



Community Development Department
60 North Main Coalville, UT 84017
(435) 336-3124 Fax (435) 336-3046

STAFF REPORT

To: Summit County Council (SCC) and Summit County Manager (SCM)
Report Date: Thursday, June 9, 2011
Meeting Date: Wednesday, June 15, 2011
Author: Kimber Gabryszak, County Planner
Title: Discovery CORE, Rezone and Major Development
Type of Item: Work Session
Future Routing: Public Hearing(s) and Meeting(s) with Summit County Manager and Council

EXECUTIVE SUMMARY:

For the convenience of the SCC and the public, the original history and analysis has been maintained in this report, with all additional information and changes highlighted in yellow. The applicant's proposal has not changed since the last work session.

The applicant, Glen Lent, is requesting approval of a housing development containing both market rate and workforce housing units, through a rezone to workforce housing incentive CORE zones C and E. The current application proposes 162 units, consisting of 81 single family dwellings, 69 townhomes, and 12 duplexes. The Snyderville Basin Planning Commission (SBPC) held several public hearings on the proposal, and voted on March 22, 2011 to forward a negative recommendation to the SCC and SCM on the CORE Rezone and Preliminary Plan.

The SCC held a work session on May 11, 2011, and also conducted a site visit of the property on May 25, 2011. Following the May 11, 2011 work session Staff also provided the SCC, via email, with:

- all public comment and presentations that were given to the SBPC throughout the process
- traffic studies
- Engineering comments and review
- the mathematics behind the density calculations in Section D of this report
- the original Housing Overlay Maps considered in 2007 by the Board of County Commissioners.

Staff recommends that the SCC conduct a work session, discuss the application, and give the applicant and Staff feedback on additional information or changes required in preparation for a public hearing on the proposal.

A. PROJECT DESCRIPTION

Project Name: Discovery CORE
Applicant(s): Glen K. Lent
Owner(s): Milton & Diane Weilenmann; Scott Anderson; Aldon Anderson Family LLC; Mike Milner
Location: Kilby Road (West of Gorgoza)
Zone District: Hillside Stewardship (HS)
Setbacks: 30' front, 12' side and rear
Adjacent Land Uses: Resort, Vacant, Residential, Commercial, Institutional, Open Space
Existing Uses: Vacant, Residential
Parcel #(s) and Size: PP-38-C, 20.98 acres; PP-38-C-3, 1 acre, PP-39, 48 acres

B. COMMUNITY REVIEW

This item has been scheduled as a work session with the SCC and SCM; future public hearing(s) will be held prior to any final decision.

C. BACKGROUND

In July of 2008, Summit County adopted the workforce housing incentives outlined in Section 10-5-16 of the Snyderville Basin Development Code (Code), "Community Oriented Residential Enhancement Zones" (CORE). These provisions allow for the County to consider additional density and uses, above existing base density, as an incentive for the voluntary provision of workforce housing that exceeds the mandatory requirement.

The SBPC reviewed the proposal several times, with densities ranging from 163 units to 215 in varying configurations:

- work session April 14, 2009
- site visit on June 24, 2009
- work session August 11, 2009
- work session October 27, 2009
- work session May 11, 2010
- work session July 13, 2010
- public hearing November 9, 2010
- public hearing January 4, 2011
- public hearing February 8, 2011 (hearing closed, decision continued)
- discussion and recommendation March 22, 2011

The SCC held a work session on May 11, 2011 and conducted a site visit on May 25, 2011.

Project proposal throughout the process to date:

- **April 14, 2009** 163 units: 44 Single Family (SFR), 119 Townhomes (TH). Workforce Housing (WH) units not specifically identified
- **August 11, 2009** 215 units: 80 senior, 40 SFR, 95 TH, WH unidentified
- **October 27, 2009** 207 units: 96 senior, 49 SFR, 62 TH, WH unidentified

- **Sept. 2010 - May 2011** 162 units: 0 senior, 81 SRF, 69 TH, 12 duplex, and a preliminary mix of WH identified.

D. IDENTIFICATION and ANALYSIS of ISSUES

Housing Needs Assessment

The SCC recently reviewed but did not accept a draft 2010 Housing Needs Assessment; however neither this draft nor any new assessment would apply to this project. The Discovery CORE is subject to the 2006 Needs Assessment, which is currently an appendix to the Snyderville Basin General Plan and sets a goal of 250 workforce units by 2011.

Public and Approval/Denial Process

The approval process for the housing development outlined in Section 10-5-16 includes a Rezone application, which is recommended by the SBPC to the Summit County Council (SCC), and a Major Development Application, which is recommended by the SBPC to the County Manager (Manager). Both the rezone and development proposal are inextricably tied together, as any approval of one must be conditioned on approval of the other.

Density - History and Timeline

Section 10-5-16(D.3) of the Snyderville Basin Development Code (Code) allows for projects to designate portions of their property as different CORE zones with differing densities, provided that the designation is done up front as part of the overall master plan. Once any approvals are given, the CORE zone designations cannot be increased or modified at a later date.

The applicant proposes rezoning 49.25 acres to CORE C, which allows a maximum density of two (2) units per acre, and rezoning twenty (20) acres to CORE E, which allows a potential density of up to ten (10) units per acre on a maximum of twenty (20) acres. This would allow a potential maximum density of 298.5 units.

The “compatibility” requirement outlined in 10-5-16(E).4 sets an additional density limit, a maximum of twice the average existing density adjacent to the proposed rezone:

Compatibility: if any existing neighborhood is located within 1000’ of a proposed CORE development, the CORE development shall not exceed twice the average density of that portion of the neighborhood or neighborhoods within a distance of 1000’.

Density and Project Timeline

Between May 2010 and January 2011, density was a major discussion point, more specifically how to apply the "compatibility" requirement outlined above. The various calculation methods and discussion over time resulted in the following, with the mathematics provided to the SCC via previous staff reports emailed following the May 11, 2011 work session:

- May 11, 2010 (SBPC Work Session): 3 Different Density Calculations:
 - Option 1: 68.58 potential units
 - Option 2: 71.37 potential units
 - Option 3: 119.68 potential units

- June 8, 2010 (SBPC work session): alternate method: 176.35 potential units
- July 21, 2010, Staff issued a letter to the applicant containing the potential maximum of **176.35 units**
- January 4, 2011 (Public Hearing): SBPC supported a new calculation for a maximum of **88.17 units**

Density - Staff Recommendation

As a result of the July 21, 2010 letter, the applicant moved forward with the project based upon a maximum of 176 units, applying for approval of 162 units. At SBPC meetings following the July 21, 2010 letter, Staff reminded the SBPC, applicant, and public that 176 was a potential maximum, not a guaranteed number of units. The density could be further restricted and reduced to mitigate traffic impacts, viewshed impacts, environmental concerns, and other requirements of the Code.

SBPC comments and public input both indicated that 162 units is too high a number. The SBPC seemed favorable to the clarified methodology limiting the density to 88 units; due to the reliance of the applicant on the earlier maximum of 176, **Staff instead recommended limiting the density to 125 units, based upon the following:**

- 125 was a compromise of halfway between 88 units and the applicant's proposal of 162 units, and takes into account the reliance placed upon the earlier SBPC density determination.
- The reduction from 162 to 125 could reduce impacts to traffic, viewshed, watershed, slopes, wildlife, and address other SBPC and public concerns.

The applicant requested a modified maximum of 130 units; the SBPC and applicant did not reach agreement at the March 22, 2011 meeting, and the SBPC voted to forward a negative recommendation on the 162 unit proposal.

Appropriateness

The “appropriateness” requirement outlined in 10-5-16(E) contains guidelines for unit types:

Appropriateness: if any existing neighborhood is located within 1000’ of a proposed CORE development, the CORE development shall utilize home types similar to the existing home types within those portions of the neighborhood or neighborhoods within a distance of 1000’.

Throughout the discussions of the subcommittee and the SBPC when adopting the Code language, it was the intent to allow a variety of home types within developments, provided they were *similar* in style to the surrounding neighborhoods. For example, the intent appears to have been to permit townhomes mixed into single family developments, but not apartments or stacked flats. The applicant is proposing a development that contains both single family dwellings and duplex / town home units. Staff found that the appropriateness requirement is met.

Visibility

The property is visible from Interstate 80; at a site visit on June 24, 2009 the SBPC expressed concern over the visibility of the project, specifically the saddle in the middle of the property. In response, the applicant revised the plans and removed development from the saddle, and relocated the proposed development farther back from the most visible areas. At previous meetings, the SBPC requested additional visuals from the applicant, which were provided. The SCC conducted a site visit on May 25, 2011, and discussed visibility and development locations. **Feedback from the SCC on visibility as a result of this site visit is requested.**

Staff originally recommended reducing the density to 125 to help to reduce the visibility of the project; the applicant stated at the March 22, 2011 meeting that the units that would be removed were actually those less visible (in the bowl area of the property), which does not help mitigate project visibility.

Sensitive Lands

The property contains steep slopes, as well as wetlands and a year round stream, and the applicant has located the proposed development areas to avoid the sensitive lands. The applicant would still have to work with the County Engineer, US Army Corps of Engineers, and other service providers to ensure that the sensitive lands are appropriately protected. No buildings would be permitted on slopes over 30%, and all buildings will have to comply with current wetland and stream setbacks (40 feet from edge of wetland, and 100 feet from stream high water mark).

The CORE provisions do not contain clauses excluding sensitive lands from density calculations, but do state that development:

- be designed “in a manner so as to cluster development in the least visually and environmentally sensitive areas, and maximize open space” (10-5-16.A.2), and
- be designed to “preserve the natural setting to the greatest extent possible” (10-5-16.A.9), and
- “shall not occur on sensitive lands. Development shall be clustered in the least visually sensitive area of the property” (10-5-16.E.7).

As proposed, the development protects sensitive lands as open space, and complies with the clustering requirements. The applicant has also revised the plans to span streams and wetlands, rather than install standard culverts.

State Review / Wildlife

The Division of Wildlife (DWR) initially did not provide comment, but after additional requests from Staff, provided recommendations and comment on the project, which was provided to the SBPC at the February 8, 2011 meeting. Staff recommends that the requirements of DWR and other State agencies be made conditions of approval. The applicant has modified the proposal to span streams and wetlands rather than install culverts, to better protect fish and other wildlife habitat.

Snow Storage

The applicant has proposed a combination of on-site snow storage and contracting for snow removal service. A letter of recommendation was provided to the SBPC in the February 8, 2011 Staff report.

Traffic / Safety

The Engineering Department reviewed an updated traffic study and provided the SBPC with a memo expressing satisfaction with compliance with County standards.

Workforce Housing (WH)

The applicant intends to provide workforce housing per the criteria in 10-5-16(E.6), which defines the required ratio of workforce units to market rate units. By targeting an average income of 50% of the Area Median Income (AMI), the applicant will be required to provide one (1) Workforce Unit Equivalent per 1.5 Market Rate unit. The applicant has proposed developing the property in phases, with a portion of the required WH constructed in each phase. The details of the housing would be finalized through the Final Plat process and the Workforce Housing Agreement.

E. GENERAL PLAN and DEVELOPMENT CODE CRITERIA / COMPLIANCE

The CORE program contains this clause, in Section 10-5-16.D.7:

“The Legislative Body of Summit County may permit the rezone of the property only after it has determined that both the rezone and accompanying workforce housing proposal are consistent with the goals, objectives, and policies of the General Plan and all other criteria and considerations described in this Title, and said action is necessary to promote the health, safety, and welfare of the residents of the Snyderville Basin.”

The concern has been expressed by the public that this clause makes the General Plan, typically only advisory, into a regulatory document, and that therefore all CORE projects must fully comply with all requirements of the General Plan. The concern has also been expressed that the Code and the General Plan are contradictory, and that as a result no CORE project can be approved.

Staff found that the CORE program does comply with the General Plan, and the General Plan and Code are not contradictory, based upon the following:

- First, the General Plan contains a Housing Element, which requires reasonable methods for the provision of Affordable Housing. Therefore, the CORE program complies with this portion of the General Plan.
- Second, the goals and policies of the General Plan are reflected in the Code. Sensitive Land preservation, setbacks, design requirements, landscaping, parking guidelines, signage, road requirements, lighting, density maximums, compatibility, appropriateness, and more all comply with various sections of the General Plan. The Code cannot be amended without being consistent with the goals of the General Plan; therefore the Code requirements themselves must be consistent as currently adopted.

The CORE program complies with these portions of the General Plan, since the Code is consistent with the General Plan.

- Third, the requirement above states “consistent with” rather than “comply with.” Interpretations about the intent of the General Plan goals were made during the adoption of the CORE program, and the CORE program restrictions and requirements were found to be consistent with the intent of those goals. If the SBPC determines at some point that the project complies with the CORE Code requirements, it can then be found to be consistent with the goals and policies of the General Plan.
- Fourth, the application may be compatible with the Neighborhood Planning Area goals, as outlined later in this section.

In general the proposal incorporates many of the planning goals of the General Plan: clustering, preserving a large tract of meaningful open space, providing trail connections, an interior walkable design, and sensitive land protection, among others. The large number of lots is clustered onto a small portion of the project rather than spreading across the entire acreage. The specific design of the project incorporates many of the design goals of the Community Design Standards section of the General Plan

In addition to the general topic chapters, the Snyderville Basin General Plan also contains goals for individual Neighborhood Planning Areas. The project is located in the Summit Neighborhood Planning Area, which has this stated goal:

“Enhance the existing residential characteristics of the neighborhood in a manner which is compatible with the mountain environment and avoids or modifies suburban land use patterns and characteristics. Ensure that all new development is appropriate with adequate amenities compatible with the surrounding mountain environment and neighborhood scale.”

At the November 9, 2010 meeting, one of the concerns of the public and SBPC regarded the potential for increasing sprawl in suburban patterns. Staff agrees with this concern, and supports not repeating the type of land planning that resulted in wide spreading developments such as Jeremy Ranch, Summit Park, Pinebrook, and other similar neighborhoods in the Basin. As these developments were approved under old Development Code requirements and old General Plans they were generally not required to cluster, provide meaningful open space, provide trail connections, and comply with other design concerns and impact mitigation. The proposed project, while including a large number of lots, does the opposite of sprawl by clustering the units in a smaller area on the overall acreage of the project site.

Code Criteria

Through the process, the SBPC requested a standardized method of review for CORE projects. Below, Staff has provided a chart outlining the various aspects of the project and what information has been provided so far.

	Data	Meets requirement?
Total Number of Units	162	Discussion - if reduced

Number of Workforce Units	TBD	Further review will be done on specifics.
Project Density	2.31 units per acre / 0.43 acres per unit	
General Plan Compliance	--	Yes
ENCOURAGED Purpose / Goals, 10-5-16(A)		Discussion - density calculation
Voluntary provision of WH	--	Yes
Cluster in least visually and environmentally sensitive areas, maximize open space	May comply, more discussion needed	Yes
Walkable	Walkable within, but not externally	Yes
Transit-oriented, minimize traffic impacts	On the 5-year public transit plan	Yes
Linkages to broader trail and open space network	Working with SBSRD	Yes
High quality public spaces such as parks, trails, recreation	Working with SBSRD	Yes
A mix of housing types in same neighborhood	Providing variety of prices, and unit styles	Yes
Visually compatible with adjacent developments	Visually similar to existing neighborhoods	Yes
Preserves the natural setting to greatest extent possible	Clustering development, preserving open space and sensitive lands	Yes
Allows pet ownership	Encouraged	Not required
REQUIED Code Criteria, 10-5-16(E):		
Distance to transit	On the 5 year plan	Yes
Access to sewer	--	Yes
Access to water	--	Yes
Compatibility with neighborhoods within 1000'	Less than twice average	Yes - if density reduced to max of 125
Appropriateness with neighborhoods within 1000'	Similar unit / lot styles	Yes
Distance to another CORE Zone	No COREs within 2000'	Yes
Housing ratio – 1.5 market units per WUE	To be monitored as units finalized	Yes – to be codified in Housing Agreement
No development on Sensitive Lands	Sensitive lands identified & protected	Yes
Percentage of Open Space	72% - 73% / 51.35 acres	Yes
Transportation study and impacts	--	Yes
Interior and exterior pedestrian / bike connectivity	Preliminary trail and sidewalk connections	Yes

	proposed but to be finalized with SBSRD at final approval stage.	
Adequate parking	--	Yes
Building elevations	--	SPBC discussion requested
Site planning requirements of SBDC (Code)	Reviewed at each stage, and will finalize towards the end of the process.	Final Plat stage
Solid waste management and recycling plan	Not yet discussed.	Will be condition of approval
Green building principles	Encouraged	Not Required

F. RECOMMENDATION(S)/ALTERNATIVES

Staff recommends that the SCC and SCM discuss the project and provide direction to the applicant on additional information or project revisions. For the convenience of the SCC and SCM, Staff has included the original recommendation options provided to the SBPC below:

That the SBPC forward a positive recommendation to the Summit County Manager on the Discovery CORE Major Development Preliminary Plan, with the following findings and conditions:

Findings:

- 1. The CORE preliminary plan complies with the goals and policies of the Snyderville Basin General Plan.*
- 2. The CORE preliminary plan complies with the requirements of Section 10-5-16 of the Snyderville Basin Development Code.*

Conditions:

- 1. The density for the project shall be reduced to 125 units (or other number as articulated by the SBPC).*
- 2. The plan shall be revised to reflect SBPC and applicant representations given in this meeting, such as bridge revisions, unit reduction, housing types, and so forth as contained in the meeting minutes.*
- 3. The associated CORE Rezone shall be approved and recorded prior to approval and recordation of the major development.*
- 4. The applicant shall enter into a Housing Agreement, as outlined in Section 10-5-3 of the Snyderville Basin Development Code.*
- 5. All service provider requirements, including but not limited to the US Army Corps of Engineers, Utah Division of Wildlife, utilities, and County departments, shall be met prior to project final approval.*

And that the SBPC forward a positive recommendation to the Summit County Council on the Discovery CORE Rezone, with the following findings and conditions:

Findings:

1. *The CORE Rezone complies with the goals and policies of the Snyderville Basin General Plan.*
2. *The CORE Rezone complies with the requirements of Section 10-5-16 of the Snyderville Basin Development Code.*

Conditions:

1. *The density for the project shall be reduced to 125 units (or other number as articulated by the SBPC).*
2. *The CORE Rezone ordinance shall not be recorded and effective unless and until the associated major development is granted approval.*
3. *Once recorded and effective, the CORE Rezone shall be valid for a period of one (1) year. If development of the major project has not begun in that time, the zoning shall revert to Hillside Stewardship.*

The SBPC may also choose to forward positive recommendations with modified densities and / or additional conditions, negative recommendations with the appropriate findings, or continue the item.

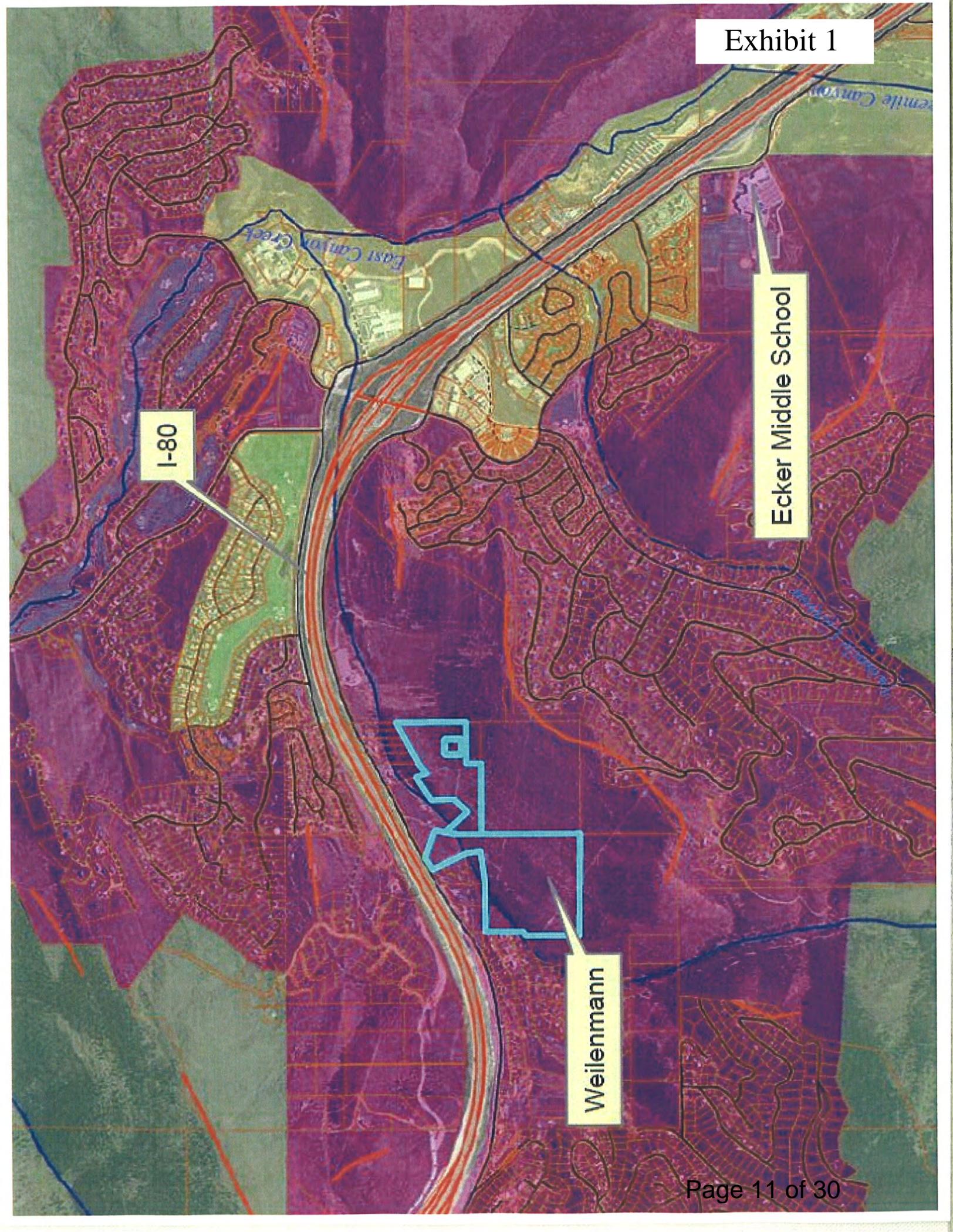
Exhibit(s)

1. Location / zone map (page 11)
2. Aerial (page 12)
3. Site and concept plans (pages 13-24)
4. Visuals (pages 25-30)

I-80

Ecker Middle School

Weilenmann





This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The program is subject to completion of the title, zoning, and data obtained from various sources including Summit County, Summit City, is not responsible for the correctness of accuracy or information therein.

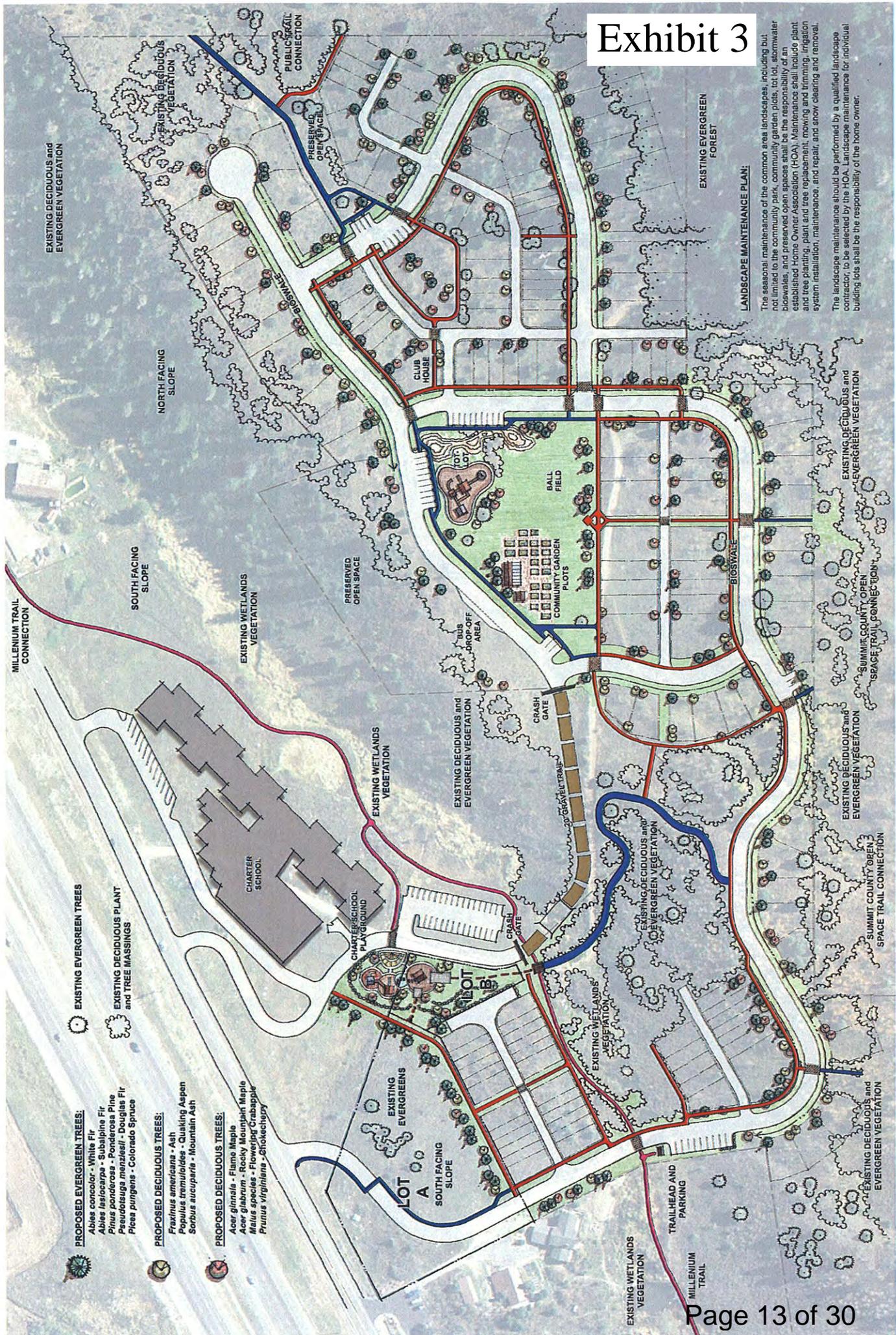
-  Cities
-  Rivers
-  Parcels

Summit County, Utah
Vicinity Map

Prepared by: Summit County
 Community Development Department



Exhibit 3



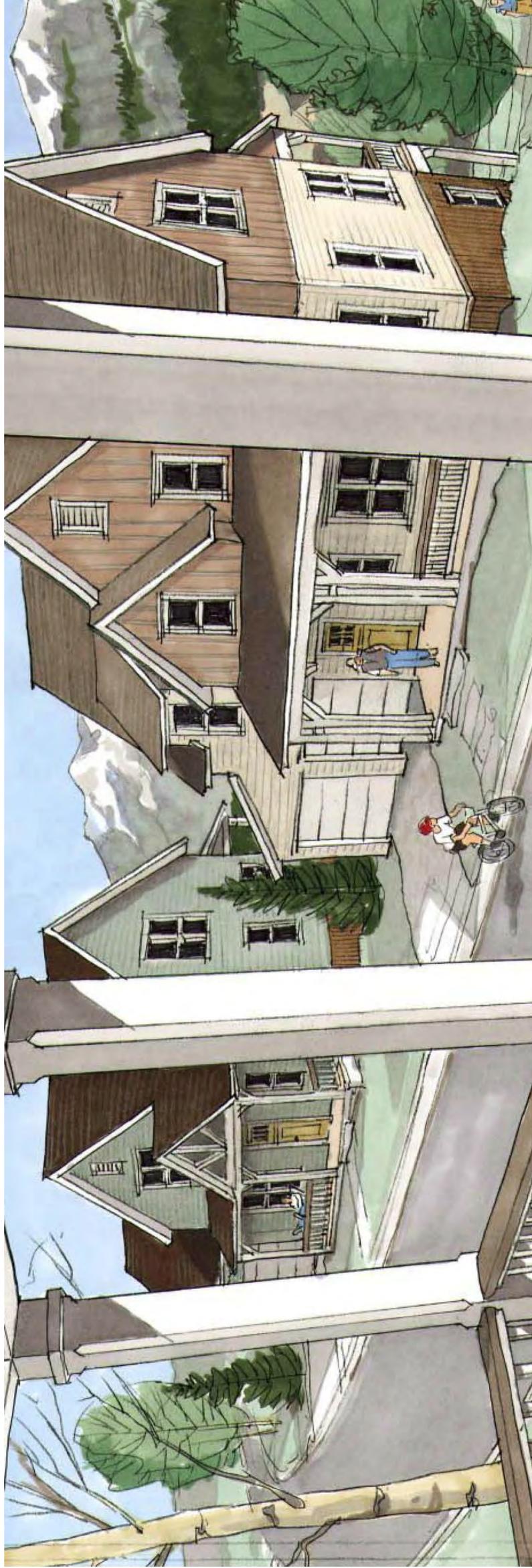
- PROPOSED EVERGREEN TREES:**
- Abies concolor - White Fir
 - Abies balsamea - Subalpine Fir
 - Pinus ponderosa - Ponderosa Pine
 - Pseudotsuga menziesii - Douglas Fir
 - Picea purgens - Colorado Spruce
- PROPOSED DECIDUOUS TREES:**
- Fraxinus americana - Ash
 - Populus tremuloides - Quaking Aspen
 - Sorbus aucuparia - Mountain Ash
- PROPOSED DECIDUOUS TREES:**
- Acer glabrum - Flame Maple
 - Acer glabrum - Rocky Mountain Maple
 - Malus species - Flowering Crabapple
 - Prunus virginiana - Chokecherry

LANDSCAPE MAINTENANCE PLAN:

The seasonal maintenance of the common area landscapes, including but not limited to the community park, community garden plots, lot lot, stormwater bio-swales, and preserved open spaces shall be the responsibility of an established Home Owner Association (HOA). Maintenance shall include plant and tree planting, plant and tree replacement, mowing and trimming, irrigation system installation, maintenance, and repair, and snow clearing and removal. The landscape maintenance should be performed by a qualified landscape contractor, to be selected by the HOA. Landscape maintenance for individual building lots shall be the responsibility of the home owner.

DISCOVERY - A MASTER PLANNED COMMUNITY

SUMMIT COUNTY, UTAH
PRELIMINARY PLAT - "NOT TO BE RECORDED"



DISCOVERY - A MASTER PLANNED COMMUNITY COVERSHEET

SYNDERVILLE BASIN, SUMMIT COUNTY, UTAH

NO.	DATE	REVISIONS



DRAWING NAME			
COVERSHEET			
Date Created	09/2010	Scale	AS SHOWN
Author		Design	GRD
Job	10-080	Sheet	C01

Exhibit 3.b

SHEET SCHEDULE

SHEET NUMBER	SHEET TITLE
C01	COVERSHEET
D701	CROSS SECTIONS
S00	OVERALL DEVELOPMENT PLAN
S01	SITE PLAN
S02	SITE PLAN
S03	SITE PLAN
S04	SITE PLAN
S05	DRAINAGE AND GRADING PLAN
S06	SLOPE ANALYSIS

SYNDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 20____

BY: _____

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

CONTACTS

ENGINEER & SURVEYOR

FOCUS ENGINEERING & SURVEYING
201 COTTAGE AVE.
SANDY, UTAH 84070
(801) 352-0075
CONTACT: BRAD A. LUKWELYN, P.L.S.

OWNER/DEVELOPER

ALPINE DEVELOPMENT, LLC
5227 HEATHER LANE
PARK CITY, UTAH 84098
(801) 403-9860
CONTACT: GLEN K. LEHT, P.E., M.B.A.

SANITARY SEWER

SYNDERVILLE BASIN WATER RECLAMATION DISTRICT
2800 HOMESTEAD ROAD
PARK CITY, UTAH 84098
(435) 645-2562
CONTACT: KEVIN BERKLEY

PLANNING AND ZONING

SUMMIT COUNTY PLANNING DIVISION
60 NORTH MAIN STREET
COALVILLE, UTAH 84017
(435) 336-3293
CONTACT: KIMBER GABRYSZAK

COUNTY ENGINEER

ENGINEERING DEPARTMENT
60 NORTH MAIN STREET
COALVILLE, UTAH 84017
(435) 336-3293
CONTACT: DERRICK RADKE, P.E.

CULINARY WATER

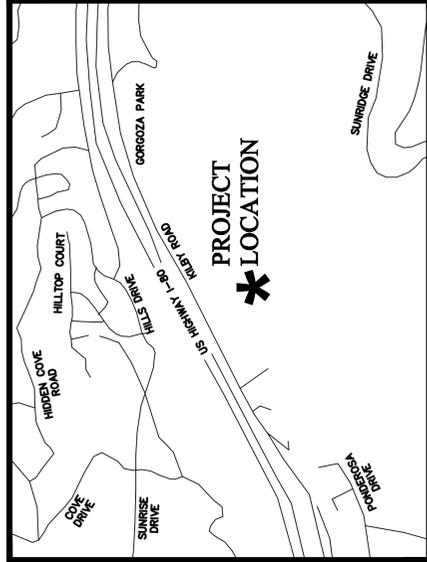
MOUNTAIN REGIONAL WATER
6421 NORTH BUSINESS PARK LOOP ROAD, SUITE A
PARK CITY, UTAH 84098
(435) 940-1916

ENGINEER'S NOTES TO CONTRACTOR

- THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY LINES ARE ENCOUNTERED DURING CONSTRUCTION THAT ARE NOT IDENTIFIED BY THESE PLANS. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MET BY THE CONTRACTOR THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL HOLD THE CITY, THE OWNER, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT.
- UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ANY SUCH CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

GENERAL NOTES

- CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
- ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL ADHERE TO SUMMIT COUNTY, MOUNTAIN REGIONAL WATER, AND SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARD PLANS AND SPECIFICATIONS



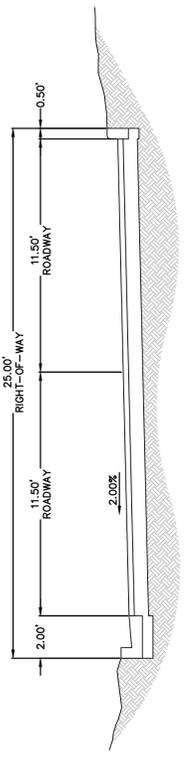
VICINITY MAP

PREPARED FOR:
ALPINE DEVELOPMENT, LLC
1000 W. 1000 S.
PARK CITY, UTAH 84098
PH: (801) 403-9860

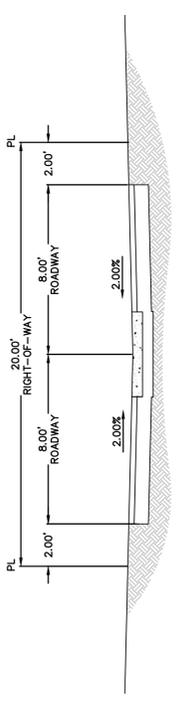
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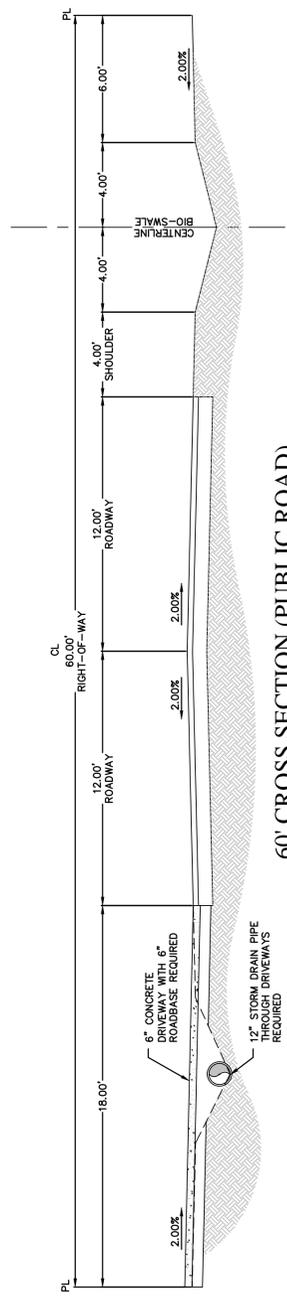
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Job	10-080
Sheet	DT01



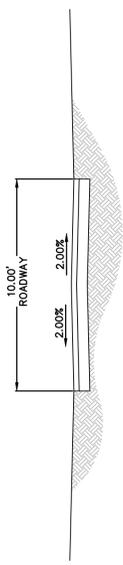
25' CROSS SECTION (PRIVATE ROAD)
NTS



20' CROSS SECTION (ALLEY)
NTS



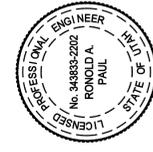
60' CROSS SECTION (PUBLIC ROAD)
NTS



10' HARD SURFACE TRAIL (MILLENNIAL)
NTS

DISCOVERY - A MASTER PLANNED COMMUNITY
OVERALL DEVELOPMENT PLAN
SYNDERVILLE BASIN, SUMMIT COUNTY, UTAH

REVISIONS	
NO.	DATE

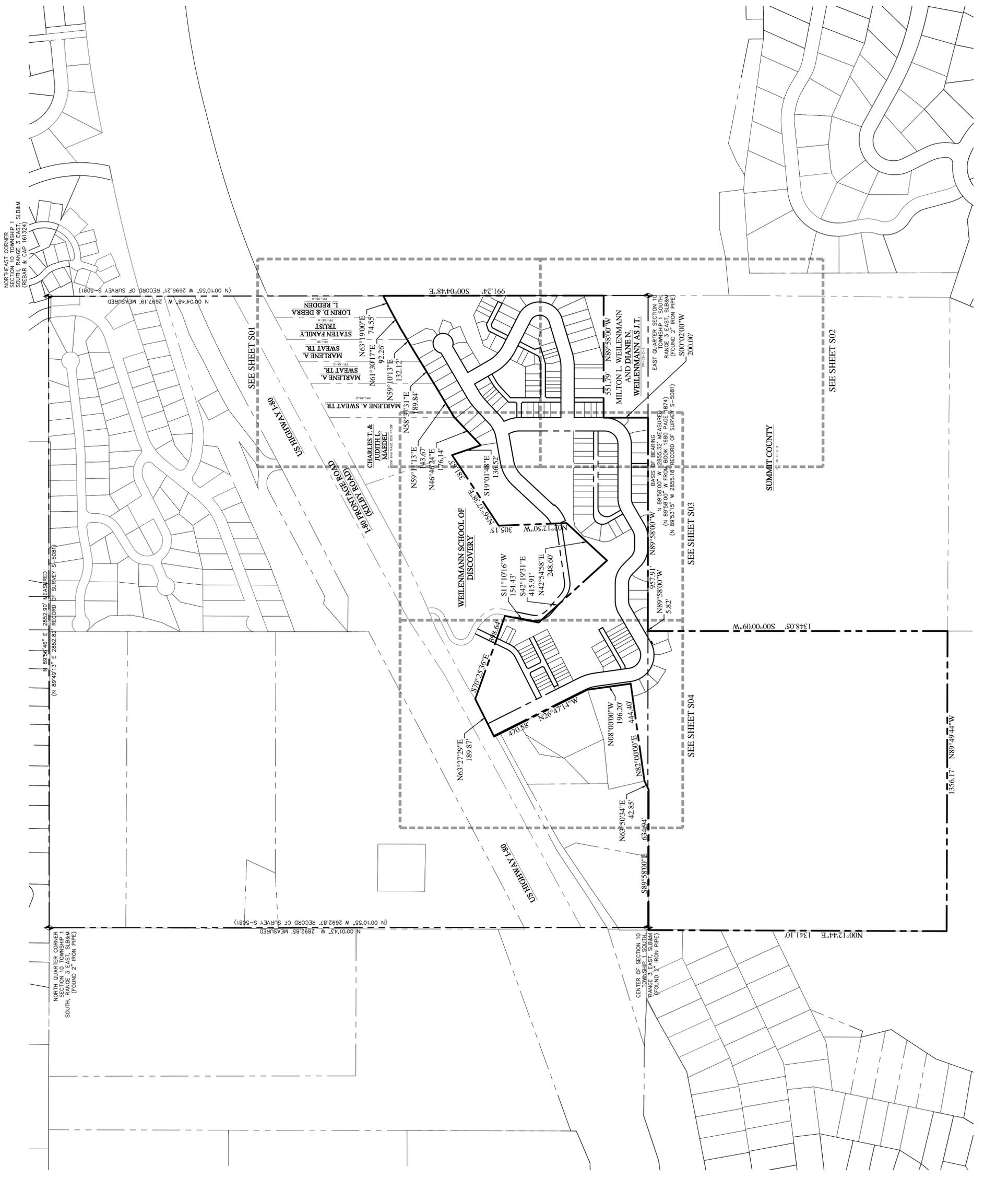


DRAWING NAME	
OVERALL DEVELOPMENT PLAN	
Date Created	09/2010
Scale	AS SHOWN
Design	GBD
Job	10-080
Sheet	S00



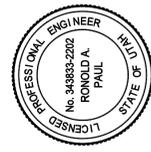
SITE STATISTICS

NO. SINGLE FAMILY LOTS	81
NO. TOWNHOMES	69
NO. DUPLEXES	12
TOTAL NO. UNITS	162
TOTAL GROSS AREA	70.91 ACRES
TOTAL OPEN SPACE	51.38 ACRES (72.42%)
DENSITY UNITS	2.28 UNITS/ACRE



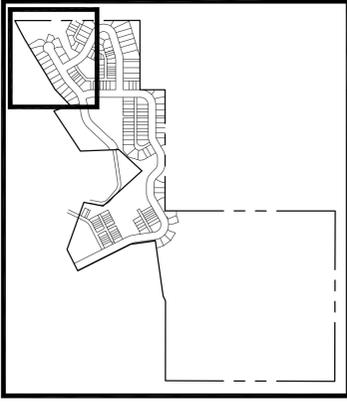
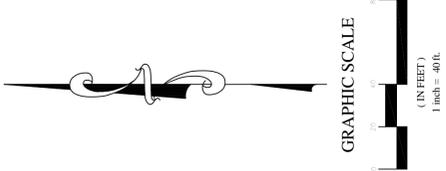
PREPARED FOR:
ALPINE DEVELOPMENT, LLC
1000 W. 1000 N.
PARK CITY, UTAH 84305
PH: (801) 403-9880

DISCOVERY - A MASTER PLANNED COMMUNITY
SITE PLAN
SYNDERVILLE BASIN, SUMMIT COUNTY, UTAH



DATE CREATED 09/2010		JOB 10-080	SHEET S01
SCALE	DESIGN GSD		
DRAWING NAME SITE PLAN			

NO.	DATE	REVISIONS



SHEET LOCATOR

- LEGEND**
- BOUNDARY
 - CENTERLINE
 - LOT LINE
 - SETBACK
 - CONTOUR MAJOR
 - CONTOUR MINOR
 - 15' RCP SD
 - 30' RCP SD
 - 8" SANITARY SEWER
 - 4" SANITARY SEWER
 - 12" DUCTILE IRON WATER
 - EXIST. 12" SD
 - EXIST. 8" SEWER
 - EXIST. 10" SEWER
 - EXIST. 6" WATER
 - EXIST. FENCE VINYL
 - EXIST. CONTOUR MAJOR
 - EXIST. CONTOUR MINOR
 - SD MH, INLET, AND COMBO
 - SEWER MANHOLE
 - VALVE, TEE, & BEND
 - FIRE HYDRANT
 - STREET MONUMENT
 - EXIST. SD INLET & MH
 - EXIST. SEWER MH
 - EXIST. WATER VALVE, TEE, & BEND
 - EXIST. FIRE HYDRANT

SETBACK SCHEDULE

FRONT 5 FEET (12 FEET TOTAL)
REAR 14 FEET

SITE STATISTICS

NO. OF UNITS 69
NO. DWELLING UNITS 69
TOTAL NO. UNITS 162
TOTAL GROSS AREA 70.91 ACRES
TOTAL OPEN SPACE 51.35 ACRES (72.42%)
DENSITY UNITS 2.28 UNITS/ACRE

PREPARED FOR:
ALPINE DEVELOPMENT, LLC
PARISH, UTAH 84068
PH: (801) 403-9880



MATCHLINE SEE SHEET S03

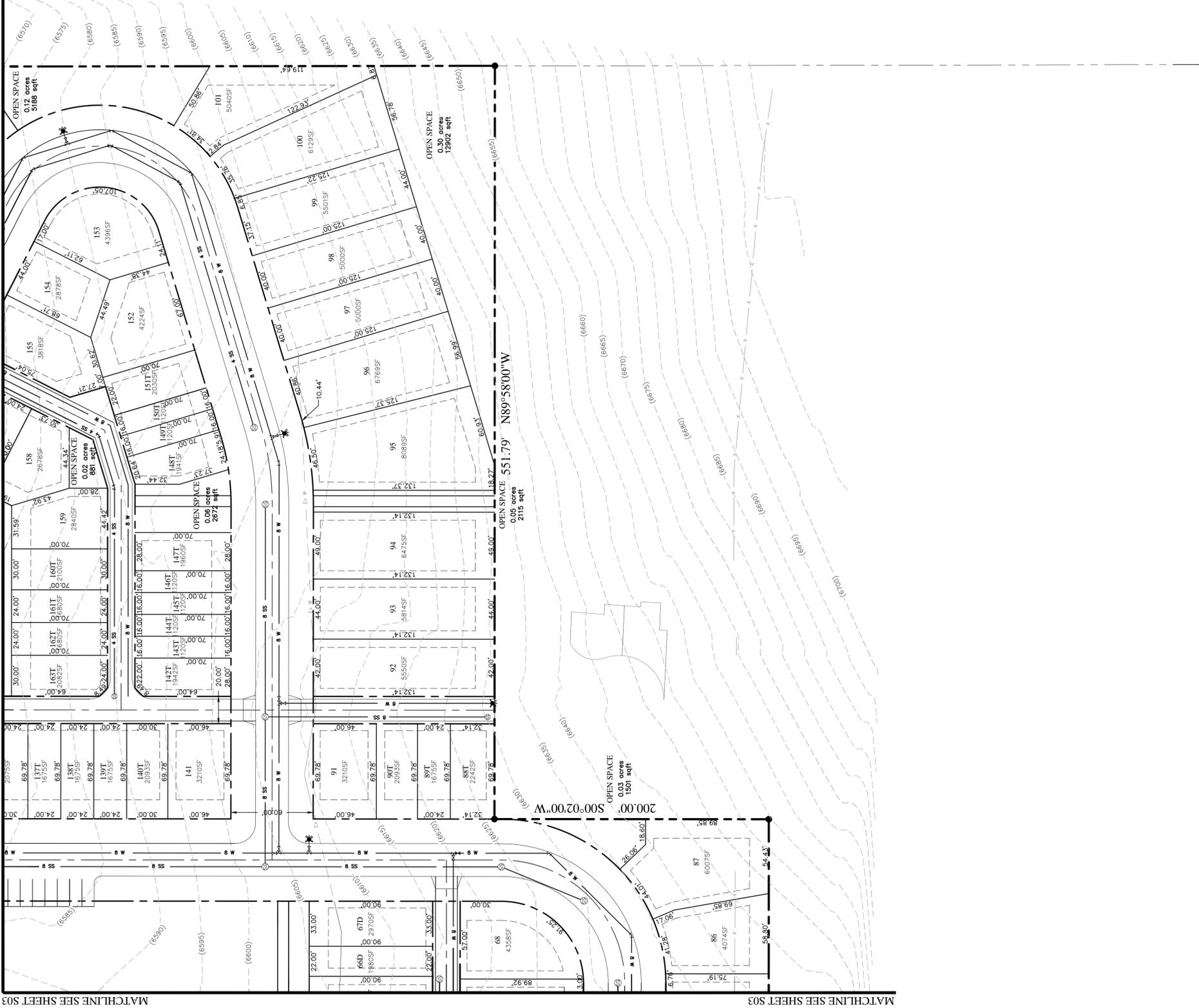
MATCHLINE SEE SHEET S03

MATCHLINE SEE SHEET S02

MATCHLINE SEE SHEET S02

MATCHLINE SEE SHEET S01

MATCHLINE SEE SHEET S03

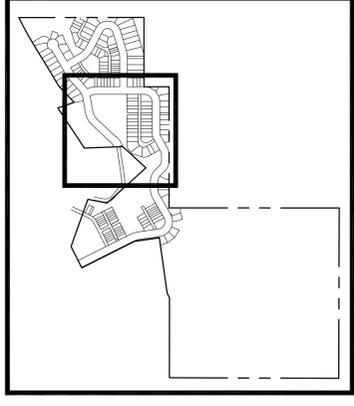


DISCOVERY - A MASTER PLANNED COMMUNITY
SITE PLAN
SYNDERVILLE BASIN, SUMMIT COUNTY, UTAH



DATE CREATED 09/2010	
SCALE	AS SHOWN
DESIGN	GBD
JOB	10-080
SHEET	S03

NO.	DATE	REVISIONS



LEGEND

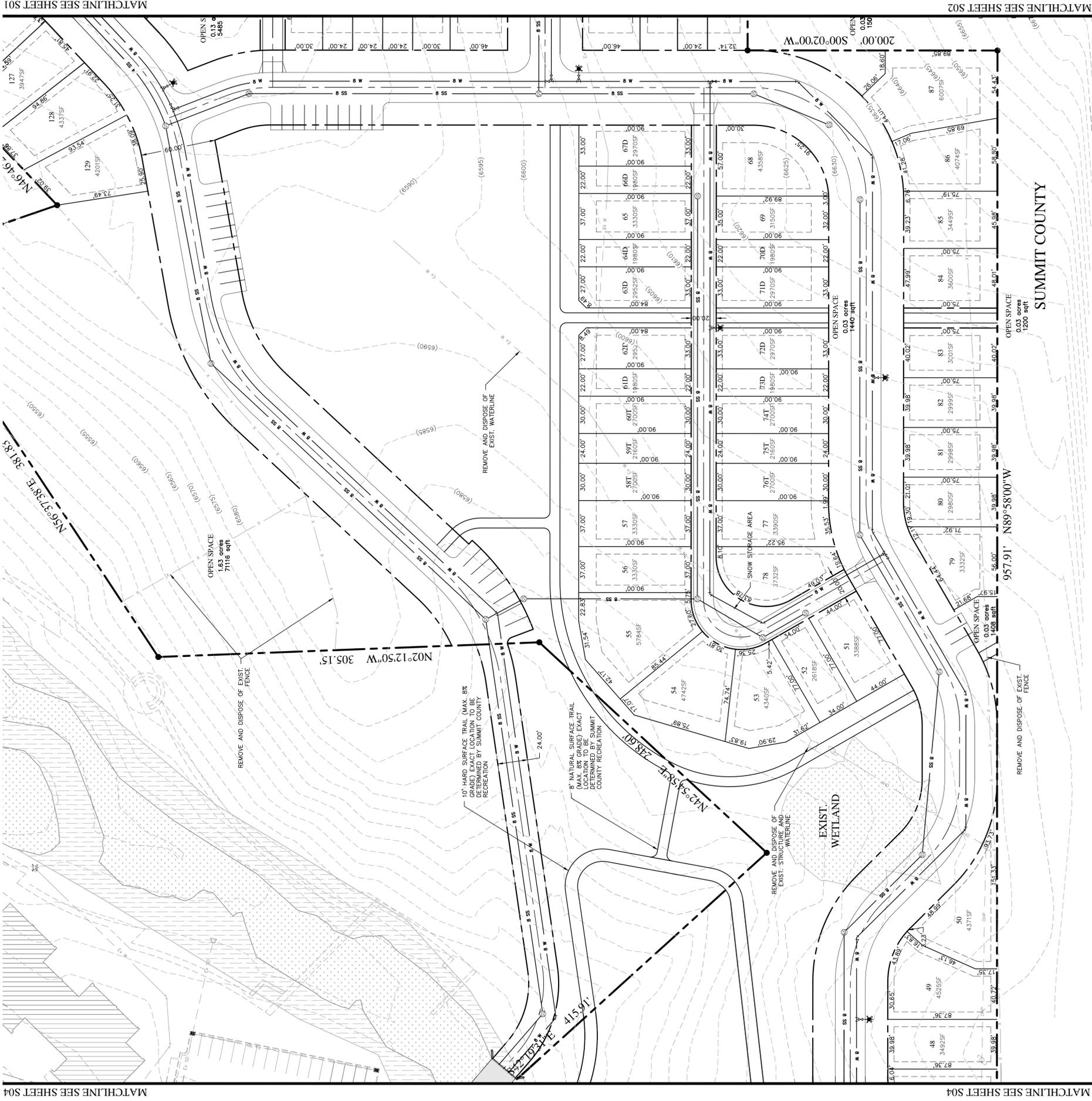
- BOUNDARY
- CENTERLINE
- LOT LINE
- SETBACK
- CONTOUR MAJOR
- CONTOUR MINOR
- 15' RCP SD
- 30' RCP SD
- 8" SANITARY SEWER
- 4" SANITARY SEWER
- 8" SANITARY WATER
- EXIST. 8" WATER
- EXIST. 10" WATER
- EXIST. 12" WATER
- EXIST. FENCE VINYL
- EXIST. CONTOUR MAJOR
- EXIST. CONTOUR MINOR
- SD MH, INLET, AND COMBO
- SEWER MANHOLE
- VALVE, TEE, & BEND
- FIRE HYDRANT
- STREET MONUMENT
- EXIST. SD INLET & MH
- EXIST. SEWER MH
- EXIST. WATER VALVE, TEE, & BEND
- EXIST. FIRE HYDRANT

SETBACK SCHEDULE

FRONT	5 FEET (12 FEET TOTAL)
REAR	14 FEET

SITE STATISTICS

NO. TOTAL LOTS	69
NO. DWELLING UNITS	12
TOTAL NO. UNITS	162
TOTAL GROSS AREA	70.91 ACRES
TOTAL OPEN SPACE	51.35 ACRES (72.42%)
DENSITY UNITS	2.28 UNITS/ACRE

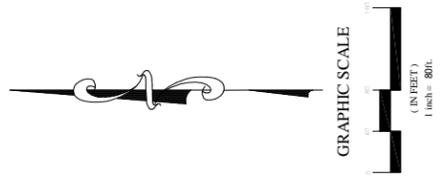


**DISCOVERY - A MASTER PLANNED COMMUNITY
DRAINAGE AND GRADING PLAN
SYNDERVILLE BASIN, SUMMIT COUNTY, UTAH**

NO.	DATE	REVISIONS



DRAWING NAME	
DRAINAGE AND GRADING PLAN	
Date Created	08/2010
Scale	GRD
Design	GRD
Job	10-080
Sheet	S05



STORM WATER NARRATIVE
DISCOVERY IS MASTER PLANNED WORKFORCE HOUSING COMMUNITY. THE STORM WATER FACILITIES REQUIRED TO ACCOMMODATE DISCOVERY WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH SUMMIT COUNTY STANDARDS AND GENERAL ENGINEERING PRACTICES AND WILL BE SUBMITTED FOR APPROVAL TO ALL GOVERNING AGENCIES. ALL STORM WATER OUTFALL FACILITIES FROM THE PROJECT AREA WILL BE DISCHARGED IN ACCORDANCE WITH ALL AFFECTED AGENCIES.

MULTIPLE DETENTION/BIO-RETENTION SYSTEMS WILL BE REQUIRED IN ORDER PROVIDE ENOUGH STORAGE FOR THE SITE AND WILL BE DESIGNED TO SERVE THE 100-YEAR STORM EVENT FOR ALL BIO-RETENTION PONDS AND THE 10-YEAR STORM EVENT FOR ALL DETENTION PONDS.

A CONVEYANCE SYSTEM WILL BE DESIGNED USING BIO-SWALES ALONG THE ROADS TO PROMOTE INFILTRATION WITH A SUBSURFACE COLLECTIONS SYSTEM IN ACCORDANCE WITH SUMMIT COUNTY STANDARDS. THIS COLLECTION SYSTEM WILL BE SIZED TO ACCOMMODATE A 10-YEAR STORM EVENT WITH AN APPROPRIATE TIME OF CONCENTRATION OF A MINIMUM OF 15 MINUTES.

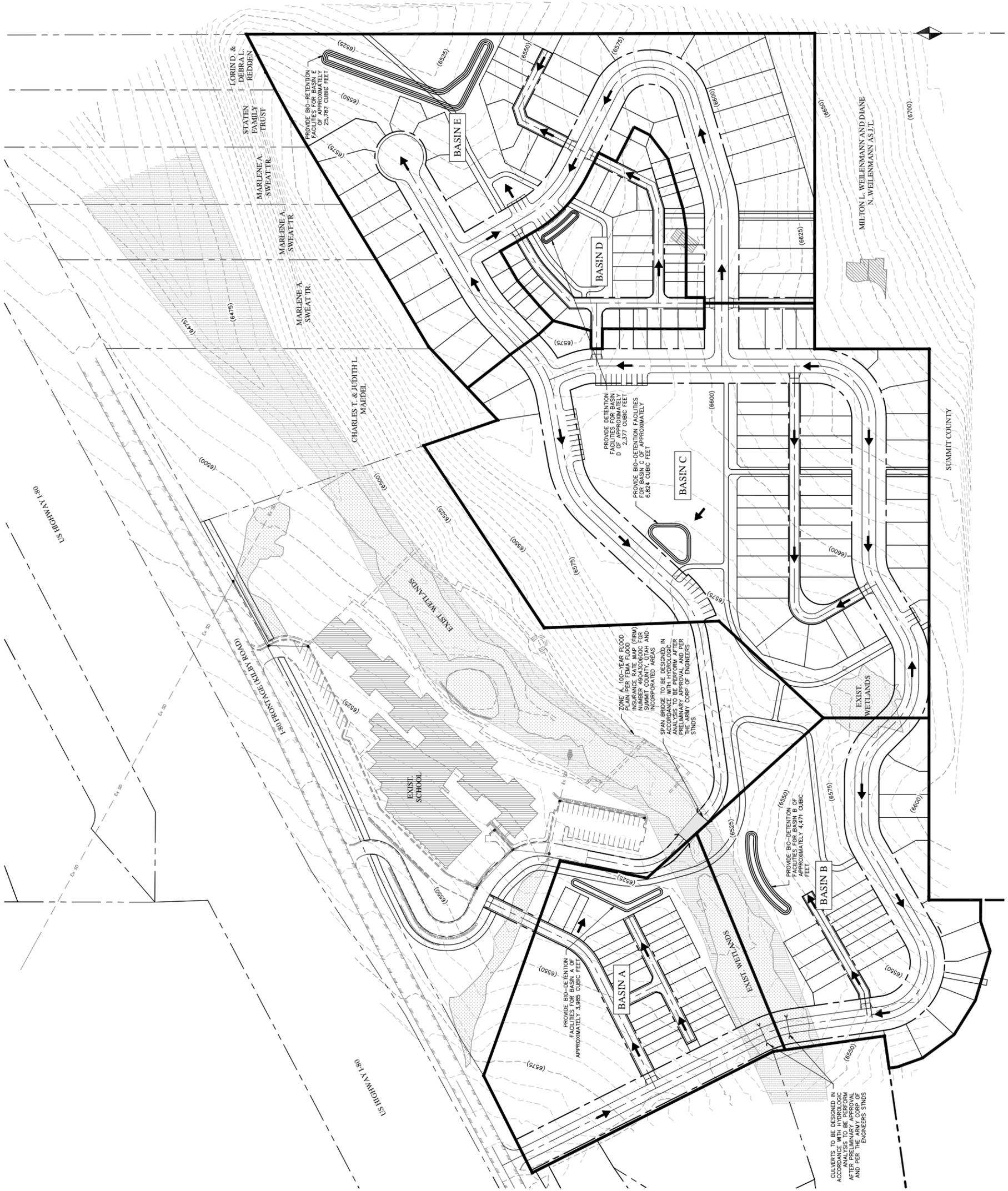
METHODOLOGY

THE METHOD USED TO DETERMINE THE STORM DRAINAGE FLOW WITHIN EACH DRAINAGE BASIN WAS THE RATIONAL METHOD (Q=CIA). AN APPROPRIATE C-VALUE WAS CALCULATED. THE TIME OF CONCENTRATION SELECTED WAS 15 MINUTES AND THE INTENSITY WAS TAKEN FROM THE 10-YEAR, 24-HOUR STORM FROM NOAA ATLAS 14, VOLUME 1, VERSION 4 [PARLEY'S SUMMIT, UTAH (42-0061)]. AREAS FOR EACH BASIN WERE ALSO DETERMINED BASED UPON CONCEPTUAL GRADES AND ROAD LAYOUT.

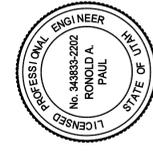
GRADING NARRATIVE

ALL GRADING AND ROAD DESIGN SHALL CONFORM TO SUMMIT COUNTY STANDARDS, ASHTO REGULATIONS AND GENERAL ENGINEERING PRACTICES. THE DESIGN SPEED FOR ALL ROADS SHALL BE 25 MPH, WHERE RETAINING WALLS ARE NEEDED, THEY SHALL BE IN COMPLIANCE WITH ALL LOCAL STANDARDS AND SHALL BE HELD TO A MAXIMUM OF FOUR FEET IN HEIGHT AND TIRED WHERE POSSIBLE. IT IS ALSO ANTICIPATED THAT GRADES IN EXCESS OF 8% WILL BE NEEDED TO MINIMIZE LAND DISTURBANCE AND PRESERVE VIEW CORRIDORS.

FINAL DETAILED GRADING SHALL BE SUBMITTED UPON APPROVAL OF THE PRELIMINARY PLAT.



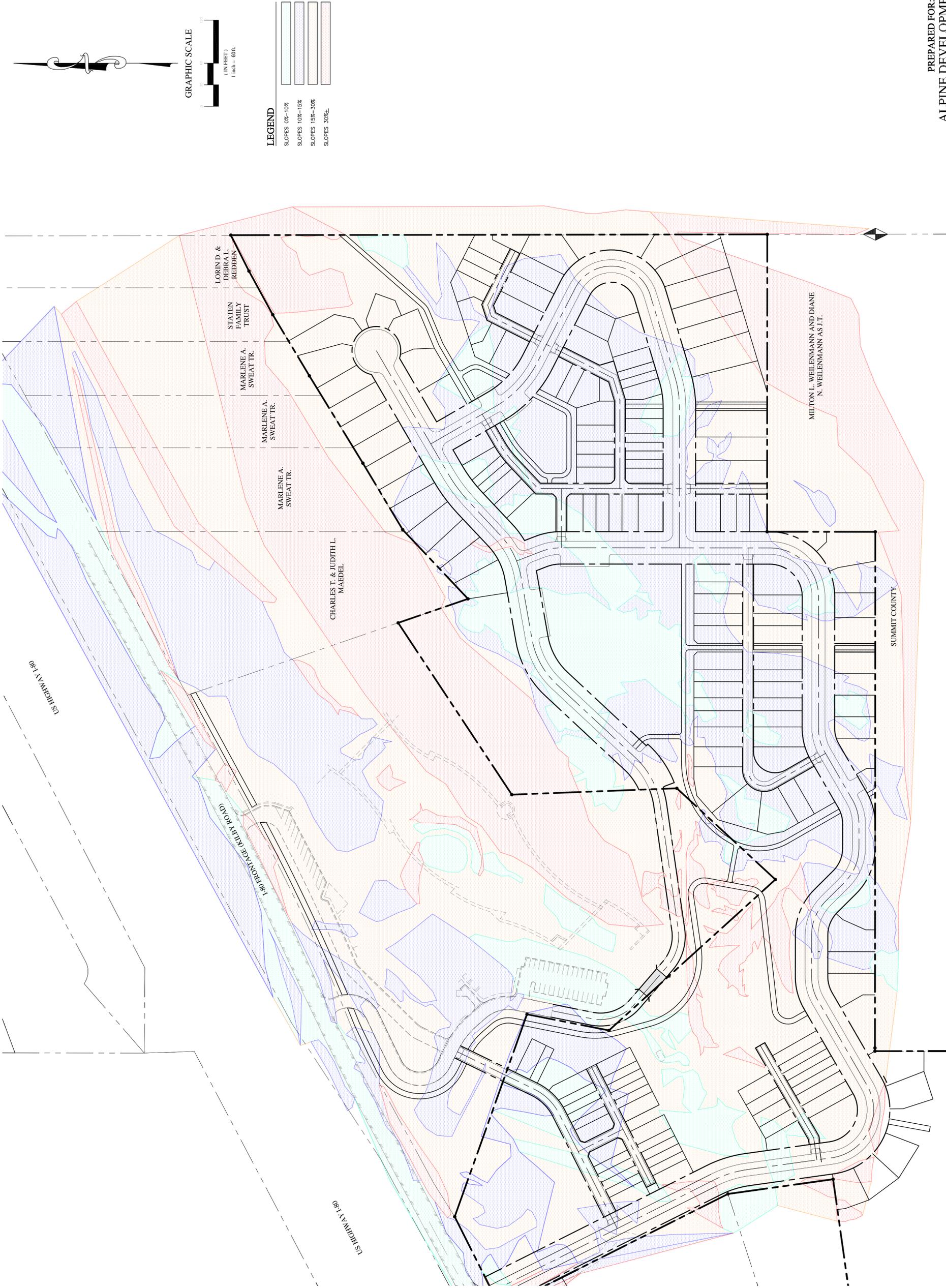
REVISIONS	
NO.	DATE

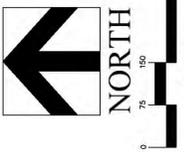


DRAWING NAME		S06
SLOPE ANALYSIS		
Date Created	09/2010	Sheet
Scale	GBD	
Design	GBD	
Job	10-080	

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PREPARED FOR:
ALPINE DEVELOPMENT, LLC
1000 W. MAIN ST.
PARK CITY, UTAH 84302
PH: (801) 403-9680

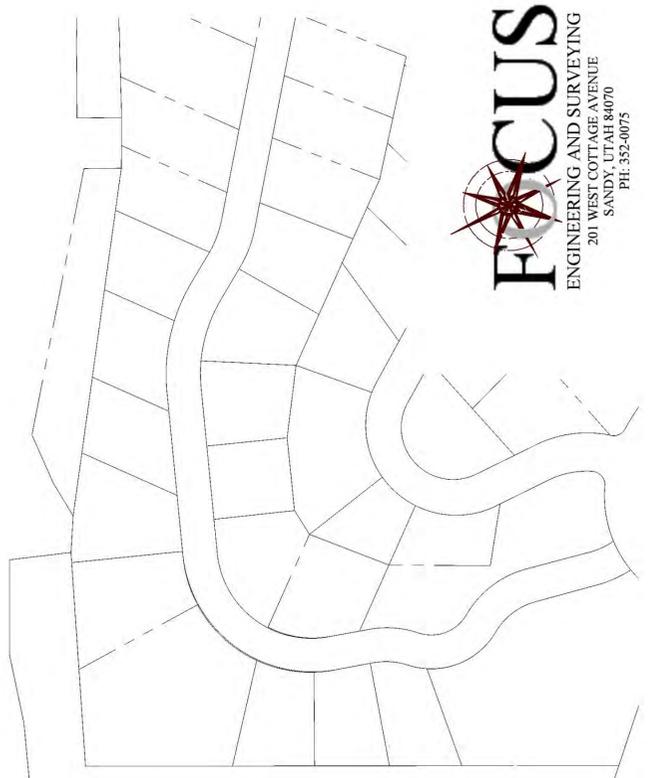
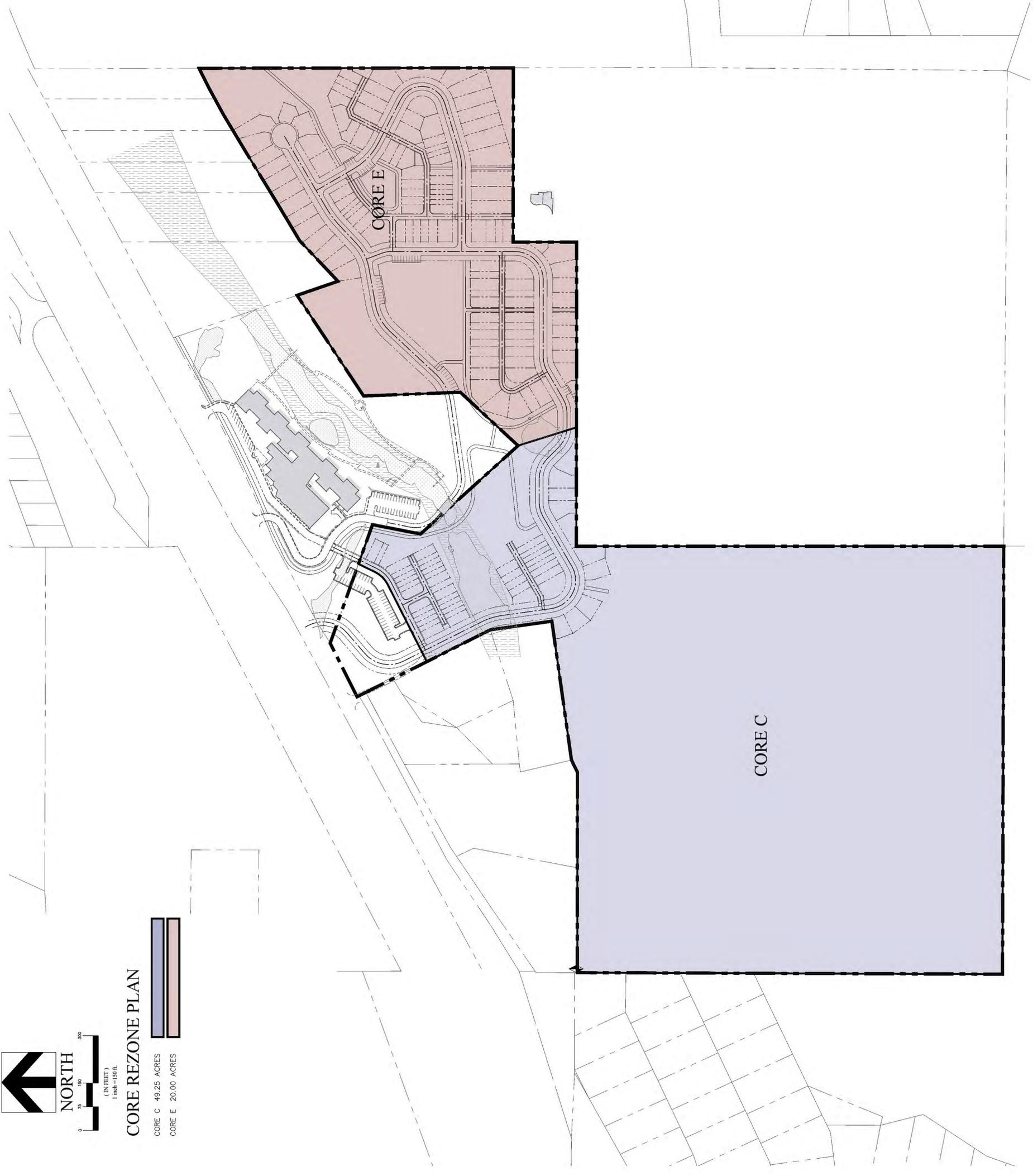




NORTH
(IN FEET)
1 inch = 150 ft.

CORE REZONE PLAN

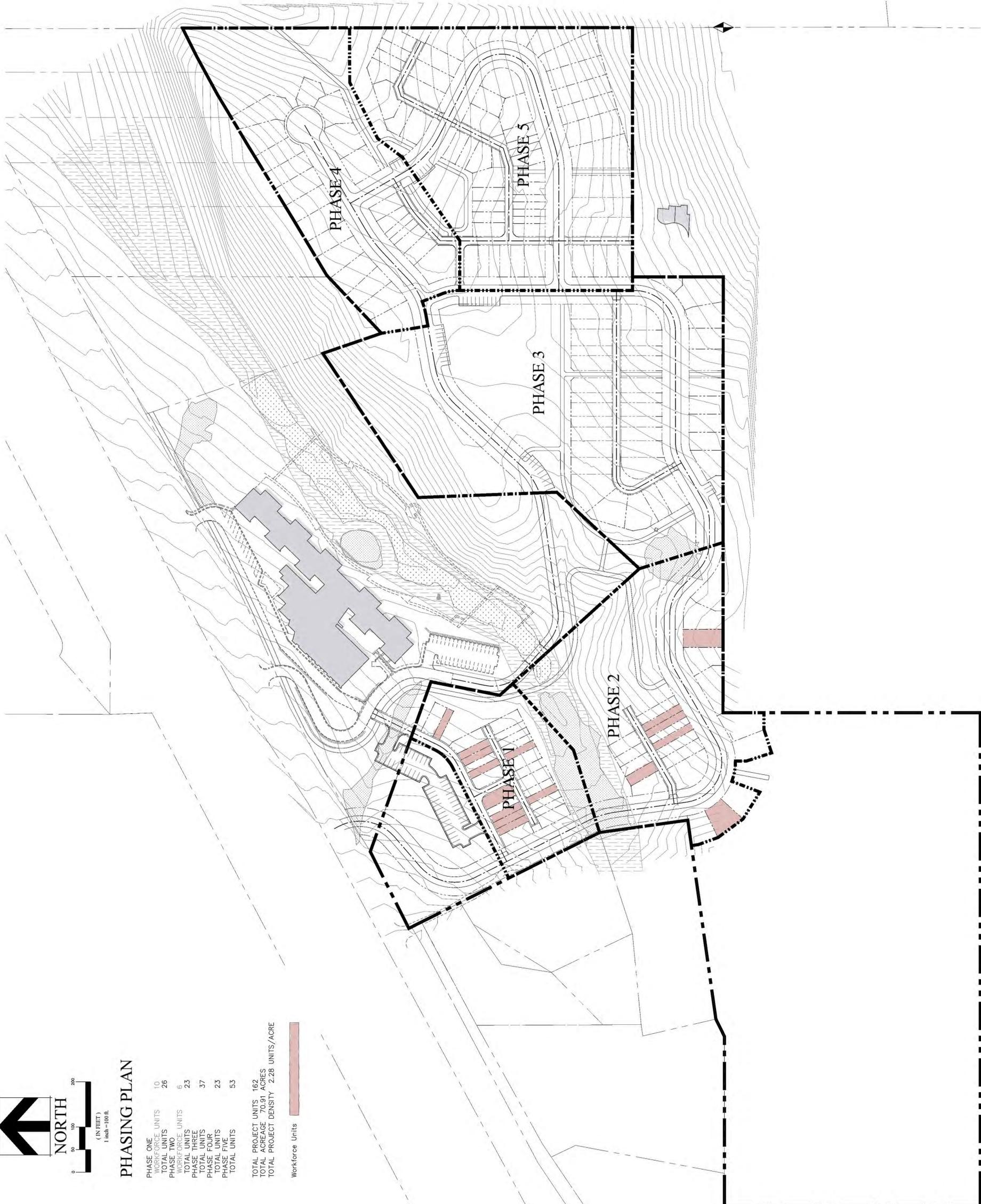
- CORE C 49.25 ACRES
- CORE E 20.00 ACRES



PHASING PLAN

PHASE ONE	WORKFORCE UNITS	10
	TOTAL UNITS	26
PHASE TWO	WORKFORCE UNITS	6
	TOTAL UNITS	23
PHASE THREE	WORKFORCE UNITS	37
	TOTAL UNITS	23
PHASE FOUR	WORKFORCE UNITS	23
	TOTAL UNITS	53
TOTAL PROJECT UNITS 162		
TOTAL ACREAGE 70.91 ACRES		
TOTAL PROJECT DENSITY 2.28 UNITS/ACRE		

Workforce Units





40°45'06.07" N 135°32'73" W

Image





Image USDA Farm Service Agency
Image State of Utah





Image State of Utah
Image USDA Farm Service Agency





Image State of Utah
Image USDA Farm Service Agency

**County Council
Staff Report**

Subject: Primary Residency
Author: Steve Martin, Assessor and Assistant Manager Anita Lewis
Date: June 15, 2011
Type of Item: Discussion

Summary Recommendation: This report is for discussion purposes only. The Assessor and Assistant County Manager are seeking direction regarding the procedures for administering citizen's requests when seeking refunds on primary/non primary tax assessment.

Background – (scenario) The Assessors Office receives a request from a tax payer seeking an abatement and refund for past tax years. One example where this occurs is the case of a tax payer who discovers that for several years, the tax payer has been paying as a non primary resident when in fact the tax payer should have received the primary residential tax exemption. The Assessors Office typically researches whether or not a primary residency application has been filed and whether the property qualifies for the primary residential tax exemption. If paper work is not found in the file, the assumption is made that the property owner has been given due notice in the form of a disclosure or tax statement and has intentionally failed to file an application.

Under Utah law, an exemption cannot be granted without an application.

For the current tax year, the Assessors Office may process the change in status on the current tax year assessment until May 22nd. After that date all changes in status are made by the Board of Equalization.

For previous tax years, a taxpayer could request the County Council to grant the taxpayer an abatement. The abatement of taxes should only be granted where the taxpayer can show that the County made an error which prejudiced the tax payer's ability to file an application in a timely manner. This strict interpretation is made in large part because the primary residential tax exemption has been in effect for thirty (30) years and taxpayers should be aware of it and take a measure of personal responsibility as to filing an application in accordance with law.

The Council has dealt with some of these issues over the last several years.

At this point, the Staff is seeking further clarification.

Clarification Requested:

- 1) Staff would like to indicate to taxpayers that it is the policy of the County Council not to grant abatement of taxes for previous tax years where an exemption application has not been filed in a timely manner. Staff would also like to indicate to taxpayers that they may request an abatement to the County Council

only where the taxpayer can show that the County made an error which prejudiced their ability to file an application in a timely manner.

Recommendation: Staff recommends that the Council amend Ordinance # 319 by adding a paragraph H to **Section 2. Criteria**, which states as follows:

H. Tax Abatement for tax years prior to current tax year. Tax Abatements for prior tax years shall not be approved unless the tax payer demonstrates by a preponderance of the evidence that an error on the part of the County, which prejudices the taxpayer, has been made. In all instances, the maximum abatement shall be five years.

9-22-1997

**SUMMIT COUNTY
ORDINANCE NO. 319**

**AN ORDINANCE PROVIDING FOR A PROCEDURE
AND CRITERIA IN GRANTING RESIDENTIAL
PROPERTY TAX EXEMPTIONS**

PREAMBLE

WHEREAS, the Utah Constitution, Article XIII, Section 2(8), and U.C.A. 59-2-102(22) & 103(2) (1953), as amended, provide that a "residential exemption" to property tax of 45% is available for "primary residences;" and,

WHEREAS, neither the State Code, nor Utah State Tax Commission rules, provide a definition of "primary residence," except to state that a "transient residential use or condominiums used in rental pools" are not considered primary residences; and,

WHEREAS, Utah Code, Title 59, Chapter 2, Part 11, discusses property tax exemptions in general, but is silent as to the "residential exemption;" and,

WHEREAS, Utah Code, Title 59, Chapter 2, Part 11, provides for an exemption application process, which includes the filing of an affidavit, prior to the granting of a property tax exemption; and,

WHEREAS, U.C.A. 59-2-1101(4) & 1102(1) state that "[t]he county legislative body may adopt rules to effectuate the exemptions provided" and may "determine whether certain property within the county is exempt from taxation;" and,

WHEREAS, U.C.A. 59-2-1001 states that the County "may make and enforce any rule which is consistent with statute and commission rule, and necessary for the government of the [B]oard [of Equalization], the preservation of order and the transaction of business;" and,

WHEREAS, in recognition of the diverse varieties of property ownership in Summit County a proper procedure for granting "residential exemptions" and defining the criteria allowing for such grants needs to be established; and,

WHEREAS, it is the opinion of the County Commission that residency should be determined by the quality and quantity of the actual occupancy and not by the class of structure, nor the intended use of the structure; and,

WHEREAS, providing for a standardized procedure and criteria to grant "residential exemptions" to property tax, where the State Code and State Tax Commission are silent, is in the best interests of Summit County;

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

Section 1. Procedure.

A. A property owner or his/her designee (applicant) shall submit an application for residential exemption from property taxes to the Summit County Assessor no later than May 22 of the current tax year. An application shall be in the form of an affidavit and shall contain, at a minimum, the following information:

- (1) property identification (serial number, address, etc.),
- (2) identity of the applicant/affiant,
- (3) basis of the applicant/affiant's knowledge of the use of the property,
- (4) authority to make the affidavit on behalf of the owner (if applicable),
- (5) county where property is located, and
- (6) nature of use of the property.

B. In the event that an affidavit is not timely filed, an exemption may be granted by the Board of Equalization on an individual appeal basis for the current tax year only. At the close of the Board of Equalization, no further appeals for exemptions will be considered until the following tax year.

C. A new affidavit of primary residence must be filed when ownership or the status of habitation changes. Any misrepresentation on the affidavit subjects the owner to a penalty equal to the tax on the property's value.

D. Submission of the affidavit authorizes the Summit County Assessor to request or collect information sufficient to verify primary residence status.

E. If an applicant requests a property be designated as a primary residence, the residential exemption should not be granted without conclusive evidence that the property serves as a primary residence. The burden of proof shall remain at all times with the applicant.

Section 2. Criteria.

A. A primary residence is the principal place where one (property owner or inhabitant) actually lives as distinguished from a place of temporary sojourn. Though motels and other transient properties would not meet this definition, rentals (on a yearly basis) would qualify for the residential property tax exemption.

B. A primary residence shall be defined by the following factors with respect to the property owner / property inhabitant (claimant):

- (1) an approved application for residential exemption,
- (2) the presence of the claimant on the voter registry in the area claimed as a primary residence,
- (3) the length of continuous residency in the place claimed as a primary residence,
- (4) the nature and quality of the living accommodations at the claimed primary residence,
- (5) the presence of family members at the claimed primary residence,
- (6) the place of residence of the claimant's spouse,
- (7) the physical location of the claimant's place of business or sources of income,
- (8) the physical location of the claimant's banking facilities,
- (9) the location of registration of claimant's vehicles, boats, and RVs,
- (10) claimant's membership in clubs, churches, and other social organizations,
- (11) the claimant's addresses used on such things as:
 - (a) telephone listings,
 - (b) mail,
 - (c) state and federal tax returns,
 - (d) listings in official government publications or other correspondence,
 - (e) driver's license,
 - (f) voter registration, and
 - (g) tax rolls,
- (12) the location of public schools attended by the claimant or his/her dependents,
- (13) the nature and payment of taxes in other states,
- (14) declarations of the claimant:
 - (a) communicated to third parties,
 - (b) contained in deeds,
 - (c) contained in insurance policies,
 - (d) contained in wills,
 - (e) contained in letters,
 - (f) contained in registers,
 - (g) contained in mortgages, and
 - (h) contained in leases,
- (15) the exercise of civil or political rights in a given location,
- (16) the failure to obtain permits and licenses normally required of a resident of the area,
- (17) the purchase of a burial plot in a particular location, and
- (18) the acquisition of a new residence in a different location.

C. Where a property owner owns more than one residence in Utah, or elsewhere, none of which are used as rental property, only one of the residences may qualify as a primary residence for purposes of the residential property tax exemption. Only the residence which is occupied more than six months out of the year qualifies for the residential exemption.

D. Married couples may only claim one property as a primary residence except where separate residences are maintained and occupied under a court approved separation agreement.

E. Partial or incomplete homes, as of January 1 of the tax year, will not be given the residential exemption until the following year when the full market value is placed on the county tax assessment roll, a certificate of occupancy has been issued by the county, and the completed structure is occupied by a full time resident. It is the occupancy that qualifies the property for the exemption.

F. To qualify for the residential exemption, a property need not be property owner occupied. Apartments and other rental housing used as a primary residence (property inhabitant) qualify for the residential exemption upon accepted application in accordance with Section 1 above and paragraph B of this Section.

G. The residential exemption is limited to up to one acre of land per residential dwelling unit on a single property description.

Section 3. Grandfather Provision.

As of the effective date of this Ordinance, property owners whose Summit County property is currently listed by the County Assessor as having a residential exemption shall not be required to file an application and affidavit to continue its status. However, should ownership or the property inhabitant's status change, the property shall no longer be considered exempt and an application and affidavit under the provisions of this Ordinance shall apply.

Section 4. Conflict.

In the event of any conflict between this Ordinance and State or Federal law, the provisions of the latter shall be controlling.

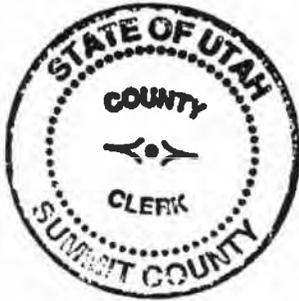
Section 5. **Savings Clause.**

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 6. **Effective Date.**

This Ordinance shall become effective after publication of such in accordance with applicable State law.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Board of Commissioners, this 22nd day of September, 1997.



**BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, STATE OF UTAH**
By: James A. Soter
Chairman

Commissioner Soter voted: Aye
Commissioner Richins voted: Absent
Commissioner Schifferli voted: Aye

ATTEST:

Kristle Jones
County Clerk
Summit County, Utah

APPROVED AS TO FORM:

David Y. Thomas
Deputy County Attorney
Summit County, Utah



June 15, 2011 County Fire District Presentation

Chief's Overview: Paul Hewitt

- **Mission statement, strategic initiatives and development of our strategic plan**
- **Description of tri-fold district informational cards**
- **Financial Report: Tax rate, collection rate and our funding mechanism**
- **Community involvement and projects**

Operation's Report: Chief Bob Zanetti

- **2010/2011 Run review**
- **Training/Special Operations**
- **Apparatus review**

Fire Prevention Report: Chief Scott Adams

- **Urban Wild land Interface Fuel Mitigation (Chipping Program)**
- **Fire Code and Life Safety Enforcement**
- **Fire Prevention and Community Education**
- **Community Preparedness**
- **Fire and Emergency Preplanning for Commercial / Business Community**

Administrative Report: Chief Frank Heumann

- **Ambulance/Emergency transportation overview**
- **Health insurance update**
- **Local Building Authority and capital improvements**

Questions?



Park City Fire



Service District Quick Facts:

- Population served: Approx. 32,000
- **District area:** 110 sq. miles, consisting of residential, commercial, and wildland areas. Summit County = 1,850 sq. miles.
- Fire Departments Protect Life, Property, and Environment.
- **Ski Resorts:** 3 world-class ski resorts and the Utah Olympic Park, drawing 4 million annual overnight and day visitors.
- **Apparatus:** 7 Engines, 4 Aerials, 6 Ambulances, 3 Brush Trucks, 2 Water Tenders, Haz-Mat Truck, Heavy Rescue, BC/Command Truck; also part of the Wasatch Back Hazmat Team which serves Summit and Wasatch Counties.

- **Full-time employees:** 78 Career Emergency Responders and 11 Administrative Staff (Chief, 2 ACs, 1 Fire Marshal/AC, Finance, HR, Inspector, Logistics, Training Officer, Executive Assistant, Admin. Assistant/Receptionist)

- **Part-time Responders:** 3; Seasonal EMTs: 12

- **Full-time Paramedics:** 38, Full-time Hazmat Techs: 43

- North Summit Ambulance Service (Coalville, Wanship, Henefer): 22 EMTs, 2 Supervisors, 1 EMS Manager.

- District net assessed value (in billions) for 2010: Summit County, \$10.5; Wasatch County (Deer Valley Area), \$.57; Total net assessed value, \$10.6.

- **Certified Tax Rate for 2010:** 0.001028

- **Expenses by year:** 2009, \$10,736,804; 2010, \$11,824,530

- **Taxation:** Primary Residence, 45% of Value; Secondary/Business, 100% of Value.

- **General Fund Budget by Calendar year:**

2010: \$11,824,530

2011: \$11,850,740

- **Station Addresses:**

Station #31 (Park City):
2388 Holiday Ranch Loop Road

Station #32 (Summit Park):
185 Maple Drive

Station #33 (Burns/Kimball Junct.):
730 West Bitner Road

Station #34 (Upper Deer Valley):
7805 Royal Street East

Station #35 (Pinebrook): 2575 West Kilby Road

Station #36 (Canyons):
1977 Canyons Resort Drive

Station #37 (Promontory):
6534 Promontory Ranch Road

Station #38 (Lower Deer Valley):
1798 Deer Valley Drive North

Admin. Offices: 736 West Bitner Road

- **Board terms:** 4-year terms.

- **Board Members:** Jim Bacon, Robbie Beck, Michael Howard, Liza Simpson, Dianne Walker

- **Board Meetings:** Held 1st and 3rd Wednesday of the month at Admin Bldg., Work Session, 5:30; Public Meeting, 6:30 p.m.

• **Open Meeting:** 3 Board members required for a quorum.

• **Values:** "PCFSD CARES": P-rofessionalism, C-ommunity Involvement, F-inancial Discipline & Transparency, S-ervice level above customer expectations, D-education, C-ompassion, A-ccountability, R-espect for employees and citizens, E-mpowerment, S-afety.

• **Boundaries:** North – from Exit 152 to Summit/Morgan County line; South – Wasatch County line; East – MM 150; West - MM 140 Salt Lake County line.

• Mutual/Automatic Agreements with Wasatch County, Salt Lake County, Salt Lake City, South Summit, North Summit, Wasatch Back.

• **Website:** www.pcfcd.org

• **Affiliated Organizations:**

IAFC: International Association of Fire Chiefs

UFGA: Utah Fire Chiefs Association

WFCA: Western Fire Chiefs Association

• **PCFSD Services:** Fire Suppression; technical rescue abilities such as confined space, trench, and rope rescue; high school internship and apprenticeship programs; Utah Task Force 1 (UTTTF1) -FEMA Urban Search and Rescue (Participating Agency-UFA is Sponsor); Emergency Medical/Ambulance Transport;

Hazardous Material Mitigation; Wildfire Fuel Reduction/Chipping Program; CPR and First Aid Training; Plan Review/Code Enforcement; Fire Prevention.

• Approximate average response time with lights and siren=6.25 minutes.

• **ISO Rating:** 2 Park City limits, 3 unincorporated area

• **Form of Government:** Dependent Special Service District defined under Titles 17B and 17D, Utah Code Annotated (<http://le.utah.gov/~code>).

• **PCFD Mission Statement (ESP):**

Enhance Quality of Life of Those We Serve
Safeguard the Environment and Economic Base of our Communities

P-Make a Positive Difference and Provide Excellence in Service

Chief Hewitt Cell: 435-659-5473

Admin. Office: 435-940-2501,

Email: phewitt@pcfcd.org



SUMMIT COUNTY RESTAURANT TAX GRANT ADVISORY COMMITTEE

2011 Recommended - Grant Request Rankings With Rationale & Restrictions

The Committee, in its 20th year, continued to use the state recognized format of reviewing applications and ranking them based on tourism components, the ability to leverage, the chance of completion, and the ability to increase the restaurant tax, whether the request was for a facility or promotion and whether the application was for a new or developing program.

There are varying degrees of tourism components included in these applications. The Committee, in reviewing the applications, continued to concentrate this year on the applicant's ability to bring in guests from outside of Summit County. Further, the Committee looked at whether the applicant was providing an amenity to guests that are already in the county or are providing a service or facility that will encourage visitation, preferably overnight and restaurant visitation. The Committee recognizes and agrees that a number of local events, when looked at together, provide opportunities for guests to enjoy their stay in Summit County, and enhance the visitor's experience. The committee has endeavored to weigh and take into consideration all relevant information at its disposal in the formation of these recommendations.

Again, the Committee has tried to make very specific recommendations and restrictions. Those are noted after each application's rationale. The County Manager's office continues to be very helpful in their follow-up of grants from previous years. In an effort to encourage better compliance with the requirement for applicants to submit receipts and documentation to the Manager's office for past grants, new language has been added to the application outlining possible ramifications for non-compliance.

The following are the Committee's detailed recommendations in order of their rankings.

Committee Application #	Original Request	Recommended Amount
----------------------------	---------------------	-----------------------

38-11 PC Chamber/Bureau – 2012 Summer TV	\$50,000	\$ 50,000
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RATIONALE: This is the Chamber's first application for summer television marketing. The goal is to target the Utah consumer with a June to August 2012 network television promotional campaign. The campaign will feature 15 and 30 second TV spots, plus value added such as weather tags and website promotion, on one selected Salt Lake network. The campaign will be supported with Chamber and co-op funding of \$100,000 for newspaper, radio and online marketing in the Wasatch Front. The ads will target all the products offered in Summit County including events, lodging, restaurants, shopping, etc.

RESTRICTIONS: These funds may only be used for television marketing in the Wasatch Front. Selection of network provider will be at the Chamber's discretion, based upon their negotiations.

PREVIOUS FUNDING: This is the Chamber's first application for a summer television campaign.

Committee Application #	Original Request	Recommended Amount
37-11 PC Chamber/Bureau – National Winter TV	\$250,000	\$250,000
<u>RATIONALE:</u> This is the eighth year for the funding of this promotion. The goal of this program is to heighten awareness of Park City and to develop more incremental, first-time overnight visitations. Last year the Chamber was able to have 3 TV marketing campaigns in LA, New York, and San Diego—getting a 4 to 1 return on the overall contribution. The Chamber saw increased registrations in the call to action of the Quick Start program. Visitor nights saw a 6% increase and skier days were up 4% over last season.		
Again this year, the Chamber is planning to run commercials in as many markets as their funding will allow. They also apply for funding from the Utah Office of Tourism and the SLC Airport Authority to go along with the Summit County Restaurant Tax funding.		
<u>RESTRICTIONS:</u> These funds may only be used for television marketing in conjunction with other funding sources to promote overnight destination visitors to Summit County. Final market selection will be left to the Chamber, based on their in-market negotiations and market research.		
<u>PREVIOUS FUNDING:</u> 2007: \$230,000; 2008: \$250,000; 2009: \$250,000; .2010: \$250,000		
39-11 PC Chamber/Bureau – Triple Crown	\$ 37,500	\$ 37,500
<u>RATIONALE:</u> This is the tenth year for this event that is held throughout Summit County. The Triple Crown tournaments include a Girl's Fast Pitch World Series which is a two- week girl's fast pitch softball tournament and a new one week tournament for 10-12 year old boys. Over the three weeks of play, Triple Crown anticipates 180 teams resulting in 8,640 incremental visitors from across the United States who will travel to Summit County. The tournament games are played on 15 fields throughout Summit County. The Park City Chamber/Bureau has tracked this event and reports that during this time period, Park City experiences the highest summer lodging tallies. The Chamber estimates a \$4.5 million return on this investment to Summit County businesses for 2011. The positive economic impact of this event is felt throughout all of Summit County.		
<u>RESTRICTIONS:</u> May only be used for marketing and expenses related to targeting teams from outside of Summit County. Granted funds cannot be used to reimburse travel expenses.		
<u>PREVIOUS FUNDING:</u> 2007: \$49,375; 2008: \$50,626; 2009: \$37,500; 2010: \$37,500		
31-11 USSA – TV Promotion	\$102,500	\$100,000
<u>RATIONALE:</u> This application is for the Freestyle World Cup competition at Deer Valley in 2012. This request is to help secure funding for television coverage on NBC and international networks. This plan includes integrating sport with entertainment at the World Cup competitions to maximize the value of the time buy. Research has proven that sport/entertainment events not only attract large spectator groups, but also provide more dynamic TV programming, which increases viewership. They will also plan to include more lifestyle footage with Park City vignettes and information.		
<u>RESTRICTIONS:</u> Granted Funds may only be used for funding the television coverage as outlined in the application: That is 50% of one hour buy time on NBC. The committee would like to see vignettes of Park City during the television network coverage.		
<u>PREVIOUS FUNDING:</u> 2008: \$110,000; 2009: \$150,000. 2010: \$100,000		
45-11 HPCA/Historic Park City Alliance	\$37,000	\$35,000
<u>RATIONALE:</u> This application provides funding to market and advertise the Historic Main Street area of Park City. Historic Park City is promoted as a destination for visitors interested in the unique offerings of Main Street from its shopping and dining to its galleries. This organization represents all of the businesses in the Historic district. This marketing project includes continued PR funding, a radio campaign targeting the Wasatch Front which includes a gift card promotion, and website enhancements which include web cams on Main Street.		
<u>RESTRICTIONS:</u> The funds are to be used to continue to develop and enhance the web site by adding webcams, website content, and to fund the Clear Channel Advertising as detailed in the marketing campaign. Please submit details regarding redemption of the gift card advertising campaign when you report your funding.		
<u>PREVIOUS FUNDING:</u> 2008 - \$20,000; 2009 - \$10,000, 2010- \$10,000.		

**Committee
Application #**

**Original
Request**

**Recommended
Amount**

30-11 Sundance Film Fest – Promotion

\$200,000

\$100,000

RATIONALE: This is the eleventh year of funding for this applicant. In January 2011, Sundance celebrated the 27th anniversary of this event in Park City. While this is a reoccurring application, the Sundance Film Festival continues to be one of the largest and most economically significant events of the year. The 2010 festival generated \$62 million in economic impact to the State of Utah. The national and international media generated by this event produces an estimated \$40 million dollars in media value to Summit County. This media exposure has enhanced Park City's name recognition and reputation as a desirable destination over the years.

RESTRICTIONS: The granted funds may only be used for National/International print and/or electronic advertising and for press programs. The committee would like to see additional exposure of Park City as a tourism destination in collateral materials and trailers.

PREVIOUS FUNDING: 2007:\$110,000; 2008: \$120,000; 2009: \$120,000; 2010: \$120,000.

16-11 Park City Lodging Assoc- International FAM

\$42,085

\$40,000

RATIONALE: This is the fifth year of funding for this application. In conjunction with the PC Chamber, the Lodging Association will bring international wholesalers to Park City to showcase the winter product and to demonstrate the accessibility from the Salt Lake City Airport to Park City. International business and overseas visitation to Park City is a growing segment of our overall tourism market. This program will give top international wholesalers the opportunity to experience Park City and offer them first-hand knowledge that they can share with their clients, which will then translate into increased international business. International visits to Park City have continued to increase this year by 20%, as does the visitor length of stay.

RESTRICTIONS: Funding can only be used for entertainment expenses, welcome gifts and ground transportation for the FAM attendees. Please provide some additional detailed information to the County with your financial documentation that helps demonstrate the ROI for the grant monies you have been given. Year over year, or previous year information are both acceptable.

PREVIOUS FUNDING: 2008: \$39,000 (they only used \$13,000 of the \$39,000 granted in 2008); 2009: The \$26,000 balance of the 2008 grant was re-granted in 2009: 2010: \$33,960.

40-11 PC Chamber/Bureau – Tour of Utah

\$ 40,500

\$25,000

RATIONALE: Tour of Utah is a 6 day professional biking event the first week of August. The event consists of different events held each day of the week in different locations, which Park City will host 2 of the 6 days. This year Park City will be hosting the Pro-log, an individual timed event through a course. This event will have international professional teams along with international participants, media and spectators. Organizers are anticipating 15,000-18,000 spectators for this event. The start is near the Kimball Art Center, and the finish line will be on Main Street. This funding will be used to promote and market this event.

RESTRICTIONS: The granted funds may be allocated to the following expenses: \$10,000 will go towards the Host City Sponsorship required for the event to be held, and the remainder should be used as outlined in the grant application; PCCB Marketing/Advertising and Production Creative Expenses, including Print (media one co-op ads in July/Aug, SL Tribune ads in July/Aug, Radio (on air VIP ticket give-away; production spots in July/Aug), Online (Social media and banner ads in July/Aug), and television (coordination with existing PCCB TV campaign). The granted funds cannot be used to reimburse travel expenses.

PREVIOUS FUNDING: First application.

Committee Application #	Original Request	Recommended Amount
08-11 Kimball Art Center - Promotion	\$ 40,000	\$38,500
<p><u>RATIONALE:</u> The Park City Art Festival is one of the largest events of the summer, celebrating its 42nd year. This important event in 2010 brought an estimated 40 thousand visitors to Park City; eighty-five percent from outside of Summit County. They aspire to be one of the top 3 art festivals in the country. They are really stepping up the culinary portion of the Festival, working with the restaurants to be more of a well rounded event and draw in more tourism. They are more involved with restaurants to offer sit down dining as well as grab and go menu's to get more people into the dining establishments. They continue to work with the Utah Symphony & Opera, Sundance Institute, Park City Performing Arts Foundation, and lodging partners to help keep visitors in Park City for evening events throughout the weekend.</p> <p><u>RESTRICTIONS:</u> Funds may be used for all out of area/Utah media campaigns using out of area TV, Radio, newspapers, and online media placements.</p> <p><u>PREVIOUS FUNDING:</u> 2007: \$20,000; 2008: \$20,000; 2009: \$30,000; 2010: \$30,000</p>		
42-11 Egyptian Theater - Promotion	\$ 75,000	\$60,000
<p><u>RATIONALE:</u> This is the 30th anniversary of The Egyptian Theatre. Besides their large productions, the Egyptian Theatre has committed to programming a wide variety of entertainment every weekend throughout the year. They have instituted successful Restaurant and Hotel promotions. They recently completed a survey that shows 55% of all patrons dine out before coming to the theatre; 42% sometimes dine out before coming to the theatre. 55% of the audiences are from outside of Summit County. 67% of the audience received their information via the internet; 21% via the newspaper.</p> <p><u>RESTRICTIONS:</u> Granted funds may only be used for marketing in Print Media, Broadcast advertising, Internet/Web, and Magazine advertising outside of Summit County and for their Website updates. These funds cannot be used for the Park City Magazine or Summit County advertising.</p> <p><u>PREVIOUS FUNDING:</u> 2007: \$20,000; 2008: \$25,000; 2009: \$40,000; 2010: \$50,000</p>		
43-11 Park City/Summit County Arts Council - Promotion	\$ 15,000	\$12,000
<p><u>RATIONALE:</u> This application is for promotion of Summit County as a cultural tourism destination. The plan includes placement of internet ads/on line media and paid search ads. They work with lodging and restaurants to create packages that can be traced back to the online advertising. They will be piggybacking on the Chamber and UOT advertising specifically targeting the arts/culture message. Funding is being used for regional advertising in the Western United States and the drive market.</p> <p><u>RESTRICTIONS:</u> Funding can only be used for Go-Travel, Google Network and Paid Search, Adfusion, Assets Production, and /or UOT Co-op Campaign. All marketing must target out of Summit County.</p> <p><u>PREVIOUS FUNDING:</u> 2009: \$29,450; 2010: \$10,000</p>		
32-11 Utah Athletic Foundation - Promotion	\$ 82,150	\$60,000
<p><u>RATIONALE:</u> 2012 marks the 10th anniversary of the Utah Olympic Games held in Utah. The Committee feels that the Utah Olympic Park (UOP) and Alf Engen Ski Museum are a great asset to Park City and a great tourist draw to the County. There are only two facilities like this in the United States. Research shows that 300,000 attendees visited the park last year. This facility continues to be a draw for people to visit Park City. We would like to see the grant monies to go toward billboards, e-marketing and meeting group affinity and convention sales to take advantage of the 10 year anniversary of the 2002 Olympic Games, targeting past Olympic sponsors and corporations tied to the Olympics soliciting their business meetings.</p> <p><u>RESTRICTIONS:</u> Funding cannot be used toward travel expenses or trade shows. Funding may be used for advertising campaigns in meetings magazines, E-Marketing, Sales Collateral, direct mail programs, web improvements, billboards, and airport advertising. The Committee applauds UOP's efforts to leverage the Olympic anniversary and participate with the Chamber in its marketing programs.</p> <p><u>PREVIOUS FUNDING:</u> \$2007: \$50,000 –2008: \$50,000; 2009: \$50,000; 2010: \$ 50,000</p>		

Committee Application #	Original Request	Recommended Amount
17-11 Park City Area Restaurant Association (PCARA)	\$ 237,000	\$180,000

RATIONALE: This is the 13th year of funding for the Restaurant Association. They continue to have a very successful program to generate additional restaurant business. Their goal is to create broader marketing efforts, selling both Park City as a destination and the events in Park City. They will be focusing on Social Media and e-mail for their advertising campaigns. They are requesting the funding for PR, update website, social media, TV, print, etc.

RESTRICTIONS: May be used only for marketing and advertising outside Summit County, including print media, public relations and social media management, website updates and enhancements, and TV creative and production. Granted funds cannot be used for on-line marketing that is geo-specific targeted to Summit County.

PREVIOUS FUNDING: 2007: \$120,000; 2008: \$180,000; 2009: \$180,000; 2010: \$180,000

33-11 Utah Symphony-DV Music Festival - Promotion	\$120,000	\$ 70,000
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RATIONALE: This year will be the 8th annual festival. The Symphony has had funding for their Deer Valley Summer Series for a number of years. Last year they saw a 5% increase in attendance and a 16% jump in visitors from outside of Utah. They are already ahead in revenue for this year compared to the same time last year. They continue to do an outstanding job in all of their collateral materials talking about the overall Park City experience. This is one of the premier events of the summer. They promote Park City as a place to visit and stay, not just come for the performance.

RESTRICTIONS: The Granted funds may be used for outside of Summit County marketing, including: radio, print, mail brochures, email, e-blasts, and outdoor advertising. Collateral materials should say Park City as well as Deer Valley. The Committee particularly liked the busboard advertising shown from last season.

PREVIOUS FUNDING: 2007: \$50,000; 2008: \$50,000; 2009: \$60,000; 2010: \$70,000

29-11 Summit County Historical Society-Brochures	\$4,000	\$ 4,000
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RATIONALE: This request is to reprint brochures for historic driving tours throughout Summit County. The brochures are very well done and professional. They provide information on county history that is not widely available through any other sources and could foster longer visits to the county, thereby increasing stays in hotels and patrons in restaurants. They are an important part of the support materials available for people seeking historic tourism in Summit County.

RESTRICTIONS: The funding can only be used for the reprint of the brochures. The committee recommends increasing the number of brochures to be printed to ensure that distribution at Park City museums and Chamber tourist centers is possible. Consideration should be given to staffing support for the County Historian to ensure that brochure distribution throughout the County is possible.

PREVIOUS FUNDING: No funding requested last year. 2008: \$10,000. The previous funding included design and printing brochures, postcards and roadway signs. 2009: \$6,000.

23-11 Park City Area Restaurant Association (PCARA)	\$ 20,000	\$18,000
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RATIONALE: This is the 4th year for Savor the Summit. This event will again be utilizing a partnership with Mountain Town Stages to provide entertainment during a one night celebration of the restaurants of Park City. Last year, 23 restaurants, serving 2,500 people, participated in this event. This one day Grand Table event has been expanded to over 31 restaurants. The PCARA will work with lodging partners, promoting packages to make a weekend in Park City. They will be advertising in Salt Lake Magazine, Radio Stations, City Weekly, etc. They are requesting funding for advertising the event, targeting out of Summit County visitors.

RESTRICTIONS: Granted funds may be used for out of county marketing and public relations activities, including postcards and mailing, City weekly, SL Tribune, Salt Lake Magazine, Citadel Radio, KRCL radio, event website, and media expenses. Monies cannot be used for KPCW radio or Park Record print advertising.

PREVIOUS FUNDING: 2009: \$25,000; 2010: \$20,000

Committee Application #	Original Request	Recommended Amount
15-11 Park City Lodging Association - Promotion	\$250,000	\$110,000
<u>RATIONALE:</u> The Park City Lodging Association is asking for funding to continue with “banner ads” that will be on travel sites. These online ads are created so that when the web user clicks on it, they will be taken to a map of Park City and lodging partners that will allow the visitor to book directly on this web site. They will again be targeting the Quick Start message during the ski season. During the summer, they will be marketing the Stay and Play package that includes a \$50.00 credit card that they will then hopefully be spending in Park City. Lodging partners would be donating discounts to be part of the promotion.		
<u>RESTRICTIONS:</u> May be used to support online interactive marketing programs targeting visitors and stay and play gift cards. The Restaurant Tax Committee feels that the funding should be spent on only one of the two seasonal programs in order to get the most return on investment; rather than splitting up the grant funding to support both programs. Additionally, the Committee strongly supports and suggests PCLA focus on the summer media program as the winter funding for tourism and marketing for the Park City region is already well funded.		
<u>PREVIOUS FUNDING:</u> 2007: \$100,000; 2008: \$109,000; 2009: \$ 75,000; 2010: \$100,000		
24-11 Park City Soccer Club - Promotion	\$15,000	\$ 10,000
<u>RATIONALE:</u> This is the 8 th year for this event. This year they expect 263 teams from Utah and the Intermountain area that come to the Park City area and stay three to four nights the 1 st weekend in August. This is the largest soccer tournament in the state of Utah. They estimate this tournament brings in about 5,000 people that come and stay three to four nights. Their emphasis is on growing the destination teams and enhancing the program that they offer. They work with lodging partners in Park City and estimate about 400-500 room nights being generated by this program. The Event is looking to expand the reach to out-of-state teams.		
<u>RESTRICTIONS:</u> Granted funds may only be used for marketing and promotion to teams outside of Summit County via direct mail, tournament brochures, promo packets and social media.		
<u>PREVIOUS FUNDING:</u> 2007 No request. 2008: \$ 8,000; 2009: \$7,000; 2010: \$10,000		
28-11 Summit County Historical Society-Promotions	\$3,400	\$3,400
<u>RATIONALE:</u> This application is for the development, design, fabrication and installation of panels along the road at Rockport Reservoir and the Three Mile Canyon Trail. These panels help provide an opportunity for tourists to stop and be educated about the very diverse and rich Summit County History.		
<u>RESTRICTIONS:</u> Funding can only be used for the development, design, fabrication and installation of panels along the road at Rockport Reservoir and the Three Mile Canyon Trail.		
<u>PREVIOUS FUNDING:</u> None for this specific application.		
13-11 Oakley City- 4th of July Rodeo - Advertising	\$ 5,000	\$ 4,000
<u>RATIONALE:</u> This request is to help with funding for advertising of the Oakley 4 th of July celebration. This three day event continues to draw people from all over the Wasatch Front as well as out of state visitors. This application is for radio advertising on the Eagle station, Comcast, and advertising on Coke trucks.		
<u>RESTRICTIONS:</u> The funding can only be used for radio or print advertising outside of Summit County. Funds cannot be used for Fireworks. The committee suggests a more detailed budget on any future grants.		
<u>PREVIOUS FUNDING:</u> 2008 granted \$2,500. 2009 granted \$5000; 2010: \$4000		

Committee Application #	Original Request	Recommended Amount
18-11 Park City Performing Arts Foundation	\$148,306	\$50,000
<p><u>RATIONALE:</u> This application is for out-of-county marketing and advertising for the upcoming season. The Eccles Performing Arts Center has received capital and marketing funding from this tax since the Center's inception. The Center is excellent at including students and residents from all over the county in its programs. The summer events have greatly added to the Park City summer event calendar, enhancing the visitor experience. Ticket sales are up 54% when compared to the previous year. One marketing program places marketing materials inside the check cover when presented to guests at participating restaurants. Also included, are bounce back offers and special programs to restaurant patrons. The Performing Arts Foundation's shows appeal to a wide demographic audience. They develop unique marketing strategies to match the audience of each particular show</p>		
<p><u>RESTRICTIONS:</u> Grant funding may be used to continue marketing to out-of-county residents. This may include print, radio, TV, and Web marketing efforts. The committee prohibits the use of funds for National Magazines (for example: Cowboys & Indians) as the committee had concerns with the return on investment for this type of ad.</p>		
<p><u>PREVIOUS FUNDING:</u> 2007: \$50,000; 2008: \$50,000; 2009: \$ 60,000; 2010: \$50,000</p>		
04-11 Chalk Creek Wild Woolie Sheep Dog Trial – Promotion	\$10,000	\$10,000
<p><u>RATIONALE:</u> This is the second year for this application. This applicant plans to hold a sheep dog trial on August 5-7, 2011 in conjunction with the County Fair in Coalville. They plan to bring in approximately 100 dog teams to the event. The organizers already have 70 teams signed up from all over the Western United States. There was great feedback from last year's event! The intent of the Dog Trial is to draw people from all over the Western United States to watch the dogs and handlers compete. The growth of the Sheep Dog Trials at Soldier Hollow attests to the public interest in this sport. This funding request is for \$10,000 for advertising and \$5000 for prize money. This event can attract more spectators if larger prize amounts are offered. The organizers plan to advertise for handlers via its web-site. The biggest advertisement for handlers is word of mouth after a good trial. The potential to grow this event is huge and the organizers are aware and excited to expand this event beyond a Meeker, Colorado Style Event, which draws large numbers of destination visitors. Advertisement funding would be used for newspapers and website production.</p>		
<p><u>RESTRICTIONS:</u> Funding needs to be used for print or radio advertising outside of Summit County and for prize money to attract top sheep dog handlers.</p>		
<p><u>PREVIOUS FUNDING:</u> 2010: \$7,000.00</p>		
41-11 National Ability Center – Promotion	\$11,500	\$ 8,000
<p><u>RATIONALE:</u> This is the 26th anniversary for the NAC this year. They are trying to bring people from out of state who can utilize this facility. Last year they had around 5,000 participants come in from out of state specifically for their programs. The Wounded Warrior program is growing, and they are working with the Department of Defense for these programs. This application is asking for funding to bring out of state participants and their families who stay an average of 3.5 days to Park City. They target more main stream publications, participating with the Chamber in co-op advertising opportunities. 16% of the US population has some type of disability that NAC is targeting. 20% of NAC visitors are from out of state, and 80% are from outside of Summit County.</p>		
<p><u>RESTRICTIONS:</u> Funds may only be used for advertising that targets out of state visitors. Funds may be applied to webcasts and brochures, print media, email and web marketing efforts. Granted funding cannot be used for the Red, White & Snow or for conferences.</p>		
<p><u>PREVIOUS FUNDING:</u> 2007: \$10,000; 2008: \$10,000; 2009: \$7,000; 2010 \$10,000</p>		
06-11 City of Coalville – Super cruise	\$15,500	\$ 6,000
<p><u>RATIONALE:</u> The Coalville Super cruise will celebrate its 23rd year. This application is for advertising in SLC, Wyoming & Ogden which includes newspaper and radio. It is also for unique show awards that feature the event location and fireworks. In past years they had 308 cars which brought in a lot of visitors and vendors from out of the area.</p>		
<p><u>RESTRICTIONS:</u> Funding can be used for advertising outside of Summit County including print/internet ads attracting destination visitors and alternative marketing and support of the event through a band, awards, and sponsor tee-shirts. As part of the financial documentation we would like to see a copy of an ad (or ads) that were run.</p>		
<p><u>PREVIOUS FUNDING:</u> Did not apply in 2009; 2010: \$10,000</p>		

Committee Application #	Original Request	Recommended Amount
03-11 Barrel Bash-Advertising	\$5,000	\$ 2,000
<p>RATIONALE: This event is to reintroduce barrel racing to the Summit County Fair in 2011. This funding would be used to advertise throughout the Western United States as well as for awards and door prizes. This event will be held Aug. 6-13 in conjunction with the Summit County Fair. This is an event that has significant growth potential in the future. The adaptive horse event portion of this application was withdrawn.</p>		
<p>RESTRICTIONS: The Granted funds are to be used for Newspaper, radio advertising outside of Summit County, and awards.</p>		
<p>PREVIOUS FUNDING: First time application.</p>		
09-11 Mountain Town Stages	\$46,000	\$25,000
<p>RATIONALE: This is the 11th year of funding for this organization. Mountain Town Stages programs music in Park City, Deer Valley and Canyons. Music is a key compliment to the other offerings in the county. This program has continued to expand and while its destination guest draw is limited, it provides a significant amenity to visitors offering over 286 free shows throughout the year.</p>		
<p>RESTRICTIONS: Granted funds may be used for the out-of-county marketing efforts of the Sun, Scenery & Sound - Live Outdoor Concerts and Canyons Summer Concerts. The funding cannot be used for The Corner Store Apres Ski Jam, Zoom Music Series, Main Street Music Crawl, and Savor the Summit programs.</p>		
<p>PREVIOUS FUNDING: 2007: \$15,000; 2008: \$20,000; 2009: \$20,000; 2010: \$25,000</p>		
44-11 Park City Historical Society Museum	\$77,966	\$ 20,000
<p>RATIONALE: This application is for co-op marketing with the Chamber in SLC Tribune, UTA bus wraps, SL Magazine Eblasts & Utah Museum E-blasts, update media kits and work with Main Street merchants/restaurants for promotions. The funding would also help with the strategy & creative development of these programs.</p>		
<p>RESTRICTIONS: The committee especially likes the use of bus wraps. Funding should be used for Media advertising, specifically: UTA Bus Wraps, Salt Lake Tribune co-op ads with PC Chamber, Salt Lake Magazine Eblasts, and Utah Museum Eblasts. The committee appreciates the detailed records of out-of-county/state attendance provided by the Museum.</p>		
10-11 Mountain Trails - Promotion	\$20,000	\$ 10,000
<p>RATIONALE: This application is for the support of four specific special events that take place on the trails system. The quality of our Summit County trails system has garnered international press. Use and popularity of the trails are increasing every year. They are asking for funding for advertising and tee shirt production for events.</p>		
<p>RESTRICTIONS: This funding can only be used for website updates and enhancements, calendar listings and social media advertising. Funding can also be used towards creating and printing tee-shirts that will be given to attendees at these events.</p>		
<p>PREVIOUS FUNDING: 2007 granted \$ 18,000, 2008 granted \$ 15,000, 2009 \$3,000; 2010: \$15,000</p>		
19-11 Park City Film Music Festival- Promo	\$15,000	\$ 7,500
<p>RATIONALE: This year this event will be take place in three venues for 11 days. The Music Film festival has moved dates from Sundance to new dates in May; showing over 200 films this year. Film makers are expected to attend from all over the world. They distributed complimentary tickets for this event during the Sundance Film Festival hoping film goers will want to return to Park City for this event. The committee feels that this is a great time of year and there is a lot of opportunity for this event.</p>		
<p>RESTRICTIONS: The committee feels that this event potentially could provide a lot of opportunity to become a large event during a slow time of year. The Committee strongly recommends that the applicant use an agency or consultant to help coordinate the marketing and PR of the Film Music Festival. Funding can only be used for advertising outside of Summit County: Printing & design of complimentary screening tickets, Website promotion, Face book ads, and Postcards/flyers to be distributed to other film festivals.</p>		
<p>PREVIOUS FUNDING: 2007 grant \$ 6,000 for four separate applications. 2008: They did not apply. 2009: \$5000; 2010: \$15,000</p>		

Committee Application #	Original Request	Recommended Amount
01-11 Adopt a Native Elder--Promotions	\$ 5,000	\$3,000
<p><u>RATIONALE:</u> This is truly a unique event that the Restaurant Tax committee has funded for several years. This will be the 22nd year for this event. This request is for funding advertising outside of Summit County. This event takes place the first part of November when there typically are not a lot of activities going on. Last year, over 3,000 people attended this show, 75% were estimated to be from outside of Summit County. This is considered the premier rug show in the west. They do multi-marketing to promote this show. They are currently in five national publications.</p> <p><u>RESTRICTIONS:</u> This funding may only be used for Wasatch Front TV spots or for SLC/Wasatch Front Newspaper advertising. Materials and information shall continue to have "Park City" labeled prominently on them.</p> <p><u>PREVIOUS FUNDING:</u> 2007: \$ 3,000; 2008: \$3,000; 2009: \$3,000; 2010 \$3,000</p>		
27-11 Summit County Fair Marketing	\$9,587.23	\$7,000
<p><u>RATIONALE:</u> This proposal is for promoting the Summit County fair. They will be purchasing advertising in the Wasatch Wave, Uinta Herald, and Morgan newspapers. Plans also include the purchase of key chains depicting the fair dates, logo, and web site that will be given out at other events to promote the fair.</p> <p><u>RESTRICTIONS:</u> These funds may be used to advertise outside of Summit County in the Uinta County Herald, Morgan County News and the Wasatch Wave as outlined in your proposal. The Committee would also like to support the parade marketing efforts but is restricting the use of restaurant tax funding to parades that are located outside of Summit County.</p> <p><u>PREVIOUS FUNDING</u> This is the first time for this application</p>		
14-11 PC Ambassadors - Promotion	\$10,000	\$6,000
<p><u>RATIONALE:</u> This applicant is asking for funding for entertainment for the 4th of July parade in Park City. Additional entertainment would enhance the parades appeal to visitors. The Park City Ambassadors incur all the cost of the parade except for a master festival license that the city of Park City waives. The 4th of July parade brings in thousands of out of town visitors to Park City. It is a great asset to the community. The Ambassadors are asking for funding for entertainment during and after the parade.</p> <p><u>RESTRICTIONS:</u> Can only be used for the marching bands in the parade and for live entertainment after the parade. Funding cannot be used for miscellaneous supplies or expenses.</p> <p><u>PREVIOUS FUNDING:</u> 2007: \$3,620; 2008: \$5,500; 2009: \$6,000; 2010: \$7,000</p>		
22-11 PC Gallery Association	\$ 10,000	\$ 5000
<p><u>RATIONALE:</u> This application requests funding to promote the Friday night gallery stroll on Park City Main Street which is held on the last Friday of each month. The attendance at this event has been 75% from outside Summit County. Funding will be used for marketing outside of Summit County in South West Magazine as well as the SLC Tribune. They are also requesting funding in conjunction with Savor the Summit, Park City Silly Market, FOH, Arts Kids, and other non-profit organizations outside of Summit County. The committee feels that the Ad in South West should compliment the standards already set by Savor the Summit and Park Silly Market Advertising Materials.</p> <p><u>RESTRICTIONS:</u> Funding can only be used for advertising outside Summit County in South West Magazine, SLC Tribune, and Brochures.</p> <p><u>PREVIOUS FUNDING:</u> 2009: \$5,000; 2010: \$5,000</p>		

Committee Application #	Original Request	Recommended Amount
35-11 Oakley City – Car Show	\$ 8,885	\$2,500
<p><u>RATIONALE:</u> Last year was the sixth year of the show and they had over 300 cars. This show is in September, during the shoulder season. The money raised from this show is donated to various non-for profits. Last year, they gave \$8000 to both the Justice Center and the Peace House. They are asking for funding for more advertising outside of Summit County. They are working with lodging properties for special offers for attendees. More funding will be used for specific marketing such as newspapers both in SLC and in Wyoming and mailers to car clubs from outside the area. Posters and sample trophy’s are used as marketing advertising at other Car Shows that they attend. The applicants provided the committee with a detailed marketing report. This should be included in their report to the county.</p>		
<p><u>RESTRICTIONS:</u> This funding can only can be used for marketing outside of Summit County, specifically: Media One, Wasatch Wave, Green River Star, Wendover Times, Uinta County Herald, Daily Herald, Daily Spectrum, and Rocky Mountain Street News. Funding may also be used for awards (Rock Trophies). The committee requests that the detailed marketing report be included in their report to the county.</p>		
<p><u>PREVIOUS FUNDING:</u> 2009: \$2,000; 2010: \$2,500.</p>		
07-11 Francis Town - Facility	\$40,000	\$20,000
<p><u>RATIONALE:</u> This application is for the installation of restrooms in Francis Town Park to provide additional services for bicycle riders and visitors. The park master plan includes amenities for cyclists and visitors such as public restrooms, shaded seating areas, ample parking, water, improved playing fields, etc. The restrooms will be open to the public and will help in increasing special events and tourism to the area. The restrooms will be the first phase of needed improvements for the park.</p>		
<p><u>RESTRICTIONS:</u> The funds must only be used for the purchase and installation of the restrooms. The \$20,000 is contingent on Francis Town getting matching funds (for example through RAP Tax or other funding). The Bathrooms must be open to the public during standard park hours (at minimum 8:00am-10:00pm) including Sundays, holidays, and special events.</p>		
<p><u>PREVIOUS FUNDING:</u> \$5000 in 2001 and 2002</p>		
26-11 Summit County Fair Grounds – Facilities	\$ 108,730	\$3,730
<p><u>RATIONALE:</u> Requesting funding to repaint the grandstands to make the facilities more appealing for events. Also, requesting funding for a retaining wall and to level off a parking area to make it safer for the public. It is important to maintain this facility for the Summit County Fair and for special events that are held in the area. Triple Crown uses this facility as does bike races, family reunions, horse events, and ball games. The portion of the application for a retaining wall and grading was withdrawn.</p>		
<p><u>RESTRICTIONS:</u> Funding may be used to clean and paint the wooden grandstands.</p>		
<p><u>PREVIOUS FUNDING:</u> First time for this application.</p>		
02-11 Axis Freeride - Promotion	\$5,090	\$1,500
<p><u>RATIONALE:</u> This funding request is for a brochure to promote the ski jumping summer camps and daily training programs held at the Utah Olympic Park. The brochure is distributed to mailing lists from the USSA and US Snowboard Association, as well as at local hotels and the PC Visitor Center. The camps are attended by a combination of out of state destination jumpers whose families vacation in Park City, as well as Wasatch Front kids who travel to the UOP for daily or weekly camps.</p>		
<p><u>RESTRICTIONS:</u> The funding can only be used for the production & mailing of a brochure to promote Axis Freeride summer camps targeting out of County visitors. The brochure must continue to include Park City as the location of the camp.</p>		
<p><u>PREVIOUS FUNDING:</u> 2008: \$2000.</p>		

Committee Application #	Original Request	Recommended Amount
20-11 Park City Film Series - Promotion	\$34,800.18	\$12,000
<u>RATIONALE:</u> The Restaurant Tax Committee has funded this series for several years. Event organizers reported that last winter attendees from out of Summit County increased from 20% to 28%. The applicant attributed the increase to additional advertising in Wasatch Front newspapers. The Committee feels that the series is a great community amenity and does bring additional restaurant revenue from visitors who dine out before or after the movie. Event organizers are taking a lot of initiative to develop movie & dinner packages with local restaurants and advertise the package in print and social media. They are adding a hotel component this year, and coupons are used to track out of county guests.		
<u>RESTRICTIONS:</u> Funds may only be used for advertising outside of Summit County. Expenses may include SL Tribune & Deseret News, City Weekly, Wasatch Wave, Facebook advertising, and web design, and postcards.		
<u>PREVIOUS FUNDING:</u> 2007: \$2,000; 2008: \$3,000; 2009: \$7,000; 2010: \$10,500.		
34-11 Utah Paint Horse-Promotions	\$15,000	\$2,000
<u>RATIONALE:</u> This application is for a two day show in Oakley over the 24 th of July. This funding request is for marketing, prizes and helping with this event. This event will attract more people to summit County that will return for other events. This event brings in about 300 people		
<u>RESTRICTIONS:</u> This funding can only be used for advertising this event outside of Summit County and towards the judges' fees.		
<u>PREVIOUS FUNDING:</u> First time we have seen this application.		
46-11 Park City Silly Market	\$20,000	\$4,500
<u>RATIONALE:</u> This is the fifth year of funding this event. The event takes place every Sunday-during the summer-on Main Street in Park City. They extended their hours from 10am-4pm to get visitors into restaurants after the market. Estimated 60,000 visitors attended this event throughout the summer last year. Park City Municipal extended a \$40,000 grant for marketing this event. The committee feels that this event is a great amenity for the community and offers something different for visitors to do. The committee did ask for more specifics in the marketing plan and the applicant failed to give the committee the specific information that was requested.		
<u>RESTRICTIONS:</u> This funding can only be used to market and advertise this event outside of Summit County. The funding is to be used for Wasatch Front print media, website enhancements, or on line ads. Funding cannot be used for in-kind marketing or for staff salaries. PCSM needs to give preference to in-County food vendors to insure that Summit County Restaurant tax can increase.		
<u>PREVIOUS FUNDING:</u> 2007: \$4,000. Documentation received. 2008 \$5,000; 2009: \$5,000; 2010: \$5000		
21-11 Park City Recreation- Facilities	\$10,000	\$4,000
<u>RATIONALE:</u> This application is for the Park City Dirt Jump Park for new fencing, addition of sifts drains, and increasing square footage. This would make the riding surface more user- friendly to draw more people to use this facility. This is one of only 2 of these facilities of this kind in the State. They do offer summer recreation programs and camps that bring some destination visitors. The uniqueness of this facility has the potential to attract incremental destination visitors to Park City.		
<u>RESTRICTIONS:</u> To be used for new fencing, additional sift drains, and additional square footage improvements to the park.		
<u>PREVIOUS FUNDING:</u> This is the first time for this application.		
36-11 Kamas Valley Lions Club Facilities	\$14,000	\$5,000
<u>RATIONALE:</u> This proposal requests funding for the improvement and upgrading of the facility with a covered pavilion, shooting tables, and new target holders for the rifle range. This will give a better experience and will increase visitation. This gun club facility has been in operation since 1989. They have been improving it every year. They host events for out-of-state visitors and have been working with concierges from Park City.		
<u>RESTRICTIONS:</u> Funds may be used for the site preparation, concrete, and building materials for shooting range improvements.		
<u>PREVIOUS FUNDING:</u> 2008: \$5,000, 2010: \$7,000		

Committee Application #	Original Request	Recommended Amount
47-11 Snyderville Basin Recreation District	\$133,654	\$20,000
<u>RATIONALE:</u> This application is for partial funding to replace the four batting/golf cages located at the Field house. These are the only indoor batting cages located in Summit County. They are used for out of town sports groups including Triple Crown, as well as leagues from inside and outside of County. The cages are open to the public on Sunday morning and by reservation other days. The application indicated that the project will be phased and include funding from their capital budget, if not fully funded this year.		
<u>RESTRICTIONS:</u> The cages must be included in promotional materials that the Chamber may distribute to out of county sport groups and be available for use by visitors to Summit County. The Committee is encouraged by the Recreation District's willingness to work as a community partner to increase tourism by providing this amenity.		
<u>PREVIOUS FUNDING:</u> First application for this purpose.		

25-11 Peoa Special Services District – Facility	\$11,600	\$7,800
<u>RATIONALE:</u> The Peoa Special Service District requested funding to help complete arena lighting and enhance opportunities for special events. Funding would help with the back hoe and back fill of the instillation of the lights as well as the cost to help put on the Peoa Stampede and Rodeo.		
<u>RESTRICTIONS:</u> This funding can be used for advertising the Peoa Stampede outside of Summit County, Rodeo awards, and the backhoe cost to complete the lighting installation.		
<u>PREVIOUS FUNDING:</u> 2008 granted \$1000. 2009 granted \$ 1000; 2010: \$3,000		

THE FOLLOWING APPLICATIONS ARE NOT RECOMMENDED FOR FUNDING

Due to the committee's scoring, the following applications are not recommended for funding this year. The committee did not feel that, due to their overall ranking, these projects adequately fit the criteria for Restaurant Tax Grant funding this year. This criterion includes bringing tourism into Summit County, providing restaurants with patrons, and expanding our market to destination visitors. Applications that fall within this category may be better suited for the RAP program or could need additional refinement.

12-11 Oakley City- Asphalt - Facilities	\$ 25,000	0
<u>RATIONALE:</u> This request is for funding to asphalt the area around the concession stand that is currently a gravel surface at the baseball park that is part of the Oakley City Recreation Complex. Each year, they try to improve the area. The asphalt would help with clean up purposes and make it more attractive around the bleachers and building. This facility is used for Triple Crown, Little League, and for ball tournaments that attract participants from outside of Summit County.		
<u>RESTRICTIONS:</u> The Oakley City Recreation Center is an outstanding complex and the committee recognizes the importance and the need to continually upgrade and maintain this facility. However due to the committee's scoring, and the ranking of this application, it is not recommended for Restaurant Tax funding this year. This criterion includes bringing tourism into Summit County, providing restaurants with patrons reenergizing the fund, and expanding our market to destination visitors.		
<u>PREVIOUS FUNDING:</u> First application for this purpose. Oakley City Recreation Complex has received \$518,000 since 2001.		

11-11 Oakley City- Camp Site - Facilities	\$ 25,000	0
<u>RATIONALE:</u> This request is to help with funding for the new camping area that Oakley is trying to develop. These sites would enhance the facility and add to opportunities for more special events such as family reunions, etc. They propose 12 new sites, with eventually full hook ups. This funding would be for building the roads, water and electricity for these sites.		
<u>RESTRICTIONS:</u> The committee recognizes the importance and the need for publicly operated facilities like this in the area. However, due to the committee's scoring, and the ranking of this application, it is not recommended for Restaurant Tax funding this year. This criterion includes bringing tourism into Summit County, providing restaurants with patrons reenergizing the fund, and expanding our market to destination visitors.		
<u>PREVIOUS FUNDING:</u> 2010: Application funding was not recommended for funding.		

**Committee
Application #**

**Original
Request**

**Recommended
Amount**

48-11 Basin Recreation District - Facilities

\$25,000

0

RATIONALE: This application is for a second phase expanding the skate park located at the Trailside park. They would also like to add shade to the venue. They may have the opportunity to work on special events and corporate partners in the area. There are very few of these facilities in the area.

RESTRICTIONS:

The committee recognizes the importance and the need for publicly operated facilities like this in the area. However due to the committee's scoring, and the ranking of this application, it is not recommended for Restaurant Tax funding this year. This criterion includes bringing tourism into Summit County, providing restaurants with patrons reenergizing the fund, and expanding our market to destination visitors.

PREVIOUS FUNDING: First time for this application.

05-11 City of Coalville – Pig Roast Festival

\$15,000

0

RATIONALE: This application was previously under the Mountain Spirit Heritage Festival. Last year, Coalville City took over this event and renamed it. Activities included a wagon train, dinner, rodeo, artisans, crafts people and many other activities. This was a free event. Last year, they had over 800 people attend the event. The plan, this year, is to change this event from a freebee to a competitive BBQ cook off event. They will charge a nominal fee for the food. They are hoping to change this event from a community free event to a tourism driver. They are requesting seed money to help get this "new" event off the ground. They are saying that they would spend a portion of the money they were given last year and give the rest back. This year they are asking for funding for next year for the competitive BBQ event. They would target the Utah BBQ Association to become a sanctioned event

RESTRICTIONS: The event changed from the application that was originally proposed. The Committee felt that this application did not adequately fit the criteria of bringing in tourism and increasing restaurant sales within the county. During the interview process the applicant stated that the funds granted last year have not been fully exhausted, and requested the ability to redirect the remaining funds to this year's reconfigured event. The Committee recommended that the applicant would need to make that request to the County Manager.

PREVIOUS FUNDING: 2007: \$2,000; 2008: \$3,000 as the Mountain Spirit Festival; 2009: \$4,000; 2010: \$8,000

Auditor

Blake Frazier



May 26, 2011

County Council;

The following 5 properties were sold to the highest bidder on May 26th. They were sold due to unpaid property taxes.

At this time I'm requesting that you approve these sales.

Thank you for your consideration.

Sincerely,

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

Kathryn Rockhill
Deputy Auditor

WANG KUANG HUI
Address 1-6-1 SHINOHARA HOMACHI NADA-KU KOBE JAPAN
Parcel
Number: **AF-19**

Legal: SUBD: AMERICAN FLAG & AMENDED LOT: 19S 15 T 2S R 4E LOT 19
AMERICAN FLAG SUBDIVISION IN SEC15 & 22 T2SR4E SLBM CONT
23,811 SQ FT 274-346 275-322 377-30
BALANCE DUE: \$26,464.93

Final Accepted Bid \$301,464.93 **Name of Buyer: E3-RE Investments, LLC**
Taxes, Penalties & Interest \$26,264.93 **Address: 448 W. 19th Street, # 256**
Sale Cost \$200.00 **Houston, TX 77008**
Balance \$274,535.07 **Telephone # 713-530-6960**
Bid # 17

KMM LLC
Address 975 WOODOAK LN #230 SALT LAKE CITY, UT 84117-7275
Parcel
Number: **DC-72**

Legal: SUBDIVISION: DEER CROSS LOT: 72, LOT 72 DEER CROSSING
SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE
SUMMIT COUNTY RECORDERS OFFICE CONT 83,270 SQ FT OR 1.91 AC
1475-69 1731-797
BALANCE DUE: \$40,299.45

Final Accepted Bid \$170,299.45 **Name of Buyer: Jennings Holdings, LLC**
Taxes, Penalties & Interest \$40,099.45 **Address: 5116 Silver Springs Rd.**
Sale Cost \$200.00 **Park City, Utah 84098**
Balance \$129,700.55 **Telephone #435-731-0305**
Bid #22

Name LUNDELL TERRY FLOYD
Address PO BOX 64178 TUCSON, AZ 85728-417
Parcel
Number: **LR-1-9**

Legal: SUBDIVISION: LK ROCKPRT 1 LOT: 9, SECTION: 6 TOWNSHIP: 1S RANGE:
SE LOT 9 LAKE ROCKPORT ESTATES SUBDIV UNIT 1 CONT 1.0 AC M38-
561 M234-103
BALANCE DUE: \$4,376.58

Final Accepted Bid \$15,376.58

Name of Buyer: Josiah A. Halls

Taxes, Penalties & Interest \$4,176.58

Address: 7984 Gambel Dr.

Sale Cost \$200.00

Park City, Utah 84098

Balance \$10,623.42

Telephone # 435-640-4734

Bid #26

Name BARLOW DAVID R
Address 883 S HEALEY CT ALPINE, UT 84004
Parcel
Number: **WV-14-AM**

Legal: SUBDIVISION: WEST VIEW LOT: 14, LOT 14 WEST VIEW SUBDIVISION
AMENDMENT TO LOT 14; ACCORDING TO THE OFFICIAL PLAT ON FILE
IN THE SUMMIT COUNTY RECORDERSOFFICE CONT 43,560 SQ FT OR 1.00
AC 1700-252-253
BALANCE DUE: \$67,456.27

Final Accepted Bid \$750,456.27

Name of Buyer: Utah West RADC, LLC

Taxes, Penalties & Interest \$67,256.27

Address: c/o Cache Valley Bank

Sale Cost \$200.00

101 North Main

Logan, Utah 84321

Balance \$682,543.73

Telephone #435-760-3050 Bid # 15

Name MURPHY JAMES A
Address 2100 WALKER LN SALT LAKE CITY, UT 84117-7616
Parcel
Number: **PC-S-321-D**

Legal: SECTION: 15 TOWNSHIP: 2S RANGE: 4E UND 1/60 INT IN THAT PORTION
OF VIRGINIA NO 1 M.S.5711 LYING NORTH OF THE YAUP MILLSITE #264B
& THE MAZEPAL MILLSITE#301B EXCEPTING THEREFROM ANY PORTION
OF SD CLAIM LOCATED IN THE APRIL M.S.5711AND PC-740; BAL 0.56
ACRES M/L (1/60 INT IN 0.56 AC=0.01 ACRES)F-42 271-20-22-393-394 (IT WAS
FOUND THAT NO PORTION OF 928-1LIES IN THE VIRGINIA)
BALANCE DUE: \$269.78

Final Accepted Bid \$269.78

Name of Buyer: Jessica J. Maynard

Taxes, Penalties & Interest \$69.78

Address: 14056 Pepi Band Rd.

Sale Cost \$200.00

Draper, Utah 84020

Balance -0-

Telephone # 801-864-9316

Bid # 11



OLYMPIC
DAY 2011

Olympic Day Proclamation June 25, 2011

- Whereas,** for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;
- Whereas,** the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;
- Whereas,** Summit County, Utah promotes and supports amateur athletic activities involving Olympic and Paralympic sport;
- Whereas,** Summit County, Utah promotes and encourages physical fitness and public participation in amateur athletic activities;
- Whereas,** Summit County, Utah assists organizations and persons concerned with sports in the development of athletic programs for all able-bodied and disabled athletes;
- Whereas,** in honor of the June 23 anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics:

Now, Therefore, the Summit County Council in the State of Utah, does hereby proclaim with much appreciation and admiration, June 25, 2011 as

Olympic Day

in Summit County, Utah and urge all citizens to observe such anniversary with appropriate ceremonies and activities.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Summit County, Utah to be affixed this 25th day of June 2011.

Mr. Chris Robinson, Chair
County Council, Summit County, Utah



MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 11, 2011
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney
Kent Jones, Clerk
Heidi LeBeau, Secretary

CLOSED SESSION

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

The Summit County Council met in closed session from 12:10 p.m. to 1:15 p.m. to discuss property acquisition. Those in attendance were:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney
Don Sargent, Community Development Director
Ashley Koehler, Sustainability Coordinator
Chris Donaldson
Tracey Douthett
Max Greenhalgh
Polly Ivers
Rena Jordan
Kathy Mears

Council Member Elliott made a motion to dismiss from closed session to discuss property acquisition and to convene in closed session to discuss personnel. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 1:15 p.m. to 1:20 p.m. to discuss personnel. Those in attendance were:

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

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*

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

Chair Robinson called the work session to order at 1:25 p.m.

WORK SESSION

- **Review of Strategic Plan**

Ken Embley from the University of Utah Center for Public Policy and Administration explained that his role as a consultant is to help the County develop a mission statement and strategic issues agenda. He reported that on Monday, May 9, he will meet with a small group to condense down the information he has prepared. On June 1 a larger group will meet, and he anticipated most of the work would be done by the end of that day. He explained that the strategic issues the Council decides on are the most important issues they will address. He commented that they are right on schedule in getting the strategic plan done and are now entering the most chaotic part of the process. Starting on Monday, they will separate operational issues from strategic issues. He explained that the difference between the two is critical, because they may not have answers for strategic issues, but policies and procedures are in place to take care of operational issues. On June 1 he will ask the group to prioritize the strategic issues into three categories and break down that information by areas in which the participants live. Then they will vote again to prioritize within each of the three categories, which will give some unique weighting to the categories. At the June 1 meeting, they will also break into smaller groups and finish writing and proposing what the strategic issues should be. At the end of the June 1 meeting, they will have a mission statement and will have the primary strategic issues identified and defined. He asked if the Council would like to pay particular attention to any of the 13 other strategic or operational issues items listed on pages 17 and 18 of his report.

Council Member Hanrahan commented that he believed item 8 regarding financial transparency and modernizing the fund structure is both operational and strategic. Chair Robinson commented that they need good fiscal accountability, and they do not receive the information to be able to do that. Mr. Embley stated that he would create a strategic issue for item 8.

Chair Robinson commented that item 6 deals with growth, and they need to plan for growth.

Council Member Elliott commented that item 12 is factually inaccurate, because there is still a small node of land on the jail property, and she believed that item is operational, not strategic.

Mr. Embley referred to the list of items on page 18 of his report and explained that those issues statements are found on the County website. He asked if they are still accounted for or if the Council still cares about them. He believed most of them had been taken care of. He clarified that operational issues are extremely important and may be even more challenging than strategic issues, but they are operational issues if the Council has ways and means of handling them, even though they may need to step up and do difficult things to handle them.

Mr. Jasper commented that he does not care whether an issue is operational or strategic, so long as he receives guidance for the organization. Mr. Embley explained that he will provide a list of operational issues that come out of this process, and the Council will take charge of who needs to solve the problems. The strategic issues will go to a group of people who will discover how to solve the problem.

The Council Members reviewed the items on page 18 of Mr. Embley's report and determined which items should be included as strategic issues. Mr. Embley explained that they will pull out two issues as strategic issues and keep track of the remainder so they can continue to refer to them and make sure they are accounted for.

- **Discussion – Treasurer and Assessor regarding transfer of the Division of Motor Vehicles**

County Treasurer Corrie Kirklen and County Assessor Steve Martin discussed with the Council the advisability of transferring the Division of Motor Vehicles to the Treasurer's Office. Ms. Kirklen commented that it is primarily a personnel management issue. The Council Members verified with Deputy County Attorney Dave Thomas that the budget would have to be reopened to move the line items for the DMV from the Assessor's budget to the Treasurer's budget. Council Member Hanrahan confirmed with Mr. Thomas a public hearing would not be required, because they would not be increasing the budget but would simply be moving an item within the budget. Chair Robinson requested that the budget transfer be scheduled for the May 18 meeting.

CONVENE AS THE BOARD OF EQUALIZATION

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

CONSIDERATION OF APPROVAL OF 2010 STIPULATIONS

Board Member Hanrahan made a motion to approve the stipulations as presented. The motion was seconded by Board Member Elliott and passed unanimously, 5 to 0.

DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

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

APPROVAL OF COUNCIL MEETING MINUTES

APRIL 6, 2011

Council Member Hanrahan made a motion to approve the meeting minutes of the April 6, 2011, Summit County Council meeting as corrected. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

- **Council Mail Review**

Assistant Manager Anita Lewis reviewed the Council calendar. She reported that the joint meeting with the Snyderville Basin Planning Commission will be on May 23 at 5:30 p.m. at the Newpark Hotel. Mr. Jasper suggested that Ms. Lewis work with Chair Robinson and the Snyderville Basin Planning Commission Chair to develop a list of topics for discussion.

Chair Robinson noted that he and Council Member Elliott would both be gone on Wednesday, June 22, and suggested that they cancel the June 22 County Council meeting. He verified that the Council will meet on June 29, but the July 6 meeting will also be cancelled.

Ms. Lewis explained that the meeting on May 25 would be held at the Richins Building and would include a Discovery CORE field trip. Council Member Elliott requested that Ms. Lewis cancel the tour scheduled for June 15.

- **Discovery Core**

County Planner Kimber Gabryszak presented the staff report and a map of the area, indicating the location of the proposed Discovery CORE development on just under 70 acres. She explained that the CORE program was adopted in 2008 as a result of the 2006 needs assessment and update that were done in 2006 and with significant input from the Planning Commission and County Commission. The intent of a CORE Rezone is to allow higher densities to enable additional workforce housing. The current zoning of 1 unit per 20 acres and 1 unit per 30 acres was not seen as being able to provide sufficient density for affordable housing. CORE is a rezone and does not take into account the underlying zoning. As with any other rezone, the new density would apply as opposed to the old zoning. As an example, if something has been rezoned Commercial, the new zoning is Commercial, not Rural Residential as it may have been before. In the case of the CORE Rezone, if development is not completed within a certain time, the property would revert to the previous zoning, but the existing zoning does not apply to this proposed project. A CORE Rezone cannot be within 2,000 feet of another CORE Rezone. If this CORE Rezone were approved, CORE rezoning could not snowball to adjoining properties, and if anyone were to apply for a CORE Rezone next to this property, it would not be approved. A CORE Rezone must also have access to transit, sewer, and water. Planner Gabryszak explained that each CORE zone has an allowable maximum density, but projects are further restricted by the average density of the neighborhoods around them. If an applicant targets between 60% and 80% of the Area Median Income (AMI) they must provide 1 Workforce Unit Equivalent (WUE) for each market-rate unit. However, it was recognized during the process that this would encourage the provision of larger units, because an applicant could provide fewer units based on the WUE calculations. A bonus is offered if an applicant targets smaller units for lower incomes to encourage more affordable units for lower income residents. If an applicant targets an average of 50% of AMI, the obligation is 1 WUE for every 1.5 market-rate units.

Planner Gabryszak discussed the history of the density calculation for the proposed Discovery CORE project. She explained that when developing the CORE Rezone, the Planning Commission wanted densities to be compatible with the surrounding density, but when it came time to implement that, it became mathematically difficult. As the Planning Commission discussed density for this project in multiple work sessions, they considered what constitutes a neighborhood, what a unit is, whether open space should or should not be included in the calculation, and the calculations became very complicated. Throughout the process, one issue was the role of the Housing Needs Assessment and whether a new needs assessment would impact the process, and the answer is that it would not. There were issues about the public process and several requests for the Planning Commission to deny the project, which could not be done, because the Planning Commission makes a recommendation to the County Council, and the project has the right to go through the process. There were concerns about unit type and whether townhomes are appropriate, visual impacts, protection of sensitive lands, adequate snow storage, wildlife and stream corridor protection, traffic and safety, and the biggest issue was density and whether the project complies with the density requirements. Planner Gabryszak indicated the surrounding neighborhoods within 1,000 feet of the applicant's parcel and reviewed the three density calculations discussed in May 2010, which ranged between 68 and 176 potential units. The Planning Commission recommended the maximum of 176 units. In January, a new calculation was suggested that resulted in a maximum of 88 units, and at that point Staff recommended a density limit of 125 units based on that number being halfway between the two methods the Planning Commission had approved. This number was proposed because the applicant had moved forward relying on the previous determination of 176 units and because the reduction from the 162 units proposed by the applicant to 125 units could help address some of the other issues if done properly. Staff recommended that the County Council hold a work session, ask questions, and give Staff and the applicant feedback prior to scheduling a public hearing.

Glen Lent, the applicant, explained that he has lived in the Snyderville Basin for 11 years. He is a civil engineer and has worked for a top 10 builder as the head of their land acquisition and development department. He clarified that he does not represent the owners, that this has been his own project, and that he has nothing to do with the Discovery School. He stated that when he started the project, it consisted of the Weilenmann property, which is approximately 22 acres. Through the process of trying to find a second access to the property, he learned that the property next to the Weilenmann property was for sale and was able to add 48 acres and a secondary access to the project and set aside a significant amount of open space. He explained that the current plan consists of 162 units, about half of which would be single-family homes, with the remainder being multi-family duplexes or townhomes. He explained that originally he hoped to be able to help the school with a playground and some parking, but he did not receive positive feedback from the school in terms of helping that situation.

Mr. Lent provided a visual showing the trails network and explained that he was excited about being able to extend the Millennium Trail to Timberline through this project. The project would also provide interconnection trails to the tubing park and other trails in the area. He stated that they have also discussed providing a trailhead for the Mid-mountain Trail. He reviewed the site plan in greater detail and explained that his goal is to emulate a traditional neighborhood design with front doors and porches facing the street and garages being accessed from an alleyway. The front entrances would also be visible from the freeway. He explained that the Summit Park

neighborhood asked for parks to be an extension of the front door. He would like to provide a community garden in the park, a tot lot, and he hoped to preserve the existing rock outcroppings. He would also provide a pullout for a school bus for the Park City School District.

Council Member Ure asked about the road widths. Mr. Lent replied that there are two options. If the roads are private, they can develop asphalt roads 20 feet wide with a 50-foot right-of-way. He would prefer to pay the additional expense to build wider roads so the County will maintain them. In that case, the roads would be 24 feet wide with a 60-foot right-of-way. He explained that there is sufficient right-of-way on the major roads that snow should not be an issue. The alleyways are 20 feet wide, and Red Barn, which does snow removal at Bear Hollow, has indicated that his plan is sufficient with the additional snow storage areas shown in the plans. He noted that the alleys do not have large driveways from which snow needs to be removed, so they would not need to find storage for snow removed from the driveways along the alleyways.

Council Member Hanrahan asked if the Gorgoza parcel is zoned Commercial. Planner Gabryszak replied that it is not. There was an existing development agreement on that parcel before the area was rezoned to residential. Council Member Hanrahan asked if it could be changed to some other use. Planner Gabryszak explained that an applicant could apply for redevelopment, but that parcel would be subject to the Code at that time. Mr. Lent clarified that they could not apply for a CORE Rezone, because it is within 1,000 feet of the Discovery CORE parcel.

Mr. Lent reviewed the 3-D models of the project. He explained that the development will be simple, smart, and sustainable, with a mountain cottage feel, and he has hired an architectural firm from Boulder, Colorado, that specializes in mountain affordable housing communities.

Chair Robinson asked if the units would be for sale or for rent. Mr. Lent replied that he would like to have the flexibility to make that determination based on the market. With 162 units, he could target an average of 50% of AMI and receive 1.5 market rate units per WUE, for a total of 97 market rate units and 65 WUEs. If he targets closer to 80% of AMI, there would be 81 market rate units and 81 WUEs. He explained that he would get credit for building units that are larger than 1 WUE, so if he builds larger units, that might drop the actual number of workforce units by up to 10 units. Planner Gabryszak explained that there is a cap on the size of workforce units, so a developer cannot build a large home and sell it to a household at 80% of AMI and get credit for it. Mr. Lent clarified that a larger home would not eliminate the AMI requirement, and if he were to build a larger home, he would have to sell it based on the same percentage of AMI.

Chair Robinson asked if the pent-up demand in the needs assessment addresses units or WUEs. Planner Gabryszak replied that it refers to actual units. The County does want total units, but the need has been identified as being at lower incomes. The reduced requirement for providing units at lower incomes is aimed at making it more likely that units will be provided for those lower incomes. With regard to the mandatory portion of the Code, it is more likely that developers will provide units at 80% of AMI, because it is more difficult and expensive to provide lower income units. Chair Robinson asked how much discretion the Council has in determining how many units it wants within different AMI percentage categories. Mr. Thomas explained that the Council would generally react to the application by applying the formulas in the ordinance to the application to fulfill the intent of the ordinance. Chair Robinson commented that, if they are going to approve a CORE project with the intent of catching up on pent-up demand, he would

like to steer the project in a way that would get them as close to that goal as they can and get as much efficiency as possible out of the project.

Council Member Hanrahan commented that affordable housing and workforce housing mean two different things to him. To him, affordable housing means housing that anyone can buy no matter where they work, and workforce housing means housing for someone who works in Summit County. He believed that was the intent of the CORE ordinance, and he was not sure that would be the end result of this. He was not certain that CORE rezone units could be restricted to people who live and work in Summit County. Planner Gabryszak explained that they can increase the odds of that happening by using a lottery system, where people who live and work in Summit County get additional chances in the lottery. They cannot exclude people, but a lottery can be weighted to make it more likely that people who live and work in Summit County could get into those units. Mr. Lent noted that there are no limitations in the Code regarding who can purchase or rent workforce housing, but he would be open to considering something like a lottery. He noted that the public has expressed concern about people living in these units and commuting to Salt Lake, but he has no control over that as a developer. Planner Gabryszak referred to Section 10-5-3B of the Code, Item 15, and explained that, as part of the approval process of a development that includes affordable housing, they can enter into a housing agreement that specifies the units, the income, etc., of those would be eligible for the units. Council Member Hanrahan verified with Planner Gabryszak that the Council could determine how they want to apply this section of the Code, and the developer could say whether or not it would work. He stated that his personal bias would be that the workforce housing in Summit County should be for Summit County workers. Mr. Thomas explained that the process for doing that would have to provide a waterfall provision so the developer would not be held up if no income-qualified people are interested in the units.

Mr. Lent explained that there are not many parcels left where a CORE Rezone can be developed. He provided a map showing the original nine overlay zones considered by the Planning Commission and explained that two have been purchased by the County as open space, two are being developed as non-CORE developments, one owner has started pursuing commercial development, and the Bitners have no interest in selling their property. The property at the intersection of Highway 40 and Interstate 80 does not work within the neighborhood, and Stoneridge was an unsuccessful CORE Rezone. Council Member Hanrahan asked if there are any other areas where a CORE Rezone would be possible. Planner Gabryszak replied that there are, but those nine areas were identified by the Planning Commission and Staff as likely being appropriate for some affordable housing. Mr. Thomas clarified that Stoneridge was not unsuccessful; it is still pending.

Chair Robinson asked Planner Gabryszak to review the density calculations. Planner Gabryszak explained that in May 2010 Staff presented three options for calculating the average density of the surrounding neighborhood. She reviewed those density calculations and the rationale behind them. She explained that the applicant moved forward based on the determination at the May 2010 Planning Commission meeting that the applicable maximum density would be 176 units based on the Planning Commission's direction. At a later public hearing, one of the Commissioners requested that the density calculation be reconsidered, and he came up with a maximum density of 88 units. The applicant had moved forward based on the original determination of 176 units, but the Planning Commission then became more comfortable with the 88-unit calculation. Staff recommended a compromise between the two, because the

Planning Commission at different times had been comfortable with both calculations. Planner Gabryszak explained that the Planning Commission forwarded a negative recommendation on the 162 units and was unable to agree on the potential compromise of 125 units.

Chair Robinson asked how they could explain the density calculation when the next project is proposed. Council Member McMullin explained that the calculation would be unique to this project. The Council would set the precedent by determining what they believe is an appropriate method for calculating the density, and that is how density would be calculated going forward. She did not believe a compromise based on the Planning Commission's representation would result in setting a precedent. She asked if the County Council is bound by the Planning Commission's decision that 176 units is the maximum potential density. Mr. Thomas replied that they are not, because the County Council is the final decision maker, and the Planning Commission is just a recommending body. He stated that the County Council can pick one of the calculations used by the Planning Commission, or they can make their own density calculation, which would set a precedent for calculating density in the future for other CORE Rezone projects. Chair Robinson asked if they would amend the CORE ordinance to memorialize the calculation once the Council comes up with a density calculation method, or if their action on the Discovery CORE would set the standard from now on. Mr. Thomas suggested that it would be both. Council Member McMullin requested that Staff provide the Council Members with the density calculations and details regarding the surrounding areas within 1,000 feet of the proposed CORE development.

Council Member McMullin asked what part of the project needs to be proximate to transit. She believed the language should be tightened up to specify from what point in the project transit needs to be accessible. In this case, even if transit were along the frontage road, it would be far away from this project.

Mr. Lent commented that the formula which resulted in a maximum density of 88 units would not work anywhere else in the Snyderville Basin. He noted that Staff issued him a formal letter after the May 2010 work session stating what the formula would be and how it would be interpreted, and then every couple of months, there would be a new formula. If the Council approves a new formula, it should apply everywhere in the Snyderville Basin. He stated that he applied the formula to the parcel behind the Home Depot, which consists of 130 acres, and it would allow a maximum density of 43 units on that parcel. He stated that no one would be willing to develop a CORE development of that size. He explained that he has the same interests as the County Council. He is a resident of the Snyderville Basin, he wants to see affordable housing, trails access, and open space preservation, and he is also bound by economics. When proposing housing at 50% of AMI, the only way to counter that is density.

Chair Robinson requested input from members of the public who were present.

Becky Rambo stated that she owns property adjacent to the proposed CORE development, and the lots surrounding hers are 2.5 to 3 acres each. She commented that the density being proposed is quite a bit higher than the density in her area. She hoped the County Council had heard the information presented at the public hearings. Chair Robinson explained that the Council has the minutes from the public hearing before the Planning Commission, and there will be public hearings before the County Council. Ms. Rambo stated that people other than the Timberline neighborhood would be impacted.

Amy Abbott, a resident of Timberline, asked if the County Council had received the wildlife study done by Keith Clapier and offered to send it to them. She stated that, despite the Department of Natural Resources saying that there is no value to Toll Creek, she would like to invite them to walk it and see how amazing it is. It contains 97% genetically pure Bonneville cutthroat trout. She believed Toll Creek needs to be protected better than the pictures she has seen of how it would be spanned. She commented that Kilby Road may be able to handle more traffic, but the intersections cannot, especially during storms. She also commented that school buses do not access private roads, and she did not know what kind of financial commitment might be involved in that. Chair Robinson explained that, if the developer dedicates the roads to the County, the County is obligated to maintain them.

Craig Eroh, representing Preserve PC, which represents about 180 families, stated that they had not approached the County Council because they wanted to follow the process. He noted that most people work during the time of the County Council meetings and requested that they hold the public hearings in the evenings. He stated that Preserve PC has substantial PowerPoint presentations they can e-mail to the Council, and he offered to forward their concerns about this project to the Council Members. Chair Robinson explained that there will be another work session and a site visit, and after that they will hold one or more public hearings, after which they will study everything that is presented.

Lorin Redden discussed the density calculation. He explained that they will get much different numbers if they start with the area where the development is proposed and calculate the density within 1,000 feet of that area rather than calculating the density within 1,000 feet of the outline of the entire development. In the end, if this development is approved, there will be a developed area and open space next to it. He believed the compatibility clause in the Development Code requires the Council to look at what will be developed and what people will see rather than the entire parcel, because the open space would be 2.5 times the size of the developed area. If someone wants to get a very high density, all they would have to do is donate a lot of open space to get the density. Chair Robinson commented that would not be a terrible thing.

Scott Loomis with Mountainlands Affordable Housing Trust noted that the Code indicates that the County Council has total discretion to approve or disapprove the proposed density.

A representative of the applicant pointed out that, if the density were spread throughout the parcel, it would look similar to the surrounding communities. However, the applicant is required to cluster the development, which is good planning. When the development is clustered and put in a corner of the property, it will seem less compatible with the neighbors. The density calculation also does not take into account that the clustered development will be 1,000 feet away from any existing development. If the development were clustered next to Timberline, it would have an impact on them, but it is not; it is 1,000 feet away from them. The residents to the north are over a ridge, and they cannot see the density above them. Considering that, the impacts are actually quite low.

CLOSED SESSION

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

The Summit County Council met in closed session from 3:55 p.m. to 4:20 p.m. to discuss personnel. Those in attendance were:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney

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

REGULAR SESSION

Chair Robinson called the regular meeting to order at 4:20 p.m.

- **Pledge of Allegiance**

INTRODUCTION OF THE WILDLAND FIRE STATE AREA MANAGER

State Fire Warden Bryce Boyer introduced Mike Erickson, the new State area manager for the northeast area, who will replace Dale Jablonski who retired in December. He explained that Mr. Erickson previously worked in the Heber area and has now returned to Heber. Mr. Erickson stated that he will continue to work with the Federal government on grants for Summit County and, although the northeast area includes five counties, much of their work is in Summit County. He noted that the upcoming fire season in Summit County is projected to be moderate to low due to all the snow and moisture this year. Mr. Erickson provided a brief history of his education and experience.

RESOLUTION #2011-3 IDLE-FREE RESOLUTION FOR MOTORIZED VEHICLES IN SUMMIT COUNTY, UTAH, AND DECLARNG SUMMIT COUNTY, UTAH, TO BE AN IDLE-FREE COUNTY

Sustainability Coordinator Ashley Koehler summarized that the idle-free resolution would not apply to farm equipment. The idling policy would allow idling for up to three minutes and include an exception for temperatures above 90 degrees and below 32 degrees. With regard to the whether it is legal for the County to create an idle-free ordinance, she has found that it is legal, but Staff is proposing a resolution for the first year in order to educate the public. She recalled that the Council asked Staff to coordinate with the schools, and she presented a photograph of students at Ecker Hill Middle School with an idle free sign they had installed,

noting that some progress is already being made in the Snyderville Basin. Staff recommended that the County Council adopt a resolution for an idle-free County.

Council Member Hanrahan made a motion to adopt Resolution #2011-3, Idle-free resolution for motorized vehicles in Summit County and declaring Summit County, Utah, to be an idle-free County. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

PARTIAL RELEASE OF LIENS – SUMMIT PARK SPECIAL WATER IMPROVEMENT DISTRICT

Chair Robinson summarized that 20 years ago a special assessment district was created in Summit Park to install a water system. That debt has now been amortized down, and with respect to those persons listed in the staff report, the liens have been satisfied, and the County Treasurer is seeking permission to release those liens.

Council Member Ure made a motion to approve the partial release of liens for the Summit Park Special Water Improvement District as presented. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

MANAGER COMMENTS

Mr. Jasper asked Public Works Director Kevin Callahan to provide an update on the flooding situation. He noted that Council Member Ure discussed this with the Chamber Bureau, and a busload of workers from The Canyons came to fill sandbags, and members of the Chamber Board came to help.

Mr. Callahan explained that they are still preparing and anticipating that Chalk Creek will probably hit flood stage this weekend. According to the weather service reports, it will probably peak for three or four days and then drop again, and hopefully the weather will remain relatively mild. He reported that a citizens' guide has been posted on the County website, which identifies where sandbags are located. A temporary public information officer has been hired to help with public communications and keep the Council informed over the next few weeks. The work on Site 9 has been completed, and he anticipated that Site 5 would be completed this week. Initial work has started on the irrigation district projects. Mr. Callahan stated that the County is as well prepared as it can be and is coordinating with communities to see what they need so they can be a resource to everyone who might need help. Council Member Elliott asked if the County has received permission from the Provo River Water Users to use their diversion. Mr. Callahan replied that they have not, because they have more water in their drainage than they can handle.

Mr. Jasper recalled that there was a resident on the river who built a deck out into the river. He has evidently received permission from the Army Corps of Engineers to berm the deck in a way that will not affect the roads in the subdivision.

Ms. Lewis reported on a clean-up effort in Echo in May 7 that involved four County employees, and collected 300 pounds of trash. Ms. Koehler explained that Coalville held its first Arbor Day celebration as a Tree City, USA. Rocky Mountain Power donated eight trees that were planted

on the parkway on the way to the fairgrounds. She reported that more than 25 people showed up from the Coalville/Hoytsville area as well as County employees.

COUNCIL COMMENTS

Council Member Hanrahan asked where the capital facilities plan stands and whether it will be presented along with the financial report on May 25.

Council Member Elliott reported that the Park City Prevention Awareness Coalition met and she would like to have the County Manager and Cliff Blonquist ask Allied Waste to put alcohol and drug prevention messages on their trash trucks. Judge Kerr attended the meeting and indicated that there is new evidence that alcohol damages young brains. She reported that she also attended the Peace House board meeting and Mountainlands Community Housing Trust meeting and reported that their finances are being well used and well accounted for.

Council Member Ure stated that he would be interested in forming a different kind of budget committee for the upcoming budget year. Chair Robinson requested that be put on the May 25 agenda along with the Auditor's financial report.

Chair Robinson reported that he and Mr. Jasper attended the Utah Business Economic Roundtable and discussed the state of the economy. It appears that there is a little more optimism that the economy has bottomed out and is again on the increase.

COUNCIL OF GOVERNMENTS

The Summit County Council met with the Council of Governments from 5:00 p.m. to 5:55 p.m.

PUBLIC INPUT

Chair Robinson opened the public input.

Michael Watson, a resident of Snyderville Basin, commented that the Snyderville Basin Special Recreation District will meet tonight and has decided to combine the five proposals for the Highland Drive hard surface paved trail to make a sixth plan that will be adopted this evening. He learned today about how a district may acquire and disburse funds, which is directly relevant to the open space and trails bond. He requested that a Class 2 bicycle lane be installed along with the Highland Drive trail for the distance of 3.2 miles from the fieldhouse to the southern terminus of Highland Drive, where the Recreation District's trails plan also includes a parking lot and trailhead to access the trail to Round Valley. He stated that bicycling as commuting and recreational uses require a different pathway than that accessible for recreational, multi-use path uses. Bike lanes provide an alternative mode of travel for growing communities, and planning and installing transportation mode infrastructure for the present and future that can be partnered with an existing transportation infrastructure project such as the Highland Drive trail is good planning and effective management. Mr. Watson stated that the Recreation District hard surface trail will require the acquisition of .11 acres of right-of-way to install the plan they are accepting tonight, and property owners along Highland Drive have favorably responded to surveys about the installation of a trail along their properties. If a bike lane were installed while the trail work is under way and no additional right-of-way is required for a bike lane, capital costs for a Class 2

bike lane would be \$1,000 per mile, and that is all it would cost to add 3.2 miles of Class 2 bike lane on Highland Drive. Although there may be additional infrastructure needed to widen the road to accommodate bike lanes, he believed the Council would find it acceptable to spend the amount of money necessary to make an investment in transportation and recreation infrastructure. Mr. Watson stated that this bike lane would reconnect to the Highway 40 frontage road bike lane that the Council saw fit to include some years ago. With the discussion of resurfacing Highway 248 from the Highway 40 overpass to the Park City High School, that would provide a bike lane that would be beneficial to the recreational destination resort economy, which is patronized by visitors to western Summit County. These visitors are part of a growing trend to become a significant impact and input to the County's economy. He stated that Salt Lake, Ogden, Moab, St. George, and Orem/Provo have bike-friendly commuting models and are making significant commitments to bike transportation infrastructure. He hoped the timing of the project that would soon be underway would be good timing for Summit County to make a commitment for bike lanes on Highland Drive.

Council Member Hanrahan asked how a Class 2 bike lane could go within the existing roadway and asked if it would require additional right-of-way. Mr. Watson replied that it would require that additional width be acquired. He believed with the acquisition of .11 acres of right-of-way for the Highland Drive trail, they could accommodate the additional width within that right-of-way acquisition.

Council Member Elliott explained that the County Council does not make the decision about the trail. The Snyderville Basin Special Recreation District will make the decision in conjunction with and based on the advice of the County Engineer, Derrick Radke. She recommended that Mr. Watson talk to the Recreation District or Mr. Radke.

Chair Robinson stated that he believed Mr. Watson was saying that the cost of providing the bike lane would be small enough that the County might want to cooperate with the Recreation District to accomplish that. He believed if it were only a matter of \$1,000 per mile, or even \$10,000 per mile, that the Recreation District would be planning to do it. He suggested that Mr. Jasper discuss Mr. Watson's request with the Recreation District.

Council Member Hanrahan explained that the Highland Drive trail is narrower than the Recreation District's normal trails because they do not have the right-of-way to construct a wider trail. He generally agrees with Mr. Watson's desire to have a bike lane on the trail, but it would cost a significant amount of money, because the Recreation District would have to buy the entire right-of-way on both sides of the road. He asked if a Class 2 bike lane is 3 feet wide. Mr. Watson replied that it is, and it is striped with icon logos and signs. That would essentially be the \$1,000 per mile cost to install the bike lane. He stated that he reviewed the plan at the Recreation District Office, and the plan required only .11 acre for the entire plan, and the trail width is paved 8 feet with a separation from the roadway right-of-way. He stated that he is seeing a lot of right-of-way in the plan, but he was not certain whether a bike lane width on the roadway would be an additional expense.

Chair Robinson closed the public input.

PUBLIC HEARING – POSSIBLE APPROVAL OF A REZONE FOR PARCEL CD-2047-U-5, THROUGH ORDINANCE 757, HIGH UINTA VENTURES, MIRROR LAKE HIGHWAY 150, BEAR RIVER, UT

County Planner Molly Orgill reported that the applicant is requesting to rezone Parcel SS-2047-U-5, which is currently zoned AG-160, to Commercial zoning. The applicant has received a Conditional Use Permit (CUP) to expand his existing business on this parcel to allow for the rental of ATVs and snowmobiles contingent on this parcel being rezoned Commercial. The Eastern Summit County Planning Commission has forwarded a positive recommendation to the Summit County Council for the rezone request. This item has been noticed for a public hearing. Prior to the Eastern Summit County Planning Commission meeting, Staff received several comments in favor and one comment in opposition to the rezone. Planner Orgill reported that, after noticing this public hearing, she received one telephone call from a neighboring property owner who was curious about what was happening, and they were in favor of the applicant being able to rezone the parcel. She explained that a CUP was issued for this parcel in 1985 to operate a business to sell and repair snowmobiles out of the garage of Warren Wright's home, and Mr. Wright's son now owns the property. After a period of time, the CUP was not renewed, as they were no longer selling snowmobiles. Planner Orgill reported that the parcel currently contains a residence and a business that includes excavation, landscaping, welding, and a mechanic's shop, and this winter they started to rent snowmobiles. The applicant would also like to add rental of ATVs from this property. Rental of snowmobiles and ATVs is not allowed in the AG-160 Zone but is allowed in the Commercial Zone through a CUP for service commercial. Planner Orgill reported that the County received a complaint last fall that the applicant was renting snowmobiles, and after several meetings with the applicant, it was determined that, once the Community Development Department received the appropriate application for a rezone and CUP, they would be allowed to continue renting snowmobiles this winter. If the rezone is approved, they will be able to continue; if not, they will need to discontinue the rental of snowmobiles. On March 16 the Eastern Summit County Planning Commission held a public hearing to consider both the CUP and rezone request. They unanimously forwarded a positive recommendation to the County Council for the rezone and approved the CUP with conditions. Planner Orgill explained that this is an appropriate use for this area, noting that there is a commercial operation across the road from this business that also rents snowmobiles and ATVs. With the rezone to Commercial, the applicant will be required to obtain a building permit to install a public restroom facility. The applicant received a sign permit in 1986, but that sign is located on U.S. Forest Service ground. The Forest Service has asked then to remove the sign, and the applicant will put it on their own ground and bring it into compliance with the Eastern Summit County Development Code. The applicant accesses the property through Forest Service land, and the Forest Service has agreed to continue that access, but the applicants are working with UDOT to create a new access that will be aligned with the commercial use across the road. The Fire District has indicated that, if the parcel is rezoned Commercial, the applicant may need to bring the commercial building into compliance with fire and water suppression requirements. The Division of Water Rights has confirmed that the applicant has sufficient water for the residence and the commercial business, but if they add a public restroom, they need to obtain additional water rights. Planner Orgill reported that this project is consistent with the goals of the General Plan and complies with the requirements of the Eastern Summit County Development Code. She presented a plat map and aerial view of the parcel, indicating the location of the proposed business, access, and other features on the site. Staff recommended that

the County Council conduct a public hearing and approve the rezone with the findings contained in the staff report.

Council Member Hanrahan asked what would be different if a property owner adjacent to this parcel wanted to rezone. Planner Orgill replied that they would have the right to apply to rezone their property to Commercial as well. Council Member Hanrahan asked if Staff wants to see commercial growth in this area. Planner Orgill replied that there are already commercial uses established in the area. If there were no commercial uses in the area, it might be more difficult to establish a commercial use as spot zoning. However, since there is already Commercial zoning in the area, it would not hurt, and it would be up to the County Council to approve any further zoning changes. Council Member Hanrahan asked if the CUP is limited to a specific use or whether rezoning this parcel leaves it open to whatever commercial use anyone wants. Planner Orgill explained that the current CUP allows for the rental of snowmobiles and ATVs with certain conditions. If they want to change that use or add a use, they would be required to obtain another CUP, and conditions would be included to address the impacts of that use.

Chair Robinson asked if the Council's action this evening would approve the proposed site plan or if they are only rezoning the property to Commercial. He expressed concern that the site plan shows parking right up to the property line. Planner Orgill explained that the site plan was approved by the Eastern Summit County Planning Commission as part of the CUP approval. Community Development Director Don Sargent explained that they are taking the existing conditions on the property, and what is being proposed does not increase the impact. It is proposed that they now form a Commercial Zone with respect to the use.

Chair Robinson opened the public hearing.

There was no public comment.

Chair Robinson closed the public hearing.

Council Member Elliott made a motion to approve the proposed rezone of Parcel SS-2047-U-5 to a Commercial Zone through adoption of Ordinance #757 with the following findings shown in the staff report:

Findings:

- 1. The rezone complies with the Eastern Summit County General Plan, as outlined in Section E of this report.**
- 2. The rezone complies with Section 11-5-3 of the Eastern Summit County Development Code, as outlined in Section F of this report.**

The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

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

Council Chair, Chris Robinson

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 18, 2011
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Chris Robinson, *Council Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Claudia McMullin, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Hanrahan made a motion to convene in closed session for the purpose of discussing property acquisition. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 1:05 p.m. to 1:40 p.m. to discuss property acquisition. Those in attendance were:

Chris Robinson, *Council Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Claudia McMullin, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*

Council Member Elliott made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.

WORK SESSION

Chair Robinson called the work session to order at 1:40 p.m.

• **USU Alternative Future Report**

Kyle Young with the bioregional planning program at Utah State University presented the process diagram used to prepare the alternative future report. He explained that they did an extensive and in-depth pre-analysis of the issues presented to them by Staff and other entities to help better define the issues in the County, and the same process could be used by the County or any other entity wishing to use to study to find answers to other problems. He presented a map showing the study boundaries. He explained that issues and concerns were determined based on

a survey taken by the Mountainland Association of Governments, the Eastern Summit County and Snyderville Basin Development Codes, and written and visual assessments conducted by USU in a series of public meetings. Using GIS software, they were able to display those issues and concerns on maps. He explained that some of the maps reflect current County zoning and policies and take population projections into consideration. Based on data from the Governor's Office of Planning and Budget, Summit County will see an increase of 62,300 people in the next 30 years, with 41,000 of those being in the unincorporated areas of the County. That kind of population increase will have significant environmental, social, and economic impacts on Summit County. The average household in Summit County is 3.2 persons, and the capacity in the unincorporated area of the County, including vacant homes and vacant, platted parcels, is less than 6,000 housing units. Mr. Young noted that, in calculating the total capacity, they assumed that every parcel within the Highway Corridor and AG-40 Zones would be subdivided to their fullest extent and acknowledged that not everyone will subdivide and develop those parcels. The study estimated that by 2024 the demand for housing would outstrip capacity.

Council Member Hanrahan asked about the basis for the projected population. County Manager Bob Jasper explained that Staff also questioned those numbers and whether the State demographer had simply prorated out historical information, but they found that they were based on a thorough analytical report. He noted that the Council also needs to consider what impacts growth in the Salt Lake Valley will likely have on Summit County. Council Member Elliott requested to see the factors considered by the State demographers. Mr. Jasper noted that Rocky Mountain Power provided similar projections when they presented their plan, and the Council has actually seen three estimates with the same population figures in the last few months. Council Member Hanrahan commented that he believed demand would drop off as they get closer to the break-even point, because land would be scarce and be too costly. Mr. Young explained that the purpose of the report is to supply the decision makers with the information they need to make the decisions they will inevitably have to make. They will have to decide whether to change the capacity by changing zoning, density, or other factors. Before 2024, they will want to decide what they want the County to be like.

Mr. Young reviewed the priorities from the surveys and assessments as outlined in the report. He provided slides showing the most preferred and least preferred visual preferences for the County. Using the publicly available data, they developed maps using the issues and concerns as a filter. He reviewed the landscape resilience map as an example and explained that each assessment is important, because the assessments become the benchmark by which to judge whether a proposed alternative future meets the criteria the people of Summit County want. He noted that any individual alternative future could be assessed off of the assessment model, or a combination of alternative futures could be assessed using the models. He discussed the benefits to the County and municipalities of using the study for future planning. He stated that Summit County is currently doing a good job of implementing good land use policies, but he did not believe they go far enough to protect the safety of the County residents. He stated that they would encourage compact development off the valley bottoms to maintain water quality and visual quality.

Council Member Hanrahan noted that the municipalities, where it was suggested that they target growth, are located in the valley bottoms. Mr. Young explained that they have prepared a "trade-off" map showing areas of high development potential compared with areas of conservation need and where the two cross, and those are the areas where some of the difficult decisions may need to be made.

Mr. Young explained that if commercial, institutional, and residential development is focused on regional hubs to allow for pedestrian-accessible communities, they can be connected by a regional transit system. He noted that UDOT is already planning for regional transit to go to Kamas and Park City, and the report proposes an extension of that so it will actually work for the communities. He also recommended that they focus on landscape resilience and landscape limits maps, because development on those lands will have an immediate impact on critical water issues.

Council Member Elliott asked about the projected outcome of the study. Mr. Young replied that USU will supply the complete report to the County for use in decision making. The desired outcome is that the report will be a help and aid to the County and Planning Department. He explained that this information would be helpful to the Planners and County Council in deciding where sending and receiving areas might be for transfers of development rights. He stated that the report is really a starting point for the County to do more detailed studies or to add further criteria to improve current land use policies.

Council Member Elliott commented that, if what they hear is true, that cities do not want to grow much and people in the County want the landscape to remain like it is, it would appear that the focus would be to refuse any further growth. Mr. Young explained that those are not mutually exclusive and that it is not necessary to keep all growth out in order to keep the goals in the report intact. People are not entirely opposed to development or density, but if development is allowed, it should be constrained so it does not affect everyone's viewshed. When development is cut off, prices increase, but people want their children to be able to inherit their land and live close to them, and that will not happen if prices become so high that they cannot afford to live in the County.

Dr. Richard Toth, Professor of Bioregional Planning at Utah State University, explained that it is important for the Council and Staff to know when someone submits a plan whether it will work, whether it will pollute the groundwater or usurp good agricultural land. The only way to know that is to take assessments. He explained that they have provided a series of assessment maps with this report against which any plan can be judged to determine whether it is in accord with the County's values. Over time those values and attitudes will change, and then new issues can then be brought up and a new assessment model can be built. He explained that what is important is the process USU is providing for the County as a way to measure productivity and values for the future. The County Council could make a plan for the County and use the assessment models to tell them where that might lead to problems, where they might be putting people in harm's way, or where they might be addressing the public's concerns for quality of life. He emphasized that a lot of work went into this report to provide the decision makers in the County with an appropriate model for making good decisions.

The Council Members reviewed the assessment maps prepared in conjunction with the USU report.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 2:40 p.m.

- **Pledge of Allegiance**

ADVICE AND CONSENT OF COUNTY MANAGER RECOMMENDATION ON THE HERITAGE AND LANDMARK COMMISSION

Mr. Jasper recommended that the County Council consent to the appointment of Barbara Kresser, Patrick Putt, and Doug Stephens to the Heritage and Landmark Commission for two-year terms to expire in 2012.

Council Member Elliott made a motion to consent to the appointment of Barbara Kresser, Patrick Putt, and Doug Stephens to the Heritage and Landmark Commission for two-year terms to expire in 2012. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

ASSESSOR – ERRORS AND OMISSIONS

Council Member Hanrahan made a motion to approve the errors and omissions as proposed by County Assessor Steve Martin to refund prior taxes to the owners of the five units shown in the staff report. The motion was seconded by Council Member Elliott.

Council Member Hanrahan clarified that the parcels were double assessed in 2010, once as part of the parent parcel, and then again as individual parcels. The assessment for 2010 should remain on the parent parcel and be refunded for the individual parcels. In 2011, the parcels will be assessed as individual parcels, and the parent parcel will be deactivated.

The motion passed unanimously, 4 to 0.

APPROVAL OF COUNCIL MINUTES

FEBRUARY 16, 2011

Council Member Elliott made a motion to approve the County Council meeting minutes for April 20, 2011, with the recommended changes. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

MANAGER’S COMMENTS

Mr. Jasper reported that the County has received requests from a number of entities with private roads or in special districts to assist in repairing roads damaged due to the weather. He stated that he would soon hold a work session with the Council to discuss private roads. There are some sections in Tollgate Canyon where, if the County does not help, the roads will become impassable, and people will not be able to get to their homes.

Public Works Director Kevil Callahan reported that he has been speaking with the Tollgate owners association for three or four weeks. There is a drainage basin at the bottom of the hill with two 3-foot culverts under the road, and one of the culverts has collapsed. Two weeks ago the water rose almost to the level of the road before the culvert collapsed. They will probably need to install a third culvert as an overflow and get the other one repaired later or remove the two culverts and install a larger culvert that will not be obstructed. He stated that he would be meeting with them to find a solution. He has proposed that, if the association will purchase the culvert, the County will install it for them. He stated that he received a call from a resident in Tollgate Canyon today who reported that sections of the creek are starting to erode their road and

asked if the County would loan them some sections of culvert to put in the creek and control the flow of the water. The County has agreed to do that as well.

Mr. Jasper commented that, when they have the workshop, he will propose that the County will help if people are willing to form taxing districts or assessment districts, because they need to be willing to pay like everyone else has paid for their roads. Because the soils are so saturated this year they are facing health and safety issues in some areas, and believes the County needs to help with some of those situations right now.

Council Member Elliott stated that she agrees with the County's efforts to deal with the health and safety concerns. She noted that the Tollgate Canyon area has talked from time to time about reestablishing the special service district that was disbanded a number of years ago. She commented that the nature of the area has changed, and most of the people are now quite progressive and willing to do the right thing. She suggested that the County be pro-active and help them form taxing districts, which would be a wise use of Staff time.

Council Member Hanrahan stated that no one would disagree that the County needs to do this work and fix the problem to protect people's safety and well-being. They could either bill the people who did not create the proper roads in the first place or spread the cost out among the County taxpayers, but the issue is who is going to pay for it. Council Member Elliott explained that there is no vehicle in place to do that. Chair Robinson commented that the owners association seems to have some vehicle for coming up with the cost of the culvert. Mr. Callahan replied that they have a road budget. Council Member Elliott explained that the Tollgate residents need more help, because not everyone who uses that road pays for its upkeep, and if the County can do anything to make things fair and equitable, they should do it.

Mr. Jasper presented a map of Coalville showing the fairgrounds and a parcel owned by the North Summit School District and explained that he is discussing a possible trade with the School District. He would like to get appraisals on both parcels, which would be necessary before they could move on to the next step in the process. He believed the County could use Transient Room Tax, Restaurant, and RAP taxes to complete this transaction, which would be a four-way agreement between the County, the School District, the Recreation District, and Coalville City.

Council Member Elliott stated that she believed it would be a stretch to imagine that this would be a wise use of tourism funds, and they have struggled for years to try to get people to come to the County Fair. Mr. Jasper stated that he believed this would be a tourist draw in the future, and other counties have done this using tourism funds. The next step would be to prepare a master plan for the area with input from all the entities involved.

COUNCIL COMMENTS

Council Member Hanrahan commented that, in the light of the study the Council saw today and other information they have received, and as Mr. Jasper proceeds to look at growth areas, he did not want to give the perception that they are creating growth areas for additional growth beyond current zoning. It was his perception that they are looking at transferring density from certain areas into other areas to compact the growth. Mr. Jasper explained that, from his point of view, some level of growth is necessary in order to have a vibrant community. Growth goes up and down with the business cycle, and the job is to manage and shape it with a lot of community

input. He did not see anything the County is doing as opening the floodgates and saying they want to have a lot of growth. They are trying to have tools and the ability to manage growth in ways that work and make sense, regardless of the amount of growth. He stated that there is always a balance between property rights and community rights, and people who own property tend to want to maximize the value of their property and resent government's ability to restrict that. They also see that neighborhoods and communities do not want growth in their areas, and part of the process will be to reduce growth in some areas and move it to other areas.

Council Member Elliott stated that she thought the study they saw today was a waste of time, and she saw nothing new in it. She asked if there is a way to use the results of the study. Mr. Jasper stated that the County paid for health insurance for one of the graduate students and invested some time in meeting with them. He acknowledged that some people who have been around for a while know some of the things they told the Council, but Professor Toth is well renowned, and now there is a renowned person who has confirmed what they may already know with additional detail.

Council Member Hanrahan noted that there have been a lot of e-mails regarding bike lanes on Highland Drive, and he would like to have a work session so the Council can understand the County road policy with regard to bike lanes. Chair Robinson requested that Mr. Jasper set up a work session with the County Council, County Engineer Derrick Radke, and the Snyderville Basin Special Recreation District to discuss bike lanes and the projects planned for this summer.

PUBLIC INPUT

Chair Robinson opened the public input.

Michael Watson referred to comments made in the e-mails he has exchanged with the Council Members this week and clarified that the trail plan provides for a bike lane on both sides of Highland Drive for only about 30% of the trail, and it appears that there will be a bike lane on only one side of the majority of the trail. He presented photographs of cyclists traveling on trails and quoted from a "Share the Road" document that, rather than riding on a multi-use trail, riding on the road is not only safer, but much safer than riding on other types of facilities. The document further states that a bicyclist is twice as likely to experience an accident on a multi-use trail than on an unmarked street. Mr. Watson stated that he understands the issues regarding costs to acquire right-of-way space and install a Class 2 bike lane on Highland Drive. He understood that County Engineer Derrick Radke suggested a plan to be implemented next year that would narrow the Highland Drive vehicle travel lanes by a foot on each side to allow a striped wider shoulder and additional asphalt along the shoulders to make a three-foot-wide bike lane. He provided a photograph of the T intersection approaching Old Ranch Road and noted that a shoulder was installed, paved, and striped last year, which was a huge improvement from what previously existed. However, as the road proceeds west, the paved shoulder diminishes to about 8 to 12 inches wide.

Council Member Hanrahan explained that the County Engineer has made it clear that it is not as simple as adding another foot or two to the shoulder of the road, because that inevitably fails. Mr. Watson stated that he was aware of that, but the travel lanes could be narrowed to 10 feet on both sides to get 24 more inches of width for bike lanes.

Mr. Watson provided an image showing a trail on one side of the road with a pedestrian traveling toward a bicyclist on the side of the road. He stated that a multi-use trail creates more complications between users than a dedicated width for a cyclist to ride on the right side of the road in the direction of traffic. He explained that he wants to work with this issue and hoped he could represent the cyclists who travel at vehicular speed. He noted that the County is in the hospitality business and the outdoor recreation facility business.

Council Member Hanrahan clarified that, ultimately, the County Council is responsible for approving the Recreation District's budget, but he was not aware that anyone at the Council or Commission level has ever changed that budget, and he did not believe Mr. Watson should rely on that. He believed the County could look at finding funds to add into this project but the question is whether there are funds and whether there is merit in doing anything additional. Mr. Watson explained that the project will start in July 2011, and Mr. Radke is proposing to make changes in 2012 anyway. He was hoping to find an economy of scale by proposing that it be done this year if there are funds available. Chair Robinson suggested that he and Council Member Hanrahan, along with Mr. Jasper and Mr. Radke, meet with the Recreation District in the interim to see what they can find out prior to the work session in June.

Glenn Wright stated that he came to listen to the USU presentation today and noted that all the development discussions center on land use and how many houses to put in a certain place. From an economic development standpoint, he believed the Council should think about what type of economy they want 20 years from now. If the projections hold true, there will be 100,000 people in the County, and if people come from Salt Lake and will be commuting to work in Salt Lake, there will have to be an economic discussion about the viability of the County's tax rate and what kind of services it can provide. He noted that houses do not provide sufficient tax base to provide services, and part of the discussion has to be the types of good jobs they can bring to the County, especially the east side of the County. Good jobs are needed for students coming out of the high schools, and they need more tax base. He believed they should have an economic development discussion of how to bring in good jobs and where to put them in the County. He believed the eastern side of the County could use some manufacturing and technology business that would bring in good jobs and provide a tax base for the school districts on that side of the County.

Sarah Moffatt introduced herself as the new County reporter for the Park Record and stated that she would be replacing Patrick Parkinson. She stated that she was born and raised in Park City and went to Northeastern University where she was a journalist major.

Chair Robinson closed the public input.

The County Council meeting adjourned at 3:35 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 25, 2011
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

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

Robert Jasper, Manager
Dave Thomas, Deputy Attorney
Kent Jones, Clerk
Karen McLaws, Secretary

**SITE VISIT – PROPOSED DISCOVERY CORE REZONE AND DEVELOPMENT,
KILBY ROAD WEST OF GORGOZA**

The Council Members met at the Sheldon Richins Building at 10:30 a.m. and visited the proposed Discovery CORE Development site.

CLOSED SESSION

Council Member Elliott made a motion to convene in closed session for the purpose of discussing property acquisition. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 12:15 p.m. to 1:25 p.m. to discuss property acquisition. Those in attendance were:

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

Robert Jasper, Manager
Dave Thomas, Deputy Attorney

Council Member McMullin made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.

WORK SESSION

Chair Robinson called the work session to order at 1:25 p.m.

- **Discussion with Basin Open Space Advisory Committee (BOSAC) regarding PRI draft conservation easement**

County Sustainability Coordinator Ashley Koehler provided background on the PRI parcel that the County purchased in 2008 and explained that BOSAC would like to provide an update on its effort to provide a conservation easement on the property. She noted that the staff report contains a thorough background of all the documents recorded on this property at the time of acquisition, and she summarized a few of the issues to be addressed. She explained that Summit County and Park City are tenants in common, with Summit County having a 75% interest and Park City Municipal having a 25% interest. \$12.5 million came from Summit County, of which \$6.6 million was from the 2008 open space bond held by the Snyderville Basin Special Recreation District, and \$3.5 million was contributed by Park City Municipal Corporation. Ms. Koehler provided a map of the PRI parcel, indicating the location of the open space and adjacent properties and their uses. She briefly summarized and explained some of the documents contained in the staff report. She explained that Utah Open Lands was hired by Summit County to put a conservation easement on the property and to complete a baseline report that examines the balance between potential uses and conservation values on the property. BOSAC formed a subcommittee to work with Utah Open Lands and the Recreation District and wanted to provide an update to the Council and receive input from them regarding some of the conflicts that could potentially arise between uses that have been identified for the property and some of the conservation values on the property. Conservation values that have been identified include sensitive lands and species, scenic values, agricultural values, and aesthetic and management values. The committee members felt that crop agricultural use in the future would be permissible and appropriate for food security purposes in emergency situations but not as a permitted use. Ms. Koehler explained that there are also cultural values and public recreation on the property. The property's proximity to USU/Swaner Ecocenter would provide opportunities for field trips and community groups. With regard to a possible cemetery, she explained that the parameters of the cemetery are undefined, and the committee would like direction from the Council as to how serious they are about placing a cemetery on this site and requested that the Council assign a staff person or funds for a more detailed study.

Council Member McMullin asked if a cemetery is a conservation value or a use. Wendy Fisher with Utah Open Lands stated that more and more people are looking at the idea of a "green" cemetery as a way to help fund and steward open space. She did not believe anything in the IRS Code specifies that a cemetery constitutes a conservation value. Council Member McMullin asked if any use on the property would have to correlate to a conservation value. Ms. Fisher replied that is not necessarily the case. Permitted uses that are not conservation values are sometimes allowed on property, and that is seen as something the landowner would like to have happen. The conservation easement holder has to take into account the effect a permitted use will have on the conservation values and draft the document appropriately. Council Member McMullin asked why a cemetery was planned for this property. Council Member Elliott explained that there was a lot of discussion about Park City Cemetery closing to non-residents, and there is no place in western Summit County for people to be buried. As the County Commission discussed purchasing the PRI property, it was one of the few places where a cemetery is possible, and they agreed and promised the public that part of the plan for this purchase would include a cemetery.

Mr. Jasper commented that many things were discussed and authorized for this property, and if the County does them all, it would no longer be open space. He noted that there is property adjacent to this parcel that will either have a school built on it or be open space. The policy issue is how open the open space will be and how many uses they will put on it.

Chair Robinson noted that the agreement between The Boyer Company and the County prohibits anything from being built on the land, and without an amendment, nothing will be built on it. Ms. Fisher commented that the biggest problem with that agreement is its lack of clarity. She agreed that the overall intent is to keep the land undeveloped, but Utah Open Lands' goal would be to clarify that and honor the intent of the agreement while making the notice of use restrictions subordinate to a conservation easement. A representative from Utah Open Lands stated that the objective would be to give the Boyer Company the benefit of the bargain they made subject to preserving the conservation values they want for this property, and Boyer has indicated they are willing to do that. Chair Robinson verified with the representative that in some instances the conservation easement would be less restrictive than the current deed restriction and in other instances it would be more restrictive.

Ms. Koehler reviewed the maps compiled by Utah Open Lands that reflect the uses shown in the documents recorded with this parcel, the conservation values, and the vegetation types found on the property. Staff recommended that the County Council review the materials provided, consider the recommendation from Utah Open Lands, and provide comment on the priority of conservation values.

Ms. Fisher stated that the Division of Wildlife Resources and a botanist looked at the property in terms of wildlife habitat and restoration. She explained that Utah Open Lands wants to provide a conservation easement that will be enforceable, and a number of items need to be clarified, such as the cell phone tower lease, the CPB easement, etc. She explained that those documents and how they are restructured will have an effect on paved trails and other intended uses. She stated that Utah Open Lands understands that some values may be impaired, and they do not want to put anyone in a position of trying to work through something they cannot work through. Some of the values may not be compatible with some other values.

Council Member Ure asked whether some of the values could be eliminated due to the costs involved. He noted that, in order to use this as grazing land, a new fence would be required, and that would be costly. He was also not certain whether there are water rights for prime agricultural ground. He believed that was something they could eliminate because of the financial limitations. He also questioned where the money would come from to enforce whatever is ultimately put in place. Ms. Fisher stated that grazing would be severely limited on the property, and she would recommend that they get a water right put on the property. She explained that Utah Open Lands has raised some private foundation money for stewardship. Summit County has provided some money for stewardship, and no more money would be expected from Summit County.

Council Member Elliott stated that she would not give up on the cemetery unless an acceptable alternative is available. She emphasized that she made a promise, and it is one she believes she needs to keep.

Chair Robinson believed they should accept and comply with the legal constraints if they are not able to modify them. He also wanted to provide for the recreational and human uses the County has committed to the public that they would provide. He noted that Olympic Park Boulevard bisects the property, and there is the potential for a lot of human activity on this parcel, which is not remote, and wildlife values have already been interfered with. He would like to craft an easement that deals with the legal constraints and human activity rather than trying to get the legal constraints and the human activity to accommodate an easement. He noted that some

conservation values might not be a great priority given the location of the property and the human uses that may take place. Ms. Fisher agreed that human needs and the recreational component are definitely a conservation value. She hoped there could be some sensitivity to other conservation values as they get through some of the legal issues on the property. She believed a conservation easement is stronger when a multitude of conservation values are being protected. However, if they find that some conservation values are degraded in favor of certain other uses, they need to recognize that it is all right.

Max Greenhalgh, BOSAC Chairman, asked the Council to give guidance regarding the County Engineer's proposal for a connection from Landmark Drive to Bear Hollow. He noted that a bypass easement was originally proposed with the intent of dealing with congestion at Kimball Junction, and the County Engineer feels they can abandon that and provide an additional connection somewhat west of Highway 224 to allow stacking of cars, which would meet the objective of decreasing congestion at Kimball Junction. He stated that he would hate to have the Council make a decision without hearing from Mr. Radke. Chair Robinson stated that the easement should adapt to human needs. If the Engineering Department believes that is needed, the right to build that should be crafted into the easement. It may never be built, but the County should not have to keep going back to Utah Open Lands to ask them to amend the easement. He would like to see more flexibility in the easement to allow for future uses that are consistent with open space and that will meet the human recreational component.

- **2011 Budget Update**

County Auditor Blake Frazier reported that the County has fund balances in the General Fund for year-end that meet statutory requirements and that expenditures so far this year look very good. The General Fund is at about 24% of total, and municipal services are at 21% of their total budget. He commented that the departments are being very conservative and are not recklessly spending. Sales taxes show some slight increases, and Planning and Building shows some slight increases. The County is holding back on filling some positions as long as possible and holding back on salaries and benefits on open positions.

Matt Leavitt with the Auditor's Office reviewed the General Fund and noted that the decrease in Charges for Services of \$653,000 has occurred in Recorder fees, ambulance fees, and waste disposal fees. Council Member Elliott stated that she assumed the landfill fees will be discussed when entering into a new solid waste disposal contract, and she believed it would be good to have information about whether people avoid the landfill to go to a cheaper landfill or whether less waste is being created than in the past. Mr. Frazier commented that this may be an indication that people are recycling more. Council Member Ure asked how the County knows it has that much less waste when the scales were broken for several months. He also asked why ambulance fees are down. Mr. Jasper explained that the main reason for the decrease in ambulance fees is the new hospital. Council Member Ure commented that the County is doing a very good job of keeping expenses down, but he believed the problem is that they over estimated the income for the year.

Mr. Leavitt referred to page 10 of the staff report and explained that the sources listed there are the transfers into the General Fund for 2010. The other uses are also listed in detail on that page. He reviewed the Municipal Services budget and noted that between 2008 and 2010, expenditures exceeded revenues significantly as the County deliberately used up some of the fund balances that had accumulated to pay for major construction projects. He also noted that charges for

services in Municipal Services decreased from \$1.4 million in 2006 to \$500,000 in 2010, with the largest decrease coming in the Community Development Department, which decreased from \$2.5 million down to \$839,000 in 2010. Chair Robinson asked what could be done to correct that. Mr. Frazier noted that budget item has decreased dramatically over the last few years. In the case of building inspectors, the money is collected in one year but is spent over the next two or three years to inspect the projects without more revenues coming in, which creates a backlog. The inspectors have been cut significantly, and the County is not hiring new planners. Chair Robinson noted that Community Development has run at a deficit from 2008 to 2010 of about \$3.5 million, and this year it appears that will be another \$1 million. He asked if that department could be run in a way that it would come close to paying its way or breaking even. Mr. Frazier explained that he has never seen Community Development run in the negative until the last few years, and it has always been a growing and prosperous department. It is supposed to be operated on a break-even point, with fees corresponding with expenditures. Council Member Elliott commented that the general public has subsidized development since 2008, and it is her understanding that they do not like to do that. Chair Robinson suggested that it is time to scrutinize this budget and come up with a balanced budget in Community Development for 2012. Mr. Frazier noted that in 2008 the County used \$6.5 million of the fund balance in Municipal Services to do the work on Landmark Drive, and another \$5 million was used for the Quinn's Junction health services building. Mr. Jasper commented that he has never worked in a county where all of Community Development combined was supposed to break even. Much of what the Planning Department does balances protection of individual property rights with community rights.

Mr. Leavitt reviewed the Assessing and Collecting Fund and noted that it has been operating at breakeven. He also noted that the unreserved General Fund balance appears to be in line with the State requirement, and as they finalize the audit, that figure may vary a little one way or the other. He noted that the unreserved portion of the fund balance for all operating funds is about \$5.76 million for 2010. Chair Robinson asked if it might be necessary to borrow from the tax stability fund for the unreserved General Fund balance in 2011. Mr. Frazier believed that, with the conservative approaching being taken by the County, they would be close to meeting the State requirements.

Chair Robinson noted that they have basically cut the unreserved portion of the Municipal Services fund in half. That fund continues to diminish, and he wanted to maintain a balance there with some breathing room. Mr. Frazier explained that the County has steered many expenditures toward the Municipal Services fund because there were fund balances available there and because of the position the General Fund was in. Much of that was done purposely, but he agreed that the County cannot continue to do that. He explained that there are no statutory requirements on that fund, and that is why they have been able to build some large fund balances there. Chair Robinson commented that they can turn things around by hoping revenues get better or continuing to run expenditures a little below budget, but he believed the 2012 budget needs to be based on lower revenue. Mr. Frazier commented that they will know more about that as they get further into the year.

Mr. Jasper explained that either revenues will grow on their own, or they can raise taxes or cut deeper into the budget. He expressed concern about service levels and stated that they need to have a serious discussion about which services to cut and what service levels might be acceptable to the taxpayers versus their ability to pay. For the most part, the County has been able to maintain its service levels, but he receives calls all the time complaining about services.

The County has more people now and still has demands on services. Next year the tradeoff may be to determine whether the County can maintain services, and they still have an obligation to prepare for the future. He commented that this is not just a balance sheet where they cut things here and there to make it balance, because there is a service level cost involved.

Mr. Leavitt provided graphs of the impacts of the fund balances and operating revenues compared to operating expenditures. He also reviewed the chart of sales and use taxes. Mr. Frazier explained that they are trying to show what is happening with sales and use taxes and how State legislation has affected them. Mr. Leavitt noted that all the sales and use taxes have increased compared to last year and clarified that the County collects none of the sales and use taxes; they are all collected by the State. He noted that the greatest increase is in the Transient Room Tax. He discussed the impact that the hold harmless clause in the State legislation has had on Summit County's and Park City's sales and use tax revenues using the graph provided in the staff report. Chair Robinson confirmed with Mr. Leavitt that the sales and use tax revenues to Park City increased by approximately \$300,000 compared to last year, and the County's sales and use tax revenues decreased by between \$80,000 and \$90,000 compared to last year. Mr. Frazier explained that they are trying to show how Park City and other entities that receive hold harmless funds benefit and how the County's revenues decreased as a result of the State legislation. He explained that a lot of other entities have the same problem. All sales tax entities in the State participate in this, and it is not just Summit County that pays the 11 hold harmless entities. Chair Robinson summarized that, if this legislation had not passed in 2006, Summit County would have collected approximately \$80,000 more in sales tax in 2009 and 2010.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 3:25 p.m.

- **Pledge of Allegiance**

RESOLUTION #2011-4, A RESOLUTION DESIGNATING JUNE 11-18, 2011, AS SUMMIT COUNTY WEED WEEK

Mindy Wheeler provided an update on projects done by the Summit County Cooperative Weed Management Area (CWMA). She explained that they received a \$71,000 grant from the Utah Weed Supervisors Association, which they matched with \$19,000 worth of labor, equipment, etc., on several projects. They did a project in September 2010 at the top of Guardsman's pass involving yellow toadflax. She explained that they are trying to save the native plants with their weed eradication efforts. She reported that they spent \$2,000 to purchase bugs to be used in eliminating Dalmation toadflax in western Summit County, and that helped them to improve relationships with some of the private property owners in that part of the County. They also conducted a garlic mustard weed pull. She reported that they have applied for another grant for this year and that Patricia Manser with the Uinta-Wasatch-Cache Heber/Kamas Ranger District has been able to get a master agreement with Wasatch County so Summit County can work more closely with the Forest Service.

Ms. Manser explained that the Forest Service used to have authority to work under a Memorandum of Understanding that would allow Forest Service employees to go off of forest land to work with counties and CWMA's on their noxious weed control problem. They have now lost that authority and must enter into a master agreement that gives Forest Service employees

the authority to participate in CWMA projects off Federal land. She can then send her equipment and crews out to work on specific sites in the counties. The master agreement also allows the County to use what the Forest Service does on Federal land in the County as a match when seeking grants.

Paul Headman with Deer Valley Resort commented that any disturbed ground is a breeding ground for noxious weeds, and there is a lot of disturbed ground in Summit County. He noted that noxious weeds battle native species for moisture and can be transported by livestock, humans, or vehicles. They are invasive, and any way they can be addressed is very helpful.

Council Member Elliott made a motion to adopt Resolution #2011-4 designating June 11-18, 2011 as Summit County Weed Week. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

Council Member Ure suggested that they inform the press in conjunction with weed week about facilities and equipment the County has available for controlling weeds.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member McMullin made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Elliott and passed unanimously, 3 to 0. Council Member Ure was not present for the vote.

The meeting of the Summit County Board of Equalization convened at 3:40 p.m.

TAX EXEMPT APPLICATIONS

Chair Robinson asked Mr. Thomas to explain the State statute regarding tax exemptions for common properties and homeowners associations. Mr. Thomas replied that they are treated like other entities and must meet the same tests—that the entity asking for the exemption must be the property owner and must be a non-profit organization, and that the property is used for charitable, religious, or educational purposes. Chair Robinson commented that he was not aware of any land owned commonly by a homeowners association that meets those tests. Mr. Thomas replied that generally that is the case, and then it becomes the County Assessor's responsibility to determine the value of the property.

County Assessor Steve Martin explained that most common area in the County is given a nominal value, since all the members of the homeowners association own the parcel. The difference between common area in a subdivision and common area in a condominium is that the value is not portioned out as an undivided interest, because the HOA is a separate entity. The typical valuation is between \$1,500 to \$2,500 per acre, which basically covers the cost of processing, printing, and mailing out tax notices.

Chair Robinson asked about the annual tax assessment amount for both ponds owned by the Silver Springs Master Homeowners Association. Bill Noland, President of the Homeowners Association (HOA), explained that they have had exempt status and have not been taxed. He believed that was a result of the Association receiving the ponds from Mountain Regional Water, which was tax exempt. Chair Robinson verified with Mr. Noland that the HOA is seeking to

perpetuate the tax exempt status Mountain Regional enjoyed on the property, referring to the Assessor's opinion that this is open space owned by the HOA and does not qualify for an exemption, not being a religious, charitable, or educational use. He believed allowing an exemption on this HOA property would set a precedent for every open space parcel in every subdivision, PUD, and association in the County. Mr. Martin recommended that the application for tax exemption be denied and referred back to the Assessor for an open space valuation. Chair Robinson asked what the open space valuation would be. It was determined that the open space consists of approximately 26 acres, and with a valuation of \$500 per acre, or \$13,000, the tax would be less than \$130. Chair Robinson summarized that the use is not educational, charitable, or religious, but the property in question is open space and would be taxed at a very low value, and the applicant is not entitled to the same designation as Mountain Regional was.

Chair Robinson explained that the Board of Equalization will not make a decision on any of the tax exemptions today. They will have findings of fact and conclusions of law prepared to be adopted at a subsequent meeting when they make a formal decision.

Mr. Martin explained that the tax rolls have closed, and if the Board of Equalization makes a determination that this property is taxable, it will have to come back to the Board of Equalization to add the value back in for the property.

With regard to Big Canyon Ranch, Chair Robinson verified with Brian Zwahlen, the applicant, that the buildings at the Ranch have been exempt, but the outside acreage was enrolled in the Farmland Assessment Act and was used for agricultural purposes and bore a small tax. The applicant no longer wants to use livestock on the property because it interferes with the other operations at the Ranch, and they are seeking a tax exemption on the full 1,400 acres. Chair Robinson questioned whether a rollback tax would be due because the applicant has switched the property from greenbelt to tax exempt. Mr. Martin confirmed that any change in use will prompt the rollback. Mr. Thomas explained that, if the applicant is granted tax exempt status, there will not be a rollback if the property is found to be tax exempt at the same time it is taken off of greenbelt. However, if the applicant removes the property from greenbelt and the Board of Equalization finds that it is not tax exempt, the rollback tax would apply. Mr. Zwahlen explained that the County has previously granted the Ranch tax-exempt status on all 1,400 acres, and he is here to renew his tax exempt status. He noted that the cows have been gone from the property for two years. Mr. Thomas recalled that the Council found at the time they granted the tax exemption that grazing was a de minimis use. He also clarified that, if the entire acreage is used for the religious camp, the entire acreage can be considered tax exempt, even if there are structures on only a portion of the property. Mr. Zwahlen was sworn in to give testimony. Chair Robinson verified with Mr. Zwahlen that the entire 1,400 acres in question is used for religious purposes. Mr. Zwahlen explained that the whole purpose of the camp is to provide a Christian-based camp where participants can experience the open space and getting away from the stresses of life. He explained that the physical structures were clustered to appease the County's requirements at the time to keep as much open space as possible and not sprawl facilities all over the property. He explained that they utilize the whole camp as part of the experience of getting away and having the time and space to experience God. They were looking for this kind of site for the camp so people would have space and not feel like they were in a little pocket in the middle of a development. Mr. Zwahlen commented that he does not have a good understanding of the County's criteria for a tax-exempt purpose, but even though some activities at the camp may not appear to be religious, such as playing games, everything ultimately has a religious

purpose. Mr. Martin explained that he found no findings of fact or decision for this particular parcel in the applicant's file, and he felt it would be best to go through the process again to get a definitive determination. Board Member Ure asked if the camp sells permits for people to hunt on camp property. Mr. Zwahlen recalled that he discussed the hunting use when he first went through the process. They do not sell permits, but a local outfitter leases the property in the fall to bring hunters to the site. The lease is \$8,000 annually, and the fall of 2011 will be the last year of the lease. He recalled that it was determined at that time that the use was a very minimal part of their revenue. Chair Robinson asked what Big Canyon Ranch's revenue was last year. Mr. Zwahlen replied that it was approximately \$140,000. He also disclosed that All Seasons Adventures brought in dog sledders last winter, and the total revenue from that was \$1,300.

Council Member McMullin asked about the difference between this type of use and a vacant parcel, noting that much of the Big Canyon Ranch parcel contains no structures. Mr. Thomas explained that the use is the determining factor. If the applicant actively uses a vacant parcel for a religious purpose, it would be eligible for a tax exemption.

David Wright, Chairman of the Board of Trustees of Park City Community Church, explained that the church owns three parcels of land. One is the parcel on which the church is located, another is the one on which the parsonage is located, and the third is a property on Aerie Drive that the church inherited two years ago. He stated that all three properties are used entirely in support of the church's religious activities. The parsonage provides housing for the clergy, and the Aerie property is used to support church activities, such as Bible study, youth groups, and other meetings. Steve Loray, past president of the church, noted that minutes of a previous County Council meeting state that they could not ratify the tax exemption because they did not have complete information. He stated that he found all the information that they filed and a letter from Barbara Kresser to the Council and did not understand what was missing that would prevent the Council from granting the tax exemption. Mr. Wright stated that he believed this may have been somewhat of a moving target, because about the time they acquired the Aerie parcel, the Council was going through the US Ski Association tax exemption discussion, and everything was held in abeyance. He questioned whether some of their submissions might not have been processed because of that. Mr. Loray noted that Ms. Kresser recommended that an exemption be granted for both properties for 2010, so she evidently had the information she needed. Chair Robinson recalled that the property in question is the Aerie residence, because it is in a single-family neighborhood and not used for overnight occupancy. Mr. Wright explained that it is used to support church meetings and activities, and a caretaker lives in the home and protects the property. She does not pay rent, but she does pay for utilities. Mr. Thomas explained that a decision on this property's eligibility for a tax exemption is centered around religious worship and whether it is used exclusively for religious worship purposes. Board Member McMullin noted that the testimony the Council has just received about how the house is used is testimony the Council did not have in 2010. Mr. Wright and Mr. Loray were sworn in to give testimony on behalf of Park City Community Church and agreed that their oath would be retroactive to their previous comments. Mr. Wright stated that the only activities at the Aerie property are church activities.

Scott Loomis was sworn in to testify on behalf of Mountainlands Community Housing Trust. Chair Robinson summarized that Mountainlands Community Housing Trust has four vacant lots in The Woods at Parley's Lane, three lots with homes constructed on them in North Bench Farms, and Lot 6 in Kamas Commons that is being held for the development of the Village at

Kamas Commons Subdivision of 14 lots. Mr. Martin clarified that the four lots in The Woods at Parley's Lane, the three lots in North Bench, and Lot 6 in Kamas are all part of the 2010 application. In 2011, Mountainlands has the four lots and 14 lots. Mr. Loomis verified that Lot 6 at the Village at Kamas Commons has been subdivided into 14 lots, of which Mountainlands now owns nine lots. He believed the 2011 application also included four lots in Francis that Mountainlands has received. He explained that Mountainlands owns the four lots in The Woods at Parley's Lane where they have entered into a land lease, conveyed the improvements to the homeowners, and retained ownership in the land. Chair Robinson recalled that in other instances where a non-profit has owned vacant land, they have not been able to meet the test of being used exclusively for charitable, religious, or educational purposes. Mr. Thomas explained that for purposes of a tax exemption, Mountainlands still owns the land in The Woods at Parley's Lane. Mr. Martin explained that two tax notices are sent for The Woods at Parley's Lane parcels, one to Mountainlands for the land, and one to the homeowner for the improvement. Mr. Loomis explained that the purchase price of the homes is just the cost of the homes; there is no cost for land, and the Woods at Parley's Lane lots were donated by the developer pursuant to a development agreement with the County. The homeowners also pay a nominal rent of \$200 per year as consideration for the land. He recalled that in the past, the County Assessor always exempted Mountainlands every time they received lots for their affordable housing programs until the lots were conveyed. He stated that the lots in the Village at Kamas Commons will be used for their self-help program, and once construction starts on those lots, they are conveyed to the owners and are capable of being taxed at that time. Once the house is completed, the land is taxed as land and improvements. In that case, Mountainlands purchased the lots for a charitable purpose, to provide affordable housing, but when they convey them, the property becomes taxable. Chair Robinson verified with Mr. Loomis that Mountainlands Community Housing Trust is in the business of finding, developing, owning, operating, or leasing real estate as a charitable activity to provide affordable housing. Mr. Thomas explained that, in order to determine whether this is a charitable purpose, the test is whether the applicant is performing a function that the government would otherwise provide or whether they are providing a valuable service that is greater in value than the tax liability and is thus a gift to the community. In the past, the County Commission found that affordable housing suited those criteria. Board Member McMullin stated that she still does not understand the rule regarding vacant land. Chair Robinson stated that he believed Mountainlands' stock in trade is the vacant land, and their purpose is to provide land for affordable housing, which is different from other non-profit entities that may own a piece of vacant land for future growth for their charitable, educational, or religious use. In this case, the land is the charitable wares or charitable function that Mountainlands provides, which gives a benefit to the community that would otherwise have to be provided by the government or in other ways. Board Member Elliott further explained that this is a government function that Summit County has delegated to a non-profit organization.

With regard to the Swaner Nature Preserve/Utah State University application, Mr. Martin explained that in 2008, the Newpark Development donated a lot to the Swaner Nature Preserve. For the one year before construction started, the lot was taxable, and it was taxed as vacant ground. Subsequent to that, the building has been completed, and they have applied for tax exemptions. The exemption has been received through 2010, but there was still an outstanding amount for the one year that they did not apply for an exemption. Mr. Thomas confirmed that the Statute of Limitations period to apply for an exemption for 2008 has passed, although the Board could abate the tax for unique circumstances, but the property owner has not applied for that. Mr. Martin noted that the exchange with Utah State University is being held up because of

the 2008 taxes, but the last time he talked to the applicant, they were planning to pay the 2008 taxes and get the property transferred to the University.

Mr. Martin noted that the appeals considered today constitute all of the 2010 and 2011 tax exemption appeals.

DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Elliott made a motion to dismiss as the Summit County Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member Ure and passed unanimously, 4 to 0.

The meeting of the Summit County Board of Equalization adjourned at 4:35 p.m.

TAX SALE – KURT BOTHNER – REQUEST OF A PAYMENT PLAN FOR DELINQUENT PROPERTY ON PARCEL RRH-32

Laura Bothner, the applicant, explained that after purchasing their lot, she and her husband were assessed a large rollback tax and could not afford to pay it. They propose making a payment today and payments over the course of the next four quarters to complete their obligation, which will give them some time to arrange financing. She explained that this is the first property they have ever bought and were not aware of the obligation.

Chair Robinson noted that this is a lot in Redhawk that the Bothners purchased in 2006, and apparently it was in greenbelt. Mr. Frazier confirmed that the first year's payment on the rollback taxes was over \$20,000, and the total amount now due is a little over \$60,000. Chair Robinson confirmed that the County would have to continue to assess interest on the unpaid balance at the standard rate until the balance is paid and asked how the payment plan would be memorialized. Mr. Thomas explained that the property owners would enter into an agreement with the County, and that document would have to be signed before 10:00 a.m. tomorrow when the tax sale occurs.

Council Member Ure made a motion to direct the County Auditor to prepare a payment plan contract for the owners of Parcel RRH-32, with one-fifth to be paid now and the remaining four-fifths to be paid over the next four quarters, with interest continuing to accrue. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

Mr. Frazier reported that the tax sale will be held on May 26 at 10:00 a.m., and nine properties are currently included in the tax sale. Some property owners have promised to pay prior to the sale, and he will report on the results of the sale at the next County Council meeting.

APPEAL OF A CONDITIONAL USE PERMIT APPROVAL, SOARING WINGS MONTESSORI, PARCEL PP-102-F, OLD RANCHROAD

Chair Robinson noted that this item was withdrawn from the agenda by the Snyder's Mill Homeowners Association because a settlement agreement was reached between the Snyder's Mill HOA and the holder of the CUP.

MANAGER'S COMMENTS

Mr. Jasper reported that the County currently has 11 vacant positions and will soon have 12. Some positions will have to be filled, but he can hold off on filling some of them. He commented on the financial report and recalled that the goal for this year's budget was to find a level of spending they could grow from. He noted that the employees have not received raises for the third year, and the goal is to recruit and retain qualified people. He did not want to get to a point where the County starts to lose good people and cannot pay what is required to recruit and retain qualified people. He noted that they have moved money around in the budget and tightened up cash reserves, which is what other county and state governments all over the country are doing to deal with hard times. The fact that all of the operating fund balances are going down tells him that Summit County is still experiencing hard times. He suggested that they look at the next quarter's fiscal reports and see where they stand before filling some of the other positions.

Mr. Jasper reported that Public Works Director Kevin Callahan has been working with the Weilenmann School and has reached an agreement for the school to pay the County \$5,000 per year for the next three years to cover half the cost of materials to widen the road. The County will pay the other half and provide the labor.

Mr. Jasper reported on preparations for flooding and explained that the river may go above the improvements that have been made, but the actions the County has taken should help mitigate flooding. UDOT is in the process of doing the culvert work on SR 32 in Oakley. He noted that he will be gone for a few weeks, and Director of Administrative Services Brian Bellamy, will be in charge of emergency management while he is gone.

Mr. Jasper reported that the underground heat exchanger for the Coalville Library will cost more than anticipated. The Library has a trust fund consisting of money people pay when they lose or ruin books, and they will dip into that fund to cover the cost of some small things for the Coalville Library that would otherwise require a change order.

COUNCIL COMMENTS

Council Member Elliott reported that she attended the Recycle Utah board meeting. She also attended the Utah Intergovernmental Roundtable, which met at the State Department of Alcohol and Beverage Control warehouse.

The Summit County Council took a recess from 4:50 p.m. to 6:00 p.m.

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING – DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL EXCEPTION FOR THE MIKE HALE CHEVROLET SIGNAGE LOCATED AT 2190 RASMUSSEN ROAD

County Planner Sean Lewis recalled that the County Council recently granted a special exception for a sign for Crandall Ford, and the adjacent dealership is now requesting a special exception for their sign. The difference with this application is the size of the sign. The current Mike Hale sign meets Code standards and was approved by the Community Development Department. They are now asking for a sign that exceeds the square footage allowed by the Development Code. Staff recommended denial of the application based on the findings that the proposal does not conform to the requirements of the Snyderville Basin Development Code and that the applicant does not qualify for an equitable process in the Code by applying for a sign permit. Planner Lewis noted that the proposed sign would exceed both the height and square footage requirements of the Code. The applicant has indicated that their dealership does not have the same visibility as Crandall Ford, which is located on the adjacent property.

Rand Eardley, representing the applicant, explained that, because this is a Chevrolet dealership, they have received pressure from General Motors to comply with their standards. The proposed sign is a stock sign that GM has been trying to get the dealership to install, but it is limited by the County ordinances. The sign would also give Mike Hale Chevrolet more visibility and help their business.

Chair Robinson asked how the square footage of the sign is measured. Planner Lewis replied that it is measured by the outer boundaries of the lettering on the sign and the height from the top of the sign to the grade. Current Code requirements allow for a 6-foot height, and the sign square footage is measured within the physical boundaries of the lettering on the sign. Chair Robinson stated that the Code allows a maximum square footage of 27 feet. It appears from the drawings that the proposed sign would be 42.25 square feet plus the base. If they were to measure the entire existing sign, not just the lettering, it would be much bigger than 27 square feet. If it is more than 42.25 square feet, which he believed it was, the applicant would actually not be asking for a larger sign. Planner Lewis stated that the existing sign is 14' long and 5'2" high. Chair Robinson calculated that to be almost 75 square feet. He believed considering only the lettering on the existing sign to be the size of the sign is a narrow interpretation.

Council Member Elliott noted that one difference is that the current sign has light shining on it, and the proposed sign is internally lit. She asked about the size of the sign approved for Crandall Ford. Planner Lewis replied that it is approximately 65 square feet.

Chair Robinson noted that the staff report refers to wanting to deny this special exception because the sign would not just advertise the business, but would also advertise the brand. Planner Lewis explained that the strict interpretation of the Code is that signs only allow for the legal name of the business. It is Staff's opinion that the logo is a fair representation of that. Signs are also not supposed to advertise goods and products sold. Chair Robinson noted that the Code states that signs shall be constructed of wood, architectural metals, or glass, stone, or other natural appearing materials and complement the mountain environment of the Snyderville Basin and asked if the proposed sign would comply with that. Planner Lewis replied that the sign is made of metal and a plastic material that is common on signs, but it is a square box shape, and the Code discourages square box signs with a plastic face. Chair Robinson asked if the materials

would be satisfactory if that were the only test. Planner Lewis replied that the primary reason for the denial is the size of the proposed sign.

Community Development Director Don Sargent expressed concern about the earlier discussion of the massing of the log with the sign face on it. He explained that, if this were the wall of a building with a sign on it, they would run into a problem. He explained that the Code refers to measurement of the sign face itself and does not take into account the massing behind it, because a massive wall could then be considered part of the sign size. When they interpret size, they look only at the perimeter of the sign itself, not what it is attached to. Chair Robinson argued that the log serves no other purpose than to be the sign, which is different from a wall. He believed saying the sign is something less than the actual dimensions of the log feature does not make sense.

Chair Robinson opened the public hearing.

There was no public comment.

Chair Robinson closed the public hearing.

Council Member McMullin made a motion to grant a special exception for the proposed Mike Hale Chevrolet sign based on the findings that the special exception is not detrimental to the public health, safety, and welfare, that it comports with the criteria for granting a special exception as shown in the staff report, and that the sign will not result in an increase in size, but will result in a decrease in size based on how the County Council interprets the sign measurement, going from 75 square feet to 42.25 square feet. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

PUBLIC HEARING – DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL EXCEPTION FOR THE FRIENDS OF THE SUMMIT COUNTY LIBRARIES TO DISPLAY ON-PREMISE AND OFF-PREMISE TEMPORARY SIGNAGE TO PUBLICIZE BOOK SALES

County Planner Adryan Slaght recalled that this item was discussed in April 2011, and the Council directed Staff to return with revised language for temporary signage, but that language is not yet complete. The only option remaining for Friends of the Library to achieve the requested signage is a special exception process. He reported that Staff has not received any public comment on the proposed special exception. The applicant proposes that the signage be placed from Ecker Hill through the Kimball Junction area two to four times a year. They also propose placing a banner on the Richins Building for the event. Planner Slaght explained that banners and portable signs are prohibited under the current Code, which leads to the findings that granting a special exception would go against the intent of the Code because it is specifically prohibited in the Code and that the sale is no different from a sale by a retailer.

Tina Blake, representing Friends of the Library, commented that the information in the staff report gives the impression that they blatantly ignored the sign ordinance at their sale in 2009. What happened was that a building inspector came to her with a couple of signs and apologized for pulling them up because they were in violation of the sign ordinance. That was the first she had heard about that, and they have held book sales with signs in this building since it opened. He gave her the name of someone in the Planning Department who dealt specifically with the

sign ordinance, and Ms. Blake reported that she repeatedly tried to call her but was unable to reach her. She spoke to Dallas Monsen, who gave her verbal approval to put up the signs for that Memorial Day weekend. She emphasized that they did not disregard the sign ordinance, and they did try to find someone from whom they could get permission. Since then they have not been able to display their signs. She reported that she has calculated how much money has been made over the years, and during the years they have not been able to have their signs out, they have determined that they lost 10% of their income. She explained that everything they raise goes directly to benefit the library system, and they are not a retailer because of their non-profit status and because of their mission. She stated that she has a difficult time getting enough people to volunteer to help with the sale and does not have enough people available to ask someone to stand outside and hold a sign through rotating shifts for an eight-hour period. She commented that the form she filled out for a special exception was not designed to deal with a non-profit organization and is designed for a retail business. Ms. Blake stated that they are begging again to let their signs go up, because Memorial Day is a big shopping day at the outlet mall, and they get a lot of walk-in traffic from people who come to Park City for the weekend.

Chair Robinson asked whether it would make a difference if the library, which is a division of County government, were asking to display a banner and signs. Mr. Thomas replied that would not make a difference. Chair Robinson stated that the biggest concern he saw when reading the staff report was that granting this special exception might set a precedent that they would not want to live with in other circumstances. However, he understood that special exceptions by their very nature are not precedent setting. Mr. Thomas stated that they are not precedent setting, but granting one in some instances might give others the idea to do the same thing. The Council can distinguish between users and applicants simply because this is a special exception process, and this is the only process available for this applicant given the circumstances.

With regard to Section A.7 of the sign code regarding public signs, Chair Robinson stated that it seemed to him that raising money for the library is a public purpose. Planner Slaght explained that public purpose refers purposes such as traffic control devices, and the Code also prohibits placing signs in the public right-of-way. Council Member McMullin stated that the key is to find a public purpose that meets the sign regulations in the Code. Chair Robinson reviewed the sign regulations and determined that the signs except for signs in the right-of-way can be authorized by the Council determining that the signs fulfill a public purpose, which is to promote stewardship and service by the library to the community, to encourage the community to come to the public library, to promote literacy and involvement of non-readers in library programs, and to help fund programs and materials that are not in the library budget. Council Member McMullin confirmed with Ms. Blake that everything Friends of the Library does is to raise money and benefit the Summit County library, which is a branch of County government.

Chair Robinson asked if this special exception would apply only to 2011 or if it would be ongoing. Ms. Blake stated that she hoped it would extend for as long as Friends of the Library is a viable organization. Mr. Jasper suggested that the Council act on the special exception for all events for this group. Mr. Thomas stated that he would prefer the special exception, because any definition the Council might give to public purpose could have some effect on setting a precedent, whereas the special exception would not.

Chair Robinson opened the public hearing.

Dan Compton with the Summit County Library explained that Ms. Blake handed him a spreadsheet, and what they have done for the library adds up to a lot of money over the years. They contribute \$8,000 to \$9,000 per year in programs and materials for the library. They support a County department, and that is their whole mission. To him it seemed very straightforward, but he also understands the complexities of the Code. He reiterated that this organization does a lot of good for a County department.

Lotta Dewell, owner of a preschool and a longtime friend of the library, requested that the Council grant the signs because of all the things the Friends of the Library does for the library. She stated that the children at her school have benefited from the programs at the library. She commented that Friends of the Library is not a retail business; it is non-profit, and the money goes to the library.

Sarah Wood, a Summit County resident, stated that this seems to be selective enforcement. She stated that there were signs all last week in the public right-of-way advertising the St. Mary's Church craft fair, which is definitely a retail event. She asked why they get to put up their signs and apparently no one tells them to remove them, but the Friends of the Library does not get to put up their signs.

Jason Blake, a friend of the library, stated that he gets to put up the signs and take them down, and he requested guidelines as to where the signs can be posted. He would like to get them as close to the traffic flow as possible so people driving in and out of the outlet malls can see the signs and come to the book sale.

Arla Baragher, a friend of the library, stressed that the materials are sold for next to nothing, yet they are able to raise up to \$10,000 in good years. She explained that everyone who participates in the book sale is a volunteer, and they give a lot of time and energy to this and are passionate about it. They would really appreciate anything that would help them continue to do this.

Olga Beecher, a resident of the community for 22 years, stated that this benefits everyone in the community. She explained that materials donated from the friends of the library benefit the Hispanic community as well.

Nancy Trunnell, a friend of the library, stated that she has volunteered at the book sales, is an avid reader, and loves books. She stated that many people who have come in when the signs were up have commented that they saw the signs and that was why they were there. A lot of people just happen to be in the area and follow the signs.

Karen de Caussin, a friend of the library, urged the Council to grant the special exception. She stated that she understands the intention of the sign regulations and did not want to see Summit County become like Branson, Missouri. She encouraged the County to pass regulations that will help groups like Friends of the Library, but she did not want to see the signs go nuts.

Shauna Wiest, a librarian and Vice Chair of the Summit County Library Board, stated that, instead of a special exception, she would like to see the Code changed. She believed the Council should consider this to be an exempted sign, because the intention is a public purpose for a public entity. She explained that Friends of the Library had to pay \$400 to apply for a special exception, and if this use were exempted from the Code requirements, they could have their sale on an ongoing basis and not have to go through this. She expressed concern that, if this special

exception is granted, it would only be for one time, and they would have to come back in the fall to address the same issue. Chair Robinson explained that the Council's intention is for the special exception to endure and not terminate at the end of this year if it is granted. Ms. Wiest also expressed appreciation that the Friends of the Library always picks up their signs at the end of the book sale.

Ms. Blake explained that the signs go up about an hour before the book sale opens and are taken down within the hour after they close.

Chair Robinson closed the public hearing.

Council Member Elliott made a motion to make a special exception to the Snyderville Basin Sign Code to allow Friends of the Library to place their signs in public places as necessary for the advertising of the library book sales that they hold periodically throughout the year. The motion was seconded by Council Member Ure.

Council Member McMullin amended the motion to include the findings that the signs are exempt as a public sign under Section 10-8-2-G.4 in that it is a sign for a public purpose, the public purpose being that the signs are for events that fund programs of the public library which support not only the mission of Friends of the Library but also support the Summit County Public Library System. The motion was further amended to include the facts of duration, that the signs will be allowed up to four times per year, that they may stay up for the duration of the event, which would be between three to five days, and the signs are to be out one hour prior to the beginning of the event until the close of the event that day, when they will be picked up and put back out one hour prior to the event the next day. The Council also grants a special exception to the right-of-way prohibition, and the signs may stay in the public right-of-way during the duration previously described based on the fact that the signs are needed in the right-of-way to serve their purpose. It is further found that the special exception meets the criteria for a special exception. The amendment was seconded by Council Member Ure and accepted by Council Member Elliott.

Mr. Thomas explained that the Council certainly has findings and can make a special exception that Friends of the Library does not need a permit from Summit County for signs in the County's right-of-way. However, UDOT owns the property along its rights-of-way, and it will be up to UDOT to enforce its own rules.

Chair Robinson suggested that the motion state that, to the extent that other authorizations are needed, it will be up to the applicant to get those authorizations. Mr. Jasper suggested that they not mention the right-of-way in the motion.

Council Member McMullin amended the amended motion to delete the reference to the right-of-way and to revert back to the wording regarding placing signs in public places stated in the original motion. The amendment was seconded by Council Member Ure and accepted by Council Member Elliott and passed unanimously, 4 to 0.

Council Member McMullin commented that it has taken two years to get this done, and the Planning Staff has been doing everything possible to try to get this accomplished. This was the last possible action they could take. She explained that there was no one who was opposed to Friends of the Library having a sign, they have just been trying to find a way to work within the

structure they have to allow the signs. She asked if the application fee could be refunded. Mr. Thomas replied that the Council can waive a fee for a public purpose, which would be a legislative act. Ms. Blake explained that the Friends of the Library voted and agreed to pay the fees, because they understood the difficulty the Council will have when they have to look at another non-profit organization that might come to them and request a special exception.

Council Member Elliott made a motion to refund the \$400 fee paid by Friends of the Library for a special exception. The motion died for lack of a second.

The County Council meeting adjourned at 7:15 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

DAVID R. BRICKEY
COUNTY ATTORNEY



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Criminal Division

JOY NATALE
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MATTHEW D. BATES
Prosecuting Attorney
RYAN P.C. STACK
Prosecuting Attorney

Civil Division

DAVID L. THOMAS
Chief Deputy
JAMI R. BRACKIN
Deputy County Attorney
HELENE. STRACHAN
Deputy County Attorney

To: Summit County Council
From: Helen Strachan, Deputy Attorney 
Report Date: June 8, 2011
Meeting Date: June 15, 2011
Type of Item: Animal Control Amendment re Kennels

These proposed changes to the Animal Control Ordinance stem from similar proposed changes that are being made to both the Eastern Summit County and Snyderville Basin Development Codes regarding kennel permits. Please refer to County Planner Jennifer Strader's staff report for details. However, here is a summary of the changes.

- Instead of defining simply "kennels," we have changed the definition to "commercial kennel" and "private kennel." The definition of "commercial kennel" mirrors what is being proposed for the Development Codes. We propose defining "private kennels" as any person owning, possessing or harboring five or more dogs. What this means then is that anyone wishing to obtain a commercial kennel permit must first obtain a Conditional Use Permit from the Community Development Department. Once a CUP is obtained, the individual may obtain a kennel permit. Anyone wishing to obtain a private kennel permit (because they have five or more dogs), can simply apply for such a permit through Animal Control. No conditional use permit or any other type of land use permit is required.
- We are recommending deletion of the following definitions from the Animal Control Ordinance: animal boarding establishment, animal grooming parlor, holding facility, and pet shop. To simplify, all of these types of establishments are now referred to as "commercial kennels,"
- We made a slight change to the definition of an "animal shelter" and added a definition for both "veterinarian" and "veterinarian clinic." We propose that animal shelters and veterinarian clinics do not require a commercial kennel permit.
- We have deleted "cattery" from the Animal Control Code. In practice, Animal Control never regulates cats and has never received an application for a cattery permit. If we receive a cat related complaint, Animal Control will still have the ability to determine if there is a nuisance, as defined in the Code.
- We have changed the licensing of kennels. Now, a license expires one year from the date of issue, rather than on January 1 of each year.
- Increase in the fee for a kennel permit if you have 16 or more dogs.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SUMMIT COUNTY ANIMAL CONTROL ORDINANCE
113-J

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT
COUNTY, STATE OF UTAH, AS FOLLOWS:

100-1-1: DEFINITIONS

Animal Shelter: A facility owned, operated, or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this Title or state law.

At Large: Any domesticated animal, whether or not licensed, not under restraint as defined below.

Bite: An actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

Cats: Any age feline of the domesticated types.

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 (1) litter of offspring per year, per premise, shall not be construed as commercial and shall not require a kennel permit.

Director of Animal Control: The director of the Summit County Department of Animal Control who is vested with the power and authority to enforce the provisions of this ordinance.

Dog: Any canis over four months of age.

Domesticated Animals: Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.

Guard Dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public. This restriction does not apply to service dogs for people and governmental entities and dogs used for agricultural purposes.

Leash or Lead: Any chain, rope, or device used to restrain an animal.

Neuter: A surgical procedure performed on male animals in which its testicles are removed.

Deleted: Animal Boarding Establishment: Any establishment that takes in animals for boarding for profit.¶

Deleted: Animal Grooming Parlor: Any establishment maintained for the purpose of offering cosmetology services for animals for profit.

Deleted: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or domestic animals.

Deleted: An establishment having four or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.

Deleted: Cattery: An establishment for boarding, breeding, buying, grooming, or selling cats for profit.¶

Deleted: Holding Facility: Any pet shop, kennel, cattery, groomery, animal shelter, humane establishment, or any other such facility used for holding animals.¶

Pet: A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

Private Kennel: Any person owning, possessing or harboring five or more dogs.

Puppy: Any canis four months of age or under.

Quarantine: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

Spay: A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

Stray: Any animal at large as defined herein.

Under Restraint: Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

Veterinarian: Any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

Veterinary hospital: Any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious Animal: Any animal which is dangerous or aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.

Vicious Dog: (a) Any dog, which in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; (b) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

100-1-2: DEPARTMENT OF ANIMAL CONTROL

The Department of Animal Control is created in accordance with this ordinance.

100-1-3: POWERS OF ANIMAL CONTROL OFFICIALS

1. The Director of Animal Control or any person employed by the Department of Animal Control as an animal control officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.
2. The Director of Animal Control, his deputies, assistants, and animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal

Deleted: Pet Shop: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.¶

Deleted: under four months of age.

found in violation of this ordinance and including licensable dogs for which no license has been procured in accordance with this ordinance, or any licensed or unlicensed dogs for any other violation.

3. In the enforcement of this ordinance any peace officer or the Director of Animal Control or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this ordinance.

100-1-4: DUTIES OF ANIMAL CONTROL OFFICIALS

1. The Director of Animal Control shall:

- a. Enforce this ordinance and perform other responsibilities pursuant to this ordinance;
- b. Supervise the animal shelter(s) under this jurisdiction;
- c. Keep adequate records of all animals impounded and all monies collected;
- d. See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations; and
- e. Establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measure for rabies immunization and control.

2. Each animal control officer shall:

- a. Enforce this ordinance in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals; and
- b. Carry out all duties prescribed or delegated by the Director of Animal Control.

100-1-5: DOG LICENSING

1. All dogs must be licensed each year, except as otherwise provided, to a person of the age of 18 years or older.

2. Any person owning, possessing, or harboring any dog within Summit County shall obtain a license for such animal within 30 days after the dog reaches the age of four (4) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. For a dog under the age of six months, the Department of Animal Control may accept certification from a veterinarian that the owner has deposited funds for spaying or neutering, in which case, the dog may be licensed at the reduced fee. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.

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3. License renewal applications must be submitted annually to the Department of Animal Control, utilizing a standard form which requests name, address and telephone number of the applicant and the breed, sex, color, and age of the dog; the form also asks for pertinent information regarding rabies vaccinations. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations and certificates must be obtained every three (3) years, either from a licensed veterinarian or an authorized animal control officer.

4. Dog licenses will be issued in accordance with the following fee schedule:

Female dog	\$ 18.00
Male dog	\$ 18.00
Spayed or neutered dog	\$ 6.00

5. No dog shall be licensed as spayed or neutered without satisfactory proof that such surgery was performed on said dog.

6. The license shall be effective one (1) year from the date of purchase. Licenses for the following year may be purchased within 30 days prior to the expiration date.

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Deleted: 6. No person or persons at any one residence within the jurisdiction shall at any one time own or license more than three (3) dogs in any combination except as otherwise provided. Any person owning, possessing or harboring four or more dogs must obtain a kennel permit from the Department of Animal Control.

100-1-6: LICENSE TAG

1. Upon payment of the license fee, the Department of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped on the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the dog and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except dogs which are kept for show purposes are exempt from wearing the collar and tag.

2. Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$1.00 to the Department of Animal Control.

3. Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical and other reasons, shall be in violation of this ordinance.

100-1-7 LICENSING EXEMPTIONS

1. The provisions of Section 100-1-5 and 100-1-6 herein shall not apply to:

- a. Licensed dogs whose owners are non-residents temporarily (up to 30 days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer

than 30 days may transfer to the local license upon payment of \$1.00 fee and proof of current rabies vaccination; and

- b. Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale or for agricultural use.

2. The fee provisions of Section 100-1-6 shall not apply to:

- a. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place;
- b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds; and
- c. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

3. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

100-1-8: UNLAWFUL TO HARBOR STRAY DOGS

It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost or stray dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Department of Animal Control within 24 hours, and the Department of Animal Control shall impound the dog.

Deleted: an animal welfare society incorporated within the State of Utah

100-1-9: DOGS RUNNING AT LARGE

It shall be unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large.

100-1-10: DOGS ON UNENCLOSED PREMISES

It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

100-1-11: FEMALE DOGS IN HEAT

Any owner or person having charge, care, custody, or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming

into contact with other dogs and creating a nuisance. This section shall not apply to planned breeding.

100-1-12: PLACES PROHIBITED TO DOGS

1. It shall be unlawful for any person to take or permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.
2. It shall be unlawful for any person keeping, harboring, or having charge or control of any dog to allow said dog to be within the following described area:
 - a. Any water shed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.
 - b. Any construction site of a building, building improvement, road, utility, or other construction site during any time when actual construction or excavation activity is taking place.
3. No owner or person shall cause or permit any dog owned by him/her or under his/her control or custody to enter any designated area where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that effect. This section shall not apply to dogs provided for in Section 100-1-7(2) of this Ordinance.

100-1-13: DOGS ATTACKING PERSONS AND ANIMALS

1. Attacking dogs. It shall be unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, or any species of protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean to harass by tearing, biting, or shaking with the teeth, or without provocation to chase any animal or person or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be.
2. Owner liability. The owner in violation of subsection one above shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection one above, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed.
3. Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - a. That the dog was properly confined on the premises; or
 - b. That the dog was deliberately or maliciously provoked.

4 Dogs may be killed. Any person may kill a dog while it is committing any of the acts specified in number one above or while such dog is being pursued thereafter.

100-1-14: VICIOUS ANIMALS AND VICIOUS DOGS

1. It shall be unlawful for the owner of any vicious animal or vicious dog, as those terms are defined herein, to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property.

2. The Director of Animal Control shall seek a court order for the destruction of or muzzling of any vicious animal or vicious dog that is under restraint as defined herein, yet cannot be controlled by reasonable restraints and cannot be effectively controlled by its owner or person having charge, care, or control of such animal.

100-1-15: NUISANCE

Any owner or person having charge, care, custody, or control of an animal or animals causing nuisance as defined below shall be in violation of this ordinance and subject to the penalties provided herein. The following shall be deemed a nuisance:

1. Any animal which:

- a. causes damage to the property of anyone other than its owner;
- b. is a vicious animal as defined herein and kept contrary to Section 100-1-14 above;
- c. causes unreasonable fouling of the air by odors;
- d. causes unsanitary conditions in enclosures or surroundings;
- e. defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring, or having care, charge, control, custody, or possession of such animal shall remove any such defecation to a proper trash receptacle;
- f. barks, whines, or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;
- g. attacks other domestic animals; or
- h. is determined by the Department of Animal Control or the City/County Health Department to be offensive or dangerous to the public health, welfare, or safety.

2. Animals which, by virtue of the number maintained, are determined by the Department of Animal Control or the City/County Health Department to be offensive or dangerous to the public health, welfare, or safety.

100-1-16: REVOCATION OF DOG LICENSE

If the owner of any dog is found to be in violation of this ordinance on three or more different occasions during any 12-month period, the Director of Animal Control may revoke for a period of one year any dog license(s) such person may possess and may provide for the Department of Animal Control to pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this ordinance for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog in any circumstances.

100-1-17: BITES, DUTY TO REPORT

1. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Department of Animal Control.
2. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Department of Animal Control or the City/County Health Department within 24 hours of the bite, regardless of whether or not the biting animal is a species subject to rabies.
3. A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he/she has rendered professional treatment to the Department of Animal Control or the City/County Health Department within 24 hours of his/her first professional attendance. He/she shall report the name, sex, and address of the person bitten as well as the type and location of the bite. If known, he/she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Department of Animal Control in ascertaining the immunization of the animal.
4. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured, or bitten animal, the name and address of the owner, a description of the animal that caused the injury, and the location of the incident.
5. Any person not conforming to the requirements of this section shall be in violation of this ordinance.

100-1-18: CONTROL OF RABIES AND RABID ANIMALS

1. Rabies vaccination required for dogs. The owner or person having the charge, care, custody, and control of a dog four months of age or over shall have said animal vaccinated within 30 days after it reaches said age. Unvaccinated dogs over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every 36 months with a modified virus rabies vaccine approved by the Summit County Health Department. Cats shall be vaccinated

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every 36 months. This provision shall not apply to veterinarian hospitals, commercial kennels, or animal shelters temporarily maintaining on their premises animals owned by others.

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2. Duties of veterinarian and tag requirements. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- a. owner's name and address;
- b. description of animal (breed, sex, markings, age, and name);
- c. date of vaccination;
- d. rabies vaccination tag number;
- e. type of rabies vaccine administered; and
- f. manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally, a number serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

3. Transient animal exception. The provisions of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

4. Impoundment of animal without valid rabies vaccination tag.

- a. Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
- b. Any unvaccinated animal may be reclaimed by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.
- c. Any animal not reclaimed prior to the period shall be disposed of pursuant to provisions of Section 100-1-21.

5. Reporting of rabid animals. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten

by such a suspect animal, shall notify the Department of Animal Control, the Summit County Health Department, or the State Division of Health.

6. Quarantining and disposition of biting or rabid animal.

- a. An animal that has rabies or shown signs of having rabies, and every animal infected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The Director of Animal Control has the discretion to allow the dog owner to secure the dog or to require the dog owner to surrender the dog to Department of Animal Control.
- b. The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.
- c. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten days by the Department of Animal Control and/or the City/County Health Department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control and/or the director of health if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately surrender the animal to the Department of Animal Control. If, at the end of the ten-day quarantine period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in Section 100-1-21.
- d. Unvaccinated bitten animals:
 - (1) In the case of an unvaccinated animal subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.
 - (2) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary

supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply.

e. Vaccinated bitten animals:

(1) If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 45 days following revaccination; or

(2) If the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months.

(3) The animal shall be destroyed if the owner does not comply with items (1) or (2) of subsection 2.

f. Removal of quarantined animal:

It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Department of Animal Control. It is unlawful for any person to permit or suffer to escape any such animal from its place of quarantine or impoundment.

- g. If any animal bites or attacks a person or animal two times or more in a 12-month period, such animal may be immediately impounded by the Department of Animal Control without court order and held at the owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 100-1-14 or exercise discretion for destruction of the animal as provided in Section 100-1-21(5). Parties owning such animal shall, if possible, be notified immediately of the animal's location by the Department of Animal Control.

100-1-19: IMPOUNDING - ANIMALS TO BE IMPOUNDED

The Director of Animal Control shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Director of Animal Control and impounded without filing a complaint:

1. Any animal being kept or maintained contrary to the provisions of this ordinance;
2. Any animal running at large contrary to the provisions of this ordinance;
3. Any animal that is required by this ordinance to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;
4. Sick or injured animals whose owner cannot be located;

5. Any abandoned animal;
6. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;
7. Any animal to be held for quarantine; or
8. Any vicious animal not properly confined as required by Section 100-1-14 herein.

100-1-20: IMPOUNDING - RECORDS TO BE KEPT

1. Complete description of the animal, including tag number
2. The manner and date of impound;
3. The location of the pickup and name of the officer picking up the animal;
4. The manner and date of disposal;
5. The name and address of the redeemer or purchaser;
6. The name and address of any person relinquishing an animal to the impound facility;
7. All fees received; and
8. All expenses accruing during impoundment.

100-1-21: IMPOUNDING - DISPOSITION OF ANIMALS

1. Licensed animals shall be impounded for a minimum of five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

2. No dog or cat shall be released for adoption until such dog or cat is spayed or neutered unless payment for such spaying or neutering is deposited with the Department of Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be spayed or neutered. Such agreement shall provide that the purchaser will have the dog or cat spayed or neutered within 120 days of the date of purchase.

Failure to spay or neuter such dog or cat shall be deemed a breach of the adoption contract and shall result in its termination, return of the dog or cat, and forfeiture of all amounts paid to Animal Control. All adoptions are conditional until the animal is spayed or neutered.

3. All dogs, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs voluntarily relinquished to the impound facility may be destroyed or sold as the Director of Animal Control shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director of Animal Control but not to exceed \$10.00 per animal, plus license, rabies vaccinations, and spaying or neutering fees if required.

4. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Director of Animal Control, be released to the care of a veterinarian with the consent of the owner.

5. The Director of Animal Control has the discretion to destroy an animal without regard to any time limitations otherwise established herein and without court order under the following circumstances: a) in the judgment of the Director of Animal Control, the animal should be destroyed for humane reasons; b) in the judgment of the Director of Animal Control, the animal should be destroyed to protect the public from imminent danger to persons or property; or c) in the judgment of the Director of Animal Control, the animal is a vicious animal and is considered either at large or abandoned by its owner or person having charge, care, custody or control

100-1-22: IMPOUNDING - REDEMPTION

The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

1. The impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccination; and
4. License fee, if required.

Fees shall be charged at the following rates:

IMPOUND FEE

First confinement	\$25.00
Second confinements	\$50.00
Third or subsequent confinements	\$75.00

BOARD

Per calendar day of confinement	\$6.00
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100-1-22.1: IMPOUND FEES FOR VOLUNTARY RELINQUISHMENT BY OWNER

Whenever any dog or cat is voluntarily relinquished by the owner thereof to the animal control facility for destruction or other disposition as provided by Section 100-1-21 of this chapter, a

donation may be given by such owner for each dog, for each litter of dogs, for each cat or for each litter of cats so relinquished.

100-1-23: ANIMAL SHELTER

1. The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.
2. The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah.
3. The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter.

100-1-24: CRUELTY TO ANIMALS PROHIBITED

1. Physical abuse. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, burn or scald, overdrive, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation. An exemption will exist for agricultural animals that are branded, ear marked, or otherwise marked for identification purposes.
2. Transporting animals. It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.
3. Care and maintenance. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care (which shall include veterinary care) and shelter.
4. Animal poisoning. Except as provided in Section 100-1-23 herein, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.
5. Injury to animals by motorists.
 - a. Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming, or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Department of Animal Control furnishing requested facts relative to the injury.

- b. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the animal control facility or other appropriate facility and notifying the Department of Animal Control. Such animal may be taken in by the animal control facility and dealt with as deemed appropriate under the circumstances.
- c. Emergency vehicles are exempted from the requirements of this provision.

6. Animals for fighting.

- a. It shall be unlawful for any person, firm, or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or biting of any animal or fowl; and for any person, firm, or corporation to knowingly rent any building, shed, room, yard, ground, or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds, or premises for such purposes.
- b. Law enforcement officers or the Department of Animal Control officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

7. Malicious impounding. It shall be unlawful for any person maliciously to secrete or impound the animal of another.

100-1-25: KENNEL PERMITS

1. Private Kennels: A private kennel must first obtain a kennel license from the Department of the Animal Control. A kennel license shall be issued to a private kennel upon payment of the fee set forth herein. The licensee shall notify the Department of Animal Control within thirty (30) days of any change which may affect the status of his license. The kennel license issued to a private kennel shall not be transferable from one owner to another, or from one premises to another.

Deleted: Any person wishing to operate or maintain a kennel, cattery, pet shop, or groomery

Deleted:

Deleted: Said kennel license shall be issued

Deleted: and a statement from the Summit County Planning Department or appropriate city official that a kennel is a permitted use under the zoning regulations in effect for the area of the proposed kennel.

2. Commercial Kennels: A commercial kennel must first obtain a kennel license from the Department of Animal Control. A kennel license shall be issued to a commercial kennel upon payment of the fee set forth herein and a statement from the Summit County Planning Department or appropriate city official that a commercial kennel is a permitted use under the zoning regulations in effect for the area of the proposed commercial kennel. A valid kennel license shall be posted in a conspicuous place on the premises and said license shall be considered as appurtenant to the premises and not transferable to another premises. The licensee

Deleted: in each establishment

Deleted: location

shall notify the Department of Animal Control within thirty (30) days of any change in his establishment or operation which may affect the status of his license. In the event of a change in ownership of the establishment, the licensee shall notify the Department of Animal Control immediately.

Deleted: Licenses shall not be transferable from one owner to another.

3. Any kennel license issued pursuant to this section shall automatically expire one year after the date of issue. Within two (2) months prior to the license's expiration, the licensee shall apply for a renewal of the license and pay the required fee. The late fee set forth below shall apply for failure to timely renew a license.

Deleted: on December 31, immediately

Deleted: following

Deleted: During the first three (3) months of each year,

Deleted: Any application made after March 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

4. Kennel Permit Fees:

Deleted: License fees:

Deleted:

a. Commercial and Private Kennels: 5-15 dogs: \$50.00

Deleted: Kennels, catteries, groomeries, pet shops veterinary clinics, or boarding establishments. Class A kennel license, 4 to 30 animals - \$50.00.

b. Commercial and Private Kennels: 16 or more dogs: \$100.

Deleted: b

Deleted:

c. Late fee - \$25.00

Deleted: PERMITTED ESTABLISHMENT

5. Exemption: Animal shelters and veterinary hospitals are exempt from obtaining a kennel permit.

100-1-26: STANDARDS FOR COMMERCIAL AND PRIVATE KENNELS

Deleted: kennels, catteries, groomeries, pet shops.

The Department of Animal Control shall promulgate rules and regulations governing the operation of commercial and private kennels. Such rules and regulations shall provide for the type of structures, building, pens, cages, runways, or yards required for the animal sought to be kept, harbored, or confined on such premises; the manner which food, water, and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent to the premises; and other such matters as the Director of Animal Control shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this ordinance and grounds for revocation of a permit issued by the Department of Animal Control.

100-1-27: SUSPENSION OR REVOCATION OF KENNEL PERMIT

1. Grounds. A kennel permit may be suspend or revoked or a permit application rejected on any one or more of the following grounds:

a. Falsification of facts in a permit application;

b. Violation of any of the provisions of this ordinance or any other law or regulation governing the establishment including noise; or

c. Conviction on a charge of cruelty to animals.

2. Procedure. If any inspection of a commercial or private kennel reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

Deleted: kennels, catteries, groomeries, or pet shops

- a. Set forth the specific violation(s) found;
- b. Establish a specific and reasonable period of time for the correction of the violations found; and
- c. State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.

3. Revocation or Suspension. Any permit granted under this ordinance may be suspended or revoked by the Department of Animal Control for violation listed in part (a) above.

Deleted: County Sheriff

4. Emergency Suspension. Notwithstanding the other provisions of this ordinance, when the inspecting officer finds unsanitary or other conditions in the operation of a commercial or private kennel, which in his judgment constitutes a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued, shall comply immediately. Any animals at a commercial or private kennel may be confiscated by the Department of Animal Control and impounded or otherwise provided for according to the provisions of this ordinance.

Deleted: kennels, catteries, groomeries, pet shops, or a similar establishment,

Deleted: at such a facility

5. Notice. Notice provided for under this section shall be deemed to have been properly served when the original law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Department of Animal Control.

100-1-28: INTERFERENCE WITH OFFICERS PROHIBITED

It is unlawful for any person to do any act which hinders, delays, interferes with, or obstructs an Animal Control Officer while engaging in the discharge of their duties, including furnishing false information to such.

100-1-29: DOMESTICATED ANIMALS

It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large. Domestic animals as such include horses, cattle, sheep, pigs, goats, etc.

100-1-30: VIOLATION

Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed

\$1000.00 or imprisoned in the Summit County Jail not to exceed six (6) months, or both such fine and imprisonment or such further fines and imprisonments provided for a class B misdemeanor pursuant to §76-3-101 et. seq., U.C.A. 1953, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, Summit County may also pursue civil remedies for any violation of this Ordinance.

100-1-31: SEVERABILITY

If any provision, clause, sentence, or paragraph of this ordinance or the application to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect independent from the invalid provision or application, and to this end of the provision of this ordinance are hereby declared to be severable. This ordinance shall take effect fifteen (15) days after its adoption and publication in a newspaper of general circulation in Summit County, State of Utah, and shall be deemed to replace Ordinances I.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2011, by the
County Council of Summit County, State of Utah.

SUMMIT COUNTY COUNCIL

Christopher F. Robinson, Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2011.



Staff Report

To: Summit County Council
From: Jennifer Strader, County Planner
Report Date: May 5, 2011
Meeting Date: June 15, 2011
Type of Item: Development Code Amendments for Kennels

EXECUTIVE SUMMARY: In response to a request from the Summit County Council (SCC), Staff is presenting potential amendments to the Eastern Summit County and Snyderville Basin Development Codes (Codes) regarding the processing of kennel permits.

Staff recommends that the SCC discuss the proposal and vote to approve the amendments by adoption of an ordinance.

A. Community Review

The SCC conducted a public hearing on April 27, 2011; no public comment was received and the public hearing was closed. The SCC directed Staff to return at a subsequent meeting with a clear definition of a commercial kennel.

B. Background

Both Codes currently require approval of a Conditional Use Permit (CUP) when a property owner has four (4) or more dogs for commercial use. If a property owner has four (4) or more dogs for private use, they will still be required to obtain a kennel permit through the Animal Control Department, but not through the Planning Department as well.

The SCC directed Staff to amend both Codes to state that a CUP is required for both commercial and private kennels.

The Eastern Summit County Planning Commission (ESCPC) agreed that commercial kennels should be regulated through the CUP process and recommended that the number of dogs be amended from four (4) to five (5); however, they did not recommend in favor of regulating private kennels.

The Snyderville Basin Planning Commission (SBPC) recommended that both commercial and private kennels be regulated through the CUP process and they agreed to amend the number of dogs from four (4) to five (5); however, some of them did express that they weren't comfortable requiring a CUP for private kennels as Animal Control has ordinances and regulations already in place.

C. **Identification & Analysis of Issues**

Based on previous SCC comment, Staff has proposed the following definition for a commercial kennel.

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 (1) litter of offspring per year, per premise, shall not be construed as commercial.

Staff's professional opinion is that commercial kennels should be regulated through the CUP process which is consistent with the language that has existed in both Codes in the past. Commercial kennels tend to have more land use impacts than private kennels, the most significant probably being traffic.

Staff is concerned, however, with the regulation of private kennels for the following reasons.

1. The Animal Control Code states that Animal Control promulgates rules and regulations governing the operations of kennels...which includes the types of structures required, the manner in which food, water, and sanitation facilities will be provided, measures relating to the health of the animals, the control of noise and odors, and the protection of persons and adjacent properties.

The Animal Control Code also has provisions relating to nuisances and finds it a nuisance, which is a Class C misdemeanor, for a dog to cause property damage, unreasonably foul the air, cause unsanitary conditions, defecate on private property without consent, bark, whine, or howl excessively or continuously, attack other animals, or for other reason deemed offensive or dangerous to the public health, safety, and welfare.

The aforementioned factors are exactly the types of factors that the Planning Commissions consider when determining whether to issue a CUP and when determining what conditions to place on the use.

As Animal Control already requires that anyone with four (4) or more dogs obtain a kennel permit, Staff is in favor of one body having jurisdiction over private kennels. If Planning also requires a CUP for a *private* kennel, what will Planning review that Animal Control doesn't already review?

2. What if a property owner is fostering or dog-sitting more than the allowed number of dogs for a 2 week period? Based on the recommendation from the SCC of requiring a CUP for private kennels, they would be subject to that process.

D. Recommendation

Staff recommends that the SCC conduct a public hearing on the proposed amendments regarding kennels in both Codes. Taking into consideration any public comment and Staff's analysis, Staff further recommends that the SCC vote to approve the amendments which would amend the number of dogs from four (4) to five (5), but not add private kennels to the use charts, by adoption of an Ordinance.

EXHIBITS

- Exhibit A:** Proposed Language
- Exhibit B:** Proposed Ordinance
- Exhibit C:** Planning Commission Meeting Minutes

EASTERN SUMMIT COUNTY DEVELOPMENT CODE

Section 11-3-13, Use Chart:

Commercial Kennels for commercial use for four (4) or more dogs or cats.	C	C	C	C	C	C		

Appendix A, Definitions

COMMERCIAL KENNELS: 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 (1) litter of offspring per year, per premise, shall not be construed as commercial. ~~Any premises, except where accessory to an agricultural use, where domesticated animals, such as dogs and cats, are boarded, trained, groomed or bred for commercial use.~~

SNYDERVILLE BASIN DEVELOPMENT CODE

Section 10-2-10, Use Chart

Commercial Kennels for commercial use for 4 or more dogs or cats	C	C	C	L	L	C	

Chapter 11, Definitions

10-11-1.158 **Commercial Kennels:** 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 (1) litter of offspring per year, per premise, shall not be construed as commercial. ~~Any premises, except where accessory to an agricultural use, where domesticated animals, such as dogs and cats, are boarded, trained, groomed or bred for commercial use.~~

EXHIBIT A

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

**AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE AND THE EASTERN
SUMMIT COUNTY DEVELOPMENT CODE**

WHEREAS, the current Snyderville Basin Development Code was adopted in 2004 and the current Eastern Summit County Development Code was adopted in 2005; and

WHEREAS, the County is amending the Snyderville Basin Development Code and the Eastern Summit County Development Code to amend the process identified in the Codes for private kennels; and

WHEREAS, the Eastern Summit County Planning Commission held a public hearing on February 16, 2011 and the Snyderville Basin Planning Commission held a public hearing on February 22, 2011 and both recommended approval of the amended sections of the Development Codes; and

WHEREAS, the Summit County Council held a public hearing on June 15, 2011 and voted to approve the amendments.

NOW THEREFORE, the County Legislative Body of the County of Summit, the State of Utah, hereby ordains the following:

Section 1. SNYDERVILLE BASIN DEVELOPMENT CODE

The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. EASTERN SUMMIT COUNTY DEVELOPMENT CODE

The Eastern Summit County Development Code is amended as depicted in Exhibit B.

Section 3. Effective Date

This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 15th day of June, 2011.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By: _____
Council Chair

Councilor Hanrahan	voted	_____
Councilor McMullin	voted	_____
Councilor Elliott	voted	_____
Councilor Ure	voted	_____
Councilor Robinson	voted	_____

EXHIBIT B

MINUTES
EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 2011
COUNCIL CHAMBERS
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN
COALVILLE, UTAH

COMMISSIONERS PRESENT:

Jill Houston – *Chair*
Michael Brown
Tom Clyde
Diane Foster

Tonja Hanson
Ken Henrie
Chris Ure

STAFF PRESENT:

Sean Lewis – *County Planner*
Tiffanie Northup-Robinson – *County Planner*
Dave Thomas – *County Attorney*

Adryan Slaght – *Principal Planner*
Jennifer Strader – *County Planner*
Kathy Lewis – *Recording Secretary*

Commission Chair Jill Houston called the regular meeting of the Eastern Summit County Planning Commission to order at 7:00 PM.

REGULAR ITEMS

1. **Pledge of Allegiance**
2. **General Public Input**

Chair Houston opened the Public Input Session. There were no comments made and the Public Input Session was closed.

3. **Public Hearing on proposed amendments to the Development Code regarding the definition of kennels** – *Jennifer Strader, County Planner*

Planner Jennifer Strader stated that in 2007, the definition of a kennel was amended in the Development Code. The number of animals allowed was decreased from five to four. Planner Strader stated this amendment was to comport with the language utilized by Animal Control. If someone had four or more dogs, or four or more cats, a Conditional Use Permit (CUP) was required for either a commercial or a private kennel.

The Snyderville Basin Code was also adjusted in May 2010 to be aligned with Animal Control Regulations. Following this action, the Summit County Council received comments stating that a CUP was too burdensome for a resident with five dogs. Staff then received

EXHIBIT C

direction from the County Council to create verbiage that a CUP would not be required for private kennels; however, a CUP would still be needed for commercial kennels.

In August 2010, the Eastern Summit County Planning Commission (ESCPC) removed the word "*private*" from the Use Chart and the definition. As a result, commercial kennels with four or more dogs were required to obtain a CUP, private kennels were not.

Planner Strader said that in November 2010, a CUP application was received for a commercial dog sledding operation in the Snyderville Basin. This business took place in various parts of the County, but the dogs were housed at the business owner's residence in Silver Creek. There was a lot of neighboring opposition. She said essentially they have come full circle, with the County Council now requesting a wording change to require a CUP for five or more dogs for either a commercial or a private kennel.

Chair Houston asked if the Planning Commission can direct Staff to refer back to the 1996 Code. Planner Strader answered that they can. Commissioner Foster said that as the language is written it might be misconstrued that a pet owner, who has four dogs and two cats, would need to obtain a CUP. Planner Strader said this is not a mixed number. She said that five or more dogs or five or more cats at one location would need a CUP.

Commissioner Henrie asked if puppies would put a pet owner over the allowed amount. Planner Strader said Animal Control allows pet owners to have puppies for four to six months. Commissioner Henrie suggested that this should be added to the wording. Planner Strader said it is already a part of the Animal Control Regulations, who is the enforcing agency.

Commissioner Brown asked why should there be any language concerning kennels in the Development Code, if there is already an agency that controls these problems. He believes this is just another layer of bureaucracy. He said the east side of the County is rural; dogs and cats are part of the culture. Chair Houston said she would want to know, even if it is agriculture, that a commercial enterprise was going to come to her neighborhood. Commissioner Brown responded that this would be detected when someone was applying for a business license. He added that he could support the process for a commercial kennel, but not a private kennel. He believes this would be stepping beyond their bounds.

Commissioner Foster asked if the County Council can overrule them if they recommend that "private" is stricken from the language. She was told that they can. Commissioner Brown said they should send the message of how the Planning Commission feels. If the County Council wants override them, they can. He said he thinks this engenders animal cruelty. If someone has five animals, they will abandon one of the animals rather than going through the CUP process.

Commissioner Henrie said if someone wants to keep a bunch of dogs kenneled, they should be checked on to make sure they are being treated humanely. Commissioner Brown said there are already rules that take care of that.

Chair Houston opened the Public Hearing. There were no comments made and the Public Hearing was closed.

Commissioner Foster made a motion to send a positive recommendation, striking the words "or private" from the language. Commissioner Ure seconded the motion.

Commissioner Clyde asked if it is clear that the total is five or more dogs or five or more cats, or could this be confused that it might be a mixed sum of both. *Commissioner Foster accepted an amendment to her motion that the language will say five or more dogs or five or more cats.*

Commissioner Clyde commented that the parcel size should have some bearing on this regulation. He said there would be quite a difference between five animals on 2/3 of an acre as opposed to being on 100 acres. He added that this should apply to a parcel size, not to the zoning district. There are areas that are zoned 1 to 100, but most of the lots are 2/3 of an acre. It should also apply to both commercial and private kennels. If someone has 100 acres, who would care? Chair Houston responded that the person with sheep may care.

Commissioner Henrie said the Planning Commission encourages the clustering of houses. Although someone may own 100 acres, he could be located close to his neighbor. Commissioner Clyde said it would be different when clustering creates a more suburban setting. Perhaps a different regulation should apply in that situation. He stated he would like to get his concerns on record because he is going to vote against the motion, and he wanted his reasons known. He said that to accommodate his concerns however would require a major rewrite of an ordinance that they have spent more than enough time on.

Chair Houston summarized the motion as such: To send a positive recommendation on the verbiage presented by Staff, while striking the words "or private" from the language and adjusting the language to read "5 or more dogs or 5 or more cats." Commissioner Foster agreed that is her motion. Commissioner Ure continued to second the motion.

Chair Houston called for a vote. Those voting in favor of the motion were:

*Commissioner Henrie
Commissioner Ure
Commissioner Foster*

*Commissioner Brown
Commissioner Hanson
Chair Houston*

Voting against the motion was Commissioner Clyde.

- **MOTION CARRIED (6 – 1)**

MINUTES
SNYDERVILLE BASIN PLANNING COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 22, 2011
SHELDON RICHINS BUILDING
6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, February 22, 2011, at 8:10 p.m.

PRESENT: Julie Hooker—Vice Chair, A. Flint Decker, Bassam Salem, Mike Washington

STAFF: Don Sargent—Community Development Director, Amir Caus—County Planner, Jennifer Strader—County Planner, Karen McLaws—Secretary

REGULAR MEETING

In the absence of Chair Kathy Kinsman, Vice Chair Julie Hooker assumed the chair.

1. **Public input for items not on the agenda**

Vice Chair Hooker opened the public input.

Chris Hague commented that he spoke with Community Development Director Don Sargent, and he clarified what he told KPCW this afternoon. Mr. Hague stated that he thought Director Sargent had said on the radio that he was going to consider with Staff the two lawsuits Quinn's Junction Partnership has filed against the County and meet with their attorney, Mr. Erickson, to see if he could come up with a settlement. However, Director Sargent has since told him that he feels strongly that Quinn's Junction Partnership should be forced to go through the planning process and that there will be no behind-closed-doors settlements. Mr. Hague stated that he believes that is a good policy and was glad to hear it. He hoped the County Council would also adopt that policy and that they have learned from the MIDA situation that openness and transparency and involving the public is the best process, because the public has a right to be involved.

Vice Chair Hooker closed the public input.

2. **Public hearing and possible recommendation on amendments to the dog kennel language in the Development Code – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and recalled that in May 2010 Staff proposed amendments to the Snyderville Basin Development Code to add the word "private" to the definition of kennel to provide consistency with the Eastern Summit

County Development Code and the Animal Control Regulations. With that amendment, a property owner with four or more dogs, whether for commercial or private use, was required to obtain a Conditional Use Permit (CUP). After the County Council approved that amendment, they received inquiries from property owners with more than four dogs for personal use as to why they had to go through the CUP process, because they believed it was too burdensome. The County Council then directed Staff to further amend the Code to remove the word "private" from the definition or to allow private kennels to obtain a Low Impact Permit (LIP), with commercial kennels still required to obtain a CUP. The Planning Commission reviewed and recommended approval of further amendments to the Code in August 2010 to remove "private" from the Use Chart and the definition of kennel. This resulted in commercial kennels with four or more dogs being subject to a CUP and private kennels not being required to obtain a permit, although they were still subject to the Animal Control Regulations. There was a recent application from owners of a dog sledding operation, and because of neighboring opposition and confusion in determining what constitutes a commercial kennel and what constitutes a private kennel, the Council directed Staff to further amend the Code so that any person with five or more dogs, whether for private or commercial use, would be required to obtain a CUP. Staff recommended that the Planning Commission conduct a public hearing and forward a recommendation to the County Council on this amendment.

Vice Chair Hooker commented that previously four dogs was too few, eighteen was too many, and now five seems to be the magic number. Planner Strader explained that after discussions with Animal Control, they indicated that when there are five or more dogs, some impacts start to occur to neighboring property owners.

Commissioner Decker asked if they are talking about just the number, or if they are adding the word "private" to the language. Planner Strader explained that the amendment would state that anyone with five or more dogs, whether for personal or commercial use, is subject to a CUP, and the word "private" would be added to the definition of kennel. Commissioner Salem noted that, in essence, the word "private" would go away, because the distinction between private and commercial goes away. He noted that any kennel, whether private or public, would be subject to obtaining a CUP. Commissioner Washington suggested removing the distinction from the definition.

Vice Chair Hooker opened the public hearing.

Annette Velarde asked why the Planning Commission is talking about this now, and the County Council will be talking about it again next week. She suggested that they wait and see what the County Council says. Commissioner Washington explained that the Planning Commission will forward a recommendation to the County Council. Director Sargent explained that a recommendation from the Planning Commission is required prior to County Council action.

Commissioner Salem asked if this would apply just to dogs or to other animals as well. Planner Strader replied that the definition is specific to dogs and cats. Rick Brough asked

if a CUP is required for five animals total, or if it is when there are five dogs or more or five cats or more. Planner Strader replied that a permit is not required for a combination of the two, it is either five dogs or five cats.

Vice Chair Hooker closed the public hearing.

Commissioner Decker asked whether the Planning Commission could vote on this item if he were to recuse himself so only three Planning Commissioners could vote this evening. Director Sargent replied that they could not. Commissioner Decker recused himself. Director Sargent asked if the reason Commissioner Decker recused himself was because he felt he could not vote without having a biased viewpoint. Commissioner Decker replied that was correct.

Commissioner Salem commented that, if it is in the best interest of protecting neighbors, they should provide some oversight, and kennels should be regulated.

Commissioner Washington stated that he has a difficult time with changing the Code to fit certain situations. There will likely be another situation six months from now that will be on the threshold of this and create some issue. Someone will not like it, and they will be back trying to amend it again. There is an Animal Control Ordinance that regulates kennels, and he questioned whether the Planning Commission should get involved and put additional regulations in place. He stated that Commissioner Salem has indicated that, when it starts to impact neighbors, it becomes the Planning Commission's responsibility, and he was unsure how to strike that balance. He was not convinced that five dogs is the balance. He noted that there is also an agricultural exemption, and there is no restriction on the number of animals for agricultural purposes. He did not believe this was a good ordinance.

Vice Chair Hooker agreed that this appears to be situational.

Planner Strader asked if the Planning Commissioners do not want to regulate private kennels or if they want a different number. Vice Chair Hooker asked about the County's Animal Control policy. Planner Strader replied that they currently require a kennel permit for four or more dogs, but they will change their ordinance to state five or more dogs. Even if a permit were not required through the Planning Department, the owners would still need to get a kennel permit from Animal Control, which has regulations in place to address noise, nuisance, etc. She noted that this language was taken to the Eastern Summit County Planning Commission, and they did not want to regulate private kennels. They forwarded a recommendation to change the number from four to five for commercial kennels requiring a CUP, and private kennels are not required to get a permit.

Director Sargent explained that Staff has had a difficult time trying to distinguish between private and commercial kennels, because there is not a clear distinction between the two. Staff is comfortable with anyone having five or more dogs being regulated through a public hearing process. The distinction between the Animal Control Ordinance

and the Development Code is that the Animal Control process is not a public process.

Commissioner Salem stated that he was trying to distinguish between where Animal Control stops and where the planning process starts. He had assumed that Animal Control was responsible for the safety and well being of the animals and humans who may come into contact with them, but he did not realize they also take nuisance effects into account. If those are accounted for by Animal Control, he felt it was less critical for the planning process to deal with them. Director Sargent confirmed that Animal Control does respond to complaints, noise, odors, and other impacts associated with kennels. Commissioner Salem suggested that they leave it to Animal Control.

Vice Chair Hooker agreed with leaving it to Animal Control, because she believed five was an arbitrary number, and it would keep coming back to them when someone has a special circumstance. She postponed this item to the next Planning Commission meeting due to the lack of a quorum to take action this evening.

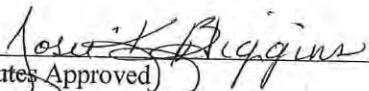
3. **Approval of minutes – January 25, 2011, work session; January 25, 2011, regular session**

Commissioner Washington made a motion to approve the minutes of the January 25, 2011, work session and the January 25, 2011, regular meeting of the Snyderville Basin Planning Commission as written. The motion was seconded by Commissioner Decker and passed unanimously, 4 to 0.

STAFF ITEMS

Director Sargent reported that the County has received for or five applications for positions on the Planning Commission to replace outgoing members. The County Council will conduct interviews on March 16 and hopefully make appoints on March 23.

The regular meeting of the Snyderville Basin Planning Commission adjourned at 8:30 p.m.


Minutes Approved

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UNAPPROVED

MINUTES
SNYDERVILLE BASIN PLANNING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 8, 2011
SHELDON RICHINS BUILDING
6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, March 8, 2011, at 7:00 p.m.

PRESENT: Kathy Kinsman—Chair, Julie Hooker—Vice Chair, Sibyl Bogardus, A. Flint Decker, Bassam Salem, Jeff Smith, Mike Washington

STAFF: Don Sargent—Community Development Director, Adryan Slaght—Principal Planner, Amir Caus—County Planner, Sean Lewis—County Planner, Jennifer Strader—County Planner, Karen McLaws—Secretary

REGULAR MEETING

1. **Public input for items not on the agenda**

Chair Kinsman opened the public input.

There was no public input.

Chair Kinsman closed the public input.

2. **Continued discussion/possibly recommend amendments to the dog kennel language in the Development Code – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and recalled that this item was continued from the February 22 meeting, as there was not a quorum available to vote. Staff recommended that the Planning Commission forward a positive recommendation to the County Council. She recalled that the Commissioners had questioned why the number of dogs was increased from four to five and explained that the decision was made after Staff met with Animal Control and they indicated that was the number they believed was appropriate. They also wanted to provide a little more leeway before requiring a kennel permit. She noted that the Development Code prior to 2005 stated five animals rather than four. Staff has also removed cat from the definition of kennel and from the Use Chart, so the current language only addresses dogs.

Commissioner Washington commented that he did not believe someone having animals at their home should be a land use decision. He acknowledged that at some point a

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kennel might become large enough to become a land use issue, but he did not believe the number should be five; he believed it should be more like 15 or 20 animals. He stated that the Animal Control Department has ordinances and regulations for kennels, and he did not believe this process was necessary.

Commissioner Hooker agreed and asked what procedure Animal Control follows to enforce a kennel permit. Planner Strader replied that she was unfamiliar with Animal Control's process for approving a kennel permit. Commissioner Smith commented that, whatever the process may be, Animal Control is much more qualified than the Planning Commission to approve a kennel permit. Community Development Director Don Sargent explained that, if Animal Control becomes aware of a kennel of four or more dogs, they investigate and inspect it, and the owner must file for a kennel license. Animal Control looks at impacts such as noise, odors, health and safety of the dog, cleanliness of the kennel, etc. He clarified that the Animal Control Ordinance applies to anyone with a dog, but a kennel license is required if there are more than four dogs.

Commissioner Washington stated that there could be a lot of impacts related to land use issues, such as increased traffic in the case of a commercial kennel boarding dogs. He believed there should be regulation at some level, but below that level they should rely on Animal Control.

Director Sargent stated that the input Staff has received from Animal Control indicates that, once there are four, five, or six dogs, the complaints increase exponentially, and that number is fairly standard across the industry. He explained that animals are a land use issue when they get to a certain number. He noted that the number of horses per acre is regulated in some communities, and chickens and other domestic animals are regulated in various towns and communities. Typically the number comes down to four or five animals, at which point the use is regulated through land use ordinances for the purpose of allowing public input opportunities for the neighbors to be heard.

Commissioner Salem asked if they could use private versus commercial as a distinction rather than number of animals. He questioned why the ordinance applies only to dogs and not to other species, because he believed the same issues would apply. Director Sargent stated that the Animal Control Ordinance deals with all animals, but dogs are more notorious for noise and other potential impacts than other domesticated animals.

Commissioner Bogardus made a motion to forward a positive recommendation for the proposed amendments to the dog kennel language in the Development Code to the Summit County Council based on the staff report dated February 28, 2011, for the meeting date of March 8, 2011. The motion was seconded by Commissioner Washington and passed by a vote of 6 to 0. Commissioner Salem abstained from the vote, stating that he was not certain that he understands the amendment.

