



STAFF REPORT

To: Summit County Council
From: Patrick J. Putt, Community Development Director
Subject: Canyons Employee Housing Needs Assessment Update
Date of Meeting: September 28, 2016
Type of Item: Work Session

On Wednesday afternoon, the Canyons Village Management Association (CVMA, formerly known as the Resort Village Master Association--RVMA) will present its findings regarding the employee/workforce housing needs for the Canyons Specially Planned Area (SPA). The 1999 Amended and Restated Development Agreement for the Canyons Specially Planned Area required that RVMA/CVMA provide a needs analysis and housing plan for Canyons SPA employees (The Colony and Mines Venture Development areas were not included in this obligation). The Canyon employee housing requirement is a governed through the Canyons SPA and is not administered as part of the County's affordable housing program set forth in the Snyderville Basin Development Code, Chapter 5: Affordable Housing. This obligation specifically addresses housing for Canyons employees.

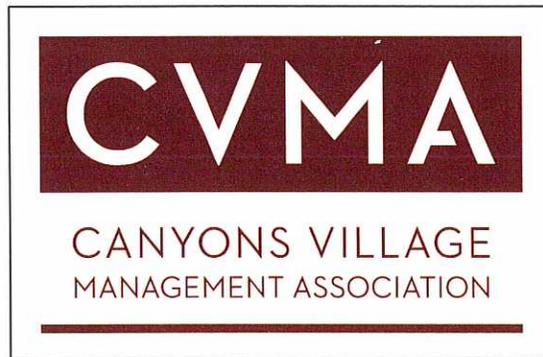
Rosenthal and Associates on behalf of the RVMA conducted an initial needs assessment in 1999. The purpose of the needs assessment was to evaluate employee demand, employee housing needs, and the construction phasing for employee housing units. The Development Agreement (DA) further required that the RVMA/CVMA update the employee housing needs assessment when Certificates of Occupancy for 25% of the allowed Canyons SPA density have been issued. The 25% Certificate of Occupancy threshold has recently been achieved. In conformance with DA requirements, Rosenthal and Associates have formally submitted an updated assessment (a copy of needs assessment update is attached to this memorandum).

Rosenthal and Associates, as well as representatives from the CVMA, will present an overview of their findings along with a discussion of the assessment methodology. The updated analysis estimates the need to house 507 employees at build-out based upon the currently approved SPA density or 459 employees based upon the recently submitted proposed amended SPA Master Plan. Supplemental information provided in the report further indicates that as anticipated workforce units (in a variety of unit types) are

constructed there may be the opportunity to create additional housing capacity until such time as full SPA build-out is achieved.

The purpose of Wednesday's work session is to explain the findings set forth in the Rosenthal and Associates report, answer Council questions, and take direction on the need for additional information or clarifications. No formal Council action on the report is required at this time. Once Council has completed its review of the needs assessment, Staff and the CVMA will return to a subsequent work session to review an associated employee housing development plan.

CANYONS SPA
WORKFORCE HOUSING
NEEDS ANALYSIS
PEAK SEASON



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NEEDS ANALYSIS CONTENTS

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1. INTRODUCTION

The purpose of this report is to estimate workforce housing demand resulting from buildout of the Canyons Specially Planned Area (SPA¹). Demand is described in terms of number of persons to be accommodated in an on-site workforce housing project.

This is a concept level analysis that frames the problem – requisite workforce housing capacity. It is the basis for a housing plan and is the first step in the review and approval process that will lead to construction of the project.

The employee generation estimates in this report are based on “actuals” not projections – they are based on peak season 2013-2014 number of employees by job type and earnings, derived from interviews and quantitative information provided by Canyons employers. Interviewees were uniformly forthcoming and helpful and because of that, the interviews revealed a meaningful and business-fundamental “take” on the affordability problem. Employees of almost all rank and earnings are confronted with housing issues – either price or availability or proximity or desirability, or all of those. At the staff level, even though Canyons jobs pay higher, that advantage is often negated by increased travel distance, child care and other costs. J-1 seasonal employees,² highly valued, are confronted with another set of impediments that make it difficult to travel to this country and work at the Canyons. Because the Canyons operates in a national competitive environment and because visitors’ experience depends on quality of service, employers are in competition for the highest quality employees, and as it is, they are challenged to attract them and to retain them from one year to the next.

The primary lesson learned from employer interviews is that the most pressing need is for well-managed, affordable, purpose built housing for staff-level employees.³ Circumstances have changed since preparation of the 1999 report, which hypothesized a need for conventional affordable units based on a less informed understanding of the Canyons workforce. The prior estimate was based on a projection – a projection as to how the finished product (the Canyons SPA) would look and operate. In this report, the approach is based on employers’ expressed concerns, derived from actual operating experience. As the Canyons has grown and the locally available labor force has decreased, proximate housing designed to be attractive to its target demographic – staff level employees – with desirable amenities and time saving, life simplifying conveniences, has come to be the priority. Accordingly, this analysis is focused on workforce housing.

This report is an update of a 1999 needs assessment. The update was completed in March 2014, for peak season 2013-2014. In March of 2016 the report was updated to add built and approved new development at the Canyons SPA for 2014, 2015 and early 2016, and to add golf employees (the golf course was not in operation in 2013). The analytical approach in this report is similar to that used in the 1999 analysis, with certain exceptions that are based on newly available data sources and narrative improvements that are intended to make the report easier to read and more intuitive.

¹ Also here referred to as “the Canyons”.

² International students on a cultural and educational exchange visa.

³ This is the message from other interviewees, not only with respect to the Canyons, but also with respect to the region as a whole.

2. FINDINGS OF THE ANALYSIS

HOUSING DEMAND

Affordable housing demand is defined in terms of the number of employees who earn 80% or less of median income and pay more than 30% of income for housing. Income is capped at 80% because employees who earn more than that should be able to afford market rate units. 30% is used as the shelter cost cap because anything in excess of that does not allow sufficient remaining income to pay other living expenses.⁴ On this basis, housing for 507⁵ persons (294 seasonal and 214 year-round employees) is needed. Described another way – in terms of income – workforce housing is needed for employees who earn up to \$45,100 per year.⁶

This demand estimate is based on buildout total development which, in addition to lodging, assumes 1,139,302 square feet⁷ of commercial. If calculated based on 850,602⁸ square feet of commercial – an amount based on the proposed (April 2016) master plan revision – workforce housing demand would drop to 459 employees – a decrease of 48.

RENTAL RATE

Affordable cost includes rent and utilities. For the lowest income Canyons SPA employees who earn about \$21,000 per year (2013) affordable cost is about \$475 per month. For the highest income housing-eligible employees – those who earn \$45,100 per year – affordable cost is about \$1,074 per month. One would expect that \$1,074 would be adequate to rent a market rate unit. However, the housing problem is one of price *and* availability, so even given the ability to pay market rate or above market rent (sometimes two or three times the rate charged year-round tenants) peak season rentals are simply in short supply.⁹

⁴ This is the standard approach to affordable housing demand analysis and was used in the 1999 needs assessment (*Canyons Employee Housing Needs Assessment and Proposed Mitigation Plan* dated March 22, 1999). The income and shelter cost caps derive from housing subsidy guidelines.

⁵ Due to rounding, some totals may not correspond with the sum of the displayed numbers. See Table 23 for an example of rounding.

⁶ Annual equivalent for seasonal employees.

⁷ See Table 3.

⁸ A reduction of 238,700 square feet in Red Pine Village and 50,000 square feet in the Resort Core – a total reduction of 288,700 square feet. See Table 22.

⁹ Interview information suggests that it's not unusual to see rents that are two or three times the rate charged year-round tenants with a requirement for three months in advance (first, last, and security deposit) with the added uncertainty that units often must be leased sight unseen, well in advance of the season. In addition, units that might be available are often not proximate to bus routes – a necessity for many seasonal employees.

3. METHODOLOGY

This analysis is based on anecdotal information from interviews with Canyons SPA employers, realtors and other knowledgeable local sources to identify major themes, and quantitative analysis (updated and newly available data sources) to define workforce housing demand in terms of the number of cost burdened employees.

Analytical methodology, assumptions, decisions, criteria and conclusions are discussed in the Technical Reference. An overview of the process and data sources is as follows.

INTERVIEWS

The approach during interviews was to address certain questions basic to the report, but more important, to encourage interviewees to raise issues they considered important with respect to workforce housing and its impact on their ability to do business. Sample questions include:

- What are your thoughts on workforce housing?
- Is there a workforce housing issue? To what extent is it actually a business concern?
- In what way does it or will it affect your quality of service/competitiveness/comparison with similar resorts?
- What has been the plan to deal with this issue?
- How has workforce housing price/availability/proximity affected hiring at the staff and management level?
- Other discussion based on the direction of the interview and interests of the interviewee.

QUANTITATIVE ANALYSIS

Data sources include Census and related information, public records and the Canyons RVMA employee survey. Anonymous staffing information was provided by Canyons SPA employers and was used to count the number of employees by function (lodging, commercial, ski/golf) and by HUD AMI category (30%, 50% and 80% of area median income). Staffing information is proprietary and is not part of the report. Existing property development (which includes planned, and approved but not built) is from the Canyons RVMA. Future development is from the Canyons SPA Land Use and Zoning (LUZ) table.

The objective of the quantitative analysis is to project buildout total employees. Total employees is the basis for calculating workforce housing demand.

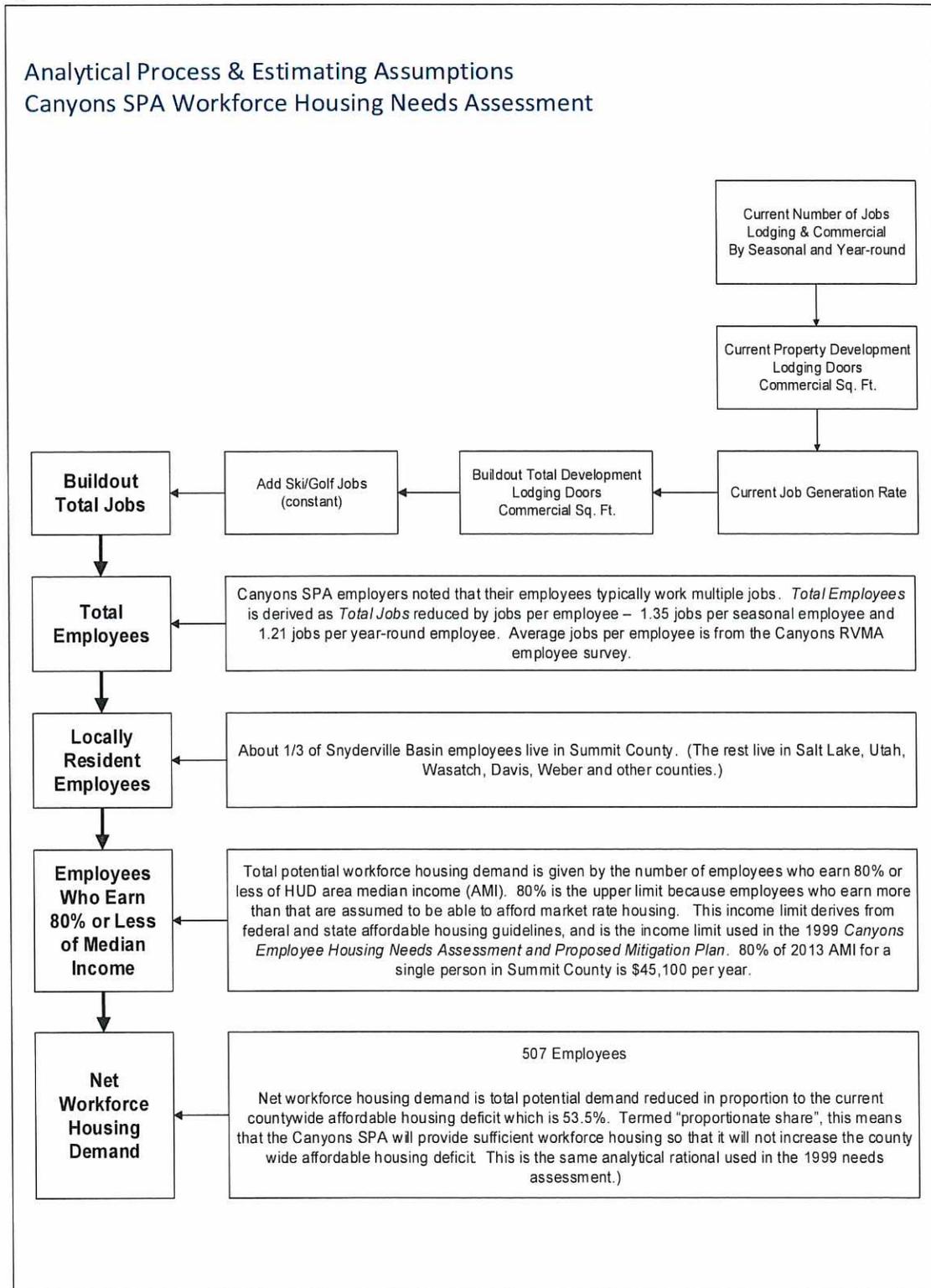
Demand from lodging, commercial and ski/golf employees – year-round and seasonal – directly affects the local housing market, so these are the categories used to calculate Canyons SPA workforce housing demand. The number of lodging and commercial employees is a function of property development. The number of ski/golf employees is held constant because, on the advice of resort management, absent major expansion current staffing is adequate to operate the facilities in the future.

ANALYTICAL PROCESS

The analytical process, using lodging as an example, is to count the current (actual) number of jobs, quantify current actual property development (number of lodging doors), and then calculate the number of jobs per unit of development [$number\ of\ jobs \div number\ of\ lodging\ doors = jobs\ per\ door$]. This defines the job generation rate. Total jobs at buildout is calculated as the product of the job generation rate and buildout total property development [$job\ generation\ rate \times buildout\ total\ lodging\ doors = total\ employees$.] Net housing demand is based on total employees (number of jobs reduced by the multiple job holding rate), share of employees who live in Summit County, and share of employees who fall within the workforce housing target group (80% of area median income). Net demand is proportionate to the countywide affordable housing deficit, meaning that this analysis quantifies sufficient housing capacity so that development of the SPA will not increase the countywide affordable housing deficit.

The analytical process is illustrated by the flow chart on the next page.

Figure 1



4. TECHNICAL REFERENCE

Table 1 shows workforce housing price and demand. Rent is calculated assuming 30% of income for shelter costs (rent plus utilities).

Table 1

WORKFORCE HOUSING PRICE AND DEMAND						
Canyons SPA						
Income Category (% HUD area median income)	HUD Income Limit (2013)	Affordable Shelter Cost (rent at 30% of income, plus utilities)	Demand (number of employees)			
			Seasonal Employee		Year-round Employee	
			(one-person household)			
			Current	Buildout	Current	Buildout
30% of Median	Less than \$20,400	Up to \$457	0	0	1	4
31% to 50%	\$20,400 to \$33,950	\$458 to \$796	98	243	38	114
51% to 80%	\$33,950 to \$45,100	\$797 to \$1,074	20	50	31	95
Total			118	294	71	214
Total Current			189			
Total Buildout			507			

Source – HUD Income Limit (2013) is from Table 13 (one-person household). Rent is from Table 2. Demand is from Table 7.

- The analysis is structured in terms of HUD income categories (30%, 50% and 80% of area median income). This is the conventional format for affordable housing analysis.
- Demand is the number of employees who are shelter-cost burdened – i.e. those who pay more than 30% of income for shelter cost.

Table 2 shows calculation of rent for a one-person household. The calculation assumes 30% of income for shelter cost.

Table 2

AFFORDABLE RENT FOR A ONE-PERSON HOUSEHOLD			
Shelter Cost at 30% of Income			
Estimating Assumptions	Income Category		
	Up to 30% of Median Income	31% to 50% of Median Income	51% to 80% of Median Income
Annual Income (one person household, 2013)	\$20,400	\$33,950	\$45,100
Rent			
Monthly Income	\$1,700	\$2,829	\$3,758
Maximum Shelter Cost	30% \$510	\$849	\$1,128
Average Utilities (per month)	\$53	(\$53)	(\$53)
Affordable Rent (per month)	\$457	\$796	\$1,074

Source – Annual Income is the 2013 HUD income limit for a household size of one, from Table 13. Average Utilities expense is from Table 14.

Table 3, Table 4 and Table 5 show the basic components of the demand projection:

- Table 3 – current and projected property development.
- Table 4 – current number of jobs, job generation rates, and projected buildout total jobs.
- Table 5 – estimated housing demand.

Workforce housing demand is based on the number of employees at buildout. Number of employees at buildout derives from number of jobs. Number of jobs is calculated as shown in Table 4. Number of jobs is a function of the current number of employees and current and projected buildout development. Property development is summarized as follows:

Table 3

CANYONS SPA PROPERTY DEVELOPMENT - EXISTING APPROVED AND PROJECTED			
As of April 2016			
	Lodging		Commercial (sq. ft.)
	Doors	Sq. Ft.	
Existing and Approved			
Silverado, Grand Summit, Sundial	791	515,660	167,783
Waldorf (was Dakota Mountain Lodge)	205	144,215	20,690
Westgate	488	369,286	33,216
Escala	186	199,200	18,079
Miner's Club	30	78,753	7,728
Sunrise at Escala	200	142,000	3,500
RC-22	89	113,997	0
Wyndham	86	119,658	3,861
Total	2,075	1,682,769	254,857
Average		811	
Total Development at Buildout			
Frostwood	519		41,185
The Cove	168		5,000
Red Pine Road	0		0
Willow Draw	0		0
Lower Village	568		62,450
Resort Core	3,440		694,967
Red Pine Village	1,213		313,700
Tombstone	83		22,000
On Mountain	32		0
Total	6,024		1,139,302

Source - this is a summary of Table 18 to Table 21.

- *Existing and Approved* includes built, and approved but not yet built projects. *Total Development at Buildout* includes *Existing and Approved* plus projected future development. Future new development is based on property use and density from the LUZ.

Number of jobs at buildout is calculated based on the job generation rate. The job generation rate is the current actual number of employees per lodging door, or 1,000 square feet of commercial. Buildout total jobs is based on this current rate of employment, and is calculated as the product of the job generation rate and buildout total development.

Table 4 illustrates the calculation. As an example, for seasonal lodging jobs, the job generation rate is 0.18 employees per door, calculated as [364 current employees ÷ 2075 existing lodging doors = 0.18]. Number of jobs at buildout is 1057, calculated as 0.18 × 6024 buildout lodging doors].

Table 4

PROJECTED TOTAL JOBS AT BUILDOUT				
Peak Season				
	Lodging	Commercial	Ski/Golf	Total
Job Generation Rate (peak season - December 2013, actual)				
Seasonal Jobs				
Current Number of Employees	364	332	542	1,238
Existing Development (lodging doors, commercial 1,000 sq. ft.)	2,075	255	NA	
Job Generation Rate	0.18	1.30	NA	
Year-round Jobs				
Current Number of Employees	656	127	54	837
Existing Development (lodging doors, commercial 1,000 sq. ft.)	2,075	255	NA	
Job Generation Rate	0.32	0.50	NA	
Total Development at Buildout (lodging doors, restaurant/retail 1,000 sq. ft.)	6,024	1,139	NA	
Seasonal Job Generation Rate	0.18	1.30	NA	
Year-round Job Generation Rate	0.32	0.50	NA	
Projected Total Jobs at Build-out				
Seasonal Jobs	1,057	1,484	542	3,083
Year-round Jobs	1,904	568	54	2,526
Total	2,961	2,052	596	5,609

Source – *Current Number of Employees* is from Canyons SPA employers as of November 2013, for peak season 2013-2014. Employee information is proprietary and is not detailed in this report. *Existing Development* and *Total Development at Buildout* are from Table 3.

- Job generation rates exclude volunteer, temporary and contract employees.
- The number of ski/golf employees is held constant because, on the advice of resort management, absent major expansion current staffing is adequate to operate the facilities in the future.

On the next page, Table 5 shows calculation of net housing demand – a total of 507 employees. Total employees is estimated based on number of jobs, and is calculated as the quotient of number of jobs and jobs per worker. The number of housing-eligible employees is the product of total employees, the share that live in Summit County, and the share that earns 80% or less of AMI. Net demand is the number of eligible employees reduced in proportion to the current countywide affordable housing deficit. (Proportionate demand means that this analysis quantifies sufficient housing so that development of the SPA will not increase the countywide affordable housing deficit.)

Table 5

WORKFORCE HOUSING DEMAND			
<i>Number of Canyons SPA Employees</i>			
	Estimating Assumptions	Current (December 2013)	Projected Buildout Total
Seasonal Employees			
Total Jobs		1,238	3,083
Total Employees (total jobs reduced by 1.35 jobs per employee)	1.35	915	2,277
Share that Live in Summit County	32%	289	719
Share That Earn 80% or Less of AMI	88%	254	632
Less - Countywide Affordable Housing Deficit (percent of total)	54%	(136)	(338)
Net Capacity Demand (Canyon's proportionate share)		118	294
Year-Round Employees			
Total Jobs		837	2,526
Total Employees (total jobs reduced by 1.21 jobs per employee)	1.21	689	2,079
Share that Live in Summit County	32%	218	657
Share That Earn 80% or Less of AMI	70%	152	460
Less - Countywide Affordable Housing Deficit (percent of total)	54%	(82)	(246)
Net Capacity Demand (Canyon's proportionate share)		71	214
Total (Seasonal and year-round employees)		189	507

Source – *Total Jobs* is from Table 4. *Jobs per worker* is from the 2012 Canyons RVMA Employee Survey and is calculated based on full-time employees (32 hours per week or more). *Share (of employees) that Live in Summit County* is from Table 16. *Share (of employees) that Earn 80% or Less of AMI* is from Table 6. *Affordable Housing Deficit* is from Table 17.

Four factors influence the demand for workforce housing:

1. Average number of jobs per employee. This reduces number of jobs to number of employees.
2. Share of Snyderville Basin employees who live in Summit County. This is calculated based on place of residence for 5157 Snyderville Basin employees.
3. Share of employees who earn 80% or less of AMI. This defines the group of housing-eligible employees.
4. Affordable housing deficit. Total *Capacity* is proportionate to the current countywide affordable housing deficit (for households that earn 80% or less of AMI). Proportionality means that the Canyons SPA will mitigate its affordable housing demand to the same degree that that demand is being met now, countywide. Put another way, this analysis quantifies sufficient capacity so that development of the SPA will not increase the countywide affordable housing deficit.

To illustrate the calculation using current seasonal employees, Table 5 shows that 31.6%, or 289 of the total of 915 employees are assumed to live locally. 88% of those (254) earn 80% or less of median income and are eligible for workforce housing. This total potential demand is reduced by 53.5% (136), which is the 2013 countywide affordable housing deficit for households at or below 80% of median income. Net demand is 118 seasonal employees.

Table 6 shows calculation of the share of employees who earn 80% or less of median income (one of the estimating assumptions used in Table 5). Among those employees, Table 7 shows calculation of number of employees by income category (as used in Table 1).

Table 6

CANYONS SPA EMPLOYEES WHO EARN 80% OR LESS OF AMI			
Peak Season 2013-2014 Actual			
Income Category (% of HUD area median income)	HUD Income Limit (2013)	Current Canyons SPA Employees	
		Total Lodging Commercial Ski/Golf	Employees Who Earn 80% or Less of Median income
Seasonal Employees			
Up to 30% of Median Income	Up to \$20,400	0	0%
31% to 50% of Median Income	From \$20,401 to \$33,950	900	73%
51% to 80% of Median Income	From \$33,951 to \$45,100	187	15%
More than 80% of Median Income	More than \$45,100	151	
Total		1,238	88%
Year-round Employees			
Up to 30% of Median Income	Up to \$20,400	12	1%
31% to 50% of Median Income	From \$20,401 to \$33,950	314	38%
51% to 80% of Median Income	From \$33,951 to \$45,100	260	31%
More than 80% of Median Income	More than \$45,100	251	
Total		837	70%
Grand Total		2,075	

Source – Total Lodging, Commercial, Ski/Golf employees is from data provided by Canyons SPA employers as of November 2013, for peak season 2013-2014. Employee information is proprietary and is not detailed in this report. HUD Income Limit is from Table 13 (household size of one).

- Table 6 shows that 88% of seasonal employees and 70% of year-round employees earn 80% or less of median income.
- The income distribution – number of employees by income category – is a summary of information provided by Canyons SPA employers.

Table 7

NUMBER OF WORKFORCE HOUSING ELIGIBLE CANYONS SPA EMPLOYEES BY INCOME CATEGORY					
Peak Season 2013-2014 Actual					
Income Category (% of HUD area median income)	HUD Income Limit (2013)	Current Employees Who Earn 80% or Less of Median income		Housing Eligible Employees	
		Total	% of Total	Current	Buildout
Seasonal Employees					
Up to 30% of Median Income	Up to \$20,400	0	0%	0	0
31% to 50% of Median Income	From \$20,401 to \$33,950	900	83%	98	243
51% to 80% of Median Income	From \$33,951 to \$45,100	187	17%	20	50
More than 80% of Median Income	More than \$45,100				
Total		1,087	100%	118	294
Year-round Employees					
Up to 30% of Median Income	Up to \$20,400	12	2%	1	4
31% to 50% of Median Income	From \$20,401 to \$33,950	314	54%	38	114
51% to 80% of Median Income	From \$33,951 to \$45,100	260	44%	31	95
More than 80% of Median Income	More than \$45,100				
Total		586	100%	71	214
Grand Total		1,673		189	507

Source – Current (2013) Employees Who Earn 80% or Less of Median Income is from Table 6. Housing Eligible Employees is calculated for as the product of % of Current Employees Who Earn 80% or Less of Median Income and number of housing eligible employees. Number of housing eligible employees is Net Demand in Table 5.

Workforce housing capacity demand estimated in this report compares to demand estimated in the 1999 needs assessment as follows:

Table 8

COMPARISON - 1999 EMPLOYEE HOUSING ANALYSIS vs. THIS REPORT		
<i>Total Employees & Number of Housing Eligible Employees at Build-out</i>		
	1999 Analysis	This Analysis
Job Generation Rate (combined seasonal and year-round jobs)		
Hotel (per door)	0.49	0.49
Commercial (per 1,000 sq. ft.)	2.44	1.80
Housing Eligible Employees		
Seasonal Employees	382	294
Year-round Employees	300	214
Total	682	507

Source – 1999 Analysis is the *Canyons Employee Housing Needs Assessment and Proposed Mitigation Plan* dated March 22, 1999. Number of employees for *This Analysis* is from Table 5

- Table 8 shows combined seasonal and year-round job generation rates. A combined rate is not used elsewhere in either the 1999 or current analysis. The purpose here is to simplify and better illustrate the comparison.
- The job generation rate for commercial differs primarily because the 1999 rate was estimated, and the current rate is based on actuals.
- The demand estimate in this report is lower than the 1999 analysis – 507 employees vs. 682 in 1999. The numbers differ primarily because the share of locally resident employees differs between the two analyses – 32% today compared to 62% in 1999. In addition, although the current affordable housing income group (those who earn 80% or less of AMI) is larger now, the current deficit, which offsets total demand is higher than it was in 1999 (29% in 1999 compared to 54% now).

Rent for a two and three-person household is shown in Table 9 and Table 10. The calculation assumes 30% of income for shelter cost (rent plus utilities). Rent for a one-person household is shown in Table 2.

Table 9

AFFORDABLE RENT FOR A TWO-PERSON HOUSEHOLD				
<i>Shelter Cost at 30% of Income</i>				
	Estimating Assumptions	Income Category		
		Up to 30% of Median Income	31% to 50% of Median Income	51% to 80% of Median Income
Annual Income (two person household, 2013)		\$23,300	\$38,800	\$51,550
Rent				
Monthly income		\$1,942	\$3,233	\$4,296
Maximum Shelter Cost	30%	\$583	\$970	\$1,289
Average Utilities (per month)	\$147	(\$147)	(\$147)	(\$147)
Affordable Rent (per month)		\$435	\$823	\$1,141

Source – *Annual Income* is the 2013 HUD income limit for a household size of two, from Table 13. *Average Utilities* expense is from Table 14.

Table 10

AFFORDABLE RENT FOR A THREE-PERSON HOUSEHOLD				
<i>Shelter Cost at 30% of Income</i>				
	Estimating Assumptions	Income Category		
		Up to 30% of Median Income	31% to 50% of Median Income	51% to 80% of Median Income
Annual Income (three person household, 2013)		\$26,200	\$43,650	\$58,000
Rent				
Monthly income		\$2,183	\$3,638	\$4,833
Maximum Shelter Cost	30%	\$655	\$1,091	\$1,450
Average Utilities (per month)	\$147	(\$147)	(\$147)	(\$147)
Affordable Rent (per month)		\$508	\$944	\$1,303

Source – *Annual Income* is the HUD 2013 income limit for a household size of three, from Table 13. *Average Utilities* expense is from Table 14.

Table 11 is included for context. It shows affordable purchase price for a three-person household.

Table 11

Estimating Assumptions	Single Family Unit				Multi Family Unit			
	Income Category		Income Category		Income Category		Income Category	
	Up to 30% of Median Income	31% to 50% of Median Income	51% to 80% of Median Income	Up to 30% of Median Income	31% to 50% of Median Income	51% to 80% of Median Income	51% to 80% of Median Income	
Annual Income (three-person household, 2013)	\$26,200	\$43,650	\$58,000	\$26,200	\$43,650	\$58,000	\$58,000	
Purchase Price Assumptions								
Shelter Cost % of income								
Property Ins. - Insured Value (value of improvements)								
Property Tax - Average Cost (% of taxable value)								
Property Tax - Estimated Average Tax Revenue (% of taxable value)								
Property Tax - Taxable value (non-primary res.) % of Market Value								
Single-family Utilities (gas, elec. - per month)								
Multi-family Utilities (gas, elec. - per month)								
Condominium Fee (per month)								
Mortgage Rate								
Mortgage Term								
Down Payment (% of purchase price)								
Closing Cost								
Annual Income (three-person household, 2013)	\$26,200	\$43,650	\$58,000	\$26,200	\$43,650	\$58,000	\$58,000	
Affordable Purchase Price								
Household Income (per month)	\$2,183	\$3,638	\$4,833	\$2,183	\$3,638	\$4,833	\$4,833	
Shelter Cost (30% of Income)	\$655	\$1,091	\$1,450	\$655	\$1,091	\$1,450	\$1,450	
Property Insurance (per month)	(\$32)	(\$60)	(\$83)	(\$22)	(\$49)	(\$72)	(\$72)	
Property Tax (per month)	(\$65)	(\$121)	(\$168)	(\$44)	(\$101)	(\$147)	(\$147)	
Utilities (per month)	(\$147)	(\$147)	(\$147)	(\$106)	(\$106)	(\$106)	(\$106)	
Condominium Fee (per month)	\$0	\$0	\$0	(\$200)	(\$200)	(\$200)	(\$200)	
Monthly Mortgage Payment	\$411	\$763	\$1,052	\$283	\$635	\$924	\$924	
Mortgage Amount	\$82,884	\$153,690	\$211,916	\$57,092	\$127,898	\$186,124	\$186,124	
Down Payment	\$4,231	\$7,957	\$11,022	\$2,873	\$6,600	\$9,664	\$9,664	
Closing Cost	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)	(\$2,500)	
Maximum Purchase Price	\$84,615	\$159,147	\$220,438	\$57,466	\$131,998	\$193,289	\$193,289	

Source – Annual Income is the HUD income limit for a household size of three for 2013, from Table 13. Estimating assumptions are described in Table 12.

Table 12 describes estimating assumptions for affordable purchase price.

Table 12

PURCHASE PRICE ESTIMATING ASSUMPTIONS	
Description	Estimating Assumptions Source Notes
Household Income	
HUD AMI	HUD AMI is from the Technical Reference Table Labeled HUD Income Limits 2013.
Purchase Price Assumptions	
Shelter Cost % of Income	This is a standard measure of maximum shelter cost burden
Prop Ins Insured Value (improvements % of market value)	Estimate.
Prop Ins. Average Cost (% of insurable value)	Estimate based on a survey of insurance premiums.
Property Tax - Est. Avg Tax Rate	Estimated as the average of 2011 tax rates for assessment districts 10, 13, 27, 29, calculated as shown in the Technical Reference, Table labeled "Estimated Real Estate Tax")
Property Tax - Taxable value (primary res.) % of Market Value	Summit County non-primary residential taxable value % of market value
Utilities (gas, and electricity)	Calculated as shown in the Technical Reference, Table labeled "Estimated Average Utility Expense")
Condominium Fee (per month)	MCHT estimate.
Mortgage Rate	MCHT estimate
Mortgage Term	MCHT estimate
Down Payment (% of purchase price)	Est. typical of an affordable unit, from Mountainlands Community Housing Trust (MCHT)
Closing Cost	MCHT estimate
Affordable Purchase Price	
Household Income (per month)	Monthly household income (from annual income as calculated as above).
Shelter Cost	Calculated as the product of income and shelter cost burden.
Property Insurance	Calculated as the product of affordable purchase price, insured value, and estimated rate.
Property Tax	Calculated as the product of affordable purchase price, taxable value, and estimated rate.
Utilities	From utilities cost as calculated above
Condominium Fee	Used only for multi-family affordable price.
Monthly Mortgage Payment	Calculated as Maximum Monthly Housing Cost less Property Insurance, Real Estate Tax and utilities and Condominium Fee (multi family only)
Mortgage Amount	Calculated as the present value of Monthly Mortgage Payment, Mortgage Rate and Term
Down Payment	Calculated as the product of Affordable Purchase Price and Down Payment %.
Closing Cost	From Closing Cost, above
Affordable Purchase Price	Calculated as the sum of Mortgage Amount and Down Payment, less Closing Cost.

Source – utility expense and tax rate assumptions are from Table 14 and Table 15. The source for other assumptions is as noted above. *MCHT* is Mountainlands Community Housing Trust.

Table 13 shows 2013 HUD income limits by household size and income category. These define housing affordability categories used throughout this analysis.

Table 13

HUD INCOME LIMITS 2013					
<i>Workforce Housing Affordability Categories</i>					
		30% Category	Very Low Income (50% category)	Low Income (80% category)	
		(category)			
Area Median Family Income 2013 (AMI)		\$97,000			
Family Size					
1		\$20,400	\$33,950	\$45,100	
2		\$23,300	\$38,800	\$51,550	
3		\$26,200	\$43,650	\$58,000	
4		\$29,100	\$48,500	\$64,400	
5		\$31,450	\$52,400	\$69,600	
6		\$33,800	\$56,300	\$74,750	
7		\$36,100	\$60,150	\$79,900	
8		\$38,450	\$64,050	\$85,050	

Source 2013 HUD Income Limits Briefing Material, U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 12/11/12, section III, page 8 and page 10.
<http://www.huduser.org/portal/datasets/il/il13/index.html>.

- HUD uses a particular methodology to define income for each category that is not strictly proportionate to family size. A four person household is the baseline. For that household the 30% and 50% categories are calculated as 30% and 50% of median income (\$97,000). That share is proportionately adjusted upward and downward for larger and smaller households. The 80% category is limited to a statutory maximum of \$64,400 (2013). However, the calculated value is \$77,600. This has the effect of reducing income for every family size in the 80% category. The statutory maximum (\$64,400) is 66% of median income.

The following two tables show calculation of estimated utilities expense and real estate tax, used as part of the calculation of maximum purchase price and rent.

Table 14

ESTIMATED AVERAGE UTILITIES EXPENSE		
<i>U.S. Energy Information Administration</i>		
	Total	Per Month
Single Family (2 bedroom)		
Electricity	\$1,132	\$94
Natural Gas	\$636	\$53
Total	\$1,768	\$147
Apartment (2 bedroom)		
Electricity	\$842	\$70
Natural Gas	\$433	\$36
Total	\$1,275	\$106
Estimated reduction for one person household		50%
Net Cost		\$53

Source – U.S. Energy Information Administration Microdata, 2005 (updated to 2009). Utility expense for mountain division.

Table 15

ESTIMATED AVERAGE REAL ESTATE TAX RATE		
<i>Estimated Average Tax Rate</i>		
Tax District	Name	2011 Real Estate Tax Rate
10	Canyons	0.00853800
13	Jeremy	0.00902700
27	Silver Creek	0.01003000
29	Highland Est:	0.00902700
Example Market Value		\$141,159
Taxable % of Value		100%
Taxable Value		\$141,159
		Real Estate Tax
10	Canyons	\$1,205
13	Jeremy	\$1,274
27	Silver Creek	\$1,416
29	Highland Est:	\$1,274
Average		\$1,292
Average Tax Revenue %		0.92%
Taxable Value		

Source - tax rates from Summit County Assessor's Office.

Table 16 shows place of residence for Snyderville Basin employees. It is the basis for estimating the local-resident share of housing-eligible employees in Table 5. It shows that 31.6% of Snyderville Basin jobs are held by employees who live in Summit County, meaning that about $\frac{2}{3}$ of all jobs are held by employees who live out of area – Salt Lake, Wasatch, Utah Counties, etc. The estimate is based on place of residence for 5157 Census reported Snyderville Basin employees.

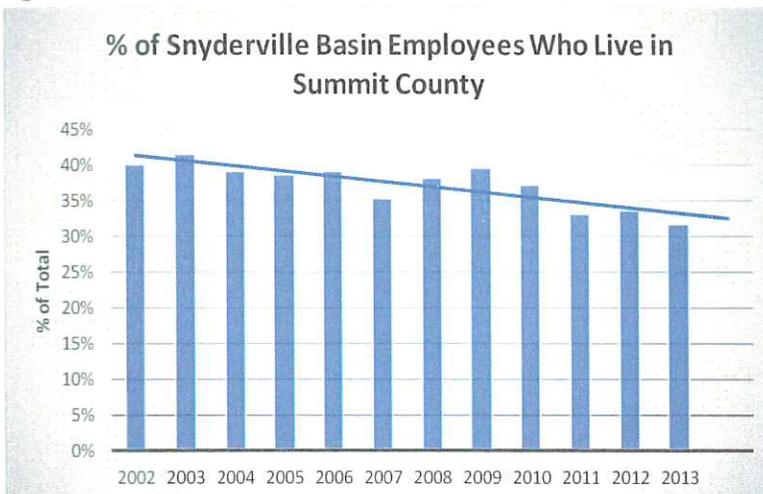
Table 16

PLACE OF RESIDENCE FOR SNYDERVILLE BASIN EMPLOYEES			
2013			
Place of Residence for Snyderville Basin Employees			
	Total	% of Total	Live in Summit County
Detailed Place of Residence for Snyderville Basin Area Workers			
Salt Lake County, UT	1,767	34.3%	
Summit County, UT	1,629	31.6%	31.6%
Wasatch County, UT	428	8.3%	
Utah County, UT	411	8.0%	
Davis County, UT	200	3.9%	
Weber County, UT	85	1.6%	
Duchesne County, UT	73	1.4%	
Tooele County, UT	73	1.4%	
Cache County, UT	71	1.4%	
Washington County, UT	58	1.1%	
All Other Locations	362	7.0%	
Total	5,157	100.0%	31.6%

Source – U.S. Census Bureau Longitudinal Employer-Household Dynamics (LED), *OnTheMap*, Home Destination Report, Snyderville Basin primary jobs in 2013. <http://lehd.did.census.gov/led/datatools/datatools.html>.

The number of locally resident Snyderville Basin employees has declined steadily since 2002. Figure 2 illustrates the trend.

Figure 2



Source – U.S. Census Bureau Longitudinal Employer-Household Dynamics (LED), *OnTheMap*, Home Destination Report, Snyderville Basin primary jobs. <http://lehd.did.census.gov/led/datatools/datatools.html>.

Table 17 shows the basis for estimating the countywide affordable housing deficit. An affordable housing deficit refers to the number of households that pay more than 30% of income for shelter cost (termed “cost burdened” in Table 17). This report is based on the deficit for renters who earn between \$35,000 and \$49,999. This is the Census category that most closely corresponds to the income range of employees in this study. Cost burden for renters who earn less than \$35,000 and more than \$49,999 is shown for context.

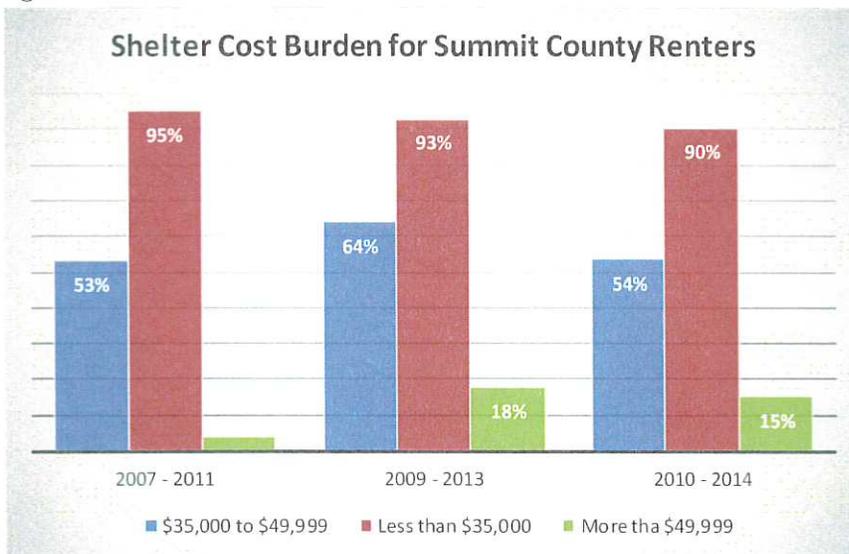
Table 17

SHELTER COST BURDEN BY INCOME CATEGORY	
<i>Rent & Selected Costs as a % of Income 2010 to 2014 in Summit County</i>	
	Summit County (% of income group)
Renters Who Earn \$35,000 to \$49,999 per Year and Are Cost Burdened	53.5%
Renters Who Earn Less than \$35,000 and Are Cost Burdened	90.4%
Renters Who Earn More than \$49,999 and Are Cost Burdened	15.3%

Source – 2010 to 2014 American Community Survey 5-Year Estimates, Table B25074, Household Income by Gross Rent as a Percentage of Household Income in the past 12 Months for Summit County. Cost Burdened is shelter cost in excess of 30% of income. The Census table is based on information from 3171 renter households in Summit County.

For renters in the subject income category – \$35,000 and \$49,999 – the deficit is large, and has changed very little since 2007. It was 53.2% in 2007 and now is 53.5%. The trend is illustrated in Figure 3.

Figure 3



Source – 2007 to 2011, 2009 to 2013, 2010 to 2014 American Community Survey 5-Year Estimates, Table B25074, Household Income by Gross Rent as a Percentage of Household Income in the past 12 Months.

Table 18 through Table 21 (below) show the Canyons SPA *Land Use and Zoning Table* (LUZ), and corresponding assumptions used in this report, as to type and quantity of buildout total development.

The left side of each table shows LUZ square footage and property type for each development site. The right side (*Needs Analysis Estimating Assumptions*) translates the LUZ description into terms needed for this analysis – number of lodging doors and commercial square footage (in the LUZ lodging is shown only as square footage).

- For lodging, *Built/Approved* number of doors is based on actuals (only one project, RC22, is approved but not yet built). For *Remaining New Development*, number of doors is calculated as the quotient of LUZ *Accommodation Area* and average *Existing and Approved* square feet per door from Table 3.
- Employee generation is assumed to accrue from full service lodging/hotel and general commercial uses (restaurant, retail, etc.). Residential single family and multifamily are non-primary private homes. Private homes are expected to generate few new jobs because, based on current experience at the Canyons, private homes are operated with less frequent lower intensity service characterized by unpredictable schedules and non-routine hours. To the extent that residential does generate some small number of jobs, such employment is unlikely to meet the workforce housing income eligibility requirement (that at least 80% of income must be earned in the SPA). Furthermore, any new residential jobs that do become available are expected to be filled, as has been the case so far, primarily by existing staff or out of area contract services typically used by property managers.

Table 19

CANYONS SPA TOTAL DEVELOPMENT										
Projected Total Development at Buildout - (page 2 of 4)										
Parcel	Property Name	Accommodation Area	Commercial/Retail/Support	Principle Use	Property Use	Needs Analysis Estimating Assumptions				Total Commercial (sq. ft.)
						Built/Approved	Remaining New Development (doors)	Commercial Remaining New Development (sq. ft.)	Lodging (doors)	
LUZ										
WILLOW DRAW										
W 1-35/WW/WD3		227,500		Residential-Single Family Detached	Single Family					
W 36/WW/WD4		180,900		Hotel/Lodging Units	Land swap					
W 37/WW/WD5		189,000		Residential-Multi Family	Multi Family	0	0	0	0	0
Sub-total		597,400								
LOWER VILLAGE										
LV1A & LV1B		79,700	80,000	Public Parking/Commercial/Other	Parking					
LV1A & LV1B		49,500		Residential-Multi Family	Multi Family					
LV2A & LV2B				Hotel/Lodging	Will not be developed					
LV3				Golf Course Uses/Open Space	Golf					
LV4		185,000		Golf Course Uses/Open Space	Golf					
LV5		128,700		Employee Housing/Multi Family	Multi Family					
LV6		377,550	27,450	Hotel/Lodging/Retail/Office/Medical	Lodging & Comm.	466		27,450	466	27,450
LV7				Open Space	Open Space					
LV8			25,000	Commercial/Retail/Office	Commercial			25,000		25,000
LV10		80,000		Residential-Multi Family	Multi Family					
LV11				Lower Village Road R.O.W	ROW					
LV12		7,284		Residential-Single Family Detached	Single Family					
LV13				Private Road ROW	ROW					
LV Parcel 1			11,000	Fire Station	Fire station					
LV14, (Osg. 1)		83,300	10,000	Hotel/Lodging	Lodging & Comm.	103		10,000	103	10,000
L.V. Osg. 2		43,716			Single Family					
Sub-total		1,034,750	153,450			0	568	0	568	62,450

Source – see source note, Table 18.

Table 20

CANYONS SPA TOTAL DEVELOPMENT
 Projected Total Development at Buildout - (page 3 of 4)

Parcel	Property Name	Accommodation Area	Commercial/Retail/Support	Principle Use	Needs Analysis Estimating Assumptions						
					Property Use	Lodging		Commercial		Total	
						Build/Approved (doors)	Remaining New Development (doors)	Built (sq. ft.)	Remaining New Development (sq. ft.)		Lodging (doors)
RESORT CORE											
RC. 1	Grand Summit Hotel	244,000	116,405	Hotel/Lodging Units	Lodging & Comm.	365		116,405		365	116,405
RC. 2		127,946	26,214	Hotel/Lodging Units	Lodging & Comm.	158			26,214	158	26,214
RC. 3		91,300	14,902	Hotel/Lodging Units	Lodging & Comm.	113			14,902	113	14,902
RC. 4			8,400	Retail/Office	Commercial				8,400		8,400
RC. 5			8,800	Retail/Office	Commercial				8,800		8,800
RC. 6			25,645	Retail/Skier Services	Commercial				25,645		25,645
RC. 7/WW06		252,000	87,500	Hotel/Lodging Units	Lodging & Comm.	311			87,500	311	87,500
RC. 8		94,025	20,498	Hotel/Lodging Units	Lodging & Comm.	194		44,373		194	44,373
RC. 9	Sundial Lodge	68,883	13,997	Hotel/Lodging Units	Lodging & Comm.	incl		incl		incl	
RC. 10	Westgate	53,429	10,805	Hotel/Lodging Units	Lodging & Comm.	184		33,216		184	33,216
RC. 11 A/B	Westgate	93,331	6,120	Hotel/Lodging Units	Lodging & Comm.	incl		incl		incl	
RC. 19	Westgate	243,407	12,200	Hotel/Lodging Units	Lodging & Comm.	304		incl		304	
RC. 12			8,700	Retail	Commercial				8,700		8,700
RC. 14		60,000	5,000	Hotel/Lodging Units	Lodging & Comm.				5,000		5,000
RC. 15		146,941	20,000	Residential/Multi-Family/Hotel/Lodging Units	Mf and Commercial				20,000		20,000
RC. 16a		260,000	50,000	Hotel/Lodging Units/Convention Center	Lodging & Comm.	321			50,000	321	50,000
RC. 16b		32,000		Residential-Multi Family	Multi Family						
RC. 17		119,223	23,400	Hotel/Lodging Units/Skier Services	Lodging & Comm.	147			23,400	147	23,400
RC. 18		97,065	38,700	Hotel/Lodging Units	Lodging & Comm.	120			38,700	120	38,700
RC. 20		184,130	19,000	Hotel/Lodging Units	Lodging & Comm.	227			19,000	227	19,000
RC. 21		176,000	12,000	Hotel/Lodging Units	Lodging & Comm.	217			12,000	217	12,000
RC. 22		114,000		Hotel/Lodging Units	Lodging	89				89	
RC. 24a		24,000		Residential-Multi Family	Multi Family						
RC. 24b		26,000		Residential-Multi Family, TDR Site	Multi Family						
RC. 25		161,000		Residential-Multi Family	Multi Family						
Fonum Retail			24,000	Retail/Skier Services	Commercial				24,000		24,000
T1			3,629	Service	Future Ski operations						
T2			2,625	Service	Future Ski operations						
E1	Escala	202,200	83,267	Hotel/Lodging Units/Commercial/Retail	Lodging & Comm.	186		18,079		186	83,267
Friedman 1	Vintage	67,200		Residential-Multi Family	Multi Family						
Friedman 2	Vintage	52,800		Hotel/Lodging Units	Multi Family						
J1	Silverado	59,325	7,445	Hotel/Lodging Units	Lodging & Comm.	232		7,005		232	7,445
J2	Silverado	63,230		Hotel/Lodging Units	Lodging	incl		incl		incl	
E2	Sunrise at Escala	139,000	38,000	Hotel/Lodging Units	Lodging & Comm.	200		3,500		200	38,000
Sub-total		3,252,435	687,252			1,754	1,686	222,578	472,389	3,440	684,957

Source – see source note, Table 18.

Table 21

CANYONS SPA TOTAL DEVELOPMENT
 Projected Total Development at Buildout - (page 4 of 4)

Parcel	Property Name	Accommodation Area	Commercial/Retail/Support	Principle Use	Property Use	Needs Analysis Estimating Assumptions					Total Commercial (sq. ft.)	
						Built/Approved	Lodging Development (doors)	Remaining New Development	Built	Remaining New Development (sq. ft.)		Lodging (doors)
RED PINE VILLAGE												
R.P. 1		80,664	25,336	Hotel/Lodging Units	Lodging & Comm.		99	25,336		99	25,336	
R.P. 2		35,991	34,059	Hotel/Lodging Units/Amphitheater	Lodging & Comm.		44	34,059		44	34,059	
R.P. 3		207,654	65,221	Hotel/Lodging Units	Lodging & Comm.		256	65,221		256	65,221	
R.P. 4			66,500	Skiier services	Existing ski operations							
R.P. 5		72,065	37,885	Hotel/Lodging Units	Lodging & Comm.		89	37,885		89	37,885	
R.P. 6		123,373	24,227	Hotel/Lodging Units	Lodging & Comm.		152	24,227		152	24,227	
R.P. 7		80,646	25,329	Hotel/Lodging Units	Lodging & Comm.		99	25,329		99	25,329	
R.P. 8			6,000	Chapel	Chapel							
R.P. 9		146,870	46,130	Hotel/Lodging Units	Lodging & Comm.		181	46,130		181	46,130	
R.P. 10		176,737	55,513	Hotel/Lodging Units	Lodging & Comm.		218	55,513		218	55,513	
R.P. LAKE a/b		60,000		Hotel/Lodging Units	Lodging		74			74		
Sub-total		984,000	386,200			0	1,213	0	313,700	1,213	313,700	
TOMBSTONE												
Tmb. 1			15,000	Commercial	Commercial			15,000			15,000	
Tmb. Osg. 1		67,500	7,000	Hotel/Lodging/retail	Lodging & Comm.		83	7,000		83	7,000	
Tmb. Osg. 2		30,500		Residential-Multi Family								
Tmb. Osg. 3												
Sub-total		98,000	22,000			0	83	0	22,000	83	22,000	
ON MOUNTAIN												
Silver King Mines		26,000		Hotel/Lodging	Lodging							
The Colony				Residential-Single Family Lots	Single Family Lots							
Mines Venture				Residential-Single Family Detached	Single Family							
Sub-total		26,000					32			32		
Total		7,131,285	1,293,902			2,075	3,949	254,857	884,445	6,024	1,199,302	

Source – see source note, Table 18.

- Parcel W/36 – TDR site. Will not generate employees.
- Parcel LV1A – will not be developed – no employee generation.
- Parcels LV2A, LV3, LV4 and LV7 – golf and open space – no employee generation.
- LV Parcel 1 – fire station. Earnings exceed target income cap.
- Parcel RC8 – commercial square footage from current built schedule. *Built/Approved* exceeds allowed by 9878 square feet.
- Parcel RC10 – commercial square footage from current built schedule. *Built/Approved* exceeds allowed by 3483 square feet.
- Parcels T1, T2 and RP4 – service building. Ski employees are included in ski staff. No added no employee generation.

Table 22 shows a comparison of commercial square footage under the current plan and under an proposed master plan revision. Reduced commercial square footage is referred to on page 2 in context of a discussion of potentially reduced workforce housing demand consequent to a reduction in commercial square footage.

Table 22

ALTERNATIVE COMMERCIAL DENSITY PLAN			
<i>Square Feet of Commercial Space at Buildout</i>			
	Current Plan	Proposed Master Plan Revision August 2016 (reduced Red Pine & Resort Core)	Difference
(square feet)			
Total Commercial Development at Build-out			
Frostwood	41,185	41,185	0
The Cove	5,000	5,000	0
Red Pine Road	0	0	0
Willow Draw	0	0	0
Lower Village	62,450	62,450	0
Resort Core	694,967	644,967	50,000
Red Pine Village	313,700	75,000	238,700
Tombstone	22,000	22,000	0
On Mountain	0	0	0
Total	1,139,302	850,602	288,700

Source – *Current Plan* is a summary of Table 18 to Table 21. *Proposed Master Plan Revision* is from Canyons RVMA staff.

- Commercial square footage in the proposed master plan is reduced based on a reduction in commercial development at Red Pine Village and the Resort Core.

As noted in footnote 5, due to rounding some totals may not correspond with the sum of the displayed numbers. Table 23 is included to illustrate rounding. Rounding only affects displayed numbers and does not affect the precision of the calculation.

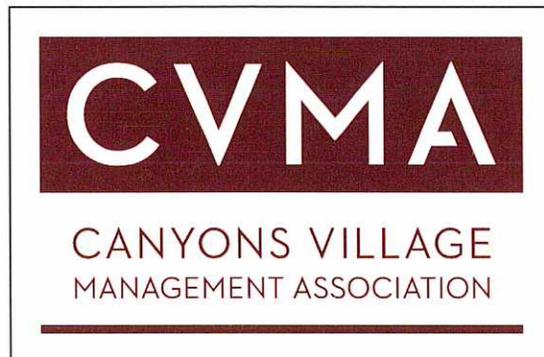
Table 23

ROUNDING EXAMPLE	
<i>Using Example Housing Demand</i>	
Displayed Numbers	
Net Seasonal Employee Demand	294
Net Year-round Employee Demand	214
Apparent Total	508
Actual Total	
Net Seasonal Employee Demand	293.51
Net Year-round Employee Demand	213.68
Total	507.20
As Displayed	507

CANYONS SPA

EXAMPLE HOUSING PLAN

ADDENDUM TO WORKFORCE HOUSING NEEDS
ANALYSIS



prepared by ROSENTHAL & ASSOC. INC.
435.658.3700

September 7, 2016

This is an addendum to the 2016 *Canyons SPA Workforce Housing Needs Analysis* the purpose of which is to estimate workforce housing demand resulting from buildout of the Canyons Specially Planned Area (SPA¹⁰). Demand is described in terms of number of persons to be accommodated in an on-site workforce housing project. The 2016 needs analysis is an update of the original 1999 report.

A needs analysis quantifies housing demand. This addendum is intended to give shape to the demand projection, to describe an example configuration and characteristics of the housing, in order to convey the Canyons vision for the project.

The needs analysis describes certain fundamental workforce housing issues:

“Employees of almost all rank and earnings are confronted with housing issues – either price or availability or proximity or desirability, or all of those. At the staff level, even though Canyons jobs pay higher, that advantage is often negated by increased travel distance, child care and other costs. J-1 seasonal employees,¹¹ highly valued, are confronted with another set of impediments that make it difficult to travel to this country and work at the Canyons. Because the Canyons operates in a national competitive environment and because visitors’ experience depends on quality of service, employers are in competition for the highest quality employees, and as it is, they are challenged to attract them and to retain them from one year to the next.”

The analytical approach in the needs analysis was guided first and foremost by interviews with Canyons employers. The primary lesson learned from those interviews is that the most pressing need is for well-managed and affordable, purpose built housing for staff-level employees.¹²

The 1999 report hypothesized a need for conventional affordable units based on an understanding of the Canyons workforce that was less informed than it is today. The prior estimate was based on a projection – a projection as to how the finished product (the Canyons SPA) would look and operate. This report is based on employers expressed concerns derived from actual operating experience. And that experience shows that circumstances have changed. As the Canyons has grown and the locally available labor force has decreased, proximate housing designed to be attractive to its target demographic, with desirable amenities and time saving life simplifying conveniences, is the priority. Accordingly, the needs analysis is defined in terms of workforce housing rather than typical affordable housing units.

On the following page are two example workforce housing configurations.

¹⁰ Also here referred to as “the Canyons”.

¹¹ International students on a cultural and educational exchange visa.

¹² This is the message from other interviewees, not only with respect to the Canyons, but also with respect to the region as a whole.

Table 1 shows a configuration that will house 507 employees, as singles and two or three-person roommates.

Table 1

EXAMPLE WORKFORCE HOUSING CONFIGURATION					
<i>507 Employees - 270 Units</i>					
	Unit Type				Total
	2 Bedroom	Studio			
Persons per Unit	3	2	2	1	
Number of Units	45	53	94	78	270
Total Persons	135	106	188	78	507
Unit Type and Occupancy	2 Bedroom 3 Person	2 Person Occupancy 2 Bedroom Studio		Studio 1 Person	
Number of Units	45	147		78	270

Table 2 shows a configuration that will also house 507 employees, with the additional provision that it will accommodate 10 married couples and 10 families with one child. (In fact the configuration could be altered to accommodate families with two children.)

Table 2

EXAMPLE WORKFORCE HOUSING CONFIGURATION					
<i>507 Employees Plus Family Members - 537 Persons and 270 Units</i>					
	Unit Type				Total
	2 Bedroom	2 Bedroom	Studio	Studio	
Persons per Unit	3	2	2	1	
Number of Units	44	54	125	47	270
Total Persons	132	108	250	47	537
Unit Type and Occupancy	2 Bedroom 3 Person	2 Person Occupancy 2 Bedroom Studio		Studio 1 Person	
Number of Units	44	179		47	270

The Canyons approach to workforce housing is to provide quality, well managed units for staff-level seasonal and year-round employees – units that simplify the housing issue and provide a pleasant living situation. Nearby services and amenities and nearby transportation obviate the need for a car. The housing is planned for an on-site location because proximity to work is critical – employees must be (and want to be) close by so that they are available to fill in for absentees, work multiple shifts, and work very late or very early hours. The intention is to provide employees with a low-overhead lifestyle – a “turnkey” approach to housing with built-in furniture and amenities that will help employees make the most of their free time. Amenities could include on-site storage and common area with a kitchen, TV and party room, and laundry.

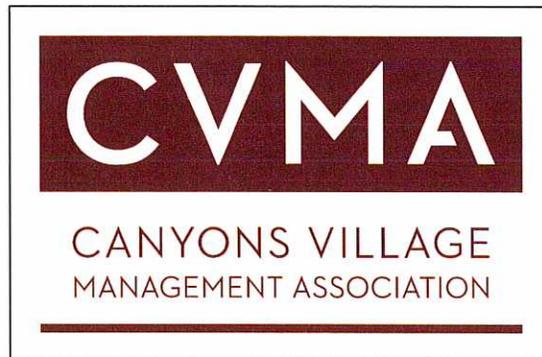
This approach, one potential solution, is based on a combination of two-bedroom and studio units. It is an approach that reflects a broader trend towards space efficient modular housing that is familiar to the target demographic. It works as a housing product and as such can be implemented as an effective solution for workforce housing.

The accompanying workforce housing needs analysis is a concept level report. It frames the problem – number of employees that need housing. This addendum outlines a potential housing configuration that will meet that demand. Together these two reports provide a basis for decision-making. A demand estimate by itself is informational (only). This analysis is intended to be actionable, as an organizing first step in the review and approval process of the plan that will lead to construction of the units.

CANYONS SPA

ADDITIONAL CAPACITY

ADDENDUM TO WORKFORCE HOUSING NEEDS
ANALYSIS



prepared by ROSENTHAL & ASSOC. INC.
435.658.3700

September 7, 2016

PURPOSE OF THIS ADDENDUM

1. Illustrate methodology by means of which housing capacity in the 2016 workforce housing needs analysis can be increased to a level commensurate with capacity shown in the 1999 workforce housing needs analysis.¹

Under this increased capacity show:

2. Example housing configurations.
3. Number of housing eligible employees at 33% and 66% of buildout.
4. Comparison over time of the number of housing eligible employees and housing capacity, in order to illustrate interim excess capacity which could be made available to Canyons employees in addition to the number accounted for in the needs analysis.
5. Pricing of workforce housing.

CALCULATION OF INCREASED WORKFORCE HOUSING CAPACITY

The 2016 analysis shows net housing capacity of 507 employees.² The 1999 report shows capacity of 682 employees.³

Both reports are based on the same analytical rational and similar methodology. The 2016 report shows a lower number of employees primarily because two key estimating assumptions changed over the 17 years since the 1999 report was written.

- The affordable housing deficit in Summit County nearly doubled between 1999 and 2016 – from 29% to 53%. Because the Canyons housing obligation is proportionate to the countywide affordable housing deficit an increase in the deficit reduces the net workforce housing obligation. (Proportionality means that the Canyons SPA will provide sufficient capacity so that it will not increase the regional affordable housing deficit.)
- The share of Snyderville Basin employees who live in Summit County decreased by about one half between 1999 and 2016 – from 62% to 32%. The housing obligation decreased because the number of Canyons SPA employees who live in Summit County is proportionate to the number of all Snyderville Basin employees who live in Summit County.

¹ *Canyons Employee Housing Needs Assessment and Proposed Mitigation Plan* dated March 22, 1999.

² Canyons SPA Workforce Housing Needs Analysis dated 9/2/16.

³ Calculated by converting number of households to number of employees.

Table 1 shows calculation of alternative capacity demand scenarios. The first two columns show the original (baseline) analyses for 1999 and 2016. The last two columns show two revised 2016 analyses each with increased demand compared to the 2016 baseline (700 and 773 in the revised analyses compared to baseline demand of 507).

Table 1

EMPLOYEE HOUSING DEMAND				
<i>Calculation of Demand Based on Alternative Estimating Assumptions</i>				
	Baseline (original reports)		Revised 2016 Report	
	1999 Report (29% Deficit)	2016 Report (54% Deficit)	29% Deficit and Proposed New Master Plan (reduced Red Pine and Resort Core commercial sq. ft.)	29% Deficit (no commercial square footage reduction)
Seasonal Employees				
Total full-time jobs	2,403	3,083	2,707	3,083
Jobs per employee	1.24	1.35	1.35	1.35
Total employees	1,944	2,278	2,000	2,277
Share of Snyderville Basin employees who are Summit County residents	62%	32%	32%	32%
Share of county employees who earn up to 80% of AMI	45%	88%	88%	88%
Countywide affordable housing deficit	29%	54%	29%	29%
County-resident Canyons employees	1,210	719	632	719
Resident employees who earn 80% or less of AMI	539	632	555	632
Net housing demand (total demand reduced by countywide deficit)	382	294	393	447
Year-round Employees				
Total full-time jobs	1,888	2,526	2,382	2,526
Jobs per employee	1.24	1.21	1.21	1.21
Total employees	1,527	2,079	1,961	2,079
Share of Snyderville Basin employees who are Summit County residents	62%	32%	32%	32%
Share of county employees who earn up to 80% of AMI	45%	70%	70%	70%
Countywide affordable housing deficit	29%	29%	29%	29%
County-resident Canyons employees	951	657	619	657
Resident employees who earn 80% or less of AMI	424	460	434	460
Net housing demand (total demand reduced by countywide deficit)	300	326	307	326
Total Employees	3,471	4,357	3,960	4,357
County-resident Canyons employees	2,161	1,376	1,251	1,376
Resident employees who earn 80% or less of AMI	963	1,092	988	1,092
Less - Proportionate Share of Current Deficit	29%	54%	29%	29%
Net Demand (proportionate share)	682	507	700	773

- Capacity demand in each of the revised analyses (700 and 773) is higher than demand shown in 1999 analysis.
- With respect to the revised analyses, a reduction in the affordable housing deficit has the effect of increasing workforce housing demand. A reduction in commercial square footage has the opposite effect – it reduces demand. Together these two parameters account for the difference between the two revised analyses. 773 is the high end of potential demand because the only revision is use of the lower (29%) deficit.⁴ 700 is the low end of potential demand because, although this scenario is based on a reduced deficit, it includes an offsetting reduction in commercial square footage. High-end demand would prevail if the pending master plan is not approved. Low-end demand would prevail if the pending master plan is approved. Actual demand depends on approved commercial square footage.

⁴ Deficit reduction has the biggest impact on demand. A reduction from 54% to 29% entirely accounts for the increase in demand between the baseline scenario (507) and high end scenario (773).

The proposed reduction in commercial square footage attendant to the new master plan is as follows.

Table 2

PROPOSED COMMERCIAL DEVELOPMENT PLAN			
<i>Baseline and Reduced Commercial Square Footage Under the proposed Master Plan</i>			
	Current Plan (2016 report)	Proposed Master Plan Revision August 2016 (reduced Red Pine & Resort Core)	Difference
(square feet)			
Total Commercial Development at Build-out			
Frostwood	41,185	41,185	0
The Cove	5,000	5,000	0
Red Pine Road	0	0	0
Willow Draw	0	0	0
Lower Village	62,450	62,450	0
Resort Core	694,967	644,967	(50,000)
Red Pine Village	313,700	75,000	(238,700)
Tombstone	22,000	22,000	0
On Mountain	0	0	0
Total	1,139,302	850,602	(288,700)

- *Current Plan* shows commercial square footage under the current master plan. *Proposed Master Plan* shows commercial square footage under the pending master plan revision.
- The reduction in square footage under the *Pending Master Plan* is an estimate because the plan is not yet approved. To the extent that approved square footage is different from that shown above, housing capacity demand will change.

EXAMPLE WORKFORCE HOUSING CONFIGURATION

Housing configuration for different levels of capacity demand varies based on total units, number of units by type, and number of occupants per unit. Table 3 and Table 4 show configurations for the low and high side of potential capacity demand – 700 and 773 employees. Table 5 and Table 6 show configurations for the same number of employees, with additional provision for 10 couples and 10 couples with one child.

Table 3

EXAMPLE WORKFORCE HOUSING CONFIGURATION					
<i>700 Employees - 345 Units</i>					
	Unit Type				Total
	2 Bedroom	2 Bedroom	Studio	Studio	
Persons per Unit	3	2	2	1	
Number of Units	91	17	156	81	345
Total Persons	273	34	312	81	700
Unit Type and Occupancy	2 Bedroom 3 Person Occupancy	2 Bedroom 2 Person Occupancy	Studio 2 Person Occupancy	Studio 1 Person Occupancy	
Number of Units	91	173		81	345

- This configuration will house 700 employees, as singles and two or three-person roommates.

Table 4

EXAMPLE WORKFORCE HOUSING CONFIGURATION						
773 Employees - 345 Units						
	Unit Type					Total
	2 Bedroom	2 Bedroom	2 Bedroom	Studio	Studio	
Persons per Unit	4	3	2	2	1	
Number of Units	33	60	15	194	43	345
Total Persons	132	180	30	388	43	773
Unit Type and Occupancy	2 Bedroom	2 Bedroom	2 Bedroom	Studio	Studio	Total
	4 Person Occupancy	3 Person Occupancy	2 Person Occupancy	2 Person Occupancy	1 Person Occupancy	
Number of Units	33	60	209	43		345

- This configuration will house 773 employees, as singles and two, three or four person roommates.

Table 5

EXAMPLE WORKFORCE HOUSING CONFIGURATION						
700 Employees Plus Family Members - 730 Persons and 345 Units						
	Unit Type					Total
	2 Bedroom	2 Bedroom	Studio	Studio		
Persons per Unit		3	2	2	1	
Number of Units		91	17	186	51	345
Total Persons		273	34	372	51	730
Unit Type and Occupancy	2 Bedroom	2 Bedroom	Studio	Studio	Total	
	3 Person Occupancy	2 Person Occupancy	2 Person Occupancy	1 Person Occupancy		
Number of Units	91	203	51		345	

- This configuration will house 730 persons –700 employees including 10 couples and 10 couples with one child (one employee per couple).

Table 6

EXAMPLE WORKFORCE HOUSING CONFIGURATION						
773 Employees Plus Family Members - 803 Persons and 345 Units						
	Unit Type					Total
	2 Bedroom	2 Bedroom	2 Bedroom	Studio	Studio	
Persons per Unit	4	3	2	2	1	
Number of Units	50	50	8	200	37	345
Total Persons	200	150	16	400	37	803
Unit Type and Occupancy	2 Bedroom	2 Bedroom	2 Bedroom	Studio	Studio	Total
	4 Person Occupancy	3 Person Occupancy	2 Person Occupancy	2 Person Occupancy	1 Person Occupancy	
Number of Units	50	50	208	37		345

- This configuration will house 803 persons –773 employees including 10 couples and 10 couples with one child (one employee per couple).

NUMBER OF HOUSING ELIGIBLE EMPLOYEES AT 33% AND 66% OF BUILDOUT

Table 7 shows the projected (low side and high side) number of employees at 33% (Phase 1), 66%, and 100% of Canyons SPA buildout.

Table 7

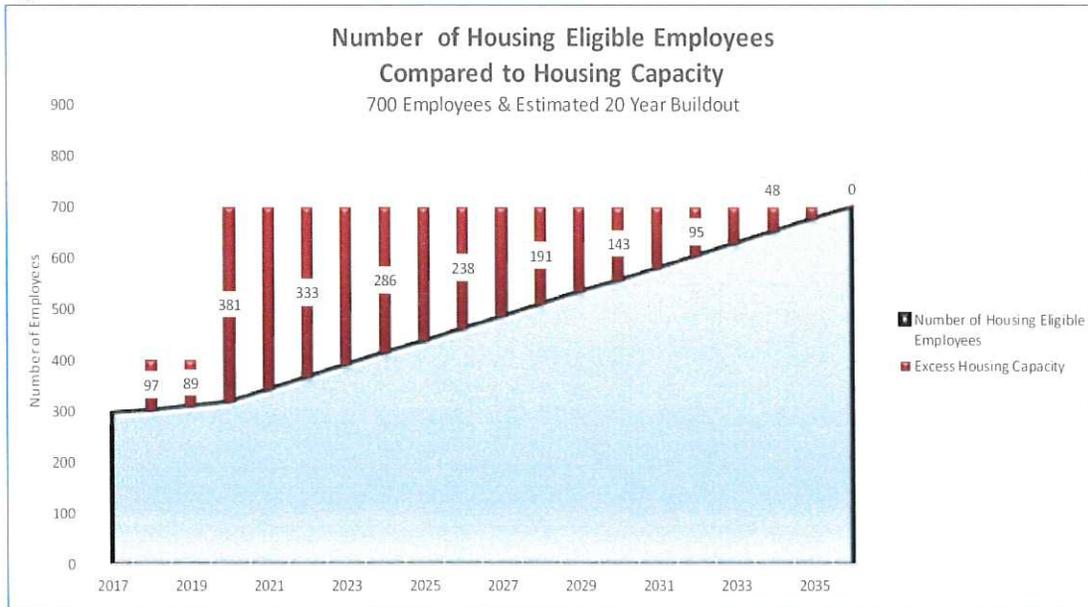
NUMBER OF HOUSING ELIGIBLE EMPLOYEES AT 33%, 66% AND 100% OF COMPLETION			
Low and High Side Estimates (700 and 773 employees at buildout)			
Low side is based on reduced commercial development and 29% deficit			
High side is based on no square footage reduction and 29% deficit			
Development (% of buildout)	Number of Housing Eligible Employees		
	Low Side (700 total)	High Side (773 total)	
Phase 1	33%	319	325
	66%	509	549
	100%	700	773

COMPARISON OF THE NUMBER OF HOUSING ELIGIBLE EMPLOYEES AND HOUSING CAPACITY

As the workforce housing is built and new capacity comes on line, there may be an excess of capacity until, as the workforce grows over time, the number of housing eligible employees increases to match capacity.

As an example, given two construction phases – partial capacity for two years and full capacity thereafter – Figure 1 and Figure 2 show a comparison of projected capacity and number of employees. Figure 1 is based on the low side of potential capacity demand (700 employees). Figure 2 is based on the high side of potential demand (773 employees). In the graphs, housing capacity is represented by the vertical red bars. The number of housing eligible employees is represented by the blue shaded area. The difference between the top of the red bars and the top of the blue shaded area is excess capacity. In Figure 1 excess capacity ranges from 381 beds in 2020 to 143 beds ten years later. In Figure 2 the excess is 448 in 2020 and 168 ten years later. Any excess capacity that is made available to Canyons employees is important because it will have the effect of reducing regional demand, which in turn would make regional rental housing more available.

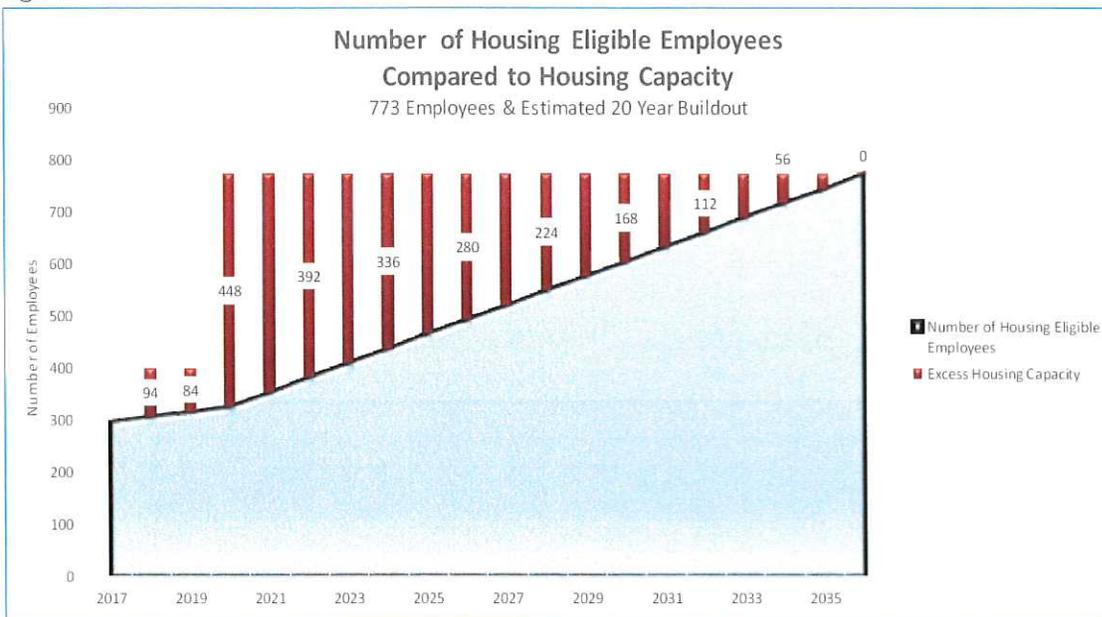
Figure 1



- Utilizing the two phase construction example – capacity for 400 employees in 2018 and 2019, and total capacity beginning in 2020. The 20-year buildout schedule is an estimate for purposes of this illustration.

Figure 2 shows the same 20-year projection, but based on high side demand (773 employees).

Figure 2



PRICING OF WORKFORCE HOUSING

Affordable housing is typically funded by tax credits or other subsidized revenue sources. In contrast, Canyons SPA workforce housing may be privately funded. Rent in a subsidized housing project is typically based on HUD income limits and family size. The qualification process for tenants is highly structured and potentially lengthy. In a privately funded project, affordable rent can be set at project specific rates, tenants can be unrelated individuals, and the qualification process and lease terms can be structured more specifically in accord with the needs of the typical tenant – in this case employees, whether they be seasonal employees with a short time horizon, or year-round employees.

In practice (and assuming that the project is privately funded) managers of the Canyons SPA workforce housing could have significant latitude, compared to a subsidized project, with respect to pricing and operation of the property. That latitude allows for the precise management of the property to meet the needs of the target demographic. It is however the case that rent is naturally constrained based on the purpose of the project – to provide affordable housing for employees. Operation and maintenance will be held to a high standard given the character of the surrounding, upscale community. Employers view Canyons SPA workforce housing as a recruitment and employee retention tool. For that reason, it is necessary that the project be affordable, attractive and well managed i.e. it must provide a quality living environment at an attainable price.

Auditor



Michael R. Howard

September 20, 2016

County Council,

Please reconvene as the Board of Equalization on September 28, 2016. Please consider approving the Stipulations of Agreements for the 2016 property tax appeals. As you are aware, they need your approval before we can mail out the stipulations to the property owners for their agreement or disagreement. The property owner has 10 days to return the stipulation from the mailing date. If they disagree with the appraiser's decision they can call to schedule an informal hearing. If the appellant does not return their stipulation, it is presumed they agree with it.

Also, if the appellant disagrees with the informal hearing decision, they can appeal to the Utah State Tax Commission.

Thanks for your consideration.

Sincerely,

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

Kathryn C. Rockhill

Clerk of the Board of Equalization

2016 BOE Adjustments

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	Old Tax Estimate	% Difference	Explanation for adjustment
0444441	SUM-7	\$ 386,600.00	\$ 386,600.00	\$ -	\$ 386,600.00	\$ 386,600.00	\$ -	\$ 3,696.67	0.00%	No Change
0439210	BJUMP-32	\$ 1,730,000.00	\$ 1,774,450.00	\$ (44,450.00)	\$ 1,730,000.00	\$ 1,774,450.00	\$ (44,450.00)	\$ 16,967.29	-2.51%	Adjust Value to Comparable sales.
0133904	HE-B-272	\$ 600,279.00	\$ 937,035.00	\$ (336,756.00)	\$ 372,273.00	\$ 704,909.00	\$ (332,636.00)	\$ 5,823.96	-47.19%	Adjust Value to Comparable sales.
0099386	AM-73	\$ 265,000.00	\$ 335,314.00	\$ (70,314.00)	\$ 265,000.00	\$ 335,314.00	\$ (70,314.00)	\$ 2,836.42	-20.97%	Adjust Value to Contract Sale Price
0407852	PSSR-26	\$ 2,325,612.00	\$ 2,788,284.00	\$ (462,672.00)	\$ 2,325,612.00	\$ 2,788,284.00	\$ (462,672.00)	\$ 27,414.41	-16.59%	Adjust Value to Comparable sales.
0483691	NS-112-G	\$ 274,280.00	\$ 274,280.00	\$ -	\$ 152,260.00	\$ 274,280.00	\$ (122,020.00)	\$ 2,271.49	-44.49%	Change to Primary Residence per Ashley.
0393409	DC-27	\$ 2,141,491.00	\$ 2,948,797.00	\$ (807,306.00)	\$ 1,178,090.00	\$ 1,622,108.00	\$ (444,018.00)	\$ 15,510.60	-27.37%	Adjust Value to Comparable sales.
0194856	SLS-116	\$ 1,003,481.00	\$ 1,003,481.00	\$ -	\$ 551,915.00	\$ 551,915.00	\$ -	\$ 4,559.92	0.00%	No Change
0352868	TSP-13	\$ 1,186,796.00	\$ 1,186,796.00	\$ -	\$ 652,737.00	\$ 1,186,796.00	\$ (534,059.00)	\$ 9,805.31	-45.00%	Change to Primary Residence per Ashley.
0410591	IWDV-II-F-20	\$ 2,300,000.00	\$ 2,600,000.00	\$ (300,000.00)	\$ 2,300,000.00	\$ 2,600,000.00	\$ (300,000.00)	\$ 21,808.80	-11.54%	Adjust Value to Contract Sale Price
0451946	LWPCRS-3801B-AM	\$ 202,500.00	\$ 240,000.00	\$ (37,500.00)	\$ 202,500.00	\$ 2,400,000.00	\$ (2,197,500.00)	\$ 1,868.64	-91.56%	Adjust Value to Comparable sales.
0458411	SPIRO-101-AM	\$ 1,800,000.00	\$ 1,800,000.00	\$ -	\$ 1,800,000.00	\$ 1,800,000.00	\$ -	\$ 14,461.20	0.00%	No Change
0248413	RPG-111-1AM	\$ 600,000.00	\$ 600,000.00	\$ -	\$ 330,000.00	\$ 600,000.00	\$ (270,000.00)	\$ 44,820.40	-45.00%	Change to Primary Residence per Ashley.
0382592	CCRK-P-22	\$ 160,000.00	\$ 160,000.00	\$ -	\$ 88,000.00	\$ 88,000.00	\$ -	\$ 685.17	0.00%	No Change
0442522	RKC-C	\$ 2,100,000.00	\$ 2,300,000.00	\$ (200,000.00)	\$ 2,100,000.00	\$ 2,300,000.00	\$ (200,000.00)	\$ 18,478.20	-8.70%	Adjust Value to Comparable sales.
0276448	FVL-1-30-A	\$ 1,075,000.00	\$ 1,075,000.00	\$ -	\$ 591,250.00	\$ 591,250.00	\$ -	\$ 4,750.10	0.00%	No Change
0478659	VLL-5	\$ 315,749.00	\$ 309,277.00	\$ 6,472.00	\$ 173,661.00	\$ 309,277.00	\$ (135,616.00)	\$ 3,099.26	-43.85%	Change to Primary Residence per Ashley.
0161335	UL-8-A	\$ 275,461.00	\$ 275,461.00	\$ -	\$ 275,461.00	\$ 275,461.00	\$ -	\$ 2,205.34	0.00%	No Change
0036511	3K-3-E	\$ 650,000.00	\$ 650,000.00	\$ -	\$ 357,500.00	\$ 650,000.00	\$ (292,500.00)	\$ 5,222.10	-45.00%	Change to Primary Residence per Ashley.
0447565	SBLDV-II-6118	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0447572	SBLDV-II-6122	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0447642	SBLDV-II-6224	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0418321	SBLDV-6101	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0418420	SBLDV-6210	\$ 771,000.00	\$ 1,000,000.00	\$ (229,000.00)	\$ 771,000.00	\$ 1,000,000.00	\$ (229,000.00)	\$ 8,034.00	-22.90%	Adjust Value to Contract Sale Price
0452019	LWPCRS-3806B-AM	\$ 210,000.00	\$ 240,000.00	\$ (30,000.00)	\$ 210,000.00	\$ 240,000.00	\$ (30,000.00)	\$ 1,868.64	-12.50%	Adjust Value to Comparable sales.
0211957	WBD-67	\$ 498,600.00	\$ 498,600.00	\$ -	\$ 274,230.00	\$ 274,230.00	\$ -	\$ 2,265.69	0.00%	No Change
0051403	TH-3-11	\$ 2,458,652.00	\$ 2,458,652.00	\$ -	\$ 2,458,652.00	\$ 2,458,652.00	\$ -	\$ 19,752.81	0.00%	No Change
0437024	SGR-1-3	\$ 751,617.00	\$ 1,724,971.00	\$ (973,354.00)	\$ 751,617.00	\$ 1,724,971.00	\$ (973,354.00)	\$ 16,959.91	-56.43%	Partial Complete home.
0282818	FWM-29	\$ 1,025,730.00	\$ 1,025,730.00	\$ -	\$ 1,025,730.00	\$ 1,025,730.00	\$ -	\$ 8,240.71	0.00%	No Change
0477290	VKCS-11	\$ 208,834.00	\$ 208,834.00	\$ -	\$ 114,858.00	\$ 208,834.00	\$ (93,976.00)	\$ 2,012.12	-45.00%	Change to Primary Residence per Ashley.
0085419	NS-566-B	\$ 296,884.00	\$ 296,884.00	\$ -	\$ 163,286.00	\$ 296,884.00	\$ (133,598.00)	\$ 2,457.61	-45.00%	Change to Primary Residence per Ashley.
0294979	SMIL-II-56	\$ 836,968.00	\$ 836,968.00	\$ -	\$ 460,332.00	\$ 836,968.00	\$ (376,636.00)	\$ 6,915.03	-45.00%	Change to Primary Residence per Ashley.
0426928	AC-76	\$ 250,000.00	\$ 250,000.00	\$ -	\$ 250,000.00	\$ 250,000.00	\$ -	\$ 2,390.50	0.00%	No Change
0399448	SMS-1	\$ 584,429.00	\$ 584,429.00	\$ -	\$ 321,435.00	\$ 584,429.00	\$ (262,994.00)	\$ 4,550.36	-45.00%	Change to Primary Residence per Ashley.
0434419	NGC-41	\$ 1,071,817.00	\$ 1,071,817.00	\$ -	\$ 1,071,817.00	\$ 1,071,817.00	\$ -	\$ 10,248.71	0.00%	No Change
0434211	NGC-21	\$ 1,147,260.00	\$ 1,147,260.00	\$ -	\$ 630,993.00	\$ 1,147,260.00	\$ (516,267.00)	\$ 10,970.10	-45.00%	Change to Primary Residence per Ashley.
0182554	SS-82-2	\$ 541,637.00	\$ 541,637.00	\$ -	\$ 298,285.00	\$ 444,764.00	\$ (146,479.00)	\$ 3,658.63	-32.93%	Change to Primary Residence per Ashley.
0125108	WW-B-56	\$ 135,446.00	\$ 135,446.00	\$ -	\$ 84,744.00	\$ 135,446.00	\$ (50,702.00)	\$ 1,288.63	-37.43%	Change to Primary Residence per Ashley.
0421648	PALSDS-66	\$ 2,471,692.00	\$ 2,471,692.00	\$ -	\$ 2,471,692.00	\$ 2,471,692.00	\$ -	\$ 24,301.68	0.00%	No Change
0393805	DC-67	\$ 2,021,977.00	\$ 2,487,553.00	\$ (465,576.00)	\$ 1,112,150.00	\$ 1,368,217.00	\$ (256,067.00)	\$ 13,082.89	-18.72%	Adjust Value to Comparable sales.
0447781	SBLDV-II-6343	\$ 818,000.00	\$ 1,000,000.00	\$ (182,000.00)	\$ 818,000.00	\$ 1,000,000.00	\$ (182,000.00)	\$ 8,034.00	-18.20%	Adjust Value to Comparable sales.
0418537	SBLDV-6315	\$ 750,000.00	\$ 1,000,000.00	\$ (250,000.00)	\$ 750,000.00	\$ 1,000,000.00	\$ (250,000.00)	\$ 8,034.00	-25.00%	Adjust Value to Comparable sales.
0451465	LWPCRS-3501B-AM	\$ 202,500.00	\$ 240,000.00	\$ (37,500.00)	\$ 202,500.00	\$ 240,000.00	\$ (37,500.00)	\$ 1,868.64	-15.63%	Adjust Value to Comparable sales.
0447697	SBLDV-II-6239	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0447628	SBLDV-II-6218	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0050421	RC-3-72	\$ 419,000.00	\$ 535,000.00	\$ (116,000.00)	\$ 230,450.00	\$ 294,250.00	\$ (63,800.00)	\$ 2,364.00	-21.68%	Change to Primary Residence per Ashley And to contract sales Price.
0259733	CHC-120	\$ 85,000.00	\$ 85,000.00	\$ -	\$ 46,750.00	\$ 85,000.00	\$ (38,250.00)	\$ 682.89	-45.00%	Change to Primary Residence per Ashley.
0050389	RC-3-68	\$ 535,000.00	\$ 535,000.00	\$ -	\$ 294,250.00	\$ 535,000.00	\$ (240,750.00)	\$ 4,298.19	-45.00%	Change to Primary Residence per Ashley.
0375984	CCRK-A-24	\$ 205,000.00	\$ 205,000.00	\$ -	\$ 112,750.00	\$ 205,000.00	\$ (92,250.00)	\$ 1,596.13	-45.00%	Change to Primary Residence per Ashley.
0410955	NPKTH-1-23	\$ 455,000.00	\$ 455,000.00	\$ -	\$ 250,250.00	\$ 455,000.00	\$ (204,750.00)	\$ 3,542.63	-45.00%	Change to Primary Residence per Ashley.
0270383	FVL-1-3-A	\$ 1,230,000.00	\$ 1,230,000.00	\$ -	\$ 676,500.00	\$ 676,500.00	\$ -	\$ 5,435.00	0.00%	No Change
0482458	PI-D-21-AM	\$ 210,657.00	\$ 210,657.00	\$ -	\$ 115,861.00	\$ 141,556.00	\$ (25,695.00)	\$ 1,163.17	-18.15%	Change to Primary Residence per Ashley.
0490444	SL-B-199-AM	\$ 1,107,321.00	\$ 445,005.00	\$ 662,316.00	\$ 667,528.00	\$ 445,005.00	\$ 222,523.00	\$ 4,057.11	50.00%	Put house on at 100% and change to Primary Residence.
0136931	SL-A-51	\$ 855,525.00	\$ 870,510.00	\$ (14,985.00)	\$ 533,982.00	\$ 548,967.00	\$ (14,985.00)	\$ 5,004.93	-2.73%	Adjust value to reflect lot line adjustment.
0360671	GRSPA-1	\$ 2,250,000.00	\$ 2,719,242.00	\$ (469,242.00)	\$ 1,325,241.00	\$ 1,583,325.00	\$ (258,084.00)	\$ 12,327.77	-16.30%	Adjust Value to Contract Sale Price
0284632	MH-3	\$ 1,172,825.00	\$ 1,172,825.00	\$ -	\$ 645,054.00	\$ 645,054.00	\$ -	\$ 5,329.44	0.00%	No Change
0409536	PRESRV-1-4	\$ 2,498,788.00	\$ 2,498,788.00	\$ -	\$ 1,493,853.00	\$ 1,493,853.00	\$ -	\$ 11,631.14	0.00%	No Change
0409528	PRESRV-1-3	\$ 831,000.00	\$ 831,000.00	\$ -	\$ 831,000.00	\$ 831,000.00	\$ -	\$ 6,472.50	0.00%	No Change
0239602	JR-4-4006	\$ 799,179.00	\$ 943,613.00	\$ (144,434.00)	\$ 439,548.00	\$ 518,988.00	\$ (79,440.00)	\$ 4,287.88	-15.31%	Adjust Value to Comparable sales.
0220545	PP-84-A	\$ 1,024,611.00	\$ 833,961.00	\$ 190,650.00	\$ 204,467.00	\$ 236,836.00	\$ (32,369.00)	\$ 1,844.01	-13.67%	Corrected Land Acres.
0095996	SH-307	\$ 14,215.00	\$ 14,215.00	\$ -	\$ 7,818.00	\$ 14,215.00	\$ (6,397.00)	\$ 120.24	-45.00%	Change to Primary Residence per Ashley.
0256770	PI-G-50	\$ 45,000.00	\$ 52,000.00	\$ (7,000.00)	\$ 45,000.00	\$ 52,000.00	\$ (7,000.00)	\$ 427.28	-13.46%	Adjust Value to Comparable sales.

0299127	MOOSE-13-AM	\$ 1,012,131.00	\$ 1,204,641.00	\$ (192,510.00)	\$ 1,012,131.00	\$ 667,413.00	\$ 344,718.00	\$ 5,196.48	51.65%	Adjust Value to Contract Sale Price
0316848	BP-2	\$ 946,601.00	\$ 946,601.00	\$ -	\$ 946,601.00	\$ 946,601.00	\$ -	\$ 7,462.06	0.00%	No Change
0436372	CQVC-2	\$ 400,000.00	\$ 400,000.00	\$ -	\$ 220,000.00	\$ 400,000.00	\$ (180,000.00)	\$ 3,114.40	-45.00%	Change to Primary Residence per Ashley.
0050371	RC-3-67	\$ 496,000.00	\$ 535,000.00	\$ (39,000.00)	\$ 496,000.00	\$ 535,000.00	\$ (39,000.00)	\$ 4,298.19	-7.29%	Adjust Value to Comparable sales.
0465815	LWPCRS-3508B-AM	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 1,868.64	-14.06%	Adjust Value to Comparable sales.
0418453	SBLDV-6215	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0374458	GWLD-II-12-AM	\$ 1,960,338.00	\$ 1,960,338.00	\$ -	\$ 1,085,836.00	\$ 1,085,836.00	\$ -	\$ 5,454.32	0.00%	No Change
0371942	GWLD-10	\$ 567,500.00	\$ 567,500.00	\$ -	\$ 567,500.00	\$ 567,500.00	\$ -	\$ 4,418.56	0.00%	No Change
0375018	GWLD-III-183	\$ 450,000.00	\$ 450,000.00	\$ -	\$ 450,000.00	\$ 450,000.00	\$ -	\$ 3,503.70	0.00%	No Change
0372247	GWLD-40	\$ 645,500.00	\$ 645,500.00	\$ -	\$ 645,500.00	\$ 645,500.00	\$ -	\$ 5,025.86	0.00%	No Change
0374516	GWLD-II-135-AM	\$ 2,092,314.00	\$ 2,047,433.00	\$ 44,881.00	\$ 1,151,672.00	\$ 1,324,988.00	\$ (173,316.00)	\$ 10,316.36	-13.08%	Adjust Value to Comparable sales.
0374789	GWLD-II-162-AM	\$ 739,000.00	\$ 851,500.00	\$ (112,500.00)	\$ 739,000.00	\$ 851,500.00	\$ (112,500.00)	\$ 6,629.78	-13.21%	Adjust Value to Comparable sales.
0372551	GWLD-71	\$ 2,012,781.00	\$ 2,397,014.00	\$ (384,233.00)	\$ 1,119,629.00	\$ 1,330,958.00	\$ (211,329.00)	\$ 10,362.84	-15.88%	Adjust Value to Comparable sales.
0374268	GWLD-II-110-AM	\$ 720,750.00	\$ 847,500.00	\$ (126,750.00)	\$ 720,750.00	\$ 847,500.00	\$ (126,750.00)	\$ 6,598.64	-14.96%	Adjust Value to Comparable sales.
0282453	NS-224-E	\$ 240,000.00	\$ 297,527.00	\$ (57,527.00)	\$ 134,531.00	\$ 166,171.00	\$ (31,640.00)	\$ 1,377.56	-19.04%	Adjust Value to Contract Sale Price
0261697	SS-145-R-2	\$ 207,000.00	\$ 225,708.00	\$ (18,708.00)	\$ 207,000.00	\$ 225,708.00	\$ (18,708.00)	\$ 1,854.64	-8.29%	Lot line adjustment per Recorder.
0412274	SS-145-I-1	\$ 587,738.00	\$ 569,030.00	\$ 18,708.00	\$ 347,699.00	\$ 337,411.00	\$ 10,288.00	\$ 2,772.51	3.05%	Lot line adjustment per Recorder.
0131353	SL-I-4-9	\$ 808,000.00	\$ 861,573.00	\$ (53,573.00)	\$ 808,000.00	\$ 861,573.00	\$ (53,573.00)	\$ 7,854.96	-6.22%	Adjust Value to Contract Sale Price
0436943	RCLD-1-AM	\$ 2,650,000.00	\$ 3,010,000.00	\$ (360,000.00)	\$ 2,650,000.00	\$ 3,010,000.00	\$ (360,000.00)	\$ 25,247.88	-11.96%	Adjust Value to Fee Appraisal
0436950	RCLD-2-AM	\$ 2,700,000.00	\$ 3,010,000.00	\$ (310,000.00)	\$ 2,700,000.00	\$ 3,010,000.00	\$ (310,000.00)	\$ 25,247.88	-10.30%	Adjust Value to Fee Appraisal
0436968	RCLD-3-AM	\$ 2,750,000.00	\$ 3,010,000.00	\$ (260,000.00)	\$ 2,750,000.00	\$ 3,010,000.00	\$ (260,000.00)	\$ 25,247.88	-8.64%	Adjust Value to Fee Appraisal
0427587	RCLD-17	\$ 3,350,000.00	\$ 3,710,000.00	\$ (360,000.00)	\$ 3,350,000.00	\$ 3,710,000.00	\$ (360,000.00)	\$ 31,119.48	-9.70%	Adjust Value to Fee Appraisal
0427603	RCLD-19	\$ 3,250,000.00	\$ 3,710,000.00	\$ (460,000.00)	\$ 3,250,000.00	\$ 3,710,000.00	\$ (460,000.00)	\$ 31,119.48	-12.40%	Adjust Value to Fee Appraisal
0427645	RCLD-23	\$ 2,950,000.00	\$ 3,010,000.00	\$ (60,000.00)	\$ 2,950,000.00	\$ 3,010,000.00	\$ (60,000.00)	\$ 25,247.88	-1.99%	Adjust Value to Fee Appraisal
0436554	CQVC-20	\$ 50,000.00	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 50,000.00	\$ -	\$ 389.30	0.00%	No Change
0441714	LBHV-II-3206	\$ 310,000.00	\$ 310,000.00	\$ -	\$ 170,500.00	\$ 197,500.00	\$ (27,000.00)	\$ 1,537.74	-13.67%	Change to Primary Residence per Ashley.
0447611	SBLDV-II-6137	\$ 850,000.00	\$ 1,000,000.00	\$ (150,000.00)	\$ 850,000.00	\$ 1,000,000.00	\$ (150,000.00)	\$ 8,034.00	-15.00%	Adjust Value to Contract Sale Price
0054712	PP-87-10-B	\$ 1,571,663.00	\$ 1,764,855.00	\$ (193,192.00)	\$ 1,571,663.00	\$ 1,764,855.00	\$ (193,192.00)	\$ 13,741.16	-10.95%	Adjust Value to Comparable sales.
0394845	WHLs-28	\$ 199,171.00	\$ 360,000.00	\$ (160,829.00)	\$ 199,171.00	\$ 360,000.00	\$ (160,829.00)	\$ 3,539.52	-44.67%	Adjust Value to Comparable sales.
0104756	CD-265	\$ 238,086.00	\$ 238,086.00	\$ -	\$ 202,139.00	\$ 202,139.00	\$ -	\$ 1,709.89	0.00%	No Change
0040042	PKM-3-29	\$ 862,967.00	\$ 862,967.00	\$ -	\$ 474,613.00	\$ 862,967.00	\$ (388,354.00)	\$ 6,933.08	-45.00%	Change to Primary Residence per Ashley.
0488007	TCRE-2-8	\$ 150,000.00	\$ 440,000.00	\$ (290,000.00)	\$ 150,000.00	\$ 440,000.00	\$ (290,000.00)	\$ 3,608.44	-65.91%	Adjust value to reflect Non Buildable lot
0417836	PSKY-5	\$ 3,567,466.00	\$ 3,567,466.00	\$ -	\$ 1,962,196.00	\$ 1,962,196.00	\$ -	\$ 18,762.52	0.00%	No Change
0420632	GCC-17	\$ 1,636,909.00	\$ 1,636,909.00	\$ -	\$ 1,636,909.00	\$ 1,636,909.00	\$ -	\$ 15,652.12	0.00%	No Change
0393292	DC-16	\$ 2,151,336.00	\$ 2,604,843.00	\$ (453,507.00)	\$ 2,151,336.00	\$ 2,604,843.00	\$ (453,507.00)	\$ 24,907.51	-17.41%	Adjust Value to Comparable sales.
0418156	PSKY-37	\$ 416,000.00	\$ 490,060.00	\$ (74,060.00)	\$ 416,000.00	\$ 490,060.00	\$ (74,060.00)	\$ 4,685.95	-15.11%	Adjust Value to Contract Sale Price
0451403	LWPCRS-3403B-AM	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 1,868.64	-14.06%	Adjust Value to Comparable sales.
0453137	LWPCRS-4716A-AM	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 3,270.12	-24.29%	Adjust Value to Comparable sales.
0292726	BELV-13-AM	\$ 2,313,400.00	\$ 2,900,000.00	\$ (586,600.00)	\$ 2,313,400.00	\$ 2,900,000.00	\$ (586,600.00)	\$ 23,298.60	-20.23%	Adjust Value to Comparable sales.
0298905	BELV-2-5	\$ 2,382,000.00	\$ 2,900,000.00	\$ (518,000.00)	\$ 2,382,000.00	\$ 2,900,000.00	\$ (518,000.00)	\$ 23,298.60	-17.86%	Adjust Value to Comparable sales.
0267926	SS-BDY-15-1	\$ 42,500.00	\$ 149,500.00	\$ (107,000.00)	\$ 42,500.00	\$ 149,500.00	\$ (107,000.00)	\$ 1,228.44	-71.57%	Adjust Value to Comparable sales.
0259642	CHC-111	\$ 170,000.00	\$ 170,000.00	\$ -	\$ 93,500.00	\$ 170,000.00	\$ (76,500.00)	\$ 1,365.78	-45.00%	Change to Primary Residence per Ashley.
0259840	CHC-131	\$ 85,000.00	\$ 85,000.00	\$ -	\$ 46,750.00	\$ 85,000.00	\$ (38,250.00)	\$ 682.89	-45.00%	Change to Primary Residence per Ashley.
0130793	SL-I-2-16	\$ 843,680.00	\$ 843,680.00	\$ -	\$ 464,024.00	\$ 843,680.00	\$ (379,656.00)	\$ 7,691.83	-45.00%	Change to Primary Residence per Ashley.
0284822	MH-22	\$ 1,750,475.00	\$ 1,750,475.00	\$ -	\$ 966,676.00	\$ 1,750,475.00	\$ (783,799.00)	\$ 14,462.42	-44.78%	Change to Primary Residence per Ashley.
0300594	BN-A-2-17	\$ 1,455,976.00	\$ 1,455,976.00	\$ -	\$ 800,786.00	\$ 1,455,976.00	\$ (655,190.00)	\$ 12,029.27	-45.00%	Change to Primary Residence per Ashley.
0138408	SL-C-152	\$ 556,820.00	\$ 619,820.00	\$ (63,000.00)	\$ 369,917.00	\$ 404,567.00	\$ (34,650.00)	\$ 3,688.14	-8.56%	Adjust Value to Comparable sales.
0432769	CWPC-4A-175	\$ 1,596,055.00	\$ 1,712,780.00	\$ (116,725.00)	\$ 1,596,055.00	\$ 1,712,780.00	\$ (116,725.00)	\$ 13,335.71	-6.81%	Adjust Value to Contract Sale Price
0234736	JR-3-356	\$ 892,843.00	\$ 940,843.00	\$ (48,000.00)	\$ 491,063.00	\$ 517,464.00	\$ (26,401.00)	\$ 4,275.29	-5.10%	Adjust Value to Comparable sales.
0234249	JR-3-303	\$ 757,251.00	\$ 783,968.00	\$ (26,717.00)	\$ 416,488.00	\$ 431,182.00	\$ (14,694.00)	\$ 3,562.43	-3.41%	Adjust Value to Comparable sales.
0186381	JR-2-206	\$ 896,684.00	\$ 924,175.00	\$ (27,491.00)	\$ 493,176.00	\$ 508,296.00	\$ (15,120.00)	\$ 4,199.54	-2.97%	Adjust Value to Comparable sales.
0311039	PB-PR-47	\$ 948,028.00	\$ 1,001,321.00	\$ (53,293.00)	\$ 521,415.00	\$ 550,727.00	\$ (29,312.00)	\$ 4,550.11	-5.32%	Adjust Value to Comparable sales.
0453144	LWPCRS-4716B-AM	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 1,868.64	-14.06%	Adjust Value to Comparable sales.
0453098	LWPCRS-4711A-AM	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 3,270.12	-24.29%	Adjust Value to Comparable sales.
0452110	LWPCRS-3903A-AM	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 318,000.00	\$ 420,000.00	\$ (102,000.00)	\$ 3,270.12	-24.29%	Adjust Value to Comparable sales.
0453012	LWPCRS-4703B-AM	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 206,250.00	\$ 240,000.00	\$ (33,750.00)	\$ 1,868.64	-14.06%	Adjust Value to Comparable sales.
0162119	WA-10-1018	\$ 88,052.00	\$ 95,535.00	\$ (7,483.00)	\$ 88,052.00	\$ 95,535.00	\$ (7,483.00)	\$ 764.85	-7.83%	Adjust Value to Comparable sales.
0160402	UL-31-C	\$ 140,000.00	\$ 199,825.00	\$ (59,825.00)	\$ 140,000.00	\$ 199,925.00	\$ (59,925.00)	\$ 1,600.60	-29.97%	Adjust Value to Fee Appraisal
0424279	TCS-39	\$ 1,328,951.00	\$ 1,627,234.00	\$ (298,283.00)	\$ 1,328,951.00	\$ 1,327,234.00	\$ 1,717.00	\$ 15,998.96	0.13%	Adjust Value to Contract Sale Price
0194344	SLS-65	\$ 946,254.00	\$ 974,542.00	\$ (28,288.00)	\$ 520,439.00	\$ 535,998.00	\$ (15,559.00)	\$ 4,428.42	-2.90%	Adjust Value to Comparable sales.
0040414	PKM-44	\$ 554,440.00	\$ 554,440.00	\$ -	\$ 554,440.00	\$ 304,942.00	\$ 249,498.00	\$ 2,449.90	81.82%	Change to Non Primary Residence per Ashley.
0279673	ASR-II-R-3	\$ 4,494,743.00	\$ 4,494,743.00	\$ -	\$ 4,494,473.00	\$ 2,729,762.00	\$ 1,764,711.00	\$ 21,930.91	64.65%	Change to Non Primary Residence per Ashley.
0194724	SLS-103	\$ 960,453.00	\$ 960,453.00	\$ -	\$ 960,453.00	\$ 528,250.00	\$ 432,203.00	\$ 4,364.40	81.82%	Change to Non Primary Residence per Ashley.
0307201	RPL-III-151	\$ 1,082,129.00	\$ 1,082,129.00	\$ -	\$ 1,082,129.00	\$ 595,171.00	\$ 486,958.00	\$ 4,917.30	81.82%	Change to Non Primary Residence per Ashley.
0425433	PWV-A-2-AM	\$ 557,080.00	\$ 557,080.00	\$ -	\$ 557,080.00	\$ 306,394.00	\$ 250,686.00	\$ 2,531.43	81.82%	Change to Non Primary Residence per Ashley.
0195366	SLS-167	\$ 849,401.00	\$ 855,712.00	\$ (6,311.00)	\$ 467,170.00	\$ 470,642.00	\$ (3,472.00)	\$ 3,888.44	-0.74%	Adjust Value to Comparable sales.

0291843	RPL-27	\$	977,728.00	\$	977,728.00	\$	-	\$	977,728.00	\$	537,750.00	\$	439,978.00	\$	4,442.89	81.82%	Change to Non Primary Residence per Ashley.
0133714	HE-B-254	\$	1,233,046.00	\$	1,233,046.00	\$	-	\$	775,915.00	\$	775,912.00	\$	3.00	\$	6,410.61	0.00%	No Change
0306153	PBC-1-87	\$	460,000.00	\$	460,000.00	\$	-	\$	460,000.00	\$	253,000.00	\$	207,000.00	\$	2,090.29	81.82%	Change to Non Primary Residence per Ashley.
0418461	SBLDV-6219	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	8,034.00	-16.20%	Adjust Value to Comparable sales.
0418370	SBLDV-6115	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	8,034.00	-16.20%	Adjust Value to Comparable sales.
0418479	SBLDV-6223	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	838,000.00	\$	1,000,000.00	\$	(162,000.00)	\$	8,034.00	-16.20%	Adjust Value to Comparable sales.
0458923	SSP-65-3	\$	170,000.00	\$	170,000.00	\$	-	\$	170,000.00	\$	93,500.00	\$	76,500.00	\$	784.28	81.82%	Change to Non Primary Residence per Ashley.
0452141	LWPCRS-3905-AM	\$	318,000.00	\$	420,000.00	\$	(102,000.00)	\$	318,000.00	\$	420,000.00	\$	(102,000.00)	\$	3,270.12	-24.29%	Adjust Value to Comparable sales.
0396618	FPRV-10-B	\$	360,000.00	\$	360,000.00	\$	-	\$	360,000.00	\$	198,000.00	\$	162,000.00	\$	1,541.63	81.82%	Change to Non Primary Residence per Ashley.
0382659	CCRK-P-32	\$	160,000.00	\$	160,000.00	\$	-	\$	160,000.00	\$	88,000.00	\$	72,000.00	\$	685.17	81.82%	Change to Non Primary Residence per Ashley.
0046726	PSC-407	\$	95,000.00	\$	95,000.00	\$	-	\$	52,250.00	\$	95,000.00	\$	(42,750.00)	\$	763.23	-45.00%	Change to Primary Residence per Ashley.
0055941	PT-29-B	\$	400,000.00	\$	400,000.00	\$	-	\$	400,000.00	\$	220,000.00	\$	180,000.00	\$	1,712.92	81.82%	Change to Non Primary Residence per Ashley.
0211601	SCC-B-1	\$	275,000.00	\$	275,000.00	\$	-	\$	151,250.00	\$	275,000.00	\$	(123,750.00)	\$	2,209.35	-45.00%	Change to Primary Residence per Ashley.
0197586	SS-144-C	\$	534,083.00	\$	534,083.00	\$	-	\$	534,083.00	\$	311,746.00	\$	222,337.00	\$	2,561.62	71.32%	Change to Non Primary Residence per Ashley.
0081277	NS-1430	\$	316,364.00	\$	316,364.00	\$	-	\$	316,364.00	\$	217,945.00	\$	98,419.00	\$	1,790.85	45.16%	Change to Non Primary Residence per Ashley.
0420533	GCC-7	\$	1,659,634.00	\$	1,659,634.00	\$	-	\$	1,659,634.00	\$	1,659,634.00	\$	-	\$	15,869.42	0.00%	No Change
0393961	DC-83	\$	2,456,800.00	\$	3,176,734.00	\$	(719,934.00)	\$	1,351,384.00	\$	1,747,348.00	\$	(395,964.00)	\$	16,708.14	-22.66%	Adjust Value to Comparable sales.
0400196	BSHM-2-AM	\$	524,410.00	\$	524,410.00	\$	-	\$	395,733.00	\$	290,285.00	\$	105,448.00	\$	2,455.52	36.33%	Change to Non Primary Residence per Ashley.
0125116	WW-B-57	\$	73,565.00	\$	73,565.00	\$	-	\$	73,565.00	\$	40,461.00	\$	33,104.00	\$	384.95	81.82%	Change to Non Primary Residence per Ashley.
0389621	ELKHRN-3	\$	573,172.00	\$	573,172.00	\$	-	\$	573,172.00	\$	573,172.00	\$	-	\$	5,453.16	0.00%	No Change
0084594	NS-517-A	\$	385,283.00	\$	385,283.00	\$	-	\$	212,805.00	\$	385,283.00	\$	(172,478.00)	\$	3,189.37	-44.77%	Change to Primary Residence per Ashley.
0221337	OT-97-A-1	\$	137,296.00	\$	137,296.00	\$	-	\$	137,296.00	\$	75,513.00	\$	61,783.00	\$	718.43	81.82%	Change to Non Primary Residence per Ashley.
0418347	SBLDV-6110	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	8,034.00	-13.75%	Adjust Value to Comparable sales.
0418446	SBLDV-6214	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	8,034.00	-13.75%	Adjust Value to Comparable sales.
0452350	LWPCRS-4303B-AM	\$	206,250.00	\$	240,000.00	\$	(33,750.00)	\$	206,250.00	\$	240,000.00	\$	(33,750.00)	\$	1,868.64	-14.06%	Adjust Value to Comparable sales.
0453346	LWPCRS-4911A-AM	\$	399,900.00	\$	420,000.00	\$	(20,100.00)	\$	399,000.00	\$	420,000.00	\$	(21,000.00)	\$	3,270.12	-5.00%	Adjust Value to Contract Sale Price
0453353	LWPCRS-4911B-AM	\$	210,000.00	\$	240,000.00	\$	(30,000.00)	\$	210,000.00	\$	240,000.00	\$	(30,000.00)	\$	1,868.64	-12.50%	Adjust Value to Contract Sale Price
0237994	JR-4-4132	\$	958,298.00	\$	1,025,720.00	\$	(67,422.00)	\$	527,063.00	\$	564,147.00	\$	(37,084.00)	\$	4,660.98	-6.57%	Adjust Value to Comparable sales.
0308183	HMP-32	\$	691,714.00	\$	716,541.00	\$	(24,827.00)	\$	380,442.00	\$	394,098.00	\$	(13,656.00)	\$	3,256.04	-3.47%	Adjust Value to Comparable sales.
0480863	CWPC-4ELK-3-229	\$	5,238,925.00	\$	5,238,925.00	\$	-	\$	2,885,264.00	\$	2,885,264.00	\$	-	\$	22,464.67	0.00%	No Change
0300982	BN-A-3-56	\$	945,011.00	\$	945,011.00	\$	-	\$	945,011.00	\$	519,756.00	\$	425,255.00	\$	4,294.22	81.82%	Change to Non Primary Residence per Ashley.
0374557	GWLD-II-139-AM	\$	575,500.00	\$	575,500.00	\$	-	\$	575,000.00	\$	575,000.00	\$	-	\$	4,480.84	0.00%	No Change
0385983	SSS-4-531	\$	703,930.00	\$	703,930.00	\$	-	\$	387,161.00	\$	703,930.00	\$	(316,769.00)	\$	5,815.87	-45.00%	Change to Primary Residence per Ashley.
0438931	BJUMP-4	\$	185,000.00	\$	250,000.00	\$	(65,000.00)	\$	185,000.00	\$	250,000.00	\$	(65,000.00)	\$	2,390.50	-26.00%	Adjust Value to Comparable sales.
0393300	DC-17	\$	2,900,000.00	\$	3,329,842.00	\$	(429,842.00)	\$	2,900,000.00	\$	3,329,842.00	\$	(429,842.00)	\$	31,839.95	-12.91%	Adjust Value to Comparable sales.
0195390	SLS-170	\$	1,015,023.00	\$	1,015,023.00	\$	-	\$	558,263.00	\$	558,263.00	\$	-	\$	4,612.37	0.00%	No Change
0445879	RSLC-C-3	\$	70,000.00	\$	220,000.00	\$	(150,000.00)	\$	70,000.00	\$	220,000.00	\$	(150,000.00)	\$	1,767.48	-68.18%	Adjust Value to Contract Sale Price
0017743	PHC-101	\$	161,783.00	\$	275,000.00	\$	(113,217.00)	\$	161,783.00	\$	275,000.00	\$	(113,217.00)	\$	2,209.35	-41.17%	Adjust Value to Contract Sale Price
0139141	SG-B-51	\$	241,050.00	\$	241,050.00	\$	-	\$	241,050.00	\$	241,050.00	\$	-	\$	1,876.82	0.00%	No Change
0139216	SG-B-52	\$	242,350.00	\$	242,350.00	\$	-	\$	242,350.00	\$	242,350.00	\$	-	\$	1,886.94	0.00%	No Change
0139000	SG-B-63	\$	314,678.00	\$	314,678.00	\$	-	\$	314,678.00	\$	314,678.00	\$	-	\$	2,450.08	0.00%	No Change
0052138	TH-78	\$	960,000.00	\$	978,882.00	\$	(18,882.00)	\$	960,000.00	\$	978,882.00	\$	(18,882.00)	\$	7,864.34	-1.93%	Adjust Value to Contract Sale Price
0424766	GLDG-PH1	\$	2,000,000.00	\$	2,300,000.00	\$	(300,000.00)	\$	2,000,000.00	\$	2,300,000.00	\$	(300,000.00)	\$	19,292.40	-13.04%	Adjust Value to Comparable sales.
0447659	SBLDV-II-6227	\$	818,300.00	\$	1,000,000.00	\$	(181,700.00)	\$	818,300.00	\$	1,000,000.00	\$	(181,700.00)	\$	8,034.00	-18.17%	Adjust Value to Comparable sales.
0418487	SBLDV-6301	\$	1,429,000.00	\$	1,550,000.00	\$	(121,000.00)	\$	1,429,000.00	\$	1,550,000.00	\$	(121,000.00)	\$	12,452.70	-7.81%	Adjust Value to Comparable sales.
0428098	SLC-405-AM	\$	1,200,000.00	\$	1,200,000.00	\$	-	\$	120,000.00	\$	120,000.00	\$	-	\$	934.32	0.00%	No Change
0426643	SLC-323-AM	\$	370,000.00	\$	370,000.00	\$	-	\$	370,000.00	\$	370,000.00	\$	-	\$	2,880.82	0.00%	No Change
0428114	SLC-407-AM	\$	545,000.00	\$	545,000.00	\$	-	\$	545,000.00	\$	545,000.00	\$	-	\$	4,243.37	0.00%	No Change
0045876	PSC-129	\$	50,000.00	\$	50,000.00	\$	-	\$	27,500.00	\$	50,000.00	\$	(22,500.00)	\$	401.70	-45.00%	Change to Primary Residence per Ashley.
0045892	PSC-131	\$	50,000.00	\$	50,000.00	\$	-	\$	27,500.00	\$	50,000.00	\$	(22,500.00)	\$	401.70	-45.00%	Change to Primary Residence per Ashley.
0047716	PSC-636	\$	210,000.00	\$	210,000.00	\$	-	\$	115,500.00	\$	210,000.00	\$	(94,500.00)	\$	1,687.14	-45.00%	Change to Primary Residence per Ashley.
0377543	STE-3	\$	274,901.00	\$	274,901.00	\$	-	\$	151,195.00	\$	274,901.00	\$	(123,706.00)	\$	2,392.19	-45.00%	Change to Primary Residence per Ashley.
0054886	PP-87-18-A	\$	2,156,408.00	\$	3,133,744.00	\$	(977,336.00)	\$	2,156,408.00	\$	3,133,744.00	\$	(977,336.00)	\$	24,399.33	-31.19%	Adjust Value to Comparable sales.
0054720	PP-87-10-C	\$	2,606,926.00	\$	3,371,651.00	\$	(764,725.00)	\$	2,606,926.00	\$	3,371,651.00	\$	(764,725.00)	\$	14,626.30	-22.68%	Adjust Value to Comparable sales.
0447116	MVSO-1-9-AM	\$	324,190.00	\$	451,400.00	\$	(127,210.00)	\$	1,558.00	\$	1,558.00	\$	-	\$	12.47	0.00%	Adjust Value to Comparable sales.
0412555	HSD-28	\$	250,000.00	\$	250,000.00	\$	-	\$	250,000.00	\$	250,000.00	\$	-	\$	2,458.00	0.00%	No Change
0033773	PAC-59-AM	\$	415,000.00	\$	415,000.00	\$	-	\$	415,000.00	\$	415,000.00	\$	-	\$	3,334.11	0.00%	No Change
0418362	SBLDV-6114	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	862,500.00	\$	1,000,000.00	\$	(137,500.00)	\$	8,034.00	-13.75%	Adjust Value to Comparable sales.
0139148	PWV-B-33-AM	\$	470,000.00	\$	470,000.00	\$	-	\$	258,500.00	\$	470,000.00	\$	(211,500.00)	\$	3,883.14	-45.00%	Change to Primary Residence per Ashley.
0346654	BHVS-40	\$	605,000.00	\$	605,000.00	\$	-	\$	332,750.00	\$	605,000.00	\$	(272,250.00)	\$	4,710.53	-45.00%	Change to Primary Residence per Ashley.
0047997	PSC-729	\$	95,000.00	\$	95,000.00	\$	-	\$	52,250.00	\$	52,250.00	\$	-	\$	419.78	0.00%	No Change
0030761	SNC-1067	\$	160,000.00	\$	160,000.00	\$	-	\$	88,000.00	\$	160,000.00	\$	(72,000.00)	\$	1,285.44	-45.00%	Change to Primary Residence per Ashley.
0451472	LWPCRS-3502-AM	\$	207,500.00	\$	240,000.00	\$	(32,500.00)	\$	207,500.00	\$	240,000.00	\$	(32,500.00)	\$	1,868.64	-13.54%	Adjust Value to Comparable sales.
0180285	WAS-1-10	\$	316,000.00	\$	316,000.00	\$	-	\$	173,800.00	\$	316,000.00	\$	(142,200.00)	\$	1,396.31	-45.00%	No Change
0045686	PSC-110	\$	50,000.00	\$	50,000.00	\$	-	\$	27,500.00	\$	27,500.00	\$	-	\$	220.94	0.00%	No Change
0363824	SDLK-B214	\$	460,000.00	\$	530,000.00	\$	(70,000.00)	\$	460,000.00	\$	530,000.00	\$	(70,000.00)	\$	4,126.58	-13.21%	Adjust Value to Comparable sales.

0244321	VIC-51	\$ 286,000.00	\$ 286,000.00	\$ -	\$ 286,000.00	\$ 286,000.00	\$ -	\$ 2,297.72	0.00%	No Change
0423743	SPIRO-C-101	\$ 1,250,000.00	\$ 1,250,000.00	\$ -	\$ 1,250,000.00	\$ 1,250,000.00	\$ -	\$ 10,042.50	0.00%	No Change
0447666	SBLDV-II-6231	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 730,000.00	\$ 1,000,000.00	\$ (270,000.00)	\$ 8,034.00	-27.00%	Adjust Value to Comparable sales.
0190243	SRC-4101	\$ 290,000.00	\$ 290,000.00	\$ -	\$ 290,000.00	\$ 290,000.00	\$ -	\$ 2,329.86	0.00%	No Change
0372403	GWLD-56	\$ 644,650.00	\$ 644,650.00	\$ -	\$ 644,650.00	\$ 644,650.00	\$ -	\$ 5,019.24	0.00%	No Change
0447293	MVSO-I-27-AM	\$ 598,300.00	\$ 678,300.00	\$ (80,000.00)	\$ 2,368.00	\$ 2,368.00	\$ -	\$ 18.96	0.00%	Adjust Value to Comparable sales.
0221790	SLK-409	\$ 225,000.00	\$ 225,000.00	\$ -	\$ 123,750.00	\$ 225,000.00	\$ (101,250.00)	\$ 1,807.65	-45.00%	Change to Primary Residence per Ashley.
0442399	TCRS-8-AM	\$ 4,026,608.00	\$ 4,026,608.00	\$ -	\$ 2,049,146.00	\$ 2,049,146.00	\$ -	\$ 16,305.02	0.00%	No Change
0378541	RRH-22	\$ 478,300.00	\$ 478,300.00	\$ -	\$ 478,300.00	\$ 478,300.00	\$ -	\$ 3,724.04	0.00%	No Change
0378350	RRH-32	\$ 611,260.00	\$ 611,260.00	\$ -	\$ 611,260.00	\$ 611,260.00	\$ -	\$ 4,759.27	0.00%	No Change
0304315	BN-B-1-105	\$ 725,835.00	\$ 807,540.00	\$ (81,705.00)	\$ 399,209.00	\$ 444,147.00	\$ (44,938.00)	\$ 3,669.54	-10.12%	Adjust Value to Comparable sales.
0443835	WPL-27-AM	\$ 443,850.00	\$ 443,850.00	\$ -	\$ 443,850.00	\$ 443,850.00	\$ -	\$ 3,455.82	0.00%	No Change
0443570	WPL-1-AM	\$ 2,193,423.00	\$ 2,680,832.00	\$ (487,409.00)	\$ 1,206,832.00	\$ 1,474,458.00	\$ (267,626.00)	\$ 11,480.13	-18.15%	Adjust Value to Comparable sales.
0250740	JR-4-4146	\$ 709,599.00	\$ 912,444.00	\$ (202,845.00)	\$ 380,279.00	\$ 501,845.00	\$ (121,566.00)	\$ 4,146.24	-24.22%	Adjust Value to Comparable sales.
0447077	MVSO-I-5-AM	\$ 492,380.00	\$ 492,380.00	\$ -	\$ 3,074.00	\$ 3,074.00	\$ -	\$ 24.61	0.00%	No Change
0133060	HE-A-379-2	\$ 716,133.00	\$ 716,133.00	\$ -	\$ 393,873.00	\$ 393,873.00	\$ -	\$ 3,254.18	0.00%	No Change
0444737	SUM-36	\$ 904,000.00	\$ 904,000.00	\$ -	\$ 904,000.00	\$ 904,000.00	\$ -	\$ 8,644.05	0.00%	No Change
0444744	SUM-37	\$ 901,000.00	\$ 901,000.00	\$ -	\$ 901,000.00	\$ 901,000.00	\$ -	\$ 8,615.36	0.00%	No Change
0444751	SUM-38	\$ 901,400.00	\$ 901,400.00	\$ -	\$ 901,400.00	\$ 901,400.00	\$ -	\$ 8,619.19	0.00%	No Change
0444768	SUM-39	\$ 908,600.00	\$ 908,600.00	\$ -	\$ 908,600.00	\$ 908,600.00	\$ -	\$ 8,688.03	0.00%	No Change
0444782	SUM-41	\$ 902,800.00	\$ 902,800.00	\$ -	\$ 902,800.00	\$ 902,800.00	\$ -	\$ 8,632.57	0.00%	No Change
0444799	SUM-42	\$ 905,200.00	\$ 905,200.00	\$ -	\$ 905,200.00	\$ 905,200.00	\$ -	\$ 8,655.52	0.00%	No Change
0444807	SUM-43	\$ 911,600.00	\$ 911,600.00	\$ -	\$ 911,600.00	\$ 911,600.00	\$ -	\$ 8,716.72	0.00%	No Change
0444814	SUM-44	\$ 907,200.00	\$ 907,200.00	\$ -	\$ 907,200.00	\$ 907,200.00	\$ -	\$ 8,674.65	0.00%	No Change
0444821	SUM-45	\$ 944,600.00	\$ 944,600.00	\$ -	\$ 944,600.00	\$ 944,600.00	\$ -	\$ 9,032.27	0.00%	No Change
0444838	SUM-46	\$ 907,000.00	\$ 907,000.00	\$ -	\$ 907,000.00	\$ 907,000.00	\$ -	\$ 8,672.73	0.00%	No Change
0444845	SUM-47	\$ 911,200.00	\$ 911,200.00	\$ -	\$ 911,200.00	\$ 911,200.00	\$ -	\$ 8,712.89	0.00%	No Change
0444869	SUM-49	\$ 927,200.00	\$ 927,200.00	\$ -	\$ 927,200.00	\$ 927,200.00	\$ -	\$ 8,865.89	0.00%	No Change
0444876	SUM-50	\$ 920,800.00	\$ 920,800.00	\$ -	\$ 920,800.00	\$ 920,800.00	\$ -	\$ 8,804.69	0.00%	No Change
0444883	SUM-51	\$ 909,600.00	\$ 909,600.00	\$ -	\$ 909,600.00	\$ 909,600.00	\$ -	\$ 8,697.60	0.00%	No Change
0444890	SUM-52	\$ 912,400.00	\$ 912,400.00	\$ -	\$ 912,400.00	\$ 912,400.00	\$ -	\$ 8,724.37	0.00%	No Change
0444908	SUM-53	\$ 927,400.00	\$ 927,400.00	\$ -	\$ 927,400.00	\$ 927,400.00	\$ -	\$ 8,867.80	0.00%	No Change
0444915	SUM-54	\$ 949,400.00	\$ 949,400.00	\$ -	\$ 949,400.00	\$ 949,400.00	\$ -	\$ 9,078.16	0.00%	No Change
0444922	SUM-55	\$ 956,600.00	\$ 956,600.00	\$ -	\$ 956,600.00	\$ 956,600.00	\$ -	\$ 8,249.01	0.00%	No Change
0444939	SUM-56	\$ 964,000.00	\$ 964,000.00	\$ -	\$ 964,000.00	\$ 964,000.00	\$ -	\$ 9,217.77	0.00%	No Change
0444953	SUM-58	\$ 955,400.00	\$ 955,400.00	\$ -	\$ 955,400.00	\$ 955,400.00	\$ -	\$ 9,135.53	0.00%	No Change
0444984	SUM-61	\$ 919,200.00	\$ 919,200.00	\$ -	\$ 919,200.00	\$ 919,200.00	\$ -	\$ 8,789.39	0.00%	No Change
0060438	GA-A-7	\$ 9,600.00	\$ 23,450.00	\$ (13,850.00)	\$ 9,600.00	\$ 23,450.00	\$ (13,850.00)	\$ 178.20	-59.06%	Adjust Value to Comparable sales.
0154025	PE-1-3	\$ 200,811.00	\$ 211,518.00	\$ (10,707.00)	\$ 200,811.00	\$ 211,518.00	\$ (10,707.00)	\$ 1,693.41	-5.06%	Adjust Value to Fee Appraisal
0484012	RIVBLF-B-42	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484029	RIVBLF-B-43	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484036	RIVBLF-B-44	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484043	RIVBLF-B-45	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484050	RIVBLF-B-46	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484081	RIVBLF-B-49	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484106	RIVBLF-B-51	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484113	RIVBLF-B-52	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484120	RIVBLF-B-53	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484137	RIVBLF-B-54	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484144	RIVBLF-B-55	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484151	RIVBLF-B-56	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484168	RIVBLF-B-57	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0484175	RIVBLF-B-58	\$ 29,580.00	\$ -	\$ 29,580.00	\$ 29,580.00	\$ -	\$ 29,580.00	\$ -	#DIV/0!	No longer exempt as of 8/26/16, prorated value for remainder of year.
0253751	ELK-204	\$ 365,000.00	\$ 365,000.00	\$ -	\$ 200,750.00	\$ 365,000.00	\$ (164,250.00)	\$ 3,015.63	-45.00%	Change to Primary Residence per Ashley.
Totals for 9/28/2016		\$ 208,354,866.00	\$ 226,984,674.00	\$ (18,629,808.00)	\$ 172,638,448.00	\$ 194,045,667.00	\$ (21,407,219.00)			
Totals for 9/14/2016		\$ 91,971,400.00	\$ 99,932,048.00	\$ (7,960,648.00)	\$ 68,365,076.00	\$ 86,538,507.00	\$ (18,173,431.00)			
Totals for 8/31/2016		\$ 41,506,960.00	\$ 43,091,925.00	\$ (1,584,965.00)	\$ 27,595,950.00	\$ 37,582,878.00	\$ (9,986,928.00)			
Totals for 08/24/2016		\$ 26,555,844.00	\$ 29,947,013.00	\$ (3,391,169.00)	\$ 21,199,568.00	\$ 25,527,478.00	\$ (4,327,910.00)			
Totals for 08/17/2016		\$ 197,544,145.00	\$ 207,330,644.00	\$ (9,786,499.00)	\$ 142,624,040.00	\$ 177,532,277.00	\$ (34,908,237.00)			
Totals for 08/10/2016		\$ 93,633,062.00	\$ 94,576,441.00	\$ (943,379.00)	\$ 64,510,456.00	\$ 81,600,494.00	\$ (17,090,038.00)			
Running Total		\$ 659,566,277.00	\$ 701,862,745.00	\$ (42,296,468.00)	\$ 496,933,538.00	\$ 602,827,301.00	\$ (105,893,763.00)			

The Market value decrease for 2016 is (\$42,296,468) As of 09/28/2016

The Taxable Value decrease for 2016 is (\$105,893,763) As of 09/28/2016

To: Summit County Council

9/14/16

Re: Application for Residential Exemption 2014 and 2015

Greenfield Ranches Lot 7

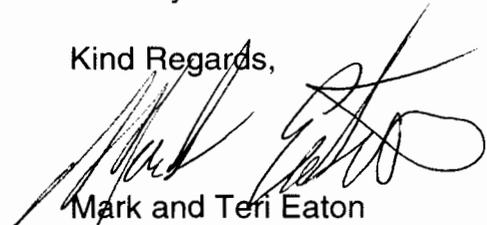
I am requesting a refund of excess property taxes paid in 2014 and 2015 as a result of the incorrect designation of my primary residence, 484 Shepherd Way in Silver Creek, as non-primary. My designation was changed from primary residence without notice. There have been no changes to my primary residence. I have lived here since 2004.

The Assessor's office informed me there was a notification sent to homeowner's in 2012 requesting designation of primary residence. After doing some research with the assistance of the Assessor's office and the Post Office, we discovered my notification was erroneously forwarded to another "Eaton" in Midway. The Assessor's office had the correct address but the Post Office mixed it up with someone else. No explanation as to why that occurred. As I mentioned, I have never moved from my home in Silver Creek and do not own any property in Midway.

Unfortunately, I did not notice the additional tax increase as it began in 2014 as my taxes are automatically paid through an escrow account with my mortgage company.

I appreciate your consideration of our refund and resolving the errors of our designation. Thank you.

Kind Regards,



Mark and Teri Eaton
484 Shepherd Way
Park City, UT 84098

Account # 0353429

Annette Singleton

From: Ashley Berry
Sent: Tuesday, September 20, 2016 1:23 PM
To: Annette Singleton
Subject: RE: Ltr from Mark Eaton
Attachments: 2016_09_20_13_09_24.pdf

Annette- Here is the timeline of events that happened with Mr. Eaton's property for the council. Let me know what time and I will be there

In November 2012 the county received the attached forwarding address from the Post Office and the Records Office changed the mailing address on parcel GFRCH-7-AM.

In April of 2013 as part of our on-going audit, the Assessor's Office mailed an Application for Residential Exemption to Mr. Eaton at the Midway address and received no response.

In April of 2014 a second letter was sent to the Midway address notifying the owner that without current application, we could not continue to grant the primary exemption. The Assessor's office does have an old signed statement (also attached) dated September 2004 but our understanding in April of 2014 was that Mr. Eaton had relocated to Midway because of the mailing address, and we needed a new application stating how the property was being used currently.

Because of the lack of current application and the Midway mailing address we recommended the exemption be denied. In May of 2014 Bill Kranstover, the hearing officer appointed by the Board of Equalization, approved the removal of the primary exemption.

The treasurer's office has noted in their files that the tax notices for 2013 and 2014 were both returned, not deliverable as addressed.

March of 2015 Mr. Eaton notified the recorder's office of the correct mailing address.

Mr. Eaton did receive the 2015 Disclosure and Tax Notices

August 22nd 2016, Mr. Eaton filed an appeal with the Board of Equalization for primary and the exemption was granted for 2016.

Thanks
Ashley

From: Annette Singleton
Sent: Wednesday, September 14, 2016 2:48 PM
To: Ashley Berry; Steve Martin
Subject: Ltr from Mark Eaton

Hi Steve and Ashley. Mark Eaton has provided the attached letter to Council. I spoke with him and told him I could add the item to the September 28th meeting. Would you kindly provide me with the specifics from the Assessor's office, so I can provide that to Council as well? Also, who will be attending the Council meeting?

Annette Singleton

Executive Assistant
Summit County
435-336-3025

SEP 08 2004

State of Utah

SUMMIT COUNTY

By: _____

Affidavit of Primary Residence

Pursuant to 59-2-103 UCA

I understand that, pursuant to Utah Code 59-2-309 (2), any misrepresentation of this affidavit subjects the owner to severe penalties.

I hereby certify that:

A. I am the owner of the following described property: (Please print name, property address or condo unit number and mailing address).

Name: Mark Eaton Parcel Serial # Ac# 353429
GFRCH-7

Property address: 484 Shepherd Way

City: Park City, UT State: UT Zip: 84098

Mailing address: P.O. Box 982108

City: Park City State: UT Zip: 84098

and the above described property is my permanent, full time residency and that I have no other permanent residence either in the State of Utah or any other state.

Date of Occupancy: 9/8/04

Signed: X) [Signature] Dated: _____

*** OR ***

B. As the owner, I am leasing the above described property on a year round basis to the tenant named below as of the _____ day of _____, 19____. Attached is a copy of the lease.

Name of leasee: _____

Address: _____

City: _____ State: _____ Zip: _____

Owner Signature: X) _____ Dated: _____

Submission of this application authorizes the Assessor and/or staff to request or collect information sufficient to verify Primary Residence status. A listing of criteria used to determine residence status is found on the back of this form.

CRITERIA FOR DETERMINING PRIMARY RESIDENCE

Factors used to determine residency include:

- * Voting record,
- * The length of continuous residency in the place claimed as primary,
- * The nature and quality of the living accommodations at the claimed residence,
- * The presence of family members at claimed residence,
- * The place of residence of the claimant's spouse,
- * The physical location of the claimant's place of business or sources of income,
- * The physical location of the claimant's banking facilities,
- * The location of registration of vehicles, boats, and RVs,
- * Membership in clubs, churches, and other social organizations,
- * The addresses used on such things as:
 - i. telephone listings,
 - ii. mail,
 - iii. state and Federal tax returns,
 - iv. listings in official government publications or other correspondence,
 - v. driver's license,
 - vi. voter registration, and
 - vii. tax rolls.
- * The location of public schools attended by the claimant or his/her dependents,
- * The nature and payment of taxes in other states,
- * Declarations of the claimant:
 - i. communicated to third parties,
 - ii. contained in deeds,
 - iii. contained in insurance policies,
 - iv. contained in wills,
 - v. contained in letters,
 - vi. contained in registers,
 - vii. contained in mortgages, and
 - viii. contained in leases.
- * The exercise of civil or political rights in a given location,
- * The failure to obtain permits and licenses normally required of a resident,
- * The purchase of a burial plot in a particular location,
- * The acquisition of a new residence in a different location.

FOLD ON DOTTED LINE SO RETURN ADDRESS SHOWS, STAMP, AND MAIL.

From:

PLACE
POSTAGE
HERE

RETURN TO:

*Summit County Assessor
P.O. Box 128
Coalville, Utah 84017*

CORRIE FORSLING
SUMMIT COUNTY TREASURER
60 NORTH MAIN STREET
P.O. BOX 128
COALVILLE, UT 84017-0128

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
SALT LAKE CITY, UT
PERMIT # 7148

ADDITIONAL CHARGES APPLY IF POSTMARKED AFTER NOV. 30TH, 2012
PROPERTY TAX INFORMATION ENCLOSED

484 SHEPHERD WAY

0353429
EATON MARK
484 SHEPHERD WAY
PARK CITY, UT 84098-

GFRCH-7-AM

MAIL TO

0101015873

DUE NOVEMBER 30, 2012
X 844 NFE 1 7111 00 10/31/12
EATON
938 SCHNEITZER CIR APT 7
MIDWAY UT 84049-6105
RETURN TO SENDER

8401700128
J-PMSPI



MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 25, 2016
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, Council Chair
Chris Robinson, Council Vice Chair
Kim Carson, Council Member
Claudia McMullin, Council Member
Tal Adair, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
Kent Jones, Clerk
Brandy Harris, Secretary

The Summit County Council attended the Animal Control Center Ribbon Cutting and Open House held at 1745 South Hoytsville Road, Coalville, Utah 84017 from 1:00 p.m. to 1:45 p.m.

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 2:00 p.m. to 2:48 p.m. Those in attendance were:

Roger Armstrong, Council Chair
Chris Robinson, Council Vice Chair
Kim Carson, Council Member
Claudia McMullin, Council Member
Talbot Adair, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
David Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Jami Brackin, Deputy Attorney

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

CONSIDERATION OF APPROVAL

- **Pledge of Allegiance**

Discussion and possible approval of funding the Rain Harvest Program; Nick Schou and Lisa Yoder

Chair Armstrong stated last year the Rain Harvest Program was quite successful, and this year the Rain Harvest Program is asking for \$5,000 so more people can take advantage of the program. Council Member Carson stated she doesn't have any concerns with the program, but just wanted to make sure the Council was considering this in relationship to all of the priorities and other things that they could be doing with budgeted funds in the area of sustainability. She asked if there was anything else that the Council could be doing with these funds that could make a real impact. Chair Armstrong stated the program has a 12 to 13% profit built into it with the wholesale cost of the barrels being \$67 and then adding another \$12 on top of that. Nick Schou on behalf of the Rain Harvest Program stated they are trying to make the program sustainable and the extra percentage has been budgeted in for staff time. Vice Chair Robinson stated he can't think of a program in which the county could spend \$5,000 that would have this kind of leverage. He stated there may be other things, but they are much bigger lists and this one has immediate impact and it accomplishes a lot of simultaneous goals of public awareness and the importance of water. He stated it seems like a very easy thing to do for very little money for such a great impact.

Council Member Adair asked if there could be an option for those persons that wanted to pay the full price for a barrel (because they have the means to do that) without the county's subsidy, if they could do that to stretch out the dollars of the program. Nick Schou replied absolutely, and stated that was a great idea. He explained one thing they would like to do long-term is have an aspect of the program that focuses on under-served residents and low-income residents, particularly in the Salt Lake Valley because they're most impacted by poor water quality, so they could do that on the presale website and make it very clear that there are two options. Council Member Carson stated they can limit the purchase to one barrel with the subsidy per household and any additional barrels would be at full cost and that could stretch the funding, but she would leave that decision up to the Sustainability Program Manager, Lisa Yoder.

Council Member Carson made a motion to approve the funding of \$5,000 for the Rain Harvest Program. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

WORK SESSION

Chair Armstrong called the work session to order at 3:04 p.m.

- **Updates from Mountain Regional Water Special Service District; Andy Armstrong, Director**

Director Andy Armstrong introduced to Council the Mountain Regional Water Special Service District control board members and members of staff that have been instrumental in helping provide safe and reliable water to the community. Those members included: Mike Kobe, Brett Mickelson, Chris Eggleton, Scott Morrison, and Chris Braun. Scott Green presented a PowerPoint presentation and stated the county has roughly 4,000 rooftops over an area of about 25 square miles and they move about 10.5 million gallons of water on peak day during the summer, with an annual basis of about 5,800 acre-feet delivered. He explained from a capacity standpoint they can pull up to 10,000 gallons a minute from the Weber River and move that water up to the top of Promontory where their treatment plant is located and treat about 4 million gallons a day. He stated their water sources are quite diversified, with the Weber River being the obvious primary surface water source. They also have 10 wells and 1 spring. Mr. Green went on to explain what areas Mountain Regional Water serves and their wholesale water delivery 2016 projections. He stated their focus for the first 10 to 15 years was on modernizing the systems they had taken over and interconnecting them and getting them to function well as a whole unit. He stated as they look forward their focus is more on building onto that by adding capacity, adding some redundancy, and adding some storage facilities onto those initial systems that they have taken over.

Andy Armstrong stated they are making efforts toward a more robust and resilient system. Chair Armstrong asked what the oldest elements of the system are in the infrastructure and what kind of shape they are in. Andy Armstrong replied Summit Park is about 60 years old and in conjunction with the county they typically repair one section of Summit Park at least two out of three years. Chair Armstrong asked if the materials they work with now are such that four years from now they'll be in better shape than the existing original facilities. Andy Armstrong stated they hope so. He stated they hope the new plastics they are using are a little more resilient and a little less corrosive, but that remains to be seen because it's still kind of "prototype stuff."

Mr. Green continued the presentation and explained Future Efficiency Projects, Technological Advancements, Information Dissemination & Security, and lastly Community Service & Industry Involvement.

- **Updates from METHODstudio and Epic Engineering regarding Kamas Services Building; Matt Jensen**

Matt Jensen, Procurement Administrator, presented an update of the Kamas Services Building and went into detail as to the site plan, floor plans, and sustainability features of the building. He stated their target construction budget was \$4.38 million. The current estimate is \$4.51 million, so about 3% over budget equaling \$130,000. Mr. Jensen went over different alternatives they have considered structurally and internally within the building to bring costs down and stay within budget. They are looking at fundraising efforts for potential donations to fund some of those things that they've been scaling back on. Mr. Jensen stated they are in the middle of their construction document phase right now detailing and engineering all of their systems. They are

hoping to have bid documents ready by mid to late June, with starting construction in late July, and then occupancy in winter or early spring in 2017.

Vice Chair Robinson asked with respect to the senior area and the kitchen on the lower level if there was any outdoor living or dining space that could be easily connected by patios or a pergola where meals could be served on a terrace. Mr. Jensen replied they have started working with their landscape architect in more detail at some of the outside spaces and that area is one that they have identified as a potential space for what Vice Chair Robinson was talking about. He stated it's not out of the project scope to include a patio area where they could have lunch.

Council Member Adair asked what finishing products they are considering in maintaining the outside wood of the building. Mr. Jensen replied all of the exterior wood is a composite wood panel that's meant to be low-maintenance exterior grade. It's wood veneer that's laminated to a plastic core and has a coating over it so it's not susceptible to the wood fibers opening and closing with heat and thaw. It's a product designed specifically for exterior that doesn't require finish or maintenance, other than to wash it down. He stated the product is a little more money, but in terms of maintenance it's a good product.

- **2016 Wildfire update and season outlook; Bryce Boyer, Fire Warden**

Fire Warden Bryce Boyer stated for the May, June, and July outlook, they're looking at a season similar to last year at this point -- probably not real active in fire but still has that small window chance in late August/September for fires to occur. Mr. Boyer stated they have been continuing training with all three fire districts. They've put on an advance firefighter course that's starting to move folks up in management, so more in-depth training. He stated they're looking at about 15 to 16 participants between the three districts that are going to work to advance their knowledge and certification levels. Mr. Boyer briefly went over the aircraft they have available and where they are located if the county does start to experience some fires.

Chair Armstrong asked in relation to the 15 basic wildfire firefighters that have been certified, if they are used on an on-demand basis and not working unless needed, or if they are on staff and compensated during the season. Mr. Boyer stated they put on a basic wildland class with Park City Fire this spring. He explained it was their new hires which they required them to get basic wildland fire training. As a part of that they also invited North Summit, South Summit, and Wasatch County, but they did not participate this year. They added additional members (6 in the basic from Park City and 4 from North Summit and the rest were made up of North Summit firefighters.) Chair Armstrong stated, "So these are essentially local firefighters that are called into action if there's a wildfire that have special training?" Mr. Boyer replied yes, and that's also the same as far as the advance with the additional 16 going to the advance firefighter. So they are going from basic knowledge of a wildland fire to being an entry-level supervisor and being able to oversee five to six other firefighters.

Chair Armstrong asked in regards to the fixed winged aircraft and helicopter contracts if there is a direct cost to the county for that absent the need. He asked if it is just an on-demand basis and the contract covers it and the State reimburses the county for some of the costs. Mr. Boyer explained the way those contracts were written are with the U.S. Forest Service. So if it's a

contract aircraft, whether it's fixed-wing or rotor, if it is under contract it's less expensive. If those are all being used and the county ends up getting one of the on-call aircraft, it means more expense to the county as the end user. Mr. Boyer stated as of January 2017 there will be new laws and state legislation that they will schedule another work session with the Council to discuss. He stated aircraft won't be an expense to the counties. The State is saying they will pay all aircraft costs, but there will be tradeoffs to that. Instead of cutting a check and sending it to the State like they've had to do in the past, it will be a county match, which is looking like a hundred thousand a year in preventions, mitigation, and education.

- **Presentation regarding Solid Waste Fee Billing by Republic Services, and Residential Refuse and Recyclables Collection Contract Extension with Republic Services; Derrick Radke, Public Works Director, Reese DeMille, Scott Mullan, Republic Services**

Public Works Director Derrick Radke reviewed during last year's budget session, the Solid Waste Group asked the Council to approve a solid waste and recycling collection fee. The Council approved that as part of the 2016 budget. Chair Armstrong stated just to reemphasize, this fee was passed last year, which was passed as the part of the county budget. It was discussed on the radio and in the newspaper, and it was not a surprise. He explained during that time they had discussions about how they are going to bill for this. It was previously discussed if the county should send out separate letters or find another means. Chair Armstrong explained Republic Services have done the evaluations of all the possible billing mechanisms and will now present the most cost efficient way to do this.

Mr. Radke stated they did a lot of research in-house and out-house in preparation for the billing fee. He stated it's 4% or about \$2.35 per bill. Mr. Radke stated they couldn't touch that in-house, and out-house third-party billing would be somewhat less than what in-house would be, so that was the conclusion. Mr. Radke stated the Council approved this; however, there was some misinformation given on the radio. It's \$36 dollars per year so \$3 per month; not \$36 per month. The public service is proposing to do this for \$2.35 per bill, assuming all administrative costs and all risk on collection.

Vice Chair Robinson stated the billing is going to be through the U.S. Postal Service, so what do they do in an instance where a resident has a P.O. Box and doesn't have mail delivered to a physical address. Mr. Radke stated they have the physical site address and the mailing address or the billing address for all residents. He explained part of the way they'll be able to collect is when a resident doesn't pay, after a certain time period they will pick those cans up and they won't be returned until they pay a \$50 reissue fee. He stated Republic's existing contract allows for \$24,000 a year to be spent on public education and they're going to spend the majority of that on education on this billing process.

Mr. Radke explained another advantage to having Republic do the billing is it would allow residents to have curbside extra bag service; they will be able to do both pickup services, greenway services, and other things they'll be able to offer residents in the future. Manager Tom Fisher asked how residents will access those types of services. Mr. Radke replied they will be able to call or be able access it via the web. There's also a mobile app called "My Resources" that can be done on a smartphone that gives them access to that system.

Mr. Radke explained the contract is good from 2017 to 2022. It does allow for one five-year extension, but their costs are going up so they proposed a couple of adjustments in the amount we pay to them. Right now the contract is adjusted in July of every year based on the overall CPI index. Solid Waste has agreed to recommend a two percent minimum and three and a half percent maximum, so it's relatively predictable over the next five years.

After further discussion, Council decided they would like to schedule another work session and have more financial information provided as to costs of services and how they were obtained before deciding to negotiate a renewal of services with Republic Services.

CONVENE AS THE BOARD OF SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

Council Member Carson made a motion to convene as Board of Snyderville Basin Special Recreation District. The motion was seconded by Vice Chair Robinson and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization was called to order at 5:31 p.m.

DISCUSSION AND POSSIBLE APPROVAL OF FIRST AMENDMENT TO DECLARATION AND NOTICE OF USE RESTRICTIONS (KIMBALL JUNCTION) DATED MAY 12, 2016, BY SUMMIT COUNTY, SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT, BOYER SNYDERVILLE JUNCTION, L.C., AND BOYER SNYDERVILLE 1, L.C.; Dave Thomas

Deputy Attorney Dave Thomas reviewed that the Recreation District in the county owns the PRI open space, which is subject to a declaration and notice of use restrictions for the benefit of the undeveloped portions of the Park City Tech Center. Currently in the declaration notice, any changes to that declaration is the signatory, not just the county and the district, but Boyer. While they were going through the process with Boyer, who has issued a release for the Rocky Mountain Power substation, their attorney brought up the fact that: What happens if the county sold off all the property and according to the declaration, Boyer is still the signatory, if the county ever wanted to do something like what they are doing with the substation or like what they did with UOP? At that point in time, many years in the future, who knows where, Boyer is or is not. The question became for them that Boyer may not really care at that point since it has no real interest in the property anymore. What they proposed is something they've been doing apparently more recently for other projects they have, which is, the last lot that Boyer sells off -- so there's no other undeveloped land after the last one -- Boyer will designate the owner of that lot as the signatory for purposes of this declaration in case the county wants to make any changes. The county will then have somebody who actually has an interest in land making a decision on behalf of all of the other land owners and it won't be Boyer who has no interest. Mr. Thomas explained the purpose of this amendment is to basically memorialize that into the declaration.

Vice Chair Robinson stated that seems like a very weird way of doing it to him. He asked what happens if the last person who owns a quarter-inch square of property doesn't like the county for some reason. Mr. Thomas replied they would have the same problem with Boyer because Boyer may be in a position at that point in time they don't have an interest in the county. He explained every time they take out property it takes time and money to deal with Boyer's attorneys to do it. And Boyer does it because Boyer has an interest in working with the county. If Boyer no longer has an interest, then odds the county is not going to get any changes in the future and the county's not going to be able to pull out anything from the deed restrictions because Boyer is not going to be interested in doing it at all. They have no interest. Vice Chair Robinson asked if there was an owner's association to whom the benefits under that deed restriction flow in a collective fashion and Mr. Thomas replied there is not. Mr. Thomas explained currently the benefitted land is the unimproved land that's remained in the Park City Tech Center and the declaration says the entity that speaks for those undeveloped portions is Boyer and that at the end when everything has been sold off and improved; Boyer is still that entity that approves any changes to the declaration. Vice Chair Robinson stated it just seems like the county would want to leave it in the hands of somebody who has an interest then you'd want whoever the successor to Boyer is on the undeveloped land to flow to that person or entity, such that they'll be dealing with the county and have reasons why they would want to get along and then when everything is built out and we're down to the last piece then maybe this works.

Vice Chair Robinson stated it seems to him that they're jumping the gun on this and the county is a long way from the last parcel being there, and who may be Boyer's successor is anybody's guess. He stated it seems like this would be a great discussion when they're down to the last two or three parcels, but to assume that the county needs to act on it now when they've got one building and one that's in the works may not be necessary at this point. Mr. Thomas stated the risk in waiting to do this 20 years from now is that if the county doesn't do anything and just lives with the deed restrictions as they are and then at some time in the future when Boyer has no interest in this piece of real property and the county will want to pull out a piece to do something like a further expansion of Rocky Mountain Power and the county won't be able to do it because Boyer is not interested anymore and they don't want to have their attorneys look at it and they don't want to go through the cost, and maybe they're not even in existence anymore. That's the risk that the county has of not having someone who is a property owner and has an actual interest in the property. There is the risk that at that point in time that person won't like us and will say no. But the greater risk is that Boyer won't care anymore and it will mute the issue completely and the county won't be able to do it. Chair Armstrong stated he would be more than inclined to try and identify the conservation entity who could take that over because they would be more inclined to pay respect to those deed restrictions that are intended to conserve that property.

Council had further discussions about possible conservation easements and how that may be beneficial in this situation. Council Member Carson then suggested instead of saying exactly what would happen upon the sale of the last parcel, what if they put in the clause something to the effect of: "Upon the sale of the last parcel that Boyer and the County Council serving as the Governing Board of Special Rec made a decision mutually approved of who the designee would be." Mr. Thomas stated he could put that in and see what Boyer says. Council Member Carson stated there might be an HOA at that point which would be the most appropriate body in this situation.

Vice Chair Robinson asked if it was worth having a work session to discuss what the county wants with this property and whether they would like to put an easement on it or something to a different effect. Mr. Thomas replied that Boyer would have to agree to it. If the county is talking about either one at the end of this jointly appointing the benefitted party for purposes of the agreement, or if the county is saying it's got to be replaced with a conservation easement, if Boyer is not willing to do either one of those it's probably not worth with the work session to discuss it.

DISMISS AS THE GOVERNING BOARD OF SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

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

PUBLIC INPUT

Chair Armstrong opened the public input at 6:04 p.m.

There was no public input.

Chair Armstrong closed the public input at 6:04 p.m.

COUNCIL COMMENTS

Council Member Adair stated he attended the legislative fire meeting on the new legislation that was passed. He stated as he sat with all the fire districts, they talked about possibly setting aside one weekend in the spring to get the whole county engaged year after year to highlight fire and fire prevention and they all thought that was a great idea.

Council Member Carson stated that she, Robert Hilder, and Lisa Yoder will be meeting with Casey Snyder and will be doing some more work on the PLI and will report to the Council in the next week or so on that. Council Member Carson stated she will also be meeting with the Justice Reinvestment Initiative Group with Matt Bates. She stated Mr. Bates was assigned to the Third District Court, which she is thrilled for him, but it's their loss for the county. Council Member Carson stated her and Sean Lewis have been working on a committee through MAG looking at resource management, data collection and contractors. She stated they had some interviews, a process to put together and review applications. She stated two weeks ago they attended a meeting to interview two final candidates and this week they're going to be meeting with the candidates that were selected, which will be kind of a kick off for these resource management plans. She suggested Council do a work session to review these resource management plans since some of this is going to be presented to the Council for review and adoption.

Chair Armstrong stated he thought the COG meeting went well, but when he read the Park Record report today it didn't feel the same. He thought that the mayors were pretty open to the transportation solutions that were being proposed and that they were open to more meetings with

Tom Fisher, Derrick Radke, and Caroline Ferris. He explained their focus is on what they need, so it's not that they're not in favor of potential bonds or property taxes or sales taxes, but it's that they want to make sure that they get relief for their needs that they can't keep up with. Manager Tom Fisher stated he thought the biggest expressed item was not new road projects, but it's maintenance on their current systems. Chair Armstrong stated they talked about sharing resources and perhaps they can look around and see if there are means of assisting. Mr. Fisher stated that he and Mr. Radke are working on a couple of ideas for that.

MANAGER COMMENTS

Manager Tom Fisher stated next Wednesday is the day that KPCW changes over to their new frequency and they are having a time frequency change party at 9:17 a.m. and Council will get invites. It's at the plaza next to KPCW studios.

Mr. Fisher attended the ribbon cutting at the Animal Services Facilities earlier in the day. He stated it was great to see a very enthusiastic crew talking about what they do and what they see in the facility.

Mr. Fisher stated he had a meeting with Charlie Sturgis and Dick Stoner about some things that they like to do in regards to getting the Rail Trail in the North Summit area a little bit more active in the future, and he's guessing Council be hearing from them also in the future on that.

The County Council meeting adjourned at 6:23 p.m.

Council Chair, Roger Armstrong

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 8, 2016
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Tal Adair, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
Kent Jones, *Clerk*
Brandy Harris, *Secretary*

CLOSED SESSION

Vice Chair Robinson made a motion to convene in closed session to discuss litigation. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 12:10 p.m. to 2:00 p.m. Those in attendance were:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*

Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*

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

CONSIDERATION OF APPROVAL

- **Pledge of Allegiance**

Consideration and possible action regarding Rocky Mountain Power Croydon – Silver Creek Transmission Line Upgrade Phase 2 Appeal; Sean Lewis, County Planner

Chair Armstrong gave a brief summary to what information the Council had regarding this issue. Chair Armstrong stated in an effort to increase electric capacity to Summit County and possibly beyond, Rocky Mountain Power is upgrading old facilities and the amount of power that can be delivered. He stated he doesn't believe anyone has any kind of disagreement with the capacity issue, but it sounds like the primary focus of any disagreements now is exactly where those lines are going to be. There's an existing easement in place since 1916. It allows them to upgrade the lines as necessary. There's some disagreement over the width of the easement. The width will have to be expanded somewhat from the center line. Rocky Mountain Power as a matter of record would like to upgrade the existing easement. There have been some discussions with approximately 202 landowners who have signed updated easements for this entire run, and five people are not sure that's something they want to do.

County Planner Sean Lewis clarified that at the beginning of the application process there were five landowners who had not signed, but since the decision of the Planning Commission in December, one of those five have signed so the number is now four that have not signed a new easement. Mr. Lewis explained it's been Rocky Mountain Power's position that they've got two ends where the realignment could happen. They've had a defined place where the start pole is, but where to tie that in at the back end has always been a dispute of finding an agreeable landowner to take that on, which was outside the four or five landowners' properties. So realignment may not just include the land owned by those four or five.

Mr. Lewis stated the issues are two-fold. One is the discussion regarding the proposed easement and the scope of the 1916 easement. If the 1916 easement is valid in that Rocky Mountain Power has the right to upgrade the transmission line on a property and it is bound by the 1916 easement, then staff feels that easement is good enough for landowner approval for that power transmission line to be there and therefore the application can move on as compliant with the code. The other issue addressed in the staff report was the relocation of the line. The Planning Commission did go to great lengths to allow Rocky Mountain Power and the landowners to work out an agreement. For whatever reason an agreement could not be made, so Rocky Mountain Power asked for a decision from the Planning Commission on the original alignment. Staff has recommended consistently throughout the process that the original alignment was compliant with the code assuming that the original easements were valid for a transmission line.

Chair Armstrong stated the landowners are concerned about electromagnetic impacts on health. The easement itself authorizes the utility to maintain electric power, transmission, and telephone circuits. He stated if they simply wanted to come in and replace poles and replace the lines the easement would allow that, but there are some changes in terms of the heights of the poles from 45 feet to 100 feet and in one case 120 feet. Mr. Lewis stated it's an average 20-foot difference on each of the poles. The pole heights are different as they go down the line, but the mean distance is 20 feet. There was some discussion as to whether heat from the lines would cause the lines to sag and if the voltage increase would be a health concern for residents.

Regional business manager for RMP, Chad Ambrose, stated he would be happy to answer any questions from Council. Vice Chair Robinson stated he'd like to know among the four or five landowners the setback from existing pole lines to any other structures. Mr. Ambrose replied they created a LiDAR study which measures structures to RMP's transmission lines with great accuracy that will answer the question about the existing line to the existing structures versus the new line. Mr. Ambrose explained the new easements are 30 feet on each side. The objective there is to be able to mitigate risks where possible. He stated if they've got homes -- which they do in this case along the line, there are homes that are breaching that 30-foot mark -- what they fall back to is the National Electric Safety Code which governs the safety of the public and its interaction with the utility. He stated there are some structures that will fall within those 30 feet; however, they have to measure vertically and they also have to measure horizontally to the structure. Mr. Ambrose went through some of the physical structures and how far they are from the pole line, as well as voltage and EMF as it applies to these poles.

After a very lengthy discussion between Council, Rocky Mountain Power, concerned citizens, and various other participants, Chair Armstrong thanked the public for turning out and stated the Council would deliberate this matter and render a decision in due course. Deputy Attorney Dave Thomas stated to the public that when Council renders their decision, they will agenda that so it will be on the record.

Approval of recommendations of the Summit County Recreation Arts and Parks (RAP Tax Cultural) Committee

Vice Chair Robinson made a motion to approve the recommendations of the Summit County Recreation Arts and Parks (RAP Tax Cultural Committee) as presented. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0

Approval of recommendations of the Summit County Restaurant Tax Committee

Vice Chair Robinson made a motion to approve the recommendations of the Summit County Restaurant Tax Committee as presented. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

Approval of the 2016 May Tax Sale; Kathryn Rockhill, Auditor's Office

Vice Chair Robinson made a motion to approve the 2016 May Tax Sale as presented. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

COUNCIL COMMENTS

Council Member Carson stated last week she, Lisa Yoder, and Roger Armstrong met with the Forest Service to talk about the Plat Petroleum application for exploratory wells. She stated they had a good meeting and they're going to continue to work with them and take a tour at the area to have some assurances that protections on other wells are in place.

Council Member Carson stated she also received notification that she was appointed to the UINTA-WASATCH-CACHE Resource Advisory Committee, which she is excited about.

Council Member Carson stated she received an inquiry as to whether Summit County facilities would be willing to add transgender restrooms or signage, and addressed that question to Manager Tom Fisher, stating it was a request from the public. Mr. Fisher stated he would look into that.

Council Member Carson stated there's an affordable housing forum through the Park City Board of Realtors on August 26th. It will be held from 11:45 a.m. to 1:15 p.m.

Council Member Carson stated the Health Department did approve a water concurrency ordinance the previous Monday. She stated they had a good meeting and made some good necessary changes to it. They haven't approved the final document but when they do she will forward it to Council members.

MANAGER COMMENTS

There were no manager comments.

CONVENE AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

Vice Chair Robinson made a motion to convene as Board of Snyderville Basin Special Recreation District. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

The meeting of the Snyderville Basin Special Recreation District Board was called to order at 4:01 p.m.

DISCUSSION AND POSSIBLE ADOPTION OF SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT'S POLICIES AND PERSONNEL POLICIES; Brian Bellamy, Jami Brackin and Megan Suhadolc

Snyderville Basin Recreation Business Manager Megan Suhadolc stated they have been working with Deputy Attorney Dave Thomas since January, and the board adopted their recommended policies on May 11th. She stated for their district policies only have two items that are different than what the county has proposed, the first one being electronic meetings. In the proposed change policy electronic meetings would be eliminated. Basin Rec asked that it be re-added into their policies. She explained they have had electronic meetings in their policies since 2002 and it's been working well for their district since they've had it in place. She stated they have several professional board members that need to travel for work and the amount of meetings that are being held seem to be increasing in frequency, so they would really like to extend the opportunity for board members to be able to call in or Skype into a board meeting. She stated they have safeguards in their policy in the event that policy is being abused. Council Member McMullin asked if they have a limit on how many times someone can call in within a certain period of time and Ms. Suhadolc replied that they do.

Ms. Suhadolc stated the other policy they would like to address was in regards to dual signatures on checks. She explained in their prior policies they have allowed two board members, a district director, and a district designee to sign checks, so two of those four to sign checks. With the proposed change, the directors designee was pulled so that means there's only three people that can sign checks -- one staff member and two board members. She stated they have to generate checks occasionally out of their cycle of every two weeks, which makes it harder to operate with only three signers. Basin Rec is asking to add a fourth designee that their board would designate to be able to sign checks. Council Member Carson stated she thought there was a reason for having these types of procedures in place and it's to protect from fraud. Dave Thomas explained it's about fiscal controls, and he thought that they could include the director as a designee as long as at least one signature was still a member of the board who has that outside interest. Basin Recreation District Director Brian Hanton stated their board retroactively reviews and approves all of the checks that were written in the past month. They do that at every meeting. He stated it's a difference of signing a check and approving it in advance by one board member versus approval by the entire board subsequently. The other suggestion he made was maybe it would be acceptable to establish a dollar amount limit and they can say for checks over \$3,000 (or whatever the amount is determined) would require a board member to sign that check.

Vice Chair Robinson suggested that they make it so the board does have the right to designate another staff signer for checks \$5,000 or less, and that they can be signed by any two of the four. For checks in excess of \$5,000 it would require at least one board signer.

Board Member McMullin made a motion to adopt the Snyderville Basin Special Recreation District's Operational Policies with the amendments that were suggested. The motion was seconded by Board Member Carson and passed unanimously, 4 to 0. Chair Armstrong was not present for the vote.

Deputy County Attorney Jami Brackin went over changes that were adopted into the new Basin Rec personnel policies. Ms. Brackin stated they have adopted the county's policy that all part-time employees and seasonal employees have to work less than 29 hours a week. She explained the district has a need to have some full-time seasonal employees so they made that change in their policy and have incorporated that.

Ms. Brackin stated the work hours the statute requires that county offices be open is from 8:00 to 5:00. The district offices are open from 8:30 to 5:00, but they are not officially a county office so they wanted to make the Council aware of that and make sure that was okay with the county, that the public hours are 8:30 to 5:00.

Ms. Brackin continued to explain all Proposed vs. Current District Policies in regards to: Employee Evaluations, Motor Vehicle Records, Definition of Seasonal Employees, Compensatory Time, Performance/Incentive Awards and Bonuses, Group Insurance for Part-Time Employees, Dental Insurance, Vacation, Sick Leave, Funeral Leave, Holidays, Administrative Leave, Retirement, and Drug Testing.

In regards to bonuses, Council expressed they would like to see a percentage bonus cap of 5% maximum based on annual budget limitations tied to exemplary employee performance at the discretion of management, with these awards granted in December of each year.

Ms. Brackin explained currently anybody that is offered a position to work at the county must undergo pre-employment drug testing. Basin asked the county if they could forego the pre-employment drug testing, stating largely it's a budget hit for them to do a \$55 test for the amount of seasonal, part-time, and temporary employees that they hire. She stated they are happy to do random drug testing in safety sensitive positions, which they define as driving vehicles for the district or operating equipment, and then testing for cause or suspicion. Council stated they would like further information from other Utah Local Governments Trust before making a decision on the requirement of pre-employment drug testing.

Board Member Robinson made a motion to adopt the Snyderville Basin Special Recreation District's Personnel Policies as directed in the amended draft, subject to the provisions of Section 12 (with the exception of the drug screening element which they will vote on at a later date), all effective January 1, 2017. The motion was seconded by Board Member Adair and passed unanimously, 5 to 0.

Board Member Carson made an amendment to the Snyderville Basin Special Recreation District's Operational Policies that they are effective January 1, 2017. The motion was seconded by Board Member Robinson and passed unanimously, 5 to 0.

UPDATE REGARDING RECREATION FACILITIES MASTER PLAN; Megan Suhadolc and Brian Hanton of Snyderville Basin Special Recreation District; and Lisa Benson and Mark Vlastic of Landmark Design

Lisa Benson of Landmark Design stated the focus of the recreation facilities master plan study was to develop site-specific alternative concept designs such as where these facilities go, to look at construction costs, operational costs, those sorts of items to help develop a regional plan. There have been five public meetings to this point. Ms. Benson stated they are planning a draft plan open house for June 29th, and they have been meeting with their advisory committee throughout the process. She stated they have a project website with all of the information and encouraged Council if they have a chance to take a look at that. She stated they put all of the plans up and all of the notes from all public meetings on the site.

Ms. Benson presented a PowerPoint presentation and explained the Advisory Committee established four guiding principles for the plan: (1) Use land, energy, and money responsibly (2) Take a regional approach (3) Ensure transit and multi-modal connections (4) Engage the private market in partnerships. Ms. Benson presented a map which shows the distribution of the sites. She stated they had a dozen sites that they were looking at. She explained for all of those sites they built anywhere from one to five concepts. She presented an example of one of the preliminary concepts they did for the silver creek parcel. She explained they came up with a broad list of evaluation criteria as well as a point category that is applied. They took all of those criteria and applied them to every concept for every site, which provided them with a layer of objective analysis.

Ms. Benson stated out of all of the dozens of concepts and the scoring and discussions with the advisory committee, they developed four regional alternatives which were presented to the public, which range from "Alternative 1" to "Alternative 4." She stated they brought in a cost estimator that was able to place these options in their general categories and provide planning costs on a general level.

Ms. Benson stated some general issues they wanted to address going into their traffic plan included traffic and transportation, the gap in Pinebrook and Jeremy Ranch area, accessibility, and funding and timing. A detailed traffic study was not in the scope of this project but they realized that's a huge issue so they're trying to take that into account thinking about these concepts as they move forward.

Vice Chair Robinson asked how they would describe the gap in the Pinebrook/Jeremy Ranch area. Ms. Benson replied when looking at the maps the only thing that is in that area is the Ecker aquatics. She explained they are aware of this gap and that it needs to be addressed at some point as the opportunity arises.

Chair Armstrong asked what the next step is in the draft plan and what happens after this. Ms. Benson replied they will be meeting with staff to make sure things are headed in the right direction and they are starting on the actual development and writing up the draft plan itself. They are contracted to present to each entity at whatever meeting they choose, and it's up to each group to go through an adoption.

DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

Board Member Robinson made a motion to dismiss as the Governing Board of Snyderville Basin Special Recreation District and to reconvene as the Summit County Council. The motion was seconded by Board Member Carson and passed unanimously, 4 to 0. Board Member Adair was not present for the vote.

The meeting of the Governing Board of the Snyderville Basin Special Recreation District adjourned at 5:34 p.m.

WORK SESSION

Chair Armstrong called the work session to order at 5:35 p.m.

- **Presentation of Park City Chamber/Convention & Visitors Bureau marketing activities for both Summer/Fall 2016 and plans for Winter 2016/2017; Bill Malone, President and CEO**

President and CEO of Park City Chamber Bureau Bill Malone presented a review of this year's record-setting ski season. He provided the Council with articles about Park City that were clipped since October. He stated the publicity value of the book of article clippings was over \$29 million in value. They included articles from publications such as Redbook, Forbes, Travel

and Leisure, Men's Journal, U.S. Today, Outside Magazine, and the New York Times. He stated it takes a lot of work to get these articles written. Many of these articles started with desk-side visits to these editors in their own publications encouraging them to come out and to write articles about Park City. A lot of these were a lot of dinners out and a lot of photography story ideas. He stated that side of their business had a spectacular winter and the value of the media was more than the year before the Olympics in terms of the media attention that was drawn to the community.

Mr. Malone stated as it relates to this past ski season their lodging numbers were up 7% over the previous year. In terms of occupancy they were up in five of the six months of the wintertime. He reported the skier days at the two ski resorts in Summit County were up 13.6% in the last year and 2.5% over what was their previous record of previous skier days in 2010/2011. This will be the ski season that brings the highest tax revenues ever.

Vice President of Marketing for Park City Chamber Bureau Jim Powell stated they conducted some research focus groups to establish new marketing concepts for visiting Park City/Summit County. Mr. Powell presented a nationally televised advertisement that aired throughout the winter months for visiting Park City. They also created new print and social media advertising as well and targeted a marketing campaign around the MLK holiday. He stated they worked really hard to get that message out there to come to Park City.

He explained their focus was really about the "hero" story for this year which was the combination of the two resorts. As well as marketing the acres of great skiing Park City offers, they also focused on other amenities people are looking for to have a great vacation, such as restaurants and shopping that allows vacationers to spend a full week here and enjoy a diverse vacation. They have also completed new summer/fall television and print advertisements to market the diverse recreational activities offered in Park City during those months. Park City Chamber Bureau also launched its new website May 19th and has received great feedback.

PUBLIC INPUT

Chair Armstrong opened the public input at 6:06 p.m.

There was no public input.

Chair Armstrong closed the public input at 6:07 p.m.

WORK SESSION (continued)

- **Update from David Ure regarding Weber Basin Water Conservancy District**

Weber Basin Water Conservancy District Board Member David Ure stated 80% of the water that we handle is on the wholesale level to a city or special district. Out of the 20% of the retail they have roughly 3,300 meters of secondary systems. Weber Basin when it was first created put a lot of contracts in place that if someone hooked up on the secondary system they could use all the water they wanted to in the world. About three years ago, many meters were installed even

though they couldn't charge them for anything in excess. Mr. Ure stated just by educating people to how much water they were using, they automatically cut down their water consumption by 30 to 40%. With that 30 to 40% savings by those residents saves a lot of water and pushes the Bear River Project down the road to a later date. Weber Basin is trying to do educational programs on the preservation of water, conservation, and it's paying off. It's costing money but people want to conserve. Mr. Ure stated people really don't want to be wasteful and those that do get two chances before they have their secondary water cut off.

Mr. Ure stated in the next year they are applying for a million-dollar grant to install another 2,300 meters, which will take the county up to 70% of the entire county's retail customers who will have meters at their homes. Mr. Ure stated the water this year is sparse, but should not be a problem. Weber Basin is trying to teach people how to conserve water in their yards and gardening.

Summit Water has petitioned for new water to start to be developed because they feel like they need more.

Mr. Ure stated people don't understand or realize how difficult it is to provide good, clean water and how far down the road they have to look and how their infrastructure is wearing out in the company. It's been in place 50 years or more and they're having pipes wear out. They have to spend millions of dollars a year to keep those pipes and replace them so it's a real challenge. It's hard work and it takes dedicated people and good engineers.

Public Hearing and possible approval regarding Knight Special Exception: a request for a special exception to allow a commercial kitchen for catering in the Rural Residential zone; Ray Milliner, County Planner

County Planner Ray Milliner stated the Knight Special Exception application is a special exception to have a commercial kitchen in an existing building which is currently used as an office space. Mr. Milliner explained the applicant, Dr. Knight, has his dentist practice on the second floor and currently the first floor is vacant. The owners had installed a commercial kitchen as part of their operation. When they left, the non-conforming kitchen equipment and everything remained in the building. The applicant would like to be able to use that kitchen for catering and limited take-out. They have reviewed the request for compliance with the standards for a special exception in code and the staff based a finding that it meets the requirements to grant the exception. The finding was that the kitchen has sufficient parking. It's separated from residential uses in the immediate area. It has the facility and therefore the health safety and welfare wouldn't be impacted. They found it meets the requirements of the general plan. It doesn't reasonably qualify for other equitable processes because a variance wouldn't be allowed. Finally, they found there's an equitable claim for the application based on the use being existing it would prevent future harm on the applicant continuing the use on site and no documented complaints. Staff's recommendation is for approval.

Vice Chair Robinson opened the public hearing to the audience to anyone who would like to speak on behalf of this special exception.

There was no public hearing comments.

Vice Chair Robinson closed the public hearing to the audience.

Vice Chair Robinson asked Dr. Knight if there was anything he would like to add. Dr. Knight stated he and his wife have been practicing dentistry in Park City since 1999. They purchased the building that they're currently in in 2002. At that time they had a tenant that occupied the whole lower floor. They were a food company that produced products for large institutional food companies such as Cisco, P.F. Chang's, and Texas Roadhouse type of operations. In their facility downstairs they not only had administrative offices, but they placed a kitchen down there as well and operated there for years. About three years ago the company was bought by a group of investors from Chicago and when they left they left the kitchen fully equipped. Mr. Knight stated he and his wife, as the landlords and owners of the building, asked themselves what they should do with this. It's sat there unused for the last couple of years now.

He stated they began talking to friends in the food industry here in Park City and discovered there was a need for a commercial kitchen space in the county. If a caterer comes in, they don't have a restaurant or otherwise in Park City or some type of facility down in Salt Lake that they can come and work out of on a daily basis, weekly basis, or otherwise. They spoke with the health department and that was confirmed. They began to explore this possibility further but then discovered there was a zoning issue that they were unaware of. Mr. Knight stated he met with Patrick Putt and began the discussion and that's what brings them to where they are before the Council asking for a special exception.

Vice Chair Robinson asked if there were any modifications to the kitchen that need to be made or if it was complete "as-is." Mr. Knight replied it is about 85% complete. They're going to the meeting with the Health Department and building department and fire marshals if granted the exception. They were told by the Health Department that basically outside of a few improvements to the ceiling tiles, a few lighting changes and the installation of three-compartment sink, that they are basically ready to go.

Council Member Carson stated they did receive a letter from resident Roger Fry who was concerned about the use of a commercial kitchen. She went through his concerns regarding added garbage storage and smells, increased traffic of food deliveries in preparation of the food items. He stated in his letter none of those were big concerns individually, but together it would have a big impact on the neighborhood. Council Member Carson stated maybe they could add conditions that would require the garbage be covered and maybe not exposed to the front. She asked Mr. Knight if they would have any special type of ventilation equipment. Mr. Knight replied this is something that's going to have to be explored. Currently in the facility they don't have any fry equipment. There's only a gas stove currently. Whether they add fry equipment or not would change requirements required by the fire department. Mr. Knight stated in terms of the trash, they have a dumpster that is a huge, fenced, locked, and covered so he thought they could address those kinds of issues. He stated it's not going to be a terribly huge commercial kitchen.

He stated he would be happy to work with whatever is deemed necessary to keep the neighborhood happy and they want to be good neighbors. He stated they have been there for 18 years as well and don't want to change that perception. He stated there could be a little more traffic coming and going from time to time, but there's plenty of parking there and doesn't see it increasing the traffic load.

Council Member Carson made a motion to approve the request for Knight Special Exception, a request for a special exception to allow a commercial kitchen for catering at 3080 Pinebrook Road, Park City, Utah, including the conditions that they have appropriate garbage containment systems to reduce any smells associated with the preparation of food and that they have adequate ventilation systems based on the findings of facts and conclusions of law in the staff's report. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Chair Armstrong was not present for the vote.

The County Council meeting adjourned at 6:40 p.m.

Council Chair, Roger Armstrong

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 15, 2016
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Tal Adair, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
Kent Jones, *Clerk*
Brandy Harris, *Secretary*

CLOSED SESSION

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

The Summit County Council met in closed session for the purpose of discussing property acquisition from 12:40 p.m. to 1:40 p.m. Those in attendance were:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*
Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*
Ray Milliner, *County Planner*
Peter Barnes, *Planning and Zoning Administrator*

Howard Sorensen
Tom Smart
Doug Evans
Wade Woolstenhulme, *Mayor*
Tami Stevenson, *Oakley Planner*
Cheryl Fox, *Summit Land Cons.*
Kate Settlemeir

Vice Chair Robinson made a motion to dismiss from closed session to discuss property acquisition and convene in closed session to discuss litigation. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 1:40 p.m. to 3:35 p.m. Those in attendance were:

Roger Armstrong, *Council Chair*
Chris Robinson, *Council Vice Chair*
Kim Carson, *Council Member*
Claudia McMullin, *Council Member*
Talbot Adair, *Council Member*

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

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

CONSIDERATION OF APPROVAL

- **Pledge of Allegiance**

COUNCIL COMMENTS

Council Member McMullin stated the news about Summit Community Power and the Georgetown Prize is somewhat disturbing because the credit is being given to Park City when it was a joint effort and the county has a lot of staff time devoted to it.

MANAGER COMMENTS

Manager Tom Fisher stated in response to Council Member Carson's request last week about transgender or gender non-specific signage and facilities, staff is reviewing that. Mr. Fisher stated Brian Bellamy, Mike Crystal, and Jami Brackin from the county attorney's office are working on it and they'll get a response for the Council shortly.

Discussion and possible adoption of Resolution 2016-09, a Resolution of the Summit County Council Authorizing the Filing of Cross-Appeals to 2016 Appeals Filed by Taxpayers Subject to Central Assessment; Dave Thomas

Helen Strachan stated in 2015 Senate Bill 165 passed which changed the way in which counties can have standing with regards to centrally assessed cases where as before there was automatic standing. This senate bill made it more difficult and added some layers with regard to the county's ability to have standing in those centrally assessed cases. It requires that counties who now wish to have standing appeals with regard to evaluations of centrally assessed cases, such as pipelines, telecommunications, and so forth, in order to have standing the county has to pass a resolution first allowing the Attorney's Office to file appeals with regards to those cases. Once those appeals are filed then that allows them the ability to have standing with respect to those cases.

Deputy Attorney Dave Thomas has added language to Resolution 2016-09 that gives the attorney's office discretion in the event that there are some new appeals that come up after the fact to assess those cases, and in their discretion decide whether or not to bring those appeals. The senate bill states that once a petitioner files an appeal, the attorney's office then has 30 days to then file an appeal as well. Ms. Strachan stated she is preparing those appeals in the event the Council chooses to adopt this resolution.

Council Member McMullin made a motion to adopt Resolution 2016-09, a resolution of the Summit County Council authorizing the filing of Cross-Appeals to 2016 Appeals filed by taxpayers subject to Central Assessment. The motion was seconded by Council Member Adair and passed unanimously, 4 to 0. Chair Armstrong was not present for the vote.

Hearing and possible decision regarding second appeal of an administrative decision of the Engineering Department to deny the driveway as currently constructed at 3003 Wedge Circle, Park City; Dave and Renee Went, Applicants; Michael Kendell, Engineer II

County Engineer Gary Horton summarized the staff report and stated from staff's point of view, it's a fairly simple issue in the fact that they received plans, they were submitted, they were reviewed, and they were approved at the time because they met the ordinance. The average grade was roughly 7.7% on the driveway with the steepest part of the driveway being less than 9%. Mr. Horton stated he was not with the county during that time frame so he was reiterating from the facts that he's been able to find in regards to this issue. There was an inspection called for and when county engineers went out to the property it was identified that the pre-surface inspection was skipped. When they performed the inspection it was found that there were slopes in excess of 14% grade. Due to those findings they failed the inspection and thus the driveway associated with it. It's important to note that in county ordinances it states that any modifications to the plans should be submitted for approval before those are constructed. In the county ordinance they have an average that they talk about when they calculate the grades on a driveway. For an average to be calculated you have to have two points. County's standard practice that has been used in Summit County Engineering is a 20-foot distance. It's longer than an average car but it's shorter than if you have a truck and are towing something. That's the purpose behind that 20-foot average grade that they use. Mr. Horton stated they could use a shorter or greater distance, but both could be detrimental in different manners. Mr. Horton stated those are facts behind why they have failed the driveway and why they feel it's not in compliance with county ordinance.

Attorney for Applicants, Randy Coke, stated he made arrangements on behalf of the homeowners, Dave and Renee Wentz, and GP Construction through the county attorney in the first part of this year to have this hearing de-novo. Mr. Coke stated he wanted to make sure that everyone on the Council realized and the engineering department realized it was a de-novo hearing, which means as though no prior hearing ever took place and no facts were submitted or testimony heard. He stated with that understanding, this was filed on February 19th and he received a response June 12th.

Mr. Coke stated that Anthony Jorgensen will address the fact that the home was built per plans inspection. Mr. Coke stated even the drawings submitted by the engineer department was an old drawing that was superseded by the later site plan that's Exhibit-I attached to the February 19th

position statement. Mr. Coke stated Exhibit-I was reviewed and accepted by Summit County while GP Jorgensen were in attendance and went through it in detail.

Vice Chair Robinson asked if the drawing in Exhibit-I identified the grades or slopes on that driveway. Mr. Cook replied they were the same grades as the prior driveway; it just didn't have the engineer's home slope calculations. Vice Chair Robinson asked if the original design they submitted showed the slope of the driveway somewhere and Mr. Cook replied, no, they don't. Vice Chair Robinson asked if the county in approving this would have to have calculated the slope then. Mr. Cook stated if that was a concern he assumes they do, but they approved the plans as written. They don't have the slopes, just elevations. Mr. Coke stated that this drawing was approved and it is built pursuant to these drawings and the elevations.

Mr. Coke stated a big argument to this appeal was that what was built was as shown in the plans and specs and was accepted by the county. He stated there wasn't some bizarre change in the plans and specs and it was built per plans and specs and it complies with the ordinance as he reads it.

Brian Balls on behalf of the applicants with Summit Engineering stated he was not involved in any of the process prior to the pouring of this driveway. He stated his review has been strictly limited to information provided him and his site visits after the fact, after the driveway was poured. Mr. Balls stated that there's been a lot of discussion so far about the term "average" and he wanted to simply make clear a couple of points. That term is used quite frequently, but from an engineering application there is absolutely no criteria in the ordinance that specifies what an "average" means. There's no definition of what that average is. He stated you can define a slope as the elevation difference between two horizontal points and that is ultimately what the formula given in the ordinance shows. And again "average" is used in there, but what is the basis of that "average." He stated the only reference that he could personally see that would give him any kind of criteria to base an average against would be the 250 foot horizontal maximum distance and that is it. He stated if they're talking about a weighted average of segments of longitudinal length of a driveway, that's one thing, or if we're talking about average elevations at a given point. He stated from an engineering standpoint he can't calculate an average here because he can't calculate the criteria to base an average calculation on. He stated the formula specifies very specific points at which those measurements are to be made. He stated the point at 20 feet from the center line of the driveway and then a grade break prior to the garage, for example, those are calls to a very specific point that he can come out with equipment and physically measure and deal with. He stated there's no other points of the code that give him any other points of measurement process or procedure that he would know to measure against in order to stay in compliance with what the county would like. He stated based on his site visit and based on the elevations that he collected at the site, they came back with an elevation or a slope calculation of 11% based on the prescribed methodologies found in the code.

Alan Taylor with Taylor Geotechnical stated he's been involved with the development of the front yard, backyard, and designing walls for the project and with the site plan that was provided to the county and designing walls to meet those grades. He stated they had a couple of meetings with the engineering department. He stated they went through a two- or three-month process of trying to figure out how they could get this project in the front yard and the backyard working, and with that they deliberated over the grades that had to be adjusted. He said they didn't

specifically discuss the driveway because the grades were shown. He stated the ordinance states that you have to be at a 10% grade between two points, but if they go over the 10% the jurisdiction of this determination falls under the fire district. In other words, the fire marshal generally goes out and if his equipment can't access or he can't run his trucks on that driveway then he doesn't approve the home for occupancy at that point. He stated there is nothing in the building codes in regards to grade anymore because it all falls under the jurisdiction of the fire marshal. If the fire marshal is okay with the driveway then you're done.

Deputy Attorney Dave Thomas stated he has practiced law for almost 30 years and he knows what de-novo means. It is de-novo from the appeal. Everything that happened before is in evidence here. They were granted a new hearing but that didn't change what had already come about in the former hearing. That's all part of the de-novo process. It's de-novo from Gary and Mike's original determination that failed that was appealed, this is de-novo. Mr. Thomas stated all of that is, in fact, in evidence and there's nothing that prevents it from not being in evidence. That is consistent with a de-novo review. Mr. Thomas stated, secondly, it's hard for the county staff to comment on a "mysterious county employee" who told them it was okay. Mr. Thomas stated it seems that the individual that's being talked about is the building inspector, and building inspectors do not pass off on driveway grades.

Mr. Thomas stated with regard to rules of construction, rules of construction governing ordinances and regulatory provisions is not the same as the rules of construction for contract work. Rules of construction for regulatory provisions are set forth by the Supreme Court of Utah.

The matter was discussed further. Council Member Carson stated she fully supported staff in doing their job and really appreciated them following what they feel is a very clear outline of what's permitted and what's not. She supported their interpretation in failing this particular driveway; however, in taking everything else into account, she felt like they need to look at the de minimis side and look at the safety things that have been incorporated. She stated she didn't know if it's possible because they missed the pre-inspection they feel like there should be a penalty or fine levied for that; however, she would be supportive of approving some type of a variance or finding some facts and conclusions of law to support some of the extenuating circumstances. She also suggested that maybe when they have somebody come in for their building permit to include a driveway worksheet so it's very clear how they want it calculated and have them initial it or initial on the application that they've received that, so from going forward it will be very, very clear just how it's to be calculated. And then if somebody has extenuating circumstances where they can't meet the particular grade or percentage grade, then they can come in and apply for a variance and that will go through the Board of Adjustments. Council Member McMullin stated she completely agreed with Council Member Carson's comments. Council Member Carson stated this also goes to when they made their first decision they all felt the same, that like the county really has to uphold its ordinances, but it made everyone ill to think about getting that driveway torn out and that going into the landfill, and she thought that was another important piece to this issue.

Council Member Adair stated he disagreed a little bit in that staff has done their job really well and as engineers and builders they know the process of dotting Is and crossing Ts. He stated in regards to an issue that was discussed during the hearing concerning the possibility of water

coming into the house, when they are building a house of this size, putting a drain or something in at that area to minimize that could have been done. He stated he's not a contractor but he does see that if they were really concerned with that to alter the plan that was approved, they could have certainly taken the same costs and expanded it so it would have worked even in the worst-case scenario. He stated he sees it as they didn't do some things as contractors they should have known.

Chair Armstrong stated he was in agreeance with Council Member Adair. He stated this is the second time that the county has decided that a builder or a developer gets to ignore all the stop signs on route and at the end of the day the county is stuck with the problem that the county will bear the burden of proof of the problem. He stated he's concerned when they come up with non-standard determinations that they are opening the doors for the next person to come in and say they have no allegation that anybody authorized you to build that driveway at all. He stated they didn't have pre-pour inspection which was required, which they did initial on the permit application that they knew it was required. He stated that would have been the right course of action so he can't find the equities that need to be balanced here. He stated he would somehow like to craft a motion that doesn't throw open the door for the next person to come in with identical circumstances to say they "didn't know" and they "received permission from somebody else" and "you gave it to them, how come you're not giving to me?"

Council Member Carson made a motion to grant the second appeal of an administrative decision of the Engineering Department to deny the driveway as currently constructed at 3003 Wedge Circle, Park City, Dave and Renee Wentz, Applicants; Michael Kendell, Engineer, including the findings of fact and conclusions of law as they've outlined during the past two-hour hearing.

Chair Armstrong stated he wasn't sure on what basis they were granting the appeal. Vice Chair Robinson stated with the specific findings that the overall grade of the driveway measures from the 20 feet off the street to the break point is 11%, which is within the 1% of allowed tolerance of the 10% maximum average slope, and that portions of the driveway that have slope in excess of the 12% maximum absolute slope are de minimis, that the driveway has been built in a way that results in a safer condition for storm water purposes and it's been approved by the fire department as being adequate for fire department purposes and that it's being heated and other factors make it so that this de minimis aberration or excess of the 12% maximum is not a controlling factor, and then such other findings of fact and conclusions that have been addressed.

Council Member Carson accepted Vice Chair Robinson's amendment. The motion was seconded by Vice Chair Robinson and passed, 3 to 0. Vice Chair Robinson, Council Member Carson, and Council Member McMullin voted in favor; Chair Armstrong and Council Member Adair voted nay.

PUBLIC INPUT

Chair Armstrong opened the public input at 6:03 p.m.

Summit County resident LuAnn Wilanbach stated she lives in Silver Creek and went to the planning meeting the previous night and it brought a lot of things to her attention that brought up some concern. She stated she would recommend that the county stop conditional use permits altogether because it is her experience that the conditional use permit has restrictions with it that the person agrees to do and after it's issued then it's up to the county to enforce if there's any problems with it. But with the enforcement, the county doesn't have enough people to enforce all of the problems and things that are going on and people who aren't in compliance so she thought a good start would be to skip the CUP. Either they can do it or they can't do it. Don't put any restrictions or conditions on it because the county doesn't have the people to mandate and make sure people are in compliance about what's going on. She stated her second issue is with the compliance. It's her understanding that they don't have one compliance officer and because there are so many things that are going on and so many things out of compliance in the county that he only addresses issues as they are reported by complaints. Having been a recipient on both sides of the complaints, he isn't really able to work with those in a timely manner to make sure they happen. She stated she personally has had a complaint and is happy to say they have been working on cleaning up their property so that it's in compliance, but watching the process from that side was really very lax. She stated she knows of other people in her neighborhood that have had some other issues that are serious and they keep making phone calls and are not getting responses as well, and it sounds like the officer is way overworked to be able to handle things like that.

She also stated there is an ice skating rink in Silver Creek and has heard stories about it that it wasn't supposed to be a business but there's ice skating lessons going on, and a number of other things that seem to keep happening in Silver Creek that she would like the county to follow up on.

Summit County resident Carol Covert stated she also lives in Silver Creek and had two issues she would like the Council to take a look at. She stated the first one is notices that go out in the mail. She stated they are public hearing noticing for the Planning Committee to have a meeting where they want public input. She stated they had an issue in Silver Creek that was on this. Several of the neighbors got together, including some that took time off of from work to make sure they were at the meeting the previous night at 6:00. She stated they all showed up at the Richins Building for the meeting and were told that there was a continuance, and not only would they not be discussing it, but they wouldn't allow them to make any comments even though they showed up. She stated if the county is going to send these notices in the mail and ask people to come to these public meetings and tell them there's a public notice, whether there's a continuance or not, they should allow people who have taken the time from their day to show up to be allowed to make comments and to comment on the very thing that was sent out in the mail for them to take a look at. She stated she thinks the council needs to do something with respect to allowing people that have shown up to the meetings specifically in response to these to be able to speak to people.

Community Development Director Patrick Putt stated what the Planning Commission did in that instance the previous night, was given the fact that there was a request for continuance by the applicant and there was no staff report in the packet, they didn't take any public comment and continued to the matter to the July 12th meeting. He stated they're going to send out re-notices

for that. In the mean time they are going to work on some possible Plan B remedies they can do when this situation happens.

Chair Armstrong stated one solution may be to send out an amended agenda if something comes off of the agenda. He suggested to Ms. Covert to go on to the Summit County website where there is a "notify me" button that she can click on to receive notifications from any department that she may have an interest in knowing what they are doing, so if something comes up or is changed she would be notified. He apologized for the inconvenience and stated they will be able to have their voices heard at the rescheduled meeting in July.

Chair Armstrong closed the public input at 6:16 p.m.

Public Hearing and discussion of Chapters 3 and 4 of Eastern Summit County Development Code; Patrick Putt, Peter Barnes and Ray Milliner

Community Development Director Patrick Putt stated Chapters 3 and 4 of the Eastern Summit County Development Code are the heart of the zoning ordinance on the east side. Chapter 3 is the chapter that has the entire individual zoning districts that they have mapped over on the east side. Chapter 4 is the chapter that talks about the procedures that a property owner goes through in order to obtain a specific development permit or a subdivision. He stated he would not be talking specifically about the draft zoning document. He stated they would discuss some zones, but not about the map itself and that informational hearing would be held at a later date. He explained the first thing they spent a tremendous amount of time going through is the definitions in the code: What do the words mean? What do those land uses actually entail? They went through and updated those. Every zone has a specific list of uses that are allowed by right, allowed to be considered under a conditional use permit, allowed to be considered under a low impact permit. When they say low impact permits, he said think of a more administrative conditional use permit process. It still has to be reviewed by the criteria, but it's done at a staff level. He explained they went through the land use table and evaluated whether or not they have the right processes for the right uses. In some instances, low impact permits were upgraded to conditional issues. In other instances conditional uses were downgraded to a low impact, and even in a couple of instances they made changes to make them allowed uses.

Mr. Putt stated they took a look at the Table of Uses to make sure that they're capturing all of the potential land uses or activities that they see on the east side now or they may potentially see in the near future and so those revisions to the table reflect that. The key to this is a revision to the Lot of Record process or Lot of Record strategy. They made changes that modify that to a different concept. Does your property comply with the zoning regulations in terms of size requirements or not? They revised the subdivision process. They took a look at their zoning map and have made recommendations for "new base zones." That's where the zoning map is refined. There's a provision for future changes, rezones. Those new zones that you can rezone to are still at the Planning Commission level. They are going through some final edits and review.

Mr. Putt explained there's a process that's required in the current code when you subdivide your property. You have to first start with a concept plan. They call them a sketch plan. They decided that oftentimes that process is redundant to the tail-end of that process, the preliminary and the final plat, so they have decided to move forward at the recommendation to make sketch

plans optional. They've created a whole brand-new process to deal with situations where a property owner may want to create some sort of division with his land, but for purposes other than developing it at that point in time. The rules that they would be required to meet -- whether it's a subdivision, a conditional use, or a low impact permit -- they call those development standards and have made some revisions to those. He stated they spent a fair amount of time looking at all submittal requirements. When someone files an application for a development they have to submit information. They went through that list and tried to take out things they really don't need and made sure they had the stuff that was critical to evaluate the process, as well as maintain the public safety and public health so they made changes there.

Mr. Putt reviewed the changes made to Chapter 3, which is the zoning district's chapter. He stated these are the proposed based zones. These are the zones that they would propose to modify the existing zoning map in order to reflect sort of the current conditions both geographically, topographically, and access demands for housing commercial uses. Mr. Putt stated included in that they have an AG 1 zone which is one unit of density for one acre of land. New to the code is Agriculture 6, which is one unit per six acres of land. Agriculture 20 is one unit for 20 acres of land. They still have the AG 40. The AG 80 is a new zone but really they have collapsed the AG 160 and AG 100 into an AG 80. State law allows for a subdivision of property if it exceeds 100 acres in size. A one hundred and a 160 seem to be somewhat dated based on those state subdivision code changes. So those areas on the map currently designated as a 100 or 160 under this proposal would be revised to an 80-acre zone.

Mr. Putt reviewed that Chapter 4 is the process part of the code. He stated probably the biggest change in Chapter 4 is the whole Lot of Record Process. A lot of record is a protection that property owners have when they have properties that were created prior to zoning being established, and there's two key dates. One is August of 1977; that's when zoning was created and applied throughout Summit County. When that happened zones were created and each zone had a minimum property-size requirement. Properties that were created legally prior to that might have been smaller than that size requirement needed protection. The property owners needed to make sure they had the ability to utilize their legally created property, so this concept of a Lot of Record was established. So property existing prior to 1977 had a grandfathered status to use it. He stated there was another threshold that went to 1992. If your property was created between 1977 and 1992 and it met certain criteria, it could be considered to be a Lot of Record. A lot of record was important because it said that legal description, that deed that described that piece of property, if it met one of those two dates was a grandfathered right. It was their protection to move forward and utilize their property, and develop their property. One of the problems that they've been wrestling with since then is because of that definition, if that legal description changes in any manner or is inconsistent with the original description, someone would lose that Lot of Record status which means you can't utilize the property, can't develop the property, can't build on the property. Probably the simplest example of that is a boundary line adjustment, a change to the property description to resolve a fence line problem, something like that. Reasonable, but when that description gets changed, that Lot of Record grandfathered right is nullified.

Mr. Putt stated in order to help solve this issue what they've done is to not throw the Lot of Record concept away, but basically revise what it means. He stated what the plan here is to base someone's development rights on whether or not their property complies with the zoning. They

are less concerned as to when it was created and more concerned with does it or does it not meet the zoning requirements, and that's a big change. Under this process, they would have a couple of definitions. One of them would be a legal conforming lot or parcel. If you have a piece of property and it has a deed or description of it and that deed or description involves land, and the amount of land meets the zoned minimum requirement, you have a legal lot or parcel. You can build on it or use it for land use activities. When it was created doesn't matter. It meets the zoning so they're good to go. The next question is: What happens if I have a piece of property that doesn't meet the size requirements of the zone? The next question to ask is: When was that deed written? Under this proposal they're proposing to move the date from August of 1977 and June of 1992 and move it to May 1996. Why May of 1996? Mr. Putt explained three events started to happen at that point. In May of 1996 the county divided into two planning districts: The Snyderville Basin Planning District and the East Side Planning District. In addition to that, in about that same amount of time the county had its first unified definition of what a Lot of Record is. The other part of that was in May of 1996 was sort of the first point in time where county code and state code related to subdivisions began to be more in sync and tracked the language a little more carefully. Based on that they're saying May of 96 is that date. If you have you a piece of property or if a property owner owns land and it doesn't meet the zoning size requirements, if it was created prior to May of 1996, it becomes a legal lot or parcel. Someone can build on it or use it for land use activities. Mr. Putt stated the last piece of this is: What happens if someone has a piece of property that doesn't meet the zoning requirements for size and was created after May of 1996? They then have a legal non-complying piece of property. What that means is you may be able to use it for a land use activity but not necessarily be able to build a house or build a structure on it until such time as the zoning changes or they acquire additional land around it to meet that minimum zoning requirement. Mr. Putt stated they would like to get county feedback on that issue.

Mr. Putt stated they tried to simplify the subdivision process. They tried to simplify it in a way that doesn't throw out all the necessary checks and balances and criteria for public safety and welfare but just to make it a little more predictable. Under this proposal, subdivisions that have five or fewer lots associated with it would be done through an administrative process. Projects or subdivisions that have six or more would be through the traditional automatic planning commission review and then a final review by the plan and land use authority.

Mr. Putt stated they are going to propose to eliminate specialty planned area and replace it with a master plan development process. They are very similar but the key distinction is the master plan development process would have predictable criteria associated with it. The spa was a process by which raw undeveloped very low density land could be up zoned for significantly more development rights in exchange for public benefits undefined. The process will establish density associated with a rezone to a zoning district that has a measurable amount of density associated with it and the review criteria will be listed and predictable as part of that process.

Chair Armstrong opened the public hearing to the audience to anyone who would like to speak on behalf of the proposed changes to the development code.

Resident Mike Brown asked if the public hearing would be left open so after Council has their deliberations if the public will still have the opportunity to speak. Chair Armstrong stated he anticipated this will require several public hearings so they're not going to close this topic.

Mr. Brown stated he is in favor of this entire ordinance. He stated for him personally who has served on the Planning Commission and has spent ten years studying the code; he knows the code from '77 until today. He knows the critical timelines, critical date and points in there and thinks Mr. Putt did an excellent job in presenting it. He stated to the Council when they do get to the definitions one of the questions that they will be asked is if they are missing definitions. He stated they are and he would urge the Council to consider adding these to the definitions. He stated they have no definition of ridgeline, no definition of skyline, no definition of visually sensitive areas, yet they are enforcing provisions on landowners that are not identified by definition in the code. Those are just a couple that was overlooked by the Planning Commission. Mr. Brown stated he was in favor of extending the date from '92 to '96 and stated this was critical. Mr. Brown stated he also believed in changing from a Lot of Record to grandfathered status is the right way to go. He stated it's clear and it's easier to administer and easier to understand from the public's point of view.

Another item he asked the Council to consider strongly was protecting the opportunity to have the minimum lot size smaller than the minimum zoning requirements. The Planning Commission's document does not have lot size correlated to minimum lot size meaning that if you're in the AG 6 zone that you're required to have a six-acre sized buildable lot, which makes no sense. He stated he's also a big proponent of the non-development division of land. Mr. Brown stated he is also in favor of the ability to shift density between parcels.

Mr. Brown stated lastly that these concepts have been talked about for years and he knows the Council is busy and they've had this in their hands a couple of months, but he would urge them keep it on their agenda and try to pass something. The public has been patient for years and the document has been well vetted. He stated if they go back and read the minutes of the Planning Commission meetings there have been hundreds of individuals stand up and give public comment and there have been hundreds of meetings held on these concepts, and now it's time to put it on a timeline and make a decision one way or another.

County resident Brett Hollburg stated they have property of a couple thousand acres in Wanship that's been in their family off and on since the '60s. He stated over the last 20 years we've done a few minor subdivisions on it and developed 17 lots and built a second home up there, but most of it they keep as agricultural and run cows and things on it. He stated he's been through the process over the years with the Planning Commission and different aspects of the code and has followed this process that has come before the Council closely over the past couple of years. He stated they've done an excellent job in looking at all of the different issues and what they have brought forward to Council is light years ahead of where the county was prior with the existing code. He stated the new zones the Commission has come up with are excellent and reasonable and the zoning map is logical and makes sense.

Henefer resident Paul Ferry stated he has a survey company that they operate in Coalville. He stated he is definitely in favor of this proposal. He stated he has tried to be involved as much as he can with the Planning Commission and the Planning Department given the problems that I run

into with my clients constantly. He stated in regards to the non-development provision for non-residential use that's a big problem mostly with inheritance and trying to divide up family estates. He also mentioned the zone minimum requirements for lot size and stated he's heard some talk of there being consideration that the minimum lot size must match the requirement of the zone. He said he sees that as a huge impediment to land owners, and he gave an example as to why he felt that way. Mr. Ferry stated his opinion of remainder parcels creates an issue because historically in Summit County if you subdivide a piece of property you subdivide the entire description. So if you have 20 acres but only need to create one or two one-acre lots, you've been required to bring the entire 20-acre piece into the subdivision.

Chris Ure stated Patrick Putt mentioned giving the authority to the County Council. Mr. Ure stated "nothing against the county manager," but on these major subdivisions, one guy should not have the final say on that. He stated the Council has the ultimate authority and they have to answer to the public, so he would encourage that they adopt that change just to keep to where they keep going through the public process. Mr. Ure stated on numerous occasions they have had public hearings that is not even worth the paper that it was printed on for them to rubber stamp it on lot line adjustments, low impact permits, and things like that that the county's current code does not allow Mr. Putt or staff to adopt or make that change and it has to go through a public hearing process and costs the applicant for a public hearing when it could have been a half-hour process in Mr. Putt's office, so he encouraged the Council to give the power to the Community Development Director on that. Mr. Ure stated he is also greatly in favor of moving the density. He gave an example by stating if he's going to have ground with different zones in it and he's going to give his kids ground or something like that and he wanted to cluster them together so they don't screw up the whole 40-acre parcel by having their houses scattered all out, it's virtually impossible with today's technology and the size of this equipment now to even try and farm anything that's smaller than 20 acres. He stated he would greatly encourage the Council to take the recommendation to move the density on that.

David Cummings stated he is in support of getting this done. He stated he thinks there's some work that needs to be worked out and a few unanswered questions. He stated he believes there's an oversight on the mapping issue where the zoning didn't go to the county line and he wanted to make sure he had a chance to revisit that in another meeting if they're going to leave this topic open for discussion.

Resident of Hoytsville, Wade Wilde, stated what is being proposed would fix a lot of issues, including the non-development division of land. Mr. Wilde gave a couple of examples of why he felt these changes would be beneficial. He stated hopefully these changes would simplify the process and ease the burden upon the landowners and make the Planning Commissions' job more simple and free up some more time that they can be involved in issues that are real issues and not the simple things that aren't really that important that need to be simplified.

Kamas resident Jan Perkins stated she thought the AG 1 at least in the Kamas Valley should be rethought seriously because of the high density of the wells and the septic tanks in such close proximity. She stated she thought it was irresponsible and not stewardship to the aquifer. She stated when this Council stood up to Tesoro in preserving the aquifer and acted very commendably, where is the protection of the water in this plan in this zone district of AG 1. She stated she thought it would create problems in the Kamas Valley and doesn't think it's a wise

choice for any reason other than in the cities where the infrastructure can support it. She encouraged the county to keep the AG 100 and 160 to preserve agriculture and to help protect that aquifer. She stated she did support giving the Community Developer more power. She stated on point No. 2, 1% shouldn't hold the whole subdivision hostage. In units five or less she thought the administrative process was good. She thought they should allow non-development divisions. On point No. 3 and the application process she thought it could be reviewed by the administration. She stated she had a lot more to say but she would wait for a later hearing to express more opinions.

Resident Lorie Leavitt stated that she agreed with the comments of Mike and Paul and Wade and Dave and Chris, so she didn't feel she needed to repeat it, but she is in favor of this and hoped the Council would move it along because it has been a couple of years.

Resident Brenda Child stated she is living in an RV in Kimball Junction because she has a parcel of ground in Wanship that they're trying to build on and we are caught up in some situations with ridgeline and what that means and qualifying what exactly that means and what visually sensitive areas are. She stated she is in support of Planning Commission and everything else, but she feels there needs to be some more qualifying verbiage of visually sensitive areas and ridgelines.

The public hearing was left open as to be continued.

Vice Chair Robinson asked if the Council were to approve Chapters 3 and 4 without the map what becomes of zones that may exist that are going away. Mr. Putt responded that ultimately that would probably involve some level of map amendment on that.

Council Member Adair asked what if someone had 100 acres and there are 20 acres that are left over. Mr. Putt replied there are probably a couple of versions of how they could handle that, but they would all involve some basic form of a map amendment.

A lengthy discussion continued with various questions from the Council which were answered by Community Development Director Patrick Putt and Planning and Zoning Administrator Peter Barnes. Chair Armstrong stated they would keep the public hearing open and reconvene in the not too distant future to continue the discussion.

Vice Chair Robinson made a motion to adjourn the hearing. The motion was seconded by Council Member Carson and passed, 4 to 0. Council Member McMullin was not present for the vote.

The County Council meeting adjourned at 8:40 p.m.

Council Chair, Roger Armstrong

County Clerk, Kent Jones



STAFF REPORT

To: Summit County Council
From: Jennifer Strader, Senior Planner
Date of Meeting: September 28, 2016
Type of Item: Code Amendment – Public Hearing Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the Summit County Council (SCC) review the proposed language regarding water concurrency requirements, conduct a public hearing, and vote to approve the amendments through the adoption of Ordinance 861.

The Snyderville Basin Planning Commission held a public hearing on August 23, 2016 and voted unanimously to forward a positive recommendation to the SCC.

Proposal

The purpose of the amendments is to ensure that development permits for new construction are not issued unless the physical water supply exists to serve the new connection. The amendments also ensure that subdivision plat approvals and the issuance of building permits are conditioned upon compliance by water suppliers with the water concurrency regulations promulgated by the Summit County Board of Health.

Background

On May 15, 2000 the County adopted a temporary zoning ordinance known as the Water Concurrency Ordinance, which imposed temporary zoning regulations in the Snyderville Basin Planning District that tied development approvals and the issuance of building permits to the availability of water.

In 2005, the Water Banking and Concurrency Ordinance was added to the Snyderville Basin Development Code (Chapter 10). The Summit County Board of Health has promulgated detailed water concurrency regulations designed to protect the health of citizens of the County, which are intended to replace the County Water Concurrency program. These amendments will remove the Water Banking and Concurrency Ordinance from the Snyderville Basin Development Code. The Board of Health will govern the water concurrency regulations.

Amendments are also proposed to Section 10-4-5 of the Development Code that clarify a Willing-to-Serve Letter is required prior to subdivision plat approval and a Commitment of

Service Letter is required prior to building permit issuance. The form of these letters will be prescribed by the Board of Health. Definitions of Willing-to-Serve Letter, Commitment of Service Letter, and Water Supplier are proposed to be added to Chapter 11.

Analysis

Approval of an amendment to the Development Code shall be not granted until both the SBPC and the SCC have reviewed the proposed amendments and determined:

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

Analysis: Objective A of Chapter 7 (Services and Facilities) of the General Plan states:

“Coordinate and collaborate with applicable service providers to identify acceptable service levels and develop standards for measuring service delivery success.”

The proposed amendments are consistent with this objective.

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

Analysis: The proposed amendments are written for the entire Snyderville Basin Planning Area; therefore, it applies all uses and properties within the area.

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

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

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

Analysis: The amendments do not remove restrictions that would unduly affect nearby property owners.

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

Analysis: Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

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

Analysis: The amendments ensure that the Health Department is responsible for the implementation and monitoring of water concurrency thereby promoting public health, safety, and welfare.

Recommendation

Staff recommends the SCC hold a public hearing, take public comment on the proposed amendments, and review the proposal for compliance with the Development Code. Based upon the review outlined in this report, and unless members of the public bring to light new issues or concerns, Staff recommends the SCC vote to approve the amendments through the adoption of Ordinance 861, based on the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. On May 15, 2000 the County adopted a temporary zoning ordinance known as the Water Concurrency Ordinance, which imposed temporary zoning regulations in the Snyderville Basin Planning District that tied development approvals and the issuance of building permits to the availability of water.
2. The County subsequently adopted Ordinances 400, 415, 415-A, 436, and 525, perpetuating the concurrency requirements of the temporary zoning ordinance.
3. In 2005, the Water Banking and Concurrency Ordinance was added to the Snyderville Basin Development Code (Chapter 10).
4. The Summit County Board of Health has promulgated new detailed water concurrency regulations designed to protect the health of citizens of the County, which are intended to replace the County Water Concurrency program that currently exists in the Snyderville Basin Development Code.
5. The proposed amendments will remove the Water Banking and Concurrency Ordinance from the Snyderville Basin Development Code. The Board of Health will govern the water concurrency regulations.
6. In addition to the deletion of the Water Banking and Concurrency Ordinance, amendments are also proposed to Section 10-4-5 of the Development Code that clarify a Willing-to-Serve Letter is required prior to subdivision plat approval and a Commitment of Service Letter is required prior to building permit issuance.
7. Definitions of Willing-to-Serve Letter, Commitment of Service Letter, and Water Supplier are proposed to be added to Chapter 11.
8. Objective A of Chapter 7 (Services and Facilities) of the General Plan states: "Coordinate and collaborate with applicable service providers to identify acceptable service levels and develop standards for measuring service delivery success."
9. The proposed amendments are written for the entire Snyderville Basin Planning Area.

10. The purpose of the amendments are to ensure that development permits for new construction are not issued unless the physical water supply exists to serve the new connection.
11. The amendments also ensure that subdivision plat approvals and the issuance of building permits are conditioned upon compliance by water suppliers with the water concurrency regulations promulgated by the Summit County Board of Health.
12. On August 23, 2016, the Snyderville Basin Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to the Summit County Council for the proposed amendments.

Conclusions of Law:

1. The amendments are consistent with the goals, objectives, and policies of the General Plan.
2. The amendments will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendments will not permit suitability of the properties affected by the proposed amendments for the uses to which they have been restricted.
4. The amendments will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendments will not grant special favors or circumstances solely for one property owner or developer.
6. The amendments will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

Exhibits

Exhibit A: Ordinance 861

Exhibit B: Proposed Amendments

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 861**

WATER CONCURRENCY

PREAMBLE

WHEREAS, the Summit County Council (the "Council") recognizes that the health, safety and welfare of the inhabitants of Summit County (the "County") depends, in large part, upon the availability of drinking water and the reliability of Water Suppliers; and,

WHEREAS, drought conditions have historically, and at times, resulted in water source deficiencies and/or some degradation of water quality within some Snyderville Basin (the "Basin") water systems, which has thereby affected the ability of some water systems to provide adequate water service to existing connections or to permit new connections to be made to the water systems; and,

WHEREAS, the use of water concurrency regulations has become a common practice in land use regimes in order to protect against drought, Strachan A., Concurrency Laws: Water As a Land-Use Regulation, 21 Journal of Land, Resources and Environmental Law 435 (2001); Arnold, Wet Growth: Should Water Law Control Land Use? (Environmental Law Institute, Washington, D.C. 2005); and,

WHEREAS, the County adopted an emergency Ordinance No. 385, on May 15, 2000, known as the Water Concurrency Ordinance, which imposed temporary zoning regulations in the Snyderville Basin Planning District that tied development approvals and the issuance of building permits to the availability of water, and the County has subsequently adopted Ordinances Nos. 400, 415, 415a, 436 and 525, perpetuating the concurrency requirement of the temporary zoning ordinance (together, the "County Water Concurrency Program"); and,

WHEREAS, the County Water Concurrency Program was upheld by the Utah Court of Appeals in the case of Summit Water Distribution Company v. Mountain Regional Water, 108 P.3d 119 (Utah App. 2005) ("We find nothing in the Utah Code that expresses either an explicit or implicit intent to preempt local attempts, like Summit County's, to regulate water. Neither do we find Ordinance No. 436 to be in conflict with State water law. In fact, section 19-4-110 of the Safe Drinking Water Act indicates that the legislature expressly allowed for local control over water supply systems"); and,

WHEREAS, the Western Summit County Project Master Agreement by and between the Weber Basin Water Conservancy District, Park City Municipal Corporation, Park City Water Service District, Mountain Regional Water Special Service District, Summit Water Distribution Company, Snyderville Basin Water Reclamation District and Summit County, dated June 26, 2013, (the "Weber Basin Project") was enacted to assist in resolving water concurrency problems within the Basin; and,

WHEREAS, the Summit County Board of Health (the “Board of Health”) has promulgated detailed water concurrency regulations designed to protect the health of citizens of the County, the which are intended to replace the County Water Concurrency Program; and,

WHEREAS, Weber Basin Water Conservancy District (“Weber Basin”) has indicated that the water concurrency regulations promulgated by the Board of Health are beneficial to Weber Basin and serve as a useful auditing tool to the Weber Basin Project; and,

WHEREAS, the Council strongly believes that new growth should not occur unless the Water Supplier who will serve the new growth can demonstrate that it has and will have the ability to develop the physical water resources to provide the anticipated service; and,

WHEREAS, the Council believes that development permits should not be issued for new construction unless the physical water supply then currently exists to serve the new connection, and that once a commitment for service is given by a Water Supplier that it should be irrevocable to protect the property owner's ability to obtain water service and to preserve the marketability of the property; and,

WHEREAS, it is therefore in the best interests of the County to continue to have subdivision plat approvals and the issuance of building permits conditioned upon compliance by Water Suppliers with the water concurrency regulations promulgated in the Summit County Code of Health by the Board of Health; and,

WHEREAS, these land use regulations are not inconsistent with the rules promulgated by the Utah Drinking Water Board pursuant to Utah Code Ann. (“UCA”), Title 19, Chapter 4; and,

WHEREAS, the Council finds that compelling public interests necessitate the continued regulation of land use development permits to ensure adequate water source capacity and water quality;

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

Section 1. **Amendment.** Water and Water Supply, Title 10, Chapter 4, Section 5 of the Summit County Code, which is published as a code in book form, is adopted and amended in accordance with Exhibit A herein, copies of which have been filed for use and examination in the Office of the County Clerk.

Section 2. **Repeal.** Water Banking and Concurrency, Title 10, Chapter 10 of the Summit County Code, is hereby repealed in its entirety.

Section 3. Severability. If, for any reason, any part, term, or provision of this Ordinance is held by a court of competent jurisdiction to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and such shall thereafter be construed and enforced as if the Ordinance did not contain the particular provision held to be invalid.

Section 4. Effective Date. This Ordinance shall take effect 15 days after approval and upon publication in accordance with law.

Enacted this ____ day of _____, 2016.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Roger Armstrong, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Adair	_____
Councilmember Armstrong	_____
Councilmember McMullin	_____

EXHIBIT A

10-4-5: WATER AND WATER SUPPLY:

- A. Site Plan Required: The developer shall submit a ~~site~~ Site plan ~~Plan~~ prepared by a professional engineer showing the property boundary with topography, possible home locations, and the proposed ~~roads~~ Roads and driveways. A construction cost opinion to serve the proposed ~~development~~ Development with a community water system serving all ~~lots~~ Lots, and a cost opinion of individual water systems will be prepared and submitted to the ~~county~~ County for review.
- B. Clustering; Central System: Clustering of homes should be considered and may be beneficial in rural and lower density developments. Clustering allows for reduced infrastructure of ~~roads~~ Roads, driveways and water and sanitary sewer systems when compared with sprawl developments. Clustering may promote the visual integrity of ~~development~~ Development as viewed from within the ~~development~~ Development. The construction of a central community water system is encouraged to provide more effective water resources in case of wildfire. If clustering of homes is not achievable in rural developments, individual wells, storage tanks and fire suppression systems for each individual lot will be reviewed and considered by the PCFSD Fire District. Consideration should be given to tying into a neighboring community water system if one exists. Water supply and water infrastructure shall be in place and serviceable prior to any combustible construction taking place.
- C. Community System ~~To~~ With ~~Serve All Lots~~ Centralized System:
1. Water Distribution Lines: The minimum size of main lines for any system will be eight inches (8") in diameter and will be sized larger if flows and velocities dictate.
 2. Water Storage:
 - a. Residential Indoor Storage: Water storage shall have a capacity of four hundred (400) gallons per equivalent residential connection for indoor use.
 - b. Irrigation Storage: Most of the Snyderville Basin falls within zone 2, irrigation Irrigation crop consumptive use zone. This zone requires one thousand eight hundred thirteen (1,813) gallons of storage for each irrigated acre.
 3. Water Source Delivery Capacity:
 - a. Indoor Sources: Sources must be capable of providing eight hundred (800) GPD/equivalent residential connection for indoor use. The water supplier must possess, and provide to the county, documentation which grants the legal right to the required amount of water.
 - b. Irrigation Source: Within the irrigated crop consumptive use _ zone 2, the source must be capable of providing 2.80 gallons per minute per irrigated acre. Where an engineer, developer or water supplier claims that there will be no outside use of water (e.g., in a summer home development) documentation, typically a copy of the ~~restrictive~~ Restrictive covenants ~~Covenants~~ and a note on the recorded ~~plat~~ Plat, must be provided to prove the legal means exist to restrict outside use.

c. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land ~~use-Use~~ agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.

d. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land ~~use-Use~~ restriction must be recorded with the property description in the ~~county-County recorder's-Recorder's~~ office. Copies of this recording must be submitted to the division of drinking water for review.

e. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.

4. Water Line Burial: Water lines shall be buried a minimum of six feet (6') deep unless elevation dictates deeper burial.

D. Individual Water Systems ~~o~~On Each Lot:

1. Water Source:

a. Source Identification: Prior to preliminary approval by the ~~countyCounty~~, a source, or sources, of water to the proposed project must be identified. The developer must submit information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geotechnical engineer. Well logs will be submitted to the ~~county-County~~ identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic and ~~irrigation~~ ~~Irrigation~~ needs according to state regulations. In all cases a well, or wells, of sufficient capacity at each proposed building location will be required prior to building permit issuance. Language shall be included on the final recordation ~~plat-Plat~~ and within the project's CC&Rs that identifies the process for obtaining a building permit as it is related to water rights and well drilling confirmation. A water right and associated well permit will remain with the ~~lot-Lot~~ and is not transferable.

b. Source Protection: Concentrated sources of pollution should be located as far as possible from all culinary well sources. To ensure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land ~~use-Use~~ agreement with the owner of the land by which the landowner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.

c. Binding Restriction: In both of these above situations, the restriction must be binding on all heirs, successors and assigns. The land ~~use-Use~~ restriction must be recorded with the property description in the ~~county-County recorder's-Recorder's~~ office. Copies of this recording must be submitted to the division of drinking water for review.

d. Publicly Owned Lands: Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.

E. ~~Water System~~ Concurrency Management:

~~1. All water systems shall meet the availability, distribution and delivery system, capacity, storage, design and construction requirements of the state division of drinking water and such approval shall be provided before final subdivision plat, final site plan, conditional use, or low impact permit approval.~~

~~2. Legal rights to the proposed water source shall be certified in writing by the state division of water rights and shall be provided before final subdivision plat, final site plan, conditional use, or low impact permit approval. The county shall not accept an application or certificate that has lapsed, expired or been revoked by the state engineer.~~

~~3. Willing-to-Serve Letter Required Prior to Development Permit Approval. Prior to approval of a Development Permit, a Water Supplier shall issue a Willing-to-Serve Letter in a form prescribed by the Summit County Board of Health to the applicant of a Development Permit, indicating the Water Supplier's willingness to provide water service to the Development and stating that in accordance with the Code of Health it either presently has or it will have, available water rights, source capacity, reserve capacity, system capacity and storage capacity required to provide the service at the pressure, volume and quality required by the Division of Drinking Water regulations and the Code of Health in time to meet the projected demand. Evidence of coordination with the private or public water service provider, including an agreement for service, service commitment letter, or other binding agreement for the provision of water shall be provided before final subdivision plat, final site plan, conditional use, or low impact permit approval.~~

~~4. Commitment of Service Letter Required For Building Permit. Applicants must obtain a Commitment-of-Service Letter as prescribed by the Summit County Code of Health from the Water Supplier providing drinking water service as a precondition to issuance of a building permit. The Commitment-of-Service Letter shall be issued in consideration of and within five (5) working days of the applicant's payment of the Water Supplier's impact fees or connection fees.~~

~~A certificate of convenience and necessity or an exemption therefrom, issued by the state public service commission, for the proposed water supplier, including an indication of the service area of the proposed water supplier, shall be provided prior to permit approval.~~

5. Individual water systems, which may be permitted by the ~~county~~County, shall only be permitted in mountain/remote areas designated on the land ~~use~~Use plan map and in areas where there are appropriately sized ~~L~~lots for which a community system is not feasible. (Ord. 708, 12-10-2008)

Chapter 10

WATER BANKING AND CONCURRENCY

10-10-1: TITLE:

10-10-2: APPLICABILITY:

10-10-3: DEFINITIONS:

10-10-4: INTERLOCAL COOPERATION AGREEMENT:

10-10-5: INTERCONNECT ALL WATER SYSTEMS AND CREATE WATER BANK OF EXISTING SURPLUS SOURCE CAPACITY:

10-10-6: CREATION OF WATER BANK TO SHARE EXISTING SURPLUS CAPACITY:

10-10-7: USE OF BANKED WATER TO PROVIDE SERVICE TO EXISTING CONNECTIONS, NEW CONNECTIONS ON PLATTED LOTS AND NEW DEVELOPMENT PLATS:

10-10-8: WILLING TO SERVE LETTERS, COMMITMENT OF SERVICE LETTERS AND ISSUANCE OF BUILDING PERMITS:

10-10-9: RENTED BANKED WATER TO BE WHEELED THROUGH EXISTING PIPELINE NETWORKS THROUGH COOPERATIVE AGREEMENTS AMONG WATER SUPPLIERS:

10-10-10: WATER SUPPLY/DEMAND STUDY SUBMITTED ANNUALLY:

10-10-11: PLAT NOTE ELIMINATED; ANNUAL REVIEW AND FEASIBILITY REPORT:

10-10-12: WATER CONCURRENCY ADVISORY BOARD:

10-10-13: INTERIM OPERATING RULES PENDING FULL IMPLEMENTATION:

10-10-14: CONSERVATION REQUIREMENT:

10-10-15: ENFORCEMENT:

10-10-1: TITLE:

This chapter shall be known and may be cited as the *SUMMIT COUNTY WATER BANKING AND CONCURRENCY ORDINANCE*. (Ord. 708, 12-10-2008)

10-10-2: APPLICABILITY:

This chapter applies to all unincorporated areas of the county within the Snyderville Basin planning district, plus the geographical area of the promontory development and property and to all public drinking water systems, including all shareholder owned mutual water companies, regulated public utilities or governmental entities, and applies to all surface and ground water sources of drinking water. This chapter does not apply to small water systems having less than fifteen (15) full time service connections or to individually owned drinking water wells serving a single residence. (Ord. 708, 12-10-2008)

10-10-3: DEFINITIONS:

The following defined terms are used throughout this chapter:

AUDIT: A detailed review and investigation of a water supplier's water source production and water quality records, metered use records, and any and all files relating to the water supplier's compliance with the requirements of this chapter and the regulations of the DDW.

~~AVERAGE YEARLY DEMAND: The quantity of water required by DDW regulations to be delivered to a consumer by a water supplier during a typical year expressed in acre-feet.~~

~~CERTIFY: A report from the district engineer to the Summit County director of health containing the district engineer's recommendation for approval or rejection of a water supplier's supply/demand study, based upon the district engineer's review and evaluation of the data submitted by the water supplier.~~

~~COMMITMENT OF SERVICE LETTER: An irrevocable, contractual commitment in letter form issued by a water supplier to a customer, in consideration for payment of the water supplier's impact or connection fees. A customer must have a commitment of service letter as a condition to the issuance of a building permit.~~

~~CUSTOMER: The customer is a lot owner or other consumer of water through a culinary water distribution system operated by a water supplier, and whose name appears on the commitment of service letter required by this chapter.~~

~~DEQ: The department of environmental quality of the state of Utah.~~

~~DDW: The division of drinking water of the department of environmental quality of the state of Utah.~~

~~DIRECTOR OF HEALTH: The director of the Summit health department, under the direction of the Summit County board of health, or his or her designee.~~

~~DISTRICT ENGINEER: A licensed professional engineer meeting all of the necessary qualifications of a DDW staff engineer, who may be hired and employed by the DEQ or may be an independent contractor hired by DEQ to fill this position, and assigned specifically to Summit County by means of an interlocal agreement between the DEQ and the county, as authorized by Utah Code Annotated, section 11-13-101 et seq. The district engineer's duties shall include, but are not limited to, enforcement of DDW regulations and providing technical assistance to the county in the review of supply/demand studies and supporting the county in the implementation of this chapter. The district engineer's duties may be performed by an alternate district engineer to be designated by the county, when the district engineer is on vacation or otherwise unavailable. The district engineer may perform such other duties relating to areas of jurisdiction of the DEQ as may be agreed to by the county and DEQ by interlocal agreement.~~

~~EQUIVALENT RESIDENTIAL CONNECTION (ERC): A term commonly used to evaluate service connections to consumers other than the typical residential domicile. Public and private water system management is expected to review metered drinking water volumes delivered to nonresidential connections and estimate the equivalent number of residential connections that these represent. All source capacity data (including residential connections) are ultimately reduced to the ERC common unit for equal treatment and comparative statistics. This information is finally utilized in evaluation of the system's source, storage and delivery capabilities. A typical ERC in Summit County uses approximately one thousand two hundred (1,200) gallons per day for peak day demand; however, the ERC may vary from water system to water system, in recognition of the differences in topography, elevation, average lot sizes, types of vegetation, and exposure, all of which affect outside water use requirements.~~

~~EXISTING LOTS OR DEVELOPMENT: Any building lot or development for which a completed application for development or site plat approval had been submitted to Summit County on or before March 13, 2001.~~

~~MRWSSD: Mountain regional water special service district, a political subdivision of the state of Utah, providing water services throughout the Snyderville Basin of Summit County, Utah.~~

~~NEW DEVELOPMENT: Any development project for which a completed application for a development plat approval was filed with the Summit County planning department after March 13, 2001.~~

~~PEAK DAY DEMAND: The amount of water delivered to a consumer by a water supplier on the day of highest consumption, generally expressed in gallons per day (gpd), or gallons per minute (gpm), averaged over a peak day. Water systems are sized to deliver the peak day demand and fire flows to each customer on the system.~~

~~PEER REVIEW: Anonymous technical review of a water supplier's supply/demand study, and other related water supplier records maintained pursuant to this chapter, performed by a qualified independent expert. The peer review may include, but is not limited to, water supply/demand studies, water quality, water source performance data, system and storage capacity, a rerating of water sources, water rights, and water conservation programs.~~

~~PROJECT OR DEVELOPMENT: The project or development to receive water service from a water supplier, whether residential or commercial in nature.~~

~~SMALL WATER SUPPLIER: A water supplier serving fewer than fifteen (15) connections and more than one.~~

~~SOURCE CAPACITY: The quantity of water required by the DDW regulations to meet the peak daily demand in gallons per minute (gpm) and average yearly volume in acre-feet per year from a DDW approved water source for an ERC, factoring indoor culinary use, outdoor irrigation use, and any other beneficial use of water such as livestock water, snowmaking or industrial use. The calculations will be broken into zones or subdistricts within a water system where multiple sources serve multiple or distinct (normally unconnected) service areas. This definition applies to all ground water sources (including wells, springs or tunnels), as well as treated and untreated surface water sources.~~

~~SUPPLY/DEMAND STUDY: An annually updated study, as is further defined in section 10-10-10 of this chapter, detailing the currently available water rights, water source capacity, reserve source capacity, storage capacity, system capacity, the current number of service connections, outstanding commitment for service letters and other system demands, any surplus capacity, and the number of new ERCs the water supplier can serve with this surplus capacity. The supply/demand study will also include a rolling five (5) year forecast of anticipated new service connections and other system demands, and a financial and capital improvement plan to meet the forecasted demands. The supply/demand study shall also include a one page executive summary page, in accordance with subsection 10-10-10B4 of this chapter, summarizing all relevant data for ease of review by the public.~~

~~SURPLUS CAPACITY: Existing source capacity in excess of any reserve requirements for drought and emergency needs mandated by DDW regulations or by this chapter, and in excess of that quantity of water required by DDW regulations to meet the service demands of the water supplier's existing customers, any outstanding commitments for new service, or other demand obligations as identified in the water supplier's annual supply/demand study.~~

~~SYSTEM CAPACITY: The water supplier's water distribution system infrastructure, including the hydraulic capacity of its pipelines, pumping and treatment facilities, storage facilities and other related facilities to deliver the required drinking water to the end customer.~~

~~WCAB: The water concurrency advisory board. An advisory board appointed by the county manager to help ensure that quality drinking water, irrigation water, and snowmaking water~~

and water for other beneficial uses will be available to all citizens of the Snyderville Basin.

WATER SUPPLIER: Any public or private water system, with fifteen (15) or more full-time connections to its water distribution system, whether public or private, providing wholesale or retail water service, including areas served by municipalities outside of their corporate boundaries. "Private or public", as used in this chapter, means profit or nonprofit, regulated or nonregulated by the public service commission, including all mutual water systems or public systems of any nature with fifteen (15) or more full-time occupancy service connections. Weber Basin water conservancy district is exempt from regulation by this chapter; however, those water suppliers purchasing water under contract from the Weber Basin water conservancy district must comply with this chapter.

WILLING TO SERVE LETTER: A letter issued by a water supplier on a standard county issued form to a developer of a project or development, indicating that the water supplier will provide water service to the project or development; provided, that the developer complies with all of the rules and regulations of the water supplier for the receipt of water service. (Ord. 708, 12-10-2008)

10-10-4: INTERLOCAL COOPERATION AGREEMENT:

The county will enter into an interlocal cooperation agreement as authorized by Utah Code Annotated, section 11-13-101 et seq., with the DEQ for the employment of a district engineer by July 1, 2001, or as soon thereafter as the position can be funded and staffed pursuant to the interlocal cooperation agreement. The district engineer may be a contract employee of the DEQ. The county may hire a consulting engineer to perform these services as the interim district engineer, under the interim rules enacted by this chapter, who will serve until such time as the department of environmental quality staffs the district engineer position. It is the intent of this chapter that the district engineer be either a DEQ employee or an independent contractor employee of DEQ, whose sole employment is as district engineer to serve the needs of Summit County as per the interlocal cooperation agreement.

A. County To Provide Funding: The county will provide ongoing funding throughout the term of the agreement, and any extensions thereof, to employ the district engineer, including salary, benefits and reasonable expenses. The county will also provide the district engineer an office within the county health and/or planning departments, or at such other location as the county determines, and will provide all required support services for the district engineer.

B. Fee To Be Imposed: The county may charge an annual fee to all water companies regulated by this chapter, in an amount to be determined by the county council from time to time, to equitably and proportionately defray cost of the district engineer. The annual fee will be determined based upon ratio of the number of connections being served in each regulated water supplier divided by the total number of connections being served by all regulated water suppliers in each year. The county may also charge an impact fee to new development to proportionately offset the costs of the district engineer.

C. Tasks To Be Negotiated: The specific tasks to be performed by the district engineer shall be set forth in the interlocal cooperation agreement to be negotiated by the county and DEQ. Generally, the district engineer shall enforce DDW regulations, and decisions of the district engineer relating to DDW regulations may be appealed to the drinking water

board created under Utah Code Annotated, section 19-4-103. In addition, the district engineer will provide the county technical assistance in the review and certification to the county director of health of the annual supply/demand study required by this chapter. The district engineer will make his or her recommendations relating to the supply/demand study to the county director of health, whose decision is the final county action. The decision of the director of health may be appealed as provided by law. The district engineer may also perform other DEQ tasks, such as enforcement of water quality regulation and work in other areas within the jurisdiction of the DEQ that are of concern to the county. To the extent the district engineer performs tasks in addition to those related to drinking water, the costs shall be paid separately by the county and will not be charged to the regulated water suppliers under this chapter. (Ord. 708, 12-10-2008)

~~10-10-5: INTERCONNECT ALL WATER SYSTEMS AND CREATE WATER BANK OF EXISTING SURPLUS SOURCE CAPACITY:~~

~~A. Connection Of Water Suppliers' Systems: To the extent legally and physically possible, the existing water distribution systems within the Snyderville Basin will be interconnected to facilitate the transfer of banked water, as well as emergency deliveries of water to maintain fire flow storage and for public health and safety purposes.~~

~~B. MRWSSD To Make Physical Connections: The MRWSSD will make the physical interconnections in accordance with plans and specifications approved by the district engineer and DDW regulations. Any such interconnection shall be subject to the inspection and approval of the water suppliers whose systems are being interconnected.~~

~~C. Allocation Of Costs Of Interconnections: The MRWSSD may pass the cost of the interconnections onto all water suppliers who participate in the water bank as a cost of gaining access to the banked water supply so as to recover its capital costs in making the interconnections. The county manager, whose decision shall be the final, shall resolve any dispute as to how the costs should be allocated among those water suppliers participating in the water bank. The decision of the county manager may be appealed as provided by law. (Ord. 708, 12-10-2008)~~

~~10-10-6: CREATION OF WATER BANK TO SHARE EXISTING SURPLUS CAPACITY:~~

~~A. Creation Of Water Bank: There is hereby created a water bank through which existing surplus capacity of a water supplier may be made available for short term use by other water suppliers to ensure that existing service connections have adequate water to meet the basic needs of each customer connected to a water system.~~

~~1. Administered By MRWSSD: The water bank will be administered by the MRWSSD.~~

~~2. Coordination With Division Of Water Rights: The MRWSSD will work with the water suppliers who desire to participate in the water bank to jointly file any required applications with the~~

division of water rights to facilitate the short term sharing of water resources through the water bank.

~~B. Surplus Capacity Into Water Bank: Any water supplier having surplus capacity may make its surplus capacity available for use through the water bank to be administered by MRWSSD.~~

~~C. Water To Be Banked On Year To Year Basis: Surplus capacity would be committed to the water bank on a yearly basis by January 2 of each year, and would be available for rent through the water bank during the ensuing year.~~

~~1. Renting Of Banked Water: Water companies lacking surplus capacity can rent banked surplus capacity through the water bank on a year to year basis, at a price to be set by the MRWSSD in consultation with the parties banking water.~~

~~2. Fees For Rental Of Banked Water: Fees paid for banked water will be passed through by MRWSSD to the parties banking the water, less a reasonable administrative fee paid to the MRWSSD in an amount determined by the county council. (Ord. 708, 12-10-2008)~~

~~**10-10-7: USE OF BANKED WATER TO PROVIDE SERVICE TO EXISTING CONNECTIONS, NEW CONNECTIONS ON PLATTED LOTS AND NEW DEVELOPMENT PLATS:**~~

~~A. Serve Existing Connections: Water rented through the water bank will be used only to augment the renting water supplier's ability to serve its existing customers within its service area, thereby lessening any physical shortage of source capacity so that the water supplier can meet the public health, safety and welfare needs of the existing connections to its system.~~

~~B. New Construction On Existing Platted Lots: New construction on platted lots or development sites existing as of March 13, 2001, within a water supplier's service area can be served only if the water supplier has surplus capacity (exclusive of the use of banked water) to allow new service connections to be made, as certified to by the district engineer and the concurrence of the county director of health, in accordance with standards established by DDW regulations and this chapter.~~

~~1. Purchase Of Surplus Capacity: Any water supplier with surplus capacity, as demonstrated by the water supplier's approved supply/demand study, may sell a perpetual right to all or some portion of its surplus capacity to another water supplier on terms to be negotiated and agreed to by the buying and selling water suppliers. This purchased surplus capacity could then be used to support the issuance of commitment of service letters to new customers on existing lots, or to new development, within its service area. The cost of the purchased surplus capacity will be passed onto new customers creating the new demand in the form of an impact fee in public water systems, or as part of the connection fee in private water companies, and will not be absorbed as a general operating cost of the water supplier.~~

~~2. Adjustment Of Source Capacity Inventories: Any permanently purchased surplus capacity would be credited to the purchasing water supplier's source capacity inventory and deducted from the selling water supplier's source capacity inventory.~~

~~3. Transfer Of Purchased Surplus Capacity Through Interconnected Systems: The purchased surplus capacity would be wheeled through the interconnected water systems to deliver the water from the selling water supplier to the purchasing water supplier, subject to the various water suppliers entering into reciprocal wheeling agreements as provided in subsection 10-10-9A of this chapter.~~

~~C. New Development; Banked Water Not Available For Use In Service Of New Development: Due to the temporary nature of the banked water supply, no banked water would be available for use through the water bank, or otherwise, for the platting of and service to new development.~~

~~1. Willing To Serve Letters: Water suppliers can issue willing to serve letters to the developers of new development only if the water supplier demonstrates through its approved five (5) year plan as a part of its approved supply/demand study, that it presently has sufficient surplus capacity or that through the implementation of its five (5) year capital improvement and financial plans, as contained in its supply/demand study, it will have the source capacity, storage capacity, water rights and system capacity available at the time required to provide service to the new development.~~

~~2. Prerequisites: The district engineer's certification and the concurrence of the county director of health of the water supplier's ability to serve new development based upon the water supplier's five (5) year plan, is a condition precedent to the water supplier's issuance of a willing to serve letter and of the county's approval of a new development plat. Commitment of service letters shall not be issued to customers within a new development until the water supplier, as certified by the district engineer, has the presently available physical water source capacity, source capacity reserves, water rights, system capacity and storage capacity required by the DDW's regulations and this chapter, to meet the water service requirements of the new customers. (Ord. 708, 12-10-2008)~~

~~10-10-8: WILLING TO SERVE LETTERS, COMMITMENT OF SERVICE LETTERS AND ISSUANCE OF BUILDING PERMITS:~~

~~A. Willing To Serve Letter Required For Plat Approval: As part of the development plat approval process, the water supplier shall issue a willing to serve letter in a form prescribed by the county to the developer of a new development parcel, indicating the water supplier's willingness to provide water service to the new development and stating that it either presently has, or that in accordance with its five (5) year forecast contained within its supply/demand study, it will have, available the water rights, source capacity, reserve capacity, system capacity and storage capacity required to provide the service at the pressure, volume and quality required by DDW regulations and this chapter in time to meet the projected demand.~~

~~B. Amend Five Year Plan, If Necessary: If the ERCs for this new development are not already included within the water supplier's current five (5) year demand projections, it will amend its five (5) year supply/demand study to factor in these new ERC demand~~

~~requirements and submit its amended supply/demand study to the district engineer for review and certification of the water supplier's ability to provide service to the new development. Certification of the district engineer and the concurrence of the county director of health of the amended supply/demand study is a condition precedent to receiving plat approval.~~

~~C. Commitment Of Service Letter Required For Building Permit: Customers must obtain a commitment of service letter from the water supplier providing drinking water service in that area as a precondition to issuance of a building permit.~~

- ~~1. Present Ability To Provide Service: A water supplier may not issue a commitment of service letter to a customer unless the water supplier, as certified by the district engineer, and concurred in by the county director of health, has the present ability to deliver physical water in the quantities, at the pressure and of a quality required by DDW regulations and this chapter.~~
- ~~2. Consideration: The commitment of service letter shall be issued in consideration of and within five (5) working days of the customer's payment of the water supplier's impact fees or connection fees.~~
- ~~3. Irrevocable Commitment Of Resources: By the acceptance of a customer's payment of the water supplier's impact fees or connection fees and the issuance of a commitment of service letter to a customer, a water supplier will be deemed to have entered into an irrevocable, contractual commitment of water rights, water source capacity, reserve capacity, system capacity and storage capacity required to meet the service requirements of an ERC within the water supplier's service area, including water to meet the reasonable landscape irrigation requirements of the ERC, so that water service can be provided on demand.~~
- ~~4. Standby Fees: A water supplier issuing a commitment of service letter to a customer may charge that customer a standby maintenance fee to offset the costs of maintaining the water distribution system in a ready to serve status, in an amount approved through its rate making process. The fee may commence upon the issuance of the commitment of service letter.~~

~~D. Failure To Serve A Misdemeanor: Absent one of the conditions set forth in subsection D2 of this section, the failure of a water supplier to honor a commitment of service letter and to provide service to the customer on demand is a class C misdemeanor, punishable as provided in section 1-4-1 of this code. County criminal enforcement shall be in addition to any applicable penalties imposed by state law and DDW regulation.~~

- ~~1. Civil Action Preserved: Nothing contained herein shall prevent a customer who has received a commitment of service letter and then been denied service by a water supplier from pursuing any civil remedy available to the customer.~~
- ~~2. Deferral Of Service Commitment: A water supplier that has issued a commitment of service letter to a customer may defer providing water service without liability to the customer if, between the date of issuance of the commitment of service letter and the date service is requested, the water supplier:~~
 - ~~a. Loss Of Source: Has lost one or more water sources due to drought, mechanical failure or other causes reasonably beyond the control of the water supplier.~~

- ~~b. Loss Of Reserve Capacity: The water supplier's reserve source capacity has dropped below the level required by DDW regulations and this chapter.~~
 - ~~c. River Administration: The water supplier has been ordered by the state engineer, or his duly authorized river commissioner, to curtail diversions and use of water due to drought, priority administration of the water rights within the Snyderville Basin or other lawful administrative orders prohibiting the water supplier from making new service connections at that time.~~
 - ~~d. Legal Process: Lawful order of any court of competent jurisdiction.~~
 - ~~e. System Or Facilities Failure: Water system failure or loss or damage to a storage facility or major pipeline components of a water distribution system rendering it temporarily impossible for the water supplier to connect new users to the system.~~
 - ~~f. Emergency Conditions: Other emergency conditions that are reasonably beyond the control and foreseeability of the water supplier.~~
- ~~3. Notification: A water supplier who has experienced an event listed in subsection D2 of this section, or other emergency conditions that are reasonably beyond the control and foreseeability of the water supplier, shall notify the county through the district engineer, in writing, within twenty four (24) hours of the occurrence of the event. The failure to so notify the county is a class C misdemeanor.~~
- ~~4. Duty To Cure: A water supplier that has experienced an event listed in subsection D2 of this section, and has notified the county as required by subsection D3 of this section, is authorized to defer providing service to customers holding commitment of service letters without liability to the customer. The water supplier shall take all reasonable steps to resolve this situation so that service can be provided as soon as reasonably practicable.~~
- ~~5. Restoration Of Service: Water service shall be provided to a customer holding a commitment of service letter within thirty (30) days following the resolution of the conditions for deferral of service referenced in subsection D2 of this section. The failure of a water supplier to connect a customer holding a commitment of service letter after the conditions for deferral of service have been resolved is a class C misdemeanor and will be subject to prosecution by the county. (Ord. 708, 12-10-2008)~~

~~10-10-9: RENTED BANKED WATER TO BE WHEELED THROUGH EXISTING PIPELINE NETWORKS THROUGH COOPERATIVE AGREEMENTS AMONG WATER SUPPLIERS:~~

- ~~A. Reciprocal Carriage Agreements: All water suppliers in the Snyderville Basin will be encouraged to enter into reciprocal agreements to wheel banked water through their systems so that water short areas may rent water through the water bank or purchase the surplus capacity of a willing seller and receive the delivery of the rented or purchased water through the interconnected distribution lines.~~
- ~~1. Carriage Charge For Transporting Rented Water: Any water supplier wheeling rented, banked water through another water supplier's distribution system will pay the transporting entity a carriage charge to transport the water in an amount determined by the transporting entity. The carriage charge shall be limited to actual costs of carriage plus a reasonable and proportionate share of the costs of operation and maintenance of the wells, pump stations and distribution pipelines used to produce and wheel the purchased water. The carriage~~

~~charge can be passed on to customers by the water supplier in the form of a surcharge on its service fees. Any dispute over the amount of a carriage charge shall be referred to the county director of health, whose decision on the amount of the carriage charge shall be final, unless the water supplier is a regulated public utility, in which case the rate review would occur at the public service commission in accordance with its regulations.~~

~~2. Perpetual Delivery Of Purchased Surplus Capacity: A water supplier who purchases a perpetual right to use surplus capacity of another water supplier must, in addition to a carriage charge, pay a reasonable and proportionate amount of the capital costs of the infrastructure used by the transporting water supplier to deliver the purchased surplus capacity to the purchasing water supplier. The terms of the reciprocal wheeling agreements are to be negotiated by the purchasing water supplier and the transporting water supplier or suppliers who will wheel water to the purchasing water supplier.~~

~~B. Deliveries Of Wheeled Water Metered: Rented or purchased surplus capacity will be metered in and out of systems to account for deliveries. The party renting banked surplus capacity or purchasing the surplus capacity of another water supplier will bear any conveyance losses.~~

~~C. Guaranteed Water Quality: Each water supplier, as a part of the reciprocal carriage agreements, will guarantee to those water suppliers who will carry water for them, that the banked water introduced into the interconnected water systems will be of culinary quality, will meet all primary and secondary water quality standards of the DDW, and agree to indemnify and save the transporting water supplier harmless from any and all claims, liens, damages and liability, including costs and reasonable attorney fees, resulting from or in any way related to the transport of water through their system for the benefit of another water supplier, except for the negligence of the transporting water supplier.~~

~~D. Exchanges Through Water Bank To Minimize Interbasin Transfers Of Water: The MRWSSD is to work with the state engineer regarding the use of banked water anywhere throughout the basin. In the absence of state engineer approval, banked East Canyon Creek water will be used only in the East Canyon Creek drainage. Banked Silver Creek water will be used only in the Silver Creek drainage and, to the extent possible, the MRWSSD will facilitate exchanges through the water bank to make water available where it is needed. (Ord. 708, 12-10-2008)~~

~~**10-10-10: WATER SUPPLY/DEMAND STUDY SUBMITTED ANNUALLY:**~~

~~A. Supply/Demand Study And Five Year Forecast: Water suppliers will file annually a water supply/demand study, in a form prescribed by the county.~~

~~B. Contents Of Study And Five Year Forecast: At a minimum, the study will show the currently available water rights, water source capacity, reserve source capacity, storage capacity, system capacity, the current number of service connections, outstanding commitment for service letters and other system demands, any surplus capacity and the number of new ERCs that it can serve with its surplus capacity. The supply/demand study will also include a rolling five (5) year forecast of anticipated new ERCs and other system demands and a capital improvement and financing plan to meet this anticipated demand.~~

- ~~1. Identify New Source And System Upgrades: The supply/demand study will identify the need for additional water sources, upgrading of system and storage capacities, and the timing when these improvements will be required to meet anticipated service demands within their system, based upon a rolling five (5) year forecast.~~
- ~~2. Capital Facilities Plan: The supply/demand study will contain a capital facilities plan as well as a financial plan to show economic ability to develop new source capacity, and other system and storage capacities, to keep pace with anticipated new system demands on system as disclosed in the five (5) year forecast.~~
- ~~3. Plans To Be Updated Annually: As part of the initial supply/demand study and any subsequent annual update, each water supplier will supply daily and/or monthly production data on all wells and other water sources for 2002. For water sources that have been in service for more than one year, the water supplier will also provide all available production records from all preceding years for which each source has been in service.~~
- ~~4. Annual Summary Page: The WCAB will develop a summary form that shall be completed by the water supplier and submitted annually with its updated supply/demand study, showing in summary form its water rights, source capacity, storage capacity, number of ERCs currently connected and receiving service, the number of outstanding commitment of service letters and other system demands. This summary form will be available to the public through the district engineer.~~
- ~~5. Reviewing Fee: The county may charge a reasonable fee for processing and reviewing the annual supply/demand study and any amendments to any such study.~~

~~C. Source Capacity Reserve Requirements: Water suppliers will maintain reserves of source capacity as required by DDW regulations. However, for older wells or other water sources for which DDW has not imposed a reserve requirement, the water supplier will hold in reserve at least fifteen percent (15%) of the source's most recent rated capacity, as protection against the interruption of service to its existing customers. In order to waive this fifteen percent (15%) reserve requirement, the district engineer must find that there is an adequate reserve already built into the DDW rating based upon performance data so as to protect existing customers. The district engineer may require a water supplier to hold more than fifteen percent (15%), but not more than thirty three percent (33%), of the source's DDW rated capacity in reserve, if the water supplier has only a single source of supply. In addition to maintaining the required reserve source capacity, single source systems will be encouraged to interconnect their distribution systems with other water suppliers to provide access to emergency supplies of backup source capacity.~~

- ~~1. Decline In Source Capacity: If a water supplier's five (5) year supply/demand study demonstrates a declining trend in source production, the district engineer will notify the water~~

~~supplier that it must augment its source capacity by developing or acquiring additional state approved sources of drinking water.~~

~~2. Loss Of Reserve Capacity: If a water supplier's five (5) year supply demand study demonstrates that its reserved source capacity is dropping below the reserves required by DDW regulations or this chapter, the district engineer will not certify the water supplier's five (5) year water supply/demand study to the county director of health, and the director will not approve the supply/demand study. No new connections will be made to the water system, until such time as the water supplier develops or acquires additional source capacity so that it can meet the needs of existing customers and maintain its required reserved source capacity before it makes new service connections to new customers.~~

~~D. Testing Of Existing Wells And Sources: Existing wells and other sources of drinking water will be retested by the water supplier at the direction of the district engineer, if production or flow records indicate more than a seasonal deviation in production or flow levels and recovery levels, and/or a material change in water quality, using testing protocol that conforms to DDW regulations. Existing wells and other sources of drinking water may be rerated at any time by the district engineer at the request and at the expense of the water supplier.~~

~~E. Baseline Data To Be Provided For All New State Approved Sources: Water suppliers will provide as a part of their supply/demand study baseline well test data for new wells and for other state approved sources of drinking water, using testing protocol that conforms to DDW regulations.~~

~~F. Other Related Data: Water suppliers will also provide any and all other data reasonably required by the district engineer that is related to source production and water quality.~~

~~G. Filing Of Initial Supply/Demand Study: All water suppliers regulated by this chapter shall submit their initial supply/demand study, including their initial five (5) year new demand forecast to the district engineer no later than June 30, 2002. Each water supplier will file its annually updated supply/demand study with the district engineer no later than January 2 of each succeeding year. The supply/demand study will also identify the availability of surplus source capacity the water supplier is willing to place in the water bank for that year, or whether it would need to rent water through the water bank to meet the service requirements of its existing customers.~~

~~H. Review And Approval Of Supply/Demand Study And Five Year Plan: The district engineer shall review each annually updated supply/demand study for compliance with DDW regulations and the requirements of this chapter. The district engineer will certify in writing to the county director of health that:~~

~~1. Compliance With Applicable Regulations: The water supplier has complied with the requirements of this chapter and all applicable DDW and county regulations;~~

- ~~2. Present Ability To Serve Existing Customers: That it has the present ability to provide service to its existing customers and to those customers holding outstanding commitment for service letters;~~
- ~~3. Service To New Customers: That based upon the water supplier's five (5) year forecast of new demand and through the implementation of its capital facilities and financial plans, it will have the ability to provide service to a predetermined number of new ERCs and may issue willing to serve letters to that predetermined number of ERCs within new development.~~
- ~~4. County To Approve: Upon receipt of the district engineer's certification required by this subsection, the county director of health, in the exercise of his reasonable discretion, shall either approve or reject the supply/demand study.
 - ~~I. Rejection Of Supply/Demand Study: If the district engineer reasonably believes that the water supplier's supply/demand study, or the data upon which the study is based, does not demonstrate the water supplier's ability to serve its existing customers and outstanding commitments for service, and/or fails to document the ability of the water supplier to provide service to projected new development, the district engineer may recommend to the county director of health that they reject the supply/demand study.~~~~
- ~~1. Decision To Be In Writing: The director's decision approving or rejecting the supply/demand study shall be in writing, and, if rejected, the decision document shall specify the reasons for its rejection. The written decision will be provided to the water supplier within a "reasonable time" following the submission of its supply/demand study, which for purposes of this chapter means thirty (30) days, unless unusual conditions exist that delay the response. The decision document shall be a public record, and accessible as provided by state law.~~
- ~~2. DDW Regulations: If the rejection relates to the water supplier's failure to comply with DDW regulations, the water supplier may pursue an appeal of the director's decision to the drinking water board.~~
- ~~3. Chapter Requirement: If the rejection relates to the water supplier's failure to comply with the requirements of this chapter, other than those regulated by DDW, the water supplier may either pursue peer review or appeal the director's decision as provided by law.~~
- ~~4. Amend Supply/Demand Study: The water supplier may amend a rejected supply/demand study to respond to the written objections of the district engineer and the county, and resubmit the amended supply/demand study to the district engineer. The district engineer shall again review the supply/demand study and certify in writing his or her recommendation to the county director of health, who shall either approve or reject the supply/demand study as provided in subsection H of this section or this subsection.
 - ~~J. Peer Review: If the director rejects a supply/demand study based upon the recommendations of the district engineer, or if the water supplier or any customer on the water supplier's distribution system disputes any conclusions of the district engineer in his or her certification to the county, the concerned party may request peer review of the district engineer's findings and conclusions.~~~~
- ~~1. The county will engage the peer reviewer at the expense of the party requesting peer review. The county will maintain a list of technical specialists with education and professional training~~

~~in engineering and geology as it relates to water resources engineering and water conservation.~~

- ~~2. The county will engage the peer reviewer from the list of technical specialists to complete the peer review of a water supplier's supply/demand study. The peer reviewer shall review the supply/demand study and related data without further input from the water supplier, the district engineer or the county, and issue a final written report to the county director of health documenting the findings of the peer review process. The peer reviewer's report shall be unsigned to protect the integrity of the process, but will be a public document and accessible as provided by state law.~~
- ~~3. The decision of the peer reviewer will be issued within fifteen (15) working days of the submittal of the contested supply/demand study and the district engineer's conclusions to the peer reviewer.~~
- ~~4. The director of health shall then act upon the recommendations of the peer reviewer and either approve or reject the annual supply/demand study based upon that recommendation.~~

~~K. Appeal Of Decision Of County Director Of Health: The decision of the director shall be deemed the final action of the county. Any party aggrieved by a decision of the director under this chapter may seek judicial review in accordance with the laws of the state.~~

~~L. Audit Of Water Supplier: The county director of health, based upon the recommendation of the district engineer, may require an audit of water supplier's data if the district engineer questions the validity of the submitted data.~~

- ~~1. Independent Consultant: The audit requirement may include the review of data by an independent professional engineering consultant hired by the county at the water supplier's expense to review and verify submitted data.~~
- ~~2. On Site Audit: If it appears from audit that data has been falsified or is inaccurate, the district engineer may conduct a full on-site audit of all of the water supplier's records and all facilities, require DDW supervised well and other water source performance testing, review all meter reading data, water quality testing and data, and any other review reasonably related to compliance with state and county regulations, all at the water supplier's expense.~~
- ~~3. Referral Of Possible Civil Or Criminal Violations To State And County Officials: The district engineer will refer any apparent violations of state law and DDW regulations to DDW compliance officers for enforcement action. In addition, the falsification of any reported data shall constitute a class C misdemeanor and will be prosecuted by the county attorney. (Ord. 708, 12-10-2008)~~

~~10-10-11: PLAT NOTE ELIMINATED; ANNUAL REVIEW AND FEASIBILITY REPORT:~~

~~A. No Recording Against Land Titles: Any plat note inserted into a recorded development plat in accordance with section 1(2)(c) of ordinance 400 is hereby deemed deleted from~~

~~such plat and the plat note is of no further force or effect and shall be considered to not be of record or to provide any legal notice.~~

~~B. Disclaimer: Nothing contained in this chapter, or in the district engineer's certification of a supply/demand study to the county director of health shall be construed by any developer, customer or prospective customer of a water supplier as a guarantee by the county, the state or the district engineer, that water will always be available for service from the water supplier. By accepting payment of impact fees and connection fees and the issuance of commitment of service letters, a water supplier assumes full and complete liability to its customers if it cannot provide service to those customers holding commitment of service letters or to those customers who are connected to the water distribution system, except where service is deferred or interrupted for causes reasonably beyond the control of the water supplier. (Ord. 708, 12-10-2008)~~

~~**10-10-12: WATER CONCURRENCY ADVISORY BOARD:**~~

~~There is created a water concurrency advisory board to assist the county director of health in ensuring that quality drinking water, irrigation water and snowmaking water, and water for other beneficial uses will be available to all of the citizens of the county in quantities sufficient to meet current demands and projected growth. The water concurrency advisory board was initially created and appointed under ordinance 400 and that board shall continue to serve as the water concurrency advisory board under this chapter, and their terms shall run for the balance of their original appointed terms under ordinance 400.~~

~~A. Duties: The water concurrency advisory board shall advise the county director of health on all matters with water concurrency, water conservation, recommendations of individuals for employment as the interim district engineer, and future amendments to this chapter.~~

~~B. Board Members: There shall be up to nine (9) members of the water concurrency advisory board appointed by the county manager.~~

~~C. Organization: Five (5) of the initial members shall be appointed for four (4) year terms and the remaining four (4) members shall be appointed for two (2) year terms. Thereafter, all terms shall be for four (4) years. The county manager shall appoint a chairperson, who shall serve for a term of two (2) years.~~

~~D. Meetings: The WCAB shall establish its own meeting schedule and shall provide public notice of any and all such meetings in the manner provided by law. (Ord. 708, 12-10-2008)~~

~~**10-10-13: INTERIM OPERATING RULES PENDING FULL IMPLEMENTATION:**~~

~~In the interim, between the effective date hereof and the full implementation date when~~

concurrency ratings have been designated by the director of health, the following documents shall be required prior to the issuance of a building permit, final subdivision plat or site plan:

- A. A feasibility letter for the proposed water supply issued by the state division of drinking water.

- B. Evidence of coordination with the public or private water service provider, including an agreement for service and an indication of the service area of the proposed water supplier, commitment of service letter or other binding arrangement for the provision of water services.

- C. Evidence that water rights have been obtained, including an application for appropriation or change application endorsed by the state engineer pursuant to Utah Code Annotated, section 73-3-10, and a certificate of appropriation or certificate of change issued in accordance with Utah Code Annotated, section 73-3-16. The county shall not accept an application or certificate that has lapsed, expired or been revoked by the state engineer.

- D. A certificate of convenience and necessity or an exemption therefrom, issued by the state public service commission, for the proposed water supplier. (Ord. 708, 12-10-2008)

10-10-14: CONSERVATION REQUIREMENT:

All water companies regulated under this chapter, as a part of their supply/demand study, will adopt a county approved comprehensive water conservation plan consistent with this title and the general plan, which conservation plan will be implemented as soon as reasonably practicable. Except during the summer of 2002 and/or in the case of a public safety emergency, no water system will be allowed to use banked water until such time as their water conservation plan has been approved. The water conservation plan, at a minimum, will include a graduated rate structure for excess water usage, an education component to educate and encourage its consumers to conserve and use water wisely, and may include rules and regulations to implement a reduction of use and/or a moratorium on irrigation water usage, a moratorium on the installation of new landscaping, and also on new service connections, when conditions warrant, to ensure that no interruption of inside culinary use occurs, and that there remains a reasonable irrigation water supply within the system to preserve existing and established landscaping and fire flow storage for existing connections occurring during drought or other shortage conditions. (Ord. 708, 12-10-2008)

10-10-15: ENFORCEMENT:

- A. Criminal Penalties: Each water supplier, its responsible owners, board members, officers, agents and employees which wilfully or with criminal recklessness or criminal negligence, as defined by the Utah criminal code, supplies any false information to the county in its annual supply/demand study, in addition to being subject to prosecution for falsification in official matters under Utah Code Annotated, title 76, chapter 8, is guilty of a class B misdemeanor and subject to a fine of not more than two hundred dollars (\$200.00) per day for each day from the filing of the supply/demand study until the supply/demand

~~study has been amended to eliminate the false information and provide the correct information.~~

- ~~B. Civil Penalties: Each water supplier, including its responsible owners, board members, officers, agents, and employees, that fails to file its annual supply/demand study in a timely fashion is subject to a civil penalty not to exceed two hundred dollars (\$200.00) per calendar day until the annual supply/demand study is filed with the county and approved. In the event the supply/demand study is not filed by February 1, the daily fine will increase to five hundred dollars (\$500.00) per day. If the supply/demand study is not filed by March 1, the daily fine is increased to one thousand dollars (\$1,000.00) per day. Additionally, the county will revoke any past certification, and all new connections to the water system will be deferred until such time as the water supplier complies with the requirements of this chapter and pays in full all outstanding fines. This civil penalty is in addition to all other criminal and civil penalties under this chapter and under applicable state and federal laws and regulations.~~
- ~~C. Customer Relief: Any customer who is directly impacted by failure of a water supplier to meet the commitments as set forth in its annual supply/demand study, unless the service commitment is deferred for unavoidable causes as provided in this chapter, is entitled to recover from the water supplier, including its officers, board members, officers, agents and employees, all available damages in law and at equity, together with reasonable court costs and attorney fees, and is also entitled to recover from the water supplier a civil penalty of not more than two hundred dollars (\$200.00) per day until it receives its water in the required quantity and quality. Moreover, no water supplier may require any customer, owner or developer to assume the risk of the water supplier's nonperformance, or to waive any available damages.~~
- ~~D. Remedies Cumulative: These remedies and enforcement provisions shall be in addition to all other statutory and regulatory remedies under state and federal law. (Ord. 708, 12-10-2008)~~

Chapter 11

DEFINITIONS

10-11-1: TERMS DEFINED:

COMMITMENT OF SERVICE LETTER: An irrevocable, contractual commitment in a letter form issued by a Water Supplier to a Developer or customer, in consideration for payment of the Water Supplier's impact and/or connection fees.

WATER SUPPLIER: Any water system, whether public or private, providing wholesale or retail water service to the general public, including water for indoor culinary use, outdoor irrigation use, and any other beneficial use such as livestock water, snowmaking, industrial use, etc., including service by water systems to areas outside of their corporate boundaries or service areas.

WILLING-TO-SERVE LETTER: A letter issued by a Water Supplier indicating that the Water Supplier will provide water service to a project or new development, provided that the applicant complies with all of the terms of the agreement and the rules and regulations of the Water Supplier for the receipt of water service. This is not the same as a Commitment-of-Service letter.