the District with an option to annex, purchase, or a purchase agreement, as a condition to servicing the system. The following rules shall apply:

1. **Public Entities.** Short or long-term operation and maintenance services may be provided to public water purveyors (such as Municipalities, Special Service Districts, Improvement Districts, or Service Areas) through Interlocal Cooperative Agreements, as set forth in UCA, Title 11, Chapter 13 (“Interlocal Cooperation Act”).
 2. **Private Entities.** Only short-term (no more than 1 year) operation and maintenance agreements may be entered into with private water companies, including profit or non-profit (mutual companies), during emergencies or for the purposes of acquisition of the company and annexation into the District for permanent service.
- B. Water Fees.** Water fees and charges, as legally adopted and amended will be imposed for delivery of such entities own water by rates described in the interlocal or service agreements, and shall cover all necessary costs to the District to provide the service.
- C. Facilities.** All water transmission lines, pump stations, treatment facilities, pressure regulation equipment, storage facilities, meters and meter stations, SCADA systems, and all other equipment and facilities necessary for the transportation and delivery of water within the entity and from the District’s point of delivery at its main water transmission line for water to the entity’s water system will be constructed, owned, operated, maintained and repaired by such entity at its sole cost and expense.

5.3 Differential Rates and Fees

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

5.4 Emergency Services

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

6.0 BACK-FLOW PREVENTION AND CROSS-CONNECTION CONTROL

6.1 Purpose:

- A. To protect the public drinking water supply of the District from the possibility of contamination or pollution by requiring compliance with both the Utah State Rules for Public Drinking Water Systems and the applicable plumbing code, so as to ensure adequate cross connection control protection of all public drinking water systems. Compliance with these minimum safety standards will be considered

reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,

- B. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the Customer, as required by the state and applicable plumbing regulations, so as to ensure water system safety; and,
- C. To provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

6.2 Responsibilities:

A. The District:

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

B. Customer:

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

C. Building Official:

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

D. Certified Backflow Technician, Surveyor, or Repair Person. Whether employed by the Customer or the District to survey, test, repair, or maintain backflow prevention assemblies, a certified backflow technician, surveyor, or repair person will have the following responsibilities:

1. Ensure that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
2. Make reports of such testing and/or repairs to the Customer and the District on forms approved for such use by the District within time frames as described by the Utah State Division of Drinking Water.
3. Include the list of materials or replacement parts being used on the reports.
4. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
5. Refrain from any alterations of the design, material or operational characteristics of the assembly during testing, repair or maintenance.
6. Perform all test of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.
7. Insure that his/her license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.
8. Be equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
9. Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The certified technician's license number must also be on the tag.

E. Responsibility: Repair of Backflow Assemblies. In the case of a Customer requiring an assembly to be tested, any currently certified backflow technician is authorized to make the test and report the results to the Customer and the District. If any commercially tested assembly is in need of repair the Utah Construction Trade Licensing Act, Utah Code Ann. Title 58, Chapter 55, *as amended*, requires a licensed plumber to make or supervise actual repairs on any assembly within a building.

6.3 Definitions Unique to Chapter 6. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Approved Backflow Assembly.** An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.
- B. Auxiliary Water Supply.** Any water supply on or available to the premises other than the District's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the District does not have authority for sanitary control.

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

6.4 Requirements:

- A. **Backflow Prevention Policy:**
 - 1. No water service connection to any premises shall be installed or maintained by the District unless the water supply is protected as required by State laws, regulations, or codes, including these Rules and Regulations. Service of water to a Customer found to be in violation of these Rules and Regulations shall be discontinued by the District after due process of written notification of violation and an appropriate time to voluntarily cure noncompliance, if:
 - a. A backflow prevention assembly required by these Rules and Regulations for the

control of backflow and cross connections is not installed, tested, and maintained, or

- b. If it is found that a backflow prevention assembly has been removed or by-passed, or
- c. If an unprotected cross connection exist on the premises, or
- d. If the periodic system survey has not been conducted.

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

2. The Customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the District to determine whether cross connections or other structural or sanitary hazards, including violation of these Rules and Regulations exist and to audit the results of the required survey (R309-105 of the Utah Administrative Code).
3. Whenever the District deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified Customer's water system, at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
4. The type of protective assembly required under 6.4(A)(3), shall depend upon the degree of hazard which exist at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
5. All presently installed backflow prevention assemblies which do not meet the requirements of these Rules and Regulations, but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements hereunder, be excluded from the requirements of these Rules and Regulations so long as the District is assured that they will satisfactorily protect the public water system. Whenever the existing backflow prevention assembly is moved from its present location or, requires more than minimum maintenance or, when the District finds that the operation of this assembly constitutes a hazard to health, the assembly shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.
6. It shall be the responsibility of the Customer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the Customer's expense. In those instances where the District deems the hazard to be great, the District may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the District to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
8. No backflow prevention assemblies shall be installed so as to create a safety hazard. (Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level)

B. Violations of Backflow Prevention Regulations:

If violations of state statute or rule, county ordinance or regulation, or these Rules and Regulations

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

7.0 WATER CONSERVATION

7.1 General Regulations

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

7.2 Wholesale Customers

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

7.3 Violations

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

7.4 Enhanced Irrigation for Major Developments

Any major Development which consumes large amounts of non-culinary, irrigation water, such as a large recreational park or golf course, may be required to implement enhanced irrigation strategies and equipment to better time the application of irrigation water to weather and evapotranspiration conditions. All of the costs of installation, maintenance, and monitoring of weather, rainfall, and/or evapotranspiration calculation equipment on their property shall be borne by the Developer or Owner and shall be utilized properly to better monitor optimum water needs for the Development.

7.5 Water Conservation Reports and Plans

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

- 1.** A detailed section on proposed uses of water in the industrial process which must demonstrate conservation-oriented techniques, including water usage techniques and mechanisms which employ the latest commercially available technology consistent with reasonable economic return;

2. A section which reports on the exterior landscaping design; describing how native plants and xeriscaping techniques will be employed where possible, and setting forth where water efficient irrigation systems will be utilized.
3. A section which notes all other areas of planned conservation in interior/exterior water use and demonstrates a bona fide commitment to reasonable conservation efforts.

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

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

1. A description of any available water conservation training programs offered to employees. Employee training information may be offered by the District to the facility after the construction is completed;
2. Whether alternative water sources will be used (i.e., effluent, poor quality groundwater or other non-groundwater sources);
3. Operating levels of total dissolved solids (TDS) or conductivity for cooling towers and total cooling capacity if applicable;
4. Whether the user will use the best available conservation technologies in accordance with existing process uses (i.e., re-circulating systems for process water, alternative dust control methods, automatic shut-down devices to eliminate continual running water);
5. Any plans for the reuse of wastewater or process water at the facility; and
6. Type of landscaping and irrigation system. Including details of the exterior landscaping design, describing how native plants and xeriscaping techniques will be employed where possible, and setting forth where water efficient irrigation systems will be utilized.

7.6 Irrigation Schedules and Restrictions

The District may curtail outside watering or irrigation in any fashion it deems necessary to protect its water supplies during drought conditions or failure of one or more water sources. Restrictions may be set as voluntary or mandatory. If restrictions are mandatory, the District may impose fines and/or penalties to enforce the

restrictions on a level to be set at the time, depending on the seriousness of the water shortages. In all cases, and for all types of Customers in the District, whether a drought condition exists or not, outside watering will be scheduled at a maximum interval of every other day.

7.7 Rainwater Harvesting

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

7.8 Conservation Implementation

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

7.9 Wastewater Reuse

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

8.0 AMENDMENTS

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

9.0 SAVING CLAUSE

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

10.0 EFFECTIVE DATE

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

ADOPTED BY THE COUNTY COUNCIL this _____ day of _____, 2016.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

**Roger Armstrong
Chair**

Attest:

**Kent Jones
County Clerk**

Approved as to Form:

**David L. Thomas
Chief Civil Deputy**

Mountain Regional Water

Rules & Regulations Overview

Summary

Key Section Changes Outlined Below

3.0 New Development

- Culinary Water Service

- Annexation

- Water Service Agreement

- Irrigation Water Services & Water System Title, Maintenance and Warranty

- Development Related (Impact) Fees

- Other

5.0 Wholesale Water Sales

- Sales to Non-District Entities (Weber Basin Regionalization, Olympic Park, High Valley)

- Transportation (Wheeling) of Entities Water (Park City)

- Emergency Service

7.0 Conservation

- Water conservation plans

- Irrigation schedules & restrictions

- Rainwater Harvesting

- Waste Water Reuse

3.1 New Development Culinary Water Service

- **Steps for Development to Receive Water Service from MRW**
 1. **Project Review Meeting**
 - Determine feasibility, impact, scope and water availability, and timing
 2. **Determine Preliminary Water Demand**
 3. **MRW Issue “Willing-to-Serve Letter”**
 - *Non-binding*
 - No impact or connection fees collected at that time
 4. **Annexation Requirements**
 - Conference to determine area and water demand
 - Annexation Agreement
 - Payment of annexation fees
 - Administrative Fee
 - Infrastructure Fee
 - Annexation Vote
 - Majority of all lot owners with % approval in agreement that meets or exceeds statutory %
 - Approval Process
 - District Management recommends to Control Board
 - Control Board recommends to County Council
 - Public hearings and review
 - County Council adopt Resolution

Value to District – In any instance the District acquires an existing water system, it shall consider the value of the assets to the District, and not the market value or system cost. Systems with deficiencies or in need of significant repairs, upgrades, and/or replacement are typically deemed to have a value of zero or less.

3.1 New Development Culinary Water Service

- **Water Service Agreement**

- Not a binding commitment for development approval by Summit County
- Inspection fee 3.0% of water infrastructure cost
- MRW must sign all plats and approve all Construction Standards, Specifications & Drawings
- Bond/Security required
- Easements provided at no cost
- Developer transfer system assets to the District at no cost
- District Warranties to operate and maintain system prudently to best of its ability at its cost
- Lot owner pay *impact fee* and/or provide *prepayment letter* prior to issuance of a *binding* "Commitment-of-Service Letter" to obtain building permit from Summit County
- *Standby fee* assessed on lots that can be serviced by District but not connected to the system; or as outlined in agreements
- Lot owner agrees to pay all other customer rates and fees as legally adopted and amended

3.2 Irrigation Water Service & 3.3 Water System Title, Maintenance and Warranty

- **Additional Requirements for Irrigation Water Services**
 1. Residential un-metered secondary irrigation systems not allowed
 2. Rate methodology now included in irrigation contracts
- **Further Defined District vs Customer Maintenance and Repair**
 - District owns and provides OM&R for the entire water system at District cost
 - Meter located near street or property line – District responsible up to and including meter
 - Meter located in structure or next to structure – District responsible up to property line
 - Customer responsible for leaks and to provide OM&R for service laterals
 - Meter located near street or property line – Customer responsible after the meter
 - Meter located in structure or next to structure – Customer responsible within property line
 - District repairs when customer liable
 - District may make emergency repairs to where customer is liable, at customers cost:
 - Mitigate damage/prevent waste of water/prevent contamination of District water system
 - Developer Warranty
 - One (1) year from final acceptance by District

3.4 Development Related Fees

- **Impact Fees**
 - Pursuant to Utah Impact Fees Act, *UCA* Title 11, Chapter 36a
 - Approved by Control Board
 - Imposed on new development utilizing District infrastructure and water supply
 - Based upon project needs
 - Includes only capital costs and related interest on debt payments
 - Can only assess proportional share of cost for infrastructure serving new development
 - Paid prior to issuance of binding Commitment-of-Service (Concurrency) Letter to obtain building permit
 - Impact Fee has multiple components
 - Water Rights
 - Source
 - Storage
 - Distribution
 - Developers / Owners may tender prepaid connections certificates in lieu of paying impact fees

3.5 through 3.9

3.5 - Ponds, Swimming Pools and other Water Features

- Designed and constructed to minimize water loss (lining required)
- Owner responsible to pay for water loss
- Backflow required and must be tested annually

3.6 - Plans and Connection Approvals

- District must approve
- Comply with District and Utah Division of Drinking Water Standards

3.7 - Standards, Specifications and Drawings

- Applies to new development and expanded water systems
- General Manager authorized to make changes in consultation with District Engineer

3.8 - De-annexations

- UCA Title 17D-1-602 prohibits if the District has outstanding debt or contractual obligation
 - *Alternate Water Service Provider Fee* – a developer or lot owner who enters into a contractual commitment with the District must pay proportionate share of District debt if they choose to use another water provider

3.9 - Line Extension Agreement

- Allows or requires future developer that extends an existing water line paid for by an earlier developer to reimburse earlier developer for capacity used by future development
- Applies only to first extension
- Maximum 5 year period
- Approved by Control Board

5.0 Wholesale Water and Operation Services to Entities Not In District Boundaries

- **Wholesale Water Sales to Non-District Entities**
 - Weber Basin Regionalization, High Valley, Olympic Park, Snowmaking
 - By Contract Approved by Control Board
 - Rates typically lower
 - Limited to surplus water and excess system capacity
 - Bulk Take-or-Pay contracts
 - Limited time period until water needed for District customers
 - Fixed costs don't increase due to sales
 - Don't use District distribution systems
 - Don't read meters
- **Transportation of Entity's Own Water (Includes Wheeling)**
 - Park City
 - Fees and charges vary based upon unique factors outlined for each agreement
- **Emergency Services**
 - District may assist other water companies within Summit County if the District has resources available

7.0 Water Conservation

- **District Takes Water Conservation Seriously**
 - Wholesale Customers may be required to develop / implement water conservation plans
 - Enhanced Irrigation for Major Developments
 - New Non-residential Building or Structure “Water Conservation Report”
 - **Irrigation Schedules & Restrictions**
 - Customers should water no more than every other day if restrictions not in effect
 - District may curtail outside watering or irrigation in case of drought or failure of sources
 - Restrictions can be
 - Voluntary
 - Mandatory
 - **Violations**
 - Violation of submitted water conservation plan or other District regulations may result in penalties and surcharges
 - **Rainwater Harvesting**
 - Allowed if done in compliance with state law / Division of Water Rights requirements
 - **Waste Water Reuse**
 - District reserves right to reuse domestic waste water and defined in State Law



MEMORANDUM:

Date: April 27, 2016

To: Council Members

From: Annette Singleton

Re: Peoa Recreation Special Service District

Reappoint Brad Marchant to the Peoa Recreation Special Service District. Brad's term to expire August 31, 2019.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MARCH 2, 2016
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice-Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
Kent Jones, *Clerk*
Brandy Harris, *Secretary*

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 2:40 p.m. to 3:35 p.m. Those in attendance were:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice-Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*
Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*

Robert Hilder, *Attorney*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*
Gary Horton, *County Engineer*
Derrick Radke, *Public Works Director*

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

WORK SESSION

Chair Armstrong called the work session to order at 3:40 p.m.

UPDATE ON ZIKA VIRUS

Carolyn Rose, Health Department, presented an update on the Zika Virus, which was first identified in 1947 in Uganda. Ms. Rose explained the mosquitos that carry the virus, *Aedes aegypti* and *Aedes albopictus*, are located all over the world and have migrated to the western hemisphere and are slowly moving to the United States. These mosquitos are just across the border and it's only a matter of time before we see them. Symptoms of the disease include fever, rash, joint pain, and red, irritated eyes. Diagnosis of the virus can be obtained by a blood test 7-14 days after being exposed. Testing is currently only available at the CDC Fort Collins Laboratory. Utah patients can get tested through the Utah Department of Health, following guidelines as stated by the CDC. There has been one case in Utah to date.

Council Member McMullin asked if the virus can be sexually transmitted. Ms. Rose answered there has only been one confirmed sexually transmitted case in Texas. She stated men should use condoms for at least a month after possible exposure.

Chair Armstrong asked if most people who contract the virus will know that they have it, and if the virus is life threatening. Rich Bullough, Health Department, explained that for most people this virus is not life threatening and symptoms are usually mild. Mr. Bullough stated that if we see the virus start in St. George, then we will know it's in Utah. County surveillance is being conducted, however, and there is no fear of this mosquito as of yet.

UPDATE AND DISCUSSION REGARDING PLANS FOR CONSTRUCTION ACTIVITY AND OLYMPIC LEGACY EFFORTS AT UTAH OLYMPIC PARK

Colin Hilton, on behalf of the Utah Olympic Park, presented the Council with an informational update on the planning stages of the Olympic Legacy Foundation and why they are looking to add buildings at the Utah Olympic Park. Mr. Hilton stated there are efforts that he's doing with the Legacy Foundation that have not just been local, but regional, state, national, and international to make sure they can take these collective interests and bring them together in a way that they have a better end product. Mr. Hilton explained the UOP has partnered with Utah Development & Construction for a master-plan buildout and that they share and understand the vision of what the Legacy Foundation is looking to do.

Mr. Hilton presented a Budget by Core Mission and explained the UOP loses about \$3 million a year in running the facility. The UOP subsidizes \$2 million a year for the Core Sport Budget. The public activity elements that includes bobsled rides, public zip lining, and group events generates \$2 million net income annually, and has been their biggest area of change over the last nine years. That number was about \$400,000 net income in '06 and has been a growth area that helps pay for the upkeep of the facility and the subsidizing of the sport programs. Mr. Colin stated the Utah Sport for Life Budget, which improves the life of youth sport and physical fitness, is a net zero income, but is part of the UOP's core. The Foundation Administration Bucket is a little over 600,000 a year on a net loss which is attributed to overhead to make sure the foundation is functioning properly.

In summary, the UOP has an operating loss of \$3.8 million on a typical year, but are able to financially survive because of their \$64 million endowment.

Mr. Hilton stated that as of May 1st the UOP will be taking over Soldier Hollow located in Wasatch County. Soldier Hollow has a break-even operating budget but has a lot of deferred maintenance and upkeep costs. They will be seeking some help from the State for some infusion of capital funds to bring that facility up to speed. Mr. Hilton stated the junior world championships will be coming to Soldier Hollow next winter bringing in approximately 2,000 athletes and families. This will be the single biggest event on a junior scale since the 2002 Olympics.

Mr. Hilton explained the broad goal for the Legacy Foundation is to make sure these venues in the state of Utah are not only open and being used but are maintained and are at a world-class level. Vice Chair Robinson asked what the foundation does in a year when they don't get a profit from the endowment. Mr. Hilton responded that they just ride the market's rollercoaster. He stated since 2002 they have averaged a 7.2% annual earnings rate.

The Legacy Foundation's financial strategies include increasing public activity revenue, increasing fundraising efforts, facilitate land development plans at the Park and Oval, and find expense efficiencies.

DISCUSSION REGARDING SUBSCRIBER SOLAR

Chad Ambrose, on behalf of Rocky Mountain Power, presented a PowerPoint presentation to discuss Rocky Mountain Power's renewable energy option called the Subscriber Solar Program. He stated this program provides Utah customers with the opportunity to purchase 10%-100% of their energy from a renewable resource. The Subscriber Solar enrollment period begins in April 2016 and is on a first-come, first-serve basis. This solar resource will be built by a developer based out of Boulder, Colorado. This program offers additional renewable choices to customers that cannot or do not want to install rooftop solar panels, including renters and those with HOA restrictions. Customers can subscribe to solar energy in 200 kwh blocks.

Council Member Carson asked if a customer does not use the entire kilowatt blocks they've purchased if these blocks can be banked. Mr. Ambrose replied that yes, customers will be able to bank it and whatever is not used by the end of the year will be donated to low income through the Subscriber Solar Program.

Chad Ambrose explained customer subscriptions lock in the rate schedule for the entire time they are enrolled and subscriptions can be canceled after three years with no fee. Cancellations prior to three years will be charged \$50 per block. Customers may also transfer service with no fee if they move within the boundaries of where the program is offered.

Chair Armstrong asked Mr. Ambrose if Rocky Mountain Power plans to enter into more agreements to satisfy demand. Mr. Ambrose replied yes, that if the solar plan fully subscribes it will take approximately two years to get the next one online.

Lisa Yoder, Sustainability Coordinator, then focused on explaining the benefits this program would have to the county itself. Ms. Yoder stated the county has 46 meters and 26 would qualify within the three rate structures presented in their presentation. It would save the county

roughly \$433 a year and they would be 100% solar on those meters, which would contribute to the county's emissions reduction goals (reduced about 25 metric tons per year). To go 100% solar on those meters would cost the county approximately \$50,000. Ms. Yoder stated that budget amount would need to be considered by the Council in order to move forward with becoming 100% solar. Chair Armstrong stated he would be supportive of going forward with the meters where we know the county will save money and he wants to see more refined numbers comparing the two before he makes a decision on subscribing to solar.

Vice Chair asked if that meter is available for non-residential customers. Chad Ambrose responded that it is, up to 2 megawatts. Manager, Tom Fisher, asked when the facility solar study is expected to be completed. Ms. Yoder responded they expect to issue the RFP within the next quarter and hope to have the study done by December so they can budget accordingly if the Council decides to put it in the 2017 budget.

DISCUSSION REGARDING SOLAR ACCESS LAWS

Lisa Yoder, Sustainability Coordinator, provided the Council with a staff report regarding solar access laws. In the past some county residents have been denied the installation of solar panels on their property due to current HOA restrictions. Increasing the use of renewable energy countywide is a key component to Council's goal of maintaining air quality. Ms. Yoder stated that Patrick Putt, Community Development Director, would like the Council's direction to request the Planning Commission consider an ordinance for future HOAs so they cannot restrict homeowners installing solar. It only addresses HOAs going forward and would do nothing to existing HOA structures. Chair Armstrong agreed and stated Mr. Putt could move forward with his request. He also stated the Council would like to encourage HOAs with existing CC&Rs that have solar panel restrictions to be amended.

DISCUSSION REGARDING COMPENSATION FOR COUNCIL MEMBERS

Brian Bellamy, Personnel Director, reviewed that Summit County Council has historically set the salaries of incoming elected officials prior to candidate registration, and this year there are four seats available for election on the Summit County Council.

Council Member McMullin gave some background, that when Council members were elected in 2008, the idea was that the three-member commission would take the total of their salaries and divide it by five and that would be the Council's salary. However, at that time they decided to take a pay cut and cut the Council's salaries by 40% and forego any benefits for the sake of the County budget. She stated that Council salaries today are not even at the same number eight years later that they would have been the day she started. She felt the Council made a mistake in 2008 in doing that and in order to get the best candidates at this time, Council salaries should be increased.

Chair Armstrong stated that when you look at compensation for elected positions, the salary level affects who can apply to be on the County Council due to the substantial time commitment of these positions. Council Member McMullin agreed that was the whole point of creating a reasonable salary for these positions, knowing it was part-time and likely to be offset by a second

job. Council discussed the amount of hours put in each week serving in their elected positions and Council Member Adair explained if you want to do the job right and really serve the citizens of the community like you should and be available all the time and consult, it requires a huge amount of time.

Chair Armstrong asked Mr. Bellamy to present the Council with a couple of salary options at the upcoming County Council meeting on March 9th and the Council would come to a decision at that meeting.

CONSIDERATION OF APPROVAL

- **Pledge of Allegiance**

DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT OF REMOVAL, APPOINTMENT AND ACCEPTANCE BY AND AMONG MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, WELLS FARGO BANK, NATIONAL ASSOCIATION, AND ZIONS BANK FOR MRWSSD OUTSTANDING REVENUE BONDS

Mountain Regional water Special Service District General Manager Andy Armstrong recommended approval of an agreement to move Mountain Regional Water Special Service District's trustee services from Wells Fargo to Zions Bank, which would be an annual savings of \$6,000 a year in trustee fees. Council Member Carson asked if there was any cost to make the change. Mr. Armstrong answered there may be some small administrative costs associated with the change.

Vice Chair Robinson made a motion to approve an agreement of the removal, appointment, and acceptance by and among Mountain Regional Water Special Service District, Wells Fargo Bank, National Association, to Zions Bank for MRWSSD outstanding revenue bonds. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2016-03 MRW A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT (Tax Parcel #SS-13 and SS-12)

General Manager Andy Armstrong stated a small property owner has petitioned for an annexation for water service so they can put in some infrastructure for a small development on Tax Parcel #SS-13 and SS-12.

Vice Chair Robinson made a motion to approve Resolution No. 2016-03 MRW annexing certain real property to the mountain Regional Water Special Service District for Tax Parcel #SS-13 and SS-12. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

**DISCUSSION AND POSSIBLE DECISION REGARDING REQUEST TO ABATE
ROLLBACK TAXES ON PARCEL #RWR-2**

Bill Wilde, Parcel #RWR-2 owner, explained that he and his wife went through the County Subdivision process and subdivided 14.54 acres in Hoytsville, 1/5 mile up Spring Canyon Road. They were asked by the Engineering Department to move their property line back 12 feet for future widening of Spring Canyon Road, as well as to pay \$6,000 fee in lieu to the County for that widening. He stated they have complied with all requests. Mr. Wilde explained they just sold one of their two lots and now only have 3.25 acres remaining, which makes the property non-eligible to remain in the Greenbelt. They have been notified by the Assessor's Office that they now owe \$4,030 in rollback taxes on this lot and have requested abatement by the Council for these taxes.

Council Member Carson asked if the original charges were due to the creation of the subdivision of the lots and who gets the benefit of the widening of the road. Mr. Wilde responded that the original charges were due to the subdivision of the lots and that anyone traveling up Spring Canyon Road will get the benefits of its widening. He stated he does agree with the widening of the road, but it did cost him money and land.

Council Member Adair stated it sounded like the two issues of rollback taxes and the \$6,000 fee in lieu were totally separate. Chair Armstrong explained this fee is a requirement under state law when a property leaves Greenbelt status, a rollback tax assessment is made on that property going back five years.

Council Member McMullin made a motion to deny the request to abate rollback taxes on Parcel #RWR-2. The motion was seconded by Vice Chair Robinson and passed unanimously, 5 to 0.

**ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO
THE SUMMIT COUNTY BOARD OF HEALTH**

Council Member McMullin made a motion to reappoint Liza Simpson and appoint Marc Watterson to the Summit County Board of Health, with their terms to expire December 31, 2019. The motion was seconded by Vice Chair Robinson and passed unanimously, 5 to 0.

**ADVICE AND CONSENT OF COUNTY MANGER TO APPOINT MEMBERS TO THE
SUMMIT COUNTY FAIR ADVISORY BOARD**

Council Member Carson made a motion to take the advice and consent of County Manger's recommendation to appoint Cody Blonquist (member recommended by Coalville City) and Geoff Swarts (member recommended by Park City Chamber Bureau) to the County Fair Advisory Board, with their terms to expire December 31, 2019. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

Council Member Carson made a motion to take the advice and consent of County Manger’s recommendation to appoint Lorraine Jones, Kaitlin Eskelson, and Becky Grant to the County Fair Advisory Board, with their terms to expire December 31, 2019. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO THE SUMMIT COUNTY LIBRARY BOARD OF DIRECTORS

Council Member McMullin made a motion to take the advice and consent of County Manger’s recommendation to reappoint Katy Wang and appoint Emily Summers to the Library Board of Directors, with their terms to expire February 28, 2020. The motion was seconded by Vice Chair Robinson and passed unanimously, 5 to 0.

Vice Chair Robinson made a motion to take the advice and consent of County Manger’s recommendation to appoint Rob Weyher to fill the unexpired terms of Stacy Kueser, with his term to expire February 28, 2019. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

APPROVAL OF MINUTES

JANUARY 20, 2016

Vice Chair Robinson made a motion to approve the minutes of the January 20, 2016. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

COUNCIL COMMENTS:

Council Member Carson stated she attended training with several members from staff and some of the Park City staff last week. She stated she is continuing to work with Lisa Yoder making amendments to the PLI, particularly on the special management areas and the water shed management areas language.

Council Member Carson stated currently some of the top legislative items include medical marijuana and moving towards an expansion of Medicaid. It's a very small program and aimed towards those at a zero income level, but they think that will help some of the homeless population and those leaving prison get some of the care they need.

Chair Armstrong stated that he, Manager Tom Fisher, and Caroline Ferris, Regional Transportation Planning Director went to Salt Lake and met with the CEO of one of two Hyperloop programs that are proceeding forward. He stated it was a very educational process on how it operates, the costs, and whether it was theoretically feasible for use in Summit County.

Chair Armstrong stated he received an update on the CCA process that Salt Lake City approved money in the budget to move forward with it and there will be future discussion about this process.

PUBLIC INPUT

Chair Armstrong opened the public input.

There was no public input.

Chair Armstrong closed the public input.

MANAGER COMMENTS

Manager Tom Fisher stated he met with Attorney Robert Hilder and the sheriff on Friday, April 26th to discuss UberChopper. The attorney's office and Patrick Putt, Community Development Director, are working on putting together a temporary zoning ordinance to bring to the Council regarding Uber as to what they could put in place for the future.

Mr. Fisher also stated he received a letter last week from the Utah Local Governments Trust which announced that the county received a \$6,800 rebate for the work that staff and Matt Jensen, Management Analyst, are doing to reduce risk profile.

The Summit County Council meeting was adjourned at 6:12 p.m.

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing personnel 6:12 p.m. to 7:10 p.m. Those in attendance were:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice-Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*

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

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

Council Chair, Roger Armstrong

County Clerk, Kent Jones



MEMORANDUM

To: Summit County Council
From: Patrick Putt, Community Development Director
Jennifer Strader, Senior Planner
Re: Eastern Summit County Agricultural Preservation Advisory Board
Date: April 27, 2016

The Eastern Summit County Agricultural Preservation Advisory Board (ESAP) was established for the purpose of advising and providing input to the County Manager regarding identification and preservation of agricultural land and open space within Eastern Summit County. ESAP consists of no less than seven (7) and no more than eleven (11) members, appointed by the Manager with the advice and consent of the County Council. ESAP currently consists of eight (8) members, six (6) of which were newly appointed. The current ESAP members are:

Jeff Young
Susan Follett
Don Sargent
Chris Ure
DeLoy Bisel
John Blazzard
Mike Crittenden
Mike Brown

The purpose of Wednesday's work session is to provide an orientation of ESAP's roles and responsibilities and to allow for discussion of future ESAP goals and objectives.



ESAP

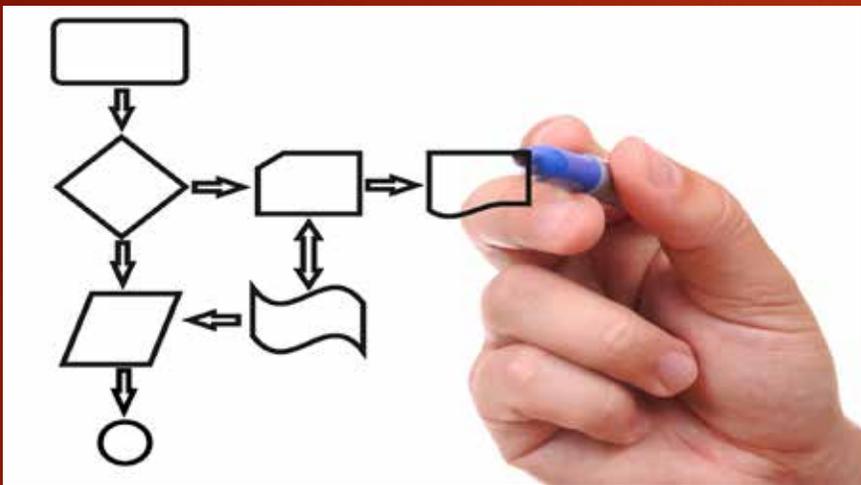
EASTERN SUMMIT COUNTY AGRICULTURE PRESERVATION AND OPEN
SPACE ADVISORY COMMITTEE

Mission

- u Advising the County Manager on the identification and preservation of agricultural lands and open spaces in Eastern Summit County.
- u Working with the local mayors to preserve agricultural corridors into their respective cities.



Eastern Summit County Open
Space Fund: \$1,200,000 (2015)



Current Process

- q ESAP (7-11 member committee) creates criteria for scoring through bylaws
- q ESAP makes recommendations to the County Manager (no set schedule to consider applications)
- q County Manager makes final decision on purchase of agricultural lands and open space



Summit County Code §2-34-4

Committee Bylaws

Third Party Land Trust role is undefined

Criteria & Weighting by the Committee:

- Ø 5 acre minimum
- Ø "greenbelt"
- Ø Active farming or ranching operations
- Ø Prevent or minimize residential sprawl
- Ø Preserve or protect critical watersheds, viewsheds, water quality, wildlife habitat, stream corridors, woodlands and/or historic structures
- Ø Enhance public access to other protected lands
- Ø Promotion of rural, small town, agricultural character and open space environment of eastern Summit County
- Ø Provision of trails and trailheads
- Ø Leveraging of public funds
- Ø Water rights



THE PROPOSED ESAP AMENDMENT

