



Amended AGENDA

**SUMMIT COUNTY COUNCIL
Wednesday, March 16 2011**

NOTICE is hereby given that the Summit County Council will meet in session
Wednesday, March 16 2011 at the Sheldon Richins Building, 6505 N Landmark Drive, Park City UT 84098
All time listed are general in nature and are subject to change by the Council Chair

8:30 AM Strategic Planning meeting at the Newpark Resort and Hotel, 1456 Newpark Blvd., Park City, UT 84098

1:15 PM Closed Session – Property Acquisition and Litigation (30) minutes)

1:45 PM

Board Interviews – Snyderville Planning Commission

Convene as the Governing Board of the North Summit Fire District

Appointment of Board Members

Dismiss as the Governing Board and Reconvene as the Summit Council

5:15 PM Work Session

- 1. Council Mail Review (10 min)
- 2. Primary Residency Status for 2010

6:00 PM - Consideration of Approval of Administrative Items

Pledge of Allegiance

- 1. Council Meeting Minutes – 2/16/11
 - 2. Continue -- Possible approval of Ordinance #754 amending the Canyons Development Agreement to allow the construction of a three-level underground parking garage beneath the forum area of the Canyons Resort.
- *Manager’s Comments
*Council Comments

Public Input

Closed Session - Personnel

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Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Doreen Davis, (435) 336-3025, (435) 615-3025 or 783-4351 ext. 3025

Distribution: A Posted: March 11, 2011 Amended March 14, 2011

Summit County Council
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March 13, 2011

To the Council:

Re: Primary residency Status for 2010

Stacey Street
Serial # NBF-68
Account #0390751
Tax District 05

The property in question is a single family residence in North Bench Farms Subdivision (Oakley area) built in 2007 going on the tax rolls as complete 2008. The petitioner failed to file a request for Primary Exemption until 2011 and are requesting an adjustment be made for the 2008-10 tax years.

Under Section 1 Paragraph B of County Ordinance #319 it states “ in the event that an affidavit (signed statement) is not timely filed, an exemption may be granted by the County Board of Equalization on an individual appeal basis for the current tax year only. At the close of the BOE, no further appeals for exemptions will be considered until the following year”

In order to maintain equitable and fair administration of the Primary Exemption ordinance the Summit County Assessor’s Office recommends the denial of the request. Approval would in effect extend the May 22 deadline into any of the following years.

Steve Martin
Summit County Assessor
PO Box 128
Coalville, Ut 84017
435.336.3251

Subject: Stacy Street Property Taxes

To Whom it may Concern,

I am writing this letter to request a hearing regarding over payment of my Summit County property taxes. I purchased my home in November of 2008. The home was purchased as a low income property through Rural Housing Development and Mountain lands community housing. This is the first home I have ever owned and the property tax was set up through the mortgage company. The property taxes were paid in to Rural Development as escrow and then they paid Summit County.

I have received my pre tax form each year, but did not understand that non-primary meant it was a second home. Being a first time home owner I did not understand the wording on the document.

Recently for the first time I paid an accountant to prepare my taxes. He told me at that time that I was paying more than double of what I should be. After checking with my neighbors and calling the County Assesor it was determined that the home was listed incorrectly.

Since the home was assessed incorrectly I would like to see if there is a possibility of getting a refund of the over payment.

Please contact me at your convenience.

Best Regards,

Stacy Street

March 13, 2011

To the Council:

Re: Primary residency Status for 2010

David Loucheim
Serial # CCR-29
Account #0200877
Tax District 07

The property in question is a single family residence in Chatham Crossing Subdivision (Prospector Square area) built in 2009 going on the tax rolls as complete 2010. The petitioners failed to file a request for Primary Exemption until 2011 and are requesting an adjustment be made for the 2010 tax year.

Under Section 1 Paragraph B of County Ordinance #319 it states “ in the event that an affidavit (signed statement) is not timely filed, an exemption may be granted by the County Board of Equalization on an individual appeal basis for the current tax year only. At the close of the BOE, no further appeals for exemptions will be considered until the following year”

In order to maintain equitable and fair administration of the Primary Exemption ordinance the Summit County Assessor’s Office recommends the denial of the request. Approval would in effect extend the May 22 deadline into any of the following years.

Steve Martin
Summit County Assessor
PO Box 128
Coalville, Ut 84017
435.336.3251

To whom it may concern,

We are requesting a review of our tax assessment for 2008 Paddington Drive, Park City 84060, our full-time residence. For 2010, our residence was listed as a non-primary improvement (second home) when it should have been listed as a primary improvement residence. We have corrected the status for all future taxes. We are appealing to the council to review our 2010 tax assessment and adjust it to the appropriate payment of a full-time resident.

We originally purchased the land as an undeveloped lot and constructed our house on the lot. We were unaware that the County assumes all properties are a non-primary property and incorrectly believed that when we got the loan as a primary residence that our status would be correctly noted.

It was our error to not recognize the status of our dwelling in the Summit County tax documentation and go through the appeal dates that are established. However, since we have always been full-time residents and made the error unintentionally, we hope you will consider rescinding our previous year's taxes as non-primary residents.

We moved to Park City on January 1, 2008 as full-time residents. We built our house with no other intention. We have provided paystubs of David's employment to show he has been working in state, as well as press clippings of his hiring. We have also included the tuition payment documentation for our children at the school where they have been enrolled since January 2008.

We understand that we are responsible for unintentionally overlooking the status on the Summit County tax assessment, but respectfully ask you to understand that we made the incorrect assumption that we were recognized as full-time residents and correct our tax payments accordingly.

Thank you for your consideration,

David and Dawn Louchheim
(dba David Locke)



9/23/11

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 16, 2011
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Chris Robinson, Council Chair
David Ure, Council Vice-Chair
Sally Elliott, Council Member
John Hanrahan, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Helen Strachan, Deputy Attorney
Doreen Davis, Office Manager
Karen McLaws, Secretary

CLOSED SESSION

Council Member Elliott made a motion to convene in closed session for the purpose of discussing property acquisition. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 11:30 a.m. to 12:35 p.m. to discuss property acquisition. Those in attendance were:

Chris Robinson, Council Chair
David Ure, Council Vice-Chair
Sally Elliott, Council Member
John Hanrahan, Council Member
Claudia McMullin, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Don Sargent, Community Development Director

Council Member Ure made a motion to dismiss from closed session and to convene in regular session. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

INTERVIEWS FOR VACANCIES ON THE MOUNTAIN REGIONAL WATER BOARD AND THE SNYDERVILLE BASIN RECREATION DISTRICT BOARD

The County Council interviewed the following applicants for vacancies on the Snyderville Basin Special Recreation District Administrative Control Board:

Harriet Natter
Julie Minahan
Christopher Reynolds
Jim Magruder
Michael Howard

Dawn Vibert Bowes
Diane Wieser
Carrie Morgan
Scott McClelland
Rana Tahtinen
Brian Guyer
Dan Obradovich – telephone interview

The County Council interviewed the following applicants for vacancies on the Mountain Regional Water Special Service District Administrative Control Board:

Karin Wilson
Rick Krebs
Gordon Jones
Matthew Lindon

DISCUSSION REGARDING THE MULTI-COUNTY APPRAISAL TRUST (MCAT)

Brent Gardner, Executive Director of Utah Association of Counties (UAC), explained that the State Legislature became very concerned about the appraisal system a few years ago, and a group was pushing for acquisition-based values. There were also spiking markets at the time, and some of the assessors' offices had a problem with keeping values current. The legislature looked at how they could "force" the counties to do their job and passed legislation requiring that a computer assisted mass appraisal system (CAMAS) be used in all the counties in Utah and implementing deadlines and penalties for non-compliance. That caused the county assessors to work together to get something in place to avoid the risk that the legislature might try to intervene further into the process and perhaps take over some of the assessors' functions. They decided to look CAMAS software on a State-wide basis rather than each County doing its own. UAC sent out an RFP and decided on Colorado CustomWare, Inc., (CCI) software. MCAT formed a board with 29 members to represent each of the counties, reworked the bylaws and rules of procedure, and selected officers and met regularly to oversee this process. They developed a sequence for each county to start participating in this new venture. The legislature allowed funding to pay for it, and the MCAT board oversees the funding for the CAMAS system. Independent of that, Salt Lake County has always been treated differently, and they did their own RFP and selected the same company. Therefore, all 29 counties will operate on the same system, which is the best situation they could ask for. Mr. Gardner stated that he wanted to make Summit County aware of the transition sequence, and Summit County will transition to the CCI system as late as possible this year.

Chair Robinson commented that the County Council's goal is not to put undue pressure on the County Assessor. He wanted to be certain that everyone understands this process and to hear opinions about this transition.

County Assessor Steve Martin explained that, because Summit County has not been an active participant in MCAT in the past, he was concerned about the sequence of events and the reasons behind everyone using the same system. The legislation says that the counties need to be on a CAMAS system, and Summit County is on a CAMAS system and has been for the last three years, and it is working fine. After the County indicated that they did not wish to use the CCI system, Mr. Gardner and Washington County Assessor Art Partridge explained why MCAT

selected the CCI system and that eventually Summit County would have to use it because of the expense involved in being out of sequence or because the legislation would change to make it mandatory. Mr. Martin explained that the Tyler system is very smoothly integrated now, and the information flows smoothly between the Recorder's, Assessor's, and Treasurer's offices. Adding this appraisal component will create a detour to that flow, and they have found that the website will not work with the CCI system, so an additional transfer of information to the website will be required. Mr. Martin acknowledged that the system will be paid for out of State Assessing and Collecting, but it is not really free because of the maintenance fees involved. He summarized that the County already has a CAMAS system that works well, but he sees the political writing on the wall that the County will eventually have to use the CCI system, and he wanted to be the last one to convert to that system in case there are problems with integration. He noted that a lot of manpower goes into learning, managing, correcting, transferring data that will not automatically transfer, and getting used to the new system, as well as solving problems between the Assessor's Office and the Treasurer's and Recorder's Offices. A lot of time and effort will be required to integrate into this system, but it is inevitable that they have to do it, and they will make the best of it.

County IT Director Ron Boyer explained that Summit County went to the Tyler system in 2007, and it took about two years to get it working properly. He believed they would probably see the same thing as they move to another system. He noted that the appraisal piece is just a portion of what the Assessor does. Support costs for Tyler are about \$15,000, and the support for CCI will cost about the same per year. He explained that Tyler is currently trying to work out the integration between CCI and Tyler, which will be an added cost and will add another layer to what the County is already doing, but it is inevitable. He was not certain whether all the counties would have the same procedures. He explained that Summit County has worked very hard with Tyler to get everything on the website, and a recent Deseret News article graded Summit County a B on transparency, partially because of their public records. Other than Salt Lake County, other counties were at a level C. Mr. Boyer stated that the current system is strong. Any time they switch to a new system there will be growing pains, and it will probably take a year to incorporate the assessment process. He noted that assessments occur at only one period during the year, and the first year may not be as accurate, but by the next year it may level out a little. He stated that IT will support the Assessor's Office with this change, and it can be done.

Council Member Elliott asked what other groups use Tyler and why MCAT chose a system that would be difficult to interface with other systems.

Mr. Partridge stated that Washington County also runs the Tyler system and added the CCI system, and the issue with integration was fairly minor. He commented that the appraisal is somewhat different from all the other administrative functions on the system. The CCI system allows the assessor to come up with market values of properties and then transfer them back into the existing Tyler system, which can then be passed on the auditor to get the information out to the taxpayers. Mr. Partridge explained that one reason they selected the CCI system is because it is an open architecture system, while Tyler is a proprietary system. One problem with integration is that Tyler must build the interfaces, because it is a proprietary system. He stated that they adopted the schedule because, after they did the RFP, they got a price from CCI to put the system in all the counties in the State. They negotiated with CCI to do some groupings that would save money, and putting all the counties using Tyler on the system at the same time saves money with integration, training, etc. That has allowed them to cut costs State-wide by about \$2

million. He hoped to keep to the schedule as much as possible to realize the benefits of the efficiencies of scale.

Chair Robinson asked if the County might have gone with other software in 2007 if they had known this was coming. Mr. Martin replied that the legislation happened in 2009, and the County had already implemented the Tyler system. Mr. Partridge explained that the legislature passed the law in January 2009, and second-class counties had to respond quickly to that legislation. Chair Robinson asked if Tyler has an appraisal module. Mr. Gardner replied that it does, and Tyler was one of the five companies that responded to the RFP. Chair Robinson asked if the Tyler module meets the State's requirements. Mr. Partridge replied that the State has never defined a CAMAS system, and he did not believe the State Tax Commission had, either.

Mr. Martin stated that, if he had a choice, he would not use the CCI system. However, it appears that, if Summit County does not implement it, they will be forced to. If they do not fall into sequence, it will cost the County additional money. Mr. Partridge estimated that it could cost up to \$200,000 to add CCI later, and he understood that a bill is now being proposed that would make it mandatory.

County Manager Bob Jasper stated that he believed UAC had worked proactively to bring this together and meet pressures from the legislature. He believed they should join with the other counties under the leadership of UAC and not get into a battle later over doing this. It appears that the County is eventually going to have to do this, and if MCAT is willing to give the County some time so they can work cooperatively, he believed that is what they should do.

Mr. Gardner commented that he believed the County would find some benefits to doing this, and other counties that run the Tyler system have also come to that conclusion.

Sanpete County Assessor Ken Bench commented that his county is small, and during the 2008 discussions, it became clear where things were going. They tried to involve all the assessors early on with as much discussion as possible. He noted that his county has only one IT person, who also serves the jail, and they all have their issues with this. However, the legislature gave them a way to fund it and decided to not force it on the counties. The legislature has indicated they would like the counties to do this on their own, and that has been the spirit of cooperation under which all 29 counties have operated. They have had a good relationship with the Utah State Tax Commission the past several years, and as painful as it is, he hoped this would be something that would satisfy the State.

Mr. Partridge explained that they have not clearly identified some of the benefits of the change, but he believes there clearly are some benefits. He stated that the CCI system is definitely better, and the Assessor will have significantly improved capabilities to appraise property. He believed the taxpayers would benefit in the long run from a better product.

Council Member Ure asked if private appraisers would be able to tie into this system. Mr. Partridge replied that it is specifically for appraisals made by county assessors and appraisers. However, it does have a better sales database, and under certain conditions, information can be shared with private appraisers. It will also allow counties to share data and information about commercial properties. He also believed they could get information from private appraisers more easily with a standardized system.

MANAGER’S COMMENTS

Mr. Jasper introduced Doreen Davis, the new Administration Office Manager.

CONVENE AS THE SUMMIT COUNTY BOARD OF EQUALIZATION

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

The meeting of the Summit County Board of Equalization convened at 5:15 p.m.

CONSIDERATION OF APPROVAL OF 2010 STIPULATIONS

Board Member Elliott made a motion to approve the stipulations as presented. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0. Board Member Hanrahan was not present for the vote.

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

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

The meeting of the Summit County Board of Equalization adjourned at 5:16 p.m.

The meeting of the Governing Board of the Snyderville Basin Special Recreation District convened at 5:16 p.m.

CONSIDERATION FOR ADOPTION OF A RESOLUTION OF SUMMIT COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT, SUMMIT COUNTY, UTAH GENERAL OBLIGATION BONDS, SERIES 2011 (THE “BONDS”) IN AN AGGREGATE PRINCIPAL AMOUNT OF \$20,000,000 TO ACQUIRE RECREATIONAL OPEN SPACE PROPERTY AND TO CONSTRUCT TRAILS AND RELATED IMPROVEMENTS; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE MANNER OF EXECUTION AND DELIVERY OF THE BONDS; PROVIDING HOW THE PROCEEDS OF THE BONDS WILL BE USED AND HOW PAYMENT OF THE BONDS WILL BE MADE; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

Brian Baker with Zions Bank presented the results of the Snyderville Basin Special Recreation District bond sale earlier in the day. He reported that 13 bidders signed up to bid, 7 submitted

bids, and the winning bidder was Piper Jaffrey. The verbal award was given this morning, and the official written reward will come this evening with adoption of the bond resolution. He stated that the weighted interest rate was 4.39% over 20 years, and the bonds can be refinanced if the opportunity presents itself in the future. Mr. Baker explained that an election brochure was prepared for all members of the district at the time of the bond election to inform them that the estimated tax impact would be \$69 on an average \$652,000 house. With the actual rate of the bonds, that impact will be \$61.40. He explained that this resolution will lock in the specific terms of the bond sale. The bonds will close on March 2, and the District can then start to spend money on open space and trails.

Rena Jordan, Snyderville Basin Special Recreation District Director, explained that two accounts have been set up for the bond funds. One will be for the \$8 million trails expenditure, and the other one will be \$12 million for the BOSAC fund.

Chair Robinson noted that it appears the duration of the bonds has been staggered with a weighted average of 4.39%. Mr. Baker noted that the debt service schedule is shown in the bond resolution. He referred to the last page of Section 4 that shows the District's existing debt service combined with the new debt service to provide the total debt service amount. Chair Robinson confirmed with Mr. Baker that the debt service is only for the Recreation District, not for Summit County.

Board Member Hanrahan stated that the County Council discussed in work session the possibility of holding a work session with BOSAC to clarify criteria for evaluating properties under the terms of the bond. He hoped that could be done as promptly as possible. Mr. Jasper confirmed that the process with BOSAC is moving forward.

Mr. Baker reported that the District has a very strong bond rating, which helped it to attract broad interest from potential investors. That shows that the rating agencies have confidence that this is a vibrant, growing area and that the District is well managed.

The Board Members and Mr. Jasper discussed the process for working with BOSAC moving forward. Chair Robinson stated that, before BOSAC extends offers, it would be good for the County Council to see the information in a closed session. County Sustainability Coordinator Ashley Koehler explained that BOSAC is currently developing a strategic plan and evaluation criteria and will go through a mapping exercise to look at properties in a closed session at their next meeting. Mr. Jasper stated that he hoped the land trusts would bring additional incentives to the table.

Ms. Jordan reported that the Recreation District has budgeted to spend \$5 million of the \$8 million for trails this calendar year. One project will be the passageway under Highway 224, and the Highland Drive and East Canyon Creek trail will be the other major projects this year.

Board Member Hanrahan made a motion to adopt a resolution of Summit County, Utah, authorizing the issuance and sale of the Snyderville Basin Special Recreation District, Summit County, Utah, general obligation bonds, Series 2011 (the "Bonds") in an aggregate principal amount of \$20,000,000 to acquire recreational open space property and to construct trails and related improvements; prescribing the form of bonds; providing for the manner of execution and delivery of the bonds; providing how the proceeds of the

bonds will be used and how payment of the bonds will be made; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this resolution; and related matters. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

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

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

The meeting of the Governing Board of the Snyderville Basin Special Recreation District dismissed at 5:40 p.m.

PRESENTATION OF BLUE SKY AWARD

Ms. Koehler reported that she invited Chad Ambrose from Rocky Mountain Power to announce Summit County's purchase and participation in the Blue Sky Program. Press releases were sent to the area newspapers to announce that Summit County is purchasing 10% of its total electricity usage, or 30,700 kilowatt hours per month. She explained that the Richins Building consumes about 29,000 to 30,000 kilowatt hours per year, and the County is offsetting that amount every month through the Blue Sky Program without additional cost to the County because of rebates it has received and the \$3,500 per year it will save in electricity costs.

Mr. Ambrose commended Ms. Koehler for her communication and marketing skills and the exposure she has given the County in its decision to support the Blue Sky program. He stated that this is exemplary for County residents, people throughout the State, and the whole Rocky Mountain Power service territory. Currently 17 cities and counties in the State support the Blue Sky program, and by buying Blue Sky to the extent the County does, they are planting 5,200 trees every year and eliminating 224 tons of CO₂.

Ms. Koehler reported that she would be placing Blue Sky stickers in some of the public facilities for the public to see that the County is a Blue Sky participant.

ADVISE AND CONCENT OF COUNTY MANAGER RECOMMENDATION OF FAIR BOARD MEMBERS

Council Member McMullin made a motion to consent to the appointment of Nile Hansen, Sterling Banks, Marla Howard, and Kathy Miller to the Summit County Fair Board for three-year terms expiring December 2013, and to consent to the appointment of Chris Brundy for the two-year term expiring December 2012 and Farrah Spencer for a one-year term expiring December 2011. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

MANAGER'S REPORT

Mr. Jasper reported that he has put a group together to work on the strategic plan, and they are negotiating an agreement with Ken Embry with the University of Utah Center for Public Policy and Administration to facilitate and lay out the strategic planning process. They have also asked Joe Hunter to prepare an environmental scan with every statistic he can obtain about the County, and they will hire Richard Krannich, head of the Sociology Department at Utah State University, to prepare the citizen survey.

Mr. Jasper expressed concern about the safety of the entrance to Wal-Mart and stated that he believed they were reaching some agreements with regard to the bonds that would change the main entrance into Wal-Mart and encourage people to come off the roundabout into that area. He believed they had some solutions in mind that would make the area safer.

Mr. Jasper reported that a consultant has been hired through the Health Department with Federal funds to look at emergency management from the structure and government sets, and that study is under way.

COUNCIL COMMENTS

Council Member Hanrahan stated that he wanted to be sure a process is in place to fill the positions on the boards and commissions. He also noted that the statute says the CORE Rezone process will be evaluated annually and expressed concern that they are continuing to delay that process. He wanted it to be addressed as soon as possible and suggested that they set a time for it. Council Member McMullin commented that they have been waiting on the needs assessment, which has not yet been recommended by the Snyderville Basin Planning Commission, but the Council could decide to evaluate the CORE Rezone without the needs assessment. Council Member Elliott believed there would be a problem in the community if they try to do the evaluation without a needs assessment, and it would defeat the purpose of trying to be responsible if they do not have current data. The Council Members concurred that it needs to be addressed as soon as possible.

Council Member Elliott reported that she attended the Board of Realtors affordable housing meeting. She commented that people are getting frustrated with the affordable housing issue, and they need to move forward on it. She also reported that she went to the Health Department to have a car seat installed for her grandson by an expert. She wanted people to know that the Health Department will install car seats appropriately.

Council Member McMullin stated that she is also getting a level of frustration from constituents about the concept of the CORE and what was behind it, and those questions are not being answered because they are waiting on the needs assessment. She did not think a needs assessment was necessary in order to answer the questions about why the CORE was adopted and how it works. She was not certain that members of the County Council understand the basis of the CORE Rezone. Community Development Director Don Sargent explained that the needs assessment is still in process, and the Planning Commission wanted to get through the existing CORE Rezone application, because it is being processed under the previous needs assessment. Then they will review the current needs assessment and get it to the Council as soon as possible. Council Member McMullin commented that, if the CORE Rezone project is at a point where the Council will see it soon, they should have a work session on the CORE before they see the application. Mr. Sargent explained that the current CORE application is vested in process, and

regardless of what is determined in the CORE Rezone review, that application is vested to proceed under the existing CORE. Chair Robinson confirmed with Mr. Sargent that the CORE approval process is completely discretionary. Mr. Sargent asked if the Council would like to see the CORE review simultaneously with review of the current CORE project or whether they would like to review the application under the current CORE ordinance and then have the CORE discussion. Or they could have the CORE discussion in advance of the project coming to the Council. Chair Robinson stated that he would prefer to have two separate meetings and review the CORE prior to seeing the application.

Mr. Jasper commented that at some point they need a work session to discuss other strategies for addressing workforce housing in terms of the type of community they want and the options for getting there.

- **Pledge of Allegiance**

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

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

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

The meeting of the Governing Board of the Snyderville Basin Special Recreation District reconvened at 6:08 p.m.

APPOINTMENT OF ADMINISTRATIVE CONTROL BOARD MEMBER

Board Member McMullin made a motion to appoint Jim Magruder and Dawn Vibert Bowes to the Administrative Control Board of the Snyderville Basin Special Recreation District for four-year terms expiring January 2015. The motion was seconded by Board Member Elliott and passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT AND CONVENE AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Board Member McMullin made a motion to dismiss as the Governing Board of the Snyderville Basin Special Recreation District and to convene as the Governing Board of the

Mountain Regional Water Special Service District. The motion was seconded by Board Member Elliott and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Snyderville Basin Special Recreation District adjourned at 6:09 p.m.

The meeting of the Governing Board of the Mountain Regional Water Special Service District convened at 6:09 p.m.

APPOINTMENT OF ADMINISTRATIVE CONTROL BOARD MEMBER

Board Member McMullin made a motion to appoint Rick Krebs and Matthew Lindon to the Administrative Control Board of the Mountain Regional Water Special Service District for four-year terms expiring December 2014. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

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

The meeting of the Governing Board of the Mountain Regional Water Special Service District adjourned at 6:10 p.m.

PUBLIC HEARING - POSSIBLE APPROVAL OF ORDINANCE NO. 316-B: AN ORDINANCE TO AMEND TITLE 5, CHAPTER 3 OF THE SUMMIT COUNTY CODE RELATING TO NOISE DISTURBANCES

Deputy County Attorney Helen Strachan presented the staff report and recalled that the County started to receive complaints about a year ago from one complainant in the Fox Point community of Redstone that delivery trucks were making deliveries to Redstone prior to 7:00 a.m., which violates the current Summit County Noise Ordinance. The Noise Ordinance currently states that no one can load, unload, or otherwise handle any object between 9:00 p.m. and 7:00 a.m. the next morning. A task force was set up at the County to discuss the issue, and Staff has taken the position that the Noise Ordinance should be amended to address those issues. In June 2010, the County Council held a public hearing to address the proposed changes. The staff report at that time stated that UDOT deemed the Kimball Junction area to be a high traffic corridor and directed delivery trucks to be in and out of that area before 6:00 a.m., which is the standard delivery time for many of the food delivery companies. Given that the Redstone area is a mixed-use commercial/residential area, Staff felt the Ordinance should probably be amended. The Sheriff's Office also feels that the Noise Ordinance is somewhat unenforceable as written, because without a complainant or with an anonymous complainant, they felt that there was nothing they could do. Since they were the only ones there to witness the violation of the noise ordinance, it could not be prosecuted. They also do not have the manpower to address these

kinds of noise complaints, which are a decibel level issue. The deputies do not have decibel meters in their cars, although the Summit County Health Department does have a decibel reader. Staff recommended amending the Noise Ordinance to change the hours prohibiting loading and unloading to 10:00 p.m. to 6:00 a.m. and exempting all commercial or mixed-use commercial/residential zones from that requirement, which would allow food delivery companies to make deliveries at any time necessary. No decision was made at the June meeting, and Staff had understood that the Redstone residents and business owners would reach a resolution that did not involve the County. Regardless of the outcome of those discussions, Staff realized that the Noise Ordinance would still be unenforceable and believed changes to the Ordinance should be addressed. Staff held a work session in October with the County Council, and business owners were invited to that work session, which was noticed in the newspaper, and anyone was welcome to attend. At the work session, the business owners explained that the time restrictions were burdensome on them because of the UDOT restrictions and other deliveries they had to make throughout Summit County. The County Council directed Staff to hold another public hearing, which is the purpose of this meeting. Ms. Strachan reviewed the proposed changes, which include changing the jurisdiction of the noise ordinance from joint jurisdiction with the Community Development Department and the Sheriff's Office to joint jurisdiction with the Health Department and the Sheriff's Office. She explained that most noise ordinances throughout the country are under the jurisdiction of the local health department. She added the jurisdiction of the Sheriff's Office because the officers are in the community outside of normal business hours, and they could be the primary contact for residents who call about noise issues during the nighttime hours. Another change would add reasonable person language to the ordinance. The time requirements for loading and unloading have been changed, as well as exemption of medical helicopter operations. She recalled that the Council also discussed removing ski lift towers from the Ordinance altogether, which she has done. She noted that all written comments from the public have been included in the public record.

Mr. Jasper recalled that he had asked the homeowners and business owners to meet and try to work things out, and he asked if those meetings had ever taken place. Ms. Strachan stated that, if there were meetings, Staff was not involved in them. She had heard from someone that those negotiations had been successful and that Staff should proceed through the public process. Mr. Jasper stated that he thought there had been a clear agreement for the parties to sit down and negotiate, and he was not aware that had happened. Council Member Hanrahan noted that there is written comment from Kathy Becker, board president of Fox Point at Redstone who describes meetings between their manager and property managers for Redstone and Newpark. He asked for the public to address that in their public comment.

Chair Robinson opened the public hearing.

Cody Steggell, property manager for Fox Point at Redstone, stated that he has been working with Redstone for only a couple of months. The residents are concerned about the changes to the noise ordinance and ultimately the removal of any noise ordinance at all. He stated that the homeowners at Fox Point knowingly bought into a mixed-use development and a 9:00 to 7:00 noise ordinance. They would agree with changing the hours from 10:00 to 6:00, but they do not agree with removing the restrictions on deliveries that occur in their backyard when they have already had it one way for eight or nine years. He requested that Fox Point not be exempt from the Code regarding loading operations. Chair Robinson confirmed with Staff that the zoning that applies to Redstone, Fox Point, and Newpark is Community Commercial. Mr. Steggell noted

that there are at least 70 residences near University Health Care all the way down to Jupiter Bowl where the Noise Ordinance could apply. He stated that a reasonable person can still be awakened by a delivery truck, which could cause sleep deprivation and lead to a number of other problems, which he believed is a problem within the community. He wanted everyone to be happy. He stated that he spoke to a couple of businesses, and it seems like everyone agrees with the time of delivery. Since then, there have not been a lot of complaints from the homeowners about those businesses. He stated that the community has talked to local business, and he has done that personally as well. Mr. Jasper stated that he had understood from the head of the homeowners association that there would be a sit-down negotiation between the business owners and homeowners, and that is different from visiting individual businesses. He asked if there was a sit-down negotiation between the homeowners and the business owners. Mr. Steggell confirmed that there was not. He claimed that he requested a sit-down meeting from the General Manager, and she declined and requested that they do it via telephone.

Chair Robinson asked why Staff exempted Community Commercial from the Ordinance. Ms. Strachan replied that all commercial areas were exempted from the Ordinance based on the concerns discussed in previous meetings. If this is a mixed use, it is Staff's position that people came into the situation knowing it is a mixed-use development. Staff felt that having a blanket exemption would make the Ordinance more enforceable and avoid problems with future enforcement issues with business owners. Chair Robinson asked how Staff would respond to the argument that the owners purchased their units under one set of rules, and now the rules are being eliminated. Ms. Strachan explained that the County is allowed to make changes. This is a public health, safety, welfare issue, and the food delivery companies need to be out of the area early in the morning or there will be a traffic issue.

Council Member Elliott asked about the UDOT recommendations regarding deliveries prior to 6:00 a.m. and noted that the Ordinance does not address that. She asked if UDOT can compel deliveries or enforce that or if that is a local decision. Code Enforcement Officer Leslie Rushton stated that she spoke with UDOT and explained that UDOT cannot stop deliveries at any time. It has just been deemed that the Highway 224 corridor is a congestion area between the hours of 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. She noted that when trucks deliver on Newpark and Redstone Drive, they have to stop in the middle of the road like they do on Main Street in Park City, which blocks the traffic flow. Mr. Jasper explained that the existing Noise Ordinance was adopted for the entire County and did not specify a mixed-use urban area. Usually these types of issues are dealt with through CC&Rs. He believed the homeowners are saying that they relied on a County-wide ordinance, but one of the issues is that the County-wide ordinance does not work well in a mixed-use urban area.

Council Member Elliott asked why Staff believed it was more important for the Health Department to administer the ordinance than the Community Development Department. Ms. Strachan replied that she did not know why the Noise Ordinance was ever in the jurisdiction of the Community Development Department. It is not within their jurisdiction to enforce, and since it is a public health, safety, welfare issue, it should be under the jurisdiction of either the Health Department or the Sheriff's Office. The Health Department has the device to measure the decibel level, so it makes sense for them to enforce decibel level issues. Mr. Sargent explained that the Community Development Department does not have the resources to be out in the early morning or late at night, and with the Sheriff's Office already patrolling, it would be more

prudent for them to monitor the noise and for the Health Department to follow up on the safety issue with the decibel meter.

Council Member Hanrahan commented that the Noise Ordinance is currently unenforceable. If the Sheriff's Office shows up and there is a complaint that something is too loud, they do not have a way to determine whether it is too loud based on an ordinance that refers to a specific decibel level. He asked how they could fix that so it could be enforceable. Ms. Strachan explained that it might not be a decibel level issue at that point. If there is a loud noise coming from an establishment and a complainant is willing to sign something to attest to that fact, the Sheriff's Office could go forward. Without the deputy actually hearing the violation, there is little they can do. She explained that she was talking about unenforceability with respect to enforcing the loading and unloading, which does not require a decibel level reading. Mr. Jasper commented that he believed the process would be that, if there is a complaint about noise, the Sheriff should come out, and typically, if a Deputy were to say the noise is too loud, people would cut the noise. However, if there is a debate about whether the establishment is in compliance with the Noise Ordinance, the Health Department could come out periodically to monitor and see what is going on. Ms. Strachan explained that is why Staff recommends a blanket exception for commercial areas. She noted that there are only one or two complainants, and they have not had to enforce the Noise Ordinance in the past because they have not had complaints. The few times they have gone out, there have been no violations, and no one has been willing to file a complaint and attest that they witnessed violations. Given those facts and the fact that this is a mixed-use area, they felt the commercial areas should be exempted, because it has not proven to be an issue.

George Arnold, a resident of Evanston and Park City, stated that his unit is at the farthest east location in Redstone on Redstone Center Drive facing the parking lot and movie theater. He stated that they have lodged numerous complaints, and he took exception to Ms. Strachan's statement that there have been only one or two complainants. He stated that he has been a consistent complainant and has never been asked at any time to sign a complaint to follow up on any prosecution. He stated that, when they have complained about noise coming from Jupiter Bowl, the officer goes inside and asks them to turn down the noise, and they comply for a period of time. He stated that there is frequent, recurring non-compliance by Jupiter Bowl. He stated that he does not like to complain, so it takes a lot before he does complain. He stated that Jupiter Bowl now has bowling customers bused in by one of the main bus lines out of Salt Lake City, and he has seen as many as five buses in and around Jupiter Bowl. They leave the diesel engines on those buses running, and rather than call the Sheriff's Office, he has knocked on the doors of the buses and asked them to turn them off, but then they turn them on again later. The following week another caravan of buses comes, and what he has said the week before has not left an impression with the drivers the following week. He stated that is a recurring problem, and he would like to see better enforcement. He believed there is a solution in the new Ordinance looking for a problem that does not exist. He stated that tonight was the first time he had heard that UDOT has a high corridor area designated for Highway 224 and the implication that the delivery trucks have to do their deliveries and be off the corridor by 6:00 a.m. He stated that is just a designation, and there is no prohibition of delivery trucks going onto Highway 224 at some time later in the day than 6:00 a.m. It was also suggested that, if those trucks come into the area after 6:00 a.m., it could cause problems for parking and traffic flow. He claimed that there is no problem with traffic or parking, and it is like a ghost town from 6:00 a.m. to 11:30 a.m. He

argued that deliveries can be made without disruption to the normal traffic flow in Redstone, Newpark, and Kimball Junction and do not need to be made at 3:00 a.m. He stated that the problem appears to be that the businesses and delivery services want to suit their own convenience to the detriment of everyone else. He commented that the “model” Noise Ordinance that is now in effect balances the respective competing interests of the various parties that have a stake in mixed communities. He argued that Ms. Strachan wants to say that they do not need that balance because they heard a few things from some business people who feel they are somewhat inconvenienced. They seem to carry more weight and clout with her point of view than the people who live in the community, and that is wrong, unnecessary, and all people and all interests can be accommodated without going to that extreme.

Bob Berube, a permanent resident of Fox Point, stated that he takes exception to some of the statements made by Ms. Strachan that no one has been willing to sign a complaint. He stated that he has been out with the Sheriff’s Department as early as 4:30 a.m. and was told by one of the deputies that they were instructed to not issue citations by some Summit County employee, even though the drivers were clearly in violation of the law. He claimed that he signed numerous complaints, and he is not the only one being bothered by this. He also offered a compromise in the past that would keep traffic off of Redstone Center Drive by limiting truck deliveries to the back side of commercial buildings so they would not be driving past or parking in front of the residences. He believed that would eliminate a lot of this conflict.

Patrick Noiseux, President of the Newpark Townhomes HOA, agreed with Mr. Steggell’s statements. He stated that they have had noise problems from Jupiter Bowl and have complained and called the Sheriff’s Department. He stated that they all want to work together. He understands that they bought into a mixed community and have no problem with that, but waiving the ordinance during that time frame makes it a one-sided affair. He believed there should be a balance, because a lot of people live in that area and choose to live there, but if it is one sided, that does not work for them.

Sarah Lemire, a resident of Fox Point on Redstone Avenue, stated that she does not live near where deliveries are made, but she has been awakened many times by trucks using their private street at all hours of the night. She stated that she communicated with Council Member Elliott about this, called the Sheriff’s Department in the middle of the night, and the trucks have backed up back and forth, and the County has not enforced the Noise Ordinance at all. She stated they all knew there was an ordinance when they bought into the community, and the business owners knew there was a noise ordinance, too. The developer did not choose to make the delivery areas convenient enough for the trucks, so the homeowners have to deal with it. She commented that this is a great community, but if the Ordinance is changed so delivery trucks can come in whenever they want, it would set a precedent so they could not build this kind of thing again. She stated that they have to set it up so they can all be together and make it 50-50, not in favor of the commercial aspects. Council Member Elliott stated that she understood the problems with the signage and the trucks getting lost had gotten a little better. Ms. Lemire stated that she has personally called the dispatcher from some of the truck companies to tell them how to enter the community. She explained that The Boyer Company did not name the two streets the trucks should use to drive into, so nothing shows up on their GPS.

Randy Newkirk stated that he recently purchased at Redstone and confirmed that the people who purchased in this area knew this was a mixed-use area, as did the commercial owners. He stated that the commercial side has thrived ever since the development has been there, and they are doing well. There may have been some inconvenience, but no loss of income on the commercial side. The proposal would totally eliminate the burden on the commercial side and put the burden 100% on the residential side, which creates a financial hardship for all the people who have invested in the residential development. He commented that a survey of other mixed-use communities seems to be missing from this discussion. He was aware of other mixed-use communities that work very well where the developer is making more money off of selling the residential units and using the commercial side to draw to those communities. He asked the County to insist that Staff do a survey of more established communities that have dealt with this and how they address it to try to find a balance that is fair to both sides.

Teresa Wharton, Retail Property Manager for Newpark, clarified that she has never been contacted by any HOA to sit down and have a meeting to work through these issues. She explained that they would love to be in compliance with delivery times from 7:00 to 9:00 that is in the rules and regulations. However, the delivery companies respond to their customers. Their main customers are Park City, and they dictate the delivery times. The businesses have allowed deliveries prior to 7:00 a.m., because otherwise they cannot get deliveries. The retail properties are willing to be in compliance, but they have not been able to get the delivery companies to meet the timelines they would like.

Candice Chaney, a first-time homebuyer, stated that she did not know about the Noise Ordinance when she purchased her unit. However, she was reassured by her Realtor that a Noise Ordinance was in place, and she received a copy of it when she closed on her condo. She was told they were 10 to 6, and she had always been under that impression. She stated that she lives above Hapa Grill, and about June of last year Sysco started delivering between 2:30 and 5:00 every day. They would drop bread off on top of an electrical box, and it would be left there until about 11:00 in the morning when someone would show up at the restaurant. She believed that was a big public health issue. She stated that they have not delivered during the winter months. She stated that Red Rock receives deliveries at about 6:45, and they are quiet. She commented that snow removal is annoying, but she appreciated that they are removing snow so she does not have to shovel. She discussed health issues that are linked to sleep deprivation.

John Gurrola, a resident of Redstone for six years, stated that he was informed about the Noise Ordinance when he purchased his condominium. He was one of the first residents in Redstone, and a lot of the commercial locations were vacant. As they started to fill up, the trucks started coming through Redstone during the day and early in the morning, and the buses come down Newpark Avenue. He has had to go out as trucks have come down Redstone looking for the store they are supposed to deliver to, and the truck drivers ignore him. He stated that he does not want trucks coming in after 10:00 at night. He would prefer that the current Noise Ordinance stay in place, and he did not want to see it changed, because that was the intent when he bought his property six years ago.

Chair Robinson closed the public hearing.

Council Member Ure commented that there are two or three sides to every story, and they thought they were fixing the Noise Ordinance when they started this process, but it sounds like

there are still problems. He noted that there are still vacancies in the commercial space, which will intensify the problems in the future, and he did not see a solution right now.

Council Member McMullin asked if Staff had considered adding a temporal element to the definition of noise disturbance regarding the duration of the noise. Ms. Strachan noted that is addressed under the section regarding noise level. Council Member McMullin commented that it does seem unreasonable to have deliveries at 3:00 a.m. Therefore, she would argue against the complete exemption and perhaps change the time from 6:00 a.m. to 5:00 a.m.

Council Member Elliott commented that this sounds like a plat argument that people have certain expectations when they purchase a piece of property. One of the expectations is that, if a person buys over a restaurant or next door to a bowling alley, they will hear some noise. It was obvious to her that, if someone buys into a mixed-use area, they will have mixed noise. However, if someone purchases and thinks they know what the ordinance is and that they can rely on it, that should give some measure of comfort. She did not know how they could enforce the Noise Ordinance when the Sheriff's Department will not send complaints to the Health Department. She asked if Health Director Richard Bullough would communicate more closely with the Sheriff's Department to have them report when they investigate noise complaints. Mr. Bullough replied that he could put a process in place to communicate better. He stated that the process Mr. Jasper described is how the Health Department perceived it would work and that they would go on site to do the actual monitoring. Council Member Elliott noted that they have heard from several people that the delivery noise is better and that it is not the fact of delivery or the time of delivery, it is whether someone makes a noise or not when they do it. She asked if there would be a way to incentivize commercial people to make their deliveries at a reasonable, quiet time and asked how they could give people some measure of quiet.

Council Member Hanrahan stated that he would like to put this back in the hands of the parties involved, the Redstone Homeowners Manager, President of the Newpark HOA, and the retail property managers for Newpark and Redstone. He asked that group to meet and look into some of the ideas that have been brought up. He agreed that they should look into places that have already dealt with this in a good way to find out how they did it. He noted that some areas are involved, and others are not, and if they could get the trucks to route down certain streets, that would solve some of the problem. He believed there could be a negotiated agreement between the parties, and he would like to see them work on it and come back. He could not decide on this tonight, because they are at such an impasse. If they could get down to the specific locations where this is a problem, find ways to mitigate it, and find out how other communities do it, he believed they could come up with a win-win situation, and right now they have a lose-lose.

Council Member Ure commented that there appear to be two problems—deliveries and Jupiter Bowl. He believed the regulations are already in place to enforce the Jupiter Bowl problem. With regard to delivery, he did not believe they should occur at 3:00 a.m. He believed delivery people would take advantage of the situation as far as they can to make it most convenient for them, and the Council should draw a line on deliveries and what streets they can use. He believed they should go back and find out what is pushing the delivery issue.

Chair Robinson believed getting the stakeholders together is a good idea in order for them to coexist. With regard to the Noise Ordinance, they cannot specify what can be done in specific locations. They need to come up with an underlying Noise Ordinance and then have special

accommodations between the private parties so they could coexist with each other. He stated that he did not need to see or hear much more on this topic. The main issue for him was delivery time, and he was not in favor of an exemption for the various commercial zones, but he could agree with moving the delivery time back to 5:30 a.m. and enforce it. If someone delivers earlier than the time stated in the ordinance, the Sheriff should cite them. To the extent there is mixed use in any of the zoning districts proposed to be exempted from the Ordinance, he would not exempt them. Ms. Strachan noted that, without a complainant, the Sheriff's Office does not have the wherewithal to enforce the Ordinance. Chair Robinson stated that it would be complaint driven, and with this ordinance in place, the Sheriff's Office could easily cite someone. The delivery trucks are either there before the appointed hour or they are not.

Council Member Hanrahan noted that they did not hear from many businesses this evening, and they were just as strong in their argument that a 6:00 a.m. delivery time would not work. He did not believe they could fail to consider that. The Council is trying to make a compromise, but they do not know the specifics of what will work. He wanted to see the principals involved figure that out.

Council Member McMullin argued that the County still needs a noise ordinance it can enforce, regardless of the private parties' disputes. Right now the County does not have a noise ordinance that is enforceable, and that is what Staff is trying to accomplish. The proposed Ordinance would take this out of the Community Development Department and put it in the Health Department and change the time from 7:00 a.m. to 6:00 a.m. She agreed that a good compromise would be to remove Community Commercial and any other mixed uses from the exemption. This has been going on for months, and she did not need to hear from the residents or the commercial interests any more. They just need to pass an ordinance. Ms. Strachan explained that making a purely commercial exemption would not solve anything, because they have not had these issues in purely commercial areas. Council Member McMullin noted that Staff has indicated they have not received many complaints anyway, and they have been talking about something for six months that is not a big issue. She suggested that they just adopt this Ordinance and see if it works.

Council Member Ure suggested that they place a time certain on when the parties come back with what they have agreed to do. If that does not happen, the Council will take action and do what they have to do. Mr. Jasper offered to host representatives from the commercial and homeowners groups to try to sort things out.

Council Member Ure made a motion to table this item for no more than 45 days to allow the parties involved to reach a mutually agreeable solution to the Noise Ordinance issues and to have a document ready to discuss and consider no later than 45 days from today. The motion was seconded by Council Member Hanrahan.

Ms. Strachan asked if the Council has any direction for Staff with regard to this item. Council Member Hanrahan requested that Staff help arrange the meetings and see if there are legal ways to pursue some of the ideas that are brought up.

The motion passed by a vote of 4 to 0, with Council Members Elliott, Hanrahan, Robinson, and Ure voting in favor of the motion and Council Member McMullin voting against the motion.

The County Council meeting adjourned at 7:30 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Thursday, March 3, 2011
Meeting Date: Wednesday, March 9, 2011
Author: Adryan Slaght, County Planner
Title: Development Agreement Amendment
Type of Item: Public Hearing
Future Routing: N/A

EXECUTIVE SUMMARY: The Canyons Ski Resort/American Ski Company-Utah, is requesting approval of a Conditional Use Permit (CUP), Final Plat, and Development Agreement (DA) Amendment in order to construct a three-level 354-stall underground parking garage beneath the forum area of the Canyons Resort (between the Sundial Lodge and the Grand Summit Hotel). Out of the three requested approvals for this application, the Council is the Land Use Authority for Development Agreement Amendments. **Staff is recommending that the SCC conduct a public hearing, and vote to approve the Development Agreement Amendment.**

A. **Project Description**

- **Project Name:** Canyons Forum Parking Garage Development Agreement Amendment
- **Applicant(s):** Tim Vetter & Patrick Putt, ASC Utah (the Canyons)
- **Owner(s):** ASC Utah, Wolf Mountain Resorts
- **Location:** Canyons Forum (between the Sundial Lodge, Grand Summit Hotel, & Westgate Resort)
- **Zone District:** Resort Center
- **Adjacent Land Uses:** Ski Resort/Lodging
- **Existing Uses:** Ski Resort
- **Parcel Number(s) & Size:** PP-75-C, 7.79 ac; PP-75-D, 4.05 ac; PP-75-4, 4.17 ac; PP-75-6, 3.41 ac; PP-75-F-2, 1.00 ac; PP-75-K-A, 0.98 ac (Total 21.4 ac)

B. **Community Review**

This item is scheduled for a public hearing and has been notified as such. The item was also scheduled for a public hearing before the Snyderville Basin Planning Commission (SBPC) on March 8th. A recommendation is needed from the SBPC before the Council can take action on the Development Agreement Amendment. Feedback from the SBPC public hearing will be provided at the Council meeting. Approximately 550 property owners within 1,000 ft of the properties included within the proposed disturbance area were notified of the public hearing via postcard.

Staff has received comment from the public regarding construction mitigation, possible traffic impacts on Canyons Resort Drive, and the construction laydown area between the Silverado Lodge and Red Pine Condominiums as well (see *Exhibit H*).

The following service provider comments have been received:

Summit County Engineer: Requested additional information on the transportation plan (pages 8-15 of *Exhibit D*), specifically the full traffic impact analysis.

Park City Fire District: Approved site work. Will need final construction drawings and impact fees prior to sign-off. Would like a service access easement on the plat. Need to ensure access for the Lower Village fire station during construction.

Questar: No gas in this location.

Snyderville Basin Water Reclamation District: Will serve letter. Would like a service access easement on the plat.

Summit Water: Will serve letter. Sufficient water exists. Construction will require the removal of a 10 inch line.

The Canyons Resort Village Management Association: Reviewed and approved by the Design Review Committee (DRC) with conditions, as detailed in *Exhibit E*.

C. **Background**

The Canyons Specially Planned Area (SPA) was approved in 1998, and amended on November 15, 1999. At the time of the amendment, the SPA consisted of 21 property owners covering 7,745.31 acres in Summit County. Approximately 500 acres of the SPA is dedicated towards a medium-high density resort village. Uses within the SPA include hotel/lodging, residential/lodging, residential, commercial, open space, public/recreation, and open space buffer.

The applicants have proposed a three-level 354-stall (64,250 sq ft floors 1 and 2, 17,265 sq ft lower floor) underground parking garage beneath the Forum area of the Canyons Resort to better support the restaurants, retail, conference areas, and seasonal events found in the resort core. The applicants came before the SBPC during work session on February 22 to preview the proposal, as well as to provide updates on other anticipated or recently completed projects.

Under the Snyderville Basin Development Code, any resort structure greater than 5,000 sq ft is required to have a Conditional Use Permit (CUP) (Section 10-2-10). The SBPC is the Land Use Authority for CUPs. The existing Development Agreement (specifically Exhibit B.5.1 (*Exhibit F of the report*)) did not anticipate a parking structure of the size and location proposed by the applicant. Because there is no overall Transportation Master Plan for the Canyons (due within four years), staff is only able to review projects on a case by case basis. Based on review of this project, staff felt there would likely be an increase in intensity of use, which requires an amendment to the DA. The County Council is the Land Use Authority for Development Agreement Amendments. A Final Subdivision Plat is required in this case because the property associated with the parking garage is being divided off from the surrounding property. The County Manager is the Land Use Authority for Final Subdivision Plats.

The applicants have indicated that they would like to begin construction as soon as possible in April this year in order to have the Forum returned to a usable condition by November of this year.

D. **Identification and Analysis of Issues**

The following are potential issues that have been raised in association with the application:

Noise/Dust/Runoff/Construction Impacts

It is anticipated that there could be significant noise and dust impacts as a result of this project. To address those concerns, the applicants have submitted a detailed Construction Mitigation Plan, found on pages 36-46 of the applicant submittal (*Exhibit D*). Mitigation measures include the installation of temporary erosion and sediment control measures, applying water sprays, placement of clean gravel, etc. The mitigation plan indicates working hours of 7am – 7pm (Monday – Saturday), while the RVMA has requested that normal work hours be 8 am – 7 pm. The applicant has agreed to the shorter work hours, but has indicated that they would like to pursue the 7am start for non-noise producing activities.

Traffic Impacts

Pedestrian circulation around the Forum is expected to be maintained throughout construction. Construction traffic is addressed on pages 40-41 and 44-46 of the applicant submittal (*Exhibit D*). High Mountain Road and Grand Summit Drive will be used as haul roads. In order to address potential traffic issues associated with existing conditions, as well as the construction of the garage, the applicants have proposed the construction of a round roundabout in the Lower Village (Canyons Resort Drive/Frostwood Drive), the addition of a right turn and left turn lane at the Grand Summit Drive/Canyons Resort Drive intersection, and modifications to Grand Summit Circle. These measures are discussed and shown in the overall transportation plan (pages 8-15 of *Exhibit D*).

E. **General Plan**

The Canyons Resort is located in the West Mountain Neighborhood Area (WMNA). It was approved through the SPA process, and is consistent with the General Plan, which among other things encourages development within resort centers. One of the primary economic objectives within this area is that, “All resort development has been and must continue to be oriented to resort and guest accommodations that support the recreational nature of the area...” Staff feels that the provision of this parking garage would be in compliance with the General Plan.

F. **Findings/ Code Criteria and Discussion**

Development Agreement Amendment

Amendments to the Canyons Specially Planned Area (SPA) Development Agreement (DA) are addressed in Section 5.13 of the Canyons Amended and Restated DA. Staff has determined that the request to build a parking structure in the forum area is a substantial amendment, due to the increased intensity of use. Substantial amendments require a public hearing and recommendation by the Planning Commission, and a public hearing and decision by the Board of County Commissioners (County Council), the Land Use Authority.

Under the Snyderville Basin Development Code, Section 10-3-19, the criteria for approval of Development Agreements is as follows:

A. Criteria for Approval:

1. The development agreement has been duly adopted in accordance with the case, it is subject to the adoption and approval provisions of Section 10-3-10 of this Title.
2. The development agreement includes written consent by each landowner whose properties are included within the area described;

3. The County Council, after receipt of a recommendation from the Planning Commission and review and consideration of the development agreement, finds that the specific proposals, terms and conditions contained in the agreement promote the intent of the General Plan, result in benefits to the general public that would not otherwise occur under the literal application of this Title, and effectively protect the health, safety and general welfare of the public; a public hearing is required to be held.
4. Development allowed under a development agreement shall comply with appropriate concurrency management provisions of this Title, the infrastructure standards of this Title, and all appropriate criteria and standards described in the development agreement;
5. When appropriate, based on the size of the project, the landowner or applicant agrees to, at a minimum, contribute all capital improvements and facilities necessary to mitigate the impacts of the project on the County and its special districts;
6. The landowner or applicant will mitigate all fiscal impacts on the general public;
7. Development shall not be permitted to create unacceptable construction management impacts;
8. While a creative approach to the development and use of the land and related physical facilities may be allowed by a development agreement, all development approved in the agreement shall meet or exceed development quality objectives of the General Plan and this Title;
9. The development shall be consistent with the goal of orderly growth and minimize construction impacts on public infrastructure within Snyderville Basin;
10. The development shall protect life and property from natural and manmade hazards; and
11. The development shall prevent harm to neighboring properties and lands, including nuisances. (Ord. 323, 3-9-1998)

G. Recommendation(s)/Alternatives

Staff recommends that the Summit County Council evaluate the information provided by staff and the applicant, as well as that presented during the public hearing, and:

Vote to approve the proposed amendment to Exhibit B.5.1 of the Canyons Amended and Restated Development Agreement to allow the construction of the parking garage as proposed in the applicant submittal.

Should the Council deem that additional information is needed prior to taking action, staff recommends that the Council vote to continue the item to a specified meeting date in order to allow the provision of additional information.

Attachment(s)

Exhibit A – Zoning Map(s)

Exhibit B – Aerial Photograph(s)

Exhibit C – 1000 ft Buffer Map

Exhibit D – Applicant Submittal “Canyons Forum Parking Garage” dated Feb. 4, 2011 (CD)

Exhibit E – RVMA Design Review Committee Approval Letter, dated Feb. 9, 2011

Exhibit F – Proposed Plat

Exhibit G – Canyons SPA, Exhibit B.5.1

Exhibit H – Letter from Joe Tesch dated March 3, 2011

C:\Users\adryans.CCH\Desktop\Basin\Canyons\Forum Garage_PH_SCC_030911.doc

Legend

- Parcels
- Rivers
- Rural Residential (RR)
- Hillside Stewardship (HS)
- Mountain Remote (MR)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Service Commercial (SC)
- Resort Center (RC)
- Town Center (TC)
- Lower Silver Creek Overlay Zone

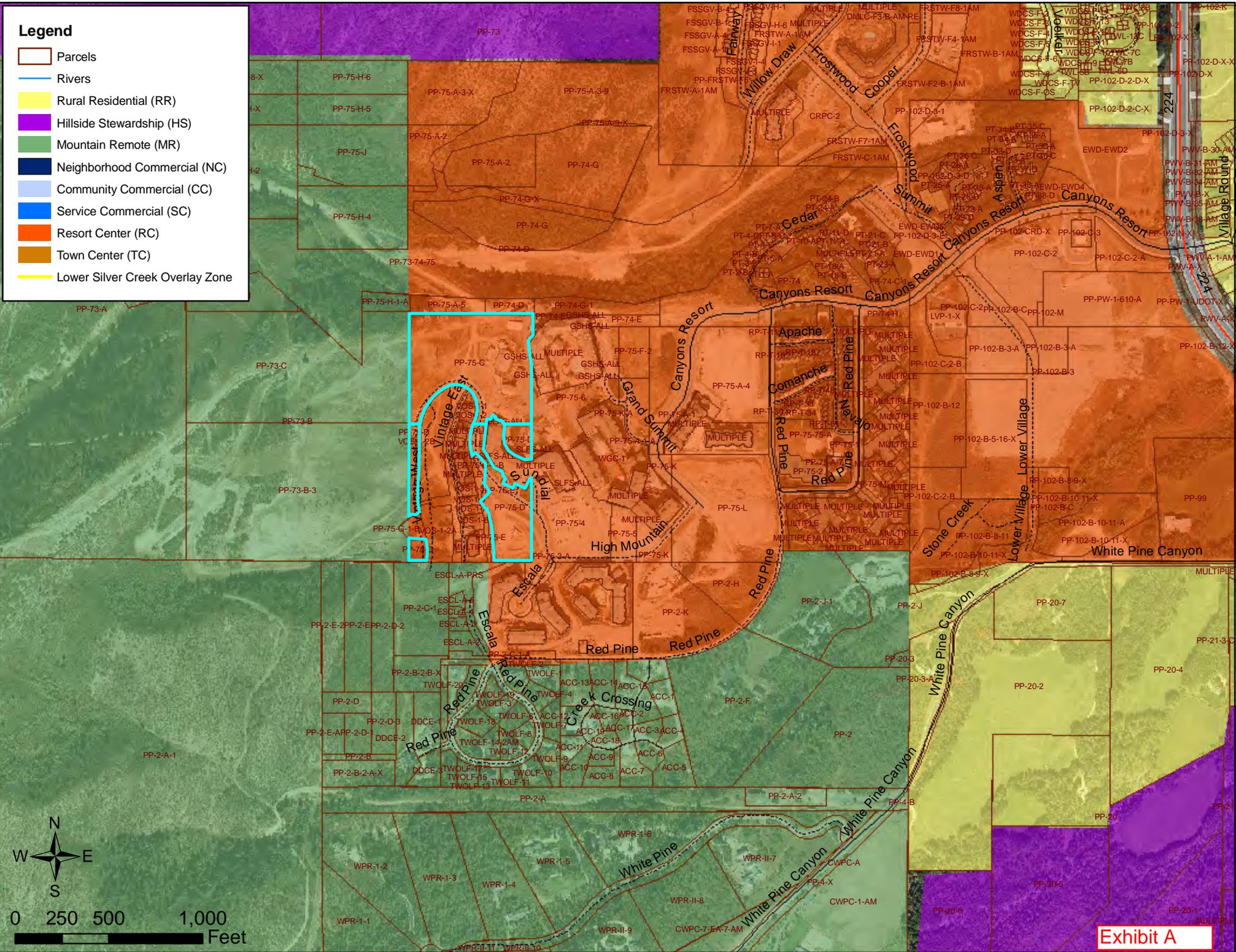
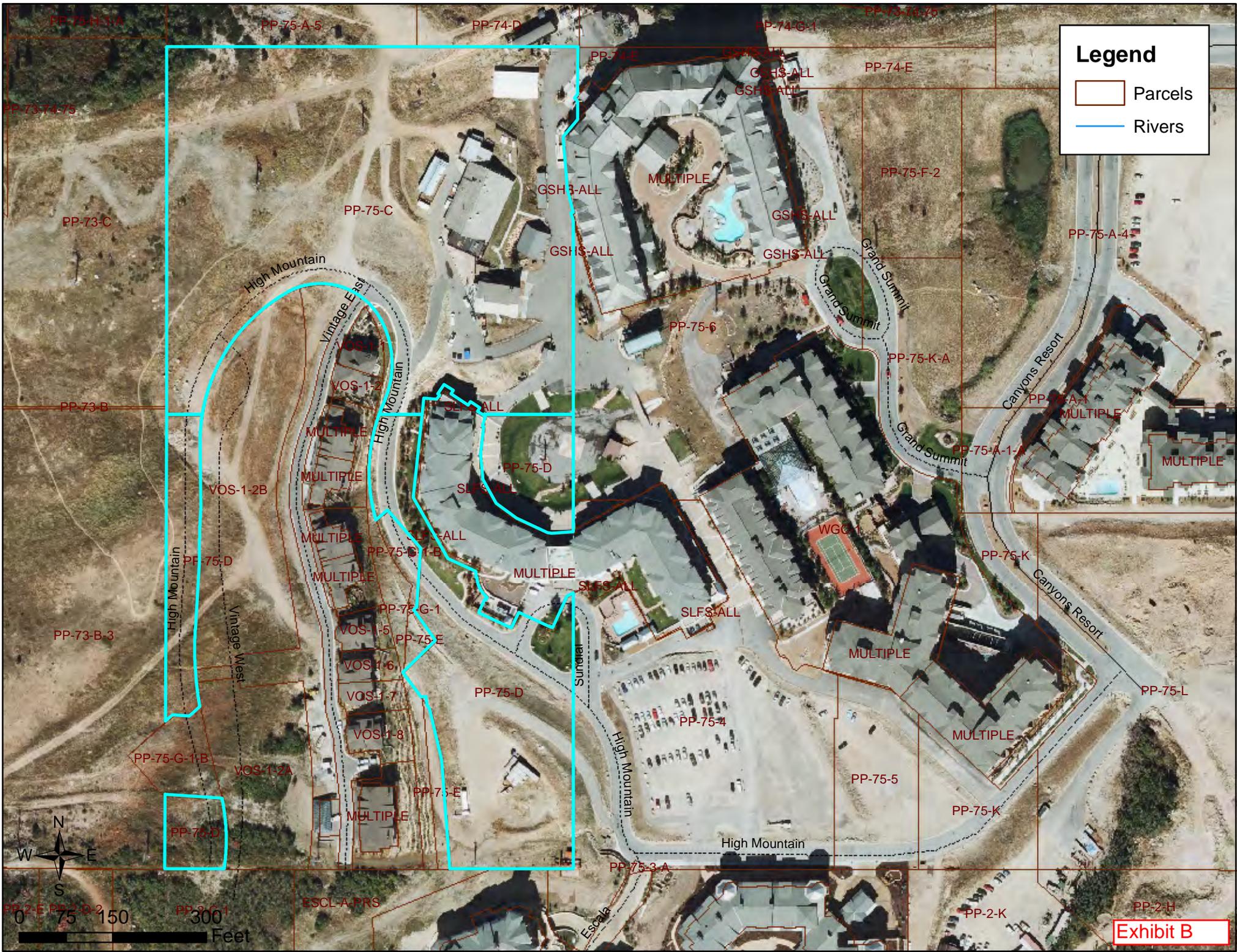
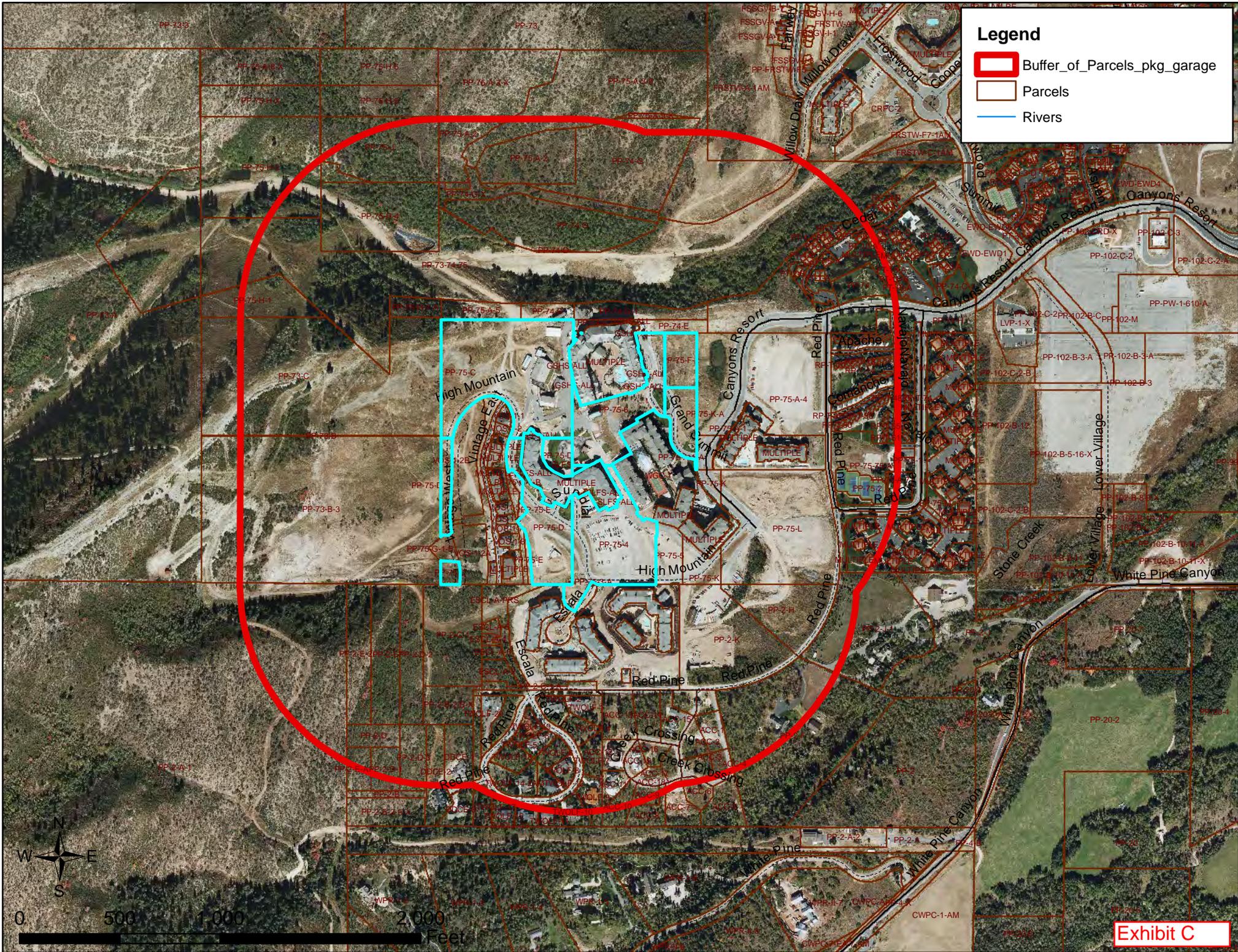


Exhibit A



Legend

- Parcels
- Rivers



Legend

- Buffer_of_Parcels_pkg_garage
- Parcels
- Rivers



0 500 1,000 2,000 Feet

Exhibit C



February 9, 2011

Ms. Tiffanie Northrup
Summit County Community Development Department
PO Box 128
Coalville, UT 84017

RE: DRC Recommendation for Phases II and III of the Subterranean Parking Garage
at the Canyons Resort.
Owner: Canyons Resort

Ms. Northrup;

The RVMA Design Review Committee reviewed the referenced project at their meeting held January 13, 2011 for both Phase II and III approval.

The applicant is proposing a subterranean-underground garage for approximately 400 parking spaces. The proposed facility supports existing/anticipated resort uses and the resort carrying capacity by providing centrally-located and efficient parking in close proximity to residential accommodations, retail, lifts, and the primary resort core transit stop. The proposed support parking amenity incorporates no residential or commercial density. The proposed project is designed as an in-fill, subterranean structure with no impact to existing open space or pedestrian circulation areas. The underground design will have no visual impacts from key view-shed areas. The entry portal is detailed with exterior materials consistent with the Design Guidelines and aimed at creating a smooth transition between adjacent structures. Summit County will require a Conditional Use Permit for the development and the legal department has analyzed whether a SPA amendment will also be required for final approval. The project aims to support a more viable year-round resort district.

The Design Review Committee acknowledged that the change in use may require an amendment to the SPA, however they did not feel approval of the SPA Amendment was under the purview of the DRC, but rather their review should be directed toward design, circulation and access. The following issues were discussed:

- I'd like to start with a bullet point that makes clear the amount of time the DRC spent evaluating the function and design of the circulation at the entry to the garage and connecting drives to other properties with both all the engineers and planners on the committee weighing in and pressing the design engineer for the best available solutions to facilitate what in our opinion were the two most

important functions: ease of access for transit, loading and unloading of the garage.

- Lower Village Roundabout – applicant should consider bike lanes, golf cart crossing, Fire Department truck turning radius and access issues.
- Pedestrian crossings should be consolidated and provide most direct pedestrian route across Canyons Resort Drive to the resort core and associated development.
- Provide efficient public transportation access and unloading/loading zones. Consider designs that facilitated bus schedules.
- The DRC has already analyzed and provided recommendations on electronic signage for wayfinding and informational purposes. Information management opportunities provided by these types of “smart” signs and in the locations proposed would be encouraged, but would prohibit any flashing lights of any kind.
- Landscaping should be designed to frame specific views. The Landscape plan should include elevations to better understand the vertical view.
- Signage going into garage entrance appeared to be larger in size than necessary. A naming convention is needed for this garage, so as not to get confused with other parking garages for hotels etc.

The Design Review Committee discussed these concerns with the applicant. Based on the responses, the DRC provided this recommendation to approve Phase II and III of the proposed Garage structure, subject to the following conditions:

1. The Applicant shall submit to the RVMA a festival operations plan prior to the issuance of a Certificate of Occupancy permit.
2. Add the Millennium Trail bike path to Frostwood Roundabout plan prior to submittal to the County, along with an analysis of the various pedestrian and other uses of the sidewalks and crossings.
3. Modify the pedestrian walkway design at the intersection of Canyons Resort Drive and Grand Summit Circle drive to provide a single crossing if feasible with the existing center road median; prior to submittal to the County for building permit.
4. Modify median design at the Lower Village roundabout to satisfaction of the Park City Fire District prior to submittal to the County for building permit.
5. The traffic plan shall incorporate efficient public transportation including through the roundabouts and for bus stop areas.
6. Landscape and lighting plan shall be finalized and approved with the RVMA prior to issuance of a Certificate of Occupancy permit.

7. In the event the ability to proceed with the construction of a roundabout as a part of the Lower Village Road project is not advanced so to allow the completion of the roundabout prior to the start of ski season 2011-2012; the applicant shall fund the construction of the round-about and complete the roadway and utility work by the start of the ski season 2011-2012 or prior to the issuance of the certificate of occupancy for the garage ~ whichever comes first.
8. Final landscaping of the roundabout shall be completed no later than July 1, 2012; unless otherwise approved by the DRC and tied to the completion of the garage.

The RVMA has provided a copy of all stamped plans to Summit County under separate cover. Please let us know if you have any questions and we would be happy to discuss. Thank you for your consideration of our recommendation. We can be reached at 435.655.2580.

On behalf of the RVMA Design Review Committee,



Jennifer Guetschow, Director

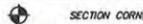
The Canyons RVMA

CC: Eric Claussen
Tim Vetter
Patrick Putt
K. Belle Brown

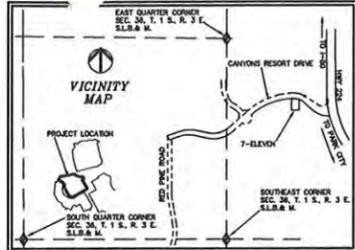


SCALE 1" = 30'

LEGEND

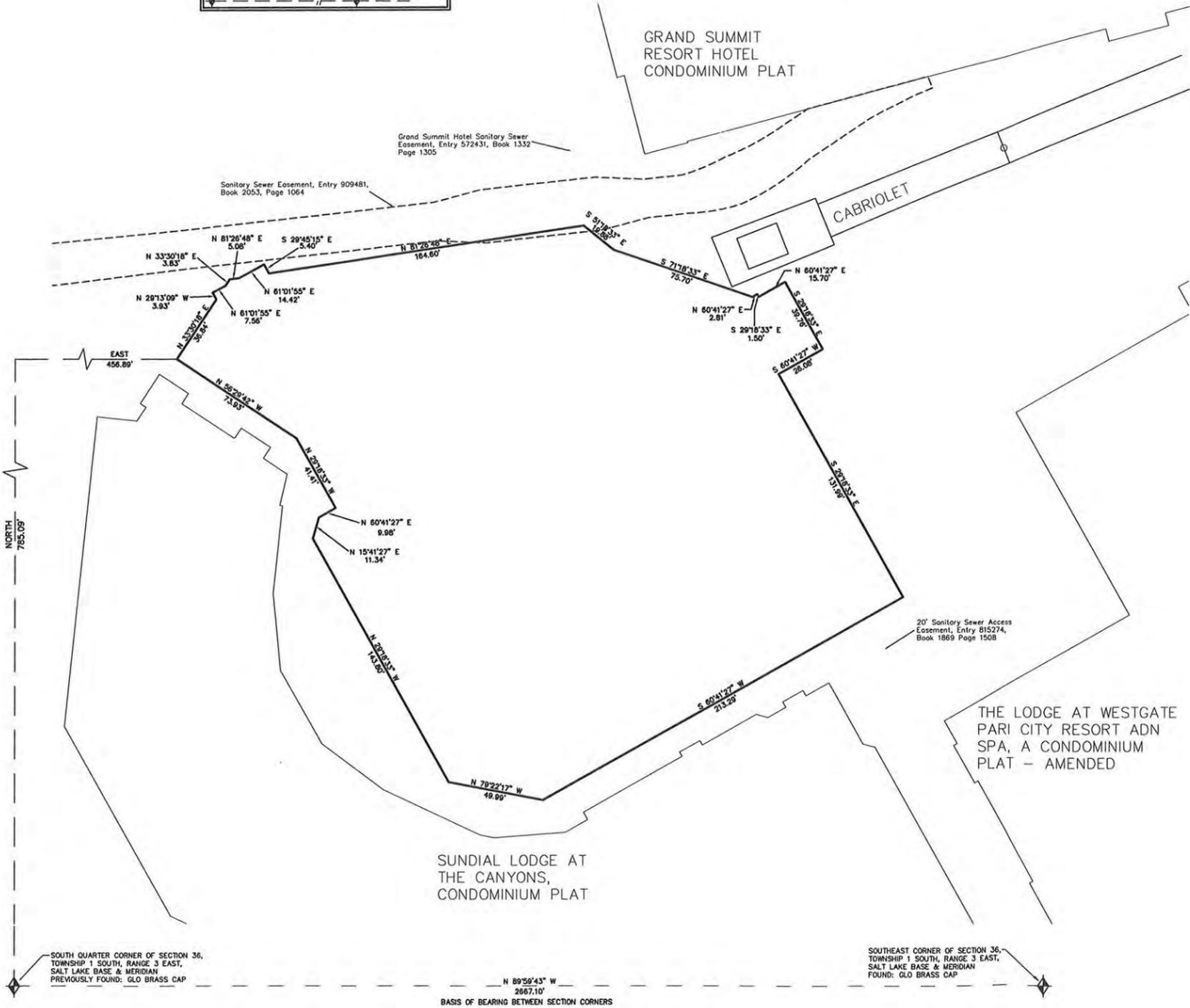


SECTION CORNER



CANYONS RESORT PARKING GARAGE PLAT

LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 3 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



Beginning at the South Quarter corner of Section 36, Township 1 South, Range 3 East, Salt Lake Base & Meridian; thence North 785.09 feet; thence East 456.89 feet to the true point of beginning, (basis of bearing being North 89°59'43" West between the Southeast corner of Section 36, Township 1 South, Range 3 East, Salt Lake Base & Meridian and the said South Quarter corner of Section 36); thence leaving said Point of Beginning thence North 33°30'18" East a distance of 36.84 feet; thence North 29°13'09" West a distance of 3.93 feet; thence North 61°01'55" East a distance of 7.56 feet; thence North 33°30'18" East a distance of 3.83 feet; thence North 81°26'48" East a distance of 5.08 feet; thence North 61°01'55" East a distance of 14.42 feet; thence South 29°45'15" East a distance of 5.40 feet; thence North 81°08'48" East a distance of 164.60 feet; thence South 51°18'33" East a distance of 19.88 feet; thence South 71°18'33" East a distance of 75.70 feet; thence North 60°41'27" East a distance of 2.81 feet; thence South 29°18'33" East a distance of 1.50 feet; thence North 60°41'27" East a distance of 15.70 feet; thence South 29°18'33" East a distance of 39.76 feet; thence South 60°41'27" West a distance of 26.08 feet; thence South 29°18'33" East a distance of 131.99 feet; thence South 60°41'27" West a distance of 213.29 feet; thence North 79°22'17" West a distance of 49.99 feet; thence North 29°18'33" West a distance of 143.80 feet; thence North 15°41'27" East a distance of 11.34 feet; thence North 60°41'27" East a distance of 9.98 feet; thence North 29°18'33" West a distance of 41.41 feet; thence North 56°29'42" West a distance of 73.53 feet to said point of beginning.

Containing 67,544 square feet, or 1.55 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land to be known hereafter as the CANYONS RESORT PARKING GARAGE, do hereby certify that I have caused this Plat to be prepared, and we, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City of the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this ____ day of ____ 2011.

BY: NAME _____
NAME OF COMPANY/CORP. _____
NAME _____
NAME _____

ACKNOWLEDGMENT

State of Utah
County of Summit

On this ____ day of _____, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____
My Commission Expires: _____

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Summit County, Utah. I further certify that the property boundaries as shown are correct.

Christopher R. Braun Date
PLS 5152604

SUMMIT COUNTY PLANNING COMMISSION
THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE SUMMIT COUNTY PLANNING COMMISSION.
PLANNING COMMISSION

COUNTY MANAGER
THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE SUMMIT COUNTY MANAGER.
SUMMIT COUNTY MANAGER DATE

COUNTY ASSESSOR
APPROVED AND ACCEPTED BY: _____ HEREBY CERTIFY THAT ALL TAXES, INTEREST AND PENALTIES OWING ON THE LAND INCLUDED IN THIS PLAT HAVE BEEN PAID.
COUNTY ASSESSOR DATE

COUNTY ENGINEER
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. SERVICE DISTRICT.
COUNTY ENGINEER DATE

APPROVAL & ACCEPTANCE
ON BEHALF OF THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS THIS ____ DAY OF _____, 2011 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
ATTEST COUNTY CLERK BY SUMMIT CO. COMMUNITY DEVELOPMENT DIRECTOR

APPROVAL AS TO FORM
THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE PARK CITY FIRE SERVICE DISTRICT.
COUNTY ATTORNEY DATE

RECORDED
ENTRY NUMBER: _____
BOOK _____ PAGE: _____
STATE OF UTAH, COUNTY OF _____
DATE: _____ TIME: _____
FEE PAID: _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER

Exhibit F

B.5.1 Resort Core - Development Area Illustrative Plan : Design Conditions

These notes reference and further describe the drawing. The drawing is for illustrative purposes and intended to be used to guide site planning and plat design for Project Sites. It does not constitute approval.

1. As a condition of plat or site plan approval, the Developer shall convey to the Resort Village Management Association or its designee all easements and other rights necessary for the approval, development, construction, and use of a golf course to be located within the Resort Center.
2. Prior to approval on Project Site RC 16b the potential need for density transfers from Red Pine Road Project Sites shall be considered.
3. Generally, density and height should be greatest in the heart of the Core, with reductions of height and density as development moves out toward the edges. Design standards for the Resort Core transition along Red Pine Road are specified in an addendum to the Design Guidelines.
4. To assure that density is decreasing moving from the Core, out to the Core edge, a potential site (Parcel 16b) will be reserved which is capable of accepting up to 20% (or up to approximately 20,000 square feet) the potential SPA density of the Red Pine Road properties of Astle and Baker (or elsewhere, if appropriate). Any density which may be transferred into this area will be determined by the County during detailed site plan review, if it is deemed to be necessary to create suitable massing and “feathering” consistent with the Global Principles.
5. Limits of Height shall be as shown on Exhibit B.3, Height Limits by Parcel Map.

RESORT CORE PLANNING AREA



Exhibit G.2

TESCH
LAW OFFICES
A Professional Law Corporation

PARK CITY

314 Main Street, Suite 200
P.O. Box 3390
Park City, Utah 84060-3390
Telephone: (435) 649-0077
Facsimile: (435) 649-2561

SALT LAKE CITY

Telephone: (801) 363-5111

HEBER CITY

2 South Main Street, Suite 2-D
Heber City, Utah 84032
Telephone: (435) 654-1550
Facsimile: (435) 654-1554

March 3, 2011

VIA EMAIL AND US MAIL

Adryan Slaght, AICP
Principal Planner
Summit County Community Development Department
PO Box 128
60 N Main St
Coalville, UT 84017

Re: Canyons Forum Parking Garage Construction Mitigation Plan dated December, 2010

Dear Adryan,

Thank you for your assistance in providing me with the Forum Parking Garage Construction Mitigation Plan dated December 2010 and also with a copy of the Forum Parking Construction Mitigation Plan Exhibit A.

As I have explained to you on the telephone, the Excavation Dump Site #1 (stockpile) as shown on Exhibit A, has been a problem impacting the owners and guests of the Silverado Lodge for several years.

There are two aspects to the problem:

1. The first is that this was used as an excavation site for another developer and, after that development was completed, the site was never restored to its original grade and/or remediated by any landscaping whatsoever. The resultant unsightliness is an issue which impacts the owners and guests of the Silverado Lodge in a negative way and, as a result, it should not be allowed to continue. The Association believes that the current stockpiling adds several feet of additional height to the natural grade which stockpiling may exceed 10' in some areas. Obviously, if The Canyons is allowed to simply add to this stockpile, additional site problems will occur, including possible disturbances of view corridors (a new ski run?).
2. In addition, there is a significant negative impact of windblown dust onto the Silverado Lodge. The windows, pool, pool patio, court and deck areas and siding of

the Silverado Lodge have been and are continually covered with dirt from the proposed site.

The Silverado Lodge Owners Association (“Association”), as a result of the current unsightly and unacceptable dust conditions of the “Excavation Dump Site #1 (Stockpile) shown on Exhibit A of the Forum Parking Garage Construction Mitigation Plan (“Plan”) requests the following additions to the proposed Construction Mitigation Plan dated December 2010 as an additional paragraph to that Plan:

12.0 Conditions Specific to Excavation Dump Site #1 (Stockpile).

The following additional conditions apply to Excavation Dump Site #1 (Stockpile) (“Site #1”) as shown on Exhibit A of the Forum Parking Garage Construction Mitigation Plan dated December, 2010:

1. For clarity, all of the terms of the Plan apply to Site #1 whether or not those terms refer specifically to the “project sites,” “work sites,” “traffic routes” or other similar terms.
2. Site #1 may be used only for stockpiling of earth and rock materials removed from the parking lot excavation site and for no other purpose.
3. Prior to the use of Site #1 for stockpiling, it must be restored to its natural grade.
4. Adequate measures, such as sprinkling by water, shall be put into place to eliminate the possibility of any windblown dust problems. This term supersedes section 8.0 and its subsections only to the extent that it imposes dust control terms that are more strict and in that the proposed dust control measures are to be put in place before stockpiling may begin and not after dust problems are observed.
5. In creating the Fugitive Dust and Mud control Plan for Site #1, Contractor representatives shall meet with a representative of the Silverado Lodge Owners Association and review said plan with him/her and shall include such reasonable measures to improve the Plan as requested by such representative.
6. All screening required shall be not only functional but also attractive.
7. Hours of activity at Site #1 be limited to 8:00 AM – 6:00 PM.
8. That a specific date be set, on or before which, Site #1 shall be completely restored as required by Section 2.3.3 and its subsections and that a specific bond for this purpose only be put in place to assure its completion and enforceability by either or both Summit County and the Association, and that such bond contain a provision for attorney’s fees and costs.

The Association makes the following additional request:

That all screening required in all work areas be not only effective but also attractive.

Thank you for your immediate attention to this matter.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Snyderville Basin Planning Commission
Summit County Council
Silverado Lodge Management Committee (via email)
The Canyons Resort Village Association, Inc.
c/o Jennifer Guetschow, Executive Director