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To: **Summit County Council**
From: **Helen Strachan, Deputy County Attorney &**
Travis English, Special Events Manager
Date: **October 26, 2016**
Re: ***Proposed Amendments to Special Event Permitting***

Please find attached for your consideration proposed changes to the Summit County Code related to special event permitting (*see* Attachment A). We have summarized the major changes in the permitting process below and have included a copy of the current special event permit language for you to review as well (*see* Attachment B). This is scheduled for a work session and if the Council wishes to make these changes, the item will be scheduled for action in the near future.

It is worth noting that we have collaborated with the various affected entities in the drafting of these amendments. The Summit County Community Development Department, Health Department, Sheriff's Office, Park City Fire Department, Clerk's Office, Engineering Department, and Park City's Special Events Department have been instrumental in assisting with these changes and they are supportive of the proposed amendments. Representatives from these affected entities will be on hand to answer any questions you might have for them as well.

Processing of Special Event Permits: Currently, special events are processed through the Community Development Department. Depending on the size of the event, they are either approved by the Community Development Director or the County Manager. The amendment anticipates the creation of a new position, the "Special Events Manager," who will be designated by the County Manager to oversee special events within Summit County. Our current Fair Director, Travis English, will move into the role of overseeing both the Summit County Fair and special events, taking the processing of special event permits out of the Community Development Department. However, Community Development will still have a role in the special event permit process. When an application is filed with the Special Events Manager, the application will be routed to different Summit County Departments, including the Community Development Department, who will ensure compliance with all zoning and land use regulations and applicable building codes of the state and county.

Special Events Defined: Special Events in Summit County are currently defined as follows:

> *Special Event: Any activity on public or private property that results in any of the following: A. The assembly of more than five hundred (500) people at a location not typically experiencing such assembly, or the assembly occurring on roadways of more than one hundred (100) people, or assembly involving temporary road closures on nonresidential county or state roadways.*

Special Events are then further broken down into either a "minor" or "major" special event, defined as follows:

> *SPECIAL EVENT, MAJOR: Any special event that exceeds the criteria for a special event, minor.*
>
> *SPECIAL EVENT, MINOR: Any special event that results in the public assembly of between five hundred (500) and one thousand (1,000) people, or between one hundred (100) and five hundred (500) people if occurring on roadways*

While in large part the way we have defined special events in the past has worked for us, there are a few issues. A special event is defined as "any activity" that involves the assembly of people. The way it is defined is somewhat vague and the new definition attempts to narrow the types of activities that trigger a permit. Also, currently, we define a "special event" as the assembly of more than 500 people, yet a minor special event is between 500 and 1000 people, so there is some ambiguity as to whether an event with 500 people truly requires a permit. Also, in practice, we have found that many applicants claim to have no more than 499 people attending an event (in order to skirt the necessity of a permit), when in reality, we find that the event, when held, has many more people than the claimed number. While it is unclear whether our new definition will address this issue, we are recommending reducing the threshold number of people that triggers a special event.

Another reason we are recommending a new definition of special events is to mirror Park City's new definition, adopted this past spring. Many of the special events that occur in Summit County are held in both Park City and Summit County jurisdictions. A standard definition will hopefully simplify the process for many special event permit applicants.

Here is the new proposed definition of "special event:"

> *SPECIAL EVENT: A sporting, cultural, entertainment or other type of unique activity, whether held for profit, nonprofit or charitable purposes, occurring for a limited or fixed duration that impacts the County by involving the use of, or having impact on, County-owned, leased or controlled property, or requiring County licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this code; or creates public impacts through any of the following:*
>
> *a. Full or partial street or sidewalk closures necessary for the safe and efficient flow of traffic in the County, and /or*
> *b. Use of public property, facilities, trails or parks, and/or,*
> *c. Use of County parking facilities, and/or*
> *d. Use of amplified sound above that defined in Title 5, Chapter 3 of this code, and/or*
> *e. Outdoor or temporary events that do not normally occur with the permitted use.*
>
> *Any organized activity involving the use of, or having an impact on, the above shall require a permit as outlined in this chapter. Event levels are determined based on degree of County impacts including but not limited to: anticipated attendance, use of amplified sound, transportation and parking, use of public*

or private property and admission. Any event may be defined as the following if they meet one or more of the listed criteria in a given category:

*1) **LEVEL ONE EVENT**.*
(a) An assembly of less than 200 persons or
(b) Necessity for rolling street closure.
*2) **LEVEL TWO EVENT**.*
(a) An assembly of between 200 persons and 499 persons; or
(b) Necessity for partial street closure.
*3) **LEVEL THREE EVENT**.*
(a) An assembly of more than 500 persons; or
(b) An assembly occurring on roadways of more than one hundred (100) people for an event that reasonably can be expected to continue for two or more hours; or
(c) Necessity for full street closure.

***FIRST AMENDMENT EVENT**. An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any County street or other property during the event. 'First Amendment Events' shall not include:*
(a) Solicitations or events which primarily propose a commercial transaction;
(b) Rallies, races, parades or events conducted with motor vehicles or bicycles;
(c) Footraces.

As you can see, the new definition narrows the types of activities that qualify as a special event (i.e. a sporting, cultural, entertainment or other unique activity) and requires the activity to have potential impacts on county property and/or services, or public impacts. However, although the definition of a special event is narrower, with the new definition, assemblies of less than even 200 people can potentially trigger the need for a special event permit. The new definition (as was the case with the old definition) is also consistent with State and County Health Code regulations. Those regulations require a "mass gathering permit" for assembles of more than 500 people. If one obtains a Level Three Special Event permit, there is no requirement for the applicant to obtain a "mass gathering permit" as well.

Filming Activities: In the past, if one wanted to film in Summit County, one had to obtain a "film permit," which is essentially a business license. Filming activities have never been defined or specially or specifically permitted. As you are undoubtedly aware, there has been much more activity in recent years with respect to filming activities here and we have had a few situations where filming activities have been disruptive to residents. For now, we are proposing a definition of "filming activities" and proposing that all filming activities be considered a Level Three Special Event (as explained below, a Level Three Special Event will be approved by the County Manager as opposed to the Special Events Manager) The proposed definition of "filming activities" is:

FILMING ACTIVITIES: Activities related to the production of motion pictures, television programming, music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to preparation, filming, strike time, and the ancillary functions accessory thereto.

In addition to the other requirements, a special event for filming activities requires the applicant to provide a specific shooting schedule, written permission of the property owners, and access to the set/site for purposes of either code enforcement or for law enforcement to ensure public health, safety and welfare.

Review, Approval, and Appeal: Minor special events are currently reviewed and approved (or denied) by the Community Development Director and major events by the County Manager. Requests for reconsideration then go to the County Council. We are proposing that the Special Events Manager approve all Level One, Two and First Amendment Events and the County Manager approve all Level Three Events, including all filming activities. All appeals would then go to the County Council.

Standards for Approval of Special Events: We are not recommending many changes to the standards for approving special events. By and large, they are based on issues related to public health, safety, and welfare, such as transportation issues, water, fire, lighting, sound, etc. In addition to public health, safety, and welfare concerns, Park City's standards include whether the event is found to provide positive economic and community value. At this time, we are recommending against this finding. While we do see our fair share of special events in Summit County, we have yet to see the volume that Park City faces. Perhaps this will change in the future, but staff would prefer not adding a subjective element to approval of these events.

Our code contains a "right of denial" provision that allows us to deny applications that pose significant dangers to public health, welfare or safety or which may result in unreasonable inconvenience or cost to the public. This provides a bit of flexibility when it comes to certain special event permits. We also have a new proposed provision that allows us to deny special events if there are back to back events or multiple special events on the same day. In considering those situations, the Special Events Manager is allowed to examine the value each event adds to the community.

Conclusion: This staff reports represents a summary of the major proposed changes to the special event process but we urge you to review the draft language attached as Attachment A in detail and come prepared with any questions you may have. The hope is that we can present an ordinance and the accompanying amendments for your adoption by the end of November.

3-4-1: DEFINITIONS:

All words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

APPLICANT: The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the Special Event Permit application and all other documents relevant to the event. If the Applicant is a corporation, corporate sponsor, or business, or any other entity, which is not a natural person, the co-Applicant or responsible party must be a natural person or persons. See sponsor.

ASSEMBLY: A company of persons gathered together at any location at any single time for any purpose.

FILMING ACTIVITIES: Activities related to the production of motion pictures, television programming, music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to preparation, filming, strike time, and the ancillary functions accessory thereto.

PERMITTEE. The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is signed by the Special Events Manager, upon meeting all the criteria in this chapter. As the permit holder, the Permittee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, fee assessments, and insurance liabilities connected with the permitted event.

PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society or group.

SPECIAL EVENTS MANAGER: The County employee designated by the County Manager, who administers the provisions in this chapter.

SPECIAL EVENT: A sporting, cultural, entertainment or other type of unique activity, whether held for profit, nonprofit or charitable purposes, occurring for a limited or fixed duration that impacts the County by involving the use of, or having impact on, County-owned, leased or controlled property, or requiring County licensing or services beyond the scope of normal business and/or liquor regulations, as defined by this code; or creates public impacts through any of the following:

a. Full or partial street or sidewalk closures necessary for the safe and efficient flow of traffic in the County, and /or
b. Use of public property, facilities, trails or parks, and/or,
c. Use of County parking facilities, and/or
d. Use of amplified sound above that defined in Title 5, Chapter 3 of this code, and/or
e. Outdoor or temporary events that do not normally occur with the permitted use.

Any organized activity involving the use of, or having an impact on, the above shall require a permit as outlined in this chapter. Event levels are determined based on degree of County impacts including but not limited to: anticipated attendance, use of amplified sound, transportation and parking, use of public or private property and admission. Any event may be defined as the following if they meet one or more of the listed criteria in a given category:

1) LEVEL ONE EVENT.
   (a) An assembly of less than 200 persons or
   (b) Necessity for rolling street closure.

2) LEVEL TWO EVENT.
   (a) An assembly of between 200 persons and 499 persons; or
   (b) Necessity for partial street closure.

3) LEVEL THREE EVENT.
   (a) An assembly of more than 500 persons; or
   (b) An assembly occurring on roadways of more than one hundred (100) people for an event that reasonably can be expected to continue for two or more hours; or
   (c) Necessity for full street closure.

FIRST AMENDMENT EVENT. An activity conducted for the purpose of persons expressing their political, social, religious, or other views protected by the First Amendment to the United States Constitution and Article 1, Section 15 of the Utah Constitution, including but not limited to speechmaking, picketing, protesting, marching, demonstrating, or debating public issues on any County street or other property during the event. 'First Amendment Events' shall not include:
   (a) Solicitations or events which primarily propose a commercial transaction;
   (b) Rallies, races, parades or events conducted with motor vehicles or bicycles;
   (c) Footraces.

SPECIAL EVENT PERMIT: A permit sought by an Applicant for an event as defined in this chapter, granted through the Special Events Department.

STREET CLOSURE. The deliberate blockage of any public street or County owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a Special Event permit.

SPONSOR. A person, group, or business which has contracted to provide financial or logistical support to any Special Event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

VENUE. The location or locations upon which a Special Event is held, which may include the ingress and egress route as approved in the conditions of the Special Event Permit.

3-4-2: PERMIT REQUIRED; EXCEPTIONS:

A. **Permit Required:** It is unlawful for any person to conduct a Special Event with or without charge for admission, on public or private property, without first applying for and being granted a Special Event Permit for the specific event and its venue(s). All permits issued pursuant to this chapter are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

B. **Exceptions:** The following activities are exempt from Section 3-4-2 (A):

1. Funeral processions by a licensed mortuary;
2. Government, school district, or religious sponsored Special Events held on regularly established fairgrounds, public hearings or other regularly established governmental activities;
3. Assemblies held within any regularly established, permanent, enclosed structure such as a place of worship, stadium, athletic field, sports arena, public auditorium or coliseum, or other similar enclosed, permanently established place of assembly. This exclusion does not apply to structures which are operating under a temporary use permit. It is not permitted for assemblies to exceed by more than one hundred (100) people the maximum seating capacity of any other structure where an assembly is held.
4. Assemblies taking place entirely on public community trails under the jurisdiction of the Snyderville Basin Special Recreation District ("SBSRD"). Such assemblies shall only be required to obtain applicable permits and approvals from the SBSRD and shall not be required to obtain a Special Event Permit.
5. Normal day to day operation of ski and golf facilities or other similar permanently established recreation locations; provided, however, this chapter shall apply to public gatherings at ski resorts and golf courses or other similar permanently established recreation locations for purposes of other than normal day to day operation.

C. <u>Filming Activities:</u> Regardless of the number of persons assembled or the impact on streets and roads, all filming activities are considered a Level Three Special Event and must be granted a Special Event Permit pursuant to this chapter prior to conducting said activities. Any filming activities undertaken by any business or corporation must first be licensed as a business under this Code. Corporations falling under the provisions of this chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their permit, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement and for law enforcement to ensure public health, safety and welfare.

D. <u>Event Series:</u> Special Events that occur in series (i.e. entertainment series which have multiple concerts or performances throughout the year), falling under the criteria established in this chapter, must have a Special Event Permit, which specifically authorizes each activity in the series, even if the same activity is held on separate occasions. In addition to the requirements of this chapter, an applicant for a Special Event series shall provide a comprehensive operational plan and schedule of the series, ninety (90) days in advance of the initial event.

3-4-3: SPECIAL EVENT PERMIT APPLICATION PROCEDURE

A. <u>Level of Event</u>: Before an Applicant may be issued a Special Event Permit, the Special Events Manager shall first determine the level of Special Event as defined in Section 3-4-1 above. In determining the level of event, the Special Events Manager shall take into consideration the maximum number of persons which will be assembled or admitted to the location of the Special Event. The maximum number shall not exceed the maximum number which can reasonably assemble at the location of the Special Event in consideration of the nature of the Special Event; and provided, that where the Special Event is to continue overnight, the maximum number shall not be more than is allowed to sleep within the

boundaries of the location of the Special Event by zoning or health ordinances and regulations of the county.

B. Application Submittal: Each new Applicant for Special Event Permit(s) shall submit a Special Event application or First Amendment Event Application prescribed by the County, which shall be verified and filed with the Special Events Manager. The Application shall contain a statement made under oath or affirmation that the statements contained therein are true and correct to the best knowledge of the Applicant and shall be signed and sworn to or affirmed by the Applicant. Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of the Special Event Permit. Application materials are available at the County's Special Events Department and online on the County's website.

C. Fees:

1. Application Fee: Each Special Event Permit application shall be accompanied by the nonrefundable application fee according to the Summit County Fee Schedule. All application fees are due and payable upon review of a completed application by the Special Events Manager. Applications shall be considered incomplete unless and until the application fee is paid in full. An Applicant for a recurring event that qualifies under a new event level is responsible for fee amounts of the given level.

2. County Service Fees: Upon review of a completed Special Event Permit application by the applicable departments specified in Section 3-4-4, below, said applicable departments shall provide the Applicant with an estimate of their fees based on estimated costs for County services arising from the event, including but not limited to the use of County personnel and/or equipment, County transportation services, inspections, and user fees. All County service fees will be adjudged to reflect actual costs. Fees shall be paid prior to the issuance of a Special Event Permit. A final assessment of County costs will occur upon completion of the Special Event and in the event fees accrued are in excess of those initially charged by the County, the County shall bill the Applicant. All County service fees must be paid in full within thirty (30) days of the final assessment of County costs for the Special Event.

3. Financial Security: The Special Events Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Summit County Risk and Procurement Administrator for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against fees, damages, clean up, or loss of public property.

4. Exceptions: Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public

5. No Vested Right: The payment of fees and/or the acceptance of fees by the County shall not constitute approval, vesting, or signify that the Application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process.

D. Additional Submittals: In addition to an application for a Special Event Permit, the Special Events Manager shall require the Applicant to provide, as necessary at the time of application submittal the following:

1. Insurance coverage, waiver and release of damages and indemnification: A single limit broad form liability insurance policy acceptable to the Summit County Risk and Procurement Administrator with minimum policy limits of one million dollars ($1,000,000.00) for Special Events with an anticipated assembly of five thousand (5,000) persons or less; two million dollars ($2,000,000.00) for Special Events with an anticipated assembly of at least five thousand one (5,001) to ten thousand (10,000) persons; and five million dollars ($5,000,000.00) for Special Events with an anticipated assembly of ten thousand one (10,001) or more persons. The policy must be from an A+12 rated or better insurance company which specifically names the county, its officers, agents, servants and employees as insureds. The Summit County Risk and Procurement Administrator reserves the right to require additional insurance coverage based on the nature and location of the assembly, the number of people to be assembled, and other relevant factors. The Applicant must also obtain an employer's liability compensation insurance policy with a minimum policy limit of one million dollars ($1,000,000.00) and workers' compensation insurance. The insurance policies shall be noncancelable ten (10) days prior to the Special Event and must contain a provision that if canceled before said ten (10) day period, the insurance company must immediately notify in writing by registered mail the county attorney of such cancellation. If an insurance policy is canceled, the Applicant shall immediately cancel the Special Event or obtain like insurance acceptable to the Summit County Risk and Procurement Administrator not less than ten (10) days prior to the assembly. First Amendment Events shall be exempt from this requirement.

2. Special Event Site Identification and Private Property Use Requirements: The Applicant shall provide a detailed map showing the proposed course and direction of the Special Event. Locations of parking areas, signs and banners, water stations, power sources, toilet facilities and other appropriate information shall also be included on this map. The Applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

3. Contingency Plan Requirements: Considering the nature of the planned Special Event, the Applicant shall develop:

   a. Contingency or emergency plans, including Emergency Medical Service, fire and police;
   b. Operations plan and timeline;
   c. Weather date and/or weather conditions plan;
   d. Residential notification and mitigation plan;
   e. Planned rest areas, water and toilet facilities, and trash and recycling cleanup, and
   f. Plans to ensure that participants obey the conditions of the Special Event Permit and all other generally applicable traffic laws, lights and signs;

4. Transportation and Traffic Control Plan:

   a. All traffic and transportation control is the responsibility of the Applicant The Applicant shall provide a transportation and traffic control plan, which shall include determinations on transit impacts and traffic control, including pedestrian, bicycle, motorized and other

methods of transport required for the Special Event. Said plan shall be reviewed by the Summit County Engineer in accordance with Section 3-4-4(A)(5) below.

b. Street closures may require a separate permit obtained through the Summit County Engineering Department and no Special Event requiring street closures may be approved without first obtaining this permit. A permit is required for all street closures regardless of the length of time and/or the extent to which the street is closed. Road closures will require appropriate traffic control. Appropriate traffic control may include by uniformed state, county or local police officers, or a private company, identified event staff, or physical devices, as determined by the Special Events Manager in conjunction with the Summit County Engineering Department.

c. The Special Events Manager may require an alternate route, or alternative time, if the proposed Special Event occurs when traffic volumes are high, active road construction is present, an alternative event is already occupying the road, a safer route to accommodate the event, or the event poses a significant inconvenience to the traveling public.

d. The Applicant shall restore the road or trail segment, or impacted area to its original condition, free from litter and other material charges;

5. Approval of the Property Owner: If the Applicant is not the owner of the property on which the Special Event is to take place, the property owner must sign an Owner's Acknowledgment.

6. Alcoholic Beverages: Proof that the Applicant has obtained a license or permit for the sale of alcoholic beverages as required by Title 3, Chapter 2 of this Code, if alcoholic beverages are to be sold.

7. Other Licenses/Permits: Proof that the Applicant has obtained any applicable County, state or other governmental agency approvals, permits or licenses.

E. Deadlines for Application and Fee Submittal; Late Applications

1. Deadlines: Special Event Permit applications and their accompanying fees must be completed and submitted to the Special Events Manager not less than fourteen (14) days prior to the scheduled opening of any Level One Event or First Amendment Event, not less than forty-five (45) days prior to the scheduled opening of any Level Two Event, and not less than sixty (60) days prior to the scheduled opening of any Level Three Event.

2. Late Applications: Applications submitted fewer than fourteen (14) days prior to the scheduled Special Event shall not be accepted, unless the following criteria are all met:

a. The Special Event Applicant is a first time Applicant,

b. The Special Events Manager determines that there is still adequate time to review the application, and

c. Double application fees are paid to defray the increased costs of expediting the application review.

F. Review, Approval, and Appeal:

1. Special Events Manager: The Special Events Manager shall review and shall have the authority to i) approve, ii) approve with conditions, iii) issue a letter to the Applicant outlining outstanding requirements or modifications, or iv) deny specifying the grounds for denial the following levels of applications:

a. Level One and Level Two Event applications;
b. First Amendment Event applications;
c. Applications for Level Three renewals where material elements of the event have not substantially changed from the previous application.

The Special Events Manager shall review the application for compliance with Section 3-4-4 herein. Following review of the application, the Special Events Manager shall record his/her decision with written findings and conditions of approval. The Special Events Manager shall deliver written notice of such decision to the Applicant.

2) County Manager: The County Manager shall review and either approve, approve with conditions, or deny specifying the grounds for denial the following levels of applications:

a. Applications for new Level Three Events (as used herein a "new Level Three Event" shall mean any Level Three Event being proposed for the first time, an event renewal of a Level One, Level Two or First Amendment Event that now qualifies as a Level Three Event, or a Level Three Event which was not renewed for a period exceeding one (1) year).
b. Applications for Level Three Event permit renewals where material elements of the event have substantially changed from the previous application; and

Upon receipt of a complete Level Three Event application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 3-4-4 herein. The Special Events Manager shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Level Three Event application and notice to the Applicant, the Special Events Manager shall schedule the application for a review with the County Manager, who shall review the application for compliance with the standards set forth in Section 3-4-5 herein, and shall record his/her decision with written findings and conditions of approval. The Special Events Manager shall deliver written notice of such decision to the Applicant.

3) Appeals: Any Applicant whose application has been denied may appeal the decision to the County Council by filing a written request to the Special Events Manager within ten (10) days of the date of decision. The County Council shall hear the matter de novo.

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3-4-4: STANDARDS FOR SPECIAL EVENT PERMIT APPROVAL

A. Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Special Events Manager or County Manager may deny or restrict any Special Event whenever any of the standards enumerated in this section or elsewhere in this chapter cannot be met or sufficiently mitigated by conditions of approval to ensure public health, safety and welfare.

1. Transportation/Traffic: The conduct of the Special Event may not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue. Likewise, the concentration of persons, vehicles, or animals may not unduly interfere with the movement of Sheriff, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.
2. Diversion of Resources: The conduct of the Special Event must not require the diversion of so great a number of Sheriff Deputies, fire, or other essential public employees from their normal duties as to prevent reasonable Sheriff, fire, or other public services protection to the remainder of the County.
3. Interference with Other Special Events/Functions: The Special Event must not substantially interfere with any other Special Event for which a permit has already been granted or with the provision of County services in support of other such events or governmental functions.
4. Personnel: Personnel situated at each entrance to the venue(s) to ensure crowd control, safety and restrictions on alcoholic beverages, if applicable.
5. Lighting: If the assembly is to continue during hours of darkness, illumination sufficient to light the entire venue(s) at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the venue(s).
6. Fencing: A crowd control fence enclosing the venue(s) with appropriate gates as required by the county sheriff.
7. Water: Potable water, meeting all federal and state requirements for purity, sufficient to provide water for the maximum number of persons assembled at the rate required by state law.
8. Toilets: Enclosed toilets, meeting all state and local specifications, conveniently located throughout the venue(s), sufficient to provide facilities for the maximum number of persons to be assembled at the rate required by state law. All portable toilets shall be serviced and pumped out within forty eight (48) hours of completion of the Special Event.
9. Solid Waste: A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly and sufficient trash cans with tightfitting lids and personnel to perform the task. The Applicant shall ensure that all trash and garbage associated with the assembly, to include trash and garbage which has been placed on property not owned by the Applicant, is cleaned up within twenty four (24) hours of the assembly. A recycling plan for the duration of the Special Event shall also be provided.
10. Medical Providers: State licensed or certified medical providers, such as emergency medical technicians (EMTs), nurses, physician's assistants or medical doctors sufficient to provide the medical care for the maximum number of people to be assembled at a rate as required by the Health department and local fire district, together with medical supplies and a location as necessary to provide care; at least one such medical provider will be required for each assembly.

Medical standby requirements may be modified or increased at the discretion of the appropriate local fire district if so authorized by the health department.

11. Fire Protection: Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the venue(s) and sufficient emergency personnel to efficiently operate the required equipment.
12. Parking and Parking Personnel: A free parking area inside of the assembly ground sufficient to provide parking space and the necessary access routes to each parking space, for the maximum number of people; provided, however, the requirement for free parking may be waived by the Special Events Manager if it is determined that all vehicles will be kept off the public streets and allowing paid parking will not be injurious to the public health, safety and general welfare. Due to the traffic hazards it causes, in no case shall on street parking during Special Events be allowed. Off-site parking may be considered if transportation to and from the parking area is provided and staffed with parking attendants. Where parking is designated in an unpaved area for a mass gathering, the area shall be watered down in such a way as to mitigate dust. There must be parking personnel sufficient to handle all vehicular traffic generated by the assembly as determined by the county, but in no event fewer than one parking attendant for every one hundred fifty (150) vehicles.
13. Telecommunications equipment: Telecommunications equipment sufficient to provide service for the maximum number of persons to be assembled at the rate of at least one separate line and receiver for each one thousand (1,000) persons.
14. Overnight Assemblies: If the Special Event is to continue overnight, the Special Event must be in compliance with all federal, state and local requirements sufficient to provide accommodations for the maximum number of persons to be assembled.
15. Security Personnel: Adequate security personnel for purposes of crowd and traffic control. Security personnel will be in distinctive dress or security uniforms that clearly differentiate them from the crowd (assembly) and are not permitted to carry weapons. Security guards must be either trained staff, duly sworn off duty police officers (out of uniform) of the state, or private guards licensed in the state. The county sheriff may require the use of an adequate number of professional peace officers for traffic control and police protection (public safety), such officers to be provided by the county sheriff's department. Security personnel and the county sheriff's department may interrupt any performance at any time in their discretion, in the event of a life threatening emergency.
16. Sound Amplification: If the Special Event is to use a public address system or sound amplification equipment such as used in the amplification of live or recorded music, the noise levels shall not exceed county or state limits as stated in applicable ordinances, regulations or statutes.
17. Signage: If signs are requested, temporary signs are limited to two (2) fifty square feet banners, and if necessary, directional signs, such as race route signs.
18. Time Limits: All Special Events shall conclude prior to ten o'clock (10:00) P.M. on nights that elementary and secondary schools are in session and eleven o'clock (11:00) P.M. on all other nights in order to protect the security and peaceful environment of county citizens during the nighttime. Following the conclusion of the Special Event, all patrons shall have left the premises of the Special Event no later than one hour thereafter. Exceptions to the hours of operation limitations may be granted on a case by case basis where exceptional circumstances exist, such as campouts and other overnight activities.
19. Notice: Where a Special Event is reasonably expected to increase traffic or otherwise impact residents of an area, the Applicant shall be required to provide notice to participants, bystanders,

or the public regarding the Special Event. The amount of and method of notice shall be dependent based on the circumstances of the Special Event Permit.

20. Indemnification: In consideration for the issuing of a Special Event Permit and/or the use of county streets or property, the Applicant agrees to indemnify, save harmless and defend the County, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the Special Event.
21. Other Reasonable Conditions: The Special Events Manager may impose other conditions, in addition to those specified herein and those requested by other departments and agencies as outlined in Section 3-4-4(B) and (C) below, as may be reasonable, to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public. Such conditions shall directly relate to mitigating the negative impacts of such assemblies and shall not be construed to regulate speech, nor to prevent lawful freedom of speech or lawful assembly.

B. Routing of Application to Summit County Departments: All Applications files in accordance with the provisions of this chapter shall be routed to the following Summit County Departments:

1. Summit County Sheriff: The Sheriff's Office shall review the application, the transportation and traffic control plan, the Special Event Site Identification map, and the Contingency Plans as outlined in Section 3-4-3(E), and the standards set forth in Section 3-4-4(A) to ensure compliance with all applicable federal, state, and local laws. The Sheriff's Office shall make its report and include in its report any recommended conditions of approval.

2. Health Department: The Health Department shall review the Special Event Site Identification map and the Contingency Plans as outlined in Section 3-4-3(E) and the standards set forth in Section 3-4-4(A), to ensure compliance with all applicable laws of the state, the ordinances of Summit County, and health department rules and regulations. The Health Department shall make its report and include in its report any recommended conditions of approval.

3. Fire District: The applicable Fire District, including Summit County Emergency Medical Services ("EMS"), shall review the transportation and traffic control plan, the Special Event Site Identification map, and the Contingency Plans as outlined in Section 3-4-3(E), and the standards set forth in Section 3-4-4(A) to ensure compliance with all applicable fire standards of the state, the ordinances of Summit County, and fire authority rules and regulations. The Fire District and EMS shall make its report and include in its report any recommended conditions of approval.

4. Community Development: The Summit County Community Development Department ("CDD") shall review the application, the Special Event Site Identification map and the Contingency Plans as outlined in Section 3-4-3(E) and the standards set forth in Section 3-4-4(A) to ensure compliance with all zoning

and land use regulations and applicable building codes of the state and county. The CDD shall make its report and include in its report any recommended conditions of approval.

5. Engineering: The Summit County Engineering Department shall review the application, the transportation and traffic control plan, the Special Event Site Identification map and the Contingency Plans as outlined in Section 3-4-3(E) and the standards set forth in Section 3-4-4(A) to ensure compliance with all applicable laws of the state and ordinances of Summit County. The Engineering Department shall make its report and include in its report any recommended conditions of approval.

6. Clerk: All applications filed in accordance with the provisions of this chapter shall be referred to the Summit County Clerk, in the event the Applicant desire to sell alcoholic beverages at the event or in the event a business license is required.

C. Routing to Other Departments / Agencies: In the discretion of the Special Events Manager, applications for Special Event Permit(s) may also be routed to other Summit County departments or agencies outside of Summit County, including municipalities within Summit County, Chamber(s) of Commerce, and any other affected entity, who may provide recommended conditions of approval to be considered by the Special Events Manager in making a decision. An applicant that has not obtained the approval of any other public agencies within whose jurisdiction the event or a portion thereof will occur may constitute grounds for denial of the Special Event Permit.

D. Right of Denial: The county reserves the right to deny applications for proposed Special Events which pose a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public. The county reserves the right to deny applications for proposed Special Events where the Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a permit or both.

E. First Amendment Event Permits: In reviewing any Application for a permit for a First Amendment Event, the Special Events Manager may place reasonable time, place and manner of restrictions on the First Amendment Event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment Event, or on factors such as the identity or appearance of persons expected to participate in the assembly.

3-4-5: CONFLICTING PERMIT APPLICATIONS:

A. Events on the Same Date(s):

1. No more than one (1) Special Event shall be approved for the same date(s) unless the Special Events Manager finds that the events will not adversely impact one another and that concurrent scheduling of

the events will not adversely impact public health, safety, and welfare. In making this determination, the Special Events Manager shall apply the following criteria:

a. Geographic separation of the events;
b. Proposed time and duration of the events;
c. Anticipated attendance volumes;
d. Necessity for public personnel, equipment, and/or transportation services at the events; and
e. Anticipated traffic and parking impacts.

2. If Special Events are approved for the same dates, the Special Events Manager may require additional conditions of approval for each of the Special Events to mitigate the above listed impacts.

3. In cases where an event double booking conflict arises, the Special Events Manager shall encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Special Events Manager will encourage any secondary, or subsequent, Applicant to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.

4. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order of priorities:

a. The Special Event that provides the greatest overall value to the County based on economic, cultural and community impacts.
b. Special Events planned, organized, or presented by state, federal, or County governmental entities or their agents shall have priority over conflicting applications if:

i. The application is timely filed and processed by the County; and

ii. Said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants.

5. If no voluntary agreement is reached, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the County's events calendar.

B. <u>Back to Back Level Three Events</u>:

1. Back to Back Level Three Events on subsequent days at the same location may be approved by the Special Events Manager where the Applicant can demonstrate that such assemblies will not be injurious to the health, safety and general welfare of residents of the area.

2. In the event back to back assemblies are not allowed, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the County's events calendar.

C. **No Prior Restraint**: The provisions in this section shall not be construed, nor is it the intent of the County, to be a prior restraint on speech, but a reasonable time, place and manner regulation. In the event that a back to back or multiple same day event is denied, the denials will be based on first come, first serve.

3-4-6: RENEWAL OF PERMIT(S):

Permittees under the provisions of this chapter who successfully operate a Special Event under the provisions of this chapter and who wish to have the event on an annual or periodic basis, must renew each Special Event Permit as outlined in Section 3-4-3 herein. Event levels will be determined through the renewal process, regardless of recurrence or previously determined event levels.

3-4-7: ENFORCEMENT; PERMIT REVOCATION; NOTICE TO CURE

A. **Notice to Cure:** The Special Events Manager, Summit County Code Enforcement Officer, and/or law enforcement may monitor and ensure compliance with the terms and conditions of any Special Event Permit. If it is determined that the conditions of any permit issued pursuant to this chapter have been or are being violated, then notice shall be given to the Permittee, Sponsor, or designated organizer's representative of the Special Event to cure the violation.

B. **Failure to Cure**: It is unlawful for the Permittee, Sponsor, or on-site organizer's representative of an authorized Special Event to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Permittee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

C. **Clear and Present Danger**: If a sworn law enforcement officer determines, after consultation with the Summit County Sheriff or the Summit County Sheriff's designee, that any failure to cure a violation of this chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event, the Permittee, Sponsor, or on-site organizer's representative of the Special Event shall be promptly notified that the permit is revoked and that the Special Event must immediately cease and desist.

D. **Violation of Cease and Desist Order**: If a Special Event Permit is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

E. Enforcement Options: The provisions of this chapter may be enforced by injunction, restraining order or the legal process in any court of competent jurisdiction.

F. Violation Deemed A Nuisance: The holding of any assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

3-4-8: PENALTY

Any person who violates any provision of this chapter shall be guilty of a Class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day of violation and each violation shall be considered a separate offense. Persons conducting Special Events without having first obtained a Special Event Permit are subject to arrest and the Special Event is subject to closure.

DRAFT

Attachment B

CHAPTER 4

SPECIAL EVENTS; LARGE PUBLIC ASSEMBLIES

SECTION:

3-4- 1: Purpose And Intent
3-4- 2: Definitions
3-4- 3: License Required; Fee; Exceptions
3-4- 4: Conditions For Issuing License
3-4- 5: Application For License
3-4- 6: Alcoholic Beverages
3-4- 7: Issuance Of License
3-4- 8: Revocation Of License
3-4- 9: Enforcement
3-4-10: Penalty

3-4-1: **PURPOSE AND INTENT:** It is the purpose of the county to regulate the assemblage of large numbers of people and special events, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected from conditions which create disturbances, become nuisances, menace life, limb and property, disrupt traffic, and create or threaten tangible public or private mischief. It is not the intent of the county to, in any way, shape or form, regulate speech, and this chapter should not be interpreted, nor construed in such a way. (Ord. 193-B, 11-16-2011)

3-4-2: **DEFINITIONS:** As used in this chapter:

ADMINISTRATOR: The approving authority for large public assembly and special event permits. This may be the community development director (CDD) or county manager, depending on the size of special event as outlined in this chapter.

ASSEMBLY: A company of persons gathered together at any location at any single time for any purpose.

PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society or group.

SPECIAL EVENT: Any activity on public or private property that results in any of the following:

A. The assembly of more than five hundred (500) people at a location not typically experiencing such assembly, or the assembly occurring on roadways of more than one hundred (100) people, or assembly involving temporary road closures on nonresidential county or state roadways.

SPECIAL EVENT, MAJOR: Any special event that exceeds the criteria for a special event, minor.

SPECIAL EVENT, MINOR: Any special event that results in the public assembly of between five hundred (500) and one thousand (1,000) people, or between one hundred (100) and five hundred (500) people if occurring on roadways. (Ord. 193-C, 8-20-2014)

3-4-3: LICENSE REQUIRED; FEE; EXCEPTIONS:

A. License Required: No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to a special event that results in the actual or reasonably anticipated assembly of five hundred (500) or more people, whether on public or private property, unless a license to hold the assembly has first been issued by the administrator. Application forms for such licensure, in order to facilitate the disclosure of information in accordance with this chapter, shall be available from the community development department (CDD).

1. Special events occurring on roads, such as running or cycling special events, shall be required to obtain a license when participation exceeds or is reasonably expected to exceed one hundred (100) people.

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2. No procession or parade, except a funeral procession, shall occupy, march or proceed along any street except in accordance with a special event permit issued by the administrator. All requests for such licenses shall state the time, place of formation, proposed line of march, destination, and such other information as the CDD may require. After the recommendation by the Summit County sheriff's office, the administrator may issue the license which shall specify the time limitations or other conditions as the administrator may require.

B. Separate License; Nonrefundable Administrative Fee: A separate license shall be required for each special event in which five hundred (500) or more people assemble or can reasonably be anticipated to assemble, or one hundred (100) or more for special events occurring on county or state roads. The nonrefundable administrative fees for each license shall be as follows:

1. Two hundred fifty dollars ($250.00) for a single location special event, or four hundred dollars ($400.00) for mobile or multilocation special events, to defray the costs associated with processing and reviewing the application.

2. In order to promote, protect and assure the safety and convenience of the people in their use of public streets and places, the sheriff's department shall coordinate the use of professional peace officers if the special event requires traffic control or police protection (public safety), and an additional fee shall be charged by the sheriff's department to cover the actual costs incurred. The sheriff's department shall specify the fee required upon its approval of the license application, based upon the number of officers and amount of support equipment required by such factors as the date and time of the special event; the route location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the composition, format and configuration of the special event; and the estimated duration of the special event. In no circumstance shall any law enforcement fee or law enforcement requirement hereunder be based upon the content of the speech at the assembly. The fee charged for traffic control and/or police protection (public safety) shall be paid prior to the issuing of the license.

3. Additional fees may be charged by the county health department or other county agencies for special services, equipment, or facilities provided by these agencies. Such additional fees shall be specified at the time the license application is approved by the administrator.

C. Exceptions:

1. This chapter shall not apply to any regularly established, permanent, enclosed structure such as a place of worship, stadium, athletic field, sports arena, public auditorium or coliseum, or other similar enclosed, permanently established place of assembly. This exclusion does not apply to structures which are operating under a temporary use permit. It is not permitted for assemblies to exceed by more than one hundred (100) people the maximum seating capacity of any other structure where an assembly is held. "Festival seating" and/or "standing room only admission" is not permitted at any special event held in such other structures.

2. This chapter shall not apply to government, school district, or religious sponsored special events held on regularly established fairgrounds, public hearings or other regularly established governmental activities. This chapter shall not apply to the normal day to day operation of ski and golf facilities or other similar permanently established recreation locations; provided, however, this chapter shall apply to public gatherings at ski resorts and golf courses or other similar permanently established recreation locations for purposes of other than normal day to day operation.

3. Neighborhood block parties, weddings, or other similar local non-commercial special events requiring a street closure of any residential street for less than one day is not considered a special event. However, notice to the sheriff's department and approval by the engineering department will still be required.

4. Assemblies and special events taking place entirely on public community trails under the jurisdiction of the Snyderville Basin special recreation district shall only be required to obtain applicable permits and approvals from the SBSRD and shall not be required to obtain a permit from the administrator. (Ord. 193-C, 8-20-2014)

3-4-4: CONDITIONS FOR ISSUING LICENSE:

A. Number Determined: Before an applicant may be issued a license, he/she shall first determine the maximum number of people which will be assembled or admitted to the location of the special event. The maximum number shall not exceed the maximum number which can reasonably assemble at the location of the special event in consideration of the nature of the special event; and provided, that where the special event is to continue overnight, the maximum

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number shall not be more than is allowed to sleep within the boundaries of the location of the special event by zoning or health ordinances and regulations of the county.

B. Requirements Of Applicant: Before a license may be issued, the applicant shall provide proof that he/she will furnish at his/her own expense prior to the commencement of the special event, and as a condition to issuance of the license, the following:

1. A crowd control fence enclosing the proposed location with appropriate gates as required by the county sheriff.

2. Potable water, meeting all federal and state requirements for purity, sufficient to provide water for the maximum number of people assembled at the rate required by state law.

3. Enclosed toilets, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate required by state law. All portable toilets shall be serviced and pumped out within forty eight (48) hours of completion of the public assembly.

4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly and sufficient trash cans with tightfitting lids and personnel to perform the task. The applicant shall ensure that all trash and garbage associated with the assembly, to include trash and garbage which has been placed on property not owned by the applicant, is cleaned up within twenty four (24) hours of the assembly. A recycling plan for the duration of the special event shall also be provided.

5. State licensed or certified medical providers, such as emergency medical technicians (EMTs), nurses, physician's assistant or medical doctor sufficient to provide the medical care for the maximum number of people to be assembled at a rate as required by the health department and local fire district, together with medical supplies and location as necessary to provide care; at least one such medical provider will be required for each assembly. Medical standby requirements may be modified or increased at the discretion of the appro-

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priate local fire district if so authorized by the county health department.

6. Personnel situated at each entrance to the assembly grounds to restrict alcoholic beverages (including beer), glass or metal containers, and weapons of any kind.

7. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

8. A free parking area inside of the assembly ground sufficient to provide parking space and the necessary access routes to each parking space, for the maximum number of people; provided, however, the requirement for free parking may be waived by the governing body if convinced that all vehicles will be kept off the public streets and allowing paid parking will not be injurious to the public health, safety and general welfare. Due to the traffic hazards it causes, in no case shall on street parking during special events be allowed.

9. Telecommunications equipment sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand (1,000) persons.

10. If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled.

11. Adequate security personnel for purposes of crowd and traffic control. Security personnel will be in distinctive dress or security uniforms that clearly differentiate them from the crowd (assembly) and are not permitted to carry weapons. Security guards must be either trained staff, duly sworn off duty police officers (out of uniform) of the state, or private guards licensed in the state. The county sheriff may require the use of an adequate number of professional peace officers for traffic control and police protection (public safety), such officers to be provided by the county sheriff's department. Security personnel and the county sheriff's department may interrupt any performance at any time in their discretion, in the event of a life threatening emergency.

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12. Parking personnel sufficient to handle all vehicular traffic generated by the assembly as determined by the county, but in no event fewer than one parking attendant for every one hundred fifty (150) vehicles.

13. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment.

14. A minimum one thousand dollar ($1,000.00) refundable cash deposit filed with the CDD to cover any cost incurred in cleaning up any waste material produced or left by the assembly or other operational expenses. Depending on the size and impact of the special event, the required cash deposit amount may be increased.

15. A single limit broad form liability insurance policy acceptable to the administrator with minimum policy limits of one million dollars ($1,000,000.00) for special events with an anticipated assembly of five thousand (5,000) or less; two million dollars ($2,000,000.00) for special events with an anticipated assembly of at least five thousand one (5,001) to ten thousand (10,000); and five million dollars ($5,000,000.00) for special events with an anticipated assembly of ten thousand one (10,001) or more. The policy must be from an A+12 rated or better insurance company which specifically names the county, its officers, agents, servants and employees as insureds. The administrator reserves the right to require additional insurance coverage based on the nature and location of the assembly, the number of people to be assembled, and other relevant factors. The applicant must also obtain an employer's liability compensation insurance policy with a minimum policy limit of one million dollars ($1,000,000.00) and workers' compensation insurance. The insurance policies shall be noncancelable ten (10) days prior to the assembly and must contain a provision that if canceled before said ten (10) day period, the insurance company must immediately notify in writing by registered mail the county attorney of such cancellation. If an insurance policy is canceled, the applicant shall immediately cancel the assembly or obtain like insurance acceptable to the administrator not less than ten (10) days prior to the assembly. Political special events shall be exempt from this requirement.

16. In consideration for the issuing of a license and the use of county streets or property, the applicant agrees to indemnify, save harmless and defend the county, its officers and employees, against any claim for loss, damage or expense sustained by any person on

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account of injury, death or property damage occurring by reason of or arising out of the special event.

17. If the special event is to use a public address system or sound amplification equipment such as used in the amplification of live or recorded music, the noise levels shall not exceed county[1] or state limits as stated in applicable ordinances, regulations or statutes.

18. All special events shall conclude prior to ten o'clock (10:00) P.M. on nights that elementary and secondary schools are in session and eleven o'clock (11:00) P.M. on all other nights in order to protect the security and peaceful environment of county citizens during the nighttime. Following the conclusion of the special event, all patrons shall have left the premises of the special event no later than one hour thereafter. Exceptions to the hours of operation limitations may be granted on a case by case basis where exceptional circumstances exist, such as campouts and other overnight activities.

19. Back to back assemblies on subsequent days at the same location, where over two thousand (2,000) people are in attendance at each assembly, or multiple special events in close proximity on the same day, may be unreasonably inconvenient and cost prohibitive to the public as a result of traffic congestion, exhaustion of county law enforcement resources, trash concerns, and the right of residents to a peaceful environment. As such, back to back special events shall be approved in special circumstances where the applicant can demonstrate to the county that such assemblies will not be injurious to the health, safety and general welfare of residents of the area. Thus, provision shall not be construed, nor is it the intent of the county, to be a prior restraint on speech, but a reasonable time, place and manner regulation. In the event that a back to back or multiple same day event is denied, the denials will be based on first come, first serve.

20. Where parking is designated in an unpaved area, the applicant shall water down the area in such a way as to mitigate dust.

21. Where a special event will partially occur in an incorporated municipality, the CDD shall make every reasonable effort to incorporate the requirements of the municipality into the special event approval.

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1. See also title 5, chapter 3 of this code.

22. Where a special event is reasonably expected to increase traffic or otherwise impact residents of an area, the applicant shall be required to post notification signage and/or door to door hangers a minimum of twenty four (24) hours in advance of the special event, and take out an advertisement in the local newspaper and/or local radio a minimum of one week prior to the special event.

23. The administrator may impose other conditions, in addition to those specified herein, as may be reasonable, to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public. Such conditions may include, but are not limited to, restrictions on the times of assemblies due to other previously approved special events that could cause scheduling conflicts during the same period and thus create an overextension of the county's resources, traffic mitigation/management provisions, additional sanitary requirements and/or noise restrictions. Such conditions shall directly relate to mitigating the negative impacts of such assemblies and shall not be construed to regulate speech, nor to prevent lawful freedom of speech or lawful assembly. (Ord. 193-C, 8-20-2014)

3-4-5: APPLICATION FOR LICENSE:

A. Time Limits For Submission: In order to allow sufficient time to process the applications:

1. Major special events over five thousand (5,000) people: Applications shall be filed at least one hundred twenty (120) days in advance of such special event.

2. Major special events under five thousand (5,000) people: Applications shall be filed at least ninety (90) days in advance of such special event.

3. Minor special events: Applications shall be filed at least forty five (45) days in advance of such special event.

4. No special event application will be accepted more than three hundred sixty five (365) days prior to the event, or prior to a post-event debrief meeting for major events over five thousand (5,000) people to be held within two (2) weeks of the conclusion of the event.

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5. Applications submitted fewer than one hundred twenty (120) or ninety (90) or forty five (45) days, as the case may be as outlined above, prior to the scheduled special event shall be charged double fees to defray the increased costs of expediting the application review.

6. Applications submitted fewer than thirty (30) days prior to the scheduled special event shall not be accepted, unless the following criteria are all met:

a. The special event applicant is a first time applicant, and

b. Staff determines that there is still adequate time to review the application, and

c. Double fees are paid to offset the increased cost of rushed processing.

B. Regularly Established Ongoing Special Event Series: For special events which occur as a regularly established ongoing series within the county (i.e., entertainment series which have multiple concerts or performances throughout the year), a comprehensive operational plan and schedule of performances shall be required, along with a completed application, ninety (90) days in advance of the initial yearly performance.

C. Statement Upon Oath Or Affirmation: The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in case of a partnership, or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group. Applications shall be made available from the CDD.

D. Information Required: The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application as set forth herein and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of said corporation.

2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of all such property.

3. Proof of ownership of all property upon which the special event is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of five hundred (500) or more persons, and/or approval of the appropriate government authority for a road or trail special event of one hundred (100) or more persons.

4. The nature or purpose of the special event.

5. The total number of days and/or hours during which the special event is to last.

6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event, in consideration of the nature of the special event, or the maximum number of persons allowed to sleep within the boundaries of the location of the special event by the zoning and health ordinances and regulations of the county if the special event is to continue overnight.

7. The maximum number of tickets to be sold, if any.

8. The plans of the applicant to limit the maximum number of people permitted to assemble.

9. The plans for fencing the location of the special event and the gates contained in such fence or otherwise restricting entrance to the special event.

10. The plans for holding, collecting, recycling, and disposing of solid waste material.

11. The plans for providing toilet and lavatory facilities, including the source, number, location and type, and the means of disposing of waste deposited.

12. The plans for traffic control, mitigation and management.

13. The plans to provide for medical support, the names and addresses and hours of availability of certified medical providers, and provisions for emergency ambulance service if required.

14. The plans to restrict alcoholic beverages, including beer, and glass or metal containers from being brought into the special event grounds.

15. The plans, if any, to illuminate the location of the special event, including the source and amount of power and the location of lamps.

16. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and interior roads and the routes between highway access and parking lots, and the number of parking personnel, their deployment, and their names, addresses, credentials and hours of availability, or names, and addresses and credentials of any established company providing such service.

17. The plans for telephone service, including the sources, number and location of telephones.

18. The plans for camping facilities, if any, including facilities available and their location.

19. The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability; or names, addresses and credentials of a bona fide security company providing such security.

20. The plans for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

21. The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

22. A signed statement from the director of the county health department that the plans of the applicant meet all state and local health requirements.

23. A copy of the insurance policy form to be used as required by subsection 3-4-4B15 of this chapter.

24. A signed statement from the county sheriff that the special event will not substantially interrupt the flow of traffic or require the excessive diversion of police from other duties.

25. A route map for special events occurring on roads or trails.

26. The plans for satisfying any other condition of license approval imposed by the administrator.

E. Deposit; License Fee: The application shall include the cash deposit required in subsection 3-4-4B14 of this chapter. Said deposit and license fee shall be paid in cash, certified check or money order. (Ord. 193-C, 8-20-2014)

3-4-6: **ALCOHOLIC BEVERAGES:** Beer and alcohol may be sold at the special event; provided, that a license has been obtained from the county. All beverages, including, but not limited to, alcohol, soft drinks, water, coffee and tea, must be dispensed in plastic or paper containers. No glass bottles or metal cans will be permitted at the special event. (Ord. 193-B, 11-16-2011)

3-4-7: **ISSUANCE OF LICENSE:**

A. Compliance Required: All conditions of this chapter must be complied with prior to issuance of the license.

B. Special Events, Minor: For minor special events, within thirty (30) days of receipt of a completed license application form submitted to the CDD, the CDD shall either: 1) issue the license as applied for; or 2) issue the license with modifications to mitigate impacts; or 3) issue a letter to the applicant outlining outstanding requirements or modifications; or 4) provide the applicant with the reason(s) for denial. In no case shall a final decision be issued less than fourteen (14) days prior to the special event. The applicant shall have the right to request reconsideration of any denial within ten (10) calendar days of such denial and shall be accorded notice and an opportunity to be heard before Summit County council prior to any final decision on said reconsideration request.

C. Special Events, Major: For major special events, within forty five (45) days of receipt of a completed license application form submitted to the CDD, the CDD shall schedule a review with the Summit County manager (SCM). Following the hearing, the SCM shall direct the CDD to either: 1) issue the license as applied for; or 2) issue the license with modifications and/or conditions to mitigate impacts; or 3) provide the applicant with the reason(s) for denial. In no case shall a final decision be issued less than twenty one (21) days prior to the special event. The applicant shall have the right to request reconsideration of any denial within ten (10) days of such denial and shall be accorded notice and an opportunity to be heard before the county council prior to any final decision on said reconsideration request.

D. Right Of Denial: The county reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public. Failure to comply with conditions necessary for issuing a license may constitute grounds for denial of a license in the future.

E. Judicial Review: Any applicant aggrieved by the decision of the county council denying a license may seek judicial review of such decision pursuant to Utah rules of civil procedure, rule 65(b), or any other applicable ordinance, statute or rule providing for such review. (Ord. 193-B, 11-16-2011)

3-4-8: REVOCATION OF LICENSE:

A. Noncompliance: The license may be revoked by the administrator at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases compliance.

B. Notice And Hearing: Prior to revocation of a license, the applicant shall be entitled to notice and an opportunity to be heard before administrator.

C. Judicial Review: Any applicant aggrieved by the decision of the administrator to revoke a license may seek judicial review of such decision pursuant to Utah rules of civil procedure, rule 65(b), or any other applicable ordinance, statute or rule providing for such review. (Ord. 193-B, 11-16-2011)

3-4-9: **ENFORCEMENT:**

A. Independent Monitor: Where an applicant has a history of complaints as to compliance with special events licensure conditions, the administrator may, but is not required to, hire an independent monitor, at the expense of the applicant, to ensure that licensure conditions are met during the public assembly.

B. Enforcement Options: The provisions of this chapter may be enforced by injunction, restraining order or the legal process in any court of competent jurisdiction.

C. Violation Deemed Nuisance: The holding of any assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such. (Ord. 193-B, 11-16-2011)

3-4-10: **PENALTY:** Any person who violates any provision of this chapter is guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day of violation and each violation shall be considered a separate offense. (Ord. 193-B, 11-16-2011)

STAFF REPORT

TO: County Council
FROM: Lisa Yoder
DATE: November 2, 1016
SUBJECT: County Government Facilities New Construction and Building Renovation Policy

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BACKGROUND

Staff presented to Council October 5, 2016 the County Government Facilities New Construction and Building Renovation Policy for review and possible adoption. The purpose of the proposed policy is to ensure, to the greatest extent possible, that County facilities are well-constructed for life-cycle economic viability and high performance over time.

The proposed policy is based on the State of Utah Division of Facilities and Construction Management (DFCM) Higher Performance Building Standard that specifies the use of an Energy Modeling Engineer (EME), Building Envelope Commissioning Agent (BECxA) and Mechanical Engineer/Commissions Agent (CxA) to ensure that the design and construction of County buildings conform to high performance building standards.

During Council review of the proposed policy, staff was asked to return and respond to the following:

1. What cost would these energy specialists add to construction projects?
2. Do the energy specialists have to be hired under 3 separate contracts?
3. The policy in a standard County policy format for Council review and possible adoption.

This staff report provides the requested information and briefly describes procurement of these agents.

COST OF ENERGY SPECIALISTS[1]	Example: Construction cost [2]	$4,825,500
Energy Modeler/Engineer (EME)	.25% – .75% of construction cost	[$12,065 - $36,200]
Commissioning (BECxA and CxA)	.5% – 1% of construction cost	[$24,125 - $48,255]
Example: Total Construction Cost with EME, BECxA and Cx		$4,861,690 - $4,909,955

The cost of energy specialists is dependent on the size and complexity of the construction project. County issued Request for Proposals is necessary to provide the actual cost of services specific to each project.

CONTRACTING ENERGY SPECIALISTS

Few Utah firms employ all three energy specialists and no single firm in Utah has extensive experience in all three specialties. Building envelope and mechanical systems commissioning agents can sometimes be hired from a single firm. Energy modeling engineers are highly specialized and are typically hired from an Energy Engineering firm. A single firm can be hired to provide all three services but that firm, specializing in 1 or 2 of the three specialties, will typically sub-contract the other specialist(s).

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[1] Based on telephone interviews and conversations with DFCM and others who employ energy specialists, as well as communications with several firms who provide these services in Utah (9/2016-10/2016).

[2] Kamas Library and Services Building (18,000 SF)

It is recommended that County contract directly with an EME, BECxA, and CxA, during the programming phase, to maximize the value to the County, of design and construction efforts. Contracting by County directly ensures that there are no conflicts of interest when making recommendations to the County and design team towards maximizing the value of the project.

POLICY FORMAT

The proposed policy is presented in the attached County Manager Executive Order 2016-__, County Government Facilities New Construction and Building Renovation Policy.

IMPLEMENTATION OF POLICY

The procurement process for obtaining these services is as follows:

1. Issue RFP for EME, BECxA and CxA at the same time that a RFP for Architect is issued.
2. RFP for Architectural Services and Construction Services indicate that County will employ the services of EME, BECxA and CxA and that Architect and Contractors are required to coordinate with these agents per DFCM High Performance Building Standards, Section 5.0 – High Performance Building Systems.
3. All contract documents reference the coordination required between County, EME, BECxA, and CxA, Architect, Contractor(s) and Design Team assembled for the project.

CONCLUSION

Implementation of this policy will increase construction cost and require additional coordination between energy specialists as part of the design team and County. However, the County Government Facilities New Construction and Building Renovation Policy is recommended to help achieve the objectives outlined in three strategic plans adopted by Council (the 2015 Climate Action Plan; the 2014 -2016 Energy Efficiency Cost Savings and Emissions Reduction Plan; and the 2014-2016 Sustainability Plan): to minimize energy and water usage, reduce utility costs, and help decrease emissions from County facilities and operations as additional County facilities are constructed.

COUNTY MANAGER
EXECUTIVE ORDER 2016-__

COUNTY GOVERNMENT FACILITIES NEW CONSTRUCTION AND BUILDING RENOVATION POLICY

Preamble

WHEREAS, Summit County (**County**) desires to ensure high quality construction of new facilities while optimizing energy efficiencies, lowering emissions associated with energy usage, and reducing operating costs through its sustainability goals of **Net Zero Energy**, **Net Zero Water**, and **Net Zero Waste**; and,

WHEREAS, the State of Utah Division of Facilities and Construction Management (**DFCM**), as the owner of more than 3,000 governmental facilities throughout Utah, has undergone extensive study and review of its building standards and performance outcomes in order to optimize functionality at its facilities; and,

WHEREAS, DFCM has developed energy and sustainability performance requirements, which includes a 20% reduction in energy cost over the life-cycle of a facility, through the adoption of High Performance Building Standards; and,

WHEREAS, to ensure facility compliance with HPBS, DFCM uses a series of project specialists during the design and construction of its governmental facilities: Energy Modeler Engineer (**EME**), Building Envelope Commissioning Agent (**BECxA**), and Mechanical Engineer/Commissioning Agent (**CxA**); and,

WHEREAS, DFCM and its design team, together with the EME, BECxA and CxA, review each phase of facility design and inspect construction work for compliance with HPBS; and,

WHEREAS, DFCM withholds final payment to a contractor until the facility passes a final inspection which ensures proper installation and performance consistent with the HPBS; and,

WHEREAS, it is in the best interests of the County to allow the County Manager to consider the utilization of HPBS in the construction of new County facilities;

Policy

- County Manager may utilize, at his or her option, High Performance Building Standards (2014), as amended, which is incorporated by this reference into this policy, to evaluate, design and construct new County facilities.

- County Manager may utilize project specialists, such as EME, BECxA, and/or CxA, in any construction project in which the Manager decides to utilize HPBS.

Effective Date: _____

COUNTY MANAGER

_____
Thomas C. Fisher
County Manager

APPROVED AS TO FORM:

_____
David L. Thomas
Chief Civil Deputy

STAFF REPORT

TO: Summit County Council
FROM: Matt Leavitt – Summit County Financial Officer
DATE: October 27, 2016
SUBJECT: Presentation of Capital Projects budget for 2017

BACKGROUND:

The County Council was presented with the Manager's 2017 budget recommendations on October 19, 2016. At that time the Council was presented with an overall budget recommendation of $76.8 million, of which included $21.2 million in capital projects. At the same time, the Council was informed that the budget recommendations were fluid and subject to change based on any new or additional information that is received before the budget is adopted December 14th.

The capital projects portion of the operating budget may seem like a misnomer. Due to the source of funding certain projects fall into this category. The County has very few dedicated sources of capital funds, and even then they are dedicated to specific projects. In this sense, if it is the intent of the Council to fund a particular project, then a reduction must be made in another County program or service.

The recommended capital projects portion of the operating budget includes four types of projects: 1) road projects; 2) facility projects; 3) property acquisition; and 4) landfill improvements. The list of recommended projects begins on page 130 of the documents that were provided to the Council on October 26th. The columns on page 131 represent the recommendations and also reflect changes that have occurred since the initial department submissions in August. Differences between columns do not necessarily reflect discrepancies between recommendations as much as they reflect changes due to more recent information regarding the projects.

Funds with specific restrictions are also included in the document provided October 26th. These specific funds will be discussed in further detail in later Council meetings. Those discussions are currently scheduled for November 21st.

RECOMMENDATIONS:

The following projects are being recommended for the 2017 budget.

Road Projects				
	Jeremy interchange (design only)	$	350,000	
	Silver Creek to Bitner		1,400,000	
	Pinebrook Blvd overlay		145,000	
	Silver Springs Drive & Ranch Place overlay		436,000	
	Ecker remote parking		925,000	
	Business Park Loop Road		69,000	
	Hallam Road		200,000	
	Small Cities grants and joint projects		1,000,000	
	Total Road Projects			$4,525,000
Facility Projects				
	Kamas Building (completion)	$	5,000,000	
	Fairgrounds improvements/expansion		5,000,000	
	Total Facility Projects			$10,000,000
Property				
	Cline/Dahle	$	3,700,000	
	Total Property Acquisition			$3,700,000
Landfill				
	3-Mile cell expansion	$	1,255,000	
	Total Landfill Improvements			$1,255,000
	Total recommended projects			$19,480,000

Highlighted in yellow are projects that are being recommended if the 2016 transportation sales tax initiative passes. If that initiative does not pass, it is recommended that those projects be deferred or removed from the project list.

Capital Investments
2017 Budget Presentation

Matt Leavitt
November 2, 2016

Current Facilities

- Over 250 thousand square feet of facility space.
  - More than 56,200 in Coalville/Courthouse area.
  - More than 44,300 sq ft for Public Works/Landfill programs.
  - More than 3,600 sq ft for translator sites/antennae.
  - More than 13,400 sq ft in existing fairground facilities.
  - More than 19,200 sq ft in Kamas area.
  - More than 67,600 sq ft at Public Safety complex.
  - More than 47,500 sq ft in Snyderville Basin area.

$41.8 million invested in facilities.

Roads & Bridges

- Nearly 340 center lane miles of roads – 273 paved, 66 unpaved:
  - 142.2 center lane miles in Snyderville Basin area.
  - 132.6 center lane miles in North Summit area.
  - 64.5 center lane miles in South Summit area.
- 35 bridges throughout the County.

$84.6 million invested in infrastructure & improvements.

County Owned Property

- Over 1,076 acres
  - 164.4 under pavement/roadways/rights of way.
  - 714.6 in County owned open space.
  - 191.8 under buildings or County facilities.
  - 5.7 in tax sale properties.

$26.0 million invested in property

Machinery & Equipment

- More than 203 vehicles PLUS equipment.
  - 15 ambulances.
  - 125 heavy trucks, trailers, dozers, loaders, graders, etc
  - 155 cars, trucks, vans & SUV's

$22.3 million invested in machinery & equipment

S.W.O.T. ANALYSIS – CAPITAL INVESTMENTS

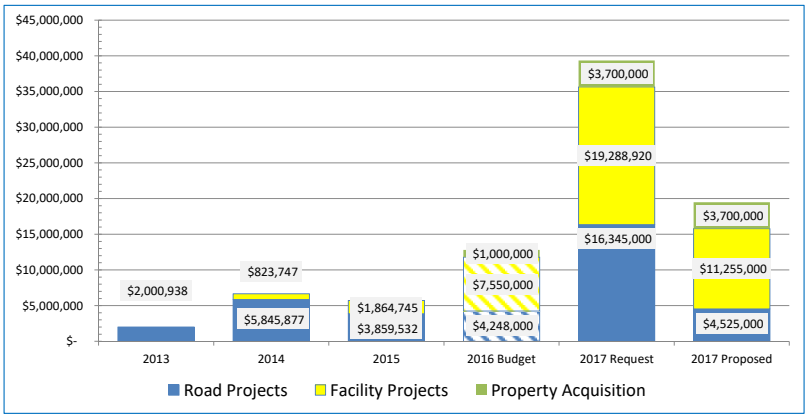
Strengths
- Very little outstanding debt related to County operations (2009 sales tax bond, 2007 MBA bond).
- Large debt service capacity.

Weaknesses
- Lack of a complete 5-year capital investment plan.
- Lack of dedicated resources.

Opportunities
- 2016 sales tax initiatives.

Threats
- "Shiny objects" or "squirrels syndrome."

Budget – Capital Investments 2017



- Road projects include estimates from 2016 transportation sales tax initiative.
- Initiative also includes amounts for Small Cities grant program and combined Park City programs.

Projects – Facilities

- 2017 GENERAL PROJECT HIGHLIGHTS
  - **Completion of Kamas Facility** - $5.0 million carry-over from 2016.
    - Funded from general fund balances and $2.5 million from bond refinance.
  - **Fairgrounds improvements** - $5.0 million initial place holder.
    - Funded from transient room tax fund.
  - **Landfill cell development** - $1.255 million.
    - Funded from bond refinance.

Projects – Road Projects

- 2017 GENERAL PROJECT HIGHLIGHTS
  - Jeremy Ranch Interchange design - $350,000
  - Silver Creek to Bitner - $1,400,000
    - $700,000 from COG right of way funds
  - Pinebrook Overlay - $145,000
  - Silver Springs Drive, Ranch Place - $436,000
  - Ecker remote parking - $925,000*
  - Business Park Loop - $69,000
  - $125,000 reserved for Small Cities grant program.*
  - $875,000 for SR248 joint project with Park City.*

*Projects funded from 2016 transportation sales tax initiative.

Projects – Road Projects

- 2017 ROAD PROJECT FUNDING:
  - **Class B road funds**
    - About $1.5 million annually, primarily used for maintenance-type projects
  - **Impact fees**
    - Varies by year, approximately $1.2 million in fund balance
  - **COG right of way**
    - Amounts committed by Council of Governments
  - **Mineral lease funds (SA#1)**
    - About $1.3 million at peak, sequestration reduced annual amount to about $850 thousand
  - **Municipal fund property taxes**
    - About $750 - $800 thousand annually
  - **2016 transportation sales tax initiative**

Most road funding is restricted for specific purposes

Projects – Property Acquisition

- 2017 GENERAL PROJECT HIGHLIGHTS
  - $3.7 million Cline/Dahle property purchase
    - $1.2 million from Open Space funds.
    - $120 thousand from Affordable Housing funds.
    - $2.38 million from municipal fund balances.

Projects on the Horizon

- **Roads**
  - Transportation initiative related projects
    - Park and ride locations
    - SR224 and SR248 improvements
    - Total of $14 million in first three years.
  - Additional $103 million of road projects identified.

Projects on the Horizon

- Facilities
  - Fairgrounds(??)
  - Public Safety administration building
  - Transit Center Phase II
  - Public Works administration remodel
  - Public Works equipment and materials storage
  - Public Works satellite buildings
  - County senior center

Only project with funding is Fairgrounds

Projects on the Horizon

- **Technology Projects**
  - Off site domain servers
  - SAN storage for databases and images
  - Wireless infrastructure
  - Spillman server
  - Courthouse audio/visual system

Projects on the Horizon

- **Sustainability Projects**
  - Solar upgrades
    - Pending results of solar panel study and funding
  - CNG fueling stations
    - Currently on hold

Projects on the Horizon

- Landfill Projects
  - Weber Canyon collection station remodel
  - Transfer station
  - Green waste onsite improvements

Questions About the Capital Budget for 2017?

October 27 2016
North Summit Fire District

Dear County Council

During the last year we used our capital funds to remodel our Coalville station upstairs area to accommodate the Summit County Ambulance crews who are now in our station for on duty shifts during week days. Some of the work was accomplished by fire district and EMS crews working together. We also completed another Ambulance to Brush truck conversion. To refresh you on these projects: About 3 years ago, Summit County Ambulance began refurbishing and remounting the ambulance boxes on to new chassis, saving money over buying all new ambulances. We at North Summit Fire have been purchasing the used ambulance chassis's and converting them into Brush Engines. These chassis are well equipped for this use. This year was project number 2 for which we used a surplus tank and pump. The cost of these brush trucks has been so far kept under $10,000 for each. (new thet would be $100,000+ and equivalent used trucks would be around $40,000. We have a 3rd chassis (2005 Ford F350) for our next project and are planning to remount a body from a 1993 GMC onto it and use it as a Brush response as well as a Medical Rescue in Tollgate Canyon. All these projects are done in house by NSFD volunteers. This year we are completing a station building in Tollgate Canyon. This project has been built partly by contract labor, but mostly by the volunteers from North Summit Fire District. This building will provide for an approved storage facility for our fire apparatus in Tollgate Canyon and help preserve the ability of Canyon residents to get, and retain homeowners insurance. Note that this building will be totally off electrical grid and will have all its electrical needs, (lights, door openers and vehicle battery charge maintainers) supplied by solar panels. We have invested in energy efficient lighting upgrades at our station, the most recent being the replacement of all our outside lighting at Sta 21 with LED lights.

For the coming year, we have planned, to renovate the training room and office in our Coalville station. Most of this work will be done by the EMS and fire crews, though we will likely subcontract the new carpet. We will refit the rescue body, mentioned above, onto the newer ex-ambulance F350 Super Duty chassis. We will upgrade some of our fire engines and big water tenders, but this should be generally funded by sales of current apparatus. We also plan to assist the Fire Warden with fuel mitigation projects that will help the whole of Summit County with in-kind match to satisfy the new state wildland funding program. We will be planning and beginning some ground work on our permanent fire station. We are exploring options to make this building very energy efficient, by focusing on space heating, which is a major cost for a volunteer station. We are looking at using radiant heat and geothermal with thermal solar panels as ways to minimize our heating bills. We will also design and orient the station to take advantage of passive solar and natural light.

Chief Ken Smith

Local and Special Service Districts
Adopted Budget

Form: SD-BUD-1-2012

Name North Summit Fire District

Fiscal Year 2016

Part I General and Enterprise Fund

	(a)	General Fund			Enterprise Fund		
		Actual Expenses			Actual Expenses		
		Prior Year 2015	Current Year 2016	Budget 2017	Prior Year (e)	Current Year (f)	Budget (g)
	Revenues						
1.1	Taxes: Property Tax	415,500	417,949	420,000			
1.2	Other:						
1.3	Fee in Lieu of Taxes						
1.4	Charges for Services	20,499	28,133	28,000			
1.5	Interest Income	1,560	3,307	3,300			
1.6							
1.7							
1.8							
	Other Financing Sources:						
1.9	Transfers from Other Funds						
1.10	Contribution from Fund Balance			35,000			
1.11							
1.12							
	Total Revenues	437,559	449,389	486,300	0	0	0
	Expenses						
2.1	Salaries and Benefits	72,045	88,982	107,000			
2.2	Other Operating Expenses	202,053	166,957	170,000			
2.3	Depreciation						
2.4							
2.5	Debt Service	42,864	28,033	28,033			
2.6							
2.7							
2.8							
	Other Financing Uses:						
2.9	Transfers to Other Funds	100,000					
2.10	Contribution to Fund Balance	20,597					
2.11							
2.12							
	Total Expenditures / Expenses	437,559	283,972	305,033	0	0	0
	Net Income / (Loss)	-	165,417	181,267	0	0	0

CONTINUE ON PAGE 2 WITH PART II

Part II Capital Projects and Debt Service Fund

		Capital Projects Fund			Debt Service Fund		
		Actual Expenses			Actual Expenses		
		Prior Year 2015	Current Year 2016	Budget 2017	Prior Year (e)	Current Year (f)	Budget (g)
	Revenues						
1.1	Bond Issues						
1.2	Property Taxes						
1.3	Fee-in-Lieu of Taxes						
1.4	Investment/Interest Income		1,992	1,800			
	Transfers From: general fund	100,000					
1.5							
1.6	Engine sale		180,000				
1.7	Other:						
1.8	Other:						
	Total Revenues	100,000	181,992	1,800	0	0	0
1.9	Beginning Fund Balance	143,231	243,231	289,850			
1.10	Available for Use	243,231	425,223	291,650	0	0	0
	Expenses						
2.1	Debt Service						
2.2	Retirement of Bonds						
2.3	Interest on Bonds						
2.4	Capital Outlay						
	Transfers From:						
2.5							
2.6	Spartan Engine Purchase		35,000				
2.7	Other: Capital Purchases		100,373	215,000			
2.8	Other:						
	Total Expenses	-	135,373	215,000	0	0	0
	Ending Fund Balance	243,231	289,850	76,650			

MOUNTAIN REGIONAL WATER
SPECIAL SERVICE DISTRICT

MEMORANDUM

To: **Summit County Council**

From: **Mountain Regional Water Administrative Control Board**

Date: **November 2, 2016**

Subject: **Adoption of Tentative 2017 Budget and Amended 2016 Budget**

Required Action

The following is required pursuant to Section 17B-1-6 *UCA*

1) Adopt Tentative 2017 and 2016 Amended Budgets as presented at 1st November Council meeting;
2) Set time and place of public hearing to consider its adoption at least 30 days from today;
3) Order public notice of hearing be published at least 7 days prior to the hearing in the Park Record and on the Utah Public Notice Website;
4) Direct Mountain Regional to make changes to the tentative budget prior to the public hearing, if so desired**.**

District Overview

The District was created in 2000 by the Summit County Commission (now Council) to regionalize water service in Snyderville Basin by consolidating several water companies, both public and private, that were failing both operationally and financially.

The District now covers 39.3 square miles, currently serves nearly 3,400 customers and provides raw water to two Promontory golf courses. Another 1,700 undeveloped lots are located within the District that have a water system installed in a ready-to-serve state for which a standby fee is assessed.

The District is the largest single water producer in western Summit County. In addition to providing water for its own customers, it has contracted to sell Summit Water 800 acre feet of water through the Weber Basin Regionalization agreement in 2017. Further, the District wheels

6421 N. Business Park Loop Rd. Suite A • P. O. Box 982320 • Park City, Utah 84098
Office: 435.940.1916 • Fax: 435.940.1945 • Email: customerservice@mtregional.org
www.mtregional.org

an average of 1,600 acre feet annually through its Lost Canyon project to Park City. Park City has the right to transport up to 2,900 acre feet of water per year.

2017 Budget Summary

The District budget is shown below in the format previously requested by the Summit County Council.

Mountain Regional Water
2017 Recommended Budget

	2015 Actual	2016 Amended	2017 Recommended	*% of Total*	2017 Change
Salaries & Benefits	$ 2,555,628	$ 2,652,900	$ 2,731,400	*20.9%*	$ 78,500
Services & Contracts					
Utilities	715,051	875,100	985,600	*7.5%*	110,500
Weber Basin/State Fees & Water Testing	935,078	1,166,700	1,190,800	*9.1%*	24,100
Other	150,028	201,500	216,000	*1.7%*	14,500
Materials & Supplies					
Maintenance & Repairs	674,588	706,200	749,500	*5.7%*	43,300
Other	234,630	296,000	264,100	*2.0%*	(31,900)
Capital Outlay					
Depreciation & Amortization	1,481,707	1,638,100	1,678,100	*12.9%*	40,000
Capital Expenditures	5,572,381	9,244,600	1,429,200	*10.9%*	(7,815,400)
Debt Service	3,543,828	3,866,900	3,810,800	*29.2%*	(56,100)
Total	**$15,862,919**	**$ 20,648,000**	**$ 13,055,500**	***100.0%***	**$ (7,592,500)**

The budget summary above provides for a quick high level comparison of the year over year changes for Mountain Regional, as well as a comparison to other county governmental entities.

The format included in the attached official budget request is based upon management accountability and audited financial reporting.

MOUNTAIN REGIONAL WATER

SPECIAL SERVICE DISTRICT

TENTATIVE

2017
And
2016 AMENDED
BUDGETS

to the

SUMMIT COUNTY COUNCIL

November 2, 2016

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1.0 2017 DISTRICT BUDGET OVERVIEW

1.01 The District

Mountain Regional Water (the District) is a regional public water company established in 2000 to resolve water shortage and quality problems in Snyderville Basin. It is governed by the Summit County Council who acts as the District's governing board. The Council has delegated certain powers to an Administrative Control Board consisting of citizens who live within the District. Since its creation numerous small water companies and new developments have joined the District.

The District currently has nearly 3,400 customers using water and nearly 1,700 additional lots on standby. In addition, construction recently started on the Silver Creek Village, a multi-use development with Summit County approval for over 1,000 new units (of which 376 are part of the 1,700 standby lots mentioned above).

The District also wheels up to 2,900 acre feet of raw water annually to Park City; and has entered into an agreement to sell Summit Water 800 acre feet of culinary water in 2017 under the Weber Basin regionalization agreement. These two wholesale contracts now account for over 50% of the District's water production.

1.02 District Budgets

The District has three budgets that require adoption each year by the Summit County Council, based upon accounting guidelines established for governmental enterprise funds:

Operating Budget – This annual "accrual based" budget includes the overall operation and financing of the District. Under accrual based accounting, revenues are generally recorded when earned or billed - rather than when cash is actually collected. In addition, expenses are recorded when incurred regardless of when they are paid.

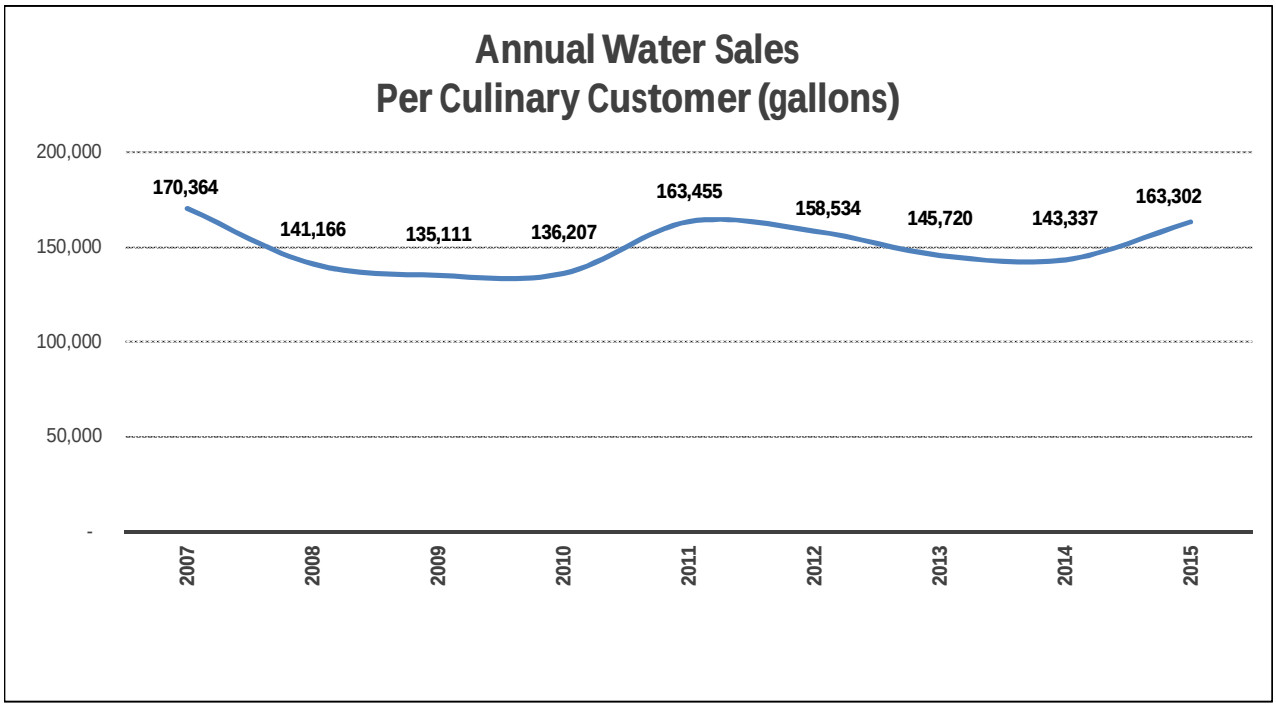
This budget includes interest expense on debt (see *Debt Service Budget* below), and the depreciation of capital assets (see *Capital Budget* below). However, it does not include any debt proceeds or the upfront cost of capital equipment and projects; or the payment of principal on debt.

Debt Service Budget – This annual "cash based" budget includes the payments due each year on the District's outstanding debt, including both principal and interest. The budgeted sources of cash must come from the current year operations of the District, or from the Rate Stabilization Fund, and not from other reserves. However, if insufficient cash is generated during the year, other reserves can be used.

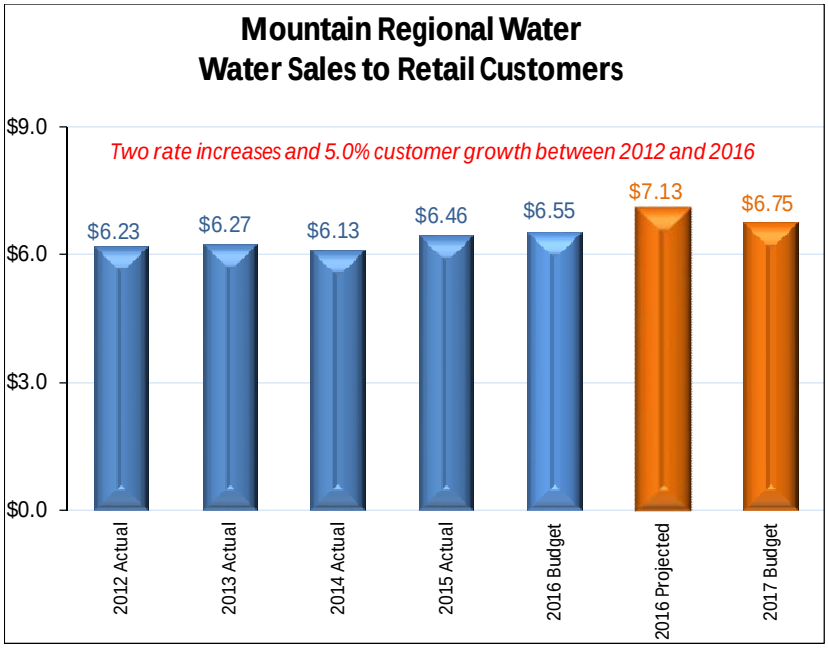
Capital Budget – This project "cash based" budget includes capital equipment costing more than $5,000 and expenditures related to water system infrastructure, buildings, and water rights. These budgets remain in effect over the life of a project rather than a calendar year. Its cash sources typically include debt proceeds, grants, and reserve funds.

1.03 Retail Water Consumption Rebounded in 2016

As shown below, the District's average culinary consumption the past twelve months was 163,302 gallons. This is the highest since 2012 due to hot dry summer weather. The average culinary consumption per customer since conservation rates were adopted is 148,333 gallons per year. This represents a 4,064 gallons increase over last year's average of 144,269. Starting in 2016, the District began basing its retail water sales forecasts on 144,000 gallons usage for the retail sales forecast.



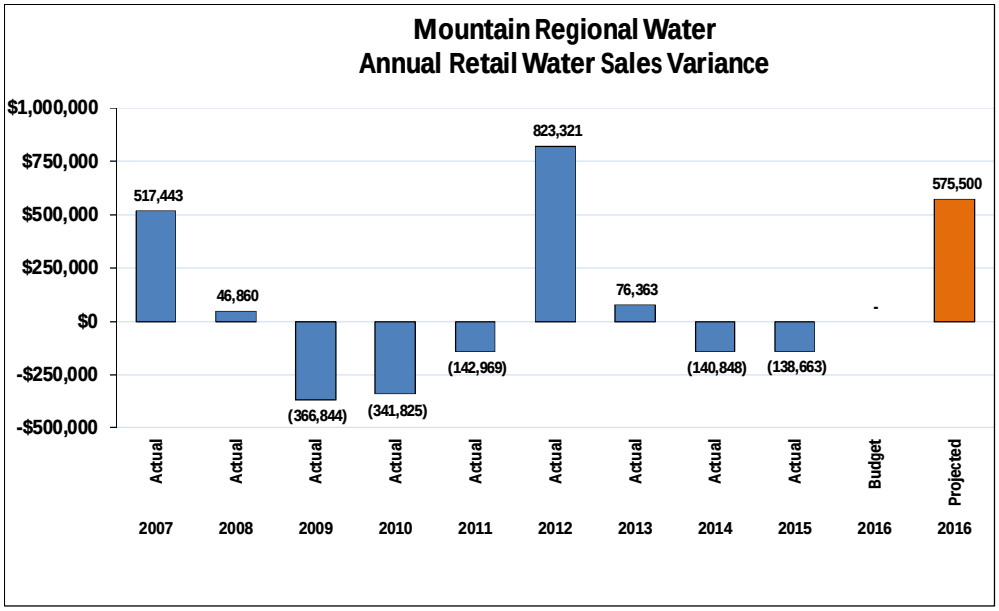
Due to higher consumption, it is now projected 2016 retail water sales will be $7.13 million – which is $575,500 (8.8%) above initial budget projections, as shown below.



Meanwhile, the 2017 retail water sales forecast is $6.75 million. As discussed above, this is based upon the average annual culinary consumption, plus the growth in new customers using water in 2017. It is critical not to base future revenue projections on the amounts collected over the past two or three years, as:

1) Annual water consumption varies depending upon the weather, and
2) Development related collections vary even more dramatically based upon the local building cycle.

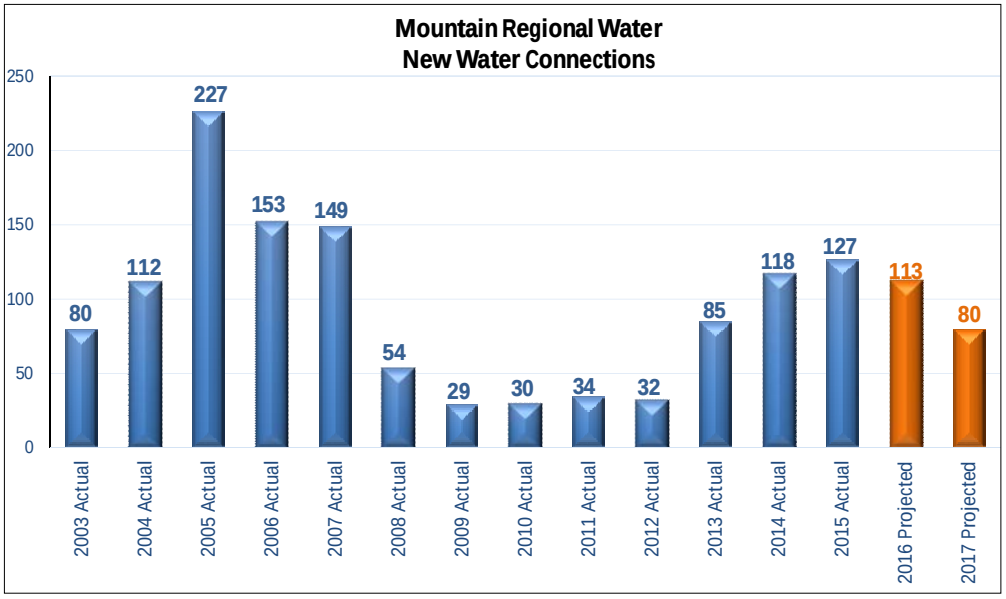
Due to the District's punitive conservation water rates, retail water sales actually vary more dramatically than annual culinary consumption. For example, over the past ten years water sales have fallen as much as $366,844 under budget in a wet year to $823,321 over budget in a hot dry year. In fact, 2016 was a very hot dry year, and retail water sales are now projected to exceed the initial budget by $575,500.



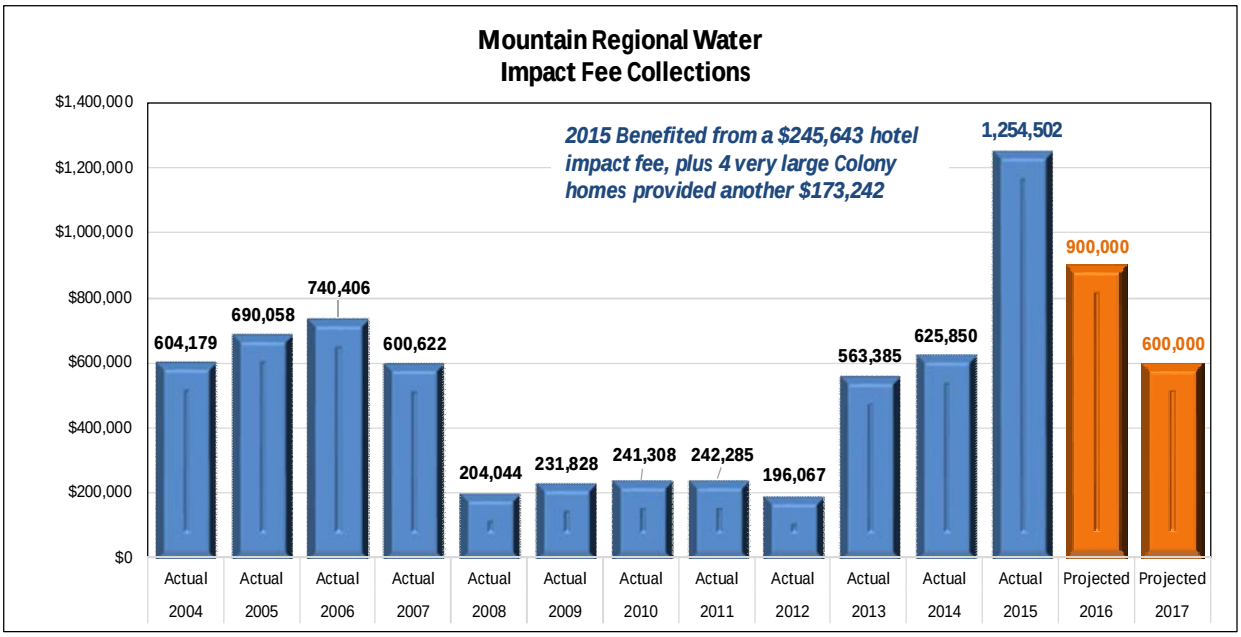
The average annual water sales variance over the past ten years is $82,576, or 1.46% above budget; with retail water sales finishing over budget 50% of the time, and under budget 50% of the time. This very small average variance would be expected, as the District's policy is to forecast retail water sales using the ten year annual culinary consumption average.

1.04 Development Related Collections Remain Strong

As shown below, new water connections have averaged 120 new units per year since 2014. This is the highest since the building boom that lasted from 2003 to 2007. However, between 2009 and 2012, average new water connections were only 31 annually.



The average number of new water connections over the past ten years is 80 – which is the number used for the 2017 revenue forecast. Based upon the average impact fee of about $7,400 (including the use of prepaid connections), the District projects $600,000 in impact fee collections for 2017, as shown below. The table below also demonstrates the dramatic swings in impact fee collections year-to-year due to the local building cycle.



1.05 Major Wholesale Water Contracts

Park City has contractual rights to wheel up to 2,900 acre feet of its Rockport Reservoir water through the District's Lost Canyon project on an annual basis. Park City pays for this 2,900 acre feet on a take-or-pay basis, but has only been using about half this amount annually the past few years. The calculation of the wheeling rates are outlined in a contract with Park City, and include 43.9% of most Lost Canyon production costs. Park City wheeling revenue is projected to be $615,200 in 2017, compared to the $575,000 now projected for 2016.

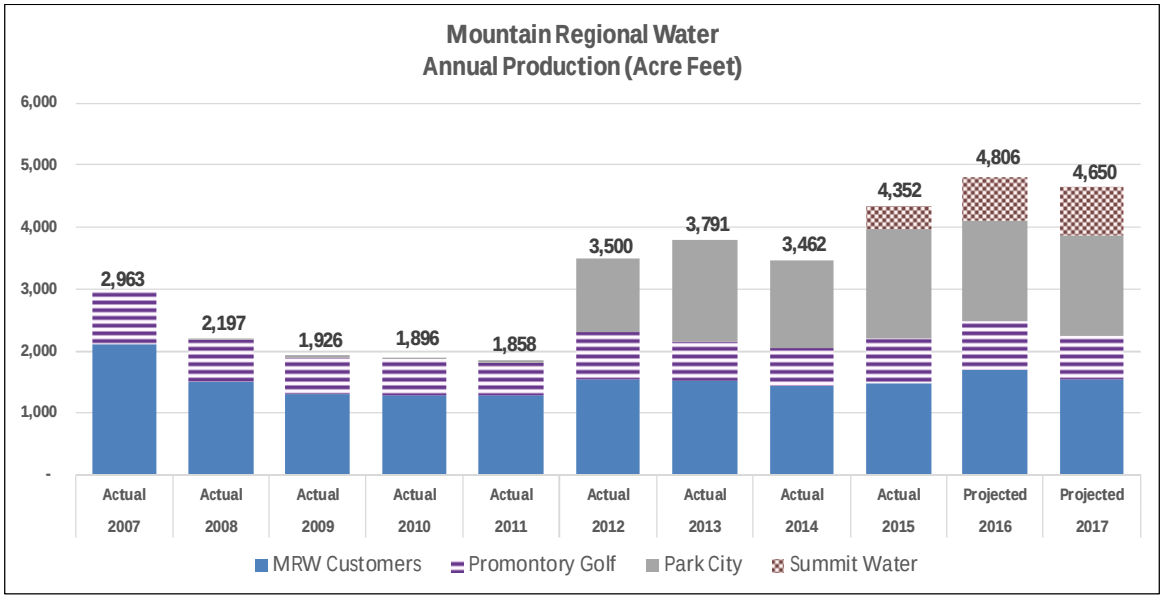
Summit Water has purchased 800 acre feet of wholesale water from the District under the Weber Basin regionalization agreement for 2017. The related take-or-pay contract will provide $889,600 in 2017 revenue. This compares to $684,600 in 2016 for 700 acre feet. The District plans to put 30% of these proceeds into its Regionalization Reserve Fund to help mitigate the $250,000 in new annual costs it will incur due to the regionalization fees that the District must start paying to Weber Basin in 2020.

Since both these wholesale contracts are on a take-or-pay basis – which means the purchaser pays the full price for all the water whether they use it or not – these contracts help mitigate a portion of the fluctuations in retail water sales

1.06 District Water Production

As shown below, District water production increased significantly in 2012 when Park City began taking a large portion of its water through the Lost Canyon project. Production increased notably again in 2015 when Summit Water started taking water under the Weber Basin regionalization agreement.

Now that Park City and Summit Water are taking water, the District produces more water for wholesale customers than it produces for its retail customers.



Production for 2016 is now projected to be 4,806 acre feet, which is 156 acre feet more than is currently forecast for 2017 due to the hot dry summer weather experienced in 2016. Without the 100 acre foot increase in water sold to Summit Water in 2017, as discussed in **1.05** above, the projected decline in water production between 2016 and 2017 would have been 256 acre feet.

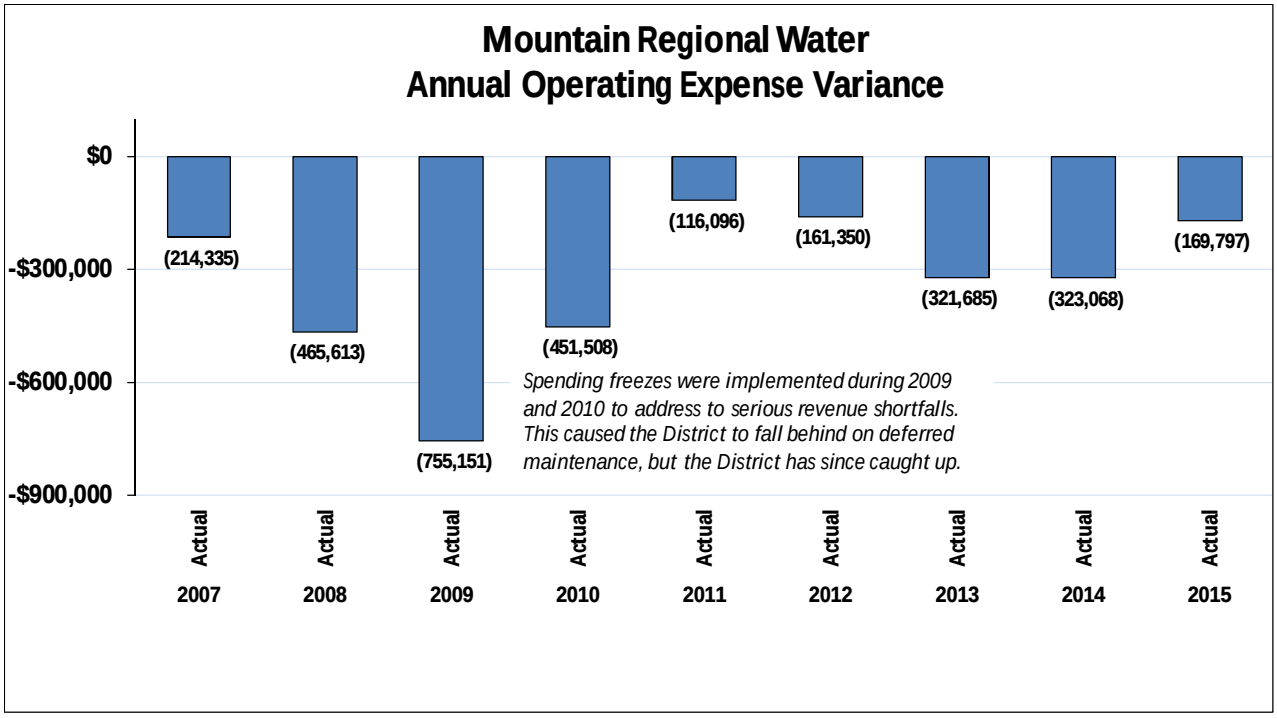
The 2017 projection of 4,650 acre feet was used to develop the 2017 expense budgets. If more water is sold or the District needs to pump water during the day when higher on-peak power rates are in effect, power costs will increase. However, the 2017 budget includes a $150,000 contingency in case this happens.

1.07 Production Expense Contingencies

The District assumes in the budget that it will need to pump water during the day, when on-peak power rates are in effect, for a three month period during the year; despite using average water sales revenue forecasts. The purpose for this is in case the District inadvertently or temporarily needs to pump water during on-peak power rates, or if hot dry weather is experienced. This provides a cushion for other operating expenses as well.

This practice provides $150,000 per year in operating expense contingencies – which is the amount of contingency included in the 2017 budget.

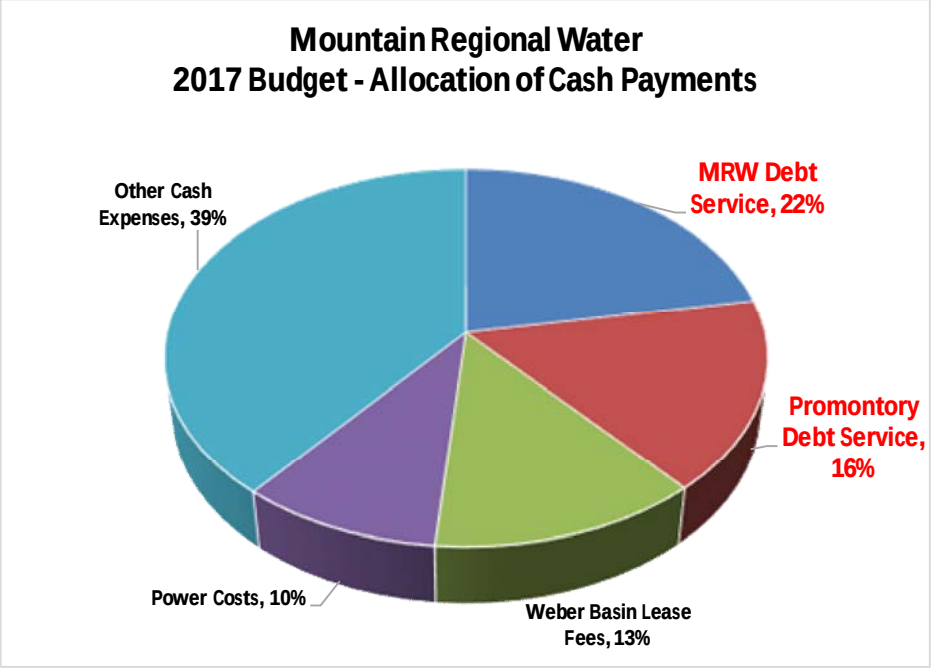
As shown below, the District has exercised prudence by not spending the production cost contingencies for other purposes, as it has not needed to pump water on-peak during the summer for the past few years. Negative numbers represent operating expenses finishing under budget.



In fact, the average operating expense variance since 2011 is $218,399 or 4.59% under budget. The large variances in 2009 and 2010 resulted from mid-year spending freezes implemented due to large revenue shortfalls. This caused the District to fall behind on system maintenance, but the District has since caught up.

1.08 Allocation of Cash Payments

As shown below, debt service, Weber Basin lease fees, and power costs account for 61% of the District budgeted cash payments in the 2017 budget, excluding capital projects.



Debt service currently represents 38% of cash payments. This includes 16% that will be paid from Promontory assessments, and 22% that will largely be funded from water sales and impact fees. However, in 2020 it is projected debt service will represent 40% of cash payments, with only 3% paid from Promontory assessments, and 37% from water sales, impact fees, and other small revenue sources.

Meanwhile Weber Basin lease fees account for 13% of cash payments in the 2017 budget; while, power costs account for only 10% - as the District has taken steps to become more energy efficient.

In fact, a recent study conducted by the Utah State of Environmental Quality determined that the District is saving nearly 40% on its power costs due to its efficiency measures taken over the past few years.

According to this independent study, this represented $392,812 in savings in 2015. The debt service payments for these power conservation measures is about $85,000 per year.

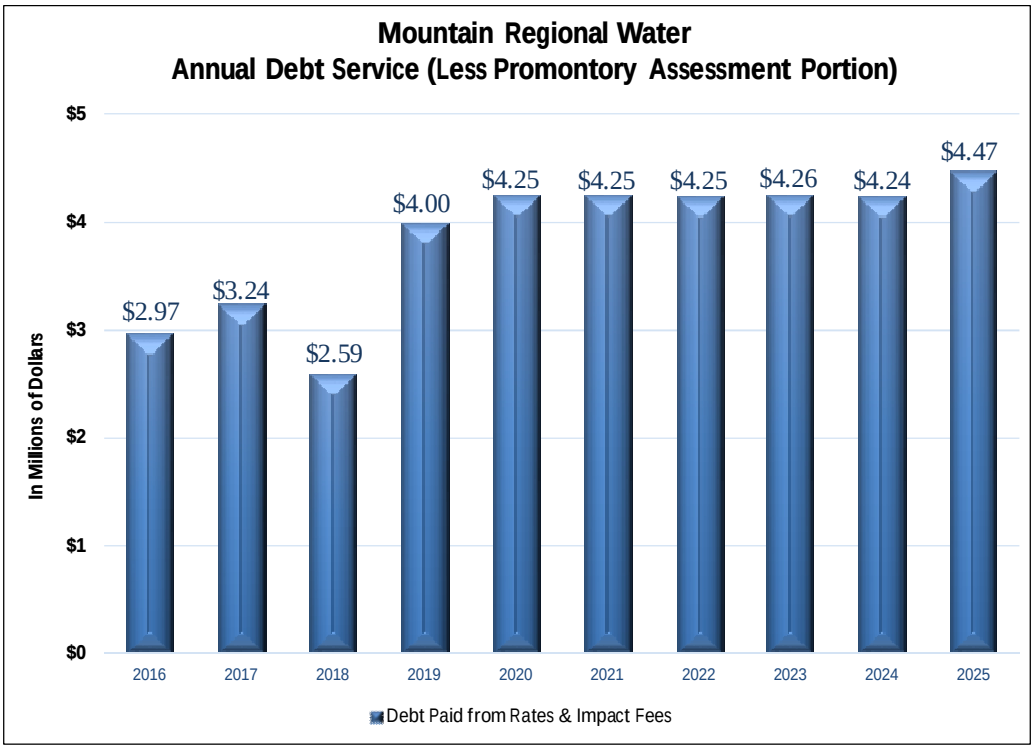
1.09 No Rate or Fee Increases Needed Until 2019

Due to the one-time drop in 2018 debt service requirements, combined with the annual regionalization revenue collections the District will receive from Summit Water (through Weber Basin) over the next few years from the sale of its surplus water, a water rate and fee increase will not be needed before 2019.

However, due to increasing debt service payments starting in 2019, along with the new Weber Basin regionalization fees that the District will start paying in 2020, a rate increase will be needed in 2019.

1.10 Increasing Debt Payments Lead to 2019 Rate & Fee Increases

As shown below, the annual service requirements for existing debt funded from District water sales and impact fees is increasing substantially within the next three years.



In fact, total debt service requirements (including the 25% excess coverage requirement discussed in **Section 1.12**) are scheduled to increase by $1.03 million between 2016 and 2019 – from $2.97 million to $4.0 million. These amounts do not include debt that will be paid from assessments on the Promontory developer.

However, there is a one-time anomaly in 2018, when the payments required on existing debt are scheduled to decline $646,476 when compared with required 2017 debt payments. This is followed by a dramatic $1.41 million increase between 2018 and 2019. This results in a $757,811 net increase between 2017 and 2019.

This dramatic debt service increase in 2019 - combined with the annual $250,000 regionalization fee the District must start paying to Weber Basin in 2020 – will very likely require a water rate and fee increase at that time.

Depending upon new customer growth and potential increases in wholesale water sales, it is anticipated the rate increase could be between $15 and $25 per month.

As such the District established a Regionalization Reserve Fund into which it plans to deposit 30.0% of the revenue collections generated from selling wholesale water under the Weber Basin regionalization agreement.

The District anticipates these funds could then be used to prepay debt between 2019 and 2022 in order to reduce the annual debt service requirements in those years. This would allow the District

to phase in the necessary rate and fee increase in smaller increments over a four year period, and spread it over a larger customer base if strong growth in new customers continues.

1.11 Rate Stabilization Fund

The District's general bond indenture allows it to establish a Rate Stabilization Fund. These funds are available for use to cover revenue shortfalls and/or unexpected expenditures.

The Rate Stabilization Fund has three components:

Rate Stabilization Fund – Bond Reserves **-** These reserves can only be applied to scheduled annual debt service payments in the event annual cash flow from any given year is insufficient to meet that year's scheduled debt service payments. District policy prohibits the use of these funds when calculating debt coverage for budgeting purposes.

It appears at this time that debt coverage for 2017 may be tight, as it is currently projected to be 1.26 when subordinate debt is included. The existence of this fund provides assurance the District can meets the 1.25 times bond coverage requirements (see **Section 1.12** below) if revenues fall below projections or unanticipated large expenditures are incurred. Projected coverage for just parity debt for 2017 is 1.34.

In the event the reserve balance falls below $1.0 million, policy requires the District to restore it to $1.0 million within three years. The projected 2016 year-end reserve balance is $1.07 million. The District has never needed to use these funds.

Rate Stabilization Fund – Treatment Plant Operations – Each year, the District base budget includes about one-tenth of the projected ten year cost for treatment plant carbon and membrane filters. Both carbon and membrane filters are only purchased every few years at a cost of several hundred thousand dollars.

As such, only budgeting for these items during years when they are purchased would lead to wild swings in debt coverage, and possibly rates. Therefore, if the amount expended for these items is below the budget amount at the end of a year, the difference is deposited into this reserve until it reaches $500,000; while if the amount expended exceeds of the budget amount, the difference is withdrawn from this reserve to supplement ongoing revenue in that year.

Per District Policy, these funds can be used to calculate debt coverage for budget purposes only up to the amount that the actual projected cost for any given year exceeds the base budget amount (which is the estimated average annual cost for the next ten years).

The District currently budgets $115,000 per year from ongoing revenue. For 2017, it is expected that a large portion of this will be deposited into this stabilization fund.

The year-end 2016 balance is projected at $82,000, as $22,800 was taken from this fund in 2016. This $22,800 will be included in the actual 2016 year-end debt coverage calculation.

Rate Stabilization Fund - Expanded Lost Creek Canyon Repair and Replacement – The District has a contract with Park City that requires it and Park City to deposit a fixed amount into this reserve each month. These funds can only be used to make major repairs to Lost Canyon or to replace expensive equipment. The 2016 projected year-end balance is $200,000.

1.12 Debt Coverage Ratio

Per bond covenants, the District must budget for 1.25 parity debt coverage each year; meaning once all cash operational costs are paid, the remaining budgeted cash revenue must be equal to 1.25 times that year's parity bond principal and interest payments (see **Section 3.0 – 2017 Debt Service Budget**). It is the 1.25 coverage requirement that drives rates and fees.

Mountain Regional Water
Parity Debt Service Coverage Ratio

	2014 Actual	2015 Actual	2016 Projected	2017 Budget
Water Sales	$ 6,126,252	$ 6,459,837	$ 7,125,000	$ 6,753,200
Park City Wheeling	492,605	535,223	575,000	615,200
Weber Basin Regionalization Collections	-	367,200	684,600	889,600
Stagecoach Assessments	193,972	208,749	180,000	163,000
Operating Fees	350,920	421,448	378,000	303,300
Impact Fees	625,850	1,254,502	900,000	600,000
Promontory Developer Assessments	1,575,816	1,730,632	1,953,600	1,617,100
Interest Available for Debt Service	29,670	80,464	95,000	84,900
Other Non-restricted Revenue	148,208	331,202	60,200	70,000
Treatment Plant Stabilization Fund	-	-	25,000	-
Total Cash Available for Debt Service	9,543,293	11,389,257	11,976,400	11,096,300
Cash Operating Expenses	(4,740,832)	(5,265,003)	(5,898,400)	(6,137,400)
Net Cash Available for Debt Service	4,802,461	6,124,254	6,078,000	4,958,900
Parity Debt Service Payments	3,203,382	3,460,004	3,747,500	3,695,500
Debt Service Coverage	1.50	1.77	1.62	1.34

As shown above, the District has had strong debt coverage ratios the past few years, largely due to much improved development related collections. It is likely that development related collections will decline at some point.

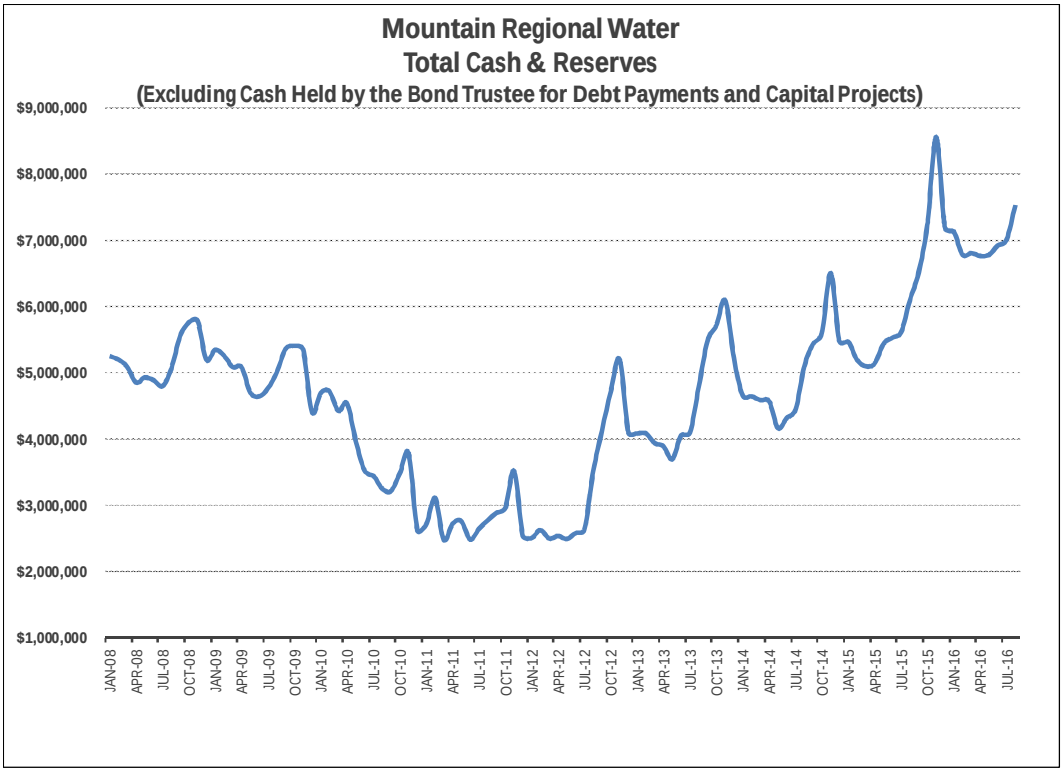
For 2017, a 1.34 debt coverage ratio is projected when only parity debt is included. The ratio if subordinate debt is included is projected to be 1.26.

1.13 Cash

As shown on the following page, the District's cash and reserves (excluding cash held by the bond trustee for debt payments and capital projects) have slowly, but steadily improved since 2011 – at which time a rating agency reported that the District's cash and reserves were "barely adequate".

This upward trend can be attributed to the following factors:

1) Rate and fee increases;
2) Debt restructuring;
3) The establishment of a $1.0 million rate stabilization fund to replace required bond reserves held by the trustee; and
4) A stronger local building economy leading to record development related collections.



Normally, this upward trend would level off moving forward as debt service payments increase. In addition, a significant drop in development related collections would necessitate the drawdown of a portion these funds; plus a budget freeze might also be needed, causing the District to fall behind on system maintenance.

However, the projected increases in the Regionalization Reserve Fund discussed in **Section 1.05** will impact future cash trends.

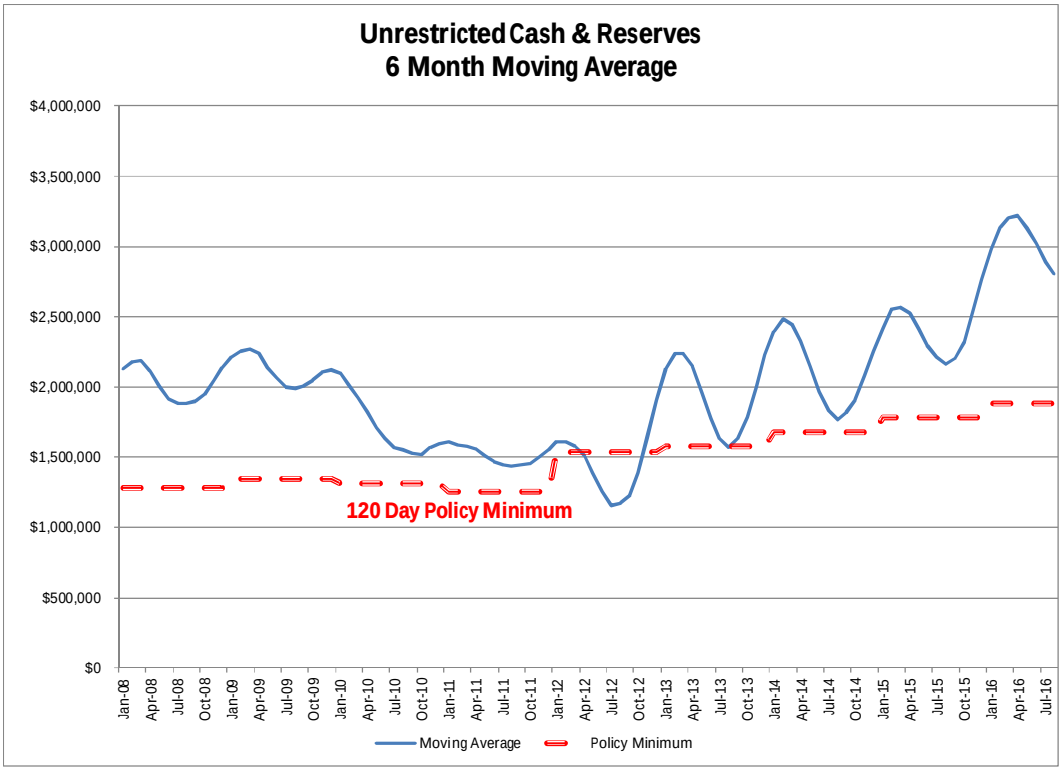
<u>Unrestricted Operating Cash and Reserves</u>

Unrestricted operating cash and reserves can be used for any legitimate District purpose; while restricted cash sources can only be used for the specific purpose outlined either in state law, contractual arrangements, or District policy.

Although funds restricted by District policy are considered unrestricted by governmental accounting standards, they are considered restricted for this cash analysis.

As such, the unrestricted operating cash and reserves shown on the graph below excludes all required capital facility repair funds, the stabilization funds, the impact fee and special assessment funds, bond proceeds, customer deposits, and debt reserves held by the bond trustee.

As shown below, unrestricted cash and reserves have steadily increased since mid-2012 due to the rate and fee increases and the restructuring of debt in 2012. In fact, in 2012 these reserves fell $591,527 below the minimum amount established by policy of 120 days reserves.



The graph above shows a six month moving average to smooth out monthly fluctuations. The peaks each year are from summer water sales collections, while the sharp decline each year is due to Weber Basin lease payments of nearly $1.2 million that are made each December.

Unrestricted operating cash and reserves finally reached a level in 2014 where the District should be able to maintain at least 120 days of reserves year-round, in compliance with policy.

<u>Debt Reserves Held by the District</u>

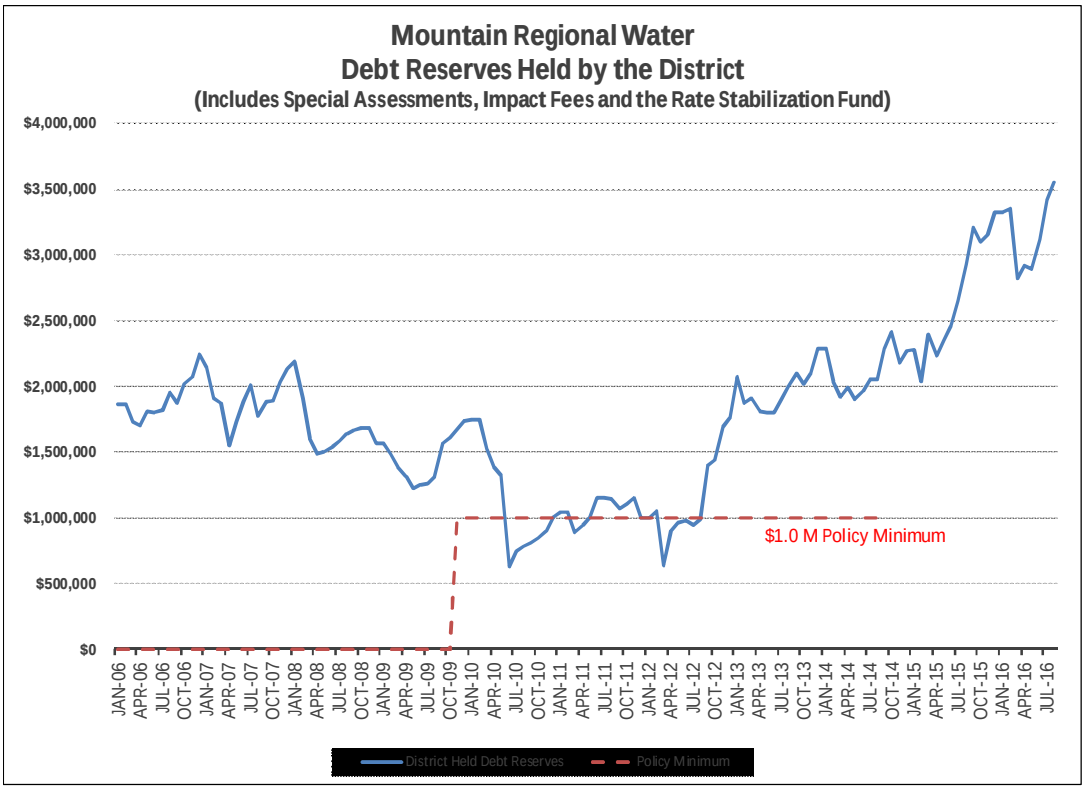
The District has chosen, by policy, to hold debt reserves in addition to those required by bond holders and held by the bond trustee.

The policy decision to establish these reserves was made to mitigate potentially significant shortfalls in revenue collections due to weather conditions and wide fluctuations in building related revenue; as well as for unexpected expenditures.

This also helped allow the District to issue both the Series 2012 and Series 2014 bonds without a debt reserve held by the trustee. The impact from using District held reserves, including the Rate Stabilization Fund, to cover revenue shortfalls or unexpected expenditures has a dramatically lower impact on the District when compared to the impact if trustee held debt reserves are ever used.

Further, the amount of debt reserves that would have been required for the Series 2012 and Series 2014 bonds would have increased the amount those bonds by a combined $3.5 million. Meanwhile, the Rate Stabilization Fund only requires a balance of $1.0 million.

As shown below, these reserves have increased dramatically the past five years due to improved building related collections, along with a policy decision made in November 2011 to establish the $1.0 million Rate Stabilization Fund, as discussed in **Section 1.11** above.



These reserves can only be used to make related debt payments in years when revenue does not meet projections or unanticipated expenditures are incurred. In fact, impact fee and assessment reserves were applied to debt payments during the Great Recession.

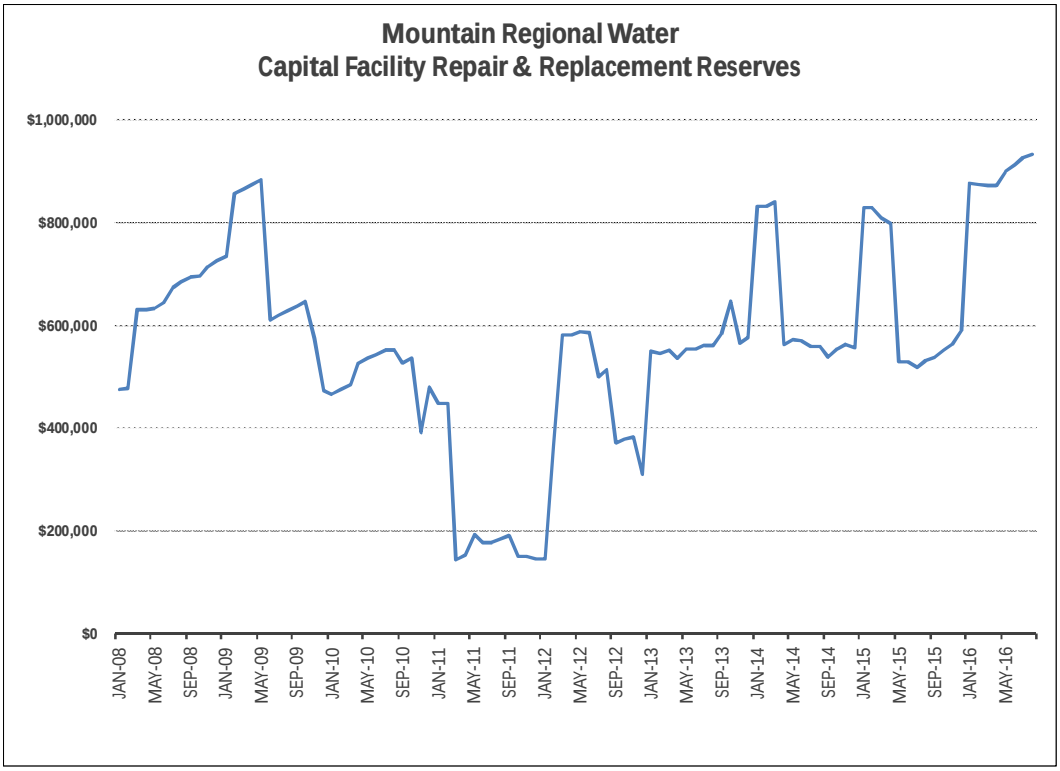
If these reserves are healthy, as they are currently, the District typically prepays debt on its callable bonds. Currently, no market bonds are callable. However, if these reserves remain healthy, the District will use a portion of them, in addition to the regionalization reserves, to prepay debt between 2019 and 2022 to help phase in the notable rate increase that will be needed starting in 2019.

Impact fees, which make up a large portion of these debt reserves, experience wide swings in annual collections, as shown in the table in **Section 1.04**. In fact, the extreme volatility in impact fee collections year-to-year makes these reserves critical, as annual collections have ranged from a low of $196,067 in 2012 to a high of $1.25 million in 2015.

Thus, it is critical that the District does not become too reliant upon strong building related collections to meet its 1.25 bond coverage requirements. Otherwise, large rate and fee increases might be needed when the building economy slows; or serious expense cuts might be needed that result in the District falling behind on system maintenance.

<u>Capital Facility Repair & Replacement Reserves</u>

The District likes to maintain between $500,000 and $1.0 million in reserve to fund unanticipated large repairs and critical capital improvements. Currently, these reserves are close to $1.0 million.



The District plans to use $500,000 of the capital facility reserves in 2017 to fund the cost increases for the Silver Creek Tank that resulted from the need to relocate the tank from the original planned site. The new tank site requires additional pumping facilities. The required deposits to the capital facility reserves in 2017, less the use of the $500,000 for the tank, will result in an estimated 2017 year-end balance of $700,000.

<u>2017 Budgeted Cash Change</u>

As shown below, the 2017 budget projects a $1.02 million cash increase; excluding capital budget items that are being funded with bond proceeds or with cash on hand as of December 2016.

The District plans to allocate this 2016 projected cash increase as follows:

Capital Facility Reserves Mandatory Deposit	$ 306,900
Increase Unrestricted Cash to Maintain Policy Level	131,200
Deposits into Regionalization Reserve	341,500
Future Year Capital Projects	293,900
Total	**$ 1,018,900**

Mountain Regional Water
2017 Operating Budget - Accrual and Cash Basis
Enterprise Fund

	2017 Control Board Recommended Accrual Basis	2017 Control Board Recommended Cash Basis
OPERATING REVENUE		
Retail Water Sales	$ 6,753,200	$ 6,753,200
Park City Wheeling	615,200	615,200
Weber Basin Regionalization Collections	889,600	889,600
Stagecoach Assessments	163,000	163,000
Operating Fees	303,300	303,300
Other	50,000	50,000
Total Operating Revenue	**8,774,300**	**8,774,300**
OPERATING EXPENSES		
Operations		
Energy & Resource Management	408,900	408,900
Lost Canyon Transmission	1,632,000	1,632,000
Treatment	688,800	688,800
Distribution	2,156,000	2,156,000
Safety	45,300	45,300
General Manager		
Engineering & Development	271,300	271,300
Human Resources	121,700	121,700
Legal Services	50,000	50,000
Public Services	485,900	485,900
Financial Management	277,500	277,500
Depreciation Expense	1,662,300	-
Total Operating Expense	**7,799,700**	**6,137,400**
OPERATING INCOME (LOSS)	**974,600**	**2,636,900**
NON-OPERATING REVENUE		
Interest Earnings - Available for Debt Service	84,900	84,900
Interest Earnings - Not Available for Debt Service	500	-
Impact Fees	600,000	600,000
Promontory Developer Assessments	1,617,100	1,617,100
Cash Grants	-	-
Other Cash Non-operating Revenue	20,000	20,000
Non-Cash Non-operating Revenue	11,700	-
Total Non-Operating Revenue	**2,334,200**	**2,322,000**
NON-OPERATING EXPENSE		
Interest Expense/Bank Fees	1,582,600	1,711,800
Bond Principal Payments	-	2,228,200
Bond Issuance Expenses	15,800	-
Total Non-Operating Expense	**1,598,400**	**3,940,000**
NON-OPERATING INCOME (LOSS)	**735,800**	**(1,618,000)**
CHANGE IN NET POSITION (NET INCOME BEFORE TRANSFERS)	**1,710,400**	**1,018,900**
TRANSFERS		
Contingency	-	-
Governmental Transfers	-	-
Contributions in Aid of Construction	-	-
NET TRANSFERS	**-**	**-**
CHANGE IN NET POSITION (NET INCOME AFTER TRANSFERS)	**$ 1,710,400**	**$ 1,018,900**

1.14 Personnel & Compensation

The 2017 budget includes an increase of one net operator position; as one higher paid Level 5 Operator is retiring, and will be replaced with two new entry Level 1 Operators. One of the new operators was hired in October 2016, while it is anticipated the other new operator will be hired in April 2017. This net increase of one position has a minimal impact on the 2017 budget.

The District has budgeted for a 3.5% ***average*** increase for 2017. However, it anticipates giving the same percentage raise as Summit County gives its employees for 2017.

2.0 2017 OPERATING BUDGET

2.01 Summary

As shown below, projected 2017 *Net Income after Transfers* is $1.71 million on an accrual basis.

Mountain Regional Water
2017 Operating Budget - Accrual Basis
Enterprise Fund

	2015 Actual	2016 Adopted Budget	2016 Amended Budget	2017 Control Board Recommended	2017 Recommend to 2016 Adopted
OPERATING REVENUE					
Retail Water Sales	$ 6,459,837	$ 6,549,500	$ 6,709,500	$ 6,753,200	203,700
Park City Wheeling	535,223	521,300	521,300	615,200	93,900
Weber Basin Regionalization Collections	367,200	684,600	684,600	889,600	205,000
Stagecoach Assessments	208,749	163,000	163,000	163,000	-
Operating Fees	421,448	303,300	303,300	303,300	-
Contract Maintenance	12,710	5,000	5,000	5,000	-
Other	62,328	40,000	40,000	45,000	5,000
Total Operating Revenue	**8,067,495**	**8,266,700**	**8,426,700**	**8,774,300**	**507,600**
OPERATING EXPENSES					
Operations					
Energy & Resource Management	493,103	532,000	557,000	408,900	(123,100)
Lost Canyon Transmission	1,330,813	1,415,500	1,415,500	1,632,000	216,500
Treatment Plant	494,856	481,400	481,400	688,800	207,400
Distribution	2,013,058	2,297,800	2,432,800	2,156,000	(141,800)
Safety	33,357	53,800	53,800	45,300	(8,500)
General Manager					
Engineering & Development	131,044	104,800	104,800	271,300	166,500
Human Resources	93,662	106,200	106,200	121,700	15,500
Legal Services	24,560	50,000	50,000	50,000	-
Public Services	400,570	414,800	414,800	485,900	71,100
Financial Management	249,980	282,100	282,100	277,500	(4,600)
Depreciation Expense	1,465,973	1,622,300	1,622,300	1,662,300	40,000
Total Operating Expense	**6,730,976**	**7,360,700**	**7,520,700**	**7,799,700**	**439,000**
OPERATING INCOME (LOSS)	**1,336,519**	**906,000**	**906,000**	**974,600**	**68,600**
NON-OPERATING REVENUE					
Interest Earnings - Available for Debt Service	80,464	51,400	51,400	84,900	33,500
Interest Earnings - Not Available for Debt Service	494	500	500	500	-
Impact Fees	1,254,502	600,000	600,000	600,000	-
Promontory Developer Assessments	1,730,632	1,953,600	1,953,600	1,617,100	(336,500)
Cash Grants	-	-	-	-	-
Other Cash Non-operating Revenue	256,164	20,000	20,000	20,000	-
Non-Cash Non-operating Revenue	11,718	11,700	11,700	11,700	-
Total Non-Operating Revenue	**3,333,974**	**2,637,200**	**2,637,200**	**2,334,200**	**(303,000)**
NON-OPERATING EXPENSE					
Interest Expense/Bank Fees	1,667,763	1,652,400	1,652,400	1,582,600	(69,800)
Bond Issuance Costs and Amortization Expense	15,734	15,800	15,800	15,800	-
Total Non-Operating Expense	**1,683,497**	**1,668,200**	**1,668,200**	**1,598,400**	**(69,800)**
NON-OPERATING INCOME (LOSS)	**1,650,477**	**969,000**	**969,000**	**735,800**	**(233,200)**
CHANGE IN NET POSITION (NET INCOME BEFORE TRANSFERS)	**2,986,996**	**1,875,000**	**1,875,000**	**1,710,400**	**(164,600)**
TRANSFERS					
Contributions in Aid of Construction	683,791	-	-	-	-
NET TRANSFERS	**683,791**	**-**	**-**	**-**	**-**
BUDGET CHANGE IN NET POSITION (NET INCOME AFTER TRANSFERS)	**$ 3,670,787**	**$ 1,875,000**	**$ 1,875,000**	**$ 1,710,400**	**$ (164,600)**
GASB 68 ACTUAL RETIREMENT ADJUSTMENTS	*125,447*	*TBD*	*TBD*	*TBD*	*TBD*
ACTUAL CHANGE IN NET POSITION (NET INCOME AFTER TRANSFERS)	**$ 3,796,234**	**$ 1,875,000**	**$ 1,875,000**	**$ 1,710,400**	**$ (164,600)**

The actual amounts shown above in the program exense budgets have been adjusted to remove the non-cash GASB 68 retirement accrual. This is done to provide a much better year-over-year budget comparison.

It should be noted that the annual non-cash accruals for retirement expense are not included in the 2017 budget, since the amount won't be known until well after the fiscal year ends. As such, all prior years include cash retirement expense for comparison purposes.

When non-cash *Depreciation, Amortization,* and *other non-cash items* are taken into account, along with principal payments, the District anticipates it will generate $1.02 million in cash from operations in 2017, as discussed in **Section 1.13** above.

2.02 2017 Revenue

Operating Revenue

As shown below, the District is projecting 2017 *Operating Revenue* of $8.77 million, which is 6.1% or $507,600 higher than was budgeted for 2016; but $213,300 less than is now projected for 2016. Unusually hot dry weather has resulted in an increase in 2016 water consumption.

Operating Revenue

	2015 Actual	2016 Adopted Budget	2016 Projection	2017 Control Board Recommended	2017 Recommended to 2016 Budget $ Change	% Change
Retail Water Sales	$ 6,459,837	$ 6,549,500	$ 7,125,000	$ 6,753,200	$ 203,700	*3.1* %
Park City Wheeling Fees	535,223	521,300	575,000	615,200	93,900	*18.0*
Weber Basin Regionalization Collections	367,200	684,600	684,600	889,600	205,000	*29.9*
Stagecoach Assessments	208,749	163,000	180,000	163,000	-	-
Operating Fees	421,448	303,300	378,000	303,300	-	-
Contract Maintenance	12,710	5,000	5,000	5,000	-	-
Other	62,328	40,000	40,000	45,000	5,000	*12.5*
Total Operating Revenue	**$ 8,067,495**	**$ 8,266,700**	**$ 8,987,600**	**$ 8,774,300**	**$ 507,600**	**6.1 %**
			$ 720,900	*8.7%*		

The 2017 *Retail Water Sales* budget of $6.75 million is $203,700 or 3.1% higher than the amount budgeted for 2016. This is the result of 125 new water connections that will generate additional revenue. However, this increase will be partially offset by the collection of fewer standby fees, as new customers using water no longer pay standby fees.

In past years, standby fees remained flat or actually increased despite the growth in new water connections, as new subdivision plats were typically recorded each year. For the past few years or so, the growth in new customers using water is coming largely from existing platted lots – leading to a decline in standby fee collections. Prior to the Great Recession, the recording of new plats often exceeded new water connections.

Although the 2017 retail water sales budget is $371,800 less than now projected for 2016, this is because the District develops its revenue projections based upon average weather; and 2016 was an unusually hot, dry year.

The $93,900 (18.0%) increase in *Park City Wheeling Fees* is the result of higher fixed costs over the past two years that are included in the related rate. Although these costs increased in 2016, this was not reflected in the 2016 budget, although the costs were included in the 2016 rate. This means Park City wheeling fees will exceed budget in 2016. Since Park City pays for its wheeled water on a take-or-pay basis, the projected increase in related revenue is not due to higher water use.

Weber Basin Regionalization Collections will increase $205,000 (29.9%) to $889,600 in 2017 due to a rate increase assessed by Mountain Regional caused by higher production and treatment costs; plus Summit Water contracted for 800 acre feet of wholesale water on a take-or-pay basis in 2017, compared to 700 acre feet in 2016.

Operating Fees (including connection fees) are projected to reach $303,300 in 2017 – the same as budgeted for 2016. Although actual 2016 collections will exceed budget significantly due to very strong customer growth, the District uses the average of 80 new units using water each year when developing revenue projections.

Non-operating Revenue

As shown below, *Non-operating Revenue* is projected to decline by $303,000 (11.5%) in 2017 when compared to the 2016 budget, as the contractually required *Promontory Developer Assessments* are declining by $336,500 (17.2%) in 2017. The portion of 2017 debt payments funded by Promontory assessments is declining by the same amount.

Non-operating Revenue

	2015 Actual	2016 Adopted Budget	2016 Projection		2017 Control Board Recommended	2017 Recommended to 2016 Budget $ Change	% Change
Interest Earnings	$ 80,958	$ 51,900	$ 96,200		$ 85,400	$ 33,500	*64.5* %
Impact Fees	1,254,502	600,000	900,000		600,000	-	-
Promontory Developer Assessments	1,730,632	1,953,600	1,953,600		1,617,100	(336,500)	*(17.2)*
Cash Grants	-	-	5,200		-	-	*n/a*
Other Cash Non-operating Revenue	256,164	20,000	10,000		20,000	-	-
Non-Cash Non-opeating Revenue	11,718	11,700	11,700		11,700	-	-
Total Non-operating Revenue	**$ 3,333,974**	**$ 2,637,200**	**$ 2,976,700**		**$ 2,334,200**	**$ (303,000)**	**(11.5)** %
			$ 339,500	*12.9%*			

As shown above, *Interest Earnings* are projected to increase $33,500 (64.5%) in 2017 due a 50 basis point increase in the interest rate paid by the Public Treasurers Investment Fund (PTIF) during 2016, which is where most of the District's cash is deposited.

The $600,000 projection for 2017 *Impact Fees* is the same as for 2016. This is based upon average new customer growth of 80 new water connections and the average impact fee of around $7,400.

This average impact fee is lower than the $10,513 base fee since many prepaid connections are being used, and many of the new water connections are in the Promontory development. Promontory has a lower impact fee since most of its infrastructure was funded with special assessment bonds.

It is difficult to forecast impact fees for three reasons:

1) New development is cyclical and unpredictable;
2) Developers are selling their excess prepaid District connections; and
3) The impact fee for homes is now based upon livable square footage – which varies drastically among the District's service areas.

Thus, it is District practice to forecast impact fees budget based upon the 10 year average for new water connections – which is 80 units; and to build up reserves during years that fees exceed budget to make debt payments in years when fees fall short of budget.

2.03 2017 Expenses

Operating Expenses

The 2017 *Operating Expense* budget is $7.80 million, which is $439,000 or 6.0% higher than the 2016 adopted budget, as shown below.

Operating Expense

	2015 Actual	2016 Adopted Budget	2017 Recommended	2017 Recommended to 2016 Adopted Budget $ Change	% Change
Operations					
Energy & Resource Management	$ 493,103	$ 532,000	$ 408,900	$ (123,100)	
Lost Canyon Transmission	1,330,813	1,415,500	1,632,000	216,500	
Treatment Plant	494,856	481,400	688,800	207,400	
Distribution	2,013,058	2,297,800	2,156,000	(141,800)	
Safety	33,357	53,800	45,300	(8,500)	
Subtotal Operations	**4,365,187**	**4,780,500**	**4,931,000**	**150,500**	***3.1*** %
General Manager					
Engineering & Development	131,044	104,800	271,300	166,500	
Human Resources	93,662	106,200	121,700	15,500	
Legal Services	24,560	50,000	50,000	-	
Public Services	400,570	414,800	485,900	71,100	
Financial Management	249,980	282,100	277,500	(4,600)	
Subtotal Other Departments	**899,816**	**957,900**	**1,206,400**	**248,500**	***25.9*** %
Depreciation Expense	1,465,973	1,622,300	1,662,300	40,000	
Non-Cash Expenses	**1,465,973**	**1,622,300**	**1,662,300**	**40,000**	***2.5*** %
Total Operating Expense	**$ 6,730,976**	**$ 7,360,700**	**$ 7,799,700**	**$ 439,000**	***6.0*** **%**
	2016 Adopted to Amended	***2.2%***			

Non-cash *Depreciation Expense* is expected to increase $40,000 as projects funded from the Series 2014 bond proceeds are completed. Thus, the cash increase in *Operating Expenses* is $399,000; including $131,400 in higher Weber Basin lease fees charged to operations, and another $50,000 was added to the 2017 expense budget to cover the higher costs resulting from the increase in wholesale water sales.

The line item and program budget changes shown above vary significantly due to a shift of personnel costs within the budget programs. For example, a full-time engineering position was moved from *Energy and Resource Management* to *Engineering & Development*.

Further, two employees in *Distribution* were transferred: one to *Lost Canyon Transmission*, and one to the *Treatment Plant*. In addition, the *Lost Canyon Transmission* increase includes higher Weber Basin leases fees; while the *Treatment Plant* increase includes more funding for treatment

membranes and carbon due to higher production, including higher wholesale water sales to Summit Water (through Weber Basin).

In addition, one high paid *Distribution* operator who plans to retire will be replaced with two new entry level operators - one of which will report to *Public Services* to work on service orders and meter reading, while the other operator will work in *Distribution*.

Non-operating Expenses

Non-operating Expense consists of *Interest Expense / Bank Fees* and bond related expenses - including issuance costs. As shown below, the 2017 *Non-operating Expense* budget is nearly $1.60 million, which is $69,800 or 4.2% less than budgeted for 2016. The decline in scheduled interest payments is the result of 2016 principal payments.

Non-operating Expense

	2015 Actual	2016 Adopted Budget	2016 Amended	2017 Control Board Recommended	2017 Recommended to 2016 Adopted Budget $ Change	% Change
Interest Expense / Bank Fees	$ 1,667,763	$ 1,652,400	$ 1,652,400	$ 1,582,600	$ (69,800)	
Bond Issuance Costs & Amortization	15,734	15,800	15,800	15,800	-	
Total Non-operating Expense	**$ 1,683,497**	**$ 1,668,200**	**$ 1,668,200**	**$ 1,598,400**	**$ (69,800)**	***(4.2)*** **%**
		2016 Adopted to Amended	***$ -***	***0.0%***		

However, as mentioned in **Section 1.10,** total 2017 debt service payments funded with water sales and impact fees are increasing due to higher principal payments. As discussed in **Section 1.02**, principal payments are only included in the debt service budget and not the budget shown above.

2.04 2017 Transfers

Although the District may receive subdivision infrastructure donations from developers in 2017, no amount is budgeted since the value of *Contributions-in-Aid of Construction* is not known.

Transfers

	2015 Actual	2016 Adopted Budget	2016 Projection	2017 Control Board Recommended	2017 Recommended to 2016 Budget $ Change	% Change
Contingency	$ -	$ -	$ -	$ -	$ -	
Governmental Transfers	-	-	-	-	-	
Contributions in Aid of Construction	683,791	-	-	-	-	
Total Transfers	**$ 683,791**	**$ -**	**$ -**	**$ -**	**$ -**	**n/a %**

Developers building within the District are required to pay for their own subdivision infrastructure and then donate the related water assets to the District at the time the District approves them for use. These are non-cash transfers that increase District's change in net position (net income) in the year they are made, but not cash flow. In future years these transfers increase non-cash *Depreciation Expense*, and require operation, maintenance and repairs by the District, thereby reducing future change in net position (net income) and cash flow.

3.0 2017 DEBT SERVICE BUDGET

For 2017, the District projects a debt coverage ratio of 1.34 when only parity revenue bonds are included. As discussed in **Section 1.12** above, this ratio is required to meet or exceed 1.25 to comply with bond covenants.

MOUNTAIN REGIONAL WATER
2017 Debt Service Budget - Cash Basis

		2017
COVERAGE CALCULATION FOR PARITY REVENUE BONDS		
Operating Income (Loss)	$	974,600
Add Back Depreciation		1,662,300
Add In Interest Available for Debt Service		84,900
Add In Impact Fees		600,000
Add In Promontory SID Assessments on Developer		1,617,100
Add in Other Non-operating Income		20,000
Add in Treatment Plant Stabilization Fund		-
Total Available For Debt Service	**$**	**4,958,900**
TOTAL DEBT COVERAGE		
Required Coverage Principal	$	2,228,200
Required Coverage Interest/Bank Fees		1,711,800
Total Required Debt Service		**3,940,000**
Debt Service X 1.25	**$**	**4,925,100**
Required Debt Coverage Ratio		**1.26**
REQUIRED PARITY BOND DEBT COVERAGE		
Parity Bond Principal	$	2,119,000
Parity Bond Interest		1,576,500
Total Parity Debt Service		**3,695,500**
Debt Service X 1.25	**$**	**4,619,400**
Parity Debt Coverage Ratio		**1.34**
Cash Excess/(Shortfall)		**1,018,900**
Less Treatment Plant Stabilization Fund		-
Projected Cash Generated		**1,018,900**
Capital Facility Reserves		(306,900)
Operating Reserves		(131,200)
Regionalization Reserves		(341,500)
Cash Available for 2018 Capital Budget		**239,300**

It is District policy to budget to meet or exceed the 1.25 requirement when all bonds, including subordinated debt, are included. This is necessary in order to generate sufficient cash to make required deposits into cash reserve accounts, and to fund capital equipment and small capital projects in future years.

Although the District's bond indentures don't require subordinated debt to be included in the 1.25 coverage threshold, both bond holders and rating agencies include subordinated debt when assessing the risk of municipal revenue bonds.

A 1.26 coverage ratio for all debt payments due in 2017 results in a projected $1.02 million cash increase, excluding cash spent on capital equipment and projects. The District plans to allocate this cash increase as shown at the bottom of the above table.

There are two exceptions to the District's policy to budget for a ratio of 1.25 from the current year cash flow:

1) Every few years, treatment plant maintenance costs will be higher than most years as expensive membranes need to be replaced in 8 to 10 year cycles, and not evenly over the ten year period. Further, expensive carbon needs to be replaced every two to three years. As such, the District currently budgets $115,000 per year from ongoing revenue for these items. If expenses in any given year exceed budget, the balance is transferred from the Treatment Plant reserve fund and used to calculate debt coverage. If expenses are under budget, the difference is deposited into the Treatment Plant reserve fund.

2) Promontory lot sales will exceed projections in some years, and fall below projections other years. The related SID assessments collected during the years with higher lots sales will be deposited into a restricted fund, and may be included in debt coverage calculations in years when lots sales are below projections.

District policy prohibits the use of the $1.0 million *Rate Stabilization Fund – Bond Reserves* balance to calculate debt coverage for budgeting purposes. These funds are only included in debt coverage calculations at year-end if revenue fall significantly short of budget – or unanticipated expenditures are incurred. These funds have never needed to be used.

4.0 CAPITAL BUDGET

The District is requesting $1.43 million in new capital spending authorization for 2017, as shown below.

Mountain Regional Water

	2016 Adopted Budget	2016 Estimated Completed	2016 Estimated Carryover	Control Board Recommended Increases	2017 Total Estimate
CASH SOURCES					
Previous Year Budget Carryover	$ 66,200	$ 66,200	$ 131,700	$ -	$ 131,700
Cash Available from Previous Years	816,000	816,000	-	900,000	900,000
Capital Facility Reserves	-	-	-	500,000	500,000
Series 2014 Bond Proceeds - Promontory	4,267,700	4,267,700	-	-	-
Series 2014 Bond Proceeds - MRW	4,094,700	132,000	3,962,700	29,200	3,991,900
TOTAL SOURCES	**$ 9,244,600**	**$ 5,281,900**	**$ 4,094,400**	**$ 1,429,200**	**$ 5,523,600**
CASH USES					
2016 Completed Small Projects & Equipment (est.)	$ 507,000	$ 507,000	$ -	$ -	$ -
Capitalized Personnel Costs	243,500	243,500	-	256,900	256,900
General System Improvements & Equipment (est.)	131,700	-	131,700	443,100	574,800
Promontory SAA Bond Projects	4,267,700	4,267,700	-	-	-
Mountain Regional Revenue Bond Projects	4,094,700	132,000	3,962,700	729,200	4,691,900
TOTAL USES	**$ 9,244,600**	**$ 5,150,200**	**$ 4,094,400**	**$ 1,429,200**	**$ 5,523,600**

Funding

This additional spending authorization will be funded with $900,000 in cash available from prior years, another $29,200 in additional interest earnings on the Series 2014 Bond proceeds, and $500,000 will be taken from capital facility reserves.

Series 2014 Revenue Bond Projects

These bond projects require an additional $729,200 to cover the higher cost resulting from increasing the size of the Silver Creek Tank (from 1.5 M Gals to 2.0 M Gals). This upsizing will delay the need to construct additional pipelines; and more importantly will allow the District to sell an additional 200 acre feet of surplus water to Summit Water through the regionalization agreement. This will generate $225,000 of additional revenue each year.

In addition, the District needed to relocate the Silver Creek Tank that will be completed in 2017 due to difficulties getting the proper approvals from Park City. This relocation necessitated the construction of a pump station that is estimated to cost around $1.13 million.

In addition to the Silver Creek Tank, the remaining bond projects currently moving forward include the Bison Bluff Well that will be completed in 2016; and the Bear Hollow Pump Station and Silver Springs Pump Station upgrades that will be completed in 2017.

Capitalized Personnel Costs

Since District employees spend a portion of their time working on or managing capital projects, the District capitalizes some personnel costs. For 2017, the budget includes $256,900 for this.

General System Improvements & Equipment

The budget includes $443,100 for capital equipment, vehicle replacement, and small capital projects. Between $200,000 and $250,000 will be used to begin a five-year program that will result in the replacement of existing meters with new meters that can be read daily via satellite.

These new meters cost less per meter than the ones the District currently uses – and many of these meters need to be replaced anyway. The replacement of these older meters could also increase water sales, as old meters tend to under read usage. In addition, it is anticipated the ability to read all meters daily will help the District locate leaks.

5.0 2016 BUDGET AMENDMENTS

5.01 2016 Operating Budget

For 2016, two budget amendments are needed, as shown below.

MOUNTAIN REGIONAL WATER
2016 Amended Operating Budget - Accrual Basis
Enterprise Fund

	2014 Actual	2015 Actual	2016 Adopted Budget	2016 Amended Budget	2016 Amended to Adopted	2016 Projection	2016 Projection to Adopted
OPERATING REVENUE							
Retail Water Sales	$ 6,126,252	$ 6,459,837	$ 6,549,500	$ 6,709,500	$ 160,000	$ 7,125,000	$ 575,500
Park City Wheeling	492,605	535,223	521,300	521,300	-	575,000	53,700
Weber Basin Regionalization Fees	-	367,200	684,600	684,600	-	684,600	-
Stagecoach Assessment	193,972	208,749	163,000	163,000	-	180,000	17,000
Operating Fees	350,920	421,448	303,300	303,300	-	378,000	74,700
Contract Maintenance	-	12,710	5,000	5,000	-	5,000	-
Other	52,913	62,328	40,000	40,000	-	40,000	-
Total Operating Revenue	**7,216,662**	**8,067,495**	**8,266,700**	**8,426,700**	**160,000**	**8,987,600**	**720,900**
OPERATING EXPENSES							
Operations Management							
Energy & Resource Management	345,813	493,103	532,000	557,000	25,000	557,000	25,000
Distribution	1,962,004	2,013,058	2,297,800	2,432,800	135,000	2,432,800	135,000
Lost Canyon Transmission	1,165,515	1,330,813	1,415,500	1,415,500	-	1,415,500	-
Treatment Plant	368,396	494,856	481,400	481,400	-	481,400	-
Safety	31,856	33,357	53,800	53,800	-	53,800	-
General Manager							-
Engineering & Development	94,450	131,044	104,800	104,800	-	104,800	-
Human Resources	80,966	93,662	106,200	106,200	-	106,200	-
Legal Services	45,499	24,560	50,000	50,000	-	50,000	-
Public Services	382,042	400,570	414,800	414,800	-	414,800	-
Financial Management	264,291	249,980	282,100	282,100	-	282,100	-
Depreciation Expense	1,429,555	1,465,973	1,622,300	1,622,300	-	1,622,300	-
Total Operating Expense	**6,170,387**	**6,730,976**	**7,360,700**	**7,520,700**	**160,000**	**7,520,700**	**160,000**
OPERATING INCOME (LOSS)	**1,046,275**	**1,336,519**	**906,000**	**906,000**	**-**	**1,466,900**	**560,900**
NON-OPERATING REVENUE							
Interest Earnings - Available for Debt Service	29,670	80,464	51,400	51,400	-	95,000	43,600
Interest Earnings - Not Available for Debt Service	412	494	500	500	-	1,200	700
Impact Fees	625,850	1,254,502	600,000	600,000	-	900,000	300,000
Promontory Developer SID Assessments	1,575,816	1,730,632	1,953,600	1,953,600	-	1,953,600	-
Cash Grants	-	-	-	-	-	10,000	10,000
Other Cash Non-operating Revenue	95,295	256,164	20,000	20,000	-	11,700	(8,300)
Non-Cash Non-operating Revenue	11,667	11,718	11,700	11,700	-	5,200	(6,500)
Total Non-operating Revenue	**2,338,710**	**3,333,974**	**2,637,200**	**2,637,200**	**-**	**2,976,700**	**339,500**
NON-OPERATING EXPENSE							
Interest Expense/Bank Fees	1,485,491	1,667,763	1,652,400	1,652,400	-	1,652,400	-
Bond Issuance Costs and Amortization Expense	195,032	15,734	15,800	15,800	-	15,800	-
Total Non-operating Expense	**1,680,523**	**1,683,497**	**1,668,200**	**1,668,200**	**-**	**1,668,200**	**-**
NON-OPERATING INCOME (LOSS)	**658,187**	**1,650,477**	**969,000**	**969,000**	**-**	**1,308,500**	**339,500**
CHANGE IN NET POSITION (NET INCOME BEFORE TRANSFERS)	**1,704,462**	**2,986,996**	**1,875,000**	**1,875,000**	**-**	**2,775,400**	**900,400**
TRANFERS							
Contingency	-	-	-	-	-	-	-
Governmental Transfers	-	-	-	-	-	-	-
Contributions in Aid of Construction	618,390	683,791	-	-	-	-	-
NET TRANSFERS	**618,390**	**683,791**	**-**	**-**	**-**	**-**	**-**
BUDGET CHANGE IN NET POSITION AFTER TRANSFERS	**$ 2,322,852**	**$ 3,670,787**	**$ 1,875,000**	**$ 1,875,000**	**$ -**	**$ 2,775,400**	**$ 900,400**
GASB 68 ACTUAL RETIREMENT ADJUSTMENTS	*Not Required*	*125,447*	*TBD*	*TBD*	*TBD*	*TBD*	*TBD*
ACTUAL CHANGE IN NET POSITION	*2,322,852*	*3,796,234*	*1,875,000*	*1,875,000*	*-*	*2,775,400*	*900,400*

The actual amounts shown above in the program exense budgets have been adjusted to remove the non-cash GASB 68 retirement accrual. This is done to provide a much better year-over-year budget comparison.

An additional $135,000 is needed to accrue the past three years' of Davis Weber reservation fees expense paid for by Weber Basin. In 2016, Weber Basin notified the District, that in 2020, it will be required to reimburse Weber Basin in full for the reservation fees on 1,000 acre feet of Davis Weber water that Weber Basin is paying between 2013 and 2019. The annual reservation fee is $45,000.

The District received the rights to lease this 1,000 acre feet of Davis Weber water in perpetuity starting in 2020 as part of the 2013 Regionalization Agreement between Weber Basin and the District, Park City, and Summit Water

The District, Park City, and Summit Water have a different interpretation of this agreement than Weber Basin; and do not believe they are required to pay the reservation fees accrued between 2013 and 2019. These parties are attempting to resolve this dispute, but have yet to reach agreement.

As such, the District is expensing $135,000 of Davis Weber reservation fees in 2016 that have accrued between 2013 and 2016 as a precautionary measure. Otherwise, if it is ultimately determined that the District is required to reimburse Weber Basin for these accrued reservation fees in 2020, it will not be a big hit on the budget at a time when rate increases are needed.

The District will expense the $45,000 Davis Weber reservation fees annually moving forward through 2019 – or until it is determined the District is not obligated to reimburse Weber Basin for them. All parties agree that the District must start paying the $45,000 annual reservation fee to Davis Weber starting in 2020.

The amounts expensed each year for the Davis Weber lease fees will be deposited into the Regionalization Reserve Fund. This is in addition to the 30% of regionalization water sales that will be deposited.

The second amendment is a $25,000 increase to the Energy Management & Resource program – which includes information technology. This is needed as the District moves more of its data into the cloud – which provides better security and data backups.

Both these amendments can be funded with the higher than anticipated water sales for 2016.

In fact, it is now projected that 2016 revenue will exceed budget by $1.06 million. As shown the table on the previous page; water sales, connection fees, interest earnings and impact fees are all expected to exceed the 2016 budget projections.

5.02 2016 Debt Service Budget

The adopted 2016 *Debt Service Budget* projected a 1.38 parity debt coverage ratio and 1.29 when subordinated debt was included. These ratios are now projected at 1.62 and 1.52 respectively; as most revenue sources are now projected to exceed budget, as discussed in **Section 5.01** above.

MOUNTAIN REGIONAL WATER
2016 Debt Coverage Calculation - Cash Basis

	2016 Budget	2016 Projection
COVERAGE CALCULATION FOR PARITY REVENUE BONDS		
Operating Income (Loss)	$ 906,000	$ 1,466,900
Add Back Depreciation	1,622,300	1,622,300
Add in Interest Available for Debt Service	51,400	95,000
Add In Impact Fees	600,000	900,000
Add In Promontory SID Assessments on Developer	1,953,600	1,953,600
Add in Other Non-operating Income	15,000	10,000
Add in Treatment Plant Stabilization Fund	25,000	22,800
Total Available For Debt Service	**5,173,300**	**6,070,600**
TOTAL DEBT COVERAGE		
Required Coverage Principal	2,214,500	2,214,500
Required Coverage Interest/Bank Fees	1,781,600	1,781,600
Capitalized Interest on Series 2014 Bonds	***Funded with Bond Proceeds***	***Funded with Bond Proceeds***
Total Required Debt Service	**3,996,100**	**3,996,100**
Debt Service X 1.25	**4,995,200**	**4,995,200**
Required Debt Coverage Ratio	**1.29**	**1.52**
REQUIRED PARITY BOND DEBT COVERAGE		
Parity Bond Principal	2,110,000	2,110,000
Parity Bond Interest	1,637,500	1,637,500
Total Parity Debt Service	**3,747,500**	**3,747,500**
Debt Service X 1.25	**4,684,400**	**4,684,400**
Parity Debt Coverage Ratio	**1.38**	**1.62**
Cash Excess/(Shortfall)	**1,177,200**	**2,074,500**
Less Treatment Plant Stabilization Fund	(25,000)	(22,800)
Projected Cash Generated	**1,152,200**	**2,051,700**
Capital Facility Reserves	(286,900)	(286,900)
Impact Fee Reserves	-	(300,000)
Operating Reserves	(125,000)	(125,000)
Regionalization Reserves	(365,000)	(365,000)
Cash Available for 2017 Capital Budget	**375,300**	**974,800**

The additional revenue now projected for 2016 resulted from hot, dry weather and stronger than anticipated building growth.

Snyderville Basin Recreation District

Tentative Budgets for 2017 and Amending 2016

BASIN
PARKS·TRAILS
RECREATION

2016 At-A-Glance

It has been a very busy and productive year for the District!

- Hired a new District Director
- Reviewed and updated all District policies
- Developed a collaborative Recreation Facilities Master Plan
- Kept busy with capital projects

General Fund – 3 Year Snapshot

	2015 Actuals	2016 Adopted Budget	2016 Proposed Amended Budget	2017 Proposed Budget
Ordinary Income/Expense				
Income				
3025 · Interest Income	$ 11,863	$ 12,000	$ 15,718	$ 13,800
Total 3112 · Property Taxes	$ 3,375,806	$ 3,295,239	$ 3,340,087	$ 3,340,087
3192 · Summit County Contribution	$ 35,000	$ 35,000	$ 35,000	$ 35,000
Total 3488 · Facility Use Fees	$ 4,725	$ 4,000	$ 4,000	$ 4,000
3492 · Misc Income	$ 6,881	$ 500	$ 5,132	$ 3,500
Total 3600 · Fieldhouse Revenue	$ 945,284	$ 977,024	$ 961,244	$ 1,131,142
Total 3474 · Recreation Program Revenue	$ 454,099	$ 457,380	$ 447,156	$ 397,165
3900 Unappropriated Fund Balance	$ -	$ -	$ 325,000	$ -
Total Income	$ 4,833,568	$ 4,781,143	$ 5,133,337	$ 4,924,694
Gross Profit	$ 4,833,568	$ 4,781,143	$ 5,133,337	$ 4,924,694
Expense				
Total 4000 · Administration Department	$ 884,981	$ 1,045,757	$ 995,885	$ 1,074,922
Total 7000 · Parks Department	$ 774,110	$ 917,597	$ 847,965	$ 904,783
Total 8000 · Trails Department	$ 558,052	$ 743,566	$ 676,654	$ 739,870
Total 9002 · Fieldhouse Department	$ 1,148,007	$ 1,278,420	$ 1,189,878	$ 1,530,603
Total 9000 · Recreation Department	$ 636,027	$ 663,974	$ 655,363	$ 624,516
Total Expense	$ 4,001,176	$ 4,649,314	$ 4,365,745	$ 4,874,694
Net Ordinary Income	$ 832,392	$ 131,829	$ 767,592	$ 50,000
Other Income/Expense				
Total Other Expense	$ 1,258,597	$ 131,829	$ 767,592	$ 50,000
Net Other Income	$ (1,258,597)	$ (131,829)	$ (767,592)	$ (50,000)
Net Income	**$ (426,205)**	**$ -**	**$ (0)**	**$ (0)**

General Fund Budget – 2016 Amended

- Reflects forecasted final numbers for revenue & expenses
- Revenues: amending up $27,000
- Expenses: amending down $283,000
- Contribution to Capital Fund: amending up $310,000
- Year End Fund Balance at 70% of allowed amount

General Fund Budget – 2017 Proposed

- Reflects a 3%, $143,000, increase in revenues from 2016
  - Increase in Fieldhouse revenue
  - Conservative property tax increase
- Reflects a 4.8%, $225,000, increase in expenses from 2016
  - Increase in Fieldhouse operation expenses due to final expansion
  - Increase in payroll and benefits
- Year End Fund Balance at $2.2 million; 70% of allowed

2017 Payroll and Benefits

- Full Time Annual Employees
  25.75 to 27.00
- Seasonal and Part Time Employees
  26.0 to 23.6 full time equivalents
- 66.2% of overall operating expenses

Capital Budget – 2016 Amended

- The 2016 budget will be amended down
  - Projects that began in 2016 will not be completed until 2017
    - Fieldhouse final expansion; combined 2 year budget of $7.4 million
  - Delayed projects
    - East Canyon Creek Trailhead Restroom
    - 2011 and 2015 Trails Bond projects
    - Contribution to PCMC for additional ice sheet
    - Acquisition of open space
    - Acquisition of land for additional field space

Capital Budget – 2017 Proposed

- Budget Highlights
  - Land acquisition for additional field space
  - Expansion of the upper parking lot at Trailside Park
  - Olympic Parkway pedestrian underpass
  - Millennium Trail – Cooper Lane to Sun Peak Drive
  - Spend down of funds from 2011 bond
    - Trails $1.6 million
    - Open Space $148,000
  - Spend down of funds from 2015 bond
    - Trails $1.9 million
    - Recreation Facilities $4.0 million
    - Open Space $15 million

Impact Fee and Debt Service Budgets

- 2016 budgets will not be amended
- 2017 Impact Fee budget:
  - Revenues consistent with 2016
  - Expenses: Land acquisition, Fieldhouse expansion, Trail projects
- 2017 Debt Service budget:
  - Revenue from property taxes
  - Expenses to pay for the 6 outstanding GO bonds of the District

Next Steps

- Review with Board on November 9th
- Public hearing and Council approval on December 7th

The detailed budgets follow…

Snyderville Basin Special Recreation District
Proposed Tentative General Fund Budgets

	Actuals	Adopted	Amending	Proposed
	2015	2016	2016	2017
Ordinary Income/Expense				
Income				
3025 · Interest Income	$ 11,863	$ 12,000	$ 15,718	$ 13,800
3112 · Property Taxes				
3110 · Property Taxes - Current	$ 3,036,852	$ 3,003,039	$ 3,045,841	$ 3,045,841
3111 · Redemption	$ 222,673	$ 195,000	$ 181,000	$ 181,000
3114 · Fee in Lieu	$ 116,281	$ 97,200	$ 113,246	$ 113,246
Total 3112 · Property Taxes	$ 3,375,806	$ 3,295,239	$ 3,340,087	$ 3,340,087
3192 · Summit County Contribution	$ 35,000	$ 35,000	$ 35,000	$ 35,000
Total 3488 · Facility Use Fees	$ 4,725	$ 4,000	$ 4,000	$ 4,000
3492 · Misc Income	$ 6,881	$ 500	$ 5,132	$ 3,500
Total 3600 · Fieldhouse Revenue	$ 945,284	$ 977,024	$ 961,244	$ 1,131,142
Total 3474 · Recreation Program Revenue	$ 454,099	$ 457,380	$ 447,156	$ 397,165
3900 Unappropriated Fund Balance	$ -	$ -	$ 325,000	$ -
Total Income	$ 4,833,568	$ 4,781,143	$ 5,133,337	$ 4,924,694
Gross Profit	$ 4,833,568	$ 4,781,143	$ 5,133,337	$ 4,924,694
Expense				
4000 · Administration Department				
4700 · Admin Full Time Salary	$ 452,437	$ 456,804	$ 403,500	$ 458,567
4703 · Admin PT Non Benefited	$ 17,150	$ 32,473	$ 9,400	$ 12,340
4712 · Admin Overtime	$ 151	$ 1,000	$ 1,000	$ 1,000
4714 · Admin Merit Bonus	$ 13,145	$ 17,130	$ 16,516	$ 18,343
4815 · Admin Benefits	$ 155,339	$ 205,605	$ 221,409	$ 224,059
4985 · Advertising	$ 1,730	$ 5,000	$ 3,000	$ 3,000
4951 · Bank & Credit Card Fees	$ 1,696	$ 3,475	$ 2,500	$ 2,500
4820 · Board Per Diem	$ 3,600	$ 6,720	$ 5,040	$ 5,040
4821 · Board Compensation	$ 9,250	$ 35,000	$ 35,000	$ 35,000
4822 · Board Expenses and Meetings	$ 1,674	$ 3,000	$ 4,000	$ 4,000
4529 · Board and Staff Development	$ 2,886	$ 5,000	$ -	$ -
4919 · Business Office Expense	$ 797	$ 1,000	$ 800	$ 1,900
4906 · Computer and Software Expenses	$ 5,719	$ 9,000	$ 9,600	$ 25,825
4323 · Continuing Disclosure	$ 2,500	$ 2,750	$ 2,500	$ 2,500
4818 · Continuing Education/Travel	$ 2,181	$ 5,000	$ 5,000	$ 5,000
Total 4528 · Consultants-Professional	$ 69,655	$ 75,000	$ 105,000	$ 75,000
4530 · Consultants-Legal	$ 11,865	$ 18,000	$ 5,000	$ 5,000
4322 · Contract Service-Audit	$ 8,800	$ 9,500	$ 9,000	$ 9,270
4325 · County Services	$ -	$ -	$ -	$ 24,000
4991 · Fuel	$ 95	$ 500	$ 200	$ 200
4540 · Insurance-Liability	$ 4,496	$ 5,305	$ 24,500	$ 27,150
4541 · Insurance-Building/Contents	$ 1,523	$ 1,680	$ 1,050	$ 1,082
4542 · Insurance-Vehicle	$ 831	$ 685	$ 510	$ 525
4930 · Internet/Email	$ 3,427	$ 3,400	$ 3,400	$ 3,400
4526 · Materials and Supplies	$ 4,606	$ 7,200	$ 4,480	$ 5,000
4992 · Mileage	$ 696	$ 750	$ 500	$ 500
4920 · Memberships/Subscriptions	$ 8,286	$ 8,550	$ 8,550	$ 8,550
4950 · Miscellaneous Expense	$ 286	$ 500	$ 500	$ 500
4905 · Office Equipment	$ 6,462	$ 8,000	$ 8,000	$ 8,000
4982 · Office Equipment Maintenance	$ 2,751	$ 3,760	$ 3,760	$ 3,760
4910 · Office Supplies	$ 4,722	$ 6,930	$ 6,930	$ 6,930
4916 · Newsletter	$ 8,578	$ 10,000	$ -	$ -
4917 · Printing	$ 2,082	$ 3,000	$ 3,000	$ 3,000
4960 · Postage	$ 612	$ 750	$ 700	$ 700
4915 · Public Relations/Promotions	$ 15,140	$ 21,000	$ 16,000	$ 20,000
4941 · Security	$ 1,479	$ 1,560	$ 1,500	$ 1,560
4918 · Special Projects Expense	$ -	$ 500	$ -	$ -
4907 · Staff Meetings & Devel Training	$ 7,462	$ 8,500	$ 8,500	$ 8,500
4940 · Telephone/Cellular	$ 21,695	$ 27,620	$ 26,000	$ 28,000
4921 · Uniforms - All Departments	$ 9,647	$ 11,900	$ 11,900	$ 11,900
4713 · Unemployment Insurance - Admin	$ -	$ 1,000	$ 250	$ 750
4922 · Water Lease Fees	$ -	$ -	$ 5,860	$ 2,000
4913 · Website Costs	$ 500	$ 1,000	$ 1,000	$ 5,000
4711 · Worker Compensation - Admin	$ 6,153	$ 5,100	$ 5,420	$ 5,723
4994 · Admin Operating Contingency	$ 5,129	$ 6,500	$ 6,500	$ 6,500
6560 · Payroll Expenses	$ 7,748	$ 8,610	$ 8,610	$ 3,348
Total 4000 · Administration Department	$ 884,981	$ 1,045,757	$ 995,885	$ 1,074,922
7000 · Parks Department				
7005 · Parks Full Time Salary	$ 328,335	$ 319,593	$ 297,000	$ 298,944
7012 · Parks FT Overtime Pay	$ 746	$ 3,000	$ 3,000	$ 3,000
7015 · Parks Merit Bonus	$ 11,865	$ 11,985	$ 11,880	$ 11,958
7009 · Parks PT Seasonal	$ 68,588	$ 126,456	$ 75,000	$ 86,820
Total 7020 · Parks Benefits	$ 125,479	$ 156,574	$ 180,966	$ 209,484

Snyderville Basin Special Recreation District
Proposed Tentative General Fund Budgets

	2015	2016	2016	2017
7111 · Chemicals Exp-Parks	$ -	$ -	$ -	$ 3,000
Total 7154 · Contract Services-Parks	$ 11,043	$ 12,000	$ 10,000	$ 10,000
Total 7104 · Departmental Supplies-Parks	$ 14,334	$ 20,000	$ 18,000	$ 20,000
Total 7184 · Equip Rental/Lease-Parks	$ 2,744	$ 3,500	$ 3,500	$ 3,500
Total 7109 · Fertilizer Exp-Parks	$ 14,447	$ 12,000	$ 13,000	$ 13,000
7144 · Hardscape Repairs-Parks	$ -	$ 4,000	$ 4,000	$ 4,000
Total 7124 · Irrigation Maintenance-Parks	$ 11,769	$ 12,000	$ 10,000	$ 12,000
7114 · Plant Material Replacment-Parks	$ 7	$ 1,250	$ 1,250	$ 1,250
Total 7134 · Seed/Sod Repairs-Parks	$ 2,020	$ 3,000	$ 2,500	$ 2,500
7160 · Consultant-Prof & Technical	$ 870	$ 2,000	$ 2,000	$ 2,000
7918 · Continuing Education/Travel	$ 4,184	$ 4,000	$ 4,000	$ 4,000
7910 · Field Repairs	$ 2,951	$ 3,000	$ 3,000	$ 3,000
Total 7950 · Insurance - Parks	$ 11,380	$ 12,125	$ 7,655	$ 8,790
7920 · Memberships/Subscriptions	$ 150	$ 150	$ 150	$ 150
7935 · Mileage Reimbursement	$ -	$ 200	$ 100	$ 100
7922 · New Hire Costs	$ 348	$ 700	$ 700	$ 1,300
7147 · Playground Maint/Parts - All	$ 1,741	$ 7,000	$ 7,000	$ 7,000
7148 · Resurface/Rebark - All Parks	$ 6,434	$ 8,000	$ 8,000	$ 8,000
7112 · Salt Exp-Parks	$ -	$ -	$ -	$ 1,500
7140 · Special Events - Supplies	$ 10,376	$ 12,000	$ 10,000	$ 12,000
7119 · Safety Exp-Parks	$ 2,261	$ 2,000	$ 2,000	$ 2,000
7921 · Staff Mtg & Functions - Parks	$ 102	$ 800	$ 500	$ 500
7940 · Tools	$ 4,518	$ 5,000	$ 5,000	$ 5,000
7930 · Vehicle/Equip Fuel	$ 11,882	$ 20,000	$ 12,000	$ 15,000
7925 · Vehicle/Equip Repairs & Maint	$ 6,204	$ 20,000	$ 12,000	$ 15,000
7007 · Unemployment-Parks	$ (431)	$ 3,000	$ 3,000	$ 3,000
7014 · Parks Workers Compensation Exp	$ 6,153	$ 5,100	$ 5,200	$ 5,723
7941 · Parks Operating Contingency	$ 6,599	$ 5,000	$ 5,000	$ 5,000
7600 · Building Maintenance				
7155 · Contract Service-Building Maint	$ 19,646	$ 22,000	$ 22,000	$ 22,000
Total 7129 · Cleaning Supplies-Parks	$ 7,051	$ 11,000	$ 10,500	$ 10,500
Total 7174 · Utilities - Gas	$ 7,096	$ 9,100	$ 9,100	$ 9,600
Total 7169 · Utilities - Electric	$ 10,648	$ 12,584	$ 12,584	$ 14,084
Total 7179 · Utilities - Sewer	$ 3,082	$ 3,900	$ 3,500	$ 3,500
Total 7164 · Utilities - Water	$ 49,501	$ 52,580	$ 61,880	$ 55,580
7146 · Building Repair/Maint/Supplies	$ 9,988	$ 10,000	$ 10,000	$ 10,000
7610 · Building Maint Contingency	$ -	$ 1,000	$ 1,000	$ 1,000
Total 7600 · Building Maintenance	$ 107,012	$ 122,164	$ 130,564	$ 126,264
Total 7000 · Parks Department	$ 774,110	$ 917,597	$ 847,965	$ 904,783
8000 · Trails Department				
8702 · Trails Full Time Salary	$ 227,055	$ 290,847	$ 270,621	$ 289,014
8706 · Trails FT Overtime	$ 394	$ 3,000	$ 3,000	$ 3,000
8709 · Trails Merit Bonus	$ 9,480	$ 10,907	$ 10,825	$ 11,561
8704 · Trails Salaries - PT Seasonal	$ 76,097	$ 96,058	$ 70,000	$ 73,274
Total 8710 · Trails Benefits	$ 90,917	$ 140,928	$ 133,586	$ 156,523
8528 · Consultant Fees-Prof & Tech	$ 1,455	$ 5,000	$ 5,000	$ 15,000
8918 · Continuing Education/Travel	$ 3,058	$ 3,500	$ 5,500	$ 7,000
8520 · Contract Service-Trails Maint	$ 19,389	$ 25,000	$ 25,000	$ 25,000
8525 · Contract Service-Weeds	$ 4,575	$ 10,000	$ 10,000	$ 10,000
8930 · Contribution to UOP Trail Groom	$ 2,586	$ 5,250	$ 3,406	$ 5,250
8400 · Departmental Supplies-Trails	$ 34,647	$ 35,000	$ 27,000	$ 30,000
8993 · Equipment & Tools - Trails	$ 5,023	$ 6,000	$ 9,000	$ 14,000
8982 · Equipment Repairs & Maintenance	$ 8,612	$ 16,000	$ 12,000	$ 12,000
8990 · Fuel-Vehicle/Equipment	$ 8,960	$ 17,000	$ 9,000	$ 10,000
8925 · GIS System Management	$ 2,426	$ 2,426	$ 2,426	$ 2,426
8926 · GIS Consortium Fees	$ 2,000	$ 2,000	$ 2,000	$ 2,000
Total 8999 · Insurance - Trails	$ 7,603	$ 8,350	$ 4,490	$ 4,749
8920 · Memberships/Subscriptions	$ 200	$ 300	$ 300	$ 300
8992 · Mileage Reimbursement-Trails	$ -	$ 250	$ 250	$ 250
8922 · New Hire Expenses Trails	$ 156	$ 400	$ 800	$ 1,000
8855 · Open Space Expenses	$ 24,961	$ 30,000	$ 30,000	$ 30,000
8994 · Operating Contingency - Trails	$ 1,850	$ 3,000	$ 3,000	$ 3,000
8420 · Signage - Trails	$ 6,746	$ 9,000	$ 6,000	$ 8,000
8921 · Staff Meetings and Funct Trails	$ 113	$ 250	$ 250	$ 250
8700 · Unemployment-Trails	$ 320	$ 1,000	$ 11,000	$ 1,000
8551 · Utility-Electric-Trails	$ 3,005	$ 3,500	$ 3,500	$ 3,500
8553 · Utility-Sewer-Trails	$ 2,856	$ 3,000	$ 3,000	$ 4,750
8550 · Utility-Water-Trails	$ 7,415	$ 10,500	$ 10,500	$ 11,300
8720 · Workers Comp Expense -Trails	$ 6,153	$ 5,100	$ 5,200	$ 5,723
Total 8000 · Trails Department	$ 558,052	$ 743,566	$ 676,654	$ 739,870
9002 · Fieldhouse Department				
9139 · FH Full Time Salary	$ 265,215	$ 276,048	$ 276,048	$ 355,726

Snyderville Basin Special Recreation District
Proposed Tentative General Fund Budgets

	2015	2016	2016	2017
9140 · FH Overtime	$ 289	$ 2,000	$ 2,000	$ 2,000
9149 · Fieldhouse Merit Bonus	$ 16,027	$ 10,352	$ 10,352	$ 14,229
9146 · FH-Hrly-Custodial Non Benefited	$ 21,707	$ 30,928	$ 30,928	$ 23,725
9144 · FH-Hrly-Splash Pad/Aquatics	$ 4,904	$ 5,725	$ -	$ 29,470
9138 · FH-Hrly-Front Desk	$ 94,219	$ 95,680	$ 95,680	$ 97,760
9135 · FH-Hrly-Athletic	$ 5,190	$ 9,229	$ 4,586	$ 13,020
9136 · FH-Hrly-Fitness Floor Staff	$ 33,744	$ 41,184	$ 35,401	$ 43,602
9141 · FH-Hrly-Fitness Class Instructr	$ 158,632	$ 163,655	$ 147,245	$ 147,871
Total 9150 · FH-PR-Tax/Benefits	$ 121,617	$ 166,801	$ 155,501	$ 226,133
9113 · FH Contract Svs/pyrll Camps	$ 10,634	$ 10,685	$ 12,204	$ 14,560
9112 · FH-Contract Svc-Programs	$ 460	$ 3,000	$ 1,720	$ 2,600
Total 9101 · FH-Advertising	$ 8,668	$ 14,240	$ 12,282	$ 10,678
9102 · FH-Association Dues-CAM	$ 74,310	$ 77,830	$ 77,830	$ 90,000
9103 · FH-Athletic Equipment	$ 11,063	$ 12,000	$ 10,000	$ 10,000
9186 · FH-Bank & Credit Card Fees	$ 22,330	$ 23,449	$ 23,449	$ 28,279
9116 · FH-Computer license fees	$ 3,192	$ 3,692	$ 4,700	$ 5,140
9110 · FH-Contract Svc-Cleaning/Pest	$ 58,664	$ 69,264	$ 52,839	$ 65,605
9111 · FH-Contract Svc-Maintenance	$ 8,759	$ 14,300	$ 13,350	$ 19,990
9174 · FH-Education & Travel	$ 3,568	$ 7,250	$ 6,500	$ 6,500
9106 · FH-Fitness Class Expenses	$ 17,201	$ 16,168	$ 14,000	$ 9,569
9107 · FH Fitness Program Expenses	$ 34	$ 2,200	$ 1,500	$ 3,805
Total 9119 · Insurance - Fieldhouse	$ 13,386	$ 17,085	$ 7,000	$ 12,710
9118 · FH-Internet/Web/Cable TV	$ 3,939	$ 4,080	$ 4,232	$ 4,435
9176 · FH-Memberships/Subscriptions	$ 357	$ 550	$ 550	$ 550
9189 · FH - Mileage Reimbursement	$ 113	$ 500	$ 200	$ 500
9187 · FH-New Hire Expenses	$ 947	$ 1,000	$ 1,000	$ 2,200
9125 · FH-Office Equipment	$ 2,729	$ 2,550	$ 2,000	$ 3,000
9126 · FH-Office Equipment Maintenance	$ 2,694	$ 4,200	$ 2,600	$ 3,000
9117 · FH Birthday Party	$ 31	$ 200	$ 200	$ 400
9114 · FH-Program Supplies	$ 870	$ 3,000	$ 1,000	$ 14,668
9155 · FH-Repairs & Maint - Outside	$ 3,311	$ 7,000	$ 7,000	$ 7,000
9156 · FH-Repairs & Maint - Inside	$ 19,401	$ 20,000	$ 20,000	$ 20,000
9158 · FH-Repairs.Maint.Supplies - Splash Pad/Pool	$ 2,153	$ 4,000	$ 1,500	$ 18,700
9157 · FH-Rental-Misc Equipment	$ 1,454	$ 3,000	$ 3,000	$ 4,000
9519 · FH-Retail/Inventory	$ -	$ -	$ -	$ 2,000
9160 · FH-Security	$ 434	$ 460	$ 460	$ 800
9188 · FH-Staff Meetings and Functions	$ 1,985	$ 3,000	$ 2,000	$ 2,000
9165 · FH-Supplies-Bldg	$ 27,954	$ 25,584	$ 25,584	$ 29,284
9166 · FH-Supplies-Office	$ 6,282	$ 7,500	$ 6,500	$ 7,000
9170 · FH-Telephone	$ 5,787	$ 6,000	$ 5,880	$ 6,600
9173 · FH-Transit Assess (Summit Co.)	$ 2,186	$ 2,190	$ 2,186	$ 3,200
9177 · FH-Unemployment	$ (119)	$ 3,000	$ 1,200	$ 2,000
9178 · FH-Utilities-Electricity	$ 55,026	$ 51,311	$ 51,311	$ 72,461
9179 · FH-Utilities-Gas	$ 30,832	$ 32,570	$ 32,570	$ 63,700
9180 · FH-Waste/Refuse	$ 3,215	$ 4,440	$ 4,170	$ 4,410
9185 · FH-Water/Sewer	$ 8,519	$ 9,420	$ 9,420	$ 15,000
9190 · FH-Operating Contingency	$ 7,942	$ 5,000	$ 5,000	$ 5,000
9161 · FH-Workers Comp	$ 6,153	$ 5,100	$ 5,200	$ 5,723
Total 9002 · Fieldhouse Department	$ 1,148,007	$ 1,278,420	$ 1,189,878	$ 1,530,603
9000 · Recreation Department				
9300 · Rec Programs - Operating Exp				
9655 · Rec Full Time Salary	$ 171,160	$ 172,747	$ 160,239	$ 151,731
9654 · Rec Staff Overtime	$ 394	$ 500	$ 500	$ 500
9725 · Recreation Merit Bonus	$ 6,376	$ 6,478	$ 6,410	$ 6,069
9739 · Hourly Wages - Ultimate Frisbee	$ -	$ 1,015	$ 360	$ 1,305
9724 · Hourly Wages - Fun Over Fifty	$ 364	$ 2,357	$ 3,375	$ 2,042
9723 · Hourly Wages - Nordic Ski Prog	$ 136	$ 900	$ 1,107	$ 1,300
9722 · Hourly Wages - Biking	$ 4,456	$ 17,129	$ 17,129	$ 22,000
9706 · Hourly Wages-Rec Staff	$ 39,129	$ 36,247	$ 36,247	$ 36,200
9704 · Hourly Wages-Camps	$ 87,226	$ 73,826	$ 69,000	$ 70,000
9703 · Hourly Wages-Baseball	$ 7,024	$ 9,420	$ 12,416	$ 12,500
9701 · Hourly Wages-Basketball	$ 11,239	$ 15,440	$ 15,440	$ 15,500
9702 · Hourly Wages-Soccer	$ 13,042	$ 13,700	$ 13,700	$ 13,500
9712 · Hourly Wages-Volleyball	$ 2,385	$ 4,260	$ 2,500	$ 4,300
9143 · Hourly Wages-Youth Crew	$ 707	$ 1,539	$ 1,539	$ 1,500
9709 · Hourly Wages-Lacrosse	$ 1,405	$ 2,500	$ 1,218	$ 2,050
9726 · Tennis	$ 1,405	$ -	$ -	$ 6,300
9731 · Wages - REC/FH Tee & Blast Ball	$ 936	$ 1,440	$ 687	$ -
9732 · Wages - REC/FH Youth Flag Foot	$ 1,804	$ 2,550	$ 2,550	$ -
9734 · Wages - REC/FH Big Foot Soccer	$ 2,719	$ 2,068	$ 2,068	$ -
9735 · Wages - REC/FH Little Foot Socc	$ -	$ 900	$ 1,030	$ -
Total 9675 · Recreation Benefits	$ 69,041	$ 67,140	$ 80,193	$ 70,421

Snyderville Basin Special Recreation District
Proposed Tentative General Fund Budgets

	2015	2016	2016	2017
9322 · Recreation Program Expenses				
9339 · Fun Over Fifty Programs	$ 3,413	$ 2,770	$ 4,353	$ 2,785
9347 · Ultimate Frisbee Programs	$ -	$ 683	$ 1,843	$ 429
9338 · Nordic Ski Program	$ 200	$ 480	$ 160	$ 250
9337 · Biking Programs	$ 110	$ 1,900	$ 1,000	$ 1,900
9327 · Camp Scholarships Granted	$ 17,470	$ 16,000	$ -	$ -
9332 · Scholarship - Rec Programs	$ 9,900	$ 11,000	$ 28,000	$ 29,000
9326 · Camp Supplies	$ 39,445	$ 37,500	$ 32,500	$ 32,000
9325 · Baseball Programs-Youth	$ 15,283	$ 15,844	$ 19,228	$ 19,100
9323 · Basketball Programs-Youth	$ 11,104	$ 12,141	$ 12,141	$ 12,100
9335 · Lacrosse Programs-Youth	$ 1,619	$ 1,960	$ 1,629	$ 1,900
9324 · Soccer Programs-Youth	$ 28,407	$ 30,672	$ 30,672	$ 30,000
9328 · Volleyball Programs-Youth	$ 2,495	$ 2,095	$ 2,095	$ 2,000
9351 · Youth Crew	$ 3,903	$ 3,300	$ 4,850	$ 4,800
9348 · Tennis	$ 3,903	$ -	$ -	$ 1,100
9341 · REC/FH Tee and Blast Ball	$ 5,200	$ 7,230	$ 5,490	$ -
9342 · REC/FH Youth Flag Football	$ 12,277	$ 10,672	$ 10,672	$ -
9344 · REC/FH Big Foot Soccer	$ 4,433	$ 5,267	$ 5,267	$ -
9345 · REC/FH Little Foot Soccer	$ 2,917	$ 3,460	$ 2,120	$ -
9346 · REC/FH Spring Soccer	$ 3,293	$ 4,290	$ 2,425	$ -
9350 · Events	$ 12,053	$ 13,000	$ 20,225	$ 24,000
Total 9322 · Recreation Program Expenses	$ 177,422	$ 180,264	$ 184,670	$ 161,364
9331 · Rec-Contract Expenses	$ 1,116	$ 1,500	$ 1,152	$ 1,500
9951 · Rec-Advertising/Promotions	$ 1,000	$ 1,000	$ 500	$ 1,000
9500 · Rec-Athletic Supplies	$ 3,461	$ 4,000	$ 4,000	$ 4,000
9924 · Rec-Bank Credit Card Fees	$ 8,841	$ 9,584	$ 9,584	$ 9,534
9818 · Rec-Continuing Education/Travel	$ 3,999	$ 5,000	$ 5,000	$ 5,000
9400 · Rec-Department Supplies/Repairs	$ 1,463	$ 2,000	$ 2,000	$ 2,000
9800 · Rec-Equipment Rental/Lease	$ -	$ 500	$ 500	$ 500
9990 · Rec-Fuel/Vehicle	$ 1,811	$ 4,000	$ 2,000	$ 3,000
Total 9930 · Insurance - Recreation	$ 5,769	$ 7,020	$ 2,450	$ 2,527
9920 · Rec-Memberships/Subscriptions	$ 330	$ 500	$ -	$ -
9992 · Rec-Mileage Reimbursement	$ 191	$ 1,000	$ 250	$ 500
9922 · Rec-New Hire Expense	$ 319	$ 350	$ 350	$ 650
9993 · Rec-Operating Contingency	$ 4,908	$ 5,000	$ 5,000	$ 5,000
9923 · Rec-Staff Mtgs & Function	$ 514	$ 500	$ 500	$ 500
9162 · Rec-Unemployment	$ 473	$ 1,000	$ 1,000	$ 1,000
9982 · Rec-Vehicle Repair/Maintenance	$ 2,615	$ 3,500	$ 3,500	$ 3,500
9154 · Rec-Workers Comp Insurance	$ 6,153	$ 5,100	$ 5,200	$ 5,723
Total 9300 · Rec Programs - Operating Exp	$ 636,027	$ 663,974	$ 655,363	$ 624,516
Total 9000 · Recreation Department	$ 636,027	$ 663,974	$ 655,363	$ 624,516
Total Expense	$ 4,001,176	$ 4,649,314	$ 4,365,745	$ 4,874,694
Net Ordinary Income	$ 832,392	$ 131,829	$ 767,592	$ 50,000
Other Income/Expense				
Other Expense				
4990 · URS payment	$ -	$ -	$ 325,000	$ -
4999 · Ice Fund (Per Agreement w/ PC)	$ 50,000	$ 50,000	$ 50,000	$ 50,000
10000 · Interfund Transfers--Out				
10701 · Capital Projects - Xfer Out	$ 876,022	$ -	$ -	$ -
10725 · Replacement Reserve - Xfer Out	$ 332,575	$ 81,829	$ 392,592	$ -
Total 10000 · Interfund Transfers--Out	$ 1,208,597	$ 81,829	$ 392,592	$ -
Total Other Expense	$ 1,258,597	$ 131,829	$ 767,592	$ 50,000
Net Other Income	$ (1,258,597)	$ (131,829)	$ (767,592)	$ (50,000)
Net Income	**$ (426,205)**	**$ -**	**$ (0)**	**$ 0**

Snyderville Basin Special Recreation District
Proposed Tentative Capital Budgets

	Actuals	Adopted	Amending	Proposed
	2015	2016	2016	2017
Ordinary Income/Expense				
Income				
3025 · Interest Income	$ 13,321.78	$ 14,000.00	$ 20,000.00	$ 14,000.00
3028 · Interest-Replacement Fund	$ 3,764.66	$ 3,700.00	$ 6,000.00	$ 6,000.00
3030 · Interest-Open Space Bond	$ 869.16	$ -	$ 1,000.00	$ 500.00
3031 · Interest-Trails Bond	$ 15,437.89	$ 12,000.00	$ 17,000.00	$ 10,000.00
3032 · Interest - Ice Arena	$ 12,167.09	$ 15,600.00	$ 15,600.00	$ 15,600.00
3033 · Interest - 2015 Open Space	$ 72,982.15	$ 50,000.00	$ 120,000.00	$ 60,000.00
3034 · Interest 2015 Rec & Trails Bond	$ 36,095.66	$ 20,000.00	$ 45,000.00	$ 20,000.00
3197 · Trails Revenue	$ -	$ -	$ 5,000.00	$ -
Total Income	$ 154,638.39	$ 115,300.00	$ 229,600.00	$ 126,100.00
Gross Profit	$ 154,638.39	$ 115,300.00	$ 229,600.00	$ 126,100.00
Expense				
Total 6000 · Trail System Development	$ 3,931.43	$ 418,750.00	$ 98,750.00	$ 875,000.00
6011 · Trails Bond 2011				
6033 · Trail-Bond-Hwy 40 Underpass	$ (27,201.39)	$ -	$ -	$ -
6065 · Trail-Bond-Comm Church-Milln Tr	$ 44,488.18	$ 108,000.00	$ 232,000.00	$ -
6063 · Trail-Bond-Bitner Rd/Silver Crk	$ -	$ 98,626.00	$ -	$ 98,626.00
6062 · Trail-Bond-Gorgoza to Summit Pk	$ 165,284.06	$ -	$ -	$ -
6005 · Trail-Bond-East Canyon Creek	$ 8,443.11	$ -	$ 2,000.00	$ 298,885.00
6006 · Trail-Bond-Kimball Junction	$ 264,997.77	$ -	$ -	$ -
6008 · Trail-Bond-Silver Quinn Connct	$ 262.00	$ -	$ -	$ -
6009 · Trail-Bond-Backcountry Trails	$ -	$ 100,000.00	$ 5,000.00	$ 95,000.00
6011 · Trails Bond 2011	$ 14,700.00	$ 1,635,284.00	$ 473,231.00	$ 1,118,054.00
Total 6011 · Trails Bond 2011	$ 470,973.73	$ 1,941,910.00	$ 712,231.00	$ 1,610,565.00
Total 6027 · Open Space Bond 2011*	$ -	$ 146,700.00	$ -	$ 148,505.00
6070 · 2015 Bond				
6071 · Open Space 2015 Bond*	$ -	$ 15,084,687.00		$ 15,337,669.00
6072 · Trails 2015 Bond	$ 63,686.50	$ 1,919,292.00	$ -	$ 1,989,731.00
6073 · Fieldhouse Final Phase '15 Bond	$ 89,897.17	$ 5,431,052.00	$ 5,441,155.00	$ 58,969.00
6074 · Ice Sheet Contribution '15 Bond	$ -	$ 2,514,115.00	$ -	$ 2,557,482.00
Total 6070 · 2015 Bond	$ 153,583.67	$ 24,949,146.00	$ 5,441,155.00	$ 19,943,851.00
Total 6219 · Capital Proj-Parks/Bldg	$ 186,085.71	$ 347,500.00	$ 205,360.00	$ 969,927.00
Total 6314 · Impact Fees used for CapProject	$ 399,093.63	$ 1,427,000.00	$ 76,000.00	$ 2,110,000.00
Total 6907 · Capital Replacement	$ 232,932.44	$ 366,000.00	$ 358,800.00	$ 212,200.00
Total 6743 · Capital Equipment Purchase	$ 260,747.25	$ 174,000.00	$ 51,240.00	$ 160,000.00
Total Expense	$ 1,707,347.86	$ 29,771,006.00	$ 6,943,536.00	$ 26,030,048.00
Net Ordinary Income	$ (1,552,709.47)	$ (29,655,706.00)	$ (6,713,936.00)	$ (25,903,948.00)
Other Income/Expense				
Other Income				
3700 · Interfund Transfers--In				
3701 · Contributions From O&M	$ 876,022.00	$ -	$ -	$ -
3703 · FUNDS FROM BOND ISSUANCE	$ 25,141,145.06	$ -	$ -	$ -
3710 · INTERFUND TRANSFER - IMPACT FEE	$ 399,093.63	$ 1,427,000.00	$ 1,427,000.00	$ 2,110,000.00
3725 · Replacement Reserve - Xfer In	$ 332,575.00	$ 81,829.00	$ 392,592.00	$ -
Total 3700 · Interfund Transfers--In	$ 26,748,835.69	$ 1,508,829.00	$ 1,819,592.00	$ 2,110,000.00
3800 · RMP Exchange Agreement	$ -	$ -	$ 98,750.00	$ -
Total Other Income	$ 26,748,835.69	$ 1,508,829.00	$ 1,918,342.00	$ 2,110,000.00
Net Other Income	$ 26,748,835.69	$ 1,508,829.00	$ 1,918,342.00	$ 2,110,000.00
Net Income	**$ 25,196,126.22**	**$ (28,146,877.00)**	**$ (4,795,594.00)**	**$ (23,793,948.00)**

*** The Board approves the inclusion of $15,486,174 in the 2017 budget with the understanding that any open space agreement will be negotiated and executed by the County. Further, the Board understands that, in such execution, the County will adhere to the recreational requirements as dictated by the bonds to the extent such purchase uses District bond funds.**

Snyderville Basin Special Recreation District
Assumptions to the Proposed Tentative Capital Budgets

Capital Expenditures	2016	2017
Trailside - Bike Park Shade Structure	5,000	
The Woods - Dog Park enhancements	8,860	
Parks Equipment	11,240	
Sound System for Field	11,500	
Willow Creek Park Enhancements - Pond and Water Pump	30,000	
Trail - Connector from Mid-Mountain to Kimball Junction (through UOP)	32,000	
Ice Arena - Contribution for evaporative condensor	40,000	
Matt Knoop - Community Garden Enhancements	50,000	
Trail - Run-A-Muk expansion (Rocky Mtn Power agreement)	98,750	
Trails - Community Church section of Millennium Trail	232,000	
Trail - Hwy 224 Silver Springs to Redstone	517,231	
Master Planning	100,000	50,000
Replacement Purchases/ Projects	358,800	212,200
Fieldhouse Final Expansion	5,441,155	1,988,896
Trailhead Restroom - East Canyon Creek	2,000	298,885
Trail - Spend down of 2011 Bond Funds**	5,000	1,311,680
Office Equipment		10,000
IT - Website Redevelopment		40,000
Trail - Cooper Lane to Sun Peak Drive		50,000
IT - Accounting/HRIS/Payroll software		50,000
Parks Equipment		60,000
Trailhead Expansion - Olympic Parkway		200,000
Trailside - Upper Parking Lot Expansion		300,000
Trailhead - Discovery property		325,000
Trail - Bitner Road		350,000
Land Acquisition - Field Space		750,000
Trail - Spend down of 2015 Bond Funds**		1,989,731
Ice Arena - Contribution towards 2nd sheet		2,557,482
Open Space Acquisition (2011 and 2015 Bond Funds)		15,486,174
Annual Total	**6,943,536**	**26,030,048**

**Trail project(s) consistent with the County's Transportation Master Plan

Snyderville Basin Special Recreation District
Proposed Tentative Impact Fee Budgets

	Actuals	Adopted	Proposed
	2015	2016	2017
Ordinary Income/Expense			
Income			
3026 · Interest-Impact Fees-Parks/Rec	$ 11,814.23	$ 12,050.51	$ 16,000.00
3027 · Interest-Impact Fees-Trails	$ 1,110.02	$ 1,132.22	$ 1,500.00
3132 · Impact Fees			
3130 · Impact Fees-Parks/Rec	$ 458,665.09	$ 500,000.00	$ 500,000.00
3131 · Impact Fees-Trails	$ 45,823.76	$ 75,000.00	$ 80,000.00
Total 3132 · Impact Fees	$ 504,488.85	$ 575,000.00	$ 580,000.00
Total Income	$ 517,413.10	$ 588,182.74	$ 597,500.00
Gross Profit	$ 517,413.10	$ 588,182.74	$ 597,500.00
Net Ordinary Income	$ 517,413.10	$ 588,182.74	$ 597,500.00
Other Income/Expense			
Other Expense			
10000 · Interfund Transfers--Out			
10710 · INTERFUND XFER IMPACT FEES	$ 399,093.63	$ 1,427,000.00	$ 2,110,000.00
Total 10000 · Interfund Transfers--Out	$ 399,093.63	$ 1,427,000.00	$ 2,110,000.00
Total Other Expense	$ 399,093.63	$ 1,427,000.00	$ 2,110,000.00
Net Other Income	$ (399,093.63)	$ (1,427,000.00)	$ (2,110,000.00)
Net Income	**$ 118,319.47**	**$ (838,817.27)**	**$ (1,512,500.00)**

Snyderville Basin Special Recreation District
Proposed Tentative Debt Service Budgets

	Actuals	Adopted	Proposed
	2015	2016	2017
Ordinary Income/Expense			
Income			
3012 · Premium on Refunding 2015B	$ 520,644.50	$ -	$ -
3013 · Reoffering Premium 2015A	$ 453,783.90	$ -	$ -
3015 · Cap-Bond Proceeds 2015A			
30151 · Bond Proceeds for Open Space	$ 15,000,000.00	$ -	
30152 · Bond Proceeds - Ice Arena	$ 2,500,000.00	$ -	
30153 · Bond Proceeds - Rec Facility	$ 5,500,000.00	$ -	
30154 · Bond Proceeds - Trails	$ 2,000,000.00	$ -	
Total 3015 · Cap-Bond Proceeds 2015A	$ 25,000,000.00	$ -	$ -
3016 · Cap-Refunding Proceeds 2015B	$ 7,385,000.00	$ -	$ -
3025 · Interest Income	$ 13,303.84	$ 12,000.00	$ 18,000.00
3112 · Property Taxes			
3110 · Property Taxes - Current	$ 4,195,750.99	$ 4,516,319.00	$ 4,506,419.00
3111 · Redemption	$ 228,549.56	$ 150,000.00	$ 150,000.00
3114 · Fee in Lieu	$ 102,103.53	$ 96,000.00	$ 100,000.00
Total 3112 · Property Taxes	$ 4,526,404.08	$ 4,762,319.00	$ 4,756,419.00
Total Income	$ 37,899,136.32	$ 4,774,319.00	$ 4,774,419.00
Gross Profit	$ 37,899,136.32	$ 4,774,319.00	$ 4,774,419.00
Expense			
5030 · Principal Series 2004A	$ 780,000.00	$ -	$ -
5035 · Interest Series 2004A	$ (115.68)	$ -	$ -
5036 · Paying Agent Fees 2004	$ -	$ 500.00	$ -
5045 · Principal Series 2008A	$ 6,570,000.00	$ 435,000.00	$ 455,000.00
5046 · Interest Series 2008A	$ 88,626.27	$ 68,250.00	$ 46,500.00
5047 · Paying Agent Fees 2008A	$ 500.00	$ 500.00	$ 500.00
5048 · Principal Series 2010	$ 110,000.00	$ 525,000.00	$ 755,000.00
5049 · Interest Series 2010	$ 182,366.80	$ 179,950.00	$ 164,200.00
5051 · Paying Agent Fees 2010	$ 500.00	$ 500.00	$ 500.00
5055 · Principal Series 2011	$ 340,000.00	$ 350,000.00	$ 365,000.00
5056 · Interest Series 2011	$ 824,476.66	$ 814,513.00	$ 804,012.00
5057 · Paying Agent Fees 2011	$ 500.00	$ 500.00	$ 500.00
5058 · Principal Series 2012	$ 190,000.00	$ 190,000.00	$ 180,000.00
5059 · Interest Series 2012	$ 58,876.63	$ 57,025.00	$ 55,125.00
5060 · Paying Agent Fee 2012	$ 500.00	$ 500.00	$ 500.00
5061 · Principal Series 2015A	$ 500,000.00	$ 1,015,000.00	$ 1,035,000.00
5062 · Interest Series 2015A	$ 525,875.90	$ 681,000.00	$ 660,700.00
5063 · Paying Agent Fee 2015A	$ 500.00	$ 500.00	$ 500.00
5064 · Principal Series 2015B	$ 680,000.00	$ 230,000.00	$ 35,000.00
5065 · Interest Series 2015B	$ 191,996.04	$ 225,081.00	$ 215,882.00
5066 · Paying Agent Fee 2015B	$ -	$ 500.00	$ 500.00
6809 · Bond Issue Fees 2015			
68091 · COI Series 2015A	$ 311,835.09	$ -	$ -
68092 · COI Series 2015B Refunding	$ 121,789.42	$ -	$ -
Total 6809 · Bond Issue Fees 2015	$ 433,624.51	$ -	$ -
6825 · Deferred Amount on Refund 2015B	$ 843,762.00	$ -	$ -
Total Expense	$ 12,321,989.13	$ 4,774,319.00	$ 4,774,419.00
Net Ordinary Income	$ 25,577,147.19	$ -	$ -
Other Income/Expense			

Snyderville Basin Special Recreation District
Proposed Tentative Debt Service Budgets

	Actuals	Adopted	Proposed
	2015	2016	2017
Other Expense			
10000 · Interfund Transfers--Out			
10702 · Xfer to Capital - Bond Projects	$ 25,141,145.06	$ -	$ -
Total 10000 · Interfund Transfers--Out	$ 25,141,145.06	$ -	$ -
Total Other Expense	$ 25,141,145.06	$ -	$ -
Net Other Income	$ (25,141,145.06)	$ -	$ -
Net Income	**$ 436,002.13**	**$ -**	**$ -**

STAFF REPORT

To: Summit County Council (Council)
From: Amir Caus, County Planner
Date of Meeting: November 2, 2016
Type of Item: Appeal of a Low Impact Permit Denial
Process: Legislative Review

RECOMMENDATION: Staff recommends that the Summit County Council evaluate Staff's analysis, review the information provided in the Staff Report, and vote to uphold the Community Development Director's decision as outlined in Exhibit F of the Staff Report.

The following are key discussion points;

- Does the property already have an Accessory Dwelling Unit?
- Additional driveway to second access road.
- Size of the proposed Accessory Building and Accessory Dwelling Unit.
- Architecture of the proposed Accessory Building.

Project Description

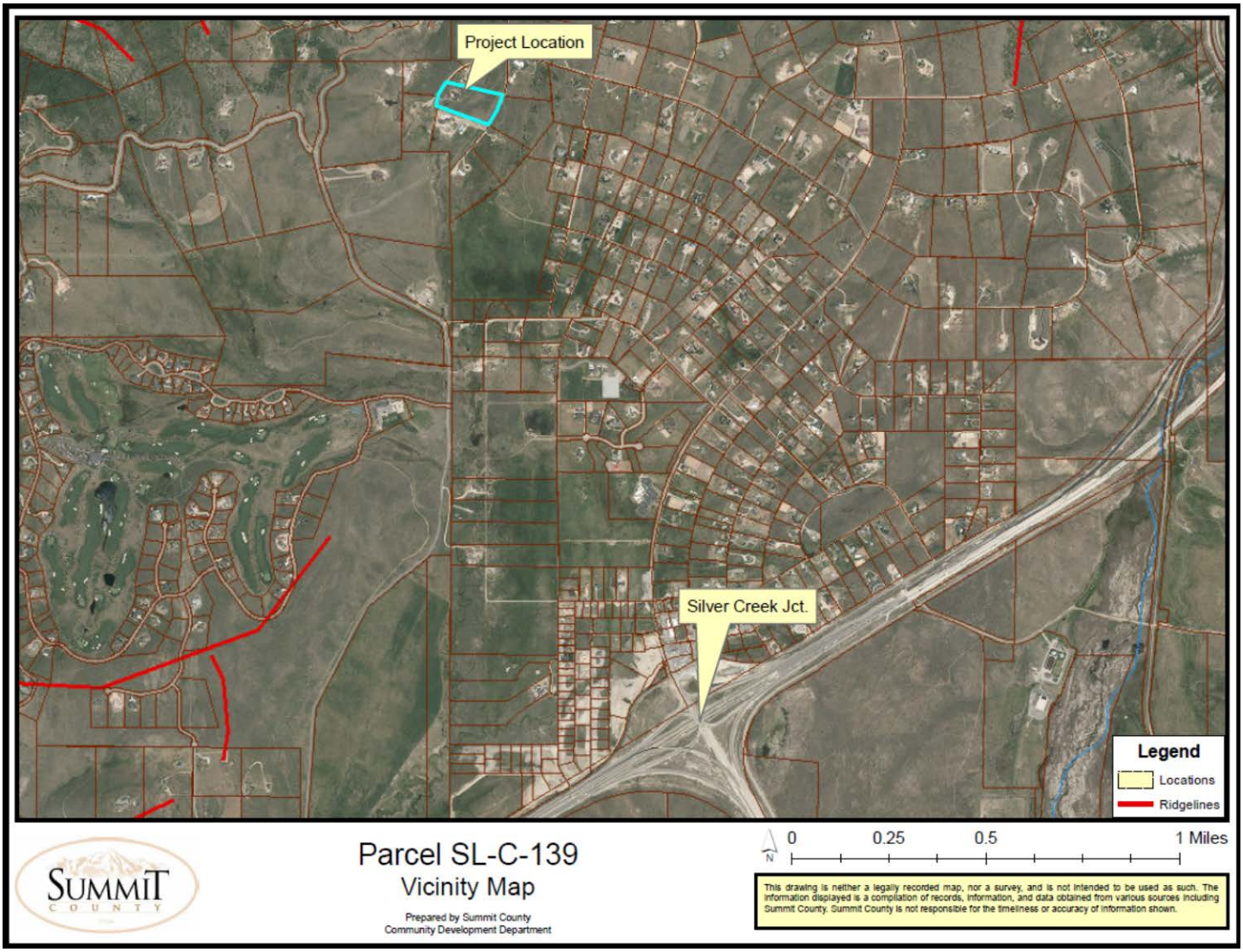
Project Name:	Iverson Accessory Building Low Impact Permit
Applicant(s):	Bradford Iverson
Property Owner(s):	Tone and Bradford Iverson
Location:	63 Westwood Rd., Silver Creek, Summit County, UT
Zone District:	Rural Residential (RR)
Parcel Number and Size:	SL-C-139 (7.47 acres)
Type of Process:	Legislative
Final Land Use Authority:	Summit County Council

Proposal

The appellant, Bradford Iverson is appealing the Community Development Director decision which denied a Low Impact Permit for a 3,480 sq. ft. Accessory Structure, containing an approximately 1,132 sq. ft. Accessory Dwelling unit, located at 63 Westwood Rd., Silver Creek, Summit County, UT.

The applicant stated the following uses for the proposed Accessory Building; guest quarters, storage of boat, wave runners, utility terrain vehicle, future tractor and tractor implements, vehicle, camper trailer, a future horse and chickens, feed for animals, and yard tools.

Vicinity Map



Background

The Iverson property is located at 63 Westwood Road. The property has a 7,000 sq. ft. residence that was constructed in 2008. The property is located between Cottonwood Trail and Westwood Road. The current access to the property is from Westwood Rd.

On August 23, 2016, the subject Low Impact Permit application was taken before the Snyderville Basin Planning Commission for input. Following the public hearing and based on the

evidence presented during the meeting, the Planning Commission voted to forward a negative recommendation to the Community Development Director.

On August 26, 2016, the Community Development Director, consistent with the recommendation from the Snyderville Basin Planning Commission, denied the Low Impact Permit based on Findings of Fact and Conclusions of Law found in Exhibit F of the Staff Report.

On September 2, 2016, the applicant appealed the Community Development Director's decision (Exhibit H).

Standard of Review

Section 10-9-22 of the Snyderville Basin Development Code establishes that appeals of Decisions made by the Community Development Director must be made to the County Council within ten (calendar) days of the final written decision by the Community Development Director. Pursuant to Utah Code Annotated §17-27a-705 and 707, the appellant has the burden of proving that the land use authority, i.e. the Community Development Director, erred. On appeal, the County Council shall review the matter de novo that is, reviewing the facts and evidence "anew," and shall determine the correctness of the Community Development Director's decision in its interpretation and application of the Snyderville Basin Development Code.

Analysis and Findings

Per the Snyderville Basin Development Code, Accessory Buildings between 2,000 square feet and 10,000 square feet are reviewed under a Low Impact Permit within the Rural Residential (RR) Zone. Accessory Dwelling units are allowed within the Rural Residential (RR) Zone. An accessory dwelling unit may be allowed as an incidental residential use on the same lot as the main dwelling unit in the Rural Residential zone. No more than one accessory dwelling unit shall be permitted on a lot.

As shown on the submitted plans, the Accessory Building has a gross floor area of 3,480 sq. ft., containing an approximately 1,132 sq. ft. Accessory Dwelling unit and a large garage for up to eight (8) cars.

Per the Snyderville Basin Development Code, *"Dwelling Unit, Accessory"* is; *"A structure or a portion of a structure which is used by the owner of the primary residency or primary tenant as a dwelling for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest, or similar users. An accessory dwelling unit shall contain cooking, sanitation, and sleeping facilities."*

It has been brought to the attention of Staff that the existing residence has an Accessory Dwelling unit located above the garage. The unit was advertised for nightly rentals on http://www.luxurymountaindestinations.com/parkcity/silvercreek. After Staff contacted the applicant about it, the advertisement was removed. The Summit County Code Enforcement

Officer inspected and documented the existing unit located above the garage. The Officer confirmed that the unit is as described in the aforementioned advertisement. The unit has a separate exterior entrance and a double door (each side of wall) to separate the main dwelling area and the unit as described. A Restrictive Use Covenant has not been recorded for the unit above the garage. A nightly rental license has been applied for in the past by the applicant; however an active one does not exist. Please refer to Exhibits D and E for further details. It has been determined that the existing property already has an Accessory Dwelling unit. The property is therefore ineligible for an additional Accessory Dwelling unit.

The proposed Accessory Dwelling unit is larger than the 1,000 sq. ft. allowed by the Code (approx. 1,132 sq. ft.). If the proposed Accessory Dwelling unit is determined to be allowed, it will need to be redesigned to meet the required maximum 1,000 sq. ft. floor area. As proposed, the garage has three (3) large garage entry doors, five (5) personnel doors, and is large enough to accommodate up to eight (8) cars. The applicant is of the opinion that the mechanical room should not be calculated as part of the 1,000 sq. ft. gross and has requested further discussion.

In order to serve the garage and Accessory Dwelling unit, a new driveway and utilities (including septic) are being proposed. The new driveway access would be from Cottonwood Trail. The Accessory Building is located approximately 400 feet distant from and 50 feet below the elevation of the existing residence. The main dwelling and the proposed Accessory Building are not connected by any common service path or a driveway. The proposed structure appears to be completely independent and not accessory to the single family dwelling.

Code Analysis

In addition to the items noted above, Section 10-3-4(E) of the Snyderville Basin Development Code requires that any use qualifying for a Low Impact Permit must meet the following criteria:

Criterion 1: The use does not significantly increase vehicular traffic, unless the increases are consistent with previously approved plans for which appropriate mitigation has been contemplated and which has been implemented in an appropriate manner to accommodate the proposed amendment.

> **Analysis**: It has been determined that the existing property already has an Accessory Dwelling unit. With a third dwelling unit on the subject property, there would be an increase in the number of trips that would not otherwise be incidental to the residential use. The applicant is proposing to install an additional driveway accessing the property from a road other than the primary access road for the property. Staff finds that the proposal is creating unnecessary impact on two roads. **DOES NOT COMPLY**
>
> Service Area 3 has also expressed concern. Please refer to Exhibit D.

Criterion 2: The use does not significantly increase the demand for parking; unless the increases are consistent with previously approved plans for which appropriate mitigation has been

contemplated and which has been implemented in an appropriate manner to accommodate the proposed amendment.

> **Analysis**: The lot has sufficient area to accommodate parking for the proposed use. With a third dwelling unit on the subject property, there would be an increase in parking impacts otherwise not incidental to the residential use. **DOES NOT COMPLY**

Criterion 3: The use does not intensify the likelihood of pedestrian and vehicular conflicts.

> **Analysis**: Staff finds that the proposal is creating unnecessary impact on two roads. A third dwelling unit would create impacts other single family homes do not make in this neighborhood. The additional access off of Westwood Trail will create pedestrian and vehicular conflicts that did not previously exist. **DOES NOT COMPLY**

Criterion 4: The use does not create unsightly conditions, including, but not limited to, unscreened storage and other environmental concerns.

> **Analysis**: The proposed structure does not meet the architectural criteria. Further analysis provided below. **DOES NOT COMPLY**

Criterion 5: Buildings and other structures shall provide a human scale consistent with adjacent development and appropriate to residential uses and consistent with adjacent conforming development in the zoning districts. The massing, scale, and architectural design shall be consistent with the design guidelines established in Section 10-4-19 of the Snyderville Basin Development Code.

> **Analysis**: The proposed Accessory Building is approximately 85 feet long, 41 feet wide, and approximately 24 feet in height. The exterior materials proposed are of brown tone wood or faux wood plank with oxidized metal wainscot and roof.
>
> The façade is linear. A prominent shift in façade normally required for buildings over 60 feet long [Section 10-4-19(K.1)] is not being proposed. The applicant is claiming the form to be typical of agricultural barns in the area.
>
> Staff finds the massing, scale and architectural design is different than a traditional barn. The amount of windows, including 12 foot wide and 8 foot tall glass sliding patio doors are typically not associated with a traditional barn. A covered porch emphasizes one of the pedestrian entrances, but this entrance does not provide direct access to the Accessory Dwelling unit.
>
> The elevation drawings have slight discrepancies. For example the fireplace and the covered porch shown on other drawings are not shown on the end elevations. Mechanical penetrations including fire place flue, boiler and water heater flues, and any significant vents typically associated with residential construction should be indicated.

Appropriate latitude is allowed in the Code; however this structure does not appear to be consistent with traditional agricultural barns in the area as suggested by the applicant. **DOES NOT COMPLY**

Criterion 6: The use does not intensify noise levels or odors.

Analysis: It has been determined that the existing property already has an Accessory Dwelling unit. A third dwelling unit on the subject property would increase noise levels and odor otherwise not associated with a typical single family use in the neighborhood. **DOES NOT COMPLY**

Criterion 7: The use does not create significant dust and dirt conditions, which cannot be adequately mitigated.

Analysis: The proposed gravel driveway associated with a third proposed dwelling unit on the subject property will create additional dust and dirt conditions. **DOES NOT COMPLY**

Criterion 8: The use does not intensify lighting and glare conditions.

Analysis: A third dwelling unit on this property would increase lighting and glare conditions otherwise not associated with a typical single family use in the neighborhood. **DOES NOT COMPLY**

Criterion 9: The site shall be landscaped according to Section 10-4-20 of the Snyderville Basin Development Code.

Analysis: The applicant has indicated that all disturbed areas will be reseeded with a native mix. There are trees being proposed as part of the landscaping. **COMPLIES**

Criterion 10: The use does not create a sudden change in privacy for adjacent property owners.

Analysis: It has been determined that the existing property already has an Accessory Dwelling unit. A third dwelling unit on the subject property would be a change in privacy for the adjacent property owners. **DOES NOT COMPLY**

Criterion 11: The proposed use shall be in compliance with the standards of approval of development permits in Chapter 4 of the Snyderville Basin Development Code.

Analysis: Staff review of the application indicates that it does not meet the minimum requirements for approval in the Snyderville Basin Development Code.

Code Requirement	Analysis	Finding
1. Establishment of Development Standards	...The purpose of these development standards is to protect the general health, safety and welfare of the citizens of the	**DOES NOT COMPLY**

	county... A third dwelling unit on the subject property violates these standards. Additionally, the size of the proposed third dwelling unit would violate these standards.	
2. Environmental Criteria	Staff does not anticipate environmental issues.	**COMPLIES**
3. Critical Areas	There are no critical areas impacted as part of the proposal.	**COMPLIES**
4. Open Space		**N/A**
5. Water and Water Supply	Service Area 3 has expressed that they are concerned with the water allowance for the property. Please refer to Exhibit D.	**REQUEST DISCUSSION**
6. Sanitary Sewer	The Health Department has stated that they have reviewed and accepted septic design for this project.	**COMPLIES**
7. Fire Protection	On July 18, 2016, Park City Fire District issued a positive recommendation subject to a Planning Department approval.	**COMPLIES**
8. Loading and Unloading		**N/A**
9. Parking Requirements	This section requires that every effort be made to minimize the amount of impervious surface that is created for parking purposes. The proposed remote location and necessary driveway for the third dwelling unit on the subject property increase impervious surface.	**DOES NOT COMPLY**
10. Transportation Infrastructure and Access Design	The applicant separately applied for an Encroachment Permit for a Barn/Garage. The application before the Planning Commission was for an Accessory Building with an Accessory Dwelling unit. After receiving a Service Provider request from Staff, the Engineering Department is performed a secondary review of the permit and requested for modifications to the site plan. Please refer to Criterion 1 analysis above.	**DOES NOT COMPLY**
11. Public Utilities	Required utilities available.	**COMPLIES**
12. Mail Delivery	Centralized mail delivery system for Silver Creek available. The Post Master has previously stated that both the primary and accessory dwelling units are required to use the same address/mailbox for the subject property. This would need to be conditioned as such.	**COMPLIES**
13. Solid Waste and Recycling	The property would require two separate pickups for solid waste and recycling. Please refer to Criterion 3 analysis above.	**REQUEST DISCUSSION**
14. Snow Removal and Storage	Adequate.	**COMPLIES**
15. Police and Security	Staff is concerned that the access to the proposed structure is from Cottonwood Trail and not Westwood Road. The Accessory Building would need to be separately addressed in order to receive a timely and accurate response.	**REQUEST DISCUSSION**
16. Parks, Trails, and Trailheads	This section applies to new development.	**N/A**
17. ADA Access	ADA requirements would be enforced by the Building Department.	**N/A**
18. Special Site Design	No special site design anticipated.	**COMPLIES**

Requirements		
19. Architectural Regulations for All Structures	The massing, scale and architectural design is not consistent with the design guidelines established in this section. Please refer to Criterion 5 analysis above.	**DOES NOT COMPLY**
20. Landscape Regulations	The applicant has stated that all disturbed areas will be revegetated with a native seed mix. The applicant is also proposing to install four (4) cottonwood trees.	**COMPLIES**
21. Lighting Regulations	Lighting details have been submitted. The fixtures have a full cutoff.	**COMPLIES**
22. Height Regulations	Structure appears to be below 25 feet in height.	**COMPLIES**

Criterion 12: The use is generally consistent with the goals and policies of the general plan.

Analysis: The Snyderville Basin General Plan describes Silver Creek as mostly residential and equestrian neighborhood. A third dwelling unit on the subject property would be inconsistent with the single family neighborhood characteristics. **DOES NOT COMPLY**

Recommendation

Staff recommends that the Summit County Council evaluate Staff's analysis, review the information provided in the Staff Report, and vote to uphold the Community Development Director's decision to deny the proposed Low Impact Permit as outlined in in the Findings of Fact and Conclusions of Law (Exhibit F of this Staff Report).

Attachments

Exhibit A – Aerial Photo
Exhibit B – Proposed Plans
Exhibit C – Site Photos
Exhibit D – Service Area 3 Comments
Exhibit E – Nightly Rental Advertisement (PICTURES CAN BE PROVIDED UPON REQUEST)
Exhibit F – Low Impact Permit Denial Letter
Exhibit G – Opposition Letter
Exhibit H – Appeal Application

EXHIBIT A

Parcel SL-C-139

Aerial

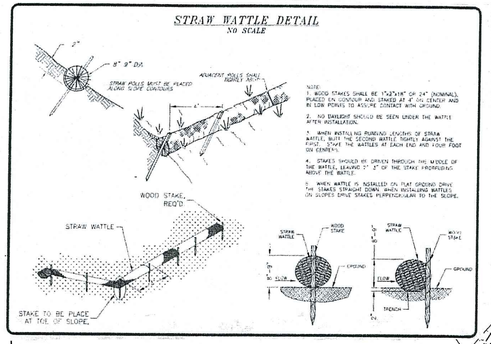
Prepared by Summit County
Community Development Department

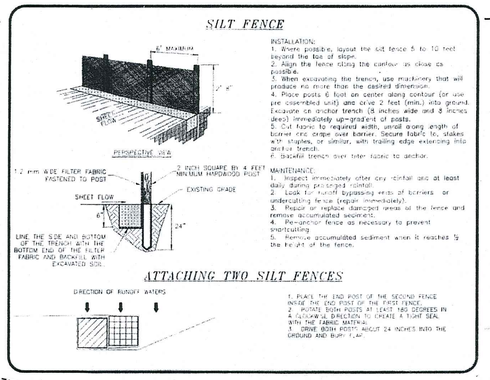
0 80 160 320 Feet

N

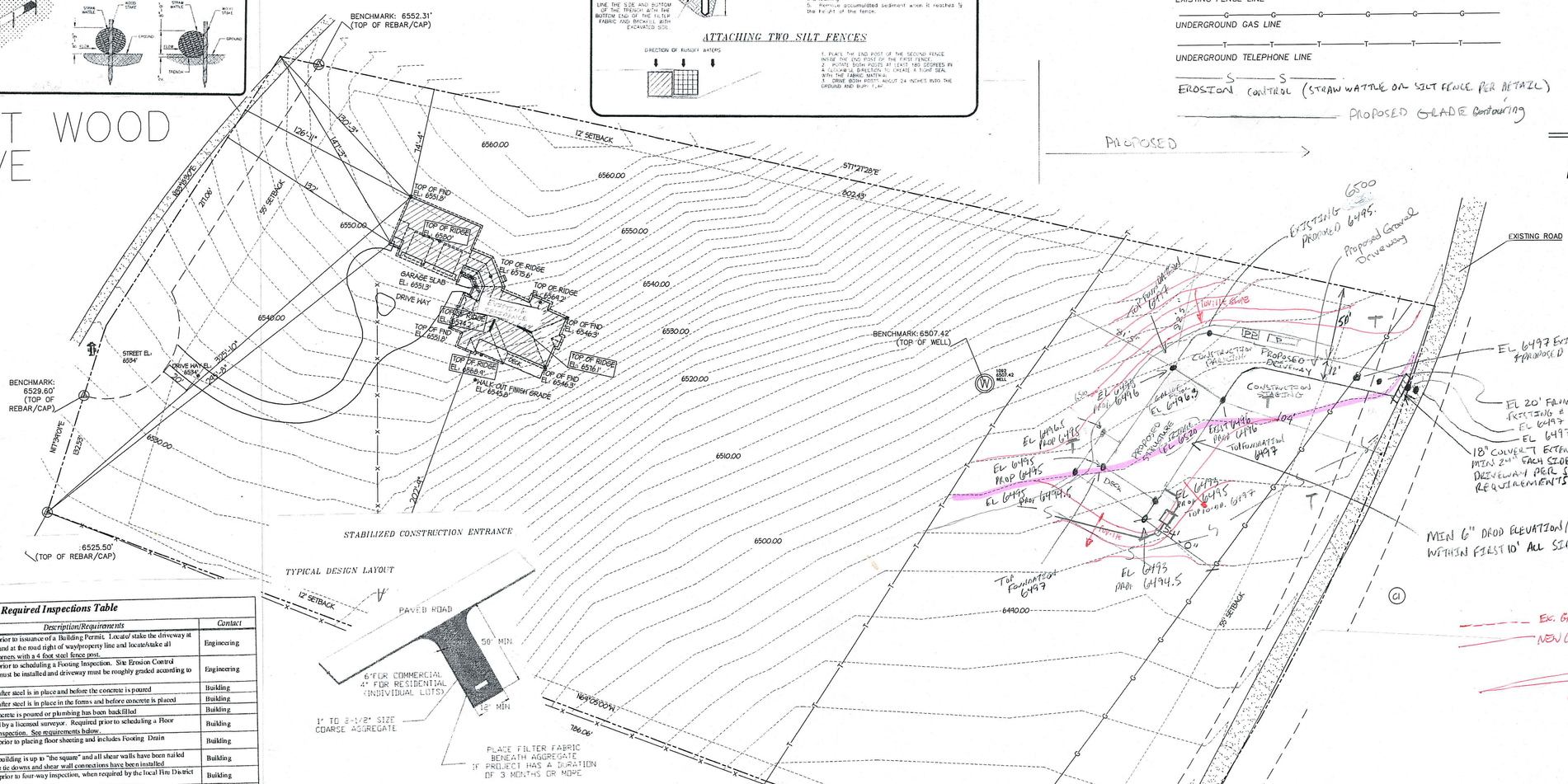
This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.

EXHIBIT B.1



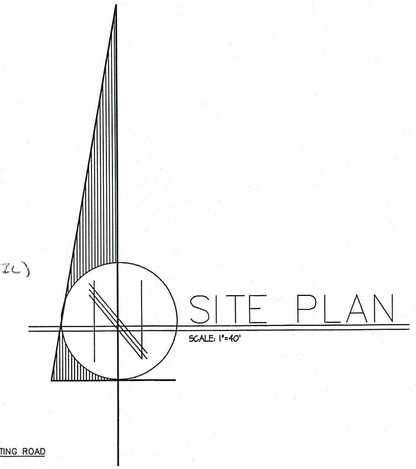


WEST WOOD DRIVE



LEGEND

- CULVERT
- WELL
- POWER POLE
- FOUND REBAR AND CAP
- FIRE HYDRANT
- Port-o-Potty
- Dumpster
- Staging
- TREES
- BOUNDARY LINE
- EXISTING FENCE LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- EROSION CONTROL (STRAW WATTLE OR SILT FENCE PER DETAIL)
- PROPOSED GRADE Contouring
- PROPOSED



LOCATION	
CITY	PARK CITY
TRACT	SILVER CREEK ESTATES
PLAT	C
LOT	194
ADDRESS	63 WEST WEST WOOD DRIVE
ADDITIONAL	JVERSON

Required Inspections Table

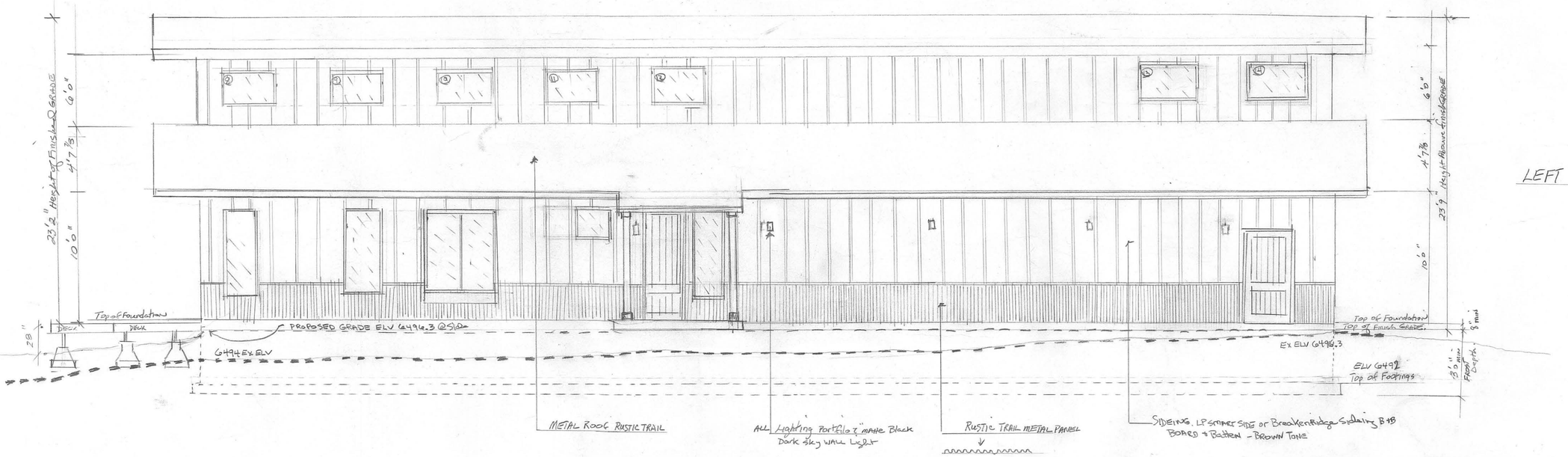
Inspection	Description/Requirements	Contact
Driveway/ Site Staking	Required prior to issuance of a Building Permit. Locate/ stake the driveway at the street and at the road right of way/property line and locate/stake all property corners with a 4 foot steel fence post.	Engineering
Rough Grading	Required prior to scheduling a Footing Inspection. Site Erosion Control measures must be installed and driveway must be roughly graded according to plan	Engineering
Footing	Schedule after steel is in place and before the concrete is poured	Building
Foundation	Schedule after steel is in place in the forms and before concrete is placed	Building
Under Slab Plumbing & Heating	Before concrete is poured or plumbing has been backfilled	Building
Certificate of Elevation and/or Survey	Performed by a licensed surveyor. Required prior to scheduling a Floor Framing Inspection. See requirements below.	Building
Floor Framing Inspection	Required prior to placing floor sheeting and includes Footing Drain inspection	Building
Shear Wall	After the building is up to "the square" and all shear walls have been nailed and all the tie downs and shear wall connections have been installed	Building
Fire Sprinklers	Required prior to four-way inspection, when required by the local Fire District	Building
Four-Way	This inspection is performed after all rough electrical, plumbing, and mechanical has been installed. All framing is complete, shear walls previously inspected, and truss specifications are on the job for the inspector to read. Plumbing shall have either an air or water pressure test on them when the inspector arrives	Building
Weather Barrier/Stucco Lath	Weather barrier shall be inspected prior to applying veneer. Approved stucco I.C.C. research reports on site	Building
Gas Meter Set	Required before gas meter clearance is given to Questar	Building
Masonry wall/bond beam	Steel in masonry and before concrete/grout is poured	Building
Insulation	Pre Sheetrock insulation certificate required	Building
Drywall Nailing	This is done before drywall is taped	Building
Power to Panel	Building must be up with permanent roof installed	Building
Driveway pre-surfacing	Site Erosion Control measures must be installed and driveway graded to it's final configuration	Engineering
Final Driveway and Site Inspection	Required prior to Certificate of Occupancy and/or Bond Release. Driveway must be surfaced and site must be revegetated (inspections may be schedule separately). If the site is not revegetated, the erosion control measures must be in place and installed correctly.	Engineering
Flood Plain Elevation Certificate	FEMA Elevation Certificate (if applicable) required prior to Certificate of Occupancy. Form must be filed with FEMA and a copy provided to the Engineering Department	Engineering
Final	All work is DONE and building complete. Final clearances from the waste water district for sewer, County Health Department for septic, and fire district for sprinkler systems must be on the project for this inspection. Required for Certificate of Occupancy	Building
Certificate of Occupancy	Required prior to anyone occupying the structure. A Certificate of Occupancy will be issued once the final clearances have been obtained by the builder and brought to the Building Department's office in Coalville 1) Snyderville Basin Residential: Final from Building Department, Final from Engineering Department, Final letter from Snyderville Basin Water Reclamation District, Final water concurrency letter from appropriate water company, Final from Park City Fire District (in required subdivisions). 2) Eastern Summit County: Final from Building Department, Final from Engineering Department, Final from Fire District and Final from Health Department	Building
ECP Bond Release Inspection	Required to verify that the site has been fully stabilized (revegetated). Inspection is required prior to applicant receiving a release of their Erosion Control Bond. Applicant must provide a written request for the release of the bond.	Engineering

INSTALLATION:
1. Install at any point of ingress or egress at a construction site where adjacent traveled way is paved.
2. Clear and grub area and grade to provide slope shown for driveway, or access/intersection. If adjacent to waterway, use a maximum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place coarse aggregate, 1 to 2 ½ inches size, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE:
1. Inspect daily for loss of gravel or sediment buildup.
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or shoveling.
3. Repair entrance and replace gravel as required to maintain control in good working condition.
4. Expand stabilized area as required to accommodate traffic, and off site street parking and prevent erosion at driveway.

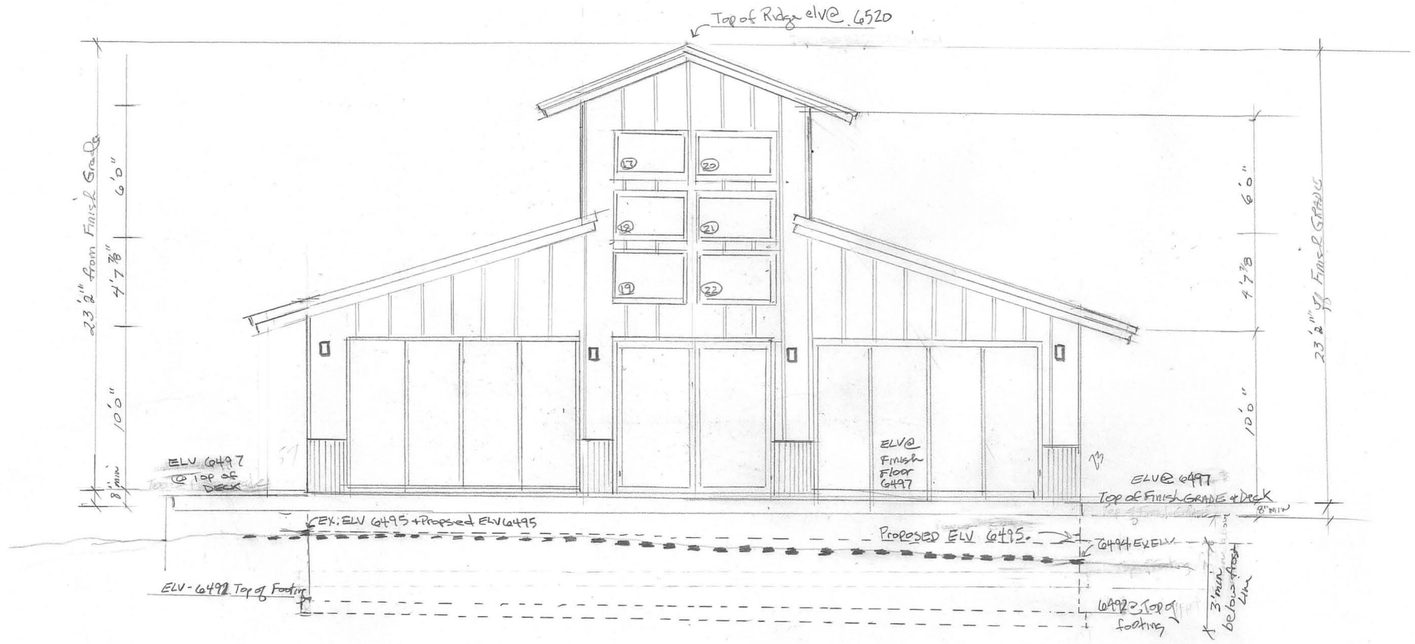
NOTES
1. PERIMETER CONTROLS TO BE PLACED DOWNHILL SIDE OF DISTURBED AREAS
2. CONSTRUCTION EQUIPMENT AND MATERIALS TO BE PLACED IN LOCATION OF PROPOSED DRIVEWAY
3. CONSTRUCTION PARKING/TRAFFIC MAY NOT BLOCK THE STREET WITHOUT A PERMIT
4. MUD TRACKED ONTO THE STREET MUST BE CLEANED PRIOR TO THE END OF THE WORK DAY
5. THE CONSTRUCTION SITE MUST BE MAINTAINED IN A NEAT MANNER. TRASH AND OTHER DEBRIS MAY NOT ACCUMULATE OUTSIDE THE DUMPSTER.
6. CONSTRUCTION ENTRANCE TO BE IN ACCORDANCE WITH DETAIL SHOWN
7. LOT SHALL BE GRADED TO DRAIN WATER AWAY FROM THE FOUNDATION AT A MINIMUM 6" IN THE FIRST 10'

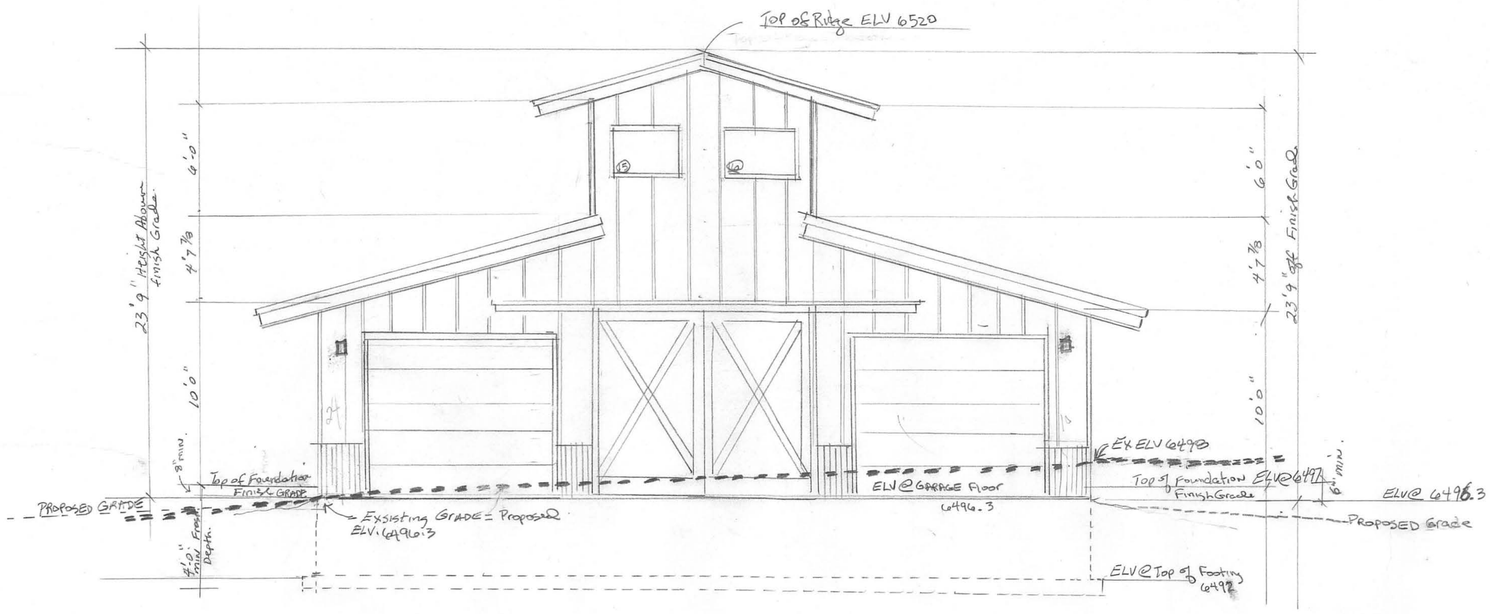
(8) All disturbed areas not improved to be restored with native grass



RIGHT + LEFT ELEVATIONS
IVERSON RESIDENCE
LOT - SL-C-139
63 W. WESTWOOD RD PARK CITY

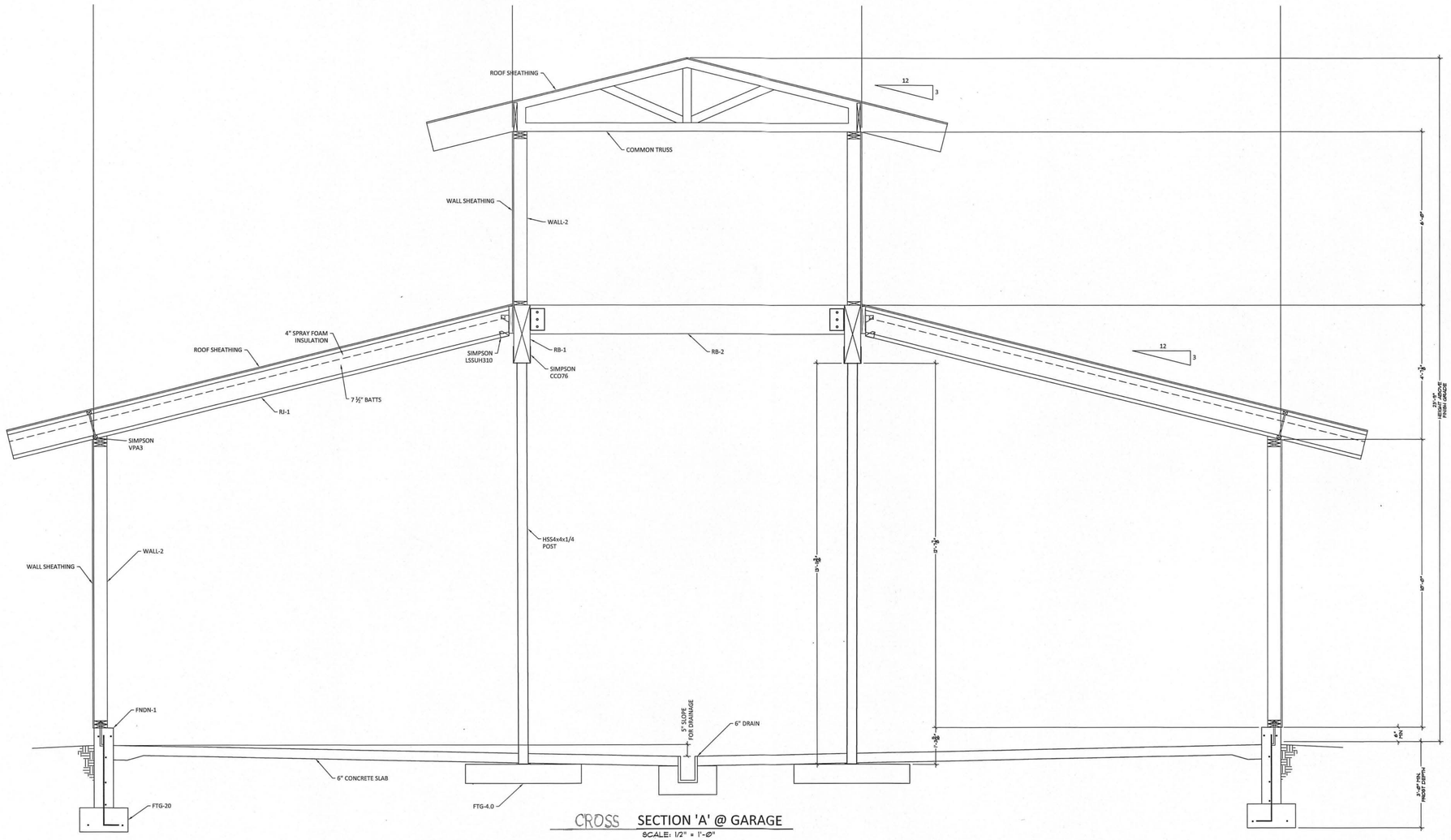
1/4" = 1'0"





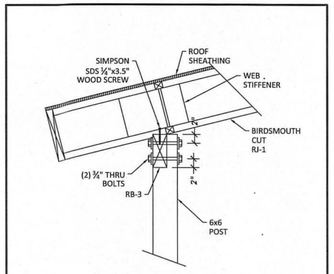
FRONT + REAR ELEVATIONS IVERSON RESIDENCE LOT- SL-C-139 63 W. WESTWOOD RD. PARK CITY	1/4" = 1'0"

EXHIBIT B.4

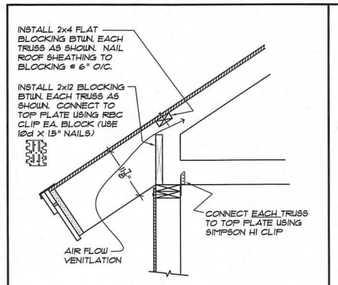


CROSS SECTION 'A' @ GARAGE

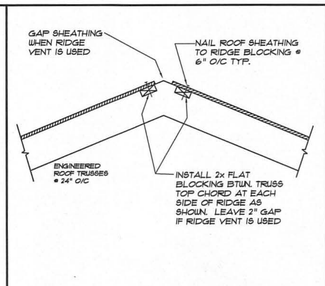
SCALE: 1/2" = 1'-0"



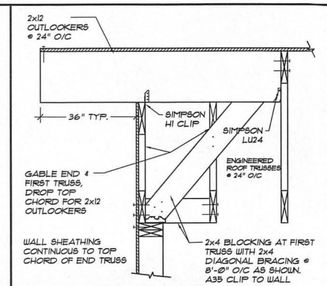
H PORCH FRAMING



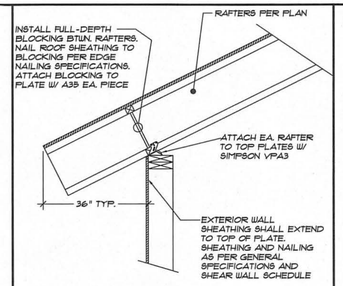
B TYP. ROOF TRUSSES W/ HEEL AT WALL



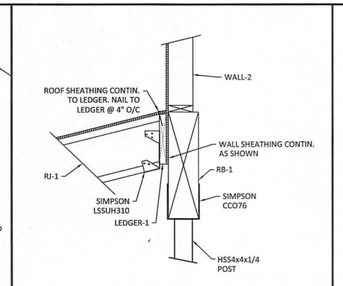
C TYP. TRUSS RIDGE DETAIL



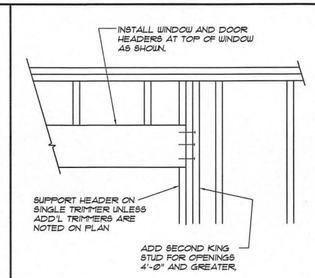
D TYP. TRUSS CONNECTION @ END WALL



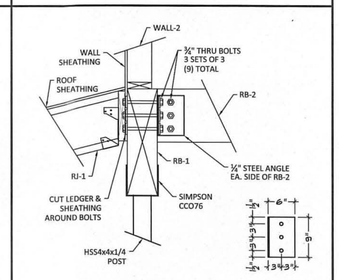
E ROOF JOISTS @ EXTERIOR WALL



F ROOF JOISTS @ RB-1



F TYPICAL HEADER IN EXTERIOR WALL



G RB-2 TO RB-1 CONNECTION

55 WEST CENTER STREET
P.O. BOX 716
HEBER CITY, UTAH 84032
PHONE: 435.654.3279
FAX: 435.654.3231

Summit Engineering Group Inc.
Structural • Civil • Surveying

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DATE ISSUED
JUL 21, 2016

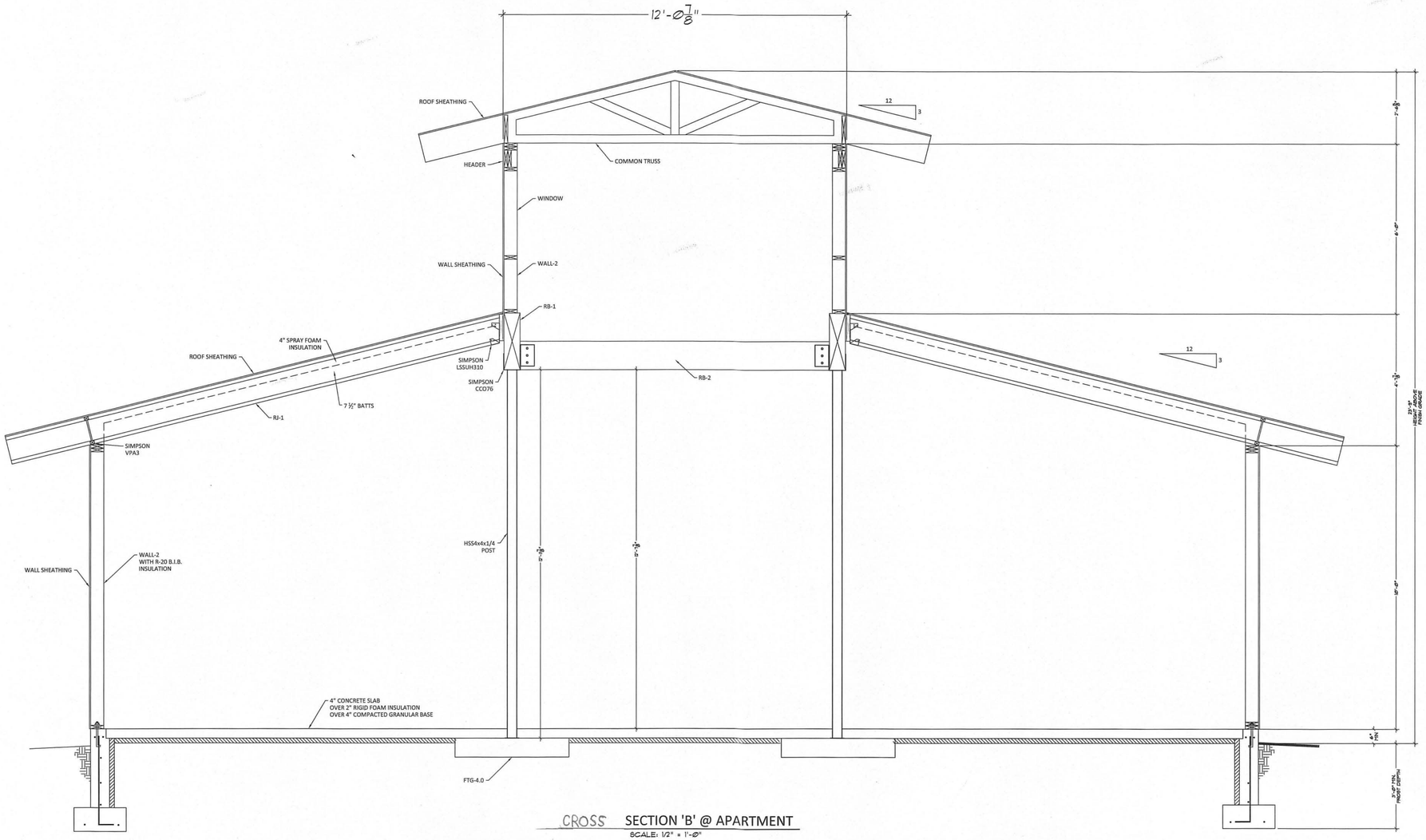
IVERSON DETACHED GARAGE
63 W WESTWOOD RD, PARK CITY, UT

FRAMING DETAILS

PROJECT NO.
S16-003

SHEET NO.
S3.2

EXHIBIT B.5



CROSS SECTION 'B' @ APARTMENT

SCALE: 1/2" = 1'-0"

55 WEST CENTER STREET
P.O. BOX 716
HEBER CITY, UTAH 84032
PHONE: 435-654-5279
FAX: 435-654-5231

Summit Engineering Group Inc.
Structural • Civil • Surveying

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DATE ISSUED
JUL 21, 2016

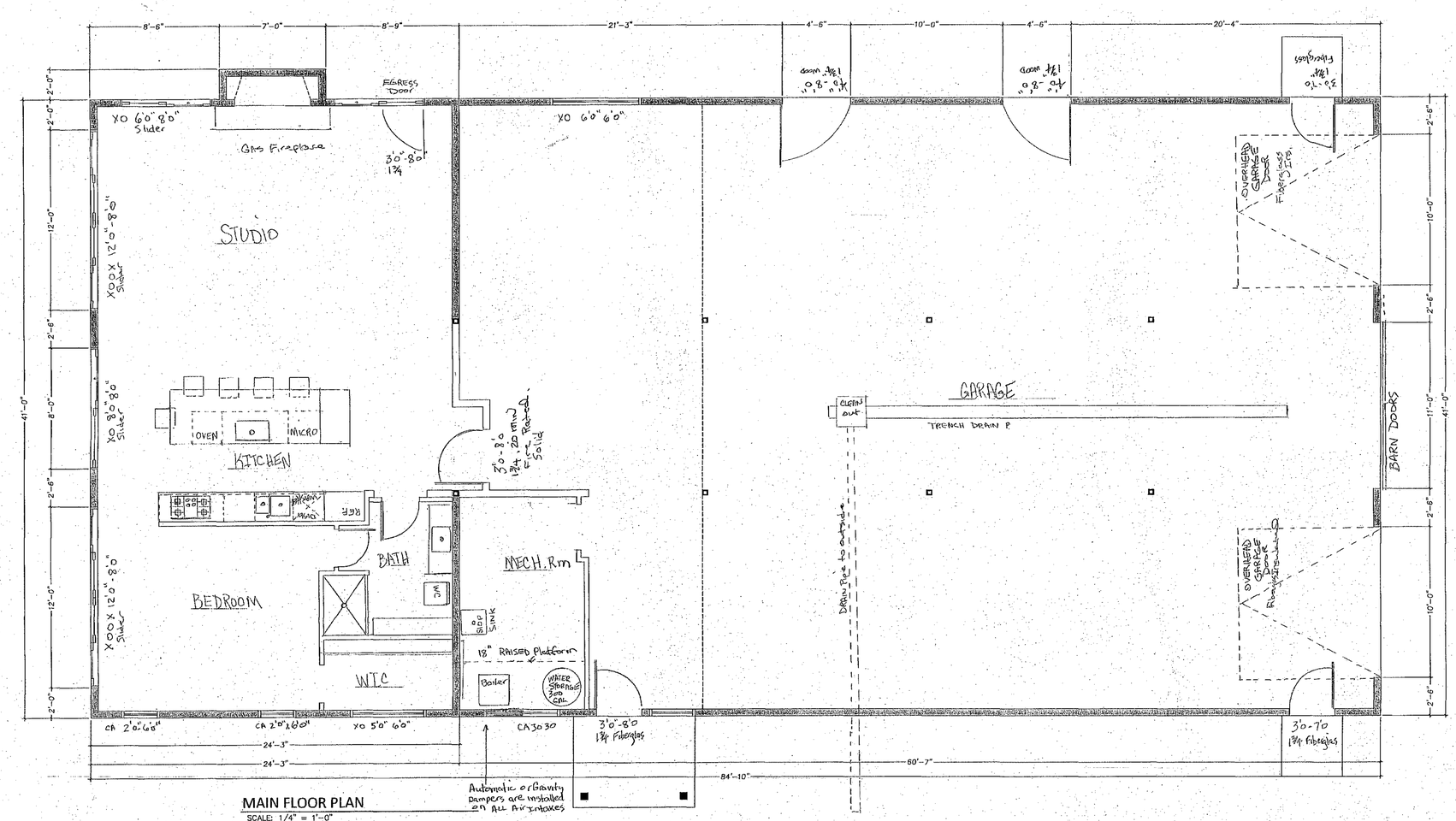
IVERSON DETACHED GARAGE
63 W WESTWOOD RD, PARK CITY, UT

FRAMING DETAILS

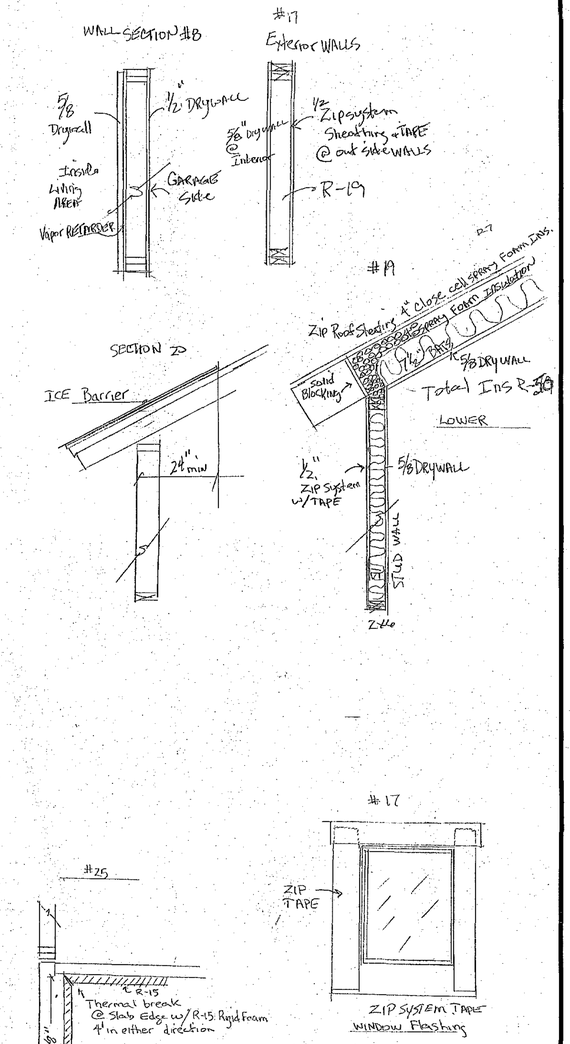
PROJECT NO.
S16-003

SHEET NO.
S3.3

EXHIBIT B.6



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



PLUMBING NOTES:

1. All plumbing work and installations shall comply with the 2012 International Plumbing Code and 2012 International Residential Code.
2. All shower heads to have a flow rate of 2.5 gpm.
3. Showers shall be finished to a height of at least 72" above the floor with non-absorbent material. Tubs and showers with tiled walls require a Portland cement application with fibered-cement or glass mat gypsum backer. "Green board is not allowed behind tile.
4. All shower doors and glass in shower enclosures shall be tempered. Shower door shall swing out.
5. All toilets shall be tank type w/ flush rate of 1.6 gallons per flush.
6. All toilets shall sit within a min. 30" wide space and have min. 21" clearance in front.
7. Provide seismic straps at water heater per IBC requirements (strapped with in the upper third and lower third of the appliance's vertical dimension to resist horiz. force equal to one-third the weight.)
8. Water heaters on wood floors shall sit in a metal pan connected to an adjacent floor drain.
9. All exterior hose bibs shall be non-freeze type with backflow preventer.
10. All plumbing vents through the roof shall be min. 3" dia. pipe.
11. All plumbing fixtures shall have a shut-off valve.
12. All culinary water systems shall have an expansion tank.

MECHANICAL NOTES:

1. Provide a comfort heating system capable of maintaining 68 degrees F. at a point 36" above the floor in all rooms.
2. Provide outside combustion air to mechanical equipment as required for all fuel-burning appliances, at a minimum rate of 1 sq. inch per 3000 Btu/hour input.
3. Shower and toilet rooms without windows must have a fan ducted to the exterior, capable of producing 50 cfm.
4. Maximum length of close dryer vent shall be 25 feet minus reductions for each bend. Vent to exterior of house.
5. 100 square inches of makeup air shall be provided to any laundry closet.
6. All heating supply ducts and return air ducts that run through "cold areas" (crawlspace, attic, unheated garage, unfinished basement) shall be insulated.
7. All gas appliances shall have a shut-off valve within 6 feet of the unit.
8. A minimum of 30" working space shall be provided in front of a furnace unit. Provide min. 3" clear space on each side and back of furnace unit.
9. All appliance vents shall be installed in accordance with manufacturer's instructions and with code-required clearances and locations. Vents passing through a roof shall extend through flashing and terminate in accordance with the manufacturer's requirements.

FIREPLACE NOTES (IRC R1004)

1. Gas fireplaces shall be U.L. approved. Manufacturer, model number, and other approval information shall be provided to the building inspector for approval.
2. The size of the hearth (noncombustible material) shall be per the manufacturer's approval.
3. All gas fireplaces require outside combustion air at a minimum rate of one square inch per 3000 BTU's. Opening must be in the top 12" of the room.
4. All gas piping systems are to be 40 oz. or less.
5. Combustion materials shall not be placed within 2" of firebox, smoke chamber, or chimney walls. Combustible materials shall not be placed within 6" of fireplace opening.
6. All gas fireplaces shall have a shut-off valve within 6 feet of the unit.

PROTECTION AGAINST DECAY (IRC R317)

1. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA UI for the species, product, preservative and end use (preservatives shall be listed in Section 4 of AWPA U1):
   a. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located (within the periphery of the building foundation.
   b. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8 inches (203 mm) from the exposed ground.
   c. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
   d. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
   e. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
   f. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.
   g. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder, is applied between the wall and the furring strips or framing members.
2. All wood in contact with the ground, embedded in concrete in direct contact with the ground or embedded in concrete exposed to the weather that supports permanent structures intended for human occupancy shall be approved pressure-preservative-treated wood suitable for ground contact use.

EXTERIOR WINDOWS (IRC R612)

1. Glazing in all windows shall be U = 0.34 or lower.
2. Glazing in shower doors or panels, and bathtub enclosures shall be tempered. -IRC Table 308.3
3. Glazing of tempered glass is required in all doors, in windows within 24" of an exterior door, in windows less than 60" above a walking surface that is within 36" of stairs, in windows within 60" of a spa or pool. IRC R308
4. Bedroom windows must have the clear opening within 44" of the floor. Minimum net clear opening shall be 5.7 sq.ft., with min. width of 20" and min. height of 24". IRC 310.1
5. Window wells shall provide a net clear opening of at least 9 sq.ft. and a minimum dimension of 36". A permanent ladder shall be installed is window well is greater than 44" deep.
   Window wells must be connected to building foundation drainage system, and have an approved alternate drainage system.
6. All basement windows not fully 6" above finish grade shall be protected by a window well.

FIREBLOCKING (IRC R302.11

1. Fireblocking is required in all wood-frame construction to cut off all concealed draft openings (both vertical and horizontal) and to form an effective fire barrier between stories.
2. Fireblocking materials shall meet the requirements or IRC R602.8.1.
3. Fireblocking is required vertically at ceiling and floor levels.
4. Fireblocking is required horizontally at intervals not exceeding 10 feet.
5. Fireblocking shall be provided at all interconnections between concealed vertical and horizontal spaces such as at soffits, drop ceilings, and cove ceilings.
6. Fireblocking shall be provided between stair stringers at the top and bottom of the run.
7. Fireblocking shall be provided at openings around vents, pipes, and ducts at ceiling and floor level.
8. Fireblocking is required in concealed spaces of stud walls and partitions vertically at the ceiling and floor levels, and horizontally at intervals not exceeding 10 feet.

FLASHING (IRC703.8)

1. Approved corrosion-resistant flashing shall be applied shingle-fashion in such a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:
   a. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage.
   b. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
   c. Under and at the ends of masonry, wood or metal copings and sills.
   d. Continuously above all projecting wood trim.
   e. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.
   f. At wall and roof intersections
   g. At built-in gutters.
   h. Where the eave of a sloped roof intersects a vertical side wall (kick-out flashing.)
2. Drip Edge flashing is required on rakes and eaves when installing asphalt shingles.

WINDOWS ON ELEVATIONS

1-16 XO 4830

17-22 AW-4230

Notes:

Hot Water pipes Insulated to ≥ R-3

Protection of Insulation on HVAC pipiing will be met.

Automatic or Gravity Dampers are Installed on all Air Intakes

DATE ISSUED
APR. 8, 2016

IVERSON DETACHED GARAGE
63 W. WESTWOOD RD, PARK CITY, UT

MAIN FLOOR PLAN

PROJECT NO.

SHEET NO.
A1.1

EXHIBIT C.1

EXHIBIT C.2

EXHIBIT D

From: Robert Olson
To: Amir Caus; Ray Milliner
Cc: Glenn Colvin; Chris Bullock; VJ Petitt; Sue White
Subject: Re: Iverson
Date: Wednesday, August 03, 2016 11:51:24 AM

The following is an attempt to respond to the Iverson proposal for Lot 139:

1. There already is a rental facility within the main dwelling and this precludes a second one in the auxiliary structure.

2. The request for an access road off Cottonwood Trl., while not specifically addressed in our ordinances, may be a violation of a Summit County Regulation/Ordinance. The address and driveway for the main house is on Westwood Rd.

3. The designated use for this auxiliary building needs additional clarification, e.g., it appears that the intent is to have a commercial facility and the property is presently not permitted with a commercial water right. SCSA#3 has recently contracted with a Water Attorney to determine the scope of the varied water rights we have, but the limitations presently understood are still somewhat confusing. Clarifications will take some time to obtain as this attorney proceeds to examine our water rights.

4. The extent of possible commercial activity may increase the overall costs associated with maintaining our roads, and Cottonwood Trl. is a gravel road that as such requires increased maintenance costs.

I realize that this is not a formal letter. Consider it a draft that can be edited for now. Our Secretary is presently out of State and therefore cannot help prepare a formal letter. She will return soon (I hope).

On Tue, Aug 2, 2016 at 12:15 PM, Robert Olson <bob@scsa3.org> wrote:

> I have not received the required input from Chris and Sue. Consequently, tomorrow morning may not be achievable.
>
> On Tue, Aug 2, 2016 at 12:09 PM, Amir Caus <acaus@summitcounty.org> wrote:
>
>> Bob,
>>
>> Just wanted to see where you guys are with the official letter for Iverson? My notices are due tomorrow morning, so I just wanted to get an update.
>>
>> Thanks!
>>
>> **Amir Caus**

EXHIBIT E.1

Luxury Mountain Destinations LLC

HOME PROPERTIES FAQS ABOUT US

Nature lovers dream with top reviews and creature comforts, from $100/night including ski season!

Park City, Utah, United States 84098

Photos Map Tweet

From:

$75 Per Night

More Info

Check in Check out

Guests 1

Check Availability

ASK QUESTIONS

Your Email

Message

Send

owner login

DESCRIPTION

Enjoy this new property with consistent 5 of 5 star reviews and the best rates in town.

You will enjoy your own portion (separate entrance / nothing shared other than the driveway) of this 7000+ square foot home with spectacular views of all three Park City ski resorts. All new with all your creature comforts taken care of.

Your private entrance will take you to a large hallway, complete with bench to remove your boots, and a boot / glove dryer to ensure that everything is ready to go in the morning. Ski racks are provided and there is plenty of additional room for gear, strollers, etc.

Proceed up the private stairway to the main living area. You will enjoy a kitchenette complete with fridge, dishwasher, coffee maker, microwave and toaster (no stove/cooktop but there is a gas grill with sideburner on the private balcony).

Enjoy the view from your private balcony/deck complete with gas grill.

Your bathroom is outfitted with natural stone, in a pattern reminiscent of the mountains, with granite and a copper sink.

There is a large main room, with tall vaulted ceilings and plenty of light. Here

DETAILS

- Accommodates: 5
- Bedrooms: 1
- Bathrooms: 1

EXHIBIT E.2

you will find your oversized king bed with tons of pillows, down comforter and duvet, memory foam mattress, etc. – everything you need for the most restful of sleeps. You will also find a table and six chairs, seating area with leather sofabed, and a large 55 inch flat screen satellite TV. Enjoy artwork featuring skiing of yesteryear.

There is a cute bonus room with vaulted ceilings and two twin beds.

Enjoy amazing views from both windows and balcony. Direct views of all three Park City ski resorts and the Olympic ski jumps. Amazing views both day and night (with slopes illuminated for night skiing).

Enjoy all the creature comforts that make for an enjoyable stay -- the most comfortable of beds, luxury cotton robes, boot/glove dryers – the little things that make a difference.

In terms of location you will be in the Silver Creek / Glenwild area, a area boasting tons of trails, nature and larger property sizes. Step out the door to enjoy an extensive network of trails for non-motorized activities (i.e., hiking, mountain biking and horseback riding). You will see horses (the area is the center of equestrian activities in Park City), deer, elk, moose and more. The area is centrally located with Kimball Junction, Redstone, Newpark and The Canyons 10 minutes in one direction; Deer Valley's back entrance and the Jordandelle reservoir 10 minutes the other direction; Historic Downtown Park City, Park City Mountain Resort and Deer Valley's main entrance 15 minutes away. Car is required (fyi - may cost no more than round trip ground transportation).

Property is priced attractively for a couple, yet can accommodate up to 4 adults or 2 adults and 3 children if so desired.

Also note that your stay will be supporting the environment as you are choosing a green property with a substantial portion of the property's power coming from rooftop solar.

Keywords: luxury, nature, comfort, views, hiking, biking, skiing, couple, family, green, environmental friendly

AMENITIES

- TV
- Cable TV
- Internet
- Wireless Internet
- Air Conditioning
- Heating
- Parking Included
- No Smoking

RATES AND AVAILABILITY

	Weeknight	Weekend Night	Weekly	Monthly	Min Stay
Standard Rate	$150 / night	N/A	N/A	N/A	N/A
Early Ski Season 11/20/2015 - 12/17/2015	$100 / night	N/A	$495 / week	$1295 / month	3
Christmas New Years 12/18/2015 - 01/02/2016	$150 / night	N/A	$1050 / week	N/A	4
Non-Holiday Ski Season 01/03/2016 - 01/20/2016	$120 / night	$150 / night	$700 / week	N/A	4

EXHIBIT E.3

Sundance Film Festival **01/21/2016 - 01/30/2016**	$150 / night	$185 / night	$1050 / week	N/A	3
Non-Holiday Ski Season **01/31/2016 - 02/10/2016**	$120 / night	$150 / night	$700 / week	N/A	4
Presidents **02/11/2016 - 02/19/2016**	$150 / night	$175 / night	$1050 / week	N/A	4
Non-Holiday Ski Seaon **02/20/2016 - 04/16/2016**	$120 / night	$150 / night	$700 / week	N/A	4
Spring **04/17/2016 - 06/23/2016**	$75 / night	$100 / night	$495 / week	$1295 / month	3
Summer **06/24/2016 - 10/22/2016**	$100 / night	N/A	$495 / week	$1495 / month	4

SPECIFIC RATE DETAILS

$500 security deposit will be charged to your card within three days of arrival, assuming that the rental is vacated with all articles remaining in the unit, with the accommodation in the same condition as it was upon check-in, security deposit will be reversed/refunded within three days of completion of stay.

Available Unavailable Past

July 2016

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

August 2016

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2016

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2016

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Previous Review Add a Review Next Review

Great Property

VRBO

Reviewed by Bob N. on February 16, 2014 for their trip during February 2014

A little bit off the beaten path, but everything you need and much more. Upscale property with great furnishings in a beautiful and quiet setting. Very roomy, larger than expected from the pictures. Owners very accommodating and make you feel like guests. Price is ridiculously low, hope to visit again soon.

EXHIBIT F.1

Amir Čauš
County Planner

August 26, 2016

Bradford and Tone Iverson
63 Westwood Rd.
Park City, Utah 84098

via e-mail: bradford.iverson@gmail.com

File Number: 16-140

Re: Low Impact Permit for property located at 63 Westwood Rd. (Parcel SL-C-139), Silver Creek, Summit County, Utah

Mr. Iverson:

This letter is to inform you that, following a hearing before the Snyderville Basin Planning Commission on August 23, 2016, the Snyderville Basin Planning Commission recommended denial of your application for a Low Impact Permit, pursuant to Section 10-3-4(C), Snyderville Basin Development Code. Based on that recommendation, and further review of your application, and all supporting evidence, for a Low Impact Permit for an Accessory Building with an Accessory Dwelling Unit, located at 63 Westwood Rd. (Parcel SL-C-139), Silver Creek, Summit County, UT, your request is **denied**. The Summit County Development Director found that the application does not comply with the criteria outlined in Sections 10-3-4(E) and 10-8-5 of the Snyderville Basin Development Code, as stated in the following Findings of Fact and Conclusions of Law.

Findings of Fact:

1. The property is located at 63 Westwood Rd. (Parcel SL-C-139), Silver Creek, Summit County, Utah.
2. The property is located in the Rural Residential (RR) zone.
3. Silver Creek Estates Unit C was recorded in 1963.
4. The subject property is currently developed with a single family residence.
5. Per Section 10-8-5(A.8) of the Snyderville Basin Development Code; *"A detached accessory dwelling unit shall not exceed one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit shall be limited to one thousand (1,000) square feet..."*
6. The intent of the proposed Low Impact Permit is to construct a 3,485 sq. ft. Accessory Building with 1,132 sq. ft. of it being used as an Accessory Dwelling Unit located within.
7. Per Section 10-4-19(K.1) of the Snyderville Basin Development Code; *"All walls described in subsection C of this section that are greater than sixty feet (60') in length, but less than one hundred feet (100') in length, must exhibit a prominent shift in the facade of the structure so that no greater than seventy five percent (75%) of the length of the facade appears linear. The shift shall be in the form of at least a ten foot (10') change in facade alignment. A series*

of shifts may be appropriate; provided, that the cumulative offset is at least ten feet (10'). A combination of both a roofline and facade change is encouraged, particularly when they occur at the same point."

8. The proposed Accessory Building is approximately 85 feet long, 41 feet wide, and approximately 24 feet in height.
9. The proposed Accessory Building does not provide the necessary shift in the façade as required by Section 10-4-19(K.1) of the Snyderville Basin Development Code.
10. Per the Snyderville Basin Development Code, *"Accessory Buildings"* between 2,000 sq. ft. and 10,000 sq. ft. are reviewed as a Low Impact Permit.
11. The Snyderville Basin Development Code establishes that the Community Development Director "is the Land Use Authority for [Low Impact Permits]."
12. Per Section 10-8-5 of the Snyderville Basin Development Code; *"No more than one accessory dwelling unit shall be permitted on a lot."*
13. During the August 23, 2016 Snyderville Basin Planning Commission, testimony was given from the neighbors that there already is an Accessory Dwelling Unit within the single family residence.
14. A rental advertisement issued by Luxury Mountain Destinations LLC, describes the existing Accessory Dwelling Unit.
15. Luxury Mountain Destinations LLC is registered at 63 Westwood Road, Park City, UT 84098.
16. Mr. Bradford Iverson testified during the August 23, 2016 Snyderville Basin Planning Commission that he has previously rented the existing Accessory Dwelling Unit.
17. Public notice of the public hearing was published in the Park Record on August 13, 2016.
18. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels on August 10, 2016.

Conclusions of Law:

1. The proposed project does not meet the requisite standards set forth in the Snyderville Basin Development Code, Section 10-3-4: Low Impact Permit.
2. The proposed project does not meet the requisite standards set forth in the Snyderville Basin Development Code, Chapter 4: Standards for Approval of Development Permits.
3. The proposed project does not meet the requisite standards set forth in the Snyderville Basin Development Code, Section 10-8-5: Accessory Dwelling Unit.

This denial may be appealed to the Summit County Council within ten (10) calendar days from the date of the decision (August 26, 2016).

If you have any questions, feel free to contact me at (435) 336-3117 or acaus@summitcounty.org.

Sincerely,

Amir Čauš

Amir Čauš
County Planner

cc: File # 16-140

EXHIBIT G.1

From: Richard Angell
To: Amir Caus
Cc: Pat Putt
Subject: Iverson Accessory Building Low Impact Permit - 63 Westwood Rd., Silver Creek, Summit County, UT - Parcel SL-C-139 (7.47 acres)
Date: Friday, August 19, 2016 3:20:57 PM
Attachments: PBLEmailLogo_381f54fd-56d9-48a6-9d8b-e08dd823f7d5.png
Luxury Mountain Properties.pdf
Entity Details LUXURY MOUNTAIN DESTINA... LLC - Utah Business Search - U....pdf

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Mr. Caus:

I recently received a public hearing notice for an application by Bradford Iverson requesting a Low Impact Permit for an 85 ft. x 41 ft. (3,480 approx.) "Barn/Accessory Building." According to the Public Hearing Notice, the Accessory Building will contain an Accessory Dwelling Unit.

To the extent this application seeks permission to construct a barn, I have no objection to that request. However, I do object to the inclusion of an Accessory Dwelling Unit as part of this permit. There already is an Accessory Dwelling Unit attached to the primary dwelling unit at 63 Westwood Road (Parcel SL-C-139). Based on information available online, this Accessory Dwelling Unit has been utilized as a nightly rental since at least 2011 when it was listed on the Vacation Rental By Owner ("VRBO") website as Listing Number 388097. The following YouTube link is a video tour of the Accessory Dwelling Unit: https://youtu.be/w9EBaYqyJak . As you can see from the video footage, the Accessory Dwelling Unit includes cooking, sanitation, and sleeping facilities.

The original VRBO #388097 listing appears to be inactive at this point. More recently, the Accessory Dwelling Unit at 63 Westwood Road was listed on "LuxuryMountainDestinations.com." I am attaching a PDF copy of the Google webcache page for this site as it appeared on June 19, 2016 18:24:04 GMT. The description of the Iverson's Accessory Dwelling Unit begins on the bottom of page 2 and carries over onto page 3. As you can see from the description next to the photo of the door to the Iverson's Accessory Dwelling Unit, it has "Bedrooms: 1 Bathrooms: 1" and "Sleeps 5." As far as the separateness of the living unit, their website states: "You will enjoy your own portion (separate entrance / nothing shared other than the driveway) of this 7000+ square foot home with spectacular views of all three Park City ski resorts. All new with all your creature comforts taken care…"

The LuxuryMountainDestinations.com website does not currently include the Iverson's Accessory Dwelling Unit among its listed properties. Although, it was listed on the website as of June 19, 2016, it appears to have been removed more recently – perhaps in relation to the pendency of the Iverson's Low Impact Permit application. LuxuryMountainDestinations.com is a website administered by Luxury Mountain Destinations LLC, a Utah limited liability company that uses 63 Westwood Road, Park City, Utah 84098, as its address and identifies Bradford Iverson as its registered agent. A copy of the Utah Division of Corporations listing for this business is also included for your reference.

The Staff Report related to this application is not available yet, so it is unclear whether the Planning Commission has accounted for this existing Accessory Dwelling Unit and recommended against granting this permit. In any case, it is imperative that the existing Accessory Dwelling Unit is accounted for as part of the application review process. The Rural Residential ("RR") zoning district allows that "[n]o more than one accessory dwelling unit shall be permitted on a lot." Snyderville Basin Development Code ("Code") Section 10-8-5(A). The Iverson's property already includes an Accessory Dwelling Unit attached to their existing home at 63 Westwood Road.

It is implausible that momentarily removing a rental listing for an existing Accessory Dwelling Unit – or even a representation that it will no longer be listed for rent in the future – means that Accessory Dwelling Unit no longer exists for purposes of compliance with the Code. If that were the case, landowners could routinely circumvent the Code by simply saying that an existing Accessory Dwelling Unit will no longer be used. There would be nothing preventing the original Accessory Dwelling Unit from being pressed back into service with the result being two, or more, such Accessory Dwelling Units existing on a lot and making a mockery of the Code and Summit County Planning Commission. Once a landowner commits to an Accessory Dwelling Unit on a lot, there cannot be haphazard representations or determinations about its future status when there is potential for a second Accessory Dwelling Unit to be approved in conflict with the Code.

This is especially important in neighborhoods like Silver Creek, where increased traffic and impacts on septic system capacity will have potentially severe results. We already have strangers arriving at our door late at night looking for the Iverson's current rental unit on their property. Allowing a second Accessory Dwelling Unit on the Iverson's lot will only increase this burden. These very types of impacts are the reason for the Code's limitation of no more than one accessory dwelling unit per lot. The Planning Commission needs to enforce this Code provision.

I plant to attend the meeting is scheduled for August 23 at 6 PM in the Richins Building and voice my objection in person. In the meantime please consider this information in advance of finalizing any decision by the Planning Commission as to whether the Iverson's Low Impact Permit application can be lawfully recommended or approved if it includes a second Accessory Dwelling Unit as part of the proposed barn. If scheduling conflicts prevent me from attending in person, please consider these written comments as the substantial equivalent of what I intend to state in person.

Thank you for your consideration of this information. Please contact me if you have any questions.

Best Regards,

Rick Angell
128 Westwood Road
(801) 971-7831

EXHIBIT G.2

PARSONS BEHLE & LATIMER
A Professional Law Corporation

Richard Angell | Attorney at Law | Admitted in Utah, Nevada, Arizona, Wyoming and Montana
Parsons Behle & Latimer
201 South Main Street, Suite 1800 | Salt Lake City, Utah 84111
Main 801.532.1234 | Direct 801.536.6754 | Fax 801.536.6111

parsonsbehle.com | RAngell@parsonsbehle.com | vCard

CONFIDENTIALITY NOTICE: This electronic mail message and any attachment(s) are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at 801.532.1234, and delete this original message.

EXHIBIT H.1

Community Development Department
P.O. Box 128
60 North Main Street
Coalville, Utah 84017
Phone: 435-615-3124
Fax: 435-615-3046
www.summitcounty.org

SUMMIT COUNTY UTAH

APPEAL OF A DECISION APPLICATION FORM

Owner(s) of Record:

Name: Bradford Iverson Phone: 224-622-1633

Mailing Address: 63 Westwood Rd

City: Park City State: UT Zip: 84098

E-Mail Address: bradford.iverson@gmail.com Fax: _____

Authorized Representative to Whom All Correspondence is to be Sent:

Name: Bradford Iverson Phone: 224-622-1633

Mailing Address: 63 Westwood Rd

City: Park City State: UT Zip: 84098

E-Mail Address: bradford.iverson@gmail.com Fax: _____

Project Information:

Parcel #: SL-C-139 Subdivision Name: Silver Creek Estates

Address: 63 W Westwood Road, Park City UT 84098 Section: ____ Township: _____ Range: _____

Do you currently have constructions plans turned in for Building Permit review? **YES (plan check #)** 6161 **NO**

Description of Appeal (please use additional sheets if necessary):

low impact denial that is in conflict with the Synderville Basin Development Code; not consistent with general Summit County practice

FOR OFFICE USE ONLY

□ $400.00

□ ***Snyderville Basin***
□ ***Eastern Summit County***

RECEIPT #: _____ DATE RECEIVED: _____ RECEIVED BY: ____

As of 1.22.15

EXHIBIT H.2

OWNER(S) ACKNOWLEDGEMENT

All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid. Notification and publication fees for required public hearing notices (individual notices mailed to property owners - $2.00 per notice; 14 day publication of legal notice in local newspaper - cost of notice) will be billed to applicant at the time a hearing is scheduled. Notification fees must be paid within 10 days of billing.

PLEASE NOTE REGARDING FEES; the payment of fees and /or the acceptance of such fees by County Staff does not constitute any sort of approvals, vesting, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Summit County may rescind any approval or sufficiency determination, or take other appropriate action.

Owner(s) Signature: _____ **Date:** 9/2/2016

Print Name: Bradford Iverson **Date:** 9/2/2016

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING
TUESDAY, AUGUST 23, 2016
Sheldon Richins Building (Library)
1885 West Ute Boulevard,
Park City, UT

COMMISSIONERS PRESENT:

Bea Peck, *Chair*
Julia Collins
Colin DeFord
Mike Franklin
Canice Harte
Greg Lawson

Regrets: Chuck Klingenstein

STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*
Amir Caus- *County Planner*
Patrick Putt– *Community Development Director*
Jami Brackin– *Deputy County Attorney*
Kathy Lewis– *Commission Secretary*

The regular meeting of the Snyderville Basin Planning Commission was called to order at 6:00 PM.

REGULAR SESSION

1. **General Public Input**

   The general public input session was opened. There were no comments made and the public input session was closed.

2. ****This item was moved to a date uncertain and public notice will be sent when it is rescheduled****
   Continued public hearing and possible action regarding a Plat Amendment to amend Lot 7 of the Cove at Sun Peak Subdivision Plat; 5420 Cove Hollow Lane; CSP-7; Jared Rakistis, applicant – *Sean Lewis, County Planner*

3. **Public hearing and possible action regarding a Low Impact Permit for an accessory building between 2,000 and 10,000 square feet in size; 63 Westwood Road; Parcel SL-C-139; Bradford Iverson, applicant – *Amir Caus, County Planner***

Planner Amir Caus showed a vicinity map with the location of the proposed accessory building. The applicant wishes to build an accessory building of approximately 3,480 square feet with a 1,100 square foot accessory dwelling unit. The structure is intended for future animals and their feed, storage of a boat, wave runners, a utility terrain vehicle, a future tractor and its implements, a vehicle, a camper trailer, and yard tools. An aerial identifying the buildable area was shown, along with a site plan, the floor plan, and elevation renderings.

Planner Caus said there are four discussion points that Staff would like the Commission to consider:

1. Does the house already have an accessory dwelling unit? It has been brought to Staff's attention that there is an existing accessory dwelling unit above the garage with a separate exterior entrance. The unit has been advertised online for nightly rentals. It has a double door to separate the home from the rental. If an accessory dwelling unit already exists, a second unit would not be permitted because the Development Code only allows one.

2. Another question concerns a second driveway accessing a second road. There is a 50 foot elevation drop from the primary entrance to the proposed area. The buildings would be approximately 400 feet from each other. It appears the proposed structure would be independent of and not accessory to the existing family home.

3. A third concern is the size of the accessory building and the accessory dwelling unit. The applicant believes that the 1,000 square foot mechanical room should not be counted as part of the total square footage; however, the Code requires all square footage needed to operate the structure to be included. If the Planning Commission finds there is not an existing accessory dwelling unit, the applicant can move forward with this application, but the project would need to be redesigned to stay within the maximum allowed square footage.

4. The fourth concern has to do with the architecture. The façade is linear. The Code requires a façade over 60 feet to have a prominent shift. This building does not. The applicant states this is the traditional style of barn in the area. Staff finds that the glazing and decking are not traditional of an agricultural barn.

Planner Caus showed a picture of the property. He pointed out the garage with the separate unit entrance. The location of the proposed barn was also pointed out. There is no service path between the two project sites. Staff recommends the Commission review the proposed Low Impact Permit and provide the applicant and Staff with direction.

Planner Caus said one public comment has been received. Mr. Richard Angell opposes the accessory dwelling unit, but not the accessory structure. He is of the opinion there is already an accessory dwelling unit in the home.

Chair Peck asked the applicant, Bradford Iverson, if he had any comments. Mr. Iverson said the fundamental question seems to be centered on if he has an accessory dwelling unit or not. He distributed a paper that he believed addressed this question. When he heard Staff had been told he already had an accessory dwelling unit, he invited Staff to come visit the property.

Mr. Iverson said he referred to the Snyderville Basin Development Code to find the definition of an accessory dwelling unit. The definition specifies that it contains cooking, sanitation, and sleeping facilities. He added that if someone had a relative in their guest bedroom, that wouldn't qualify as an accessory dwelling unit. He believes it is the cooking that differentiates a guest bedroom from an accessory dwelling unit. There is no cooking facility within the bedroom and it does not meet the definition of an accessory dwelling unit. This can be confirmed by the County employee who inspected the property.

Mr. Iverson said that Staff noted there is an exterior door; however, his master bedroom has an exterior door. That doesn't make it an accessory dwelling unit. He wants to build a self-contained place that his guests can come to. His wife is from Norway. When her family comes to visit, they stay for a long period of time.

Mr. Iverson said they are looking at combining a barn with the accessory dwelling unit, which makes it larger than the allowed square footage. He thought it would look nicer to combine these uses instead of having two separate structures. Mr. Iverson distributed letters from his neighbors saying they are in favor of the project.

Mr. Iverson said the question remains if he has an accessory dwelling unit based on the definition found in the Snyderville Basin Development Code. **Chair Peck** said she agrees that is the salient point. She said that just because it does not have an oven or a range doesn't mean it doesn't meet the definition. Mr. Iverson said the use of the bedroom has been mostly by his personal family. It is connected to their home. He thinks it is a guest room.

Mr. Iverson said the primary use has always been for family. Secondarily it has been rented in the past. It has never had cooking facilities. He said he can show different examples of people throughout Silver Creek that rent a room out on a regular basis. He passed out papers to the Commission that showed different rooms for rent. These have not been considered accessory dwelling units. **Chair Peck** said that may be because they haven't requested to build an accessory dwelling unit.

Commissioner DeFord asked if a microwave or a toaster is considered a cooking utensil. Attorney Brackin said they are, along with a mini-fridge. Mr. Iverson said many people have a mini-fridge or a toaster in a master bedroom or in a living room. He said he doesn't currently have a microwave or a toaster in the room. His daughter takes her coffeemaker down to her bedroom. That doesn't make it an accessory dwelling unit.

Mr. Iverson said he believes that he does not have a cooking facility in the room. He added that facility is not defined in the Code so he went to the dictionary for a definition. He read a definition from Marion Webster and an online dictionary. He believes if something is moveable and is not permanent it doesn't constitute a kitchen facility. It would be something that someone could live independently for an extended period of time.

COMMISSION COMMENTS AND QUESTIONS

Commissioner Franklin said he believes this is an accessory dwelling unit. He noted there is a barbeque grill on the patio. That is a cooking unit. It is a place where someone could prepare a meal. He supposed there has been a microwave and coffeemaker in the room if he has rented it out. Mr. Iverson said there was when he rented the room, but he hasn't offered it for some time. He added that he has two gas grills, one on the patio in the back and one on the deck in the front. That doesn't make both areas an accessory dwelling unit. **Commissioner Franklin** said that he has a double door between the home and the unit in question. This is so he can keep people from intruding into his home. That makes it an accessory dwelling unit.

Commissioner Collins referred to Mr. Iverson's statement that the accessory dwelling unit has mostly been for family. She said she has personally rented the unit. In August 2013 her aunt stayed there for over a week. In the fall of 2015, her friends rented it for over one month. In the fall of 2015, she checked into the availability of renting the unit for her family in February of 2016. In the course of 3½ years this unit has been widely used by her and her family. She knows that he has cooking facilities. He has dishes, a coffee maker, a microwave, and a fridge in the unit.
Mr. Iverson said that he has never disputed that it has been rented in previous times. "Rent" does not equal accessory dwelling unit according to the Code. **Commissioner Collins** asked if there are laundry facilities. Mr. Iverson said there is not and never has

been. He said the unit has two different accesses. One is through his office and one is an outside door. He said his master bedroom also has two entrances.

Commissioner DeFord noted that Exhibit E states the unit has a microwave. Mr. Iverson said he doesn't deny that it has had a microwave, but it is no longer there. **Commissioner DeFord** said according to Attorney Brackin that means it has cooking facilities. The facts are that it qualifies as an accessory dwelling unit.

Commissioner Lawson said he also believes it is an accessory dwelling unit because it has functioned as such. With the microwave, it meets the definition of an accessory dwelling unit. It qualifies as an accessory dwelling unit both by use and by its physical features.

Commissioner Harte said he sees a little more gray area than the rest of the Commission. He thinks Mr. Iverson's definition argument carries some weight. He added that it is clear that it has been used as an accessory dwelling unit. But even if they got past that point, there are others things that would not work out.

Attorney Brackin said in the past there have been several accessory dwelling units where the question of what is a kitchen or cooking facility has come into play. She can think of a fairly recent application where the property owner wanted to build an office above his garage. He intended to have a mini-fridge, microwave, and some other things but it was not a full kitchen. That application was denied because of the proposed cooking.

Attorney Brackin added that a lock-out unit has a different definition under the Code. The Commission needs to decide if this is an accessory dwelling unit based upon the cooking facilities that was part of the rental unit. If they find that it is an accessory dwelling unit, the applicant can go back and redesign the barn but it wouldn't include another space for human habitation.

Mr. Iverson asked if it is determined that he has an accessory dwelling unit, can something be done so that it no longer qualifies as an accessory dwelling unit. Attorney Brackin said he could work with Staff. To begin with, he should take out the double lock-out doors. There may be ways that he could come into compliance.

The public hearing was opened.

Rick Angell lives across the street from the proposed development. The Planning Commission seems to be identifying the same issues that concern him. He has some additional comments he would like to make.

He doesn't oppose the barn, but he does oppose the additional accessory dwelling unit. The size of the barn is interesting because it is being designed to accommodate eight vehicles. That seems large for a single family dwelling. This property has a history of rental use. The size of it has given him some concern. The rental activity has led to people arriving late in the night on his doorstep due to some housing number irregularities. There are some steep grades on the property. It would be a good fit if people were going to store boats or trailers in the barn.

Mr. Angell said his main concern is the accessory dwelling unit. In his advertisements, the applicant has described the unit as having a kitchenette. He doesn't think they need to get into a conversation if the appliances are bolted down. Mr. Angell read the rental description of the property which included a kitchenette complete with dishwasher, coffeemaker, fridge, microwave, and toaster. There is no stove or cook top, but there is a gas grill with side burner on a private balcony.

The property listing began in 2011 and was listed as recently as June 2016. This demonstrates the intent to rent the property for a long period of time. When a second accessory dwelling unit is built, he believes the door will go back on the hinges and the toaster will go back on the shelf.

Mr. Angell said in October 2015, the Commission discussed accessory dwelling unit provisions. At that time, Director Putt said he did not believe the accessory dwelling unit should allow the creation of additional density or additional impact on water or sewer.

Mr. Angell said the existing unit doesn't create additional impact because it is within the four walls of the family home. He said the proposed structure would require its own septic and its own water connection. It gets into the areas that Director Putt was explaining that accessory dwelling units were not meant to encroach.

Mr. Angell read some additional comments from the October 13, 2015 meeting from Administrator Barnes and Director Putt. He encouraged the Commission to be very thoughtful about the criteria to "undo" an accessory dwelling unit. This action could spread to other similar situations. There would be very little to stop earlier units from springing into being until the impacts spiral out of control.

John Tinklepaugh said he lives in Silver Creek. He said that Silver Creek has a large number of illegal rental units and houses. He doesn't believe this rental unit will ever go away. He has spoken in the past about water issues. They have over-utilized nonexistent or questionably existent water. He said he believes that Mr. Iverson and Mr. Angell are on wells, as is he. All of them have the potential to suffer from allowing additional uses on these properties.

Mr. Tinklepaugh said people are putting in extensive lawns. They are putting in massive numbers of trees. All of this will impact those who are on wells. No one at this meeting will come back and help them when they lose their water. He is hoping that Planner Strader's report on water concurrency will help to address this subject.

Mr. Tinklepaugh said a point that was not discussed is the 1,132 square feet that is outside what is allowed. It shouldn't even be considered because of that. The fact that rental rates have been advertised is an example of what has taken place in the past.

Mr. Tinklepaugh said there has never been a secondary road allowed for a single residence in Silver Creek. He believes the second road is desired because of the inconvenience of having those who rent this unit drive by his house on a dirt road. He understands these are County roads, but the Silver Creek residents are maintaining the roads. They end up subsidizing people with illegal activities.

Mr. Tinklepaugh said he has not seen a single barn that was constructed in the last few years that does not have an accessory dwelling unit. He ended by saying his main concern is about water.

The public hearing was closed.

Mr. Iverson said that he has two immediate neighbors that wanted to share their comments but weren't able to attend. He passed out statements from them. **Chair Peck** said this comes back to if there is already an accessory dwelling unit. It seems that the Commission thinks there is. She offered some solutions to the applicant. He can either choose to keep the current dwelling unit and change his plans for the barn or extinguish the current dwelling unit. If that were to happen, he could continue to work with Staff for the accessory dwelling unit in the barn.

Commissioner DeFord explained the Commission's role is to give a recommendation to Director Putt. Director Putt is the land use authority on this and he will make the final decision. His decision is appealable to the County Council.
Commissioner Franklin made a motion to forward a negative recommendation to the County Development Director. Commissioner Collins seconded the motion.

Attorney Brackin said there needs to be a basis for the motion stated. Commissioner Franklin withdrew the motion.

Commissioner Harte made a motion to forward a negative recommendation to the Community Development Director based on the Commission's finding that there is an existing accessory dwelling unit. Commissioner Franklin seconded the motion.

- **MOTION CARRIED (6-0)**

4. **<u>Public hearing and possible action</u> regarding proposed amendments to Sections 10-4-5, Chapter 10, and Chapter 11 of the Development Code clarifying the water concurrency requirements for the Snyderville Basin Planning District—*Jennifer Strader, Senior Planner***

Planner Jennifer Strader said in the year 2000, the County Commission adopted a water concurrency temporary zoning ordinance. This imposed temporary zoning regulations in the Snyderville Basin that tied development approvals to the availability of water. The intent of the ordinance was to ensure that the physical water supply existed rather than just the paper water rights before issuing any type of development permits. Between 2000 and 2005, various ordinances were adopted that further addressed water concurrency. In 2005, the water concurrency ordinance was added to the Development Code.

Planner Strader said the Summit County Board of Health has been working with the water suppliers, including Weber Basin Water Conservancy District. They agree that water concurrency should fall under the purview of the Health Department. Water concurrency regulations were implemented in the Health Code in June of this year.

The intent of these Code amendments is to ensure the Development Code is consistent with the Health Code and to clarify what is required before approval of a development permit. She said the amendment includes the following changes:

Items received from Brad Iverson, Appellant, 10/27/16

Summary of documents, exhibits and documentary evidence

Appeal of Low Impact Permit Denial – 63 Westwood Rd (Parcel SL-C-139)

I. Proposal Overview

A. Exhibit A (display) – Site Overview
B. Exhibit B (display) – Elevations & Materials

II. Per findings of fact #5-6 noting *"A detached accessory dwelling unit shall not exceed one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit shall be limited to one thousand (1,000) square feet"* and stating *"The intent of the proposed Low Impact Permit is to construct a 3,485 sq. ft. Accessory Building with 1,132 sq. ft. of it being used as an Accessory Dwelling Unit located within"*

C. Exhibit C – Synderville Basin Development Code, Section 10-11-1 Terms Defined
D. Exhibit D – Summit County Building Department Square Footage Calculation of 984 sq ft) 6/20/2016

III. Per findings of fact #7-9 noting "*All walls described in subsection C of this section that are greater than sixty feet (60') in length, but less than one hundred feet (100') in length, must exhibit a prominent shift in the facade of the structure so that no greater than seventy five percent (75%) of the length of the facade appears linear. The shift shall be in the form of at least a ten foot (10') change in facade alignment. A series of shifts may be appropriate; provided, that the cumulative offset is at least ten feet (10'). A combination of both a roofline and facade change is encouraged, particularly when they occur at the same point* " and stating "*The proposed Accessory Building does not provide the necessary shift in the façade as required by Section 10-4-19(K.1) of the Snyderville Basin Development Code"*

E. Exhibit E (display) – Illustrative Barns in Neighborhood
F. Exhibit F (display) – Ancillary Dwelling Units in Neighborhood
G. Exhibit B (display) – Elevations & Materials

IV. Per findings of fact #10-16 noting "No more than one accessory dwelling unit shall be permitted on a lot" and stating "rental

advertisement describes" and "Mr. Bradford Iverson testified during the August 23, 2016 Snyderville Basin Planning Commission that he has previously rented"

H. Exhibit G – Synderville Basin Development Code, Section 10-8-5 Accessory Dwelling Units/Agricultural Employee Dwelling Units
I. Exhibit C – Synderville Basin Development Code, Section 10-11-1 Terms Defined

V. Application Handling

i. Exhibit H – Summit County Low Impact Permit Process
ii. Exhibit I – Confirmation that planning has successfully completed review and are awaiting service provider comments to be followed by construction (7/11/2016)
iii. Exhibit J – Planning department about face (7/26/2016), the issues now being discussed not being issues prior to such out-of-sequence about face

Exhibit A - Site Overview

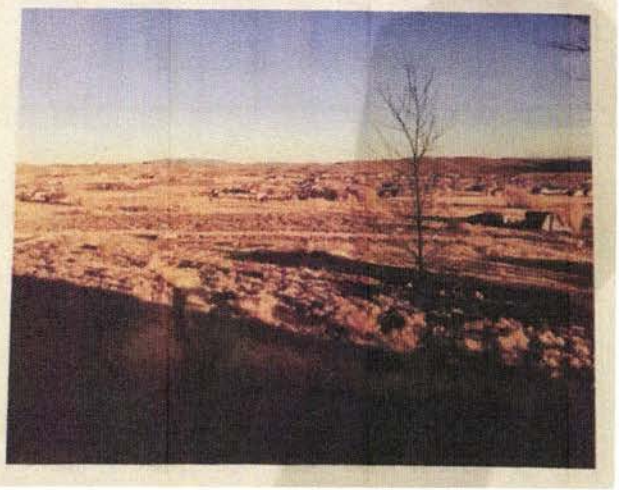
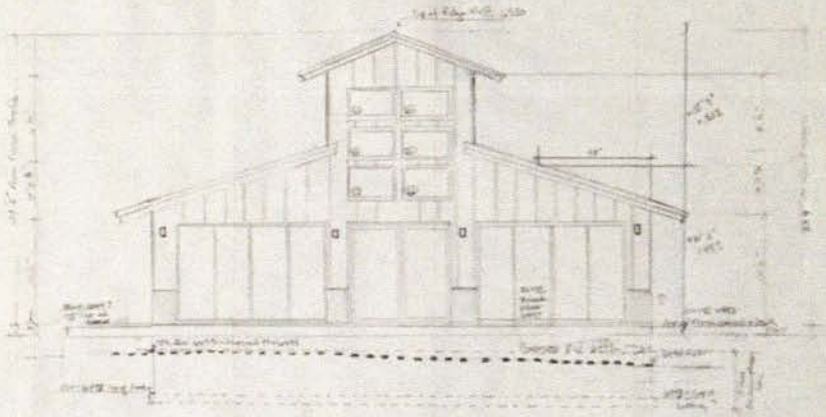


Exhibit B - Elevations & Materials (1 of 2)



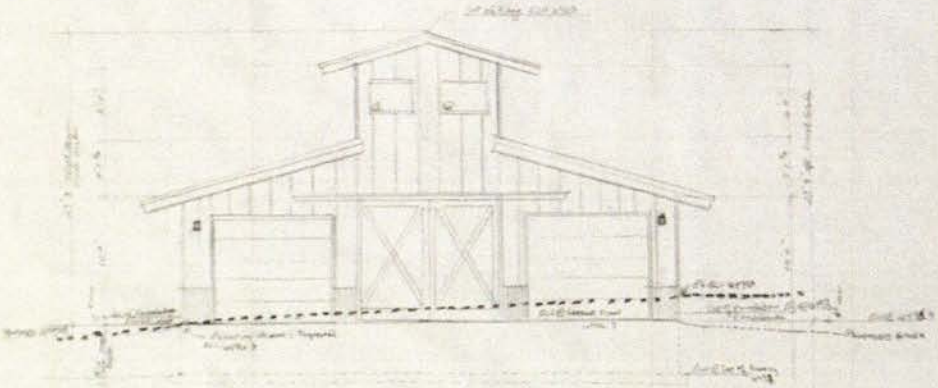
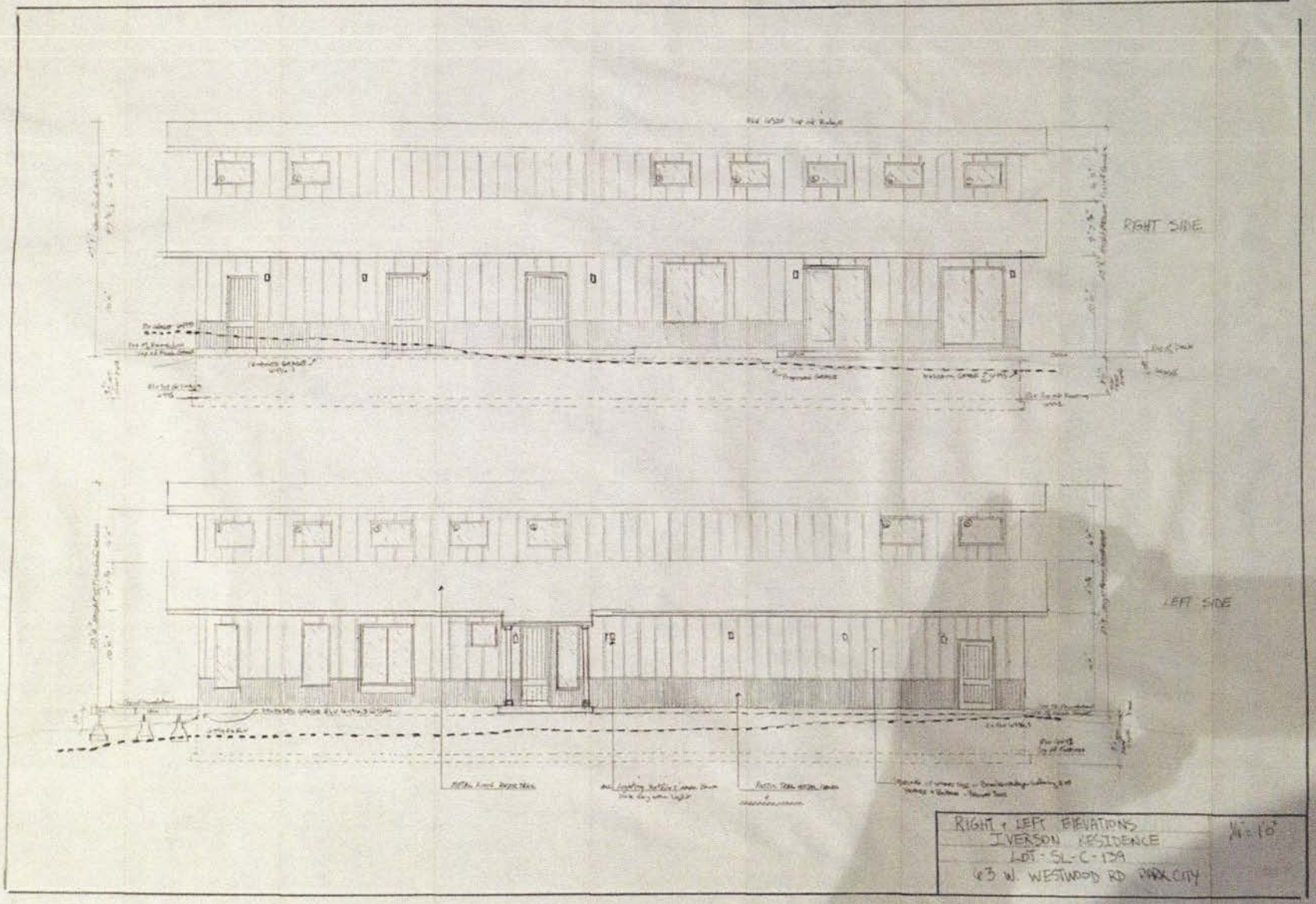


Exhibit B (continued)



Chapter 11
DEFINITIONS

10-11-1: TERMS DEFINED:

10-11-1: TERMS DEFINED:

For the purpose of this title, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this chapter. Words not defined herein shall have a meaning consistent with "Webster's New Collegiate Dictionary", latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

ABANDON OR ABANDONMENT: To leave, desert, or discontinue a use for a period of at least six (6) months.

ACCESSORY: Refers to a minor use, or structure, or on premises sign which is clearly subordinate to a principal use or structure which has been issued a permit under this title.

ADDITION: Any walled or roofed expansion of a building connected to an existing building by a common load bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load bearing walls in new construction.

ADJACENT: All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right of way or easement.

ADULT/SEX ORIENTED FACILITIES AND BUSINESSES: See definition in section 3-5-2 of this code.

ADVERSE IMPACT: Any potential or actual effect (impact) that is or may be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the reasonable use of property. The term includes secondary and cumulative as well as direct effects or impacts.

AGGRIEVED PERSON: The county, the county manager, the county council, commission, the director; applicants; persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand feet (1,000') of the exterior boundaries of a proposed development; and any other person having standing to challenge a development permit pursuant to Utah law.

AGRICULTURAL SALES AND SERVICE: An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural services with incidental storage on lots other than where the service is rendered. Typical uses include hay, feed and grain stores, agriculture processing facilities, husbandry.

AGRICULTURE: The tilling of soil, raising of crops, foraging, grazing, and animals/fish for commercial agricultural purposes, and not including logging, animal hospitals, recreational activity not normally associated with a farm/ranch, or similar uses.

ALTER OR ALTERATION: To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

AMORTIZATION: A method of eliminating nonconforming uses by requiring the termination of the nonconforming

use after a specified period of time.

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

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

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

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

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

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

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

APPLICANT: The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this title.

APPLICATION FOR DEVELOPMENT APPROVAL OR APPLICATION: Any written request completed in a manner prescribed in this title for approval or issuance of a development permit, including, but not limited to, general plan or development code amendments, subdivision plats, site plans, specifically planned area plans, building and development permits, variances, administrative relief and appeals, site plans, specific plans, and conditional use permits.

AUTHORIZED AGENT: Any person with valid authority provided by the owner, as evidenced by a notarized document authorizing the agent to represent the owner, and acting on behalf of the owner of land seeking a development permit approval.

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

AUTO RENTAL: Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

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

AUTOMATIC CONTROLLER: A mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

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

AUTOMOTIVE SALES: An establishment primarily engaged in the sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

AVAILABLE CAPACITY: A determination that the public facility or infrastructure required to serve a development will be available within a reasonable period of time following issuance of a development permit for a proposed development. For purposes of this title, the capacity provided by a public facility shall be considered "available" if such facility is in existence or is a planned capital improvement.

BOA: The board of adjustment of Summit County, Utah.

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

BAR: An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, nightclubs, private liquor clubs, saloons and other similar uses.

BASE AREA LIFT: Any lift which persons ordinarily use without first using some other lift.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on any side.

BED AND BREAKFAST INN: An owner occupied residence in which up to eight (8) rooms are rented for overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.

BERM: A manmade mound of earth contoured so as to form a mound above the general elevation of the adjacent ground or surface and used to shield and buffer various land uses.

BILLBOARD: A freestanding sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property on which the sign is located.

BOUNDARY LINE: A delineation that indicates or defines limits between differing areas.

BUBBLER: Water emission device that delivers water to the root zone by "flooding" the planted area or that throws water a short distance, one foot (1') or less, before water contacts the ground surface.

BUFFER: A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY: A building or structure which is subordinate to, and the use of which is incidental to that of, the principal building, structure or use on the same lot.

BUILDING AND MAINTENANCE SERVICES: An establishment primarily engaged in the provision of maintenance and custodial services to firms or dwelling units. Typical uses include exterminating services, disinfecting services, janitorial services, landscape maintenance, or window cleaning services.

BUILDING AREA: The portion of a lot which is within the envelope formed by the required yards or setbacks, within which a structure can be located.

BUILDING FRONTAGE: That side of a building which faces and is parallel to or most nearly parallel to a public or private road.

BUILDING HEIGHT: The maximum distance possible measured vertically from grade at any point to the top of a flat or pitched roof or other portion of a structure. (See definitions of Grade, Existing and Grade, Finished.)

BUILDING OFFICIAL: An employee of the county authorized to issue building permits and certificates of occupancy and to assist in the administration of this title.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated, and the use of which must be consistent with the permitted uses of the zone district in which it is located. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.

BUILDING SITE, BUILDING PAD: That part of a parcel of land designed to be occupied by the principal building and any accessory buildings.

BULK: The size and shape of buildings, structures, and nonbuilding uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure.

BULK REGULATIONS: Regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

CAMP: An establishment used to provide indoor and outdoor activities including, but not limited to, sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. When incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

CAMPGROUND: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

CANOPY: A rooflike cover that is nonpermanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

CAPACITY: The maximum demand that can be accommodated by a public facility without exceeding the adopted level of service.

CAPITAL IMPROVEMENT: An existing public facility with a life expectancy of three (3) or more years, owned and/or operated by or on behalf of a public entity or a private service provider.

CAPITAL IMPROVEMENT, PLANNED: A capital improvement which does not presently exist, but which is included within a capital improvement program or capital budget of a public entity or private service provider and to which funding has been committed pursuant to a currently available revenue source.

CAPITAL IMPROVEMENTS PROGRAM: A plan, organized by category of public facilities, including those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas or impact areas over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

CAR WASH: An establishment primarily engaged in the washing and cleaning of passenger or recreational vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means.

CEMETERY: The use or intended use of land for the burial of the dead, including pets, and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CENTRAL WATER SYSTEM: A public or private water company formed to serve development and which provides water treatment and distribution facilities. Also referred to as a community water system.

CERTIFY: Whenever this title requires an agency or official to certify the existence of fact or circumstance, such certification may be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

CHANGE OF USE: Any use which differs from the previous use of a building or land.

CHECK VALVE: A valve used in a pipeline that allows flow in only one direction.

CHILDCARE CENTER: Any place operated by a person, society, agency, corporation, institution, or any other group that is licensed by the state wherein are received nine (9) or more children under seventeen (17) years of age who are not related to such person and whose parents or guardians are not residents in the same house and with such person, society, agency, corporation, or institution responsible for the control and care of children enrolled therein.

CHILDCARE CENTER, IN HOME: Providing childcare services within a dwelling that is licensed by the state wherein are received nine (9) or more children under seventeen (17) years of age who are not related to such person and whose parents or guardians are not residents in the same house with such person responsible for the control and care of children enrolled therein.

CHILDCARE, FAMILY: A childcare facility operated by a party who resides at the premises used for childcare services, which provides service for fewer than nine (9) children.

CHILDCARE, IN HOME BABYSITTING: Providing childcare services within a dwelling home for four (4) or less children.

CHURCH: An institution that persons regularly attend to participate in religious services, meetings, and other related activities.

CLUSTER: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, other open space and for preservation of environmentally sensitive and critical areas.

COMMERCIAL KENNEL: Any premises, except where accessory to an agricultural use, where five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial.

COMMISSION: The Snyderville Basin planning commission, the appointment and duties of which are provided for in section 17-27-204 et seq., of the Utah code and section 10-9-10 of this title.

COMMON OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

COMPATIBILITY: The ability to locate new land uses beside existing land uses without causing adverse impacts.

CONCURRENCY: Requirement that applications for development permits demonstrate that adequate public facilities are available at prescribed levels of service concurrent with the impact or occupancy of the development.

CONDOMINIUM: Any structure which has been submitted to condominium ownership under the provisions of the Utah condominium ownership act, whether for residential, nonresidential, and any other use.

CONFORMING SIGN: A sign that is existing as of June 17, 1996, which complies with the standards set forth in this title.

CONSISTENT: An amendment to the Snyderville Basin development code, or to a development permit, shall be deemed "consistent" with the general plan only if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives and policies, set forth in the general plan and if it meets all other criteria enumerated in the general plan and this title. The term "compatible with" means that the code amendment or development permit is not in conflict with the general plan. The term "furthers" means to take action in the direction of realizing the goals, objectives and policies of the general plan.

CONSTRUCTION EQUIPMENT, STORAGE AND RENTAL: The storage of any equipment used in construction outside the principal or accessory buildings on a property and the temporary leasing of such equipment.

CONSTRUCTION MANAGEMENT OFFICE: A mobile home, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project.

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

CONSTRUCTION SALES, WHOLESALE: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

CONSTRUCTION SERVICES, CONTRACT: An establishment providing services relating to the maintenance or repair of domestic dwellings, including plumbing/heating/air conditioning, painting, electrical services, masonry, carpentry, roofing/sheet metal, concrete services, and well drilling.

COUNTY: Refers to Summit County, Utah.

COUNTY COUNCIL: The legislative body of Summit County, Utah.

COUNTY MANAGER: The chief executive officer of Summit County, Utah.

COVERAGE: The percentage of a development site devoted to impervious surfaces.

CREST OF HILL: The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hillcrest.

CRITICAL LANDS: For the purpose of this title, critical lands shall be deemed to be the following:

A. Critical Slopes: Land areas having slopes of thirty percent (30%) or greater.

B. Floodplains: All areas within a 100-year floodplain, as mapped for the federal flood insurance program, or as calculated by a qualified engineer, or where the prevailing or potential natural vegetation is riparian.

C. Wetlands: Areas identified as "jurisdictional wetlands" by the U.S. army corps of engineers.

D. Avalanche Zones: Avalanche zones contain three (3) points: the point of origin, the slide track, and the runout area. The development layout and design shall avoid areas which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical lands because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and, possibly, injury or loss of life to occupants.

E. Geologic Hazards: Geologic hazards include any kind of slope instability (landslides, rockfall, mudflows) or ground subsidence that may result from natural or manmade conditions and also any kind of seismic activity.

F. Ridgelines: Those areas identified on the ridgeline overlay zone map.

CULTURAL ACTIVITY: A facility providing nature exhibitions, libraries, museums, art galleries, botanical gardens, historic sites or similar uses displaying, preserving, and exhibiting objects, of community and cultural interest in one or more of the arts and sciences.

CURRENTLY AVAILABLE REVENUE SOURCES: An existing source or amount of revenue presently available to a public entity or private service provider that may be allocated toward capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement. The phrase "currently available revenue source" shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

CYCLE TIME: The length of water application periods used with irrigation.

DEDICATION: The legal transference of land without sale by a property owner to a public agency.

DEED RESTRICTION: A restraint on the use of land, usually set forth in the deed, which runs with the land and is binding upon subsequent owners of the property.

DENSITY: The number of dwelling units per acre with respect to residential land uses.

DEPARTMENT: The Summit County department of community development.

DESIGNATED ROADWAYS: Interstate I-80, Highways 224, 248, and 40.

DETAILED MASTER PLAN: Any plan adopted by the county council that further defines goals and objectives of the general plan, including neighborhood plan area plans, and which identifies specific permitted uses in the area encompassed by the detailed master plan.

DEVELOPABLE LANDS: Lands that do not contain critical lands and are considered suitable for development.

DEVELOPER: The owner or authorized agent of land proposed to be subdivided or developed who is responsible for any undertaking that requires review and/or approval pursuant to this title.

DEVELOPMENT AGREEMENT: An agreement between a developer or property owners and the county pursuant to the provisions herein and as used as an implementing device for a specially planned area zone district, referenced therein as a SPA plan.

DEVELOPMENT OR DEVELOPMENT ACTIVITY: Any of the following activities requiring a permit pursuant to this title:

A. Change in use.

B. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.

C. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long term storage of materials.

D. Erection of a sign.

E. Alteration of a historic property for which authorization is required under this title.

F. Any activity increasing the need for parking or generating additional traffic.

G. Construction, elimination or alteration of a driveway onto a public road.

H. Demolition of existing structures.

DEVELOPMENT PERMIT: Any approved building permit; conditional use permit; a specially planned area plan, final subdivision plat or other plat approval; final site plan; sign permit; or any other official action of the county or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the geographic area subject to the provisions of this title.

DIRECTIONAL SIGN: A sign which serves as a directional guide through or to areas, events, buildings or structures and contains no advertising copy and is less than two (2) square feet in area and not over four feet (4') in height.

DIRECTOR: The director of the Summit County department of community development or authorized designee.

The director can designate the planning and zoning administrator when appropriate to fulfill the responsibilities authorized in this title.

DRIP EMITTER: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

DUAL STREAM RECYCLING: A form of recycling collection where recyclables are separated into two (2) different streams and collected separately, such as fiber (paper/cardboard) in one stream and rigid containers (plastic, aluminum or glass) in the other stream.

DWELLING UNIT: A building or portion thereof containing living facilities, including provision for sleeping, eating, cooking, and sanitation, and is intended for occupancy by a family and its guests, independent of other families. May also be referred to as a dwelling.

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

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

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

DWELLING UNIT, SINGLE-FAMILY ATTACHED: A dwelling unit in a structure containing three (3) or more units sharing one or more vertical common walls and no horizontal floors and ceilings, each of which is designed for and used as a dwelling unit exclusively by one family and its guests. May also be referred to as a townhouse.

DWELLING UNIT, SINGLE-FAMILY DETACHED: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one family and its guest. Only one of these dwelling units is permitted for each lot of record when identified as a permitted or conditional use, unless otherwise stated in this title. May be referred to as a single-family detached dwelling unit.

DWELLING UNIT, TWO-FAMILY OR DUPLEX: A building containing two (2) dwelling units and sharing a common vertical or horizontal wall or floor, and designed for occupancy by two (2) families in separate units.

EMERGENCY SERVICES: Either: a) the evacuation by helicopter of person(s) where emergency care is necessary to prevent death or serious impairment of health, or b) the use of a helicopter for firefighting or law enforcement purposes.

EMITTER: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

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

EXTERNAL BUFFER: A vegetated area along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

FAMILY: A single individual, doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate

Exhibit D

SUMMIT COUNTY
BUILDING INSPECTION DIVISION
Ordinance No. 834-2014

OWNER(S):	Iverson	**FEES BY:**	Robert Taylor
JOB ADDRESS:	63 W. Westwood Rd	**DATE:**	June 20, 2016
CONTRACTOR:		**PLAN CHECK#**	6161

I. Building Valuation

Cost per Square Foot:

250 - 1300 = $98.95	1801 - 1900 = $104.89	2401 - 2500 = $110.82
1301 - 1400 = $99.94	1901 - 2000 = $105.88	2501 - 2600 = $111.81
1401 - 1500 = $100.93	2001 - 2100 = $106.87	2601 - 2700 = $112.80
1501 - 1600 = $101.92	2101 - 2200 = $107.86	2701 - 2800 = $113.79
1601 - 1700 = $102.91	2201 - 2300 = $108.55	2801 - 2900 = $114.78
1701 - 1800 = $103.90	2301 - 2400 = $109.83	2901 - 3000 = $115.77
		3001 & UP = $116.76

ITEM		AREA		VALUE/FT.		VALUATION
Finished Lower Level		0		$0.00		$0.00
Main Floor Level		984		$98.95		$97,366.80
Upper Floor Level		0		$0.00		$0.00
Garage		2460		$37.87		$93,160.20
Decks		682		$5.00		$3,410.00
Total Building Valuation						$193,937.00

II. Building Permit Fee: (Minimum $25.00)		$1,454.53
III. Plan Check:		$945.44
IV. Electrical Fee:	$10.00 + (Finished living space and garage x $0.03/sq. ft.)	$113.32
V. Plumbing Fee:	$10.00 + (Finished living space x $0.025/sq. ft.)	$34.60
VI. Mechanical Fee:	$10.00 + (Finished living space x $0.025/sq. ft.)	$34.60
VII. 1% State Surcharge Fee:		$16.37
VIII. Total of Permit Fees:		$2,598.86
IX. Prepaid Deposit:		$200.00
X. Amount Due:		$2,398.86

Exhibit E - Illustrative Barns in Neighborhood

Exhibit F- Ancillary Dwelling Examples in Neighborhood

Exhibit G

10-8-5: ACCESSORY DWELLING UNITS/AGRICULTURAL EMPLOYEE DWELLING UNITS:

A. Accessory Dwelling Units: An accessory dwelling unit may be allowed as an incidental residential use on the same lot as the main dwelling unit in the RR, HS, MR, and NC zone districts. No more than one accessory dwelling unit shall be permitted on a lot. An accessory dwelling unit shall conform to the following criteria:

1. The accessory dwelling unit must be constructed at a location approved by the CDD or designated planning staff member.
2. The minimum parcel size for a lot containing a primary dwelling unit and an accessory dwelling unit which is not attached to or within the primary dwelling unit shall be one-half ($^1/_2$) acre. There is no minimum acreage requirement for lots with accessory dwelling units which are attached to or within the primary dwelling unit. Accessory dwelling units considered to be attached to or within the primary dwelling units shall have at least one common wall.
3. The accessory dwelling unit may not be sold separately from the entire property, including the primary dwelling unit.
4. Setback requirements shall be the same as for the primary structure.
5. A building permit shall be required for an accessory dwelling unit.
6. Accessory dwelling units shall conform to the height limitations of the primary structure.
7. A certificate of occupancy for an accessory dwelling unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary use structure on said property.
8. A detached accessory dwelling unit shall not exceed one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit shall be limited to one thousand (1,000) square feet. Other provisions of this title apply to the size and permitting of the larger accessory structure.

9. A restrictive use covenant shall be signed and recorded by the property owner prior to building permit issuance for the accessory dwelling unit. The restrictive use covenant shall state that the accessory dwelling unit may not be sold separately from the entire property, including the primary residence, and that the dwellings may not be condominiumized.

B. Agricultural Employee Dwelling Unit: An agricultural employee dwelling unit is a one-family dwelling located on an agricultural parcel/lot. The dwelling must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural employee dwelling unit shall conform to the following criteria:
1. Before an agricultural employee dwelling unit is approved, the applicant must demonstrate that the property on which the dwelling will be located contains a viable agricultural operation as defined in chapter 11 of this title.
2. An agricultural dwelling unit shall contain cooking, sanitation and sleeping facilities.
3. The agricultural employee dwelling unit may not be sold separately from the sale of the entire property, including the primary residence.
4. A low impact permit and a building permit shall be required for an agricultural employee dwelling unit.
5. Setback requirements shall be the same as for the primary residence.
6. A certificate of occupancy for an agricultural employee dwelling unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary residence on said property.
7. An agricultural employee dwelling unit shall not exceed two thousand (2,000) square feet of gross square footage, as measured from exterior wall to exterior wall. An agricultural employee dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the agricultural dwelling unit itself shall be limited to two thousand (2,000) square feet. Other provisions of this title apply to the size and permitting of the larger accessory structure.
8. A restrictive use covenant shall be signed and recorded by the property owner prior to building permit issuance for the accessory dwelling unit. The restrictive use covenant shall state that the

accessory dwelling unit may not be sold separately from the entire property, including the primary residence, and that the dwellings may not be condominiumized. (Ord. 708, 12-10-2008)

Exhibit H

Successfully Complete as of 7/11/2016 per exhibit I

SUMMIT COUNTY UTAH

LOW IMPACT PERMIT

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

Application Submitted

Planner reviews application to ensure completeness and consistency with development approval criteria

If the application is incomplete, the Planner will contact the applicant to request further information

Applicant will submit requested information

Planner sends application to applicable service providers/affected agencies

Upon receipt of service provider comments and distribution to the applicant, the planner approves, approves with conditions, or denies the application

In cases where additional public comment is needed, the planner will schedule a public hearing before the Planning Commission, which includes sending public notices to property owners within 1,000' from the property

After conducting a public hearing, the Planning Commission recommends approval, approval with conditions, or denial of the application to the Community Development Director

The Director approves, approves with conditions, or denies the application

Application Denied

Affected party has 10 days from the date of denial to appeal the action of the Director to the County Council

Application Approved

Applicant will receive final approval confirmation from the planner

Exhibit I

Gmail

Brad Iverson <bradford.iverson@gmail.com>

Wrapping it up

Amir Caus <acaus@summitcounty.org> Mon, Jul 11, 2016 at 2:15 PM
To: "Brad Iverson (bradford.iverson@gmail.com)" <bradford.iverson@gmail.com>

Brad,

As the service provider period will wrap up in two weeks, I wanted to notify you of a few things that will need to happen before you commence construction. I wanted you to be aware of this, so that you can maximize your construction period.

We will need a landscape security bond in the amount of one hundred twenty percent (120%) of the total cost of the site restoration estimate. The security is to ensure the proper revegetation of the disturbed areas. A signed estimate from a landscaper will need to accompany the bond.

We will also need you to sign a Restrictive Use Covenant with the Community Development Department. It will need to be recorded with the Summit County Recorder against parcel SL-C-139 to further ensure restrictions of the subject structure, Accessory Building, Accessory Dwelling Unit, and property.

The Restrictive Use Covenant can be taken care of any time over the counter when you submit the bond. The bond will be returned once a confirmation of completion has been recorded.

Please let me know if you have any questions.

Thank you.

Amir Caus

County Planner
Summit County Community Development
P.O. Box 128
60 North Main
Coalville, UT 84017
(435)336-3117

(435)608-4398 fax
acaus@summitcounty.org

P *Please consider the environment before printing this e-mail.*

Exhibit J

Gmail

Brad Iverson <bradford.iverson@gmail.com>

left voice mail, please give me a ring

Amir Caus <acaus@summitcounty.org>
To: Brad Iverson <bradford.iverson@gmail.com>

Tue, Jul 26, 2016 at 4:57 PM

Hello Brad,

I am very sorry that I have been unable to answer my voicemails. I am still very ill and will potentially not be in for another day.

Note: Our review is based off of Chapter 4 development standards. All development permits must meet the development standards set in Chapter 4. Please find attached Chapter 4 of the Snyderville Basin Development Code.

Below are a few comments I wanted to send you last week, but didn't get a chance to. I hope to do a comprehensive analysis as soon as I return.

- I wanted to note that the laundry and mechanical room are not being counted as part of your proposed plan. The 1,000 sq. ft. is gross and is measured from exterior wall to exterior wall. That layout will need to be adjusted as such to recognize that the mechanical and laundry are part of the gross square footage measured.
- Please label the exterior materials and colors.
- Per Section 10-4-19(K.1) of the Snyderville Basin Development Code; Walls that are greater than 60' in length, but less than 100' must exhibit a prominent shift in façade. of the structure so that no greater than seventy five percent (75%) of the length of the facade appears linear. The shift shall be in the form of at least a ten foot (10') change in facade alignment. A series of shifts may be appropriate; provided, that the cumulative offset is at least ten feet (10'). A combination of both a roofline and facade change is encouraged, particularly when they occur at the same point.
- There is no cut and fill analysis.
- No slope stabilization/revegetation is being shown.

As you are aware based on your previous e-mails, there has been an increased concern in your neighborhood with accessory buildings. As such, I have been authorized to bring this item before the Planning Commission as

a few of your other neighbors have been before them recently. We will be able to discuss items such as the definition of an Accessory Dwelling Unit and compliance with Chapter 4.

Unfortunately, the agenda for the August 9th Snyderville Basin Planning Commission has already been filled. The next available meeting we would be looking at is on August 23rd. I will confirm with you as soon as I get back into the office. Once I can confirm the slot on the agenda, I will send out the public notices and will begin to write my Staff Report.

Again, I apologize for my absence from work.

Amir Caus

County Planner
Summit County Community Development
P.O. Box 128
60 North Main
Coalville, UT 84017
(435)336-3117
(435)608-4398 fax
acaus@summitcounty.org

P *Please consider the environment before printing this e-mail.*

From: Brad Iverson [mailto:bradford.iverson@gmail.com]
Sent: Tuesday, July 26, 2016 2:54 PM
To: Amir Caus
Subject: Re: left voice mail, please give me a ring

[Quoted text hidden]

Chapter 4.pdf
9219K

MOUNTAIN ACCORD

Central Wasatch Commission

Central Wasatch Commissioners

- Salt Lake County
- Salt Lake City
- Sandy City
- Cottonwood Heights
- UDOT
- Wasatch Back (Park City)

Stakeholders Council Members

28-35 representatives:

- USFS
- Local governments
- UTA, UDOT
- Environmental interests
- Ski resorts
- Recreation interests
- Residents, landowners

The Central Wasatch Commission (CWC) is being formed as an interlocal agency and a political subdivision of the State of Utah. The CWC will ***formalize collaboration and streamline decision-making*** among the multiple jurisdictions with authorities in the Central Wasatch Mountains. The area of focus is between I-80 and the Salt Lake County line south of Little Cottonwood Canyon.

The purpose of the CWC is to implement the Accord, signed in August 2015. Specific objectives include:

- engage the public, collaborate with stakeholders
- transportation solutions focused on transit, walking, biking
- visitor amenities, trails, and canyon stewardship
- watershed protection

A Stakeholders Council will also be formed as an advisory body to the CWC. Stakeholder Council Members will be appointed by the CWC.

The Stakeholders Council is where ***regular, public dialogue*** will occur on CWC objectives and projects. The Stakeholders Council will make recommendations to the CWC for implementation.

Authorities	No Authorities
• Powers granted by the Interlocal Cooperation Act • Enter contracts, hire staff • Collectively seek, hold, distribute funds	• No authorities given up by partner entities • No regulatory authority • No authority over local land use/zoning • No authority to levy tax • No condemnation authority

MOUNTAIN ACCORD

Mountain Accord / Central Wasatch Commission Transition Fact Sheet

Mountain Accord

- Mountain Accord brought together disparate interests in a collaborative manner to settle decades of conflict and create a sustainable plan for the preservation of the Central Wasatch mountains.
- The Executive Board included more than 20 representatives from federal, state and local governments and agencies, environmental advocacy groups, and private interests.
- Mountain Accord was not a public body nor was it a government entity.
- The project was initiated through a Program Charter in February 2014.
- The results were memorialized in an Accord in August 2015.
- Neither the Program Charter nor the Accord are legally binding documents.
- Funds were contributed and allocated to projects through Interlocal Agreements (legally binding) between the local governments on the Executive Board.
- Mountain Accord operated in an open and transparent manner.
    - Executive Board meetings were open to the public (30 meetings).
    - System Group Committee meetings for Environment, Recreation, Transportation, and Economy were open to the public (more than 30 meetings).
    - Executive Board and System Group meeting notices and notes were posted on Mountain Accord's website mountainaccord.com.
    - There were many opportunities for public engagement and comment, including more than 20 open houses and forums.
    - Because Mountain Accord was a project, not a political subdivision of the state, it was not possible to post meetings to the Utah Public Meetings Website.

Central Wasatch Commission (CWC)

- The CWC, now under consideration by local governments, will be a governmental entity. It will formalize the Mountain Accord collaborative effort.
- A Stakeholder Council will advise the CWC and will include all the jurisdictions with authority in the mountain area plus residents, private interests, and advocacy groups.
- CWC and Stakeholder Council meetings will be open to the public and will comply with the Utah Open Meetings Act, as outlined in the draft Interlocal Agreements.

Funding and Contracting

- The state of Utah and local government partners have contributed approximately $7.6 million to the effort.
- Funds are in a holding account at UTA.
- Approximately $5.9 million has been spent as of August 2016.
- Consultants were hired through public, competitive bid processes through UTA and local government partners. Requests for proposals were advertised on partner and Mountain Accord websites.

8/26/16 Draft

INTERLOCAL ASSIGNMENT, ASSUMPTION & CONSENT AGREEMENT

This Interlocal Assignment, Assumption and Consent Agreement (this "Agreement") is entered into effective _____ _____, 2016 by and among Cottonwood Heights ("Cottonwood Heights"), Draper City ("Draper"), the Metropolitan Water District of Salt Lake & Sandy ("MWDSLS"), Park City Municipal Corporation ("Park City"), Sandy City ("Sandy"), Salt Lake City ("SLC"), Salt Lake County ("Salt Lake County"), Summit County ("Summit County"), the Town of Alta ("Alta"), Utah Department of Transportation ("UDOT"), Utah Transit Authority ("UTA"), the Wasatch Front Regional Council ("WFRC") and the Central Wasatch Commission (the "Commission"). Each is individually referred to as a "Party" and collectively as the "Parties."

RECITALS:

Whereas, most of the parties to this Agreement (namely, Cottonwood Heights, MWDSLS, Park City, Sandy, Salt Lake City, Salt Lake County, Summit County, Alta, UDOT & UTA, called the "Phase I Parties") have previously entered into a Program & Funding Agreement for Wasatch Summit Phase I (the "Phase 1 Agreement") dated February 3, 2014;

Whereas, the Phase I Parties, along with Draper and WFRC (the "Phase II Parties") also signed the Program & Funding Agreement Mountain Accord Phase II (the "Phase II Agreement") dated February 16, 2016, which superseded the completed Phase I Agreement;

Whereas, the Mountain Accord Executive Committee subsequently recommended that the Phase II projects and funding be transferred to a new Interlocal governmental entity;

Whereas, the Commission has been formed pursuant to the Utah Interlocal Cooperation Act, UCA Title 11, Chapter 13 (the "Interlocal Act"), to assume the management of the Mountain Accord Charter and the Accord (dated July 13, 2015) (the "Mountain Accord");

Whereas, the WFRC is currently managing two of the Phase II Projects;

Whereas, Salt Lake County is currently managing one of the Phase II Projects;

Whereas, Summit County is currently managing one of the Phase II Projects; and

Whereas, the Parties now desire to assign and transfer the remaining rights and obligations of the Phase II Agreement to the Commission.

AGREEMENT:

NOW, THEREFORE, in consideration of the recitals, mutual covenants and agreements herein set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. ASSIGNMENT AND ASSUMPTION. The remaining rights and obligations of the Phase II Agreement are hereby assigned and delegated to the Commission. The Commission accepts and assumes the remaining rights and obligations of the Phase II Agreement.

2. FUNDING. The Phase II Agreement requires the Phase II Parties to contribute funding as shown on Table 1. These amounts were payable over a 3-year period of work pursuant to the Phase II Agreement. As of the date of this Agreement, the Phase II Parties have contributed the amounts shown on the Table 1 and acknowledge that the remaining amounts are due on the timetable specified in the Phase II Agreement:

Table 1.

Parties	Amount allocated	Amount Paid for 2015	Remaining Allocation for 2016 - 2017
Cottonwood Heights	$150,000	$50,000	$100,000
Draper	180,000	60,000	120,000
MWDSLS	300,000	100,000	200,000
Park City	300,000	100,000	200,000
Sandy	300,000	100,000	200,000
SLC	600,000	200,000	400,000
Salt Lake County	600,000	200,000	400,000
Summit County	150,000	50,000	100,000
Alta	45,000	15,000	30,000
UDOT	150,000	50,000	100,000
UTA	600,000	0*	600,000*
Totals	$3,375,000	$925,000	$2,450,000

Note *: Although UTA will not pay the $600,000 in cash for the Phase II projects, it will provide $600,000 in additional bus service over the same three-year period provided in the Phase II Agreement. The $200,000 due in 2015 has been approved by the UTA Board as an in-kind contribution for additional bus service in 2016. In 2016 UTA, subject to Board approval, plans to pay the remaining $400,000 over a two-year period by providing $200,000 in additional bus service for 2017, and another $200,000 in additional bus service for 2018.

3. UTA HOLDING ACCOUNT. The cash heretofore contributed by the Phase II parties has been deposited in the UTA Holding Account established by the Phase I Agreement and the Phase II Agreement. UTA shall transfer all funds in the UTA Holding Account to the Commission as soon as practicable after the effective date of this Agreement. At the time of transfer, UTA will provide the Commission with an accounting of all funds received and disbursed from the UTA Holding Account, reconciling receipts and disbursements to the amount being transferred to the Commission.

4. CURRENT PHASE II PROJECTS. The following Phase II projects are currently under way:

a. WFRC has a program director contract (the "Program Director Contract") with LJ Consulting. $1,000,000 has been transferred from the UTA Holding Account and received by

WFRC for use under the Program Director Contract. As soon as practicable after the effective date of this Agreement, WFRC will assign the Program Director contract to the Commission together with (i) the remaining funds held by WFRC for the Program Director Contract; (ii) an accounting for all funds received from the UTA Holding Account and disbursed by WFRC for the Program Director Contract, and (iii) a progress report on the Program Director Contract. The Commission accepts the assignment and assumes responsibility for the Program Director Contract.

b. WFRC has entered into a Cottonwood Canyons transportation study contract (the "*Canyons Transportation Study Contract*") with WSP / Parsons Brinckerhoff. $1,000,000 has been transferred from the UTA Holding Account and received by WFRC for use under the Canyons Transportation Study Contract, work under which is ongoing. As soon as practicable after the effective date of this Agreement, WFRC will assign the Canyons Transportation Study Contract to the Commission together with (i) the remaining funds held by WFRC for the Canyons Transportation Study Contract; (ii) an accounting for all funds received from the UTA Holding Account and disbursed by WFRC for the Canyons Transportation Study Contract; and (iii) a progress report on the Canyons Transportation Study Contract. The Commission accepts the assignment and assumes responsibility for the Canyons Transportation Study Contract.

c. Salt Lake County has received $250,000 from the UTA Holding Account for an “Environmental Dashboard” project. Those funds will remain with Salt Lake County for the operation of the project. Salt Lake County will provide periodic reports to the Commission on the "Environmental Dashboard" project, including a final report upon its completion.

d. Summit County has received $400,000 from the UTA Holding Account for an I-80 transportation study (the "I-80 Study"). Those funds will remain with Summit County for the operation of the project. Summit County will provide periodic reports to the Commission on the I-80 Study, including a final report upon its completion.

5. INVOICES. Payments for existing contracts are currently subject to the Phase II Agreement, Paragraph 11 Payment of Invoices requirements. Those payment requirements shall continue to be used hereunder until the Commission develops and implements a new procedure for processing and payment of project/program invoices, including the projects referenced in paragraph 4 above.

6. ENTIRE AGREEMENT; AMENDMENT. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by any Party or agents of any Party that are not contained in this Agreement shall be binding or valid. Alterations, extensions, supplements or modifications to the terms of this Agreement shall be agreed to in writing by the Parties, incorporated as amendments (an “Amendment” or “Amendments”) to this Agreement, and made a part hereof. To the extent of any conflict between the provisions of this Agreement and the provisions of any later Amendments, the later Amendments shall be controlling.

7. RECORDS. Records pertaining to this Agreement, specifically including but not limited to records pertaining to procurement or financial matters under this Agreement, will be subject to the Utah Government Records Access and Management Act and other applicable state and federal law. Records created by or through work performed by Commission staff or consultants shall be maintained by such staff and consultants in accordance with their respective duties and scopes of work.

8. WITHDRAWAL FROM AGREEMENT. Any Party may withdraw from participation in the Program as defined under the Phase II Agreement by giving written notice of such termination to all other Parties and specifying the effective date thereof. No Party or Parties withdrawing from participation shall be entitled to any refund of any monies previously contributed pursuant to the Phase II Agreement; provided, however, any such Party or Parties shall not be obligated to make any further contributions contemplated in the Phase II Agreement following the date of such withdrawal.

9. TERMINATION OF THE AGREEMENT. If the Commission determines the Phase II Projects should be discontinued and the Commission terminated, any remaining funds after payment of all Commission liabilities shall be refunded to each Party or contributor *pro rata* based on respective contributions over the duration of the Commission.

10. NOTICE. Notices required under this Agreement shall be sent to the Parties at the contact information set forth below:

COTTONWOOD HEIGHTS	Mayor Kelvyn H. Cullimore, Jr. Cottonwood Heights 1265 East Fort Union Blvd, Suite 250 Cottonwood Heights, UT 84047 Email: kcullimore@ch.utah.gov Copy to: Wm. Shane Topham Callister Nebeker & McCullough 10 East South Temple, 9th Floor Salt Lake City, UT 84133 Telephone: (801) 530-7478 Email: wstopham@cnmlaw.com
DRAPER CITY	Mayor Troy K. Walker Draper City 1020 East Pioneer Road Draper, UT 84020 Email: troy.walker@draper.ut.us

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY	Michael L. Wilson Metropolitan Water District of Salt Lake & Sandy 3430 East Danish Road Cottonwood Heights, UT 84093 Telephone: (801) 942.9685 Email: wilson@swdsls.org
PARK CITY MUNICIPAL CORPORATION	Council Member Andy Beerman Park City Municipal Corporation P.O. Box 1480 Park City, UT 84060-1480 Email: andy@parkcity.org Copies to: Diane Foster, City Manager Park City Municipal Corporation P.O. Box 1480 Park City, UT 84060-1480 Email: diane@parkcity.org City Attorney Park City Municipal Corporation P.O. Box 1480 Park City, UT 84060-1480 Telephone: (435) 615-5025
SANDY CITY	Mayor Tom Dolan Sandy City 10000 Centennial Parkway Sandy, UT 84070 Copy to: John Hiskey Sandy City 10000 Centennial Parkway Sandy, UT 84070 Telephone: (801) 568-7104 Email: jhiskey@sandy.utah.gov

SALT LAKE CITY

Mayor Jackie Biskupski
Salt Lake City Mayor's Office
451 South State Street, Room 306
P.O. Box 145474
Salt Lake City, UT 84114
Telephone:
Email: jackie.biskupski@slcgov.com

Copies to:

Salt Lake City Attorney
451 South State Street, Room 505
P.O. Box 145478
Salt Lake City, UT 84114-5478
Telephone: (801) 535-7788

Laura Briefer
Salt Lake City Department of Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
Email: laura.briefer@slcgov.com

SALT LAKE COUNTY

Mayor Ben McAdams
Salt Lake County Government Center
2001 South State Street, Ste. N2100
P.O. Box 144575
Salt Lake City, UT 84111-4575

Copy to:

Kimberly Barnett
Salt Lake County Government Center
2001 South State Street, Ste. N2100
P.O. Box 144575
Salt Lake City, UT 84114-4575
Email: kbarnett@slco.org

SUMMIT COUNTY

Christopher Robinson
Summit County Council
P.O. Box 982288
Park City, UT 84098
Email: cfrobinson@summitcounty.org

Copy to:
Tom Fisher
Summit County Council
60 North Main
Box 128
Coalville, UT 84017
Email: tfisher@summitcounty.org

TOWN OF ALTA

Mayor Tom Pollard
Town of Alta
P.O. Box 8016
Alta, UT 84052
Telephone: (801) 363-5105
Email: tjp@townofalta.com

UTAH DEPARTMENT OF TRANSPORTATION

Carlos Braceras
Executive Director
P.O. Box 141265
Salt Lake City, UT 84114-1265
cbraceras@utah.gov

Copy to:

James Palmer
Assistant Attorney General
4501 South 2700 West
P.O. Box 148455
Salt Lake City UT 84114-8455
jimpalmer@ut.gov

UTAH TRANSIT AUTHORITY

Jerry Benson
President & CEO
669 West 200 South
Salt Lake City, UT 84101
jbenson@rideuta.com

Copy to:

Jayme Blakesley
General Counsel
699 West 200 South
Salt Lake City, UT 84101
Email: jblakesley@rideuta.com

WASATCH FRONT REGIONAL COUNCIL

Andrew S. Gruber
Executive Director
Wasatch Front Regional Council
295 North Jimmy Doolittle Road
Salt Lake City, UT 84116
Email: agruber@wfrc.org

CENTRAL WASATCH COMMISSION

Except as otherwise provided in this Agreement, any notice given by a Party under this Agreement shall be made in writing and mailed by U.S. mail, hand-delivered, or emailed (with a confirmation copy sent by US mail) to the other Parties addressed as specified above. A Party may change its contact information from time to time by giving written notice to the other Parties in accordance with the procedures set forth in this section.

11. INTERLOCAL COOOPERATION ACT REQUIREMENTS. In satisfaction of the requirements of the Interlocal Act, the Parties agree as follows;

a. This Agreement shall be authorized by resolution of the legislative body of each Party pursuant to Section 11-13-202.5 of the Interlocal Act, and the Executive Director of UDOT.

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act.

c. A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act.

d. Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs, if any.

e. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the mayor or chief executive officer of each Party. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

12. NO THIRD PARTY BENEFICIARIES. There are no intended third party beneficiaries to this Agreement. It is expressly understood that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any claim or right of action by any third person under this Agreement. It is the express intention of the Parties that

any person other than the Party who receives benefits under this Agreement shall be deemed an incidental beneficiary only.

13. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterpart originals, all such counterparts constituting one complete executed document.

14. AUTHORIZATION. Each Party is duly authorized to enter this Agreement.

IN WITNESS WHEREOF, the above-identified Parties enter into this Agreement effective the date of the last Party's signature. Except for the purposes of funding Paragraph 3, the effective date as to each Party is the date of that Party's signature.

COTTONWOOD HEIGHTS agrees to provide $100,000 (subject to required appropriations) in two annual installments of $50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

COTTONWOOD HEIGHTS

_____

Its: _____

Approved as to Form

_____

DRAPER CITY agrees to provide $120,000 (subject to required appropriations) in two annual installments of $60,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

DRAPER CITY

_____
Its: _____

Approved as to Form

_____

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY agrees to provide $200,000 (subject to required appropriations) in two annual installments of $100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY

_____
Its: _____

Approved as to Form

_____

PARK CITY MUNICIPAL CORPORATION agrees to provide $200,000 (subject to required appropriations) in two annual installments of $100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

PARK CITY MUNICIPAL CORPORATION

_____
Its: _____

Approved as to Form

_____

SANDY CITY agrees to provide $200,000 (subject to required appropriations) in two annual installments of $100,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SANDY CITY

_____
Its: _____

Approved as to Form

_____

SALT LAKE CITY agrees to provide $400,000 (subject to required appropriations) in two annual installments of $200,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SALT LAKE CITY

_____
Its: _____

Approved as to Form

_____

SALT LAKE COUNTY agrees to provide $400,000 (subject to required appropriations) in two annual installments of $200,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SALT LAKE COUNTY

_____
Its: _____

Approved as to Form

_____

SUMMIT COUNTY agrees to provide $100,000 (subject to required appropriations) in two annual installments of $50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

SUMMIT COUNTY

_____
Its: _____

Approved as to Form

_____

TOWN OF ALTA agrees to provide $30,000 (subject to required appropriations) in two annual installments of $15,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

TOWN OF ALTA

_____

Its: _____

Approved as to Form

_____

UTAH DEPARTMENT OF TRANSPORTATION agrees to provide $100,000 (subject to required appropriations) in two annual installments of $50,000 for 2016 and 2017.

Signed this ____ day of _____, 2016.

UTAH DEPARTMENT OF TRANSPORTATION

_____
Its: _____

Approved as to Form

_____

UTAH TRANSIT AUTHORITY agrees to provide $600,000 (subject to appropriations) in additional bus service for the 2016 – 2019 ski seasons in the annual amount of $200,000.

Dated this _____ day of _____, 2016.

UTAH TRANSIT AUTHORITY

_____
Its: _____

Approved as to Form

_____

Dated this ___ day of _____, 2016.

WASATCH FRONT REGIONAL COUNCIL

_____
Its: _____

Approved as to Form

_____

Dated this _____ day of _____, 2016.

CENTRAL WASATCH COMMISSION

_____
Its: _____

Approved as to Form

_____

Memorandum:

Date: November 2, 2016
To: Council Members
From: Tom Fisher
Re: Recommendation to appoint member to the Public Arts Program and Advisory Board

Advice and consent of County Manager's recommendation to appoint Jenny Adams to fill the unexpired term of Jane Riley on the Public Arts Program and Advisory Board. Jenny's term to expire July 31, 2018.

STAFF REPORT

To: Summit County Council
From: Patrick J. Putt, Community Development Director
Date of Meeting: November 2, 2016
Type of Item: Joint Council-ESAP Meeting
Process: Work Session

A County Council/Eastern Summit County Agriculture Preservation & Open Space Committee (ESAP) joint work session is scheduled for November 2, 2016. The focus of the work session is to discuss the current evaluation and ranking system used by ESAP when forwarding recommendations to the County Manager regarding agricultural preservation and open space acquisitions.

The Eastern Summit County Agriculture Preservation & Open Space Committee was created by the County Council for the expressed purpose of advising the County Manager on the identification and preservation of agricultural lands and open space. Funding for land preservation and open space in Eastern Summit County comes from the Promontory Specially Planned Area (SPA) Development Agreement provision requiring the developer to provide $3000 for each lot sale in Promontory to be used for Ag preservation and open space purchases. Each application for preservation or acquisition is vetted by ESAP utilizing an evaluation and ranking system that attempts to balance several key community values ranging from agricultural productivity and conservation-environmental importance to development potential and cultural-historical significance.

At a recent ESAP meeting a question arose whether or not the current application ranking process was adequate for evaluating potential agricultural preservation and open space properties. Staff believes that it would be appropriate at this time to have a stakeholder discussion with Council on this topic. The work session will allow time to re-familiarize all parties with the history behind the creation of the ranking system and the specific criteria/values used to measure all applications. An important question we seek to answer is whether or not the current ranking system, criteria, and values accurately reflect Council's goals for the ESAP program. In the event Council finds that the ranking/ESAP recommendation

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Phone (435) 336-3118, 615-3118, 783-4351 x3118 • Fax (435) 336-3046 • rmilliner@summitcounty.org

process needs updating and/or greater clarity, it may elect to direct Staff, ESAP, and its land conservation stakeholders to prepare amendments for review and possible action.

Attached to this memorandum are the following support materials for the discussion:

- Title 2, Chapter 34: Eastern Summit County Agricultural Preservation and Open Space Advisory Committee
- Notification of Interest for Agricultural or Open Space Land Preservation
- Evaluation Criteria Scoring Sheet
- Property Rating and Ranking Scoring Sheet

CHAPTER 34

EASTERN SUMMIT COUNTY AGRICULTURE PRESERVATION AND OPEN SPACE ADVISORY COMMITTEE

SECTION:

2-34-1: Purpose
2-34-2: Authority
2-34-3: Membership
2-34-4: Powers And Duties
2-34-5: Conduct Of Committee Members
2-34-6: Meetings And Organization

2-34-1: **PURPOSE:** The eastern Summit County agriculture preservation and open space advisory committee, "ESAP" (the "committee"), is created for the purpose of advising and providing input to the county manager ("manager") regarding the identification and preservation of agriculture land and open space within eastern Summit County, and working with local mayors to preserve agricultural corridors into their cities. (Ord. 749-A, 12-15-2010)

2-34-2: **AUTHORITY:** This committee is created as an advisory board to the manager and county council for the purpose stated above. There shall be no actual or apparent authority vested in this board except the authority granted in this chapter. (Ord. 749-A, 12-15-2010)

2-34-3: **MEMBERSHIP:**

A. Members: Members shall be appointed and approved by the manager with the advice and consent of the county council, and shall commence service at the first regular meeting in March of each calendar year, or at such other time thereafter as soon as practical. As indicated below, other organizations may have the right to nominate members, which will only serve if and when approved by the manager.

2-34-3

B. Terms: Members serve three (3) year terms. A member is term limited to three (3) consecutive terms.

C. Representation: The committee shall be comprised of no less than seven (7) and no more than eleven (11) voting members, which may include members from any of the following groups:

1. Eastern Summit County planning commission (the "ESCPC"). There shall be no more than two (2) members representing the ESCPC on the committee at any time.

2. A professional real estate agent located in eastern Summit County.

3. A land use attorney located in eastern Summit County.

4. An agriculture services representative (NRCS or similar organization).

5. A Summit County farm bureau representative (nominated by the farm bureau).

6. An at large community representative living in north Summit.

7. An at large community representative living in south Summit.

8. A local builder and/or developer.

9. An open space or wildlife organization representative.

D. Ex Officio Members: In addition to the voting members identified above, the manager may appoint nonvoting ex officio members to the committee in an effort to fulfill the purposes set forth herein. Ex officio members may include:

1. Representative(s) from the Summit County community development department.

2. Staff representative(s) from other county departments and/or incorporated cities and towns.

E. Reporting: The committee shall report in its advisory capacity to the manager at least once each year.

F. Chair/Vice Chair: The committee shall appoint from among the voting members, a chair and a vice chair, who shall be charged with conducting the meetings and ensuring that the reporting required under this chapter is completed in the manner required. (Ord. 749-A, 12-15-2010)

2-34-4: POWERS AND DUTIES:

A. Recommendations: The committee shall advise the manager on acquiring and permanently preserving agriculture lands and open spaces in eastern Summit County. This may include creating criteria and a scoring system whereby agriculture land and open space can be evaluated in relation to its potential importance to eastern Summit County.

B. Proposals: The chair of the committee, or his/her designee, shall have responsibility of presenting all proposals from the committee to the manager.

C. Final Authority: Notwithstanding anything in the foregoing to the contrary, the manager retains all final authority regarding such transactions and if deemed necessary for the health, safety, or welfare of citizens of the county, the manager may take direct action on any issues discussed. (Ord. 749-A, 12-15-2010)

2-34-5: CONDUCT OF COMMITTEE MEMBERS:

A. Ethical Principles: The following ethical principles shall guide the actions of the committee and its members in carrying out the powers and duties described above:

1. Serve The Public Interest: The primary obligation of the committee and each member is to serve the public interest.

2. Support Citizen Participation: The committee shall ensure a forum for meaningful citizen participation and expression in the process of promoting agriculture land and open space preservation, and assist in the clarification of community goals, objectives, and policies.

3. Recognize The Comprehensive And Long Range Nature Of Their Decisions: The committee and its members shall continuously gather and consider all relevant facts, alternatives and means of

2-34-5

accomplishing them, and explicitly evaluate all consequences before making a recommendation or decision.

4. Facilitate Coordination: The committee shall ensure that individuals and public and private agencies possibly affected by a prospective decision regarding agriculture land or open space receive adequate information far enough in advance of the decision.

5. Avoid Conflict Of Interest: Committee members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before the committee, members shall divulge in public, any past, present, or expected relationship with any party affiliated with such matter. A member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the committee table, but may remain in the chamber. The member shall also not discuss the matter privately with any other official voting on the matter.

6. Render Thorough And Diligent Service: If a committee member has not sufficiently reviewed relevant facts and advice affecting a public decision, that member should not participate in that decision.

7. Not Seek Or Offer Favors: A committee member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

8. Not Disclose Or Improperly Use Confidential Information For Financial Gain: A committee member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.

9. Ensure Full Disclosure At Public Meetings: The committee shall ensure that the presentation of information occurs only at the scheduled public meeting, not in private, unofficially, or with other interested parties absent, and must make partisan information received in the mail or by telephone or other communication part of the public record.

10. Maintain Public Confidence: A committee member must conduct himself/herself publicly so as to maintain public confidence in the committee.

11. Respect For And Courtesy To Other Committee Members, Public And Staff: Each committee member has the same rights and privileges as any other member. Any member has the right to be heard and to hear what others have to say about items being considered by the committee.

B. Representation Of Applicants Or Petitioners: No member of the committee shall represent for consideration applicants or petitioners before the committee on matters on which the committee is to make determinations or recommendations.

C. Ex Parte Communication: Prearranged private meetings between a committee member and an individual(s) and, their agents, or other interested parties with a matter pending before the committee are prohibited, unless authorized by the committee in advance. When such communication does occur it must be made part of the public record by the committee member.

D. Attendance: Each committee member shall be responsible for attending all scheduled meetings of the committee. Should circumstances arise where a member is unable to attend a scheduled meeting, the member shall be responsible for notifying the chair, the director of community development, or his/her designee, as soon as possible. Committee members who fail to attend three (3) regular meetings of the committee within any consecutive three (3) month period may, at the discretion of the manager, be removed from the committee. (Ord. 749-A, 12-15-2010)

2-34-6: MEETINGS AND ORGANIZATION:

A. Regular Meetings: Regular meetings of the committee shall be scheduled as needed.

B. Special Meetings: Special meetings, work sessions and field trips, for any purpose, may be held at the call of the chair of the committee, the manager or the director of community development. Work session and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.

2-34-6

C. Public Notice: All regular, special, work session and field trip meetings of the committee are open to the public and will be noticed in accordance with the requirements of the development code and the Utah open meetings act.

D. Action: All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the committee and a statement of any conditions to be attached to the action.

E. Executive Session: Closed or executive sessions may be held for any purposes allowed under the Utah open meetings act, including, but not limited to, property acquisition.

F. Bylaws: The committee shall conduct its business according to bylaws, which shall be approved by the county council, with the committee meeting as needed to act on the business of the committee. (Ord. 749-A, 12-15-2010)

May 2013

EASTERN SUMMIT COUNTY
AGRICULTURAL PRESERVATION AND OPEN SPACE ADVISORY COMMITTEE (ESAP)

NOTIFICATION OF INTEREST (NOI) FOR AGRICULTURAL OR OPEN SPACE LAND PRESERVATION

Address/Location of Property:

_____

_____

_____

Assessor's Parcel Number(s) (Tax ID #): (Available from the Summit County Assessor's Office).

 # (s) _____ **Total Acreage of Parcel(s)**:

Development potential of property (# of lots) under current zoning at base density as determined by the Summit County Development Code in affect at the time of application (may require lot of record determination application and applicable fees.)_____

Property Owner(s) Name and Contact Information:

Name(s):_____
Mailing Address: _____City:_____
State: _____ Zip: _____ Phone: _____

Authorized Representative and Contact Information:

Name(s):_____
Mailing Address: _____City:_____
State: _____ Zip: _____ Phone: _____

Agricultural or Open Space Land Values: (Explain the reasons you are interested in preserving this property as agricultural or open space land)

_____

_____

_____

_____

_____

Owner(s) Signature: _____ **Date:** _____

Date Received: _____

Eastern Summit County
Agriculture Preservation and Open Space Advisory Committee
EVALUATION CRITERIA SCORING SHEET

May 2013

Project Name: _____

Scoring Date: _____

Check the box for the criteria that apply:

☐ 1. Is the property at least five (5) acres in size or located contiguous to already preserved agricultural lands or open space or other county open space, and will it contribute to or enhance the preservation of agricultural lands or open space?

☐ 2. Is the entire property area qualified for a "greenbelt" designation?

☐ 3. Is active farming or ranching operations present on the land?

☐ 4. Does the preservation of the parcel or agricultural operation help prevent or minimize sprawling of residential development?

☐ 5. Does the property preserve or protect critical watersheds, viewsheds, water quality, wildlife habitat, stream corridors, woodlands, or historic structures.

☐ 6. Will the property provide public access to other protected lands or allow public access, thereby enhancing the public's enjoyment and use of such lands, if appropriate?

☐ 7. Will the property contribute to and promote the rural, small town, agricultural character and open space environment of Eastern Summit County?

☐ 8. Are there opportunities to provide trailheads or access to trails on or through the property?

☐ 9. Does the property acquisition leverage public money, provide significant public benefits or involve donations of private lands to the public?

☐ 10 Are water rights included with the property in sufficient quantity to maintain the existing agricultural use?

TOTAL CRITERIA ACHIEVED: _____

EASTERN SUMMIT COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE COMMITTEE (ESAP)

PROPERTY RATING AND RANKING SCORING SHEET (May 2013)

Project Name: _____

Scoring Date: _____

Point Score

1. Landowner Dollars Invested in the Easement Value of the Project _____

40-50%	5 points
30-39%	4 points
20-29%	3 points
10-19%	2 points
1-9%	1 point

2. Landowner Stewardship of the Agricultural Use of the Property _____

Superior land operations, maintenance and management	4 points
Excellent land operations, maintenance and management	3 points
Good land operations, maintenance and management	2 points
Fair land operations, maintenance and management	1 point
Poor land operations, maintenance and management	0 points

3. Property Acreage _____

400+ acres	5 points
300-399 acres	4 points
200-299 acres	3 points
100-199 acres	2 points
5-99 acres	1 point

4. Development Potential of the Property (existing zoning, lots of record or other entitled lots) _____

20+ lots forfeited	5 points
15-19 lots forfeited	4 points
10-14 lots forfeited	3 points
5-9 lots forfeited	2 points
1-4 lots forfeited	1 point

5. Conservation Values of the Property (points are awarded according to how many values apply - i.e. 5 values equals 5 points) _____

Visible scenic view corridors	1 point
Contiguous to existing conservation lands	1 point
High value wetlands, floodplains or drainage ways	1 point
Critical wildlife habitat and winter range	1 point
Natural springs, streams, lakes or ponds	1 Point

6. Agricultural Land Productivity Potential (1-5 points are awarded according to the combined percentage value of all property types) _____

Irrigated crop land	% acres x 5
Irrigated pasture	% acres x 4
Sub-irrigated pasture	% acres x3
Dry farm	% acres x 2
Range land	% acres x 1

7. Evaluation Criteria Scoring Sheet Achievement _____

9-10 criteria achieved	4 points
7-8 criteria achieved	3 points
4-6 criteria achieved	2 points
1-3 criteria achieved	1 point

Bonus Criteria

A. Unique Land Characteristics (cultural and historical structures, , geological features, familiar land marks, or other features.) _____

High value feature	3 points
Medium value feature	2 points
Low value feature	1 point

B. Perpetuation Fund Policy Participation _____

15% contribution	3 points
10% contribution	2 points
5 % contribution	1 point

TOTAL SCORE _____

Priority Rating Score

23-33 points	High Priority Project
16-22 points	Medium Priority Project
6-15 points	Low Priority Project

STAFF REPORT

To:	Summit County Council
From:	Sean Lewis, County Planner
Date of Meeting:	November 2, 2016
Type of Item:	Special Exception
	Public Hearing, Possible Action
Process:	Legislative Review

Recommendation:

Staff recommends the Summit County Council (SCC) consider the Special Exception request for the placement of an accessory dwelling in excess of 1,000 square feet on Parcel HE-B-280. Staff further recommends the SCC consider staff's analysis, conduct a public hearing, and vote to deny the proposed Special Exception based upon the Findings of Fact and Conclusions of Law as proposed in this report.

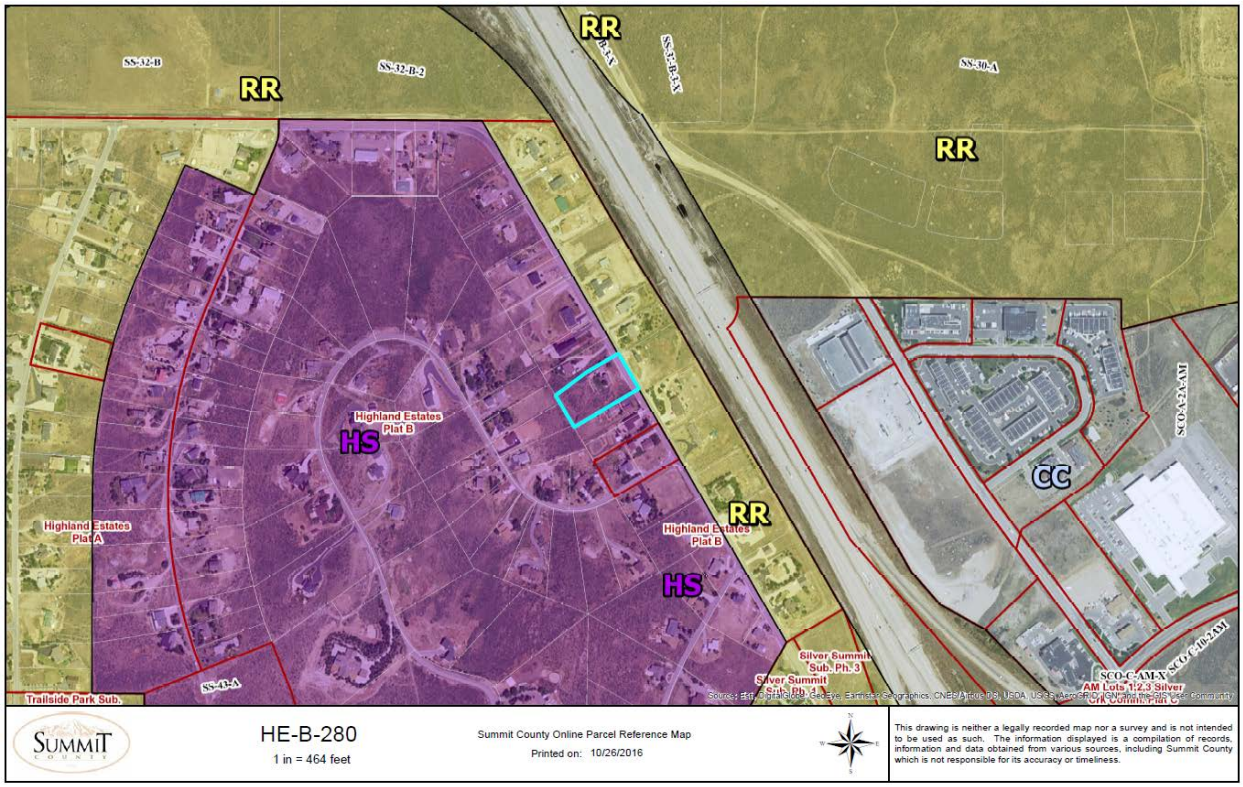
Project Description:

Project Name:	Swedish Accessory Dwelling Special Exception
Applicant(s):	Lance Swedish, owner
Property Owner(s):	Lance Swedish
Location:	6381 N Highland Dr.
Zone District:	Hillside Stewardship (HS)
Parcel Number and Size:	HE-B-280, 1.49 acres
Type of Process:	Special Exception
Final Land Use Authority:	Summit County Council

Proposal:

The applicant is proposing to construct an accessory dwelling unit on parcel HE-B-280. The applicant requests that the Summit County Council grant a Special Exception from Snyderville Basin Development Code Section 10-8-5.A.8 that prohibits accessory dwelling units from exceeding "one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit."

Vicinity Map:



Background:

The applicant is the owner of parcel HE-B-280 which is a lot of record. Parcel HE-B-280 is located at 6381 N Highland Drive**.**

- Highland Estates Plat B was recoded in Summit County on October 26, 1964.
- Parcel HE-B-280 is 1.49 acres in size.
- According to Summit County assessment records, Parcel HE-B-280 contains a 2,320 Square foot single family home built in 1988.
- The applicant proposes construction of an accessory dwelling unit with an approximate gross square footage of 1,900 square feet of living area with approximately 530 additional square feet of garage space.
- Accessory Dwelling Units are an allowed use in all zoning districts in the Snyderville Basin Planning Area.
- Section 10-8-5.A.8 of the Snyderville Basin Development Code specifically limits the size of accessory dwelling units to 1,000 gross square feet.

Analysis and Findings:

The SCC may approve, approve with conditions, or deny a Special Exception based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance.

Standard 1: The special exception is not detrimental to the public health, safety and welfare; **COMPLIES**

> **Analysis:** Approval of an Accessory Dwelling Unit of limited size would not impact the general health, safety, or welfare of the residents of Summit County. Accessory Dwelling Units are commonly found in various areas of the county and are required to meet the same building standards as any single family home.

Standard 2: The intent of the development code and general plan will be met**;**
DOES NOT COMPLY

> **Analysis:** The Summit County Council has adopted both the Snyderville Basin General Plan and the Snyderville Basin Development Code. The Highland Estates Neighborhood features one (1) single family residential home on an average lot size of 1.5 acres. This proposal would be two single family homes on 1.5 acres.
>
> In order to ensure Accessory Dwelling Units are secondary and subordinate to the primary dwelling, Section 10-8-5.A.8 of the Snyderville Basin Development Code specifically limits the size of accessory dwelling units to 1,000 gross square feet.
>
> Floor Area is defined in the Snyderville Basin Development Code as: "The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the centerline of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, stairwells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included."

Standard 3: The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Code; **COMPLIES**

> **Analysis: T**he Snyderville Basin Development Code specifically only allows the Board of Adjustment to consider variances from Chapter 2 of the Snyderville Basin Development Code. Therefore, the remaining equitable process for the proposal is a Special Exception.

An alternative option to building a second dwelling on the site, the applicant could expand the existing home. An addition to the existing home would not require any permitting from Summit County other than a traditional building permit.

Standard 4: There are equitable claims or unique circumstances warranting the special exception; **DISCUSSION REQUESTED**

Analysis: The applicant is requesting the Special Exception to accommodate the needs of their daughter who has special needs. The proposed structure would be compliant with the Americans with Disabilities Act requirements for wheel chair access. The applicant has indicated that the design of the existing home limits the opportunities for refurbishment to allow for the type of access their daughter requires.

Recommendation:

Staff recommends the Summit County Council consider the Special Exception request for the placement of an accessory dwelling in excess of 1,000 square feet on Parcel HE-B-280. Staff further recommends the SCC consider staff's analysis, conduct a public hearing, and vote to deny the proposed Special Exception based upon the Findings of Fact and Conclusions of Law as proposed in this report.

Findings of Fact:

1. Highland Estates Plat B was recoded in Summit County on October 26, 1964.
2. Parcel HE-B-280 is 1.49 acres in size.
3. Lance Swedish is the listed fee title owner of Parcel HE-B-280.
4. Parcel HE-B-280 is located at 6381 N Highland Dr.
5. Parcel HE-B-280 is located in the Hillside Stewardship zoning district.
6. According to Summit County assessment records, Parcel HE-B-280 contains a 2,320 Square foot single family home built in 1988.
7. The applicant proposes construction of an accessory dwelling unit with an approximate gross square footage of 1,900 square feet of living area with approximately 530 additional square feet of garage space.
8. Accessory Dwelling Units are an allowed use in all zoning districts in the Snyderville Basin Planning Area.
9. Section 10-8-5.A.8 of the Snyderville Basin Development Code specifically limits the size of accessory dwelling units to 1,000 gross square feet.
10. Parcel HE-B-280 is located in the Highland Estates Neighborhood planning area as identified in the Snyderville Basin General Plan.
11. The applicant has not demonstrated conclusive evidence that the family's needs for accommodating their daughter's needs cannot be accomplished with a remodel and/or addition to the existing home.

Conclusions of Law:

1. The Intent of the Snyderville Basin Development Code is not met.
2. The applicant reasonable qualifies for other equitable remedies; i.e. remodeling or adding on to the existing home.
3. There are no equitable claims or unique circumstances that warrant a Special Exception.

Public Notice, Meetings and Comments

This item was publicly noticed as a public hearing with possible action by the Summit County Council. Notice of the public hearing was published in the October 22, 2016 issue of *The Summit County News.* Courtesy postcards were mailed to all property owners within 1,000 feet of the subject parcel.

Attachment(s)
Exhibit A – Proposed Floor Plan
Exhibit B – Applicant Response to Approval Criteria
Exhibit C – 1999 Site Survey
Exhibit D – Highland Estates Plat B Subdivision Plat

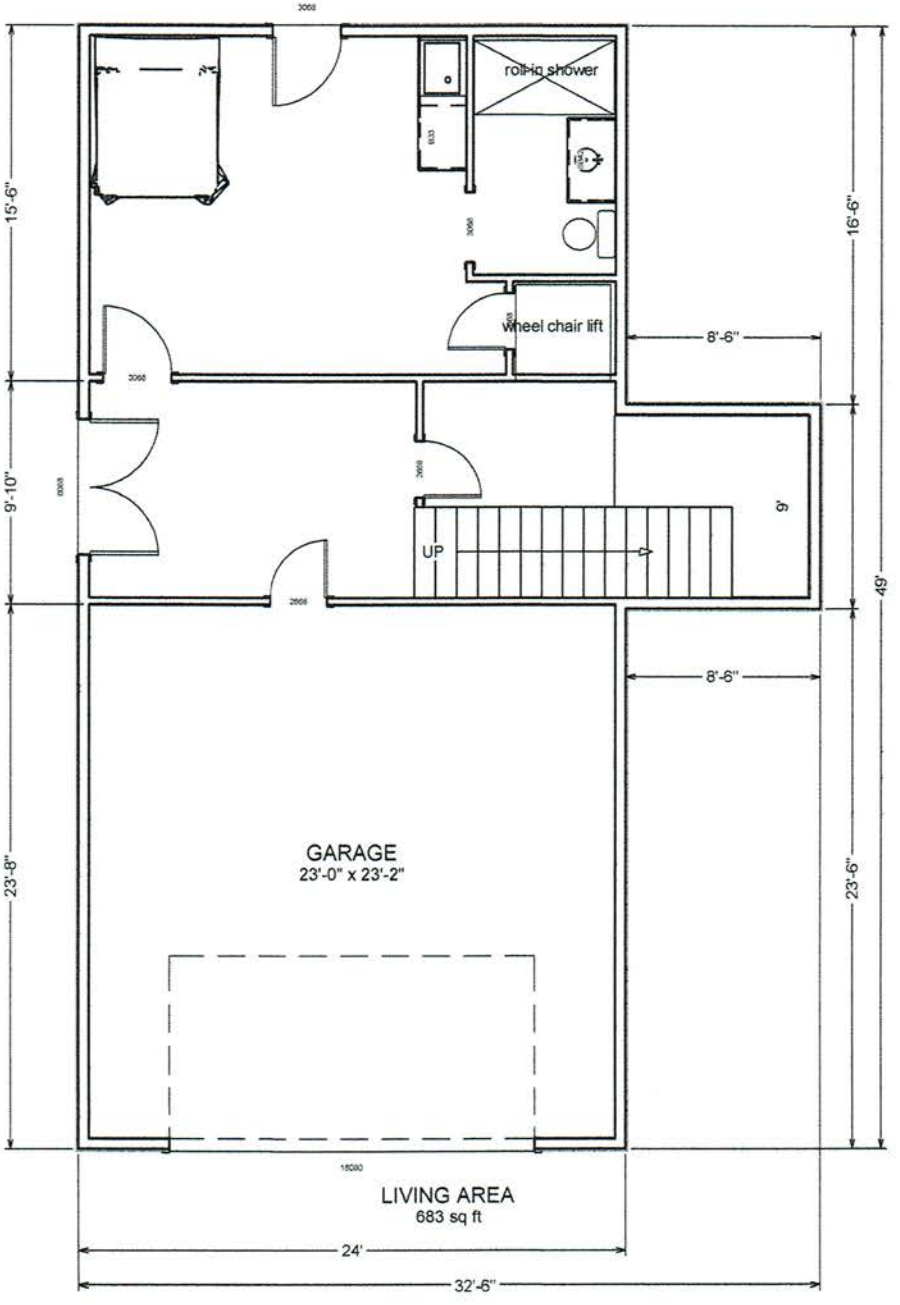

roll-in shower
wheel chair lift
UP
GARAGE
23'-0" x 23'-2"
LIVING AREA
683 sq ft
15'-6"
9'-10"
23'-8"
16'-6"
49'
23'-6"
8'-6"
8'-6"
9'
24'
32'-6"

Exhibit A

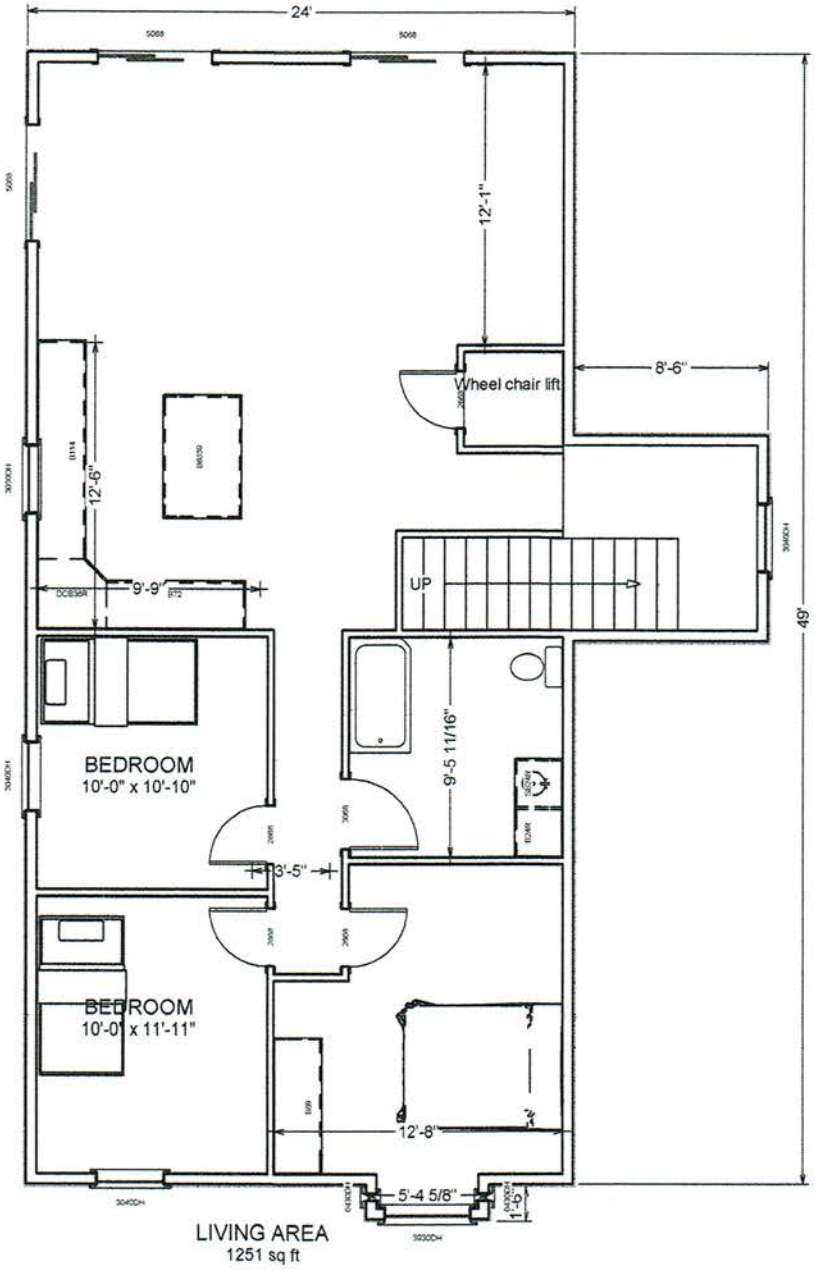

24'
12'-1"
8'-6"
Wheel chair lift
12'-6"
9'-9"
UP
49'
9'-5 11/16"
BEDROOM
10'-0" x 10'-10"
3'-5"
BEDROOM
10'-0" x 11'-11"
12'-8"
5'-4 5/8"
1'-5"
LIVING AREA
1251 sq ft

Exhibit A

Our goal is to get approval for a “Special Exception” to allow us to build a detached dwelling with a square footage in excess of 1000 sq. ft. on our 1.52 acre lot in Highland Estates. We are asking for approval to build a dwelling of approximately 1900 sq. ft. We have the room as well as a need to add this dwelling. I have lived in the existing house in Highland Estates since 1992.

I have a daughter named Nina that has special needs. Getting around for most people is never given more than a second thought. For Nina, that is not the case. She was a very active child, running skipping and doing everything a “Normal” child does, but as she got older things started to change. Riding a two wheel bike was a challenge that she never mastered, we tried all sorts of practice, but in the end it seemed balance was an issue. When her walking started to look a little “strange” and her speech became slower we started to get a glimmer of what was to come. When you are looking at something every day, some changes are not as apparent as they are when you have a snapshot over longer time intervals. It was the comments of a family friend that got us looking at Nina's differences a little closer. We went to specialists to try do determine what was happening. After MRI's and many many tests we now know that her area of disability stems from the cerebellum, at this point we still do not have a definitive diagnoses other than “some sort of cerebral ataxia”. The degeneration of her motor skills still continues at an alarming rate and we need to start looking into our needs as a family as we move forward. We don't know how long Nina will be able to walk (She walks with the assistance of a walker now) and it looks like she will be confined to a wheel chair at some point in time, probably sooner than later.

Our current house has many drawbacks for Nina's condition. Stairs for one are a constant challenge. The main entrance is on the second floor, accessible only by stairs. From the entry we have access to living, kitchen and dining rooms, however you must go up or down to reach the bedrooms and bathrooms. In addition, none of the bathrooms are wheelchair accessible or can be modified effectively in order to become wheelchair accessible.

So our thoughts moved on to the area of how can we help Nina and meet the needs of the family. And that seems to be building a structure that can meet her ongoing needs as well as her needs into the future. After talking to the Summit County Planners we have come down to the realization that we need to apply for a Special Exception in order to build a house that we can live in as a family, and that accommodates Nina as well. We have come up with a plan that maximizes the usability of the space while at the same time trying to minimize the square footage. That being said, our challenge has been how do you fit a family of 5 in a 1000 sq. ft. house? As much as we play with the design we just can't seem to fit it all in, in less than 1900 sq. ft. so we are asking for a special exception on the max. sq. ft. allowed in a detached dwelling for our property. We would like to build a 2 story home that has living space for our family and that is accessible for Nina, as well as an private area for Nina that is ADA compliant on the ground floor that includes a kitchen and wheel chair accessible bathroom to accommodate her needs into the future. (see the attached, proposed floor plans)

We are now facing a unique situation, we have the acreage to add a detached dwelling on our property, and could build a compliant structure, however that structure does not meet our special needs without a special exception on the square footage. We are not asking to build a large structure, only one that can accommodate our family into the future as well as the changing needs of Nina.

As far as we can tell, we meet all of the requirements for granting a Special Exception. Following are the answers to those requirements.

Exhibit B

Special Exceptions 10-3-7 (B)

1. The special exception is not detrimental to the public health, safety, and welfare.

   No part of our request would put the health, safety or welfare of the public at risk. The building site is near our existing house and set further back on the lot the impact to the public is negligible.

2. The intent of the Development Code and General Plan will be met.

   Our intention is to build a detached dwelling only slightly larger in footprint than what we would be able to build otherwise.

Fig. 1 1000 sq.ft.

Fig. 2 approx. 1250 plus 650 below

3. The applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and,

   Because we are asking for more square footage in an detached dwelling we have to apply through the special exception processes, it is our only recourse.

4. There are equitable claims or uniques circumstances warranting the special exception.

   Because of the need for accessibility we are unable to modify our existing structure to accommodate the needs of Nina for now and more importantly into the future, and be able to maintain the family unit within the structure. The current house is a modified Gambrel and as such does not offer any feasible options for an extension or addition to the house that would also be ADA compliant.

Please grant the Special Exception and allow us to build a house that can accommodate Nina and our family into the future.

Exhibit B

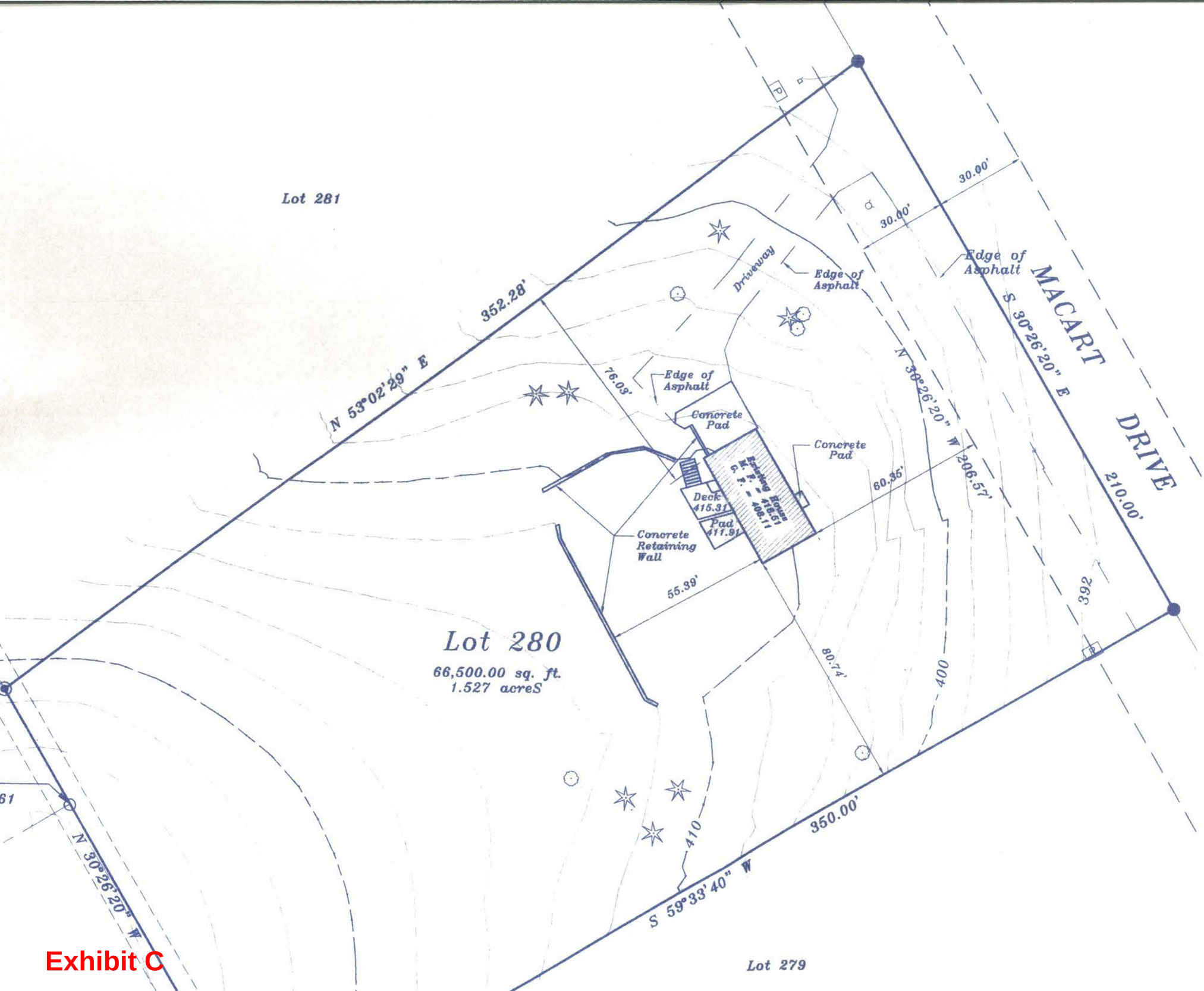


Exhibit C

PROPERTY DE

Beginning at the So
according to the offi
Recorder of Summit
West, a distance of
of 352.28 feet; thenc
thence South 59°33'4
beginning.

Containing 66,500.00

BENCHMARK

Found Bar & Cap a
Assumed Elevation

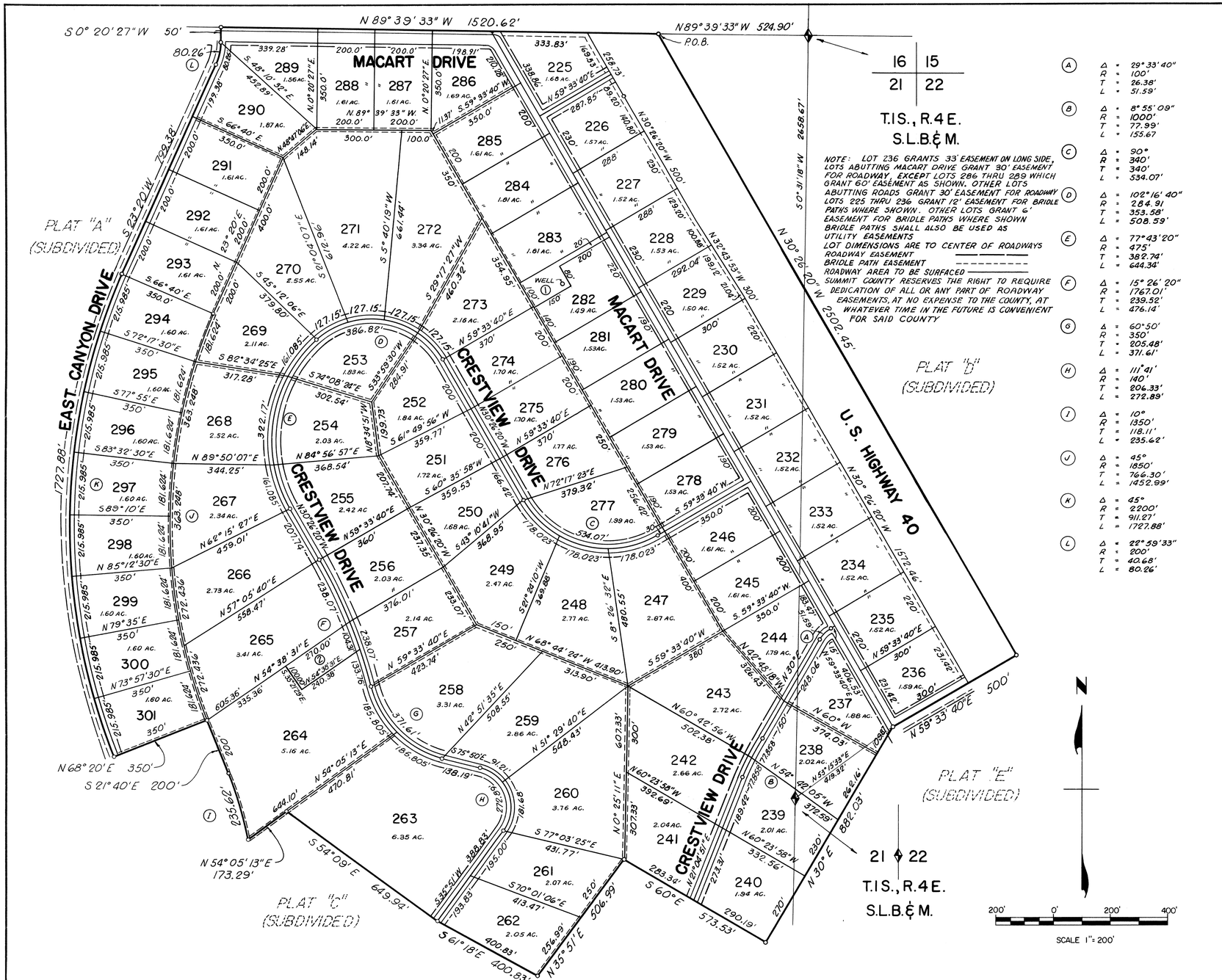
NARRATIVE

This survey was per
determine location o
Bar & Caps are as s
Estates Plat "B" was
The Northeast Corner
Township 1 South, R
Meridian were not fo
were used as the bas

SURVEYOR'S C

I, L. Mark Neff, of S
certify that I am a
and Land Surveyor
prescribed by the law
have made a survey
find it to be as show

Oct 28, 1999
Date:



NOTE: LOT 236 GRANTS 33' EASEMENT ON LONG SIDE, LOTS ABUTTING MACART DRIVE GRANT 30' EASEMENT FOR ROADWAY, EXCEPT LOTS 286 THRU 289 WHICH GRANT 60' EASEMENT AS SHOWN. OTHER LOTS ABUTTING ROADS GRANT 30' EASEMENT FOR ROADWAY LOTS 225 THRU 236 GRANT 12' EASEMENT FOR BRIDLE PATHS WHERE SHOWN. OTHER LOTS GRANT 6' EASEMENT FOR BRIDLE PATHS WHERE SHOWN BRIDLE PATHS SHALL ALSO BE USED AS UTILITY EASEMENTS

LOT DIMENSIONS ARE TO CENTER OF ROADWAYS

ROADWAY EASEMENT ————

BRIDLE PATH EASEMENT - - - - - - - - -

ROADWAY AREA TO BE SURFACED ————

SUMMIT COUNTY RESERVES THE RIGHT TO REQUIRE DEDICATION OF ALL OR ANY PART OF ROADWAY EASEMENTS, AT NO EXPENSE TO THE COUNTY, AT WHATEVER TIME IN THE FUTURE IS CONVENIENT FOR SAID COUNTY

(A)	Δ =	29° 33' 40"
	R =	100'
	T =	26.38'
	L =	51.59'
(B)	Δ =	8° 55' 09"
	R =	1000'
	T =	77.99'
	L =	155.67
(C)	Δ =	90°
	R =	340'
	T =	340'
	L =	534.07'
(D)	Δ =	102° 16' 40"
	R =	284.91
	T =	353.58'
	L =	508.59'
(E)	Δ =	77° 43' 20"
	R =	475'
	T =	382.74'
	L =	644.34'
(F)	Δ =	15° 26' 20"
	R =	1767.01'
	T =	239.52'
	L =	476.14'
(G)	Δ =	60° 50'
	R =	350'
	T =	205.48'
	L =	371.61'
(H)	Δ =	111° 41'
	R =	140'
	T =	204.33'
	L =	272.89'
(I)	Δ =	10°
	R =	1350'
	T =	118.11'
	L =	235.62'
(J)	Δ =	45°
	R =	1850'
	T =	766.30'
	L =	1452.99'
(K)	Δ =	45°
	R =	2200'
	T =	911.27'
	L =	1727.88'
(L)	Δ =	22° 59' 33"
	R =	200'
	T =	40.68'
	L =	80.26'

① – THIS LOT RESERVED FOR WELL AND APPURTENANT STRUCTURES

② – THIS LOT RESERVED FOR RESERVOIR AND APPURTENANT STRUCTURES

HIGHLAND ESTATES

PLAT "B"

A PARCEL OF LAND SITUATED IN SECTIONS 21 AND 22, T.1S., R.4E. OF THE SALT LAKE BASE AND MERIDIAN, IN THE COUNTY OF SUMMIT, STATE OF UTAH

SURVEYOR'S CERTIFICATE

I, LAWRENCE E. ALSUP, do hereby certify that I am a Registered Professional Engineer and Land Surveyor, and that I hold certificate No. 1200, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as HIGHLAND ESTATES PLAT "B"

BOUNDARY DESCRIPTION

COURSE	DIST.	REMARKS
BEGINNING AT THE NE CORNER SECTION 21, T.1S., R.4E., S.L.B.&M. AND RUNNING		
N 89°39'33"W	524.90'	WHICH IS IN FACT THE TRUE POINT OF BEGINNING, THENCE
N 89°39'33"W	1520.62'	THENCE
S 0°20'27"W	50.00'	"
SOUTHERLY	80.26'	ALONG THE ARC OF A 200' RADIUS CURVE TO THE RIGHT, THENCE
S23° 20' W	799.38'	THENCE
SOUTHERLY	1727.88'	ALONG THE ARC OF A 2200' RADIUS CURVE TO THE LEFT, THENCE
N 68° 20' E	350.00'	THENCE
S 21° 40' E	200.00'	"
SOUTHERLY	235.62'	ALONG THE ARC OF A 1350' RADIUS CURVE TO THE RIGHT, THENCE
N54°05'13"E	173.29'	THENCE
S54°09'E	649.94'	"
S61° 18' E	400.83'	"
N 35°51'E	506.99'	"
S 60° E	573.53'	"
N 30° E	882.03'	"
N59°33'40"E	500.00'	"
N30°26'20"W	2502.45'	TO THE TRUE POINT OF BEGINNING

3-20-64
DATE

Lawrence E. Alsup

OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owner (s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

HIGHLAND ESTATES PLAT "B"

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof we have hereunto set our hands this 30 day of March A.D., 1964

Stewart B. Mackey
[illegible]
Paul R. Sherwin

ACKNOWLEDGMENT

STATE OF CALIF. } S.S.
County of Los Angeles }

On the 30 day of March A.D., 1964, personally appeared before me, the undersigned Notary Public, in and for said County of Los Angeles in said State of Calif. the signer(s) of the above Owner's dedication, they in number, who duly acknowledged to me that they signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: June 1, 1965
MY COMMISSION EXPIRES JUNE 1, 1965

Virginia L. Lundahl
NOTARY PUBLIC
RESIDING IN Los Angeles COUNTY

APPROVED BY SUMMIT COUNTY PLANNING COMMISSION

26 DAY OF Oct. A.D., 1964

J. Jay Marchant
CHAIRMAN

COUNTY COMMISSION APPROVAL & ACCEPTANCE

PRESENTED TO THE BOARD OF Summit COUNTY COMMISSIONERS THIS 3rd DAY OF August A.D., 1964 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: Reed S. Rau
COUNTY CLERK

Archie C. Pace
CHAIRMAN, BD. OF Summit CO. COMM.

SALT LAKE BASE & MERIDIAN

RECORDED # 33787

STATE OF UTAH, COUNTY OF Summit, RECORDED AND FILED AT THE REQUEST OF Stewart B. Mackey

DATE Oct. 26, 1964 TIME 11:58 A.M. BOOK PAGE

$26.50
FEE $

Wanda Y. Spangis
Summit COUNTY RECORDER

"SALT LAKE BLUE" IMPERIAL

I C-6

Exhibit D