Kimber Gabryszak
County Planner III

Memorandum

From: Kimber Gabryszak
To: Summit County Council (SCC)
Date: Tuesday, June 21, 2011
Meeting: Wednesday, June 29, 2011, work session
Re: Discovery CORE – density calculations

Background
During recent work sessions and meetings on the Discovery CORE workforce housing rezone and major development (project proposed on 69.98 acres on Kilby Road adjacent to Gorgoza), the SCC has requested additional calculations to help clarify the potential maximum density for the property.

The applicant is requesting a rezone partially to CORE zone E (maximum density of 10 units per acre) and partially to CORE zone C (maximum density of 5 units per acre). The density is also further limited by the compatibility requirement (outlined below).

Compatibility
The "compatibility" requirement outlined in Section 10-5-16(E).4 of the Snyderville Basin Development Code sets a maximum of twice the average 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'.***

<u>DENSITY CALCULATIONS TO DATE</u>

May 11, 2010
At a work session, 3 different density calculations were discussed; all three options utilized the actual acreage in the 1000' buffer as a basis for determining density:

- Option 1: 68.58 potential units
  - Acreage in buffer: 375 acres
  - Subtract project acreage: 375 - 69.98 = 305.02
  - Subtract County open space: 305.02 – 46.7 = 258.32
  - Subtract I-80 acreage: 258.32 – 35.75 = **222.57 acres**
  - Count remaining lots (subtract project and open space lots): 109
  - Divide number of lots by buffer acreage: 109/222.57 = 0.49 units per acre
  - Double: maximum request can be 0.98 units per acre
  - **69.98 acres * 0.98 units = 68.58 units**

- Option 2: 71.37 potential units
  - Acreage in buffer: 375 acres
  - Subtract project acreage: 375 - 69.98 = 305.02
  - Subtract County open space: 305.02 – 46.7 = 258.32

- Subtract I-80 acreage: 258.32 – 35.75 = 222.57 acres
- Count remaining lots (subtract project and open space lots): 109
- **Add the additional lots possible under current zoning on Gorgoza (2) and PP-35-C-2 (2): 113**
- Divide number of lots by buffer acreage: 113/222.57 = 0.501 units per acre
- Double: maximum request can be 1.02 units per acre
- **69.98 acres * 1.02 units = 71.37 potential units**

- Option 3: 119.68 potential units
  - Acreage in buffer: 375 acres
  - Subtract project acreage: 375 - 69.98 = 305.02
  - Subtract County open space: 305.02 – 46.7 = 258.32
  - Subtract I-80 acreage: 258.32 – 35.75 = **222.57 acres**
  - **Subtract commercial property (Gorgoza): 222.57 – 49.35 = 173.22**
  - **Subtract PP-35-C-2 (undeveloped): 173.22 – 48.09 = 125.13**
  - **Count remaining lots (subtract project, open space, and removed lots): 107**
  - Divide number of lots by buffer acreage: 107/125.13 = 0.855 units per acre
  - Double: maximum request can be 1.71 units per acre
  - **69.98 acres * 1.71 units = 119.68 potential units**

July 13, 2010

Two work sessions were held specifically to discuss density: on May 11, 2010 and on July 13, 2010. After discussing the topic at length, the SBPC voted to utilize the following method, utilizing number of lots and their sizes only instead of acreage in the buffer:

- Total lots within 1000' – 124
- Identify all parcels within 1000' of the proposed CORE. Include lots that are only partially within the 1000' buffer.
- Include all platted lots in subdivisions (built on or not), and all non-subdivision lots that contain a residence.
- Remove commercial properties, open space, and non-subdivision lots that do not have residences on them.
- Determine the average size and density of the lots remaining.
- Double that average density to determine the maximum potential density for the CORE.

Applying this method to the Discovery CORE resulted in the following calculation:

- Total lots within 1000' – 124
- Removed lots (non-residential, commercial, vacant, open space) – 18
- Remaining lots – 106
- Average lot size of remaining lots – 0.79 acres
- Average density of remaining lots – 1.26 units per acre
- Double the density for maximum potential density – **2.52 units per acre**
- Maximum potential density for this CORE – 69.98 acres x 2.52 = **176.35 units**

January 4, 2011

At their public input session on January 4, 2011, the SBPC suggested that since open space within subdivisions was removed from the calculation, the open space requirement in the project should also be removed, resulting in an apples to apples situation.

Using this method, the calculation of maximum potential density would be the same as the July 13, 2010 method, with the changed step highlighted in yellow:

- Total lots within 1000' – 124
- Removed lots (non-residential, commercial, vacant, open space) – 18
- Remaining lots – 106
- Average lot size of remaining lots – 0.79 acres
- Average density of remaining lots – 1.26 units per acre
- Double the density for maximum potential density – **2.52 units per acre**
- Acreage of project: 69.98 acres
- Minus required open space of 50%: (69.98 – 34.99 = 34.99 acres)
- Maximum potential density for this CORE – 34.99 acres x 2.52 = **88.17 units**

SCC DISCUSSION & REQUEST

At their work session on June 14, 2011, the SCC discussed the density calculations presented above, and expressed two primary concerns:

1. The above calculations looked at the entire project as a whole, rather than looking independently at each CORE zone.
2. The open space limitation of 50% was an attempt to address open space that may have been required in surrounding developments. Since not all surrounding subdivisions included open space requirements, the SCC did not feel that this was an "apples to apples" comparison.

The SCC directed Staff to return to the calculation and attempt to address both of these concerns by providing a weighted average lot size for parcels in nearby subdivisions, taking into account the open space requirements and other factors that influenced density. They also directed Staff to provide a density calculation independently on each of the proposed CORE zones, as well as a density calculation on the project as a whole.

Staff has done the calculations as requested. Maps and tables are attached, and a summary is below.

Subdivision densities

For each of the calculations, Staff first identified the subdivision plats that were touched by the 1000' buffer. Looking at the entire subdivision and not just the portion within the 1000', Staff identified the total acreage of the subdivision by adding the total acres of all residential lots, open space parcels, HOA parcels, and roads. This total was then divided by the number of residential lots in that subdivision plat, the result being a weighted lot size that reflected overall allowed density in the plat. This is more accurate considering that the CORE application is for a straight density: units to overall acres. The results for the various subdivisions are below, and Staff included the average units per acre for the convenience of the SCC:

Pinebrook 3:

Total lots	47
# non-residence	0
Total units:	47.00
Total acres:	38.22
Average size:	**0.81**
Avg. units per acre:	**1.23**

Sunrise Hills (near Southridge):

Total lots	21
# non-residence	1
Total units:	20
Total acres:	7.50
Average size:	**0.37**
Avg. units per acre:	**2.67**

Southridge:

Total lots	84
# non-residence	2
Total units:	82
Total acres:	27.30
Average size:	**0.33**
Avg. units per acre:	**3.00**

Timberline 2:

Total lots	31
# non-residence	1
Total units:	30
Total acres:	16.67
Average size:	**0.56**
Avg. units per acre:	**1.80**

Sunridge (in Pinebrook)

Total lots	55
# non-residence	2
Total units:	53
Total acres:	46.60
Average size:	**0.88**
Avg. units per acre:	**1.14**

Woods of Parley's Lane:

Total lots	54
# non-residence	7
Total units:	47
Total acres:	191.50
Average size:	**4.07**
Avg. units per acre:	**0.25**

Timberline 1:

Total lots	65
# non-residence	0
Total units:	65
Total acres:	34.01
Average size:	**0.52**
Avg. units per acre:	**1.91**

For each density calculation, whenever a lot in one of these subdivisions fell within the 1000' buffer, Staff substituted the weighted "average size" from each subdivision in lieu of the actual size of the lot itself (in the attached sample, this column is highlighted).

SCC requested method

1. Total the number of units within the 1000' buffer
    - Keep all subdivision lots in the calculation
    - Remove all undeveloped lots outside of subdivisions (MRKTVALIMP = $0)
    - Remove open space, commercial, and undeveloped lots
2. Add all the lots together to determine "total acres"
    - Assign the "average size" to each subdivision lot instead of actual size
3. Divide "total acres" by "total units" to determine "average size"
4. Divide the number one (1) by the "average size to determine "average units per acre"
5. Double the result to obtain " double"
6. Apply "double" to the project acreage to determine maximum allowed units

On the next page you will find several tables. Table 1 shows the density result for the acreage proposed for CORE C only, Table 2 shows the density result for the acreage proposed for CORE E only, and Table 3 shows the density result for the project as a whole.

TABLE 1

CORE C only:	
Total units:	87.00
Total acres:	118.31
Average size:	1.36
Avg. units per acre:	0.74
Double density:	1.47
Discovery C acreage:	**49.98**
Discovery C total units:	**73.51**

TABLE 2

CORE E only:	
Total units:	28.00
Total acres:	34.05
Average size:	1.22
Avg. units per acre:	0.82
Double:	1.64
Discovery E acreage:	**20.00**
Discovery E total units:	**32.90**

TABLE 3

CORE C & E together:	
Total units:	105.00
Total acres:	132.78
Average size:	1.26
Avg. units per acre:	0.79
Double:	1.58
Discovery total acreage:	**69.98**
Discovery total units:	**110.68***

**Note that if the results from Tables 1 & 2 are added together, the total is 106.41 units (73.51 + 32.90), which is just over four (4) units fewer than using the combined method.*

For the SCC's convenience, the applicant is proposing a unit distribution as follows:

- Within the area proposed to be zoned CORE C: 49 units, majority as open space
- Within the area proposed to be zone CORE E: 113 units, majority development

Staff recommends that the SCC review this alternate method and consider one of the above methods for use on the Discovery CORE project and future CORE applications.

In the meantime, please let me know if you have any questions.

Thank you,

Kimber Gabryszak
Summit County Planner

Exhibits:

A: Location map / aerial (page 6)
B: Proposed plan (pages 7-8)
C: CORE Rezone plan (page 9)
D: Sample: full density calculation for CORE C, with lots / sizes / numbers (pages 10-12)
E: Graphics:
- E.1 – Lots within the 1000' buffer from CORE C only (page 13)
- E.2 – Lots within the 1000' buffer from CORE E only (page 14)
- E.3 – Lots within the 1000' buffer from both CORE C & E (page 15)

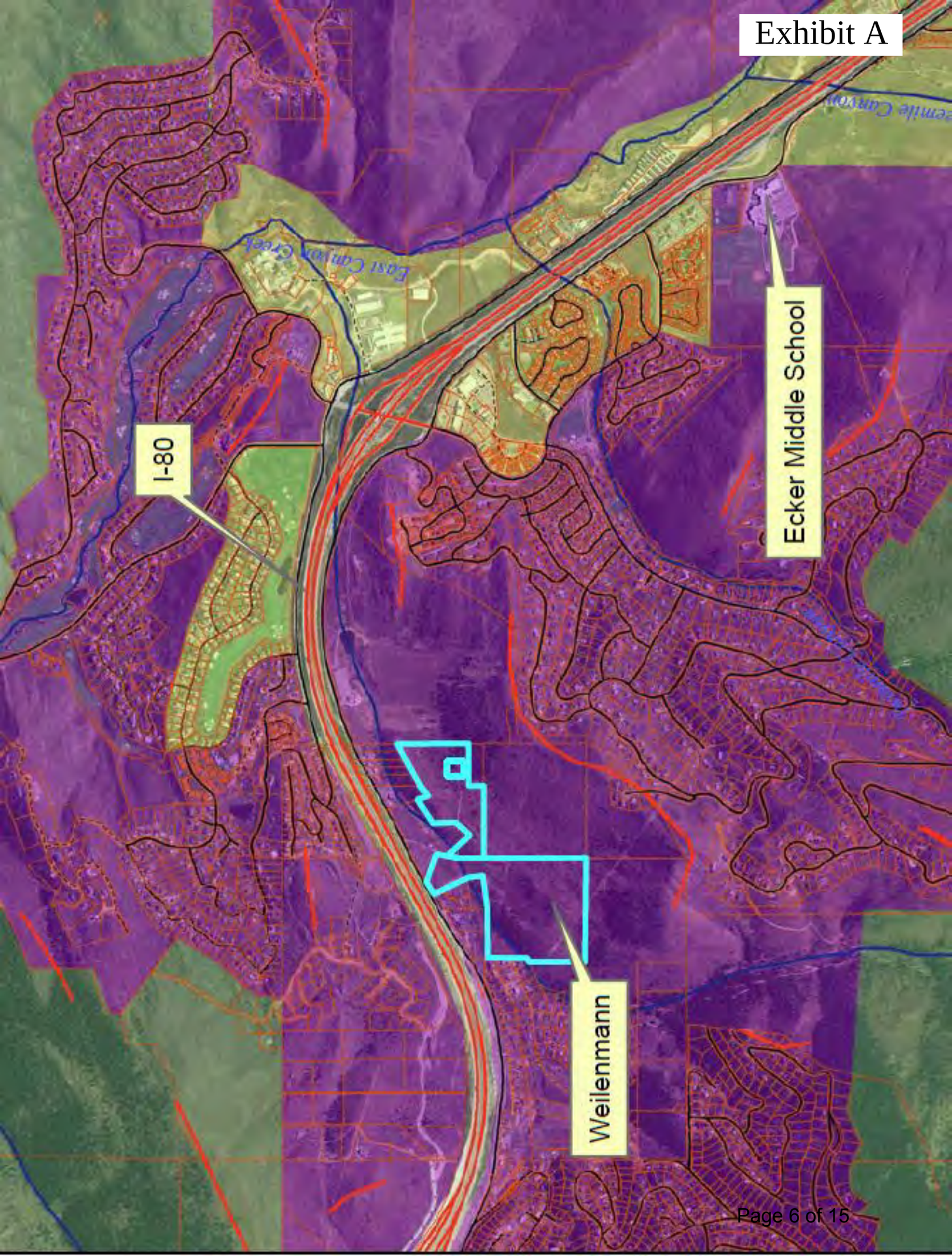
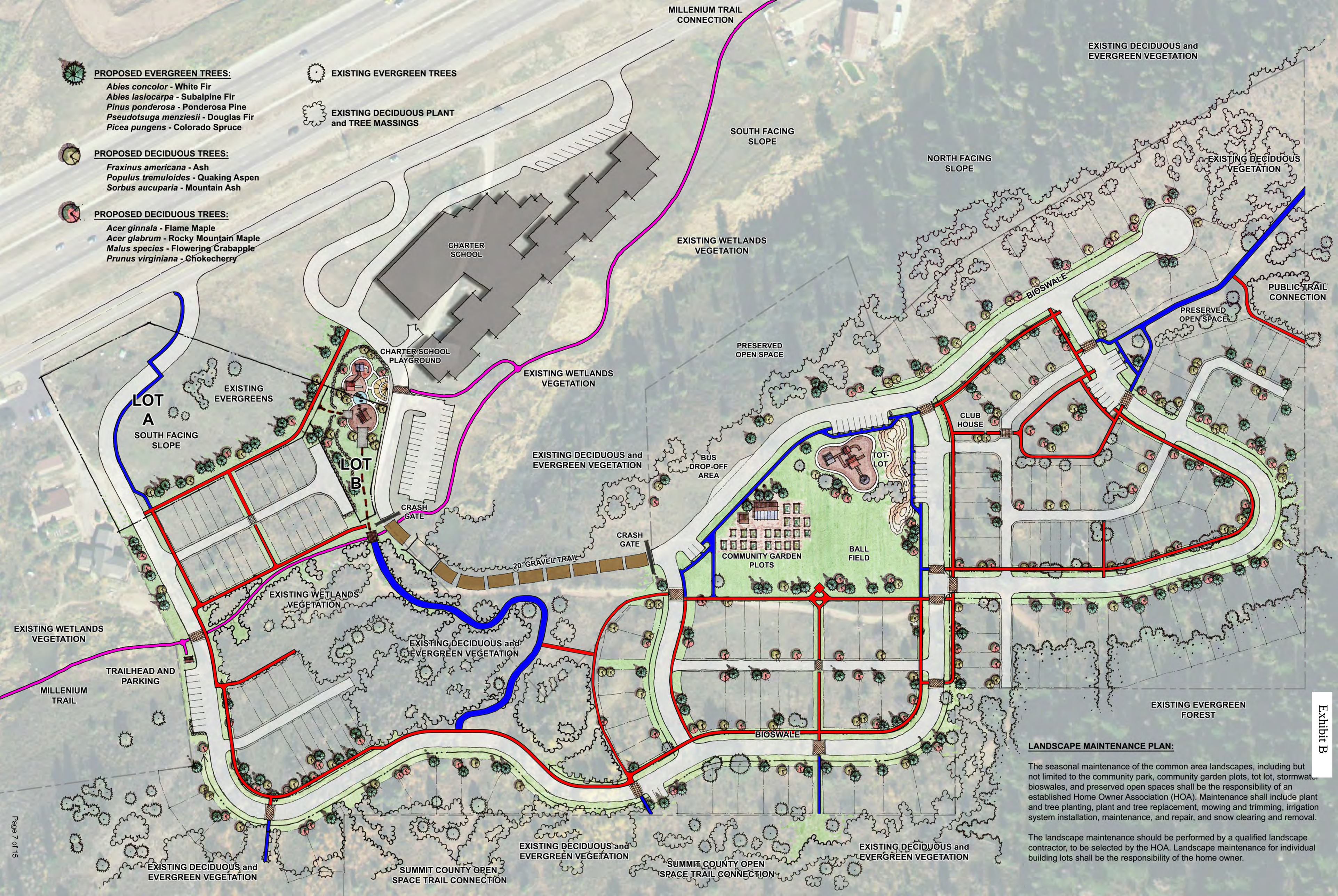


Exhibit A
I-80
East Canyon Creek
Ecker Middle School
Weilenmann



LANDSCAPE MAINTENANCE PLAN:

The seasonal maintenance of the common area landscapes, including but not limited to the community park, community garden plots, tot lot, stormwater bioswales, 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.

Exhibit B

NORTH

50 100 200

(IN FEET)
1 inch = 100 ft.

HASING PLAN

E ONE	
NFORCE UNITS:	16
AL UNITS	26
E TWO	
NFORCE UNITS:	6
AL UNITS	23
E THREE	
AL UNITS	37
E FOUR	
AL UNITS	23
E FIVE	
AL UNITS	53

L PROJECT UNITS 162
L ACREAGE 70.91 ACRES
L PROJECT DENSITY 2.28 UNITS/ACRE

forced Units

ENGINEERING AND SURV
201 WEST COTTAGE AVEN
SANDY, UTAH 84070
PH: 352-6075

Exhibit C

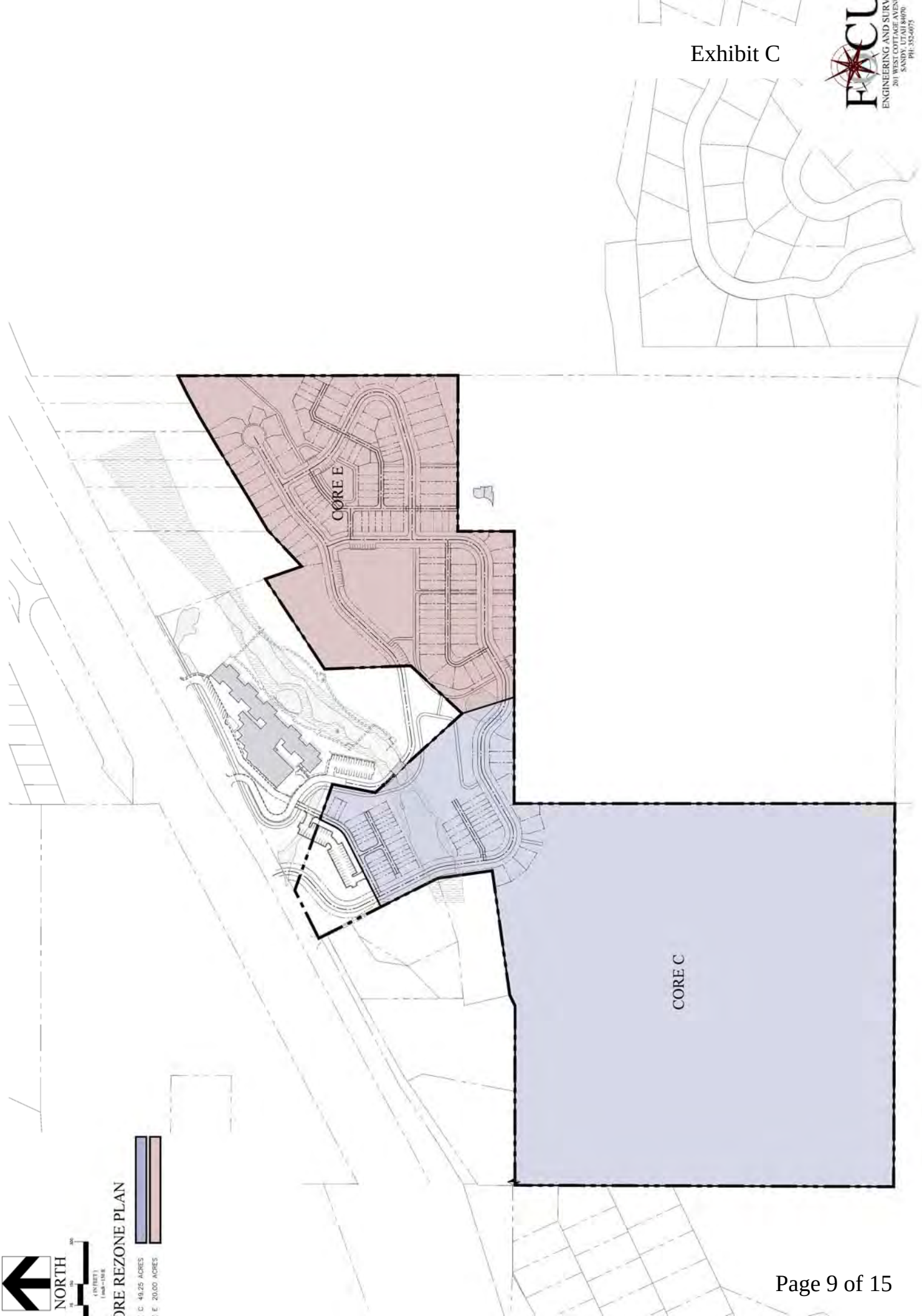


Exhibit D

Sample: Full density calculation on CORE C acreage

INCLUDED PARCELS:

SERIAL	MRKTVALIMP	Actual acres	Shape_area	Assigned acres**
PB-3-110	$608,495.00	1.17	50983.97265330000	0.81
PB-3-111	$378,616.00	0.56	24417.69954110000	0.81
PB-3-112	$531,525.00	0.55	24060.26942110000	0.81
PB-3-113	$597,552.00	0.69	29903.76155590000	0.81
PB-3-114	$436,146.00	0.69	29890.30527670000	0.81
PP-35-D	$80,163.00	14.13	615367.79384500000	14.13
PP-38-C-2	$143,701.00	2.69	117047.69447500000	2.69
PP-38-E	$20,985.00	2.53	110421.04091700000	2.53
PP-38-F	$524,119.00	4.07	177164.99168800000	4.07
PP-39-A-1	$400,496.00	2.01	87422.85539110000	2.01
PP-39-A-2	$428,640.00	1.00	43609.12577560000	1.00
SPCS-1	$285,312.00	2.40	104593.41510500000	2.40
SPCS-2	$301,184.00	3.31	144009.75132300000	3.31
SR-1-51	$299,880.00	0.19	8488.22099115000	0.52
SR-1-52	$270,485.00	0.19	8438.76271857000	0.52
SR-1-53	$274,278.00	0.19	8365.36669068000	0.52
TL-1-10	$87,636.00	0.48	20711.71450660000	0.52
TL-1-11	$86,289.00	0.49	21470.87782520000	0.52
TL-1-12	$0.00	0.52	22865.09966170000	0.52
TL-1-13	$461,820.00	0.45	19492.78581230000	0.52
TL-1-14	$514,037.00	0.57	24652.35843960000	0.52
TL-1-15	$407,967.00	0.54	23583.13677090000	0.52
TL-1-16	$0.00	0.49	21368.84543170000	0.52
TL-1-17	$370,403.00	0.49	21368.84799600000	0.52
TL-1-18	$0.00	0.49	21368.84723900000	0.52
TL-1-19A	$753,984.00	0.98	42799.01241110000	0.52
TL-1-21	$149,569.00	0.59	25747.20279330000	0.52
TL-1-22	$0.00	0.48	21038.37897410000	0.52
TL-1-23	$295,463.00	0.48	20826.03516050000	0.52
TL-1-24	$240,554.00	0.47	20514.94600250000	0.52
TL-1-25A	$339,122.00	0.94	41073.24957650000	0.52
TL-1-4	$269,925.00	0.47	20460.30338710000	0.52
TL-1-49	$501,452.00	0.57	24738.74240280000	0.52
TL-1-5	$297,603.00	0.48	20809.52277890000	0.52
TL-1-50	$240,960.00	0.49	21171.25934860000	0.52
TL-1-51	$0.00	0.53	23076.67484110000	0.52
TL-1-52	$0.00	0.53	23288.35660230000	0.52
TL-1-53	$403,803.00	0.49	21171.26308930000	0.52

TL-1-54	$0.00	0.54	23702.15722460000	0.52
TL-1-55	$369,737.00	0.53	23279.81083510000	0.52
TL-1-56	$283,240.00	0.59	25818.52798250000	0.52
TL-1-57	$331,378.00	0.59	25810.25415730000	0.52
TL-1-58	$326,012.00	0.56	24212.84697569990	0.52
TL-1-59	$276,438.00	0.48	20996.92774770000	0.52
TL-1-6	$0.00	0.49	21158.74380980000	0.52
TL-1-60	$304,095.00	0.50	21885.35237780000	0.52
TL-1-61	$95,331.00	0.52	22470.52579580000	0.52
TL-1-62	$52,260.00	0.50	21913.45145860000	0.52
TL-1-7	$205,109.00	0.49	21543.22451490000	0.52
TL-1-8	$0.00	0.52	22481.23821510000	0.52
TL-1-9	$100,358.00	0.49	21266.26879420000	0.52
TL-2-201	$140,398.00	0.48	21101.02231220000	0.56
TL-2-202	$515,809.00	0.46	19989.23880230000	0.56
TL-2-203	$279,077.00	0.46	19825.31856050000	0.56
TL-2-204	$440,293.00	0.45	19453.14406940000	0.56
TL-2-205	$0.00	0.55	24102.03801830000	0.56
TL-2-206	$257,597.00	0.65	28302.50894580000	0.56
TL-2-207	$252,985.00	0.65	28394.15173920000	0.56
TL-2-208	$297,069.00	0.71	31039.83871470000	0.56
TL-2-209	$328,313.00	0.63	27419.69934500000	0.56
TL-2-210	$149,612.00	0.59	25738.80264720000	0.56
TL-2-211	$251,568.00	0.56	24419.98913570000	0.56
TL-2-212	$417,147.00	0.51	22142.91176210000	0.56
TL-2-213	$0.00	0.52	22514.69075310000	0.56
TL-2-214	$256,305.00	0.58	25121.98680300000	0.56
TL-2-215	$0.00	0.57	24705.36818270000	0.56
TL-2-216	$326,910.00	0.54	23390.77615320000	0.56
TL-2-217	$203,075.00	0.57	24715.34150130000	0.56
TL-2-219	$118,547.00	0.50	21756.01702700000	0.56
TL-2-220	$260,166.00	0.64	27727.28694520000	0.56
TL-2-223	$0.00	0.63	27555.40762120000	0.56
TL-2-224	$499,448.00	0.54	23686.66857380000	0.56
TL-2-225	$273,395.00	0.51	22068.96446330000	0.56
TL-2-226	$0.00	0.57	24623.02444160000	0.56
TL-2-227	$131,569.00	0.55	24075.17276230000	0.56
WPL-35-AM	$0.00	0.60	26006.42825840000	4.07
WPL-36-AM	$0.00	0.67	29010.86536590000	4.07
WPL-37-AM	$0.00	0.69	30121.57356680000	4.07
WPL-38-AM	$0.00	0.67	29268.18914410000	4.07
WPL-39-AM	$0.00	0.91	39457.44354370000	4.07
WPL-40-AM	$0.00	0.84	36782.75102690000	4.07

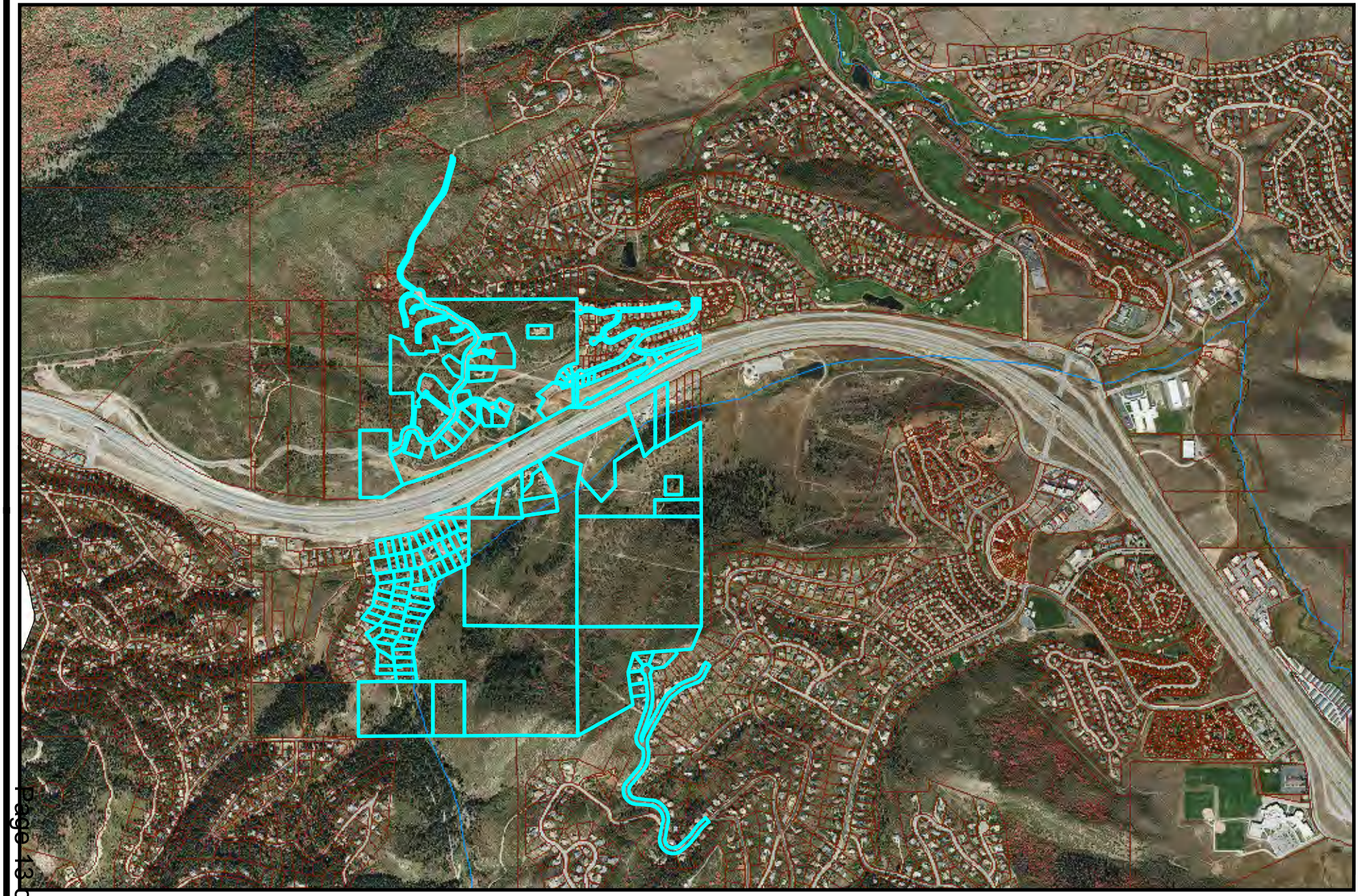
WPL-41-AM	$0.00	0.86	37526.42610280000	4.07
WPL-42-AM	$0.00	0.93	40513.89286340000	4.07
WPL-43-AM	$0.00	1.11	48247.43080350000	4.07
WPL-44-AM	$0.00	0.20	8808.16176473000	4.07
WPL-45-AM	$0.00	0.22	9530.88437958000	4.07
WPL-46-AM	$0.00	0.22	9495.40759851000	4.07
				118.31

CORE C only:	
Total units:	87
Total acres:	118.31
Average size:	1.36
Avg. density:	0.74
Double density:	1.47
Discovery C acreage:	**49.98**
Discovery C density:	**73.51**

REMOVED PARCELS:

PB-3-???*			7.24	315569.13857400000	infrastructure
PP-34-4-C		$0.00	7.88	343258.54523300000	undeveloped
PP-34-A		$0.00	0.98	42877.27526340000	undeveloped
PP-35-B-2-X		$0.00	47.84	2083779.27535000000	open space
PP-35-C-2		$0.00	58.55	2550568.92612000000	undeveloped
PP-35-C-5		$0.00	6.02	262441.35153300000	undeveloped
PP-35-E		$0.00	0.18	7850.99512687000	undeveloped
PP-38-A		$0.00	0.49	21459.82349480000	undeveloped
PP-38-C		$0.00	21.73	946560.04799900000	undeveloped
PP-38-C-1		$7,500,000.00	11.72	510437.84018500000	School
PP-39		$0.00	47.77	2080746.95191000000	undeveloped
PP-39-A		$0.00	0.11	4617.81052440000	undeveloped
PP-40		$0.00	1.97	85919.05178640000	undeveloped
PP-41-A		$0.00	23.06	1004690.30387000000	undeveloped
SR-1-X		$0.00	3.19	138827.83426500000	undeveloped
SRG-???			5.46	237864.51842600000	infrastructure
SRG-OPEN-X		$23,950.00	4.86	211537.30661600000	open space
TL-well	well		0.03	1488.68439370000	infrastructure
WPL-???			9.16	399220.81929700000	infrastructure
WPL-???			0.16	6788.88490409000	infrastructure
WPL-???			53.68	2338436.47745000000	infrastructure
WPL-TH-AM		$28,080.00	3.08	133976.29576300000	Gate house?

** **???** = no assigned serial number. Parcel is infrastructure such as roads or commonly owned HOA space.*
*** **Assigned acres** = the average lot size in the related subdivision when including open space, roads, and other non-residential parcel acreage*



Summit County, Utah

Vicinity Map

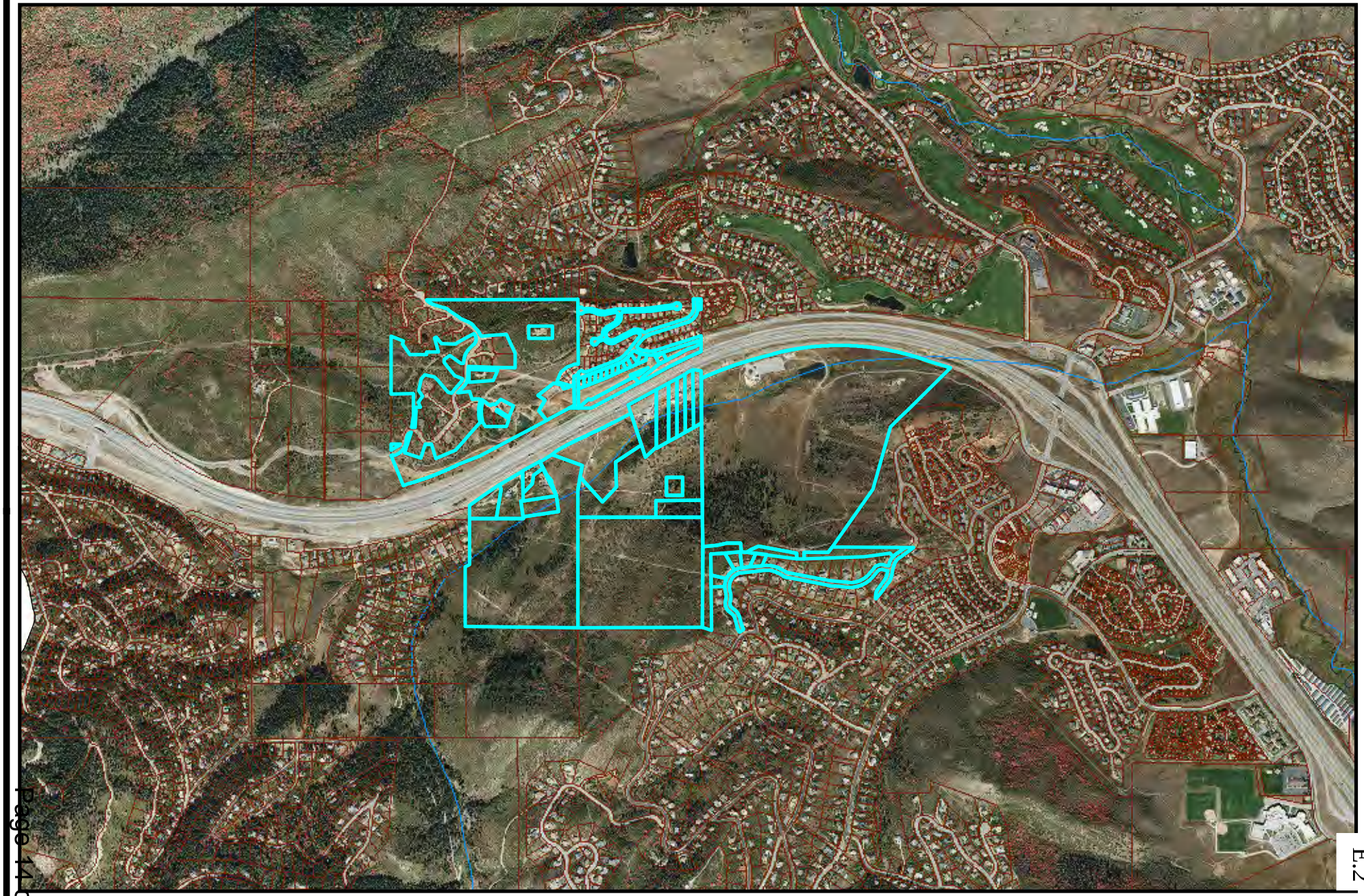
Prepared by Summit County
Community Development Department

Cities
Reservoirs
Rivers

N

0 2,700 5,40
Feet

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



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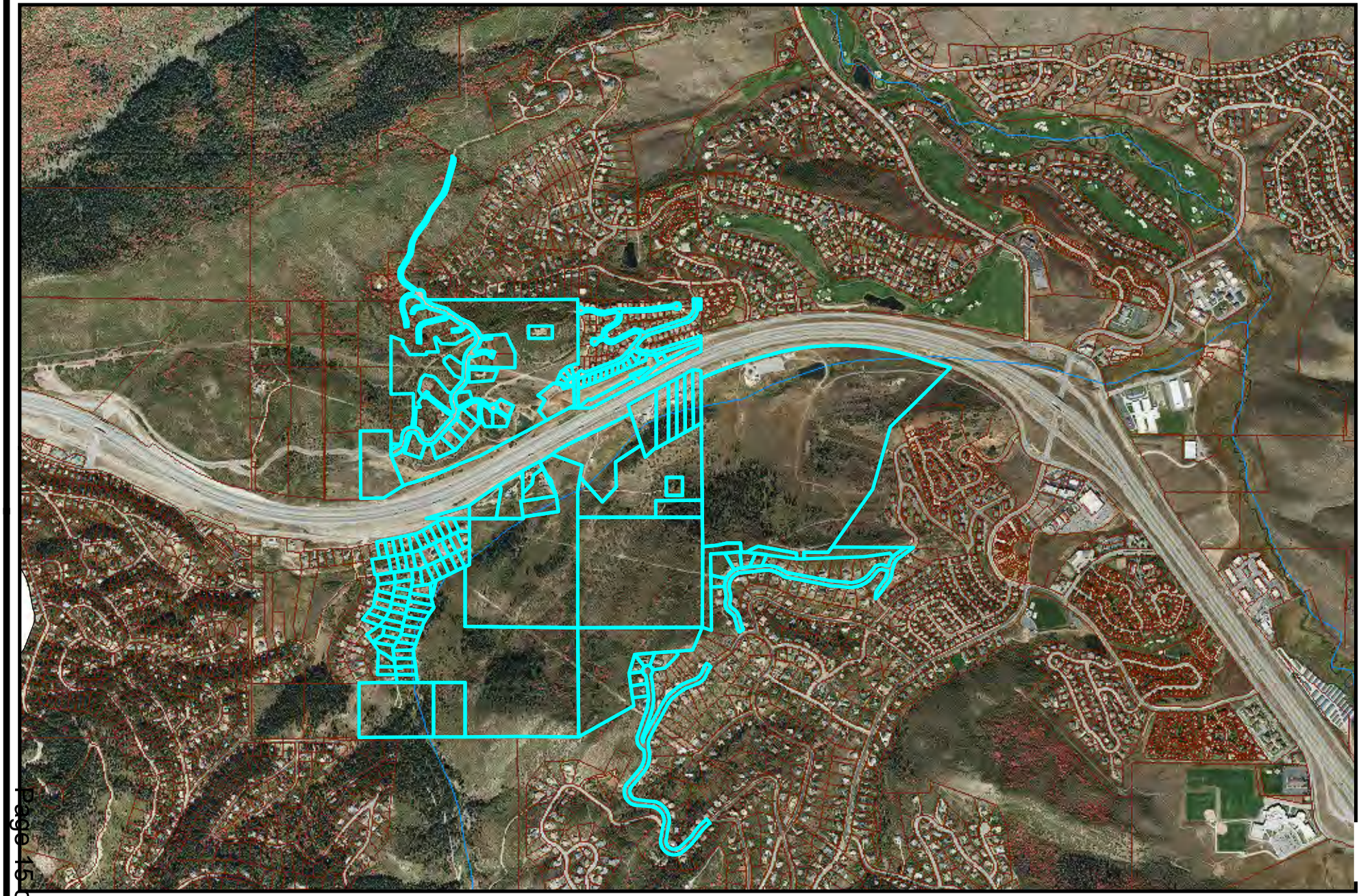

Summit County, Utah

Vicinity Map

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Cities
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N

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Annette Singleton

From: Derek Dowsett [derek@thecountyseat.tv]
Sent: Monday, June 13, 2011 2:42 PM
To: Annette Singleton
Subject: Re: Agenda Item
Attachments: CS One Sheet.doc

Annette,

I have attached a document that will hopefully give you a little more information about the program and the different sponsorship levels. Please let me know if there is anything I can help clear up. My number is 435-668-1187.

thanks,

Derek Dowsett

--

The County Seat,
County government gets a voice

The County Seat, a half hour television program about relevant county level issues facing Utah's counties is currently broadcasting on ABC-4 in Salt Lake. It is a program produced for the counties, sponsored by the counties, and is about important county issues that affect your constituents and governments in very real ways.

The County Seat addresses two topics per half hour program which are relevant to important issues facing Utah's counties and the organizations involved with them. ***The County Seat*** is designed to educate the public about important issues as well as foster debate and dialogue so that the public, legislators, state and federal regulators can better understand the depth of issues and the impacts of those issues facing Utah's county level government and the citizens who live there.

The first part of the program is a "20/20" series of reports to provide the viewer background on each issue. These features are shot on location, edited and narrated to bring the viewer up to speed on the debate for that topic. From road access in San Juan County, to open space issues in Salt Lake County, natural gas development in the Uintah Basin or rural electric development in Sevier County. The County Seat will focus on issues that face the counties and examine the issues from their perspective.

Following the package pieces, the show returns as an "on set" moderated talk show to allow the county officials and related guests the opportunity to discuss and debate the issues publicly.

The Utah Association of Counties is serving as the clearing house for the episodic topics of the show, based on their interaction with the supporting counties and other key figures in local government issues. The producers of the program take it from there, working directly with those involved in the topic to produce the story and moderate the discussion. However, sponsoring counties are encouraged to contact and work with us directly as well.

The "talk show" portion of ***The County Seat*** has the ability to go on location around the state depending upon the topics for the individual weeks. This production model allows for studio audiences if the subject is appropriate. As an example, if the topic was electrical power development, we would tape that segment in Richfield. If the topic dealt with wilderness, the taping might be done in St. George. Vernal would be the location if the lead topic were natural gas energy. We make this effort to place the program closer to the elected officials who would be the guests. It will also make a connection to the communities where the issues lie.

The County Seat broadcasts once each week on KTVX channel 4, state wide, and an additional 18 times each week on all 5 major cable systems covering the entire state.

The program can also be seen:

- In high definition on the County Seat website
- On the web as a You Tube Video, allowing counties and other interested parties to link to the segments with topics that they deem important.
- The County seat also keeps a library of extended interviews of key people and county leaders online so that long form discussions about complex issues are available to interested citizens.

We also make each episode available in a DVD format so that counties can distribute any episode they would like to anyone they feel needs to hear or see a particular episode. This will allow county officials the opportunity to place a hard copy of relevant debates in the hands of federal officials or constituents seeking more information. Each quarter, The County Seat will schedule an "open mike day" allowing county officials to record a "follow-up" editorial on any of the topics presented during the previous quarter. This piece will be edited and available on the County Seat You Tube Channel for counties to link to or embed on their own site.

As this is a commercial broadcast and the format allows for commercial breaks, the total inventory of commercial time slots is available to assist counties in funding the project! These ads allow the county to use **TRT or TRCC funds** to promote tourism, events, conventions and cultural promotion within the county, while funding the production and broadcast of the County Seat. Some counties have chosen to fund the project from an

economic development perspective using advertising inventory to promote business and industry migration to their county. Chadwick Booth and Company's award winning commercial production staff will produce custom commercial spots for you at no charge, to air in the program. You may also use the commercials in other broadcast venues or on the web to promote your county. The number of spots produced is relational to the number of spots the county purchases.

If the county seeks to support the production and participate in the content of the program, without making an advertising commitment throught TRT or TRCC, they can make contributions in any amount to help support the show. For every $4,000 dollars of contribution, we will include the county in the editorial process of one feature on the program. Your Justification for supporting the County Seat is that the program is educational in nature and not only discusses and debates issues, but it takes the time to teach your constituents the process involved and the pressures that influence your decisions as county leaders. Better informed citizens, makes better county leaders and improves the process of governing.

Your sponsorship of The County Seat not only benefits your county's public image, but it also will help the cover the cost of bringing this vital program to the public.

The best part about this is the affordable cost. Packages range from 12 commercial spots to 52 commercials spots. Sponsor participating levels are provided at the following rates and promotions

County Seat Advertising Packages				
Sponsorship Level	Annual Commitment	Deposit	(4)Quarterly Payments	Cost per spot
52 Commercial Spots	$ 30,000	$10,000	$5,000	$576.92
26 Commercial Spots	$16,000	$5,000	$2,750	$615.38
12 Commercial Spots	$ 8,500	$2,500	$1,500	$708.33

This is what a 52 Commercial Spot Sponsorship includes:

- 52 commercial spots, that can be used for your tourism efforts or subcontracted to other
- Turnkey production of 3 promotional commercials; concept creation, scripting, shooting editing and unlimited dubs for use in other venues included.
- Sponsors get the opportunity to be directly involved in the editorial content of **6** issues.

This is what a 26 Commercial Spot Sponsorship includes:

- 26 commercial spots
- Turnkey production of 2 promotional commercials; concept creation, scripting, shooting, editing and one master dub for other venues included.
- Sponsors get the opportunity to be directly involved in the editorial content of **3** issues.

This is what a 12 Commercial Sponsorship includes:

- 12 commercial spots.
- Turnkey production of one promotional commercial; concept creation, scripting, shooting, editing and one master dub for other venues included.
- Sponsors get the opportunity to be directly involved in the editorial content of **2** issues.

As you can see, this is an affordable way to approach the real issues that face county government, and the communities they encompass. The County Seat will at last let the topic of discussion be set by those involved in the debate instead of the opinions of the media covering the event. If you have questions about this proposal, feel free to call.

Chad Booth
Executive Producer
(801) 947-8888 office

(801) 403-3666 cell

BEFORE THE BOARD OF EQUALIZATION
OF SUMMIT COUNTY, UTAH

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING REQUEST BY THE CATHOLIC CHURCH FOR A RELIGIOUS, CHARITABLE OR EDUCATIONAL PROPERTY TAX EXEMPTION FOR TAX YEAR 2010

This matter came before the Board of Equalization of Summit County ("Board") on a request by the Catholic Church for a continuation of property tax exemption under UCA § 59-2-1101(1)(a). Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on April 6, 2011, adopting a motion to DENY the request for continued property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1) The Catholic Church is the record owner of the properties, which are the subject of this tax exemption application.
2) The Catholic Church is a 501(c)(3) non-profit corporation which is classified by the United States Internal Revenue Service as a religious organization for purposes of federal taxation.
3) The properties under consideration, which are owned and operated by the Catholic Church, are located at 2600, 2596, 2608, 2604, and 2610 Aspen Springs Drive, in Park City, Utah (Tax Parcels ASR-42, ASR-43, ASR-40, ASR-41, and ASR-II-R-2, respectively). The Catholic Church provides no religious services on the subject parcels. They are all vacant lands that are not used for religious worship, but are held for future

development or utilization.

4) The Catholic Church has requested a continued property tax exemption under UCA § 59-2-1101(1)(a).

BASED on the totality of facts and circumstances presented by the evidence and the entire record considered as part of the decision regarding this request for property tax exemption, the Board renders the following Conclusions of Law:

CONCLUSIONS OF LAW

1) UCA § 59-2-1101(3)(d) provides

> The following property is exempt from taxation: . . . property owned by a nonprofit entity which is used exclusively for religious, charitable, or educational purposes; . . . .

2) The Utah Supreme Court has repeatedly held that this exemption is to be "strictly construed" because "[a] liberal construction of exemption provisions results in the loss of a major source of municipal revenue and places a greater burden on nonexempt taxpayers." Utah County v. Intermountain Health Care, Inc., 709 P.2d 265, 268 (Utah 1985).

3) The Catholic Church is the owner-operator of the subject properties.

4) Black's Law Dictionary defines "religious" as the worship of a supernatural or superior being. Black's Law Dictionary, 5th ed., page 1161.

5) The Catholic Church is a religious organization which worships a "supernatural or superior being" and is recognized under the laws of the State of Utah as a non-profit entity.

6) The Utah State Tax Commission's Property Tax Exemptions Standards of Practice, §2.15.9 provides that vacant lands which are "held for future development or utilization

by a religious organization may not be deemed to be devoted exclusively to exempt purposes, and therefore [are] not tax exempt."

7) The subject parcels are all vacant lands that do not qualify for a property tax exemption.

This is the final administrative decision of the Summit County Board of Equalization. As such, it may be appealed to the District Court or to the Utah State Tax Commission within the limitations provided by statute.

DATED this 6th day of April 2011

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: Christopher F. Robinson
Christopher F. Robinson
Chair

ATTEST:

Kathy Rockhill
~~Blake Frasier~~
Clerk to the Board of Equalization

APPROVED AS TO FORM:

Helen Strachan
Deputy County Attorney

ARTICLES OF INCORPORATION

OF

ROMAN CATHOLIC BISHOP OF SALT LAKE

A CORPORATION SOLE

KNOW ALL MEN BY THESE PRESENTS:

That I, Rt. REV. LAWRENCE SCANLAN of Salt Lake City, Utah Roman Catholic Bishop of Salt Lake, being desirous of forming a corporation sole under and pursuant to the laws of Utah and particularly the provisions of Chapter 2, Title 14, Compiled Laws of Utah, 1907, do make and subscribe the following articles of incorporation, viz:

(1) The name of said corporation shall be

"ROMAN CATHOLIC BISHOP OF SALT LAKE"

(2) The object of said corporation shall be to acquire, hold and dispose of church and religious property situate within the Roman Catholic diocese of Salt Lake and elsewhere, for public worship according to the rites, ceremonies and customs, and for the benefit of the Roman Catholic religion, and for works of charity.

(3) The estimated value of the property belinging to said diocese, the legal title to which is now vested in the subscriber, is $500,000.00.

(4) The title of the subscriber hereof is "Rt. Rev. Lawrence Scanlan, Roman Catholic Bishop of Salt Lake".

(5) All deeds and other instruments of writing shall be made in the name of said corporation and signed and acknowledged by the bishop of said diocese in his official capacity as such and be sealed with the seal of said corporation, an impression of which is:

S E A L

IN WITNESS WHEREOF I have hereunto
set my hand this seventeenth day
of September, 1914, in duplicate.

sg/ Rt. Rev. Lawrence Scanlan
Roman Catholic Bishop of Salt Lake.

STATE OF UTAH)
SS
COUNTY OF SALT LAKE)

On this seventeenth day of September, 1914 personally appeared before me Rt. Rev. Lawrence Scanlan, Roman Catholic Bishop of Salt Lake the subscriber to the foregoing articles of incorporation, who duly acknowledged to me that he signed the same as Roman Catholic Bishop of Salt Lake for the uses and purposes therein set forth.

sg/ Edward McGurrin
Notary Public

S E A L

My commission expires March 25, 1917.

10843 Dey, Hoppaugh, Mark & Johnson 903 Kearns Bldg SLC

77 7 1.00 pd

#10843

-:AMENDMENT TO ARTICLES OF INCORPORATION:-

of

-:ROMAN CATHOLIC BISHOP OF SALT LAKE:-

-:A CORPORATION SOLE:-

---ooOoo---

RECEIVED
NOV 30 1951
OFFICE OF
SECRETARY OF STATE

State of Utah,)
: ss.
County of Salt Lake.)

I, Most Reverend Duane Garrison Hunt, do hereby certify that I am the duly appointed Roman Catholic Bishop of Salt Lake, and as such am the successor in office of Rt. Rev. Lawrence Scanlan, the person who signed the original articles of incorporation of Roman Catholic Bishop of Salt Lake, a corporation sole.

I further certify that by virtue of the power conferred upon and vested in me, as such successor in office, by Section 18-7-5, Utah Code Annotated, 1943, I hereby alter and amend the articles of incorporation of said Roman Catholic Bishop of Salt Lake, a corporation sole, by changing paragraph (1) of said articles of incorporation to read as follows:

(1) The name of said corporation shall be "Roman Catholic Bishop of Salt Lake City"

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation sole, in duplicate, this 28th day of November, A. D. 1951.

Most Reverend Duane Garrison Hunt

Most Reverend Duane Garrison Hunt
Roman Catholic Bishop of Salt Lake.

State of Utah,)
: ss.
County of Salt Lake.)

On this 28th day of November, A. D. 1951, personally appeared before me Most Reverend Duane Garrison Hunt, Roman Catholic Bishop of Salt Lake, known to me to be the subscriber to the foregoing amendment to the articles of incorporation of Roman Catholic Bishop of Salt Lake, a corporation sole, and duly acknowledged to me that he signed the same as Roman Catholic Bishop of Salt Lake for the uses and purposes therein set forth.

My Commission expires:
9/3/55

William E. Vaughan
Notary Public for the State of Utah, residing at Salt Lake City, Utah.

AMENDMENT TO ARTICLES OF

INCORPORATION

OF

ROMAN CATHOLIC BISHOP OF SALT LAKE

A CORPORATION SOLE

State of Utah)
County of Salt Lake) ss

I, Most Reverend Duane Garrison Hunt, do hereby certify that I am the duly appointed Roman Catholic Bishop of Salt Lake, and as such am the successor in office of Rt. Rev. Lawrence Scanlan, the person who signed the original articles of incorporation of Roman Catholic Bishop of Salt Lake, a corporation sole.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation sole, in duplicate, this 28th day of November, A. D. 1951.

sg/ Most Reverend Duane Garrison Hunt
Most Reverend Duane Garrison Hunt
Roman Catholic Bishop of Salt Lake.

State of Utah,)
County of Salt Lake.) SS

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sg/ William E. Vaughn
Notary Public for the State of Utah, residing at Salt Lake City, Uta

My Commission expires:
9/3/55

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: July 12, 2010

Person to Contact:
Roger Meyer
Toll Free Telephone Number:
877-829-5500
Employer Identification Number:
53-0196617
Group Exemption Number:
0928

United States Conference of Catholic Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Dear Sir/Madam:

This responds to your July 9, 2010, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2010*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2010* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

Subordinate organizations under a group exemption do not receive individual exemption letters. Most subordinate organizations are not separately listed in Publication 78 or the EO Business Master File. Donors may verify that a subordinate organization is included

in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. *See* IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Cindy Thomas

Cindy Thomas
Manager, Exempt Organizations
Determinations

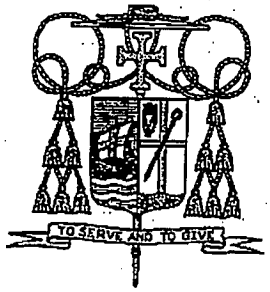
Diocese of Salt Lake City

(Dioecesis Civitatis Lacus Salsi)

Most Reverend

GEORGE H. NIEDERAUER, D.D., PH.D.

Bishop of Salt Lake City; ordained April 30, 1962; appointed Bishop of Salt Lake City November 3, 1994; ordained January 25, 1995. *Office: 27 C St., Salt Lake City, UT, 84103-2397.* Tel.: 801-328-8641, Ext. 304; Fax: 801-328-0324.



Diocesan Offices and Organizations: 27 C St., Salt Lake City, UT, 84103-2397. Tel.: 801-328-8641; Fax: 801-328-9680.

Web site address: www.dioslc.org

ESTABLISHED AS A VICARIATE-APOSTOLIC ON Nov. 23, 1886.

ERECTED A DIOCESE ON JANUARY 27, 1891.

Square Miles 84,990.

Originally comprised all Utah and the Counties of Eureka, Lander, Lincoln, White Pine, Nye, Elko and Clark in the State of Nevada. By Apostolic Constitution dated March 27, 1931, the Nevada section was separated from the Salt Lake Diocese and incorporated in the Reno Diocese. The name was changed to Diocese of Salt Lake City on March 31, 1951.

Comprises the State of Utah.

Patron of the Diocese of Salt Lake City: St. Mary Magdalene.

For legal titles of parishes and diocesan institutions, consult the Chancery Office.

STATISTICAL OVERVIEW

Personnel	
Bishop	1
Abbots	1
Retired Abbots	1
Priests: Diocesan Active in Diocese	43
Priests: Active Outside Diocese	2
Priests: Diocesan in Foreign Missions	1
Priests: Retired, Sick or Absent	11
Number of Diocesan Priests	57
Religious Priests in Diocese	29
Extern Priests in Diocese	10
Ordinations:	
Transitional Deacons	1
Permanent Deacons in Diocese	47
Total Brothers	14
Total Sisters	54
Parishes	
Parishes	47
With Resident Pastor:	
Resident Diocesan Priests	34
Resident Religious Priests	8
Without Resident Pastor:	
Administered by Priests	3
Administered by Women Religious	1
Administered by Lay People	1
Missions	16
Professional Ministry Personnel:	
Brothers	14
Sisters	54
Lay Ministers	37
Welfare	
Homes for the Aged	1
Total Assisted	1,080
Day Care and Extended Day Care Centers	10
Total Assisted	479
Special Centers for Social Services	3
Total Assisted	360,024
Educational	
Diocesan Students in Other Seminaries	14
Total Seminarians	14
High Schools, Diocesan and Parish	3
Total Students	1,725
Elementary Schools, Diocesan and Parish	10
Total Students	3,686
Catechesis/Religious Education:	
High School Students	1,305
Elementary Students	7,489
Total Students Under Catholic Instruction	14,219
Teachers in the Diocese:	
Priests	5
Sisters	2
Lay Teachers	324
Vital Statistics	
Receptions into the Church:	
Infant Baptism Totals	3,467
Adult Baptism Totals	476
Received into Full Communion	337
First Communions	2,415
Confirmations	1,487
Marriages:	
Catholic	388
Interfaith	156
Total Marriages	544
Deaths	564
Total Catholic Population	125,000
Total Population	2,295,971

Former Bishops—Rt. Rev. LAWRENCE SCANLAN, D.D., ord. June 24, 1868; appt. Vicar-Apostolic of Utah, Jan. 25, 1887; cons. Titular Bishop of Larandum, June 29, 1887; named first Bishop of Salt Lake, Jan. 30, 1891; died May 10, 1915.—Rt. Rev. JOSEPH S. GLASS, C.M., D.D., LL.D., ord. Aug. 15, 1897; cons. Aug. 24, 1915; died Jan. 26, 1926.—Most Rev. JOHN J. MITTY, D.D., ord. Dec. 22, 1906; cons. Sept. 8, 1926; made Coadjutor Archbishop of San Francisco, cum jure successionis, Feb. 4, 1932; Titular Archbishop of Egina; succeeded to the See, March 5, 1935; died Oct. 15, 1961.—Most Rev. JAMES E. KEARNEY, D.D., ord. Sept. 19, 1908; appt. July 4, 1932; cons. Oct. 28, 1932; appt. Bishop of Rochester, July 31, 1937; installed Nov. 11, 1937; died Jan. 12, 1977.—Most Rev. LEO J. STECK, D.D., ord. June 8, 1924; appt. Auxiliary Bishop of Salt Lake, March 3, 1948; cons. Titular Bishop of Ilium, May 20, 1948; died June 19, 1950.—Most Rev. DUANE G. HUNT, D.D., LL.D., ord. June 27, 1920; appt. Aug. 6, 1937; cons. Oct. 28, 1937; appt. assistant at the Pontifical Throne; appt. May 25, 1946; died March 31, 1960.—Most Rev. JOSEPH LENNOX FEDERAL, D.D., ord. Dec. 8, 1934; appt. Auxiliary Bishop of Salt Lake City, Feb. 5, 1951; cons. April 11, 1951; made Coadjutor Bishop of Salt Lake City, May 8, 1958; succeeded to the See, March 31, 1960; retired April 1980; died Aug. 31, 2000.—Most Rev. WILLIAM KEITH WEIGAND, D.D., ord. May 25, 1963; appt. Sept. 3, 1980; ord. Bishop, Nov. 17, 1980; transferred to the See of Sacramento; installed Jan. 27, 1994.

Diocesan Pastoral Center—27 C St., Salt Lake City, 84103-2397. Tel: 801-328-8641; Fax: 801-328-9680.

Office of the Bishop—SHIRLEY MARES, Exec. Asst. Tel: 801-328-8641, Ext. 304; Fax: 801-328-0324.

Vicar General and Moderator of the Curia—Rev. Msgr. J. TERRENCE FITZGERALD, Ext. 305.

Chancellor—Deacon SILVIO MAYO, Ext. 315.

Vice Chancellor—Rev. LANGES J. SILVA, Ext. 312.

Diocesan Offices

Apostleship of Prayer—Rev. MATTHEW O. WIXTED, Dir., *15 S. 7th St., Tooele, 84074.* Tel: 435-882-3860.

Archives—GARY TOPPING, Dir., Ext. 346.

Campus Ministry—Vacant.

Catholic Community Services—MAGGIE ST. CLAIRE, Exec. Dir., *2570 W. 1700 S., Salt Lake City, 84104.* Tel: 801-977-9119; Fax: 801-977-8227. CAROLYN B. MCHUGH, Bd. Pres.

Catholic Foundation of Utah—VIRGINIA ALBO, Pres. KURT SIMPSON, Exec. Dir., Ext. 306.

Catholic Relief Services—Deacon SILVIO MAYO, Ext. 315.

Catholic Schools Offices—Sr. CATHERINE KAMPHAUS, C.S.C., Supt., Ext. 330. MARY MONTANO, Sec., Ext. 329.

Cemetery—Mount Calvary—JENNINGS H. MEASE, Dir. Tel: 801-355-2476; Fax: 801-328-3294. RICARDO ARIAS, Sec.

Chancery—KRISTINE MULHOLLAND, Sec., Ext. 317.

College of Consultors—Rev. Msgr. ROBERT J. BUSSEN; Rev. Msgr. J. TERRENCE FITZGERALD; Rev. Msgr. JOHN J. HEDDERMAN; Rev. Msgr. ROBERT R. SERVATIUS; Rev. Msgr. JOHN J. SULLIVAN; Rev. Msgr. VICTOR G. BONNELL; Rev. COLIN BIRCUMSHAW; Very Rev. JOSEPH M. MAYO.

Communications Media Office—MONICA HOWA-JOHNSON, Ext. 344.

Deans—Rev. WILLIAM H. FLEGGE, Wasatch Deanery; Rev. JOSEPH W. MORRIS, S.J., Eastern Deanery; Rev. MARTIN I. ROCK, S.J., Northern Deanery; Rev. Msgr. RUDOLPH DAZ, Salt Lake Deanery; Rev. MICHAEL I. WINTERER, Southwestern Deanery.

Development Office—KURT SIMPSON, Dir., Ext. 306.

Continuing Diaconate Formation—Sr. JEREMIA JANUSCHKA, O.S.B., Coord., Ext. 327.

Diaconate Training—Sr. M. GEORGITA CUNNINGHAM, R.S.M., Dir., Ext. 320.

Diocesan Development Drive—SHANNON MASHER, Dir., Ext. 328.

Diocesan Office for Persons with Disabilities—Sr. LEILA SPAULDING, S.A., Ext. 345.

Diocesan Pastoral Council—MARY ADAMS, Pres.

Ecumenical Commission—Rev. Msgr. VICTOR G. BONNELL; Rev. LANGES J. SILVA; Very Rev. JOSEPH M. MAYO.

Ethnic Ministry—Sr. LEILA SPAULDING, S.A., Dir., Ext. 345.

Engaged Encounter—JACK HALE; TAFFY HALE. Tel: 801-277-8505.

Family Life-Natural Family Planning—VEOLA MARTINEZ-BURCHETT, Ext. 324.

Finance Council—Most Rev. GEORGE H. NIEDERAUER, Ex Officio; Rev. Msgr. J. TERRENCE FITZGERALD; Rev. Msgr. JOHN J. HEDDERMAN; Rev. COLIN F. BIRCUMSHAW; MARY KAY GRIFFIN; O. YOGI GILLILAND; MICHAEL JOSEPH; MICHAEL LEE; JILL MORBY; JOAN LOFFREDO, C.P.A.; GEORGE BEATON.

Finance Office—JOAN LOFFREDO, C.P.A., Dir., Ext. 309. DEBRA CANDELARIA, Sec., Ext. 310.

Government Liaison—DEE ROWLAND, Ext. 336.

Hispanic Ministry—MARIA-CRUZ GRAY, Dir., Ext. 361. MARYLIN ACOSTA, Sec., Ext. 338.

Utah State Tax Commission

Age-Based Fee/Property Tax Exemption Certificate

TC-863
Rev. 2/06

Name of person, business or institution claiming exemption (purchase)			Telephone number
ST. MARY OF THE ASUMPTION CATHOLIC CHURCH			435-649-9676
Street address	City	State	Zip code
1505 W. WHITE PINE CANYON RD	PARK CITY	UT	84060
Authorized signature	Name (please print)		Date
x Bobbie Wolbach	BOBBIE WOLBACH (BOOKKEEPER)		1/7/11

☐ **NATIVE AMERICAN**
I certify I am an enrolled member of a Native American tribe and am residing on that tribe's reservation. (Vehicle must be titled in the name of the tribal member and they must have their tribal card and picture identification showing an address on the reservation.)

☒ **NOT-FOR-PROFIT ORGANIZATION**
I certify that this property is owned by a non-profit entity is used exclusively for religious, charitable or educational purposes and qualifies under Internal Revenue code Section 501(c). (3). Annual documentation from the County Board of Equalization indicating exemption for property tax has been granted.

☐ **UTAH-BASED NON-RESIDENT MILITARY**
I certify that I am a Utah based non-resident member of the United States Military. (Vehicle must be titled in name of member of the Military and they must have their Leave and Earnings Statement (LES) or letter from their Commanding Officer on Military letterhead confirming that they are a non-resident.)

☐ **UTAH MILITARY BASED OUT-OF-STATE**
I certify that I am a Utah resident member of the United States Military based out of state. (Vehicle must be titled in the name of the member of the Military and must be located out of state. They must have a copy of their military orders or a letter from their Commanding Officer on Military letterhead with the description of the vehicle, confirming they are stationed out of state.)

☐ **STATE AND LOCAL GOVERNMENT**
I certify that this property is owned by the State of Utah or a local municipality and is used in the exercise of governmental functions.

Get forms online - tax.utah.gov

Federal Tax ID# 87-0482467

Pastor - Rev. Stanislaw Herba

Parcel: ASR-40 Date Printed: 03/05/2010

Entry: 00349163 B: 91 P: 30 Account: 0280119

Sec/Twn/Range: Acres: 0.45 District: 07

Mail To: ROMAN CATHOLIC BISHOP OF SALT LAKE

27 C ST
SALT LAKE CITY, UT 84103

Situs Address: 2608 ASPEN SPRINGS DR

SUBD: ASPEN SPRINGS RANCH PHASE 1 SUBD & AMD LOT: 40LOT 40 ASPEN SPRINGS RANCH PHASE I; ACCORDING TO THE OFFICIAL PLAT ON FILE IN
THE SUMMIT COUNTY RECORDERS OFFICE CONT19,589 SQ FT OR 0.45 AC 631-181 1259-245 1537-636

Owner(s): ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Parcel: ASR-41 Date Printed: 03/05/2010

Entry: 00349163 B: 91 P: 30 Account: 0280127

Sec/Twn/Range: S 5 T 2S R 4E Acres: 0.47 District: 07

Mail To: ROMAN CATHOLIC BISHOP OF SALT LAKE

27 C ST
SALT LAKE CITY, UT 84103

Situs Address: 2604 ASPEN SPRINGS DR

SUBD: ASPEN SPRINGS RANCH PHASE 1 SUBD & AMD LOT: 41S 5 T 2S R 4E LOT 41 ASPEN SPRINGS RANCH PHASE I; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT20,559 SQ FT OR 0.47 AC 722-206 1029-237 1259-245 1537-636

Owner(s): ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Parcel: ASR-42 Date Printed: 03/05/2010

Entry: 00349163 B: 91 P: 30 Account: 0280135

Sec/Twn/Range: S 5 T 2S R 4E Acres: 0.48 District: 07

Mail To: ROMAN CATHOLIC BISHOP OF SALT LAKE

27 C ST
SALT LAKE CITY, UT 84103

Situs Address: 2600 ASPEN SPRINGS DR

SUBD: ASPEN SPRINGS RANCH PHASE 1 SUBD & AMD LOT: 42S 5 T 2S R 4E LOT 42 ASPEN SPRINGS RANCH PHASE I; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT20,703 SQ FT OR 0.48 AC 722-206 1029-237 1259-245 1537-636

Owner(s): ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Parcel: ASR-43 Date Printed: 03/05/2010

Entry: 00349163 B: 91 P: 30 Account: 0280143

Sec/Twn/Range: S 5 T 2S R 4E Acres: 0.49 District: 07

Mail To: ROMAN CATHOLIC BISHOP OF SALT LAKE

27 C ST
SALT LAKE CITY, UT 84103

Situs Address: 2596 ASPEN SPRINGS DR

SUBD: ASPEN SPRINGS RANCH PHASE 1 SUBD & AMD LOT: 43S 5 T 2S R 4E LOT 43 ASPEN SPRINGS RANCH PHASE I; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT21,396 SQ FT OR 0.49 AC 722-206 1029-237 1259-245 1537-636

Owner(s): ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

:ation

'arcel Number ASR-40
ıccount Number 0280119
'ax District 07 - PARK CITY A,J,K,U (D-D)
ıcres 0.45
:itus Address 2608 ASPEN SPRINGS DR
egal LOT 40 ASPEN SPRINGS RANCH PHASE I; ACCORDING
O THE OFFICIAL PLAT ON FILE IN
HE SUMMIT COUNTY RECORDERS OFFICE CONT19,589 SQ FT
)R 0.45 AC 631-181 1259-245 1537-636
:hild Accounts
:hild Parcels

ɔto/Sketch/Map

'hoto ' Sketch \

No Sketch

Value Info

Market (2009)			$0
Taxable			$0
	Tax Area: 07	Tax Rate: 0.007830	
Type	Actual	Assessed	Units

Model Summary

	Cost	Override	Reconciled Value
Account Value	$0		$0
Land	$0		

Owners

ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Name ROMAN CATHOLIC BISHOP OF SALT LAKE CITY
27 C ST
SALT LAKE CITY, UT 84103

Tax Summary

Tax Year	Taxe
*2010	$0.0
2009	$0.0

* Estimated

Custom

ation

'arcel Number ASR-41
ccount Number 0280127
ax District 07 - PARK CITY A,J,K,U (D-D)
cres 0.47
itus Address 2604 ASPEN SPRINGS DR
egal LOT 41 ASPEN SPRINGS RANCH PHASE I; ACCORDING
O THE OFFICIAL PLAT ON FILE IN
HE SUMMIT COUNTY RECORDERS OFFICE CONT20,559 SQ FT
R 0.47 AC 722-206 1029-237 1259-245 1537-636
hild Accounts
hild Parcels

oto/Sketch/Map

hoto Sketch

No Sketch

Value Info

Market (2009)			$0
Taxable			$0
	Tax Area: 07	Tax Rate: 0.007830	
Type	Actual	Assessed	Units

Model Summary

	Cost	Override	Reconciled Value
Account Value	$0		$0
Land	$0		

Owners

ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Name ROMAN CATHOLIC BISHOP OF SALT LAKE CITY
27 C ST
SALT LAKE CITY, UT 84103

Tax Summary

Tax Year	Taxe
*2010	$0.0
2009	$0.0

* Estimated

Custom

ation

'arcel Number ASR-42
ccount Number 0280135
'ax District 07 - PARK CITY A,J,K,U (D-D)
cres 0.48
itus Address 2600 ASPEN SPRINGS DR
egal LOT 42 ASPEN SPRINGS RANCH PHASE I; ACCORDING
O THE OFFICIAL PLAT ON FILE IN
HE SUMMIT COUNTY RECORDERS OFFICE CONT20,703 SQ FT
R 0.48 AC 722-206 1029-237 1259-245 1537-636
hild Accounts
hild Parcels

oto/Sketch/Map

'hoto Sketch

No Sketch

Value Info

Market (2009)			$0
Taxable			$0
	Tax Area: 07	Tax Rate: 0.007830	
Type	Actual	Assessed	Units

Model Summary

	Cost	Override	Reconciled Value
Account Value	$0		$0
Land	$0		

Owners

ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Name ROMAN CATHOLIC BISHOP OF SALT LAKE CITY
27 C ST
SALT LAKE CITY, UT 84103

Tax Summary

Tax Year	Taxe
*2010	$0.0
2009	$0.0

* Estimated

Custom

:ation

'arcel Number ASR-43
ıccount Number 0280143
'ax District 07 - PARK CITY A,J,K,U (D-D)
ıcres 0.49
:itus Address 2596 ASPEN SPRINGS DR
egal LOT 43 ASPEN SPRINGS RANCH PHASE I; ACCORDING
O THE OFFICIAL PLAT ON FILE IN
HE SUMMIT COUNTY RECORDERS OFFICE CONT21,396 SQ FT
)R 0.49 AC 722-206 1029-237 1259-245 1537-636
:hild Accounts
:hild Parcels

ɔto/Sketch/Map

'hoto ` Sketch \

No Sketch

Value Info

Market (2009)			$0
Taxable			$0
	Tax Area: 07	Tax Rate: 0.007830	
Type	Actual	Assessed	Units

Model Summary

	Cost	Override	Reconciled Value
Account Value	$0		$0
Land	$0		

Owners

ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

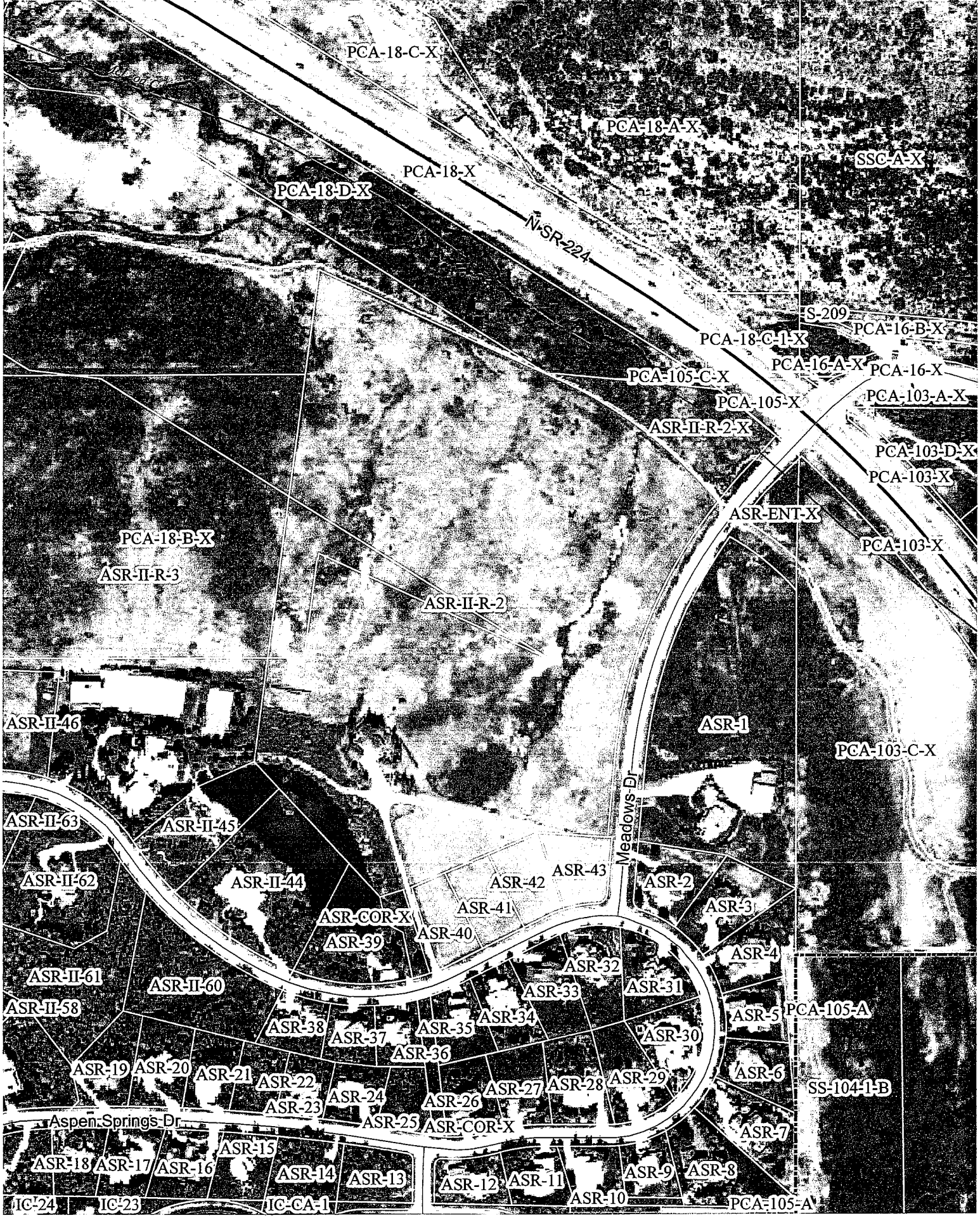
Name ROMAN CATHOLIC BISHOP OF SALT LAKE CITY
27 C ST
SALT LAKE CITY, UT 84103

Tax Summary

Tax Year	Taxe
*2010	$0.0
2009	$0.0

* Estimated

Custom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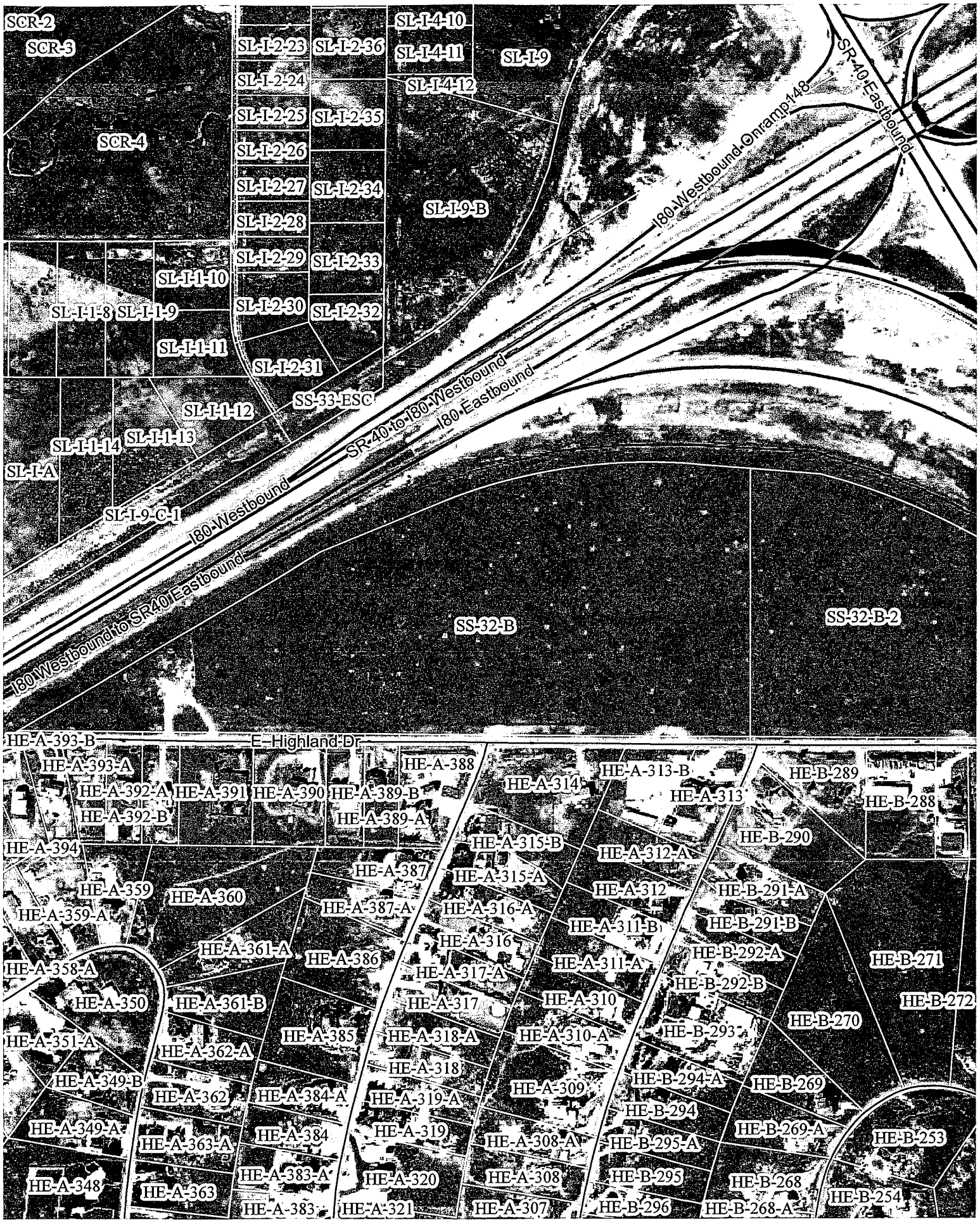
PCA-18-C-1-X
PCA-16-A-X
PCA-16-X
PCA-105-C-X
PCA-105-X
PCA-103-A-X
ASR-II-R-2-X
PCA-103-D-X
PCA-103-X
ASR-ENT-X
PCA-18-B-X
PCA-103-X
ASR-II-R-3
ASR-II-R-2
ASR-II-46
ASR-1
PCA-103-C-X
Meadows Dr
ASR-II-63
ASR-II-45
ASR-II-62
ASR-II-44
ASR-43
ASR-42
ASR-2
ASR-41
ASR-3
ASR-COR-X
ASR-40
ASR-39
ASR-4
ASR-32
ASR-II-61
ASR-II-60
ASR-33
ASR-31
ASR-II-58
ASR-5
PCA-105-A
ASR-38
ASR-34
ASR-35
ASR-37
ASR-30
ASR-36
ASR-19
ASR-20
ASR-21
ASR-22
ASR-27
ASR-28
ASR-29
ASR-6
SS-104-1-B
ASR-23
ASR-24
ASR-26
Aspen Springs Dr
ASR-25
ASR-COR-X
ASR-7
ASR-15
ASR-18
ASR-17
ASR-16
ASR-14
ASR-13
ASR-12
ASR-11
ASR-9
ASR-8
ASR-10
IC-24
IC-23
IC-CA-1
PCA-105-A

PC-16
PC-34
PC-15
MULTIPLE
PPMS-1
PC-261-B-X
PC-35
186-MAIN-1
PC-14
PC-36-A
151-MAIN-A
PC-379-380
PC-36
PC-14-A
PC-262-A
160-PA-1
WHITE-A
PC-36-B
Woodside Ave
PC-7
PC-214
PC-248
MAZ-1
PC-220
PC-213
PC-249
157-PA-14A
PC-221
PC-212
PC-8-X
PC-5
HARDING-1
108-PA-ALL
SAL-1
PC-4
Park Ave
PC-211
Main St
PC-251-B
PC-406
PC-251
PC-223
PC-404
PC-210
BUSH-1-X
MLCH-B-AM
PC-209
PC-403-A
PC-3-X
PC-253-X
MLCH-A-AM
PC-208
PC-402-A
PC-254
PC-401
PC-401-A
PC-400
PC-256
KR-B2-AM
CLTR-1
PC-400-A
KR-B1-AM
PC-410-411
KR-A
King Rd
PC-399
PC-1-X
PC-259-X
PC-645
PC-398-A-1
52-KR-1
PC-724
PC-397
10-DALY-1AM-1
Daly Ave
PC-261-A-X
PC-398-X
10-DALY-1AM-2
PC-685
LEC-1
DEGRAY-1
PC-684
PC-648
BJAY-ALL
ANCH-2-2AM
MULTIPLE
PC-224-B-X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SL-I-A
SL-I-9-C-1
SR-40 to I80 Westbound
I80 Eastbound
I80 Westbound
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I80 Westbound Onramp 148
SR-40 Eastbound
SS-32-B
SS-32-B-2
E Highland Dr
HE-A-393-B
HE-A-393-A
HE-A-392-A
HE-A-391
HE-A-390
HE-A-389-B
HE-A-388
HE-A-392-B
HE-A-389-A
HE-A-394
HE-A-387
HE-A-359
HE-A-360
HE-A-359-A
HE-A-387-A
HE-A-361-A
HE-A-386
HE-A-358-A
HE-A-350
HE-A-361-B
HE-A-385
HE-A-351-A
HE-A-362-A
HE-A-349-B
HE-A-362
HE-A-384-A
HE-A-349-A
HE-A-363-A
HE-A-384
HE-A-348
HE-A-363
HE-A-383-A
HE-A-383
HE-A-314
HE-A-313-B
HE-A-313
HE-B-289
HE-B-288
HE-B-290
HE-A-315-B
HE-A-312-A
HE-A-315-A
HE-A-312
HE-B-291-A
HE-A-316-A
HE-A-311-B
HE-B-291-B
HE-A-316
HE-B-292-A
HE-A-311-A
HE-A-317-A
HE-B-292-B
HE-A-310
HE-A-317
HE-B-271
HE-B-272
HE-B-270
HE-B-293
HE-A-318-A
HE-A-310-A
HE-A-318
HE-B-294-A
HE-B-269
HE-A-309
HE-A-319-A
HE-B-294
HE-A-319
HE-B-269-A
HE-A-308-A
HE-B-295-A
HE-B-253
HE-A-320
HE-A-308
HE-B-295
HE-B-268
HE-B-254
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HE-A-307
HE-B-296
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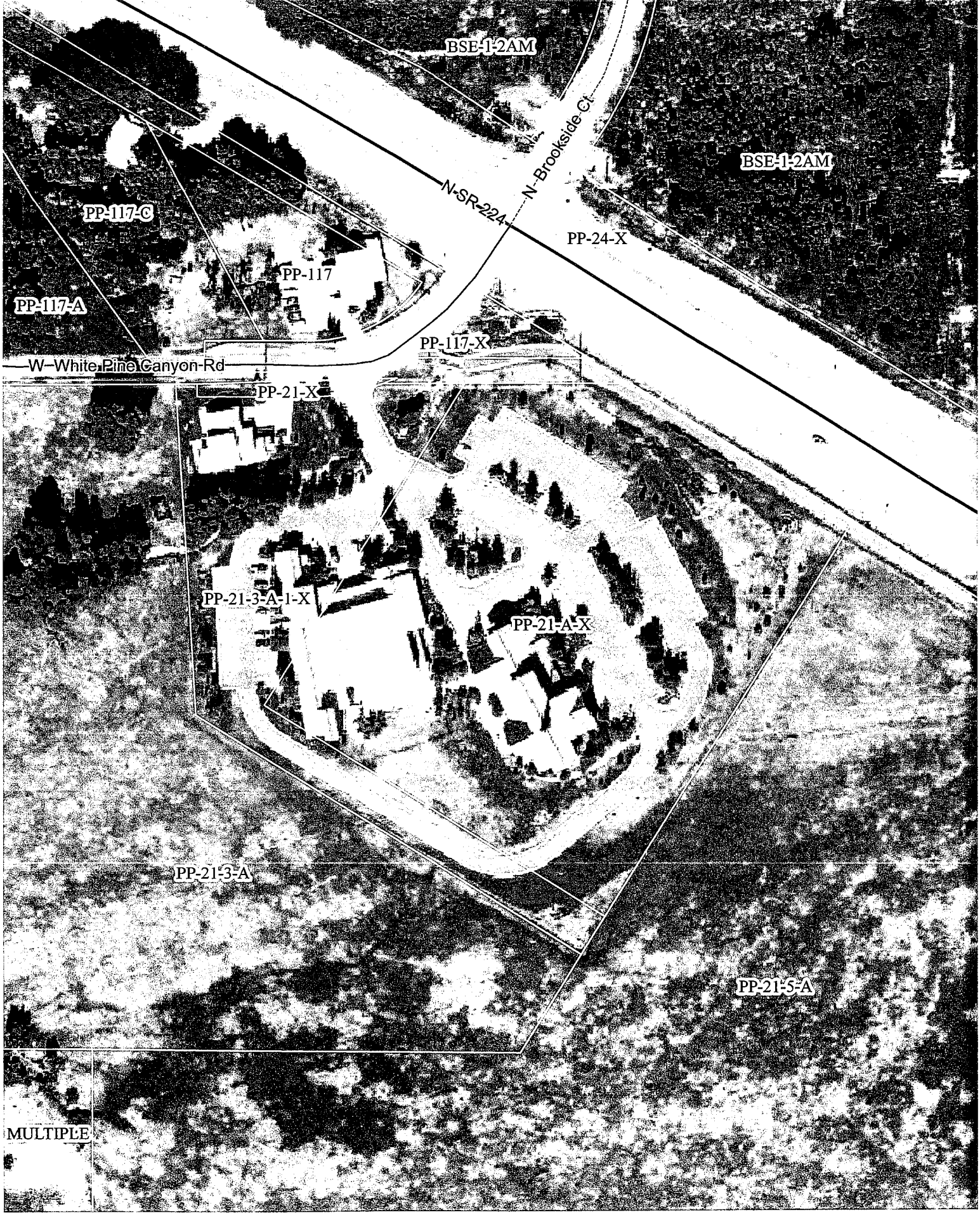
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PP-117-C
PP-24-X
PP-117
PP-117-A
PP-117-X
W-White-Pine-Canyon-Rd
PP-21-X
PP-21-3-A-1-X
PP-21-A-X
PP-21-3-A
PP-21-5-A
MULTIPLE

Annual Statement for Continued Property Tax Exemption	UCA §59-2-1101 and 1102 Form PT-21 PT-021.ai Rev. 2/03

This statement should be used annually to apply for continued exemption from property tax.

General Information

Name of organization applying (must be record owner of property)			
Roman Catholic Bishop of Salt Lake City, A Corporation Sole			RECEIVED FEB 0 1 2011
Address 27 C Street			Current tax year 2011
City Salt Lake City	State Utah	Zip code 84103	Tax year of original exemption Unknown
Contact person / authorized representative Michael Lee			Telephone number (801) 328-8641
Property location, including county 2610 Aspen Springs, Park City, Summit County			Parcel, account or serial number ASR-40, 41, 42 & 43

Questions

1. Has there been any change in the use of this property since January 1 of last year? ..... ☐ Yes ☑ No
   If yes, describe: _____

2. Does any person or organization conduct business for profit on the property listed above? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

3. Does any organization use the real property listed above and pay a fee greater than the cost of maintenance and utilities? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

4. Is any personal property at this location being leased or rented from someone else? ..... ☐ Yes ☑ No
   If yes, list the name and address of the owner and the type, make, model and serial number of the property: _____

Certification

I certify that all the information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

Signature of owner of record or owner's authorized representative	Position with organization	Date
Michael Lee	Director, Diocesan Pastoral Operations	1/30/11

Application for Exemption – Personal Property Schedule B	UCA §59-2-1101 and 1102 Form PT-020B PT-020b1.ai Rev. 10/99

Property Owner

Property owner	EIN, SSN, or other tax ID number	
Roman Catholic Bishop of Salt Lake City	87-0215468	
Address	Telephone	
27 C Street	(801) 328-8641	
City	State	Zip
Salt Lake City	Utah	84103

Property Information and Description

Property Location	Personal property account number (if any)
2610 Aspen Springs, Park City, Summit County	ASR-40, 41 42 & 43

Briefly describe the personal property under consideration for exemption

Furniture, fixtures and equipment for religious worship

List the original acquisition cost and year acquired.	Year Acquired	Acquisition Cost
Furniture and fixtures		$
Commercial and industrial equipment		$
Mobile homes		$
Other personal property		$
Estimated current value for items with unknown acquisition cost		$

List all motor vehicles under consideration for exemption, including passenger cars, trucks and vans; motorcycles; campers, motor homes, travel trailers and other RVs; boats and watercraft; aircraft; and medium or heavy duty trucks.

License Plate No.	Type of Vehicle	Year	Make	Model	VIN/HIN	Location

Use of Property

1. Is the personal property used at a given parcel of real property? ✓ Yes ___ No

   If yes, indicate the property parcel number or address: _____

   If no, where is the property usually located? _____

2. Describe in detail all activities and functions that the property is used for, and the date the use began.

   _____

   _____

   _____

3. Have all activities and functions in 2 continued without interruption since the use began? ✓ Yes ___ No

   If no, explain any interim or non use: _____

(continued on reverse)

4. Was all property listed on page 1 acquired prior to January 1 of the tax year in question? ✓ Yes ___ No

   If no, indicate when property was or will be acquired: _____

5. Is any of the personal property listed on page 1 subject to any rental or lease agreements? ___ Yes ✓ No

   If yes, complete the following schedule.

Description of Property	Lessor	Lessee

Annual Statement for Continued Property Tax Exemption	UCA §59-2-1101 and 1102 Form PT-21 PT-021.ai Rev. 2/03

This statement should be used annually to apply for continued exemption from property tax.

General Information

Name of organization applying (must be record owner of property)

Roman Catholic Bishop of Salt Lake City, A Corporation Sole

Address			Current tax year
27 C Street			2010
City	State	Zip code	Tax year of original exemption
Salt Lake City	Utah	84103	Unknown
Contact person / authorized representative			Telephone number
Michael Lee			(801) 328-8641
Property location, including county			Parcel, account or serial number
2610 Aspen Springs Drive, Park City, Summit County			ASR-40, 41, 42, 43

Questions

1. Has there been any change in the use of this property since January 1 of last year? ..... ☐ Yes ☑ No
   If yes, describe: _____

2. Does any person or organization conduct business for profit on the property listed above? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

3. Does any organization use the real property listed above and pay a fee greater than the cost of maintenance and utilities? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

4. Is any personal property at this location being leased or rented from someone else? ..... ☐ Yes ☑ No
   If yes, list the name and address of the owner and the type, make, model and serial number of the property: _____

Certification

I certify that all the information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

Signature of owner of record or owner's authorized representative	Position with organization	Date
Michael Lee	Director, Diocesan Pastoral Operations	2/11/10

Application for Exemption – Personal Property Schedule B	UCA §59-2-1101 and 1102 Form PT-020B PT-020b1.ai Rev. 10/99

Property Owner

Property owner	EIN, SSN, or other tax ID number	
Roman Catholic Bishop of Salt Lake City	87-0215468	
Address	Telephone	
27 C Street	(801) 328-8641	
City	State	Zip
Salt Lake City	Utah	84103

Property Information and Description

Property Location	Personal property account number (if any)
2610 Aspen Springs Drive, Park City, Summit County	ASR-40, 41, 42, 43

Briefly describe the personal property under consideration for exemption
Furniture, fixtures and equipment for religious worship

List the original acquisition cost and year acquired.

	Year Acquired	Acquisition Cost
Furniture and fixtures		$
Commercial and industrial equipment		$
Mobile homes		$
Other personal property		$
Estimated current value for items with unknown acquisition cost		$

List all motor vehicles under consideration for exemption, including passenger cars, trucks and vans; motorcycles; campers, motor homes, travel trailers and other RVs; boats and watercraft; aircraft; and medium or heavy duty trucks.

License Plate No.	Type of Vehicle	Year	Make	Model	VIN/HIN	Location

Use of Property

1. Is the personal property used at a given parcel of real property? ✓ Yes ___ No

   If yes, indicate the property parcel number or address: _____

   If no, where is the property usually located? _____

2. Describe in detail all activities and functions that the property is used for, and the date the use began.

   _____

   _____

   _____

3. Have all activities and functions in 2 continued without interruption since the use began? ✓ Yes ___ No

   If no, explain any interim or non use: _____

(continued on reverse)

4. Was all property listed on page 1 acquired prior to January 1 of the tax year in question? ✓ Yes ___ No
   If no, indicate when property was or will be acquired: _____
5. Is any of the personal property listed on page 1 subject to any rental or lease agreements? ___ Yes ✓ No
   If yes, complete the following schedule.

Description of Property	Lessor	Lessee

Annual Statement for Continued Property Tax Exemption	UCA §59-2-1101 and 1102 Form PT-21 PT-021.ai Rev. 2/03

This statement should be used annually to apply for continued exemption from property tax.

General Information

Name of organization applying (must be record owner of property)

Roman Catholic Bishop of Salt Lake City, A Corporation Sole

Address			Current tax year
27 C Street			2008
City	State	Zip code	Tax year of original exemption
Salt Lake City	Utah	84103	Unknown
Contact person / authorized representative			Telephone number
Michael Lee			(801) 328-8641
Property location, including county			Parcel, account or serial number
121 Park Ave @ 1505 West White Pine @ Vacant Land, Park City, Summit County			ASR-40 ASR-41 ASR-42

Questions

1. Has there been any change in the use of this property since January 1 of last year? ..... ☐ Yes ☑ No
   If yes, describe:

2. Does any person or organization conduct business for profit on the property listed above? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user:

3. Does any organization use the real property listed above and pay a fee greater than the cost of maintenance and utilities? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user:

4. Is any personal property at this location being leased or rented from someone else? ..... ☐ Yes ☑ No
   If yes, list the name and address of the owner and the type, make, model and serial number of the property:

Certification

I certify that all the information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

Michael Lee	Director, Diocesan Pastoral Operations	2/25/08
Signature of owner of record or owner's authorized representative	Position with organization	Date

Application for Exemption – Personal Property Schedule B	UCA §59-2-1101 and 1102 Form PT-020B PT-020b1.ai Rev. 10/99

Property Owner

Property owner	EIN, SSN, or other tax ID number	
Roman Catholic Bishop of Salt Lake City	87-0215468	
Address	Telephone	
27 C Street	(801) 328-8641	
City	State	Zip
Salt Lake City	Utah	84103

Property Information and Description

Property Location	Personal property account number (if any)
121 Park Ave @ 1505 West White Pine @ Vacant Land, Park City, Summit	ASR-40 ASR-41 ASR-42

Briefly describe the personal property under consideration for exemption

Furniture, fixture and equipment for religious worship

List the original acquisition cost and year acquired.

	Year Acquired	Acquisition Cost
Furniture and fixtures		$
Commercial and industrial equipment		$
Mobile homes		$
Other personal property		$
Estimated current value for items with unknown acquisition cost		$ 2000.00

List all motor vehicles under consideration for exemption, including passenger cars, trucks and vans; motorcycles; campers, motor homes, travel trailers and other RVs; boats and watercraft; aircraft; and medium or heavy duty trucks.

License Plate No.	Type of Vehicle	Year	Make	Model	VIN/HIN	Location

Use of Property

1. Is the personal property used at a given parcel of real property? ✓ Yes ___ No

   If yes, indicate the property parcel number or address: _____

   If no, where is the property usually located? _____

2. Describe in detail all activities and functions that the property is used for, and the date the use began.

   _____

   _____

   _____

3. Have all activities and functions in 2 continued without interruption since the use began? ✓ Yes ___ No

   If no, explain any interim or non use: _____

(continued on reverse)

4. Was all property listed on page 1 acquired prior to January 1 of the tax year in question? ✓ Yes ___ No
   If no, indicate when property was or will be acquired: _____
5. Is any of the personal property listed on page 1 subject to any rental or lease agreements? ___ Yes ✓ No
   If yes, complete the following schedule.

Description of Property	Lessor	Lessee

Annual Statement for Continued Property Tax Exemption	UCA §59-2-1101 and 1102 Form PT-21 PT-021.ai Rev. 2/03

This statement should be used annually to apply for continued exemption from property tax.

General Information

Name of organization applying (must be record owner of property)

Roman Catholic Bishop of Salt Lake City, A Corporation Sole

Address			Current tax year
27 C Street			2008
City	State	Zip code	Tax year of original exemption
Salt Lake City	Utah	84103	Unknown
Contact person / authorized representative			Telephone number
Michael Lee			(801) 328-8641
Property location, including county			Parcel, account or serial number
121 Park Ave @ 1505 West White Pine @ Vacant Land, Park City, Summit County			ASR-43 ASR-II-R-2 ~~[illegible]~~

Questions

1. Has there been any change in the use of this property since January 1 of last year? ..... ☐ Yes ☑ No
   If yes, describe: _____

2. Does any person or organization conduct business for profit on the property listed above? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

3. Does any organization use the real property listed above and pay a fee greater than the cost of maintenance and utilities? ..... ☐ Yes ☑ No
   If yes, describe the use and give the name and address of the property user: _____

4. Is any personal property at this location being leased or rented from someone else? ..... ☐ Yes ☑ No
   If yes, list the name and address of the owner and the type, make, model and serial number of the property: _____

Certification

I certify that all the information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

Michael Lee	Director, Diocesan Pastoral Operations	2/25/08
Signature of owner of record or owner's authorized representative	Position with organization	Date

Application for Exemption – Personal Property Schedule B	UCA §59-2-1101 and 1102 Form PT-020B PT-020b1.ai Rev. 10/99

Property Owner

Property owner	EIN, SSN, or other tax ID number	
Roman Catholic Bishop of Salt Lake City	87-0215468	
Address	Telephone	
27 C Street	(801) 328-8641	
City	State	Zip
Salt Lake City	Utah	84103

Property Information and Description

Property Location	Personal property account number (if any)
121 Park Ave @ 1505 West White Pine @ Vacant Land, Park City, Summit	ASR-43 ASR-II-R-2 08A

Briefly describe the personal property under consideration for exemption

Furniture, fixtures and equipment for religious worship

List the original acquisition cost and year acquired.

	Year Acquired	Acquisition Cost
Furniture and fixtures		$
Commercial and industrial equipment		$
Mobile homes		$
Other personal property		$
Estimated current value for items with unknown acquisition cost		$ 2000

List all motor vehicles under consideration for exemption, including passenger cars, trucks and vans; motorcycles; campers, motor homes, travel trailers and other RVs; boats and watercraft; aircraft; and medium or heavy duty trucks.

License Plate No.	Type of Vehicle	Year	Make	Model	VIN/HIN	Location

Use of Property

1. Is the personal property used at a given parcel of real property? ✓ Yes ___ No

   If yes, indicate the property parcel number or address: _____

   If no, where is the property usually located? _____

2. Describe in detail all activities and functions that the property is used for, and the date the use began.

   _____

   _____

   _____

3. Have all activities and functions in 2 continued without interruption since the use began? ✓ Yes ___ No

   If no, explain any interim or non use: _____

(continued on reverse)

4. Was all property listed on page 1 acquired prior to January 1 of the tax year in question? ✓ Yes ___ No
   If no, indicate when property was or will be acquired: _____
5. Is any of the personal property listed on page 1 subject to any rental or lease agreements? ___ Yes ✓ No
   If yes, complete the following schedule.

Description of Property	Lessor	Lessee

2010 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
AER-77	$ 1,072,390.00	$ 1,144,076.00	$ (71,686.00)	$ 589,814.00	$ 1,144,076.00
AH-AM-9	$ 1,300,000.00	$ 1,300,000.00	$ -	$ 1,300,000.00	$ 1,300,000.00
ALLC-105	$ 1,500,000.00	$ 1,500,000.00	$ -	$ 1,500,000.00	$ 1,500,000.00
ALLC-109-1AM	$ 1,500,000.00	$ 1,500,000.00	$ -	$ 1,500,000.00	$ 1,500,000.00
ALLC-110-1AM	$ 1,573,000.00	$ 1,900,000.00	$ (327,000.00)	$ 1,573,000.00	$ 1,900,000.00
ALLC-209-1AM	$ 1,500,000.00	$ 1,500,000.00	$ -	$ 1,500,000.00	$ 1,500,000.00
APRMC-22	$ 1,077,500.00	$ 1,100,000.00	$ (22,500.00)	$ 592,625.00	$ 1,100,000.00
BELV-2-7	$ 2,350,000.00	$ 2,400,000.00	$ (50,000.00)	$ 2,350,000.00	$ 2,400,000.00
BH-14	$ 538,029.00	$ 538,029.00	$ -	$ 335,550.00	$ 538,029.00
CEM-1-50	$ 575,000.00	$ 600,000.00	$ (25,000.00)	$ 575,000.00	$ 600,000.00
CR-13-B-2AM	$ 484,889.00	$ 540,000.00	$ (55,111.00)	$ 484,889.00	$ 540,000.00
ESCLAL-237-AM	$ 320,000.00	$ 480,000.00	$ (160,000.00)	$ 320,000.00	$ 480,000.00
ESCLAL-C-10-AM	$ 235,000.00	$ 470,000.00	$ (235,000.00)	$ 235,000.00	$ 470,000.00
ESCLAL-C-12-AM	$ 280,000.00	$ 560,000.00	$ (280,000.00)	$ 280,000.00	$ 560,000.00
ESCLAL-C-16-AM	$ 20,000.00	$ 40,000.00	$ (20,000.00)	$ 20,000.00	$ 40,000.00
ESCLAL-C-17-AM	$ 70,000.00	$ 140,000.00	$ (70,000.00)	$ 70,000.00	$ 140,000.00
ESCLAL-C-1-AM	$ 858,875.00	$ 1,560,000.00	$ (701,125.00)	$ 858,875.00	$ 1,560,000.00
ESCLAL-C-23-AM	$ 305,000.00	$ 610,000.00	$ (305,000.00)	$ 305,000.00	$ 610,000.00
ESCLAL-C-26-AM	$ 280,000.00	$ 560,000.00	$ (280,000.00)	$ 280,000.00	$ 560,000.00
ESCLAL-C-28-AM	$ 180,000.00	$ 360,000.00	$ (180,000.00)	$ 180,000.00	$ 360,000.00
ESCLAL-C-29-AM	$ 75,000.00	$ 150,000.00	$ (75,000.00)	$ 75,000.00	$ 150,000.00
ESCLAL-C-2-AM	$ 140,000.00	$ 280,000.00	$ (140,000.00)	$ 140,000.00	$ 280,000.00
ESCLAL-C-31-AM	$ 310,000.00	$ 620,000.00	$ (310,000.00)	$ 310,000.00	$ 620,000.00
ESCLAL-C-32-AM	$ 95,000.00	$ 190,000.00	$ (95,000.00)	$ 95,000.00	$ 190,000.00
ESCLAL-C-33-AM	$ 155,000.00	$ 310,000.00	$ (155,000.00)	$ 155,000.00	$ 310,000.00
ESCLAL-C-34-AM	$ 130,000.00	$ 260,000.00	$ (130,000.00)	$ 130,000.00	$ 260,000.00
ESCLAL-C-3-AM	$ 170,000.00	$ 340,000.00	$ (170,000.00)	$ 170,000.00	$ 340,000.00
ESCLAL-C-4-AM	$ 50,000.00	$ 100,000.00	$ (50,000.00)	$ 50,000.00	$ 100,000.00
ESCLAL-C-55-AM	$ 210,000.00	$ 420,000.00	$ (210,000.00)	$ 210,000.00	$ 420,000.00
ESCLAL-C-56-AM	$ 15,000.00	$ 30,000.00	$ (15,000.00)	$ 15,000.00	$ 30,000.00
ESCLAL-C-57-AM	$ 10,000.00	$ 20,000.00	$ (10,000.00)	$ 10,000.00	$ 20,000.00
ESCLAL-C-5-AM	$ 35,000.00	$ 70,000.00	$ (35,000.00)	$ 35,000.00	$ 70,000.00
ESCLAL-C-60-AM	$ 100,000.00	$ 200,000.00	$ (100,000.00)	$ 100,000.00	$ 200,000.00
ESCLAL-C-65-AM	$ 295,000.00	$ 590,000.00	$ (295,000.00)	$ 295,000.00	$ 590,000.00
ESCLAL-C-68-AM	$ 35,000.00	$ 370,000.00	$ (335,000.00)	$ 35,000.00	$ 370,000.00

ESCLAL-C-6-AM	$	35,000.00	$	70,000.00	$	(35,000.00)	$	35,000.00	$	70,000.00
ESCLAL-C-73-AM	$	30,000.00	$	60,000.00	$	(30,000.00)	$	30,000.00	$	60,000.00
ESCLAL-C-76-AM	$	40,000.00	$	80,000.00	$	(40,000.00)	$	40,000.00	$	80,000.00
ESCLAL-C-7-AM	$	20,000.00	$	40,000.00	$	(20,000.00)	$	20,000.00	$	40,000.00
ESCLAL-C-80-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-C-82-AM	$	30,000.00	$	60,000.00	$	(30,000.00)	$	30,000.00	$	60,000.00
ESCLAL-C-86-AM	$	10,000.00	$	20,000.00	$	(10,000.00)	$	10,000.00	$	20,000.00
ESCLAL-C-88-AM	$	60,000.00	$	120,000.00	$	(60,000.00)	$	60,000.00	$	120,000.00
ESCLAL-C-8-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-C-93-AM	$	65,000.00	$	130,000.00	$	(65,000.00)	$	65,000.00	$	130,000.00
ESCLAL-C-94-AM	$	20,000.00	$	40,000.00	$	(20,000.00)	$	20,000.00	$	40,000.00
ESCLAL-C-97-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-C-9-AM	$	270,000.00	$	540,000.00	$	(270,000.00)	$	270,000.00	$	540,000.00
ESCLAL-P-10-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-11-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-12-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-13-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-14-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-15-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-16-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-17-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-18-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-19-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-1-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-20-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-21-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-22-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-23-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-24-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-25-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-26-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-27-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-28-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-29-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-2-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-30-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-31-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-32-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-33-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-34-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00

ESCLAL-P-35-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-36-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-37-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-38-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-3-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-4-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-5-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-6-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-7-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-8-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-P-9-AM	$	15,000.00	$	20,000.00	$	(5,000.00)	$	15,000.00	$	20,000.00
ESCLAL-S-100-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-101-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-102-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-107-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-108-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-109-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-10-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-110-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-111-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-112-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-113-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-114-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-115-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-116-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-117-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-118-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-119-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-11-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-120-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-121-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-122-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-123-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-124-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-125-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-126-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-127-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-128-AM	$	36,000.00	$	80,000.00	$	(44,000.00)	$	36,000.00	$	80,000.00
ESCLAL-S-129-AM	$	229,500.00	$	510,000.00	$	(280,500.00)	$	229,500.00	$	510,000.00
ESCLAL-S-12-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00

ESCLAL-S-130-AM	$	18,000.00	$	40,000.00	$	(22,000.00)	$	18,000.00	$	40,000.00
ESCLAL-S-131-AM	$	45,000.00	$	100,000.00	$	(55,000.00)	$	45,000.00	$	100,000.00
ESCLAL-S-132-AM	$	18,000.00	$	40,000.00	$	(22,000.00)	$	18,000.00	$	40,000.00
ESCLAL-S-133-AM	$	18,000.00	$	40,000.00	$	(22,000.00)	$	18,000.00	$	40,000.00
ESCLAL-S-136-AM	$	31,500.00	$	70,000.00	$	(38,500.00)	$	31,500.00	$	70,000.00
ESCLAL-S-137-AM	$	36,000.00	$	80,000.00	$	(44,000.00)	$	36,000.00	$	80,000.00
ESCLAL-S-138-AM	$	85,500.00	$	190,000.00	$	(104,500.00)	$	85,500.00	$	190,000.00
ESCLAL-S-13-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-14-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-15-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-16-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-17-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-18-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-19-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-1-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-20-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-21-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-22-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-23-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-24-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-25-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-26-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-27-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-28-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-29-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-2-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-30-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-31-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-32-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-33-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-34-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-35-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-36-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-37-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-38-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-39-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-3-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-40-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-41-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-42-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00

ESCLAL-S-43-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-44-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-45-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-46-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-47-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-48-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-49-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-4-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-50-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-51-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-52-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-53-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-54-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-55-AM	$	9,000.00	$	20,000.00	$	(11,000.00)	$	9,000.00	$	20,000.00
ESCLAL-S-56-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-57-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-58-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-59-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-5-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-60-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-61-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-62-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-63-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-64-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-65-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-66-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-67-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-68-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-69-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-6-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-70-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-71-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-72-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-73-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-74-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-75-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-76-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-77-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-78-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-79-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00

ESCLAL-S-7-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-80-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-81-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-82-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-83-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-84-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-85-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-86-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-87-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-88-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-89-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-8-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-90-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-91-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-92-AM	$	98,000.00	$	220,000.00	$	(122,000.00)	$	98,000.00	$	220,000.00
ESCLAL-S-93-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-94-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-95-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-96-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-97-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-98-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-99-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-S-9-AM	$	4,500.00	$	10,000.00	$	(5,500.00)	$	4,500.00	$	10,000.00
ESCLAL-SC-100-AM	$	5,000.00	$	10,000.00	$	(5,000.00)	$	5,000.00	$	10,000.00
ESCLAL-SC-1-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-SC-27-AM	$	10,000.00	$	20,000.00	$	(10,000.00)	$	10,000.00	$	20,000.00
ESCLAL-SC-57-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-SC-58-AM	$	30,000.00	$	60,000.00	$	(30,000.00)	$	30,000.00	$	60,000.00
ESCLAL-SC-59-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-SC-5-AM	$	10,000.00	$	20,000.00	$	(10,000.00)	$	10,000.00	$	20,000.00
ESCLAL-SC-63-AM	$	25,000.00	$	50,000.00	$	(25,000.00)	$	25,000.00	$	50,000.00
ESCLAL-SC-67-AM	$	20,000.00	$	40,000.00	$	(20,000.00)	$	20,000.00	$	40,000.00
ESCLAL-SC-85-AM	$	15,000.00	$	30,000.00	$	(15,000.00)	$	15,000.00	$	30,000.00
ESCLAL-SC-86-AM	$	50,000.00	$	100,000.00	$	(50,000.00)	$	50,000.00	$	100,000.00
ESCLAL-SC-94-AM	$	155,000.00	$	310,000.00	$	(155,000.00)	$	155,000.00	$	310,000.00
ESCLAL-SC-96-AM	$	50,000.00	$	10,000.00	$	40,000.00	$	50,000.00	$	10,000.00
ESCLAL-SC-97-AM	$	15,000.00	$	30,000.00	$	(15,000.00)	$	15,000.00	$	30,000.00
ESCLAL-SC-98-AM	$	5,000.00	$	10,000.00	$	(5,000.00)	$	5,000.00	$	10,000.00
ESCLAL-SC-99-AM	$	5,000.00	$	10,000.00	$	(5,000.00)	$	5,000.00	$	10,000.00
FLGSF-306	$	2,100,000.00	$	2,100,000.00	$	-	$	2,100,000.00	$	2,100,000.00

FLGSF-501	$	2,050,000.00	$	2,200,000.00	$	(150,000.00)	$	2,050,000.00	$	2,200,000.00
FLV-3-7-B	$	770,000.00	$	770,000.00	$	-	$	423,500.00	$	770,000.00
FPRV-22-A-1	$	320,000.00	$	320,000.00	$	-	$	320,000.00	$	320,000.00
GSRHC-207	$	108,800.00	$	108,800.00	$	-	$	108,800.00	$	108,800.00
GSRHC-G20	$	108,800.00	$	108,800.00	$	-	$	108,800.00	$	108,800.00
GWLD-26	$	2,675,300.00	$	2,675,300.00	$	-	$	1,482,440.00	$	2,675,300.00
GWLD-29	$	1,926,948.00	$	1,926,948.00	$	-	$	1,065,445.00	$	1,926,948.00
GWLD-II-141-AM	$	3,080,140.00	$	3,690,928.00	$	(610,788.00)	$	1,743,352.00	$	3,690,928.00
GWLD-III-164	$	1,670,500.00	$	1,963,524.00	$	(293,024.00)	$	1,670,500.00	$	1,963,524.00
JW-AM-16	$	288,700.00	$	288,700.00	$	-	$	158,785.00	$	288,700.00
JW-AM-19	$	312,000.00	$	312,000.00	$	-	$	171,600.00	$	312,000.00
LODV-33	$	2,377,000.00	$	2,500,000.00	$	(123,000.00)	$	2,377,000.00	$	2,500,000.00
LT-4-26	$	3,584,700.00	$	3,800,000.00	$	(215,300.00)	$	3,584,700.00	$	3,800,000.00
LWPCRS-3506B-AM	$	169,000.00	$	250,000.00	$	(81,000.00)	$	169,000.00	$	250,000.00
LWPCRS-3703B-AM	$	250,000.00	$	250,000.00	$	-	$	250,000.00	$	250,000.00
NPC-212	$	245,000.00	$	245,000.00	$	-	$	245,000.00	$	245,000.00
NPC-222	$	245,000.00	$	245,000.00	$	-	$	245,000.00	$	245,000.00
NPC-323	$	225,000.00	$	445,000.00	$	(220,000.00)	$	225,000.00	$	445,000.00
NPC-408	$	295,000.00	$	295,000.00	$	-	$	295,000.00	$	295,000.00
NPRK-RP	$	2,112,660.00	$	729,630.00	$	1,383,030.00	$	2,112,660.00	$	729,630.00
PB-8-350	$	579,117.00	$	741,434.00	$	(162,317.00)	$	318,514.00	$	741,434.00
PI-E-32	$	107,350.00	$	107,350.00	$	-	$	107,350.00	$	107,350.00
PP-120-10	$	2,438,385.00	$	2,438,385.00	$	-	$	2,438,385.00	$	2,438,385.00
PSA-3-A	$	860,000.00	$	1,040,000.00	$	(180,000.00)	$	860,000.00	$	1,040,000.00
QMR-36-2AM	$	1,157,600.00	$	1,157,600.00	$	-	$	1,157,600.00	$	1,157,600.00
RGP-134	$	808,000.00	$	875,000.00	$	(67,000.00)	$	808,000.00	$	875,000.00
SA-224-G-2	$	11,069,997.00	$	11,069,997.00	$	-	$	11,069,997.00	$	11,069,997.00
SE-227-AM	$	82,025.00	$	114,300.00	$	(32,275.00)	$	82,025.00	$	114,300.00
SLC-COM-1-AM	$	1,032,975.00	$	1,810,000.00	$	(777,025.00)	$	1,032,975.00	$	1,810,000.00
SLC-COM-3-AM	$	562,725.00	$	990,000.00	$	(427,275.00)	$	562,725.00	$	990,000.00
SLC-COM-4-AM	$	101,475.00	$	180,000.00	$	(78,525.00)	$	101,475.00	$	180,000.00
SL-H-511	$	397,500.00	$	524,439.00	$	(126,939.00)	$	297,554.00	$	524,439.00
SPIRO-F-101	$	1,100,000.00	$	1,100,000.00	$	-	$	1,100,000.00	$	1,100,000.00
SS-18-C-3	$	1,546,006.00	$	1,546,006.00	$	-	$	1,546,006.00	$	1,546,006.00
STL-1-6	$	1,800,000.00	$	1,800,000.00	$	-	$	1,800,000.00	$	1,800,000.00
WWS-2C-C2	$	92,000.00	$	129,500.00	$	(37,500.00)	$	92,000.00	$	129,500.00
HPCR-101-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-102-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-104-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-105-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00

HPCR-106-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-107-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-108-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-109-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-110-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-111-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-112-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-114-AM	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$ 830,000.00
HPCR-201-AM	$	730,000.00	$	730,000.00	$	-	$	730,000.00	$ 730,000.00
HPCR-202-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-203-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-204-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-205-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-207-AM	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$ 830,000.00
HPCR-208-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-210-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-211-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-217-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-219-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-220-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-221-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-222-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-223-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-224-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-225-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-303-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-304-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-305-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-306-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-307-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-309-AM	$	885,000.00	$	885,000.00	$	-	$	885,000.00	$ 885,000.00
HPCR-311-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-312-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-314-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-315-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-316-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-317-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-318-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-319-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00
HPCR-320-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$ 330,000.00

HPCR-321-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-322-AM	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-401-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-403-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-411-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-412-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-414-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-415-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-416-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-417-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-421-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-422-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-423-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-424-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-425-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-426-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-431-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-433-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-441-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-443-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-451-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-453-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-461-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-462-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-463-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-464-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-465-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-466-SP	$	330,000.00	$	330,000.00	$	-	$	330,000.00	$	330,000.00
HPCR-471-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-473-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-481-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-483-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
HPCR-491-SP	$	830,000.00	$	830,000.00	$	-	$	830,000.00	$	830,000.00
Totals for 6/29/2011	$	103,223,386.00	$	112,985,746.00	$	(9,762,360.00)	$	97,684,941.00	$	112,985,746.00
Totals for 5/11/2011	$	16,275,754.00	$	17,941,708.00	$	(1,665,954.00)	$	13,128,346.00	$	14,480,315.00
Totals for 5/4/2011	$	13,161,000.00	$	15,820,000.00	$	(2,659,000.00)	$	13,161,000.00	$	15,820,000.00
Totals for 4/27/2011	$	9,537,141.00	$	10,213,141.00	$	(676,000.00)	$	9,537,141.00	$	10,213,141.00
Totals for 4/6/2011	$	1,627,000.00	$	3,551,173.00	$	(192,417.00)	$	1,354,856.00	$	2,630,357.00
Totals for 3/30/2011	$	1,164,876.00	$	12,448,760.00	$	(80,000.00)	$	320,883.00	$	320,883.00
Totals for 2/23/2011	$	14,653,140.00	$	16,335,577.00	$	(1,682,437.00)	$	15,216,329.00	$	15,252,900.00

Totals for 2/16/2011	$ 4,799,265.00	$ 5,249,181.00	$ (449,916.00)	$ 3,301,713.00	$ 4,799,265.00
Totals for 02/2/2011	$ 73,112,284.00	$ 8,412,562.00	$ (11,132,778.00)	$ 68,727,020.00	$ 79,999,729.00
Totals for 01/19/2011	$ 2,340,200.00	$ 2,568,800.00	$ (228,600.00)	$ 2,978,800.00	$ 3,090,200.00
Totals for 12/15/2010	$ 42,580,445.00	$ 46,747,858.00	$ (4,197,413.00)	$ 36,386,611.00	$ 43,527,567.00
Totals for 12/8/2010	$ 256,130,918.00	$ 270,141,431.00	$ (13,761,543.00)	$ 221,226,738.00	New Request by
Totals for 12/1/10	$ 79,138,975.00	$ 106,628,763.00	$ (27,489,788.00)	$ 30,742,001.00	Council for Old
Totals for 11/14/2010	$ 204,923,608.00	$ 237,071,884.00	$ (32,148,276.00)	$ 187,934,386.00	Taxable Value
Totals For 10/27/2010	$ 60,356,753.00	$ 71,364,807.00	$ (10,699,177.00)	$ 55,466,010.00	
Totals For 10/20/2010	$ 161,113,456.00	$ 184,854,205.00	$ (23,700,749.00)	$ 184,572,126.00	
Totals for 10/6/2010	$ 235,173,079.00	$ 280,021,137.00	$ (44,848,058.00)	$ 222,313,664.00	
Totals for 9/22/2010	$ 43,542,565.00	$ 124,365,244.00	$ (11,257,530.00)	$ 84,633,488.00	
Totals for 9/15/2010	$ 67,881,996.00	$ 83,337,396.00	$ (15,455,400.00)	$ 57,403,587.00	
Totals for 9/7/2010	$ 97,641,192.00	$ 127,731,262.00	$ (30,090,070.00)	$ 69,587,642.00	
Totals for 8/25/10	$ 31,851,279.00	$ 36,229,990.00	$ (4,378,711.00)	$ 24,464,418.00	
Totals for 8/18/10	$ 42,766,085.00	$ 48,254,753.00	$ (5,488,688.00)	$ 28,455,458.00	
Running Total	$ 1,562,994,397.00	$ 1,822,275,378.00	$ (252,044,865.00)	$ 1,428,597,158.00	

Anita,

The Market value of the county on 7/23/2009 was $20,231,562,313
The Market value of the county on 12/31/2009 was $19,561,804,757
The Market value decrease for 2009 is ($669,757,556)

So far this year(2010)the Market value decrease is ($252,044,865) As of 06/29/2011

(The 2009 numbers do not reflect 2009 State Appeals that are still pending)

Kathryn has the total number of appeals this year(2010) at 2,575.

We have sent 2,570 appeals to the council for signature. That is 99% of the Appeals that we have th
We Have 5 Appeals waiting for Decisions from Hearing officers.

Resolution No. _____

RESOLUTION DECLARING SUMMIT COUNTY UTAH AS "CIVILITY COUNTY USA" AND PROCLAIM JUNE 21, 2011 THROUGH SEPTEMBER 21, 2011 AS "THE SEASON OF CIVILITY" IN SUMMIT COUNTY, UTAH

WHEREAS, the Park City Leadership Class 17 Civility Project will benefit Summit County by promoting community courtesy and civility, enhancing Summit County's reputation as a "friendly" tourist destination and recognizing residents who have shown outstanding "civility" characteristics.

WHEREAS, Summit County is recognized as one of the most civil places in the USA.

WHEREAS, it is acknowledged that it takes all levels of socio-economic diversity to allow Park City to function as a cohesive and civil community.

WHEREAS, the Summit County citizens recognize the nine tools of civility that include:

(a) Pay attention, be courteous.
(b) Listen actively to others.
(c) Be inclusive, don't bully.
(d) Do not gossip, be considerate.
(e) Show respect, celebrate diversity
(f) Be agreeable, amiable and affable.
(g) Apologize, be cordial.
(h) Give constructive criticism; be gracious.
(i) Take responsibility, be accountable

WHEREAS, the residents of Summit County place a high value on respect and civility in their lives and in their town. We understand that these characteristics are essential to any healthy community and to its reputation as a world class destination.

WHEREAS, civility is its own reward that is recognized and encouraged in Summit County. Since civility is contagious, it can spread virally from this county and affect the world.

NOW, THEREFORE, BE IT RESOLVED that the County Council hereby declares Summit County as "Civility County USA" for this summer and proclaims June 21, 2011, through September 21, 2011, as "The Season of Civility" to reinforce civility among all of its citizens and guests.

APPROVED AND ADOPTED this _____ day of June, 2011.

SUMMIT COUNTY COUNCIL

ATTEST:

_____ By:_____

Kent Jones, County Clerk Christopher F. Robinson, Chair

APPROVED AS TO FORM:

_____

David L. Thomas, Chief Civil Deputy

Memorandum:

Date: June 29, 2011
To: Council Members
From: Annette Singleton
Re: 1) Summit County RAP Tax Recreation Committee two reappointments
2) Timberline Special Service District Administrative Control Board three Reappointments and one Appointment

Recommendation to reappoint two members to the Summit County RAP Tax Recreation Committee:

Appoint Kathy Apostolakos	Term expires December 30, 2014
Appoint Marla Garfield	Term expires December 30, 2014

Recommendation to appoint four members to Timberline Special Service District

Appoint Jon Owen	Term expires December 31, 2015
Appoint Megan Fernandez	Term expires December 31, 2015
Appoint Liz Blackner	Term expires December 31, 2015
Appoint George Michalko	Term expires December 31, 2015

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 deposal 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**

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**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $230,000; 2008: $250,000; 2009: $250,000; .2010: $250,000

39-11 PC Chamber/Bureau – Triple Crown	**$ 37,500**	**$ 37,500**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $49,375; 2008: $50,626; 2009: $37,500; 2010: $37,500

31-11 USSA – TV Promotion	**$102,500**	**$100,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2008: $110,000; 2009: $150,000. 2010: $100,000

45-11 HPCA/Historic Park City Alliance	**$37,000**	**$35,000**

RATIONALE: 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.
RESTRICTIONS:
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.
PREVIOUS FUNDING: 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**

RATIONALE: 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.
RESTRICTIONS: Funds may be used for all out of area/Utah media campaigns using out of area TV, Radio, newspapers, and online media placements.
PREVIOUS FUNDING: 2007: $20,000; 2008: $20,000; 2009: $30,000; 2010: $30,000

42-11 Egyptian Theater - Promotion	**$ 75,000**	**$60,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $20,000; 2008: $25,000; 2009: $40,000; 2010: $50,000

43-11 Park City/Summit County Arts Council - Promotion	**$ 15,000**	**$12,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2009: $29,450; 2010: $10,000

32-11 Utah Athletic Foundation - Promotion	**$ 82,150**	**$60,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: $2007: $50,000 –2008: $50,000; 2009: $50,000; 2010: $ 50,000

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**

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 a16% 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**

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**

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**

RATIONALE: 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: 2007: $100,000; 2008: $109,000; 2009: $ 75,000; 2010: $100,000

24-11 Park City Soccer Club - Promotion **$15,000** **$ 10,000**

RATIONALE: This is the 8th 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 1st 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: 2007 No request. 2008: $ 8,000; 2009: $7,000; 2010: $10,000

28-11 Summit County Historical Society-Promotions **$3,400** **$3,400**

RATIONALE: 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: None for this specific application.

13-11 Oakley City- 4th of July Rodeo - Advertising **$ 5,000** **$ 4,000**

RATIONALE: This request is to help with funding for advertising of the Oakley 4th 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: 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**

RATIONALE: 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

RESTRICTIONS:

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.

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

04-11 Chalk Creek Wild Woolie Sheep Dog Trial – Promotion **$10,000** **$10,000**

RATIONALE: 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.

RESTRICTIONS: Funding needs to be used for print or radio advertising outside of Summit County and for prize money to attract top sheep dog handlers.

PREVIOUS FUNDING: 2010: $7,000.00

41-11 National Ability Center – Promotion **$11,500** **$ 8,000**

RATIONALE: 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: 2007: $10,000; 2008: $10,000; 2009: $7,000; 2010 $10,000

06-11 City of Coalville – Super cruise **$15,500** **$ 6,000**

RATIONALE: 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.

RESTRICTIONS: 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.

PREVIOUS FUNDING: Did not apply in 2009; 2010: $10,000

Committee Application #	Original Request	Recommended Amount

03-11 Barrel Bash-Advertising **$5,000** **$ 2,000**

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.

RESTRICTIONS: The Granted funds are to be used for Newspaper, radio advertising outside of Summit County, and awards.

PREVIOUS FUNDING: First time application.

09-11 Mountain Town Stages **$46,000** **$25,000**

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.

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.

PREVIOUS FUNDING: 2007: $15,000; 2008: $20,000; 2009: $20,000; 2010: $25,000

44-11 Park City Historical Society Museum **$77,966** **$ 20,000**

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.

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.

10-11 Mountain Trails - Promotion **$20,000** **$10,000**

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.

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.

PREVIOUS FUNDING: 2007 granted $ 18,000, 2008 granted $ 15,000, 2009 $3,000; 2010: $15,000

19-11 Park City Film Music Festival- Promo **$15,000** **$ 7,500**

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.

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.

PREVIOUS FUNDING: 2007 grant $ 6,000 for four separate applications. 2008: They did not apply. 2009: $5000; 2010: $15,000

Committee Application #	Original Request	Recommended Amount
01-11 Adopt a Native Elder--Promotions	**$ 5,000**	**$3,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $ 3,000; 2008: $3,000: 2009; $3,000; 2010 $3,000

27-11 Summit County Fair Marketing	**$9,587.23**	**$7,000**

RATIONALE: 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.
RESTRICTIONS:
These funds may be used to advertise outside of Summit County in the Unita 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.
PREVIOUS FUNDING This is the first time for this application

14-11 PC Ambassadors - Promotion	**$10,000**	**$6,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $3,620; 2008: $5,500; 2009: $6,000; 2010: $7,000

22-11 PC Gallery Association	**$ 10,000**	**$ 5000**

RATIONALE: 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 Savour the Summit and Park Silly Market Advertising Materials.
RESTRICTIONS: Funding can only be used for advertising outside Summit County in South West Magazine, SLC Tribune, and Brochures.
PREVIOUS FUNDING: 2009: $5,000; 2010: $5,000

Committee Application #	Original Request	Recommended Amount

35-11 Oakley City – Car Show **$ 8,885** **$2,500**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2009: $2,000; 2010: $2,500.

07-11 Francis Town - Facility **$40,000** **$20,000**

RATIONALE: 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.
RESTRICTIONS: 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 minimum8:00am-10:00pm) including Sundays, holidays, and special events.
PREVIOUS FUNDING: $5000 in 2001 and 2002

26-11 Summit County Fair Grounds – Facilities **$ 108,730** **$3,730**

RATIONALE: 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.
RESTRICTIONS: Funding may be used to clean and paint the wooden grandstands**.**
PREVIOUS FUNDING: First time for this application.

02-11 Axis Freeride - Promotion **$5,090** **$1,500**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2008: $2000.

Committee Application #	Original Request	Recommended Amount

20-11 Park City Film Series - Promotion **$34,800.18** **$12,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $2,000; 2008: $3,000; 2009: $7,000; 2010: $10,500.

34-11 Utah Paint Horse-Promotions **$15,000** **$2,000**

RATIONALE: This application is for a two day show in Oakley over the 24th 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
RESTRICTIONS: This funding can only be used for advertising this event outside of Summit County and towards the judges' fees.
PREVIOUS FUNDING: First time we have seen this application.

46-11 Park City Silly Market **$20,000** **$4,500**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 2007: $4,000. Documentation received. 2008 $5,000; 2009: $5,000; 2010: $5000

21-11 Park City Recreation- Facilities **$10,000** **$4,000**

RATIONALE: 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.
RESTRICTIONS: To be used for new fencing, additional sift drains, and additional square footage improvements to the park.
PREVIOUS FUNDING: This is the first time for this application.

36-11 Kamas Valley Lions Club Facilities **$14,000** **$5,000**

RATIONALE: 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.
RESTRICTIONS: Funds may be used for the site preparation, concrete, and building materials for shooting range improvements.
PREVIOUS FUNDING: 2008: $5,000, 2010: $7,000

Committee Application #	Original Request	Recommended Amount
47-11 Snyderville Basin Recreation District	**$133,654**	**$20,000**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: First application for this purpose.

25-11 Peoa Special Services District – Facility	**$11,600**	**$7,800**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 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**

RATIONALE: 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.
RESTRICTIONS: 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.
PREVIOUS FUNDING: 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**

RATIONALE: 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.
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: 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 is 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

MEMORANDUM

To the Council:

The attached amendment to Ordinance 319 was discussed in a prior meeting of the Council and is presented here for your vote and approval.

This amendment will standardize the response to questions of prior years refunds of those who failed to file the proper Residency exemption forms in a timely manner. It is both my and Anita's conviction that this will be highly beneficial in the administration of the Residential Exemption process.

Thank you

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

RESIDENTIAL PROPERTY TAX ABATEMENTS
SUMMIT COUNTY, STATE OF UTAH
ORDINANCE NO. ____

PREAMBLE

WHEREAS, pursuant to UCA §59-2-1321, the county legislative body may grant an abatement of property taxes where there has been an erroneous or illegal assessment; and,

WHEREAS, pursuant to UCA §59-2-1347, the county legislative body may grant an abatement or deferral of property taxes where the best human interests and the interests of the state and the county are served; and,

WHEREAS, pursuant to UCA §59-2-103.5 and Summit County Code §1-12B-1 et. seq., the county legislative body may grant a residential property tax exemption; and,

WHEREAS, there has arisen circumstances where a property owner has failed to receive a residential property tax exemption within the statutorily prescribed time period and seeks to have the county legislative body abate those taxes; and,

WHEREAS, the Summit County Council finds that it is in the best interests of the residents of Summit County to provide a process for the consideration of such abatements;

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains that the Summit County Code shall be amended as follows:

Section 1. **Summit County Code §1-12B-2(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.

Section 2. **Effective Date.** In order to preserve the peace, health, or safety of the County and the inhabitants thereof, this Ordinance shall take effect immediately upon publication in a newspaper published in and having general circulation in the County.

Enacted this ___ day of _____, 2011.

ATTEST:

_____
Kent Jones
Summit County Clerk

Summit County Council

_____
Christopher F. Robinson, Chair

_____
Approved as to Form
David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Elliott _____
Councilmember Robinson _____
Councilmember Ure _____
Councilmember Hanrahan _____
Councilmember McMullin _____

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PARK CITY FIRE SERVICE DISTRICT
AND SUMMIT COUNTY REGARDING
NORTH SUMMIT AMBULANCE SERVICE

This agreement made and entered into this _____ day of _____ , 2011, (pursuant to the provisions of the Interlocal Cooperation Act (UCA 11-13-1 U.C.A. et. s~~S~~eq., as amended), by and between the ***PARK CITY FIRE SERVICE DISTRICT***, (hereinafter referred to as "*District*"), and ***SUMMIT COUNTY*** (hereinafter referred to as "*County*").

WITNESSETH

WHEREAS, pursuant to Chapter 13, Title 11 of the Utah Code Annotated 1953, as amended, governmental entities can enter in Interlocal Cooperation Agreements; and,

WHEREAS, for purposes of providing quality emergency medical care to the residents, guests, employees and visitors of the North Summit area (Henefer, Coalville, Wanship, and surrounding areas) of Summit County, the *District* and *County* have agreed to enter into a positive and mutually satisfying working relationship recognizing their respective needs for now and the future; and,

WHEREAS, the *District* has prepared the *Emergency Medical Services Program and Plan for North Summit Ambulance Service* which includes a formal plan to provide an Intermediate Life Support Ambulance Transport Service, in order to advance and improve emergency medical care within the jurisdictional boundaries of North Summit, and,

WHEREAS, the parties hereto recognize that each desires to provide services to their citizens; and, the parties hereto agree that the purpose of this agreement is to permit the *County* and the *District* to cooperate together to ensure that the provision of emergency medical care in North Summit will be of the highest quality, and will be provided in the most efficient and effective methods possible; and,

WHEREAS, this agreement has been approved by the County Council of Summit County and the Administrative Control Board of the Park City Fire Service District,

NOW, THEREFORE, BE IT RESOLVED that this Agreement includes the following premises, terms and conditions as may be applicable to each of the parties hereto:

Section 1. **Purpose of Agreement**

The purpose of this Aagreement is to authorize the provision of emergency medical services including emergency response Intermediate Life Support Ambulance services and routine Intermediate Life Support Ambulance services as described in the *District's Emergency Medical Services Program and Plan for North Summit Ambulance Service*, which is incorporated into this Agreement by reference, within the jurisdictional boundaries of North Summit, and other areas as necessary and/or approved by the *County*.

Section 2. **Fire District Responsibilities**

The *District* agrees as follows:

A. To furnish and provide emergency medical services to those areas identified in the *District's Emergency Medical Services Program and Plan for North Summit Ambulance Service*, and this Aagreement.

B. To ensure that the level of emergency medical care provided to the areas identified within this Aagreement, and in the *Emergency Medical Services Plan of Operation for North Summit Ambulance Service* will be of the highest quality.

C. To determine and maintain staffing levels, including those levels for standby and special events, as necessary for an appropriate and quality level of service, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

D. To submit annual EMS Program Budgets to the *County* for approval and adoption by the County prior to the budget review process of each year.

E. To submit quarterly reports, including budgetary status, performance data, fleet maintenance data, etc. to the *County*.

F. To provide to the *County* performance and operational reports and data, and an independent audit report of the District on an annual basis.

G. To maintain current certification levels of all *District* EMS personnel, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

H. To maintain current certification of all emergency medical vehicles as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

I. To maintain a competitive and comprehensive compensation program, including required State and Federal benefit programs for all EMS personnel, as determined by the *District* from time to time.

J. To provide general liability insurance, errors and omissions insurance, vehicle comprehensive, collision and liability insurance, and EMT malpractice insurance for *District* EMS personnel, and name the *County* as an additional insured under the *District's* insurance policies, respective to the activities and responsibilities as in accordance with this Agreement.

K. To maintain a drug free workplace as in accordance with *District* policy, and Utah and Federal regulations.

L. The *District* agrees to hold harmless and indemnify the *County* from any and all injury, damage, or liability in any form resulting from the errors, acts, omissions, negligence, or other fault of the *District* EMTs, their drivers, assistants, aides, or any other *District* employee when treating, assisting in treatment, or transporting any individual covered within this agreement.

Section 3. <u>Summit County Responsibilities</u>

The *County* agrees as follows:

A. To provide capital funding for new ambulances to the *District* according to a schedule established by a County/District agreed upon fleet management plan.

B. To provide funding for the ambulance service based on budgetary proposals submitted by the *District* to the *County* on an annual basis in accordance with this A~~a~~greement. Revenue dedicated for the ambulance service general operational expenses will be forwarded to the *District* on a quarterly basis.

C. To own and maintain ambulances. The *County* will provide a scheduled preventative maintenance program for all ambulances used by the *District* to provide ambulance services. The *County* will also provide for regularly scheduled repairs and maintenance, and emergency repairs to ambulances in a proficient and timely manner, at no cost to the *District*.

D. To provide for housing of ambulances located in the North Summit area, whether in Summit County owned facilities or leased facilities.

E. Provide twenty-four-hour emergency towing and road repair for ambulances, as necessary.

F. Provide dispatch and communications service to the *District* for EMS services, at no additional cost to the *District*.

G. To hold harmless and indemnify the *District* from any and all injury, damage, or liability in any form resulting from errors, acts, omissions, negligence, or other fault of the *County* due to scheduled preventative maintenance of ambulances, general maintenance and repairs of ambulances, alerting notification services, and dispatch and communications services provided by the *County*.

Section 4. <u>Duration, Termination, Assignment and Amendment of Agreement</u>

A. Duration

This agreement shall remain effective from the date of its execution by its parties hereto for a period of not less than 6 years, unless terminated by either party hereto. If not terminated prior to, or at the end of, the 6 year period, it shall continue in effect for an additional one year.

B. Termination

This agreement may be terminated prior to the expiration of the 6 year period as set forth above only by mutual agreement of the parties. ~~both parties hereto upon 180 days prior written notice to all parties.~~

C. Assignment

N~~E~~ie~~t~~ther party to~~of~~ this A~~a~~greement shall ~~not~~ assign its benefits or obligations under this A~~a~~greement to any other legal entity without the prior written consent of the other party.

D. Amendment

This agreement shall not be modified or amended except in writing, and, before any amendment is effective, it shall be signed by the duly authorized representative of each of the member entities after the adoption of a resolution of each entity approving the modification or amendment.

E. **Joint Board**

This Agreement does not establish an interlocal entity. Any joint or cooperative undertaking shall be administered by a joint board consisting of the Fire Chief and the County Manager, or their designees.

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Section 5. Required Formalities

Approving Resolutions

This A~~a~~greement shall not be effective until approved by a resolution of the governing body of each member entity. Each entity agrees that a signed copy of this A~~a~~greement will be filed with the keeper of the public records of said member entity. As required by Utah Code Annotated § 11-13202.5, and as a condition precedent to this agreement's entry into force, it shall be submitted to an authorized attorney for each entity who shall approve the agreement as being proper in form and compatible with the laws of the State of Utah.

PASSED AND ADOPTED THIS _____ day of _____ , 2011.

Park City Fire Service District
Administrative Control Board

By:_____
~~Commission~~ Chair

Attest:

_____

Approved as to Form:

_____

Summit County Council

By:_____
Christopher F. Robinson

~~Attest:~~_____

Attest:

_____
Kent Jones
County Clerk

Approved as to Form:

_____
David L. Thomas
Chief Civil Deputy

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INTERLOCAL COOPERATION AGREEMENT
BETWEEN PARK CITY FIRE SERVICE DISTRICT
AND SUMMIT COUNTY REGARDING
NORTH SUMMIT AMBULANCE SERVICE

This agreement made and entered into this _____ day of _____ , 2011, (pursuant to the provisions of the Interlocal Cooperation Act (UCA 11-13-1 U.C.A. et. seq., as amended), by and between the ***PARK CITY FIRE SERVICE DISTRICT***, (hereinafter referred to as "*District*"), and ***SUMMIT COUNTY*** (hereinafter referred to as "*County*").

WITNESSETH

WHEREAS, pursuant to Chapter 13, Title 11 of the Utah Code Annotated 1953, as amended, governmental entities can enter in Interlocal Cooperation Agreements; and,

WHEREAS, for purposes of providing quality emergency medical care to the residents, guests, employees and visitors of the North Summit area (Henefer, Coalville, Wanship, and surrounding areas) of Summit County, the *District* and *County* have agreed to enter into a positive and mutually satisfying working relationship recognizing their respective needs for now and the future; and,

WHEREAS, the *District* has prepared the *Emergency Medical Services Program and Plan for North Summit Ambulance Service* which includes a formal plan to provide an Intermediate Life Support Ambulance Transport Service, in order to advance and improve emergency medical care within the jurisdictional boundaries of North Summit, and,

WHEREAS, the parties hereto recognize that each desires to provide services to their citizens; and, the parties hereto agree that the purpose of this agreement is to permit the *County* and the *District* to cooperate together to ensure that the provision of emergency medical care in North Summit will be of the highest quality, and will be provided in the most efficient and effective methods possible; and,

WHEREAS, this agreement has been approved by the County Council of Summit County and the Administrative Control Board of the Park City Fire Service District,

NOW, THEREFORE, BE IT RESOLVED that this Agreement includes the following premises, terms and conditions as may be applicable to each of the parties hereto:

Section 1. **<u>Purpose of Agreement</u>**

The purpose of this Agreement is to authorize the provision of emergency medical services including emergency response Intermediate Life Support Ambulance services and routine Intermediate Life Support Ambulance services as described in the *District's Emergency Medical Services Program and Plan for North Summit Ambulance Service*, which is incorporated into this Agreement by reference, within the jurisdictional boundaries of North Summit, and other areas as necessary and/or approved by the *County*.

Section 2. **<u>Fire District Responsibilities</u>**

The *District* agrees as follows:

A. To furnish and provide emergency medical services to those areas identified in the *District's Emergency Medical Services Program and Plan for North Summit Ambulance Service*, and this Agreement.

B. To ensure that the level of emergency medical care provided to the areas identified within this Agreement, and in the *Emergency Medical Services Plan of Operation for North Summit Ambulance Service* will be of the highest quality.

C. To determine and maintain staffing levels, including those levels for standby and special events, as necessary for an appropriate and quality level of service, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

D. To submit annual EMS Program Budgets to the *County* for approval and adoption by the County prior to the budget review process of each year.

E. To submit quarterly reports, including budgetary status, performance data, fleet maintenance data, etc. to the *County*.

F. To provide to the *County* performance and operational reports and data, and an independent audit report of the District on an annual basis.

G. To maintain current certification levels of all *District* EMS personnel, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

H. To maintain current certification of all emergency medical vehicles as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

I. To maintain a competitive and comprehensive compensation program, including required State and Federal benefit programs for all EMS personnel, as determined by the *District* from time to time.

J. To provide general liability insurance, errors and omissions insurance, vehicle comprehensive, collision and liability insurance, and EMT malpractice insurance for *District* EMS personnel, and name the *County* as an additional insured under the *District's* insurance policies, respective to the activities and responsibilities as in accordance with this Agreement.

K. To maintain a drug free workplace as in accordance with *District* policy, and Utah and Federal regulations.

L. The *District* agrees to hold harmless and indemnify the *County* from any and all injury, damage, or liability in any form resulting from the errors, acts, omissions, negligence, or other fault of the *District* EMTs, their drivers, assistants, aides, or any other *District* employee when treating, assisting in treatment, or transporting any individual covered within this agreement.

Section 3. <u>Summit County Responsibilities</u>

The *County* agrees as follows:

A. To provide capital funding for new ambulances to the *District* according to a schedule established by a County/District agreed upon fleet management plan.

B. To provide funding for the ambulance service based on budgetary proposals submitted by the *District* to the *County* on an annual basis in accordance with this Agreement. Revenue dedicated for the ambulance service general operational expenses will be forwarded to the *District* on a quarterly basis.

C. To own and maintain ambulances. The *County* will provide a scheduled preventative maintenance program for all ambulances used by the *District* to provide ambulance services. The *County* will also provide for regularly scheduled repairs and maintenance, and emergency repairs to ambulances in a proficient and timely manner, at no cost to the *District*.

D. To provide for housing of ambulances located in the North Summit area, whether in Summit County owned facilities or leased facilities.

E. Provide twenty-four-hour emergency towing and road repair for ambulances, as necessary.

F. Provide dispatch and communications service to the *District* for EMS services, at no additional cost to the *District*.

G. To hold harmless and indemnify the *District* from any and all injury, damage, or liability in any form resulting from errors, acts, omissions, negligence, or other fault of the *County* due to scheduled preventative maintenance of ambulances, general maintenance and repairs of ambulances, alerting notification services, and dispatch and communications services provided by the *County*.

Section 4. <u>Duration, Termination, Assignment and Amendment of Agreement</u>

A. Duration

This agreement shall remain effective from the date of its execution by its parties hereto for a period of not less than 6 years, unless terminated by either party hereto. If not terminated prior to, or at the end of, the 6 year period, it shall continue in effect for an additional one year.

B. Termination

This agreement may be terminated prior to the expiration of the 6 year period as set forth above only by mutual agreement of the parties.

C. Assignment

Neither party to this Agreement shall assign its benefits or obligations under this Agreement to any other legal entity without the prior written consent of the other party.

D. Amendment

This agreement shall not be modified or amended except in writing, and, before any amendment is effective, it shall be signed by the duly authorized representative of each of the member entities after the adoption of a resolution of each entity approving the modification or amendment.

E. **Joint Board**

This Agreement does not establish an interlocal entity. Any joint or cooperative undertaking shall be administered by a joint board consisting of the Fire Chief and the County Manager, or their designees.

Section 5. <u>Required Formalities</u>

Approving Resolutions

This Agreement shall not be effective until approved by a resolution of the governing body of each member entity. Each entity agrees that a signed copy of this Agreement will be filed with the keeper of the public records of said member entity. As required by Utah Code Annotated § 11-13-202.5, and as a condition precedent to this agreement's entry into force, it shall be submitted to an authorized attorney for each entity who shall approve the agreement as being proper in form and compatible with the laws of the State of Utah.

PASSED AND ADOPTED THIS _____ day of _____ , 2011.

Park City Fire Service District
Administrative Control Board

By:_____
Chair

Attest:

_____

Approved as to Form:

_____

Summit County Council

By:_____
Christopher F. Robinson, Chair

Attest:

_____
Kent Jones
County Clerk

Approved as to Form:

_____
David L. Thomas
Chief Civil Deputy

Resolution No. 2011 -____

RESOLUTION PURSUANT TO UCA §11-13-202.5(2) APPROVING AN INTERLOCAL AGREEMENT BETWEEN SUMMIT COUNTY AND THE PARK CITY FIRE SERVICE DISTRICT REGARDING NORTH SUMMIT AMBULANCE SERVICE

WHEREAS, an Interlocal Agreement between Summit County and Park City Fire Service District regarding North Summit Ambulance Service (the "Interlocal Agreement") has an effective date of June 29, 2011; and,

WHEREAS, no interlocal entity is created by the Interlocal Agreement; and,

WHEREAS, it is in the best interests of Summit County to approve the Interlocal Agreement;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that the Interlocal Agreement is hereby APPROVED.

APPROVED AND ADOPTED this _____ day of _____, 2011.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
Christopher F. Robinson, Chair

_____
Kent Jones
County Clerk

APPROVED AS TO FORM:

_____
David L. Thomas
Chief Civil Deputy

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PARK CITY FIRE SERVICE DISTRICT
AND SUMMIT COUNTY REGARDING
PARK CITY AMBULANCE SERVICE

This agreement made and entered into this _____ day of _____ , 2011, (pursuant to the provisions of the Interlocal Cooperation Act (UCA 11-13-1 U.C.A. et. sSeq., as amended), by and between the ***PARK CITY FIRE SERVICE DISTRICT***, (hereinafter referred to as "*District*"), and ***SUMMIT COUNTY*** (hereinafter referred to as "*County*").

WITNESSETH

WHEREAS, pursuant to Chapter 13, Title 11 of the Utah Code Annotated 1953, as amended, governmental entities can enter in Interlocal Cooperation Agreements; and,

WHEREAS, for purposes of providing quality emergency medical care to the residents, guests, employees and visitors of Western Summit County, the *District* and *County* have agreed to enter into a positive and mutually satisfying working relationship recognizing their respective needs for now and the future; and,

WHEREAS, the *District* has prepared the Emergency Medical Services Program which includes a formal plan to provide an Intermediate Life Support Ambulance Transport Service, in order to advance and improve emergency medical care within the jurisdictional boundaries of the Park City Fire Service District; and,

WHEREAS, the parties hereto recognize that each desires to provide services to their citizens; and, the parties hereto agree that the purpose of this agreement is to permit the *County* and the *District* to cooperate together to ensure that the provision of emergency medical care in Western Summit County will be of the highest quality, and will be provided in the most efficient and effective methods possible; and,

WHEREAS, this agreement has been approved by the County Council of Summit County and the Administrative Control Board of the Park City Fire Service District,

NOW, THEREFORE, BE IT RESOLVED that this Agreement includes the following premises, terms and conditions as may be applicable to each of the parties hereto:

Section 1. Purpose of Agreement

The purpose of this Aagreement is to authorize the provision of emergency medical services including emergency response Intermediate Life Support Ambulance services and routine Intermediate Life Support Ambulance services as described in the *District's Emergency Medical Services Plan of Operation for Park City Fire Service District*, which is incorporated into this Agreement by reference, within the jurisdictional boundaries of the *District*, and other areas as necessary and/or approved by the *County*.

Section 2. Fire District Responsibilities

The *District* agrees as follows:

A. To furnish and provide emergency medical services to those areas identified in the *District's Emergency Medical Services Plan of Operation for Park City Fire Service District*, and this Aagreement.

B. To ensure that the level of emergency medical care provided to the areas identified within this Aagreement, and in the *Emergency Medical Services Plan of Operation for Park City Fire Service District* will be of the highest quality.

C. To determine and maintain staffing levels, including those levels for standby and special events, as necessary for an appropriate and quality level of service, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

D. To submit annual EMS Program Budgets to the *County* for approval and adoption by the County prior to the budget review process of each year.

E. To submit quarterly reports, including budgetary status, performance data, fleet maintenance data, etc. to the *County*.

F. To provide to the *County* performance and operational reports and data, and an independent audit report of the District on an annual basis.

G. To maintain current certification levels of all *District* EMS personnel, as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

H. To maintain current certification of all emergency medical vehicles as set forth in the Ambulance Rules of the Utah Emergency Medical Services System Act (U.C.A. 26-8a).

I. To maintain a competitive and comprehensive compensation program, including required State and Federal benefit programs for all EMS personnel, as determined by the *District* from time to time.

J. To provide general liability insurance, errors and omissions insurance, vehicle comprehensive, collision and liability insurance, and EMT malpractice insurance for *District* EMS personnel, and name the *County* as an additional insured under the *District's* insurance policies, respective to the activities and responsibilities as in accordance with this Agreement.

K. To maintain a drug free workplace as in accordance with *District* policy, and Utah and Federal regulations.

L. The *District* agrees to hold harmless and indemnify the *County* from any and all injury, damage, or liability in any form resulting from the errors, acts, omissions, negligence, or other fault of the *District* EMTs, their drivers, assistants, aides, or any other *District* employee when treating, assisting in treatment, or transporting any individual covered within this agreement.

Section 3. <u>Summit County Responsibilities</u>

The *County* agrees as follows:

A. To provide capital funding for new ambulances to the *District* according to a schedule established by a County/District agreed upon fleet management plan.

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C. To own and maintain ambulances. The *County* will provide a scheduled preventative maintenance program for all ambulances used by the *District* to provide ambulance services. The *County* will also provide for regularly scheduled repairs and maintenance, and emergency repairs to ambulances in a proficient and timely manner, at no cost to the *District*.

D. Provide twenty-four-hour emergency towing and road repair for ambulances, as necessary.

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F. To hold harmless and indemnify the *District* from any and all injury, damage, or liability in any form resulting from errors, acts, omissions, negligence, or other fault of the *County* due to scheduled preventative maintenance of ambulances, general maintenance and repairs of ambulances, alerting notification services, and dispatch and communications services provided by the *County*.

Section 4. Duration, Termination, Assignment and Amendment of Agreement

A. Duration

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B. Termination

This agreement may be terminated prior to the expiration of the 6 year period as set forth above only by mutual agreement of the parties. ~~both parties hereto upon 180 days prior written notice to all parties.~~

C. Assignment

Ne~~E~~ither party to~~of~~ this A~~a~~greement shall ~~not~~ assign its benefits or obligations under this A~~a~~greement to any other legal entity without the prior written consent of the other party.

D. Amendment

This agreement shall not be modified or amended except in writing, and, before any amendment is effective, it shall be signed by the duly authorized representative of each of the member entities after the adoption of a resolution of each entity approving the modification or amendment.

E. Joint Board

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Section 5. Required Formalities

Approving Resolutions

This Aagreement shall not be effective until approved by a resolution of the governing body of each member entity. Each entity agrees that a signed copy of this Aagreement will be filed with the keeper of the public records of said member entity. As required by Utah Code Annotated § 11-13-202.5, and as a condition precedent to this agreement's entry into force, it shall be submitted to an authorized attorney for each entity who shall approve the agreement as being proper in form and compatible with the laws of the State of Utah.

PASSED AND ADOPTED THIS _____ day of _____ , 2011.

Park City Fire Service District
Administrative Control Board

By:_____
Commission Chair

Attest:

Attest:_____

Approved as to Form:

_____

Summit County Council

By:_____
Christopher F. Robison, Chair

Attest:

~~Attest:~~_____
Kent Jones
County Clerk

Approved as to Form:

_____
David L. Thomas
Chief Civil Deputy

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PARK CITY FIRE SERVICE DISTRICT
AND SUMMIT COUNTY REGARDING
PARK CITY AMBULANCE SERVICE

This agreement made and entered into this _____ day of _____ , 2011, (pursuant to the provisions of the Interlocal Cooperation Act (UCA 11-13-1 U.C.A. et. seq., as amended), by and between the ***PARK CITY FIRE SERVICE DISTRICT***, (hereinafter referred to as "*District*"), and ***SUMMIT COUNTY*** (hereinafter referred to as "*County*").

WITNESSETH

WHEREAS, pursuant to Chapter 13, Title 11 of the Utah Code Annotated 1953, as amended, governmental entities can enter in Interlocal Cooperation Agreements; and,

WHEREAS, for purposes of providing quality emergency medical care to the residents, guests, employees and visitors of Western Summit County, the *District* and *County* have agreed to enter into a positive and mutually satisfying working relationship recognizing their respective needs for now and the future; and,

WHEREAS, the *District* has prepared the Emergency Medical Services Program which includes a formal plan to provide an Intermediate Life Support Ambulance Transport Service, in order to advance and improve emergency medical care within the jurisdictional boundaries of the Park City Fire Service District; and,

WHEREAS, the parties hereto recognize that each desires to provide services to their citizens; and, the parties hereto agree that the purpose of this agreement is to permit the *County* and the *District* to cooperate together to ensure that the provision of emergency medical care in Western Summit County will be of the highest quality, and will be provided in the most efficient and effective methods possible; and,

WHEREAS, this agreement has been approved by the County Council of Summit County and the Administrative Control Board of the Park City Fire Service District,

NOW, THEREFORE, BE IT RESOLVED that this Agreement includes the following premises, terms and conditions as may be applicable to each of the parties hereto:

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The purpose of this Agreement is to authorize the provision of emergency medical services including emergency response Intermediate Life Support Ambulance services and routine Intermediate Life Support Ambulance services as described in the *District's Emergency Medical Services Plan of Operation for Park City Fire Service District*, which is incorporated into this Agreement by reference, within the jurisdictional boundaries of the *District*, and other areas as necessary and/or approved by the *County*.

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K. To maintain a drug free workplace as in accordance with *District* policy, and Utah and Federal regulations.

L. The *District* agrees to hold harmless and indemnify the *County* from any and all injury, damage, or liability in any form resulting from the errors, acts, omissions, negligence, or other fault of the *District* EMTs, their drivers, assistants, aides, or any other *District* employee when treating, assisting in treatment, or transporting any individual covered within this agreement.

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A. To provide capital funding for new ambulances to the *District* according to a schedule established by a County/District agreed upon fleet management plan.

B. To provide funding for the ambulance service based on budgetary proposals submitted by the *District* to the *County* on an annual basis in accordance with this Agreement. Revenue dedicated for the ambulance service general operational expenses will be forwarded to the *District* on a quarterly basis.

C. To own and maintain ambulances. The *County* will provide a scheduled preventative maintenance program for all ambulances used by the *District* to provide ambulance services. The *County* will also provide for regularly scheduled repairs and maintenance, and emergency repairs to ambulances in a proficient and timely manner, at no cost to the *District*.

D. Provide twenty-four-hour emergency towing and road repair for ambulances, as necessary.

E. Provide dispatch and communications service to the *District* for EMS services, at no additional cost to the *District*.

F. To hold harmless and indemnify the *District* from any and all injury, damage, or liability in any form resulting from errors, acts, omissions, negligence, or other fault of the *County* due to scheduled preventative maintenance of ambulances, general maintenance and repairs of ambulances, alerting notification services, and dispatch and communications services provided by the *County*.

Section 4. Duration, Termination, Assignment and Amendment of Agreement

A. Duration

This agreement shall remain effective from the date of its execution by its parties hereto for a period of not less than 6 years, unless terminated by either party hereto. If not terminated prior to, or at the end of, the 6 year period, it shall continue in effect for an additional one year.

B. Termination

This agreement may be terminated prior to the expiration of the 6 year period as set forth above only by mutual agreement of the parties.

C. Assignment

Neither party to this Agreement shall assign its benefits or obligations under this Agreement to any other legal entity without the prior written consent of the other party.

D. Amendment

This agreement shall not be modified or amended except in writing, and, before any amendment is effective, it shall be signed by the duly authorized representative of each of the member entities after the adoption of a resolution of each entity approving the modification or amendment.

E. **Joint Board**

This Agreement does not establish an interlocal entity. Any joint or cooperative undertaking shall be administered by a joint board consisting of the Fire Chief and the County Manager, or their designees.

Section 5. <u>Required Formalities</u>

Approving Resolutions

This Agreement shall not be effective until approved by a resolution of the governing body of each member entity. Each entity agrees that a signed copy of this Agreement will be filed with the keeper of the public records of said member entity. As required by Utah Code Annotated § 11-13-202.5, and as a condition precedent to this agreement's entry into force, it shall be submitted to an authorized attorney for each entity who shall approve the agreement as being proper in form and compatible with the laws of the State of Utah.

PASSED AND ADOPTED THIS _____ day of _____ , 2011.

Park City Fire Service District
Administrative Control Board

By:_____
Chair

Attest:

_____

Approved as to Form:

_____

Summit County Council

By:_____
Christopher F. Robinson, Chair

Attest:

_____
Kent Jones
County Clerk

Approved as to Form:

_____
David L. Thomas
Chief Civil Deputy

Resolution No. 2011 -____

RESOLUTION PURSUANT TO UCA §11-13-202.5(2) APPROVING AN INTERLOCAL AGREEMENT BETWEEN SUMMIT COUNTY AND THE PARK CITY FIRE SERVICE DISTRICT REGARDING PARK CITY AMBULANCE SERVICE

WHEREAS, an Interlocal Agreement between Summit County and Park City Fire Service District regarding Park City Ambulance Service (the "Interlocal Agreement") has an effective date of June 29, 2011; and,

WHEREAS, no interlocal entity is created by the Interlocal Agreement; and,

WHEREAS, it is in the best interests of Summit County to approve the Interlocal Agreement;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that the Interlocal Agreement is hereby APPROVED.

APPROVED AND ADOPTED this _____ day of _____, 2011.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
Christopher F. Robinson, Chair

_____
Kent Jones
County Clerk

APPROVED AS TO FORM:

_____
David L. Thomas
Chief Civil Deputy

SUMMIT COUNTY
ORDINANCE NO. _____

AN ORDINANCE MANDATING A MORATORIUM ON APPLICATIONS FOR COMMUNITY ORIENTED RESIDENTIAL DEVELOPMENT ZONES (CORE), SUMMIT COUNTY CODE §10-5-16, SNYDERVILLE BASIN

WHEREAS, the Snyderville Basin Development Code allows applicants to apply for a Community Oriented Residential Development Zone (CORE) rezone pursuant to Summit County Code §10-5-16; and,

WHEREAS, the County has been in the process of reviewing a proposed 2010 affordable housing needs assessment to determine what changes may or may not be made to its CORE rezone in order to adequately comply with state law; and,

WHEREAS, there are multiple CORE rezone applications pending before the County and any changes to the CORE rezone procedures will not affect the processing of those completed applications; and,

WHEREAS, UCA §17-27a-504 provides that a "county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation" which may "prohibit or regulate . . . any subdivision approval" where the "legislative body makes a finding of compelling, countervailing public interest;" and,

WHEREAS, the County Council of Summit County finds a compelling and countervailing public interest that the CORE rezone process needs to be evaluated in conjunction with any approved affordable housing needs assessment before any further applications are accepted by Summit County; and,

WHEREAS, a six month period is needed to address this issue and enact changes, if any, to the CORE rezone;

NOW THEREFORE BE IT ORDAINED by the Summit County Council acting as the County Legislative Body as follows:

Section 1. **Moratorium**. There shall be and is hereby declared a moratorium on the acceptance of new applications for a Community Oriented Residential Development Zone (CORE) rezone pursuant to Summit County Code §10-5-16.

Section 2. **Intent**. It is the intent of Summit County in enacting this ordinance to ensure the appropriate development for the health, safety and welfare of the residents of the Snyderville Basin, and specifically finds a compelling and countervailing public interest that the CORE rezone process needs to be evaluated in conjunction with

any approved affordable housing needs assessment before any further applications are accepted by Summit County.

Section 3. **Effective Period.** This ordinance shall be effective for six months from the effective date of this ordinance, expiring at 5:00 p.m. on December 29, 2011.

Section 4. **Effective Date**. This ordinance shall take effect upon publication as allowed by law.

Section 5. **Savings Clause.** In the event any part, term, or provision of this ordinance is held by the courts to be illegal or in conflict with any law of the State of Utah, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations herein described shall be construed and enforced as if the ordinance did not contain the particular part, term or provision held to be invalid.

PASSED AND ADOPTED this 29th day of June, 2011.

COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

_____
Christopher F. Robinson, Chair

Councilmember Elliott voted: _____
Councilmember Hanrahan voted: _____
Councilmember Ure voted: _____
Councilmember McMullin voted: _____
Councilmember Robinson voted: _____

ATTEST

_____
County Clerk, Summit County, Utah

APPROVED AS TO FORM:

_____
David L. Thomas
Chief Civil Deputy

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 1, 2011
NEWPARK HOTEL, COTTONWOOD ROOM
PARK CITY, UTAH

PRESENT:

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

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

The Council came to order at 8:30 a.m.

STRATEGIC PLANNING MEETING WITH ELECTED OFFICIALS, DEPARMENT HEADS, DIVISION DIRECTORS

Council Members attended a meeting held with Elected Officials, Department Heads, and Division Directors in the County to discuss proposed Mission Statement language and Strategic Issues identified by mediator Ken Embley, from the University of Utah Center for Public Policy and Administration. The entire group participated in exercises to rank and clarify issues and prepare language for setting short and long range priorities.

No action was taken or motions made during the meeting.

The meeting adjourned at 12:00 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 8, 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*

Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Annette Singleton, *Office Manager*
Karen McLaws, *Secretary*

CLOSED SESSION

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

The Summit County Council met in closed session from 2:40 p.m. to 3:30 p.m. to discuss litigation. 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*

Anita Lewis, *Assistant 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 Hanrahan and passed unanimously, 5 to 0.

Chair Robinson called the work session to order at 3:40 p.m.

WORK SESSION

- **Continued Discussion Core Program**

County Planner Kimber Gabryszak provided a brief history of the development of the CORE Rezone process in order to bring the County into compliance with State requirements for an affordable housing program. She recalled that the mandatory provisions, which require all new development to provide 20% affordable housing, were adopted in December 2007. The CORE

incentive program was adopted in July 2008. She explained that the definition of affordable housing is that it targets households earning 80% of the Area Median Income (AMI). She noted that the Summit County AMI just increased to $99,000. She clarified that the programs usually target income ranges, such as 20%-40%, 40%-60%, or 60%-80%. The definitions include moderate income, low income, and very low income. She explained that HUD issues a table of allowable prices based on the number of people in the household for each range. Pricing is calculated based on income, and the total of the mortgage payment, mortgage insurance, taxes, and HOA dues cannot exceed a certain percentage of the targeted household gross monthly income. To be certain that prices are not artificially inflated by assuming a large down payment, a maximum 5% down payment assumption was included in the Development Code for the pricing calculation.

Scott Loomis with Mountainlands Community Housing Trust explained that the HUD model is normally 30% of income for mortgage, taxes, insurance, HOA dues, etc., or 30% of income for rent and utilities for a rental unit. That percentage was adopted in the Snyderville Basin Development Code.

Planner Gabryszak reviewed the flow chart showing the process the subcommittee and Planning Commission worked through to develop the CORE program and some options considered for the CORE program. She explained that the County faced a number of financial constraints, so they chose to incentivize developers and put the burden on the development community to provide affordable housing.

Council Member Elliott asked if the Planning Commission was aware of the need for affordable rental housing and expressed concern that the County would never get affordable rental housing out of CORE developments. Planner Gabryszak explained that units in a CORE development will not be restricted specifically to houses or rental units. The developer will determine whether to rent or sell. In the current financial situation, it is very difficult to get a mortgage, so developers may not be able to sell the affordable units right away and would have the option to rent them. Mr. Loomis explained that, if the developer chooses to own the units, they might be better as rentals. Through the CORE program, a developer can donate land to a non-profit, which would be conducive to multi-family rental units. He explained that they do not want to pin down developers to providing for sale or rental units, because they do not know what the market may be at the time they are built.

Planner Gabryszak reported that, as they reviewed the affordable housing program, Staff contacted many communities, reviewed their development codes, and used their research as background for Summit County's program. She presented an example from Woodinville, Oregon, which offers an incentive density program similar to the CORE program and explained that was used as a basis for the CORE program. Woodinville's greatest incentive was for senior rentals, and the lowest incentive was for ownership. Telluride has a 3-pronged approach. On town-owned property, the town builds the units. They have a 40% inclusionary requirement based on employee generation and offer a density bonus for developers to provide housing. They have had a real estate transfer tax which is grandfathered for many of those communities, and every time a unit is sold, a fee is paid to the community for affordable housing. However, that is illegal in Utah. Telluride also allows developers to pay a fee in lieu or donate land, and that fee is used to fund the town as developer portion. They also have a housing authority that manages and maintains the units. Planner Gabryszak explained that, initially, the County

considered designating certain areas as housing overlay zones based on access to transit, utilities, other infrastructure, and employment. When they reached the public hearing process, the communities near the identified overlay zones strongly opposed the overlay zone concept. The County backed away from that idea and moved toward allowing the program everywhere, with each development being reviewed on a case-by-case basis as projects come to the County. She explained that the Planning Commission spent a long time working on the CORE values and goals to obtain meaningful workforce housing, with a focus on critical workers.

Planner Gabryszak read a statement provided by Planning Commissioner Mike Washington who served on the subcommittee. He stated that fewer, denser projects would best meet the needs for housing for private and public sector employees, since the County is very limited in areas that can accommodate this type of development. Commissioner Washington had spoken with Mike Luers at the Water Reclamation District, who indicated that only 5 of their 35 employees live in Summit County. Planner Gabryszak explained that the subcommittee was very concerned about obtaining meaningful workforce housing for people who are critical to the community. She summarized the CORE zones and explained that the request for a CORE Rezone is accompanied by a project proposal, and they are tied together so that neither can be approved independently. The only project that can be built in a CORE is the project that was specifically approved with no major changes. The ratio in a CORE is 1 Workforce Unit Equivalent (WUE) per 1 market unit if building higher-income units, or 1 WUE per 1.5 market units if the developer builds smaller, more affordable units. She explained that they looked at various communities within the Basin when developing the CORE Zones and tried to come up with ranges that would be compatible with those communities. She reviewed the CORE densities and compared them with existing communities. She explained that, as they have applied the CORE to projects, some issues have come to light, such as neighborhood compatibility and how to calculate maximum density, and some modifications need to be made going forward. She and Mr. Loomis reviewed issues related to calculating maximum density for a CORE Rezone. Planner Gabryszak explained that, when they adopted CORE, they assumed that market rate units would pay for the cost of the land and infrastructure, and sale or rental prices would cover the brick and mortar cost of building the affordable units. However, property owners are selling the property to developers on a per unit basis without separating out the affordable units. Therefore, developers ask for more density than should have been needed to make the development work financially. Mr. Loomis clarified that they had anticipated that landowners would get increased density, but they are seeing that developers come to landowners and offer to buy the land based on getting a certain number of units of density. Then the affordable units become burdened with having to help pay for infrastructure, impact fees, etc. The reason they may see unbending requests for higher density is that the developer made a bad deal going in, and the market was probably much higher at the time they made the deal. Chair Robinson commented that, with an AMI of $99,000, it is not necessarily a foregone conclusion that workforce units would be a loser to the developer.

Council Member Hanrahan asked what research went into determining how much density to give to incentivize developers. Planner Gabryszak explained that, according to the math provided by Kurt Daenitz, they came up with the 1:1 ratio and 1:1.5 ratio for affordable to market rate units. Mr. Daenitz met with various developers and came up with the average cost at the time to build units at different income levels. Overall densities in each CORE category came from the desire to make developments that would be compatible with nearby neighborhoods. Council Member Hanrahan expressed concern that the developers are telling the County how many units they have to give them in order for them to make a profit. Planner Gabryszak explained that is not the

case, and that should not be taken into account. The developer is responsible for doing the economic analysis, and Staff often tells developers they are asking for too much, but developers can choose whether to listen to that or not, and that is a risk they can decide to take.

Planner Gabryszak and Mr. Loomis reviewed the WUE calculations with the Council Members. Chair Robinson verified with Planner Gabryszak that, when they approve a CORE project, they would approve a specific number of units. Planner Gabryszak explained that number could not increase, but it could decrease depending on how the workforce units are configured.

Planner Gabryszak summarized that Staff recommends that the Council look at the program and make some changes based on the issues that have come up. Overall, they believe the CORE program should continue. Chair Robinson suggested the possibility of placing a moratorium on new applications while they work on the changes or repeal the CORE provisions in the Code and reenact a new CORE program.

REGULAR SESSION

Chair Robinson called the regular meeting to order at 5:00 p.m.

- **Pledge of Allegiance**

APPEAL OF A DECISION BY THE SNYDERVILLE BASIN PLANNING COMMISSION REGARDING THE DENIAL OF A CONDITIONAL USE PERMIT FOR A PROPOSED 20-BED BEEHIVE HOMES ASSISTED LIVING CENTER, 6301 NORTH VIEW DRIVE, PARK CITY, UT

Dennis Toland stated that he owns the franchise for Beehive Homes, and there are 43 Beehive Homes in Utah. He explained that the homes are designed to be built in residential neighborhoods. The homes range in size from 8 bedrooms to 20 bedrooms and are designed specifically for the needs of the elderly. The average age of residents is 85 years old, and they are taken care of in a family-style setting. Each resident has a private room and private bathroom and shower. The residents enjoy family interaction in the neighborhoods where the homes are located. He acknowledged that there have been some places where the neighborhood was not excited for them to build a home, but over time they have always come to enjoy having the home in the neighborhood. He explained that these homes are a big help for people who need them and are unable to live alone in their own homes. He stated that they look forward to having a home in the Park City area, and the property is already zoned for them to be able to build a home in this location. He stated that the elderly people make great neighbors, and seldom do people even know they are in the neighborhood.

Chair Robinson asked in what way the Snyderville Basin Planning Commission erred in denying the Beehive Homes application. Mr. Toland replied that his experience in the past has been that, if they meet Code, the only things they needed to worry about were landscaping, parking, fencing, etc. He believes they meet the Code requirements and have addressed the other issues raised by the Planning Commission. The main issue came down to the size of the building, which seemed to be larger than the neighborhood wanted, but it is not larger than other Beehive Homes. He noted that the applicant's attorney provided a brief for the Council in which he addressed the Planning Commission's six grounds for denial. Mr. Toland noted that there is a

list of conditional uses that are allowed in this zone and asked what might be allowed if this use is denied.

Ken Menlove, one of the applicants, general contractor, and projector engineer, noted that the staff report states that this application complies with the Snyderville Basin General Plan and Development Code requirements. The building has been designed within the setbacks and height requirements. The staff report also states that the proposed use will not be a detriment to public health, safety, or welfare, and he explained that they addressed the neighbors' concerns regarding traffic and parking. He reviewed the six reasons the Planning Commission denied the project and the responses of the applicant's attorney to each of those findings as contained in the brief provided to the Council Members.

County Planner Sean Lewis provided a brief history of the application and indicated the location of the proposed project. He reported that the Planning Commission held three meetings with the applicant, and at the public hearing, more than 50 residents spoke. On April 26, the project came back to the Planning Commission for a decision, with some changes in the application and a discussion on workforce requirements relative to this project. The Planning Commission voted 5 to 1 against the Conditional Use Permit (CUP). He verified that a family could build a home of this size as long as it meets the setback and height requirements.

Council Member Elliott asked about the County Code setback requirements. Planner Lewis replied that they are 55 feet from the center line of the road and 12 feet on the sides and rear. Council Member McMullin asked what size building could be built on the lot based on those setbacks. Planner Lewis replied that it could be much larger than what the applicant has proposed, and that could be done without a CUP. Only a building permit would be required.

Planner Lewis reported that the applicant has contacted Public Works and the Park City School District about providing a bus pullout for the school children so they do not have to wait in the street for the school bus. They also provided a traffic impact study. He explained that the applicant originally proposed a drive-through access that included View Drive, but in response to public comment, they changed the plan to include access only from Highland Drive and a hammerhead in the area close to View Drive. The County Engineer's Office has confirmed that traffic impacts would be only one trip during the peak hour. The public also expressed concern about the number of parking stalls, and the applicant added parking stalls in response to those concerns. Planner Lewis noted that the applicant would need to provide a landscaping and lighting plan, which should be addressed in a condition of approval. He explained that the Planning Commission's primary concern was the size of the building. He provided the architectural rendering of the building and the proposed building superimposed on a photograph of the site. Planner Lewis explained that the Council could choose to uphold the appeal with findings and conditions suggested in the staff report, or they could deny the appeal and find that the Planning Commission acted properly in denying the CUP.

Deputy County Attorney Dave Thomas explained that the Federal Fair Housing Act and Utah Fair Housing Act require the County to allow residential facilities for the disabled or group homes in at least one zone district within the County. Since the Eastern Summit County Planning District and the Snyderville Basin Planning District are separate township planning districts, there must be a zone for this type of use in each planning district. The former County Commission approved the Snyderville Basin Development Code with the provision to allow

group homes in the Rural Residential (RR) Zone District as a conditional use. Chair Robinson asked if this is the only zone district in which this use is allowed. Mr. Thomas replied that he believed it might be allowed in one other zone district. He explained that Utah law provides that a group home in a residential zone is to be treated like a single-family residence. Because many people do not want group homes in their neighborhood, under the Fair Housing Act, they are required to be treated like any other residence in that zone district. He clarified that conditional uses are permitted uses within a zone district that are subject to reasonable conditions to mitigate the impacts. Utah Code states that mere neighborhood opposition to group homes by itself is not a viable ground to deny the group home, and that is determined to be public clamor. Assisted living facilities are recognized under State law as a kind of group home, and that is what Beehive Homes is requesting. Reasonable conditions are allowed to mitigate impacts. One of the requirements for a CUP is compatibility with the neighborhood, and because this is both a group home and a conditional use, the County Commission made the decision when the Development Code was adopted that this is a compatible use. That, in combination with the requirement that a group home be treated as a single-family residence, adds corroboration to the fact that it is a compatible use in the neighborhood. The conditions placed on the Beehive Home must be reasonable, such as conditions to address traffic, parking, etc., but the issue of size is unique to each development code. Whatever requirements could be applied to a single-family residence in the RR Zone would be applied to a group home in the same zone district. The RR Zone District has setback and height restrictions but no square footage restrictions; therefore, size cannot be considered so long as the building complies with the setback and height requirements. With regard to workforce housing, residential units do have to comply with the workforce housing element of the Code. Mr. Thomas asked that, whatever decision the County Council makes, it should be subject to findings of fact and conclusions of law that will be drafted by the County Attorney's Office for final signature.

Chair Robinson asked how someone building a single-family home on a lot of record would comply with the affordable housing requirement. Mr. Thomas replied that an exemption to the affordable housing requirement applies to when building a single-family home on a lot of record. Chair Robinson asked how this would be different from building a single-family home. Mr. Thomas replied that the Council could make the argument that it is not different. Planner Lewis explained that Staff made the interpretation that they would require the applicant to meet the workforce housing requirement since this is a commercial use. The applicant chose to provide rooms to meet the low- to moderate-income needs for their clientele. Chair Robinson reasoned that the reason for workforce housing is to provide workers with a home, and these rooms would not be for workers. He asked how a retail business would meet its workforce requirement. Planner Lewis replied that they would conduct a study to determine how many workforce equivalents the commercial use would be required to provide. If less than five WUEs are required, the applicant could pay a fee in lieu or build housing elsewhere. Mr. Thomas commented that, since this is to be treated as a residence, it would probably be exempt from the workforce housing requirement.

Chair Robinson explained that the size of the structure has been a major issue, and the Council Members discussed with the applicant the possibility of making the building smaller by deleting four units and providing greater setbacks. They also discussed the possibility of reducing the number of parking stalls and pulling the hammerhead further back from View Drive. Mr. Thomas noted that, in terms of the legal rules, the County cannot require someone to reduce the

density on a single-family home. Chair Robinson clarified that this would have to be a voluntary reduction on the applicant's part.

Joe White, one of the owners of the proposed Beehive Home, stated that he does not want to do anything that would diminish his legal right. He believed it would be in his best interest to work with the Planning Department to determine what would be appropriate in terms of scaling back the size of the home. He expressed concern about the costs involved in redesigning the home and additional engineering fees. He stated that he would be willing to consider reducing the size.

Council Member Hanrahan asked if they could ask the applicant to mitigate the visual impacts of the home. Mr. Thomas replied that they could so long as the condition is reasonable. Council Member Hanrahan verified with Mr. Thomas that they cannot make a condition regarding the size, only the design. He asked why the number of parking stalls was increased. Planner Lewis replied that was done to appease the neighborhood and Planning Commission's concerns that too few parking stalls were proposed. Staff relied on the County Engineer's review of the traffic study and agreed that the number of stalls originally proposed by the applicant was sufficient. Council Member Hanrahan asked if the Planning Commission received the same information the County Council has received and disagreed with it, or whether they did not have all the information. Deputy County Attorney Jami Brackin confirmed that the Planning Commission had all the information. Planner Lewis explained that Ms. Brackin attended the meetings and spoke to the legal issues. Council Member Hanrahan explained for those in attendance that the County Council has all the public comment made at the Planning Commission meeting, and their views have been heard.

Council Member Elliott asked if there are other zones in the Snyderville Basin where group homes are allowed. Planner Gabryszak reported that group homes and nursing homes are conditional uses in the RR Zone and require a Low Impact Permit or CUP in the Neighborhood Commercial and Community Commercial Zones. Commissioner Elliott asked about signage for the home. Mr. Toland replied that they usually have a small sign above the door that says Beehive Homes with the address and comply with the ordinances in the area. Council Member Elliott noted that the subdivision CC&Rs say that there shall be no billboard of any character unless it has been submitted to their construction committee. She stated that she agrees that the use is compatible and was pleased with the possibility of having this type of facility in western Summit County. She wished they had more opportunities for their aging population. She commented that the architecture of the building is out of character with the mountain ranch surroundings, and the building setbacks do not meet the setbacks specified in the CC&Rs for the subdivision. She did not believe the Council should approve a building that would immediately be challenged by the homeowners association. She acknowledged that the County does not uphold or defend the CC&Rs, but she believed they would be inviting trouble to approve something that is so obviously in conflict with the CC&Rs of a subdivision that were accepted in 1979 and are readily available in the County Recorder's Office. She stated that she would be prepared to make a motion to uphold the Snyderville Basin Planning Commission's decision with different findings and different conditions.

Council Member McMullin explained that the County Council's job is not to enforce CC&Rs. Using the CC&Rs to deny an application is not a legal basis for denial. The County's job is to uphold the law, and the homeowners association's job is to uphold their CC&Rs. The law says that this use is a compatible use in the RR Zone. The law says that they cannot consider size and

that they must treat this as if it were a single-family residence, and a single-family residence of at least this size is allowed in this zone. She stated that there is no way she would vote to deny this appeal on the basis of CC&Rs. She believed the law was clear that, if the traffic, parking, and visual impacts can be mitigated, they have no legal basis to deny the CUP. She hated to disagree with the Planning Commission, but she believed they were wrong on this decision.

Chair Robinson reviewed details of the site plan with the applicant and Planner Lewis, including the existing berm, change in access off of View Drive, building setbacks, fencing, changing the location and orientation of the building, and building materials. He asked if the applicant would be willing to commit that the rooms would be single occupancy. Mr. Toland explained that they have a room on each end that is large enough to be a double occupancy room, because they occasionally get married couples in their facilities. Because of their licensing, in that case, one of the other rooms would remain empty until there is no longer a couple in the room. The other rooms cannot be double occupancy rooms, because the State Health Department requires double occupancy rooms to be a certain size. It has always been their practice to have single-occupancy rooms, and they would be willing to sign something to confirm that if the County would like. Chair Robinson verified with Staff that the Council could require sufficient landscaping to screen the size of the building and request a landscape plan in advance of the permit being issued.

Council Member Ure asked to what extent they could make changes during the appeal process without sending this back to the Planning Commission. Mr. Thomas replied that the Council can approve the appeal de novo and set conditions or deny the appeal, which would uphold the decision of the Planning Commission. It is not within the parameters of the Code to remand it back to the Planning Commission.

Chair Robinson asked how they could get to 16 units procedurally and whether the applicant would be willing to work with the County Council and voluntarily reduce the number of bedrooms in the home. Mr. Thomas replied that the applicant can voluntarily ask that the item be tabled so they have more time to look at the size of the home or ask for a decision this evening.

Council Member Hanrahan verified with Mr. Thomas that rehab and detox facilities are included in the definition of group homes. He requested a work session on the use chart and whether they believe that is an appropriate use in the RR Zone.

After further discussion with the applicant, Chair Robinson stated that he hoped the applicant would buy some good will with the community by reducing the size of the home. He acknowledged that there are no guarantees that someone will not challenge the Council's decision or the CC&Rs. Mr. White stated that they would be amenable to reducing the home by two rooms on each end of the building and reducing the parking to eight stalls.

Council Member McMullin made a motion to uphold the appeal and approve the 16-bed Beehive Homes Assisted Living Center after a voluntary reduction from 20 to 16 beds based on the following findings and conditions set forth in the staff report with the deletion of Condition 1 and the addition of Conditions 5 through 7 as shown below.

<u>Findings</u>:

1. **The Snyderville Basin Planning Commission did err in their decision to deny the proposed Conditional Use Permit for the proposed assisted living center.**
2. **The application complies with the Snyderville Basin General Plan, as outlined in Section E of this report.**
3. **The proposed plan complies with the appropriate Development Code Requirements.**
4. **The proposed use will not be a detriment to public health, safety, or welfare.**
5. **The proposed use is able to use current infrastructure and is close to existing public facilities.**

<u>Conditions</u>:

1. **The operator of the facility shall provide Summit County with copies of all current licenses as required by the State of Utah. The operator shall allow Summit County to request current copies of any licenses upon request.**
2. **The applicant shall provide a complete landscape plan as required by Section 10-4-21 of the Code. No Building Permit shall be issued until the landscape plan is approved by the Summit County Community Development Department.**
3. **The applicant shall submit a complete lighting plan as required by Section 10-4-22 of the Code. No Building Permit shall be issued until the lighting plan is approved by the Summit County Community Development Department.**
4. **All service provider requirements shall be met prior to issuance of a Building Permit.**
5. **The applicant shall reduce the parking from 10 stalls to 8 stalls and move the hammerhead further from View Drive.**
6. **The applicant shall provide a landscape plan that reasonably mitigates the visual impact of the size of the building.**
7. **The applicant shall move the building to the east, symmetrically reduce the size by four rooms, and shift the building to the north.**

The motion was seconded by Council Member Ure.

Council Member Elliott amended the motion to add a condition that, in order to visually reduce the impact of the building and make it more compatible with the character of the neighborhood, the building shall meet the setback requirements of 40' front and rear and 15' side setbacks as set forth in the CC&Rs.

Council Member McMullin declined the amendment to the motion. The amendment to the motion died for lack of a second.

Council Member McMullin amended the motion to add the condition that this action shall be memorialized with findings of fact and conclusions of law to be drafted by legal staff and signed by the Chair. Council Member Ure seconded the amended motion.

Council Member Hanrahan commented that there is a struggle between the applicant's legal rights and whether this actually fits in the neighborhood, and he did not believe it fits. However, he would vote for it because there is nothing else the Council can legally do.

The motion passed by a vote of 4 to 1, with Council Members Hanrahan, McMullin, Robinson, and Ure voting in favor of the motion and Council Member Elliott voting against the motion.

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 TO ALLOW FOR AN ACCESSORY DWELLING UNIT THAT EXCEEDS THE ALLOWABLE MAXIMUM SQUARE FOOTAGE AS REQUIRED BY THE SNYDERVILLE BASIN DEVELOPMENT CODE, PARCEL SS-34-A-4 LOCATED AT 4 KNOB HILL, SUMMIT COUNTY, UT

County Planner Molly Orgill presented the staff report and explained that the applicant is requesting a special exception to allow an existing dwelling that exceeds the maximum square footage requirement of the Snyderville Basin Development Code to remain on the parcel as an accessory dwelling. The structure is within the ridgeline overlay zone, and two homes currently exist on the 10-acre parcel. She reviewed a site map showing the location of the structures. The original home was built on the parcel in 1992 and was approximately 2,366 square feet. It received a Low Impact Permit (LIP) and building permit at the time. In February 2006, Alisa Casey submitted a request for a LIP to construct a new 4,366-square-foot home on the same parcel and keep the existing home as an accessory dwelling. The LIP was issued in April 2006 with an approval letter stating that the original home did not meet the Code requirements for an accessory dwelling and a condition that the existing home would be torn down prior to receiving a Certification of Occupancy (CO) for the new home. On June 26, 2006, Ms. Casey submitted another application for a LIP for a garage addition onto the 1992 home, and on July 7, 2006, a denial letter was written stating that the home could not be added onto because it is in the ridgeline overlay zone and does not meet the requirements for an accessory dwelling unit. On December 20, 2006, Ms. Casey recorded a restrictive use covenant, which is usually required when an accessory dwelling unit is approved. The final inspection of the new home was completed on July 3, 2007. On November 10, 2010, the Code Enforcement Division received a complaint from a neighbor saying that there are two dwellings on the parcel, and they did not believe it met the Code requirements. Code Enforcement tried several times to contact Ms. Casey to do an on-site inspection, but it was always postponed, and they were never allowed to do an inspection.

Council Member Elliott noted that the final inspection was in 2007, but the CO was not issued until 2011, and she asked if the home was occupied without a CO. Community Development Director Don Sargent explained that the final inspection does not issue a CO. The applicant must come to the County and have all the documentation verified, then a CO is issued. Council Member Elliott asked why the CO was issued after they knew the accessory dwelling was not in compliance. Mr. Sargent explained that the main reason the County is getting a tracking system

is that they miss these kinds of details too frequently. He discussed the difficulty of tracking and researching all the paperwork when there is already a lot of demand on Staff. Chair Robinson stated that it defies logic why a CO would have been issued in January 2011 when this problem was brought to Staff's attention in November 2010. Council Member McMullin commented that it was interesting to her to see how quickly the CO was requested after the complaint was filed. Planner Orgill explained that Code Enforcement had been working on the file, and the secretary who issued the CO did not realize they were working on it.

Planner Orgill explained that, after Code Enforcement made several attempts to contact Ms. Casey, they filed a certificate of non-compliance on January 26, 2011, and a letter was written on February 15 and sent by certified mail to Ms. Casey stating that she was in violation of the LIP issued in 2006, which stated that the 2,000-square-foot home needed to be torn down. Then Ms. Casey submitted an application for a special exception to request that she be able to keep the 2,000-square-foot home. Because Staff was unable to make arrangements to inspect the home, all the information provided is based on floor plans and photographs provided by the applicant, and it has been determined that the structure is larger than 2,000 square feet. Planner Orgill provided an aerial photograph of the parcel showing the two homes and photographs she had been allowed to take of the home today.

Council Member Hanrahan asked about the third structure on the property that looks like a garage. Ms. Orgill replied that it is a garage. The file contains a 1992 stop work order for a garage, and she was unable to find a building permit for the garage. Mr. Sargent explained that it is not considered to be a conforming structure, because it does not have a building permit. Ms. Casey would have to apply for a building permit for the garage to determine whether it complies with the building code and whether a permit could be issued for that structure. If a building permit cannot be issued, it would have to be removed.

Planner Orgill explained that, although the accessory dwelling exceeds the size for an accessory dwelling unit and does not meet the Code, a recorded document exists that would usually be created when an accessory dwelling has been approved. The LIP issued for the 4,000-square-foot dwelling contains a condition of approval that the 2,000-square-foot building is to be demolished or reduced in size, which must be done prior to receiving a CO for the new home, but a CO has been issued. She referred to the criteria for an accessory dwelling unit and noted that an accessory unit cannot be more than 1,000 square feet as measured from exterior wall to exterior wall. Staff does not believe the accessory dwelling unit meets all the applicable criteria. Staff recommended that the County Council conduct a public hearing and consider whether to deny the special exception based on the findings in the staff report, or grant a special exception specifying how each finding has been satisfied. Mr. Sargent explained that Staff has tried to work with the applicant to bring the structures into compliance, but when it appeared that would not work, Staff felt this would be the next step.

Todd Wakefield, the applicant, stated that a deal ought to be a deal. After Ms. Casey received the first letter from the County stating that the existing home would have to be demolished, there was a series of negotiations, and the result was that the structure could remain in place provided a restrictive covenant was recorded, which did occur in December 2006. He explained that they have been unable to determine who negotiated that, but Staff did provide Ms. Casey with a restrictive covenant, and she recorded it.

Alisa Casey, the property owner, stated that in 2005 she was searching for a property that was on one level because she has a son with physical disabilities, and she wanted him to be able to access the entire home. She was unable to find a home, decided to build, and felt this lot was ideal, because the property had a small log home that she could live in until the home was built, after which her parents could live there. After purchasing the property and applying for the building permit, she was informed that she would have to demolish the existing home in order to build another home. She did not want to waste a perfectly good building, and the only way to configure the house to make it work for her family was to have an attached garage. She proposed adding a garage to the back of the existing structure so it would not impose on the ridgeline, and the County denied her application. Then she proposed turning the basement into a garage, and again she was denied and told that she could not change the building in any way. She knew she would have to sell the property if she could not work something out with the County. When she brought her disabled son to a meeting with the Building Department and they became aware of her situation, she was granted a building permit and was told she would not have to tear down the existing building. In December 2006 she received the restrictive use covenant from the Building Department for the accessory building and recorded it. It was her understanding that anything prior to that would not be a problem and that she would be allowed to maintain the accessory building as it stands. She noted that the document says nothing about the building being restricted to 1,000 square feet, and she was unaware that there was a regulation about accessory buildings having that limitation. When Summit County did the final inspection in July 2007, they approved the property, including the guest house, and gave her a CO. She did not know she had to go get the CO; she thought it would just be mailed to her. She believed that if she had been out of compliance at any point, she would not have received a CO. A few months ago she received a letter from Summit County referring back to the original April letter based on a complaint, and that was when she learned that an accessory building had to be 1,000 square feet or less after living there for four years and thinking everything was fine. She stated that she tried to come up with a feasible way to reduce the square footage of the building. She commented that, because the basement is storage and utility, the actual living space is 1,400 square feet, which is close to the 1,000-square-foot limit. She stated that the structure has existed since 1992, and everyone who has moved into the area knew the building was there. She stated that some people have accused her of working in bad faith, and those people cannot see her property and do not live on their property full time. She stated that she has abided by everything Summit County has sent to her. She stated that her neighbors who share infrastructure with her and are adjacent to her property are in favor her receiving a special exception. She stated that, in her mind, it would not be a special exception, and the Council would just be upholding the approvals and documentation the County told her was fine in 2006.

Chair Robinson opened the public hearing.

Janet Dicksen stated that she sent a letter regarding this item. She explained that she purchased her property in Glenwild in 2006 or 2007 and asked the County before purchasing her house about the rules and regulations that apply to Nob Hill. The County gave her the restrictions regarding how far apart the houses could be and where they could be built. She asked about this structure, and the County told her the accessory building would be torn down. She stated that she complied with everything the County asked for on her home in good faith, and it cost money to comply, but she did comply. She knew from the start, just as Ms. Casey knew from the start, what the rules are. She commented that, when someone knows up front what the rules are, they should follow them. She stated that this structure does affect her, and if someone does not

comply, she wondered how many times they would be allowed another exception. She questioned what would happen if Ms. Casey were allowed to sell her property and stated that is a worry to the residents in Glenwild.

Nancy Merrick, a neighbor to Ms. Casey, stated that she supports Ms. Casey. She commented that the building has been there for 20 years, and everyone who purchased property after that knew the building was there and was unchanged. Now people say it is in their view, but it was in their view when they built. She stated that Ms. Casey keeps up the building nicely, and it would be a waste to destroy something that has existed for 20 years when there is no reason to knock it down. Ms. Merrick claimed that Ms. Casey received notice that she would be allowed to keep the building, and she believed the County should respect that guarantee. She believed it would be inappropriate to tear down the building just because people say it is in their view.

Patty Winterer, representing the Glenwild Community Association, explained that their main concern is the precedent this could set. She noted that there are several parcels in the ridgeline overlay, and they want the Planning Department to keep things in compliance with those requirements. She urged the County Council to enforce the existing guidelines and codes.

Steve Dowling, a neighbor, agreed with the concerns about setting a precedent. If the special exception is granted this evening, who knows what would happen if it goes County wide. He stated that the cabin is not kept up properly; it is dilapidated and has had nothing done to it since 1992. He also clarified that this is not a second home for parents or relatives or friends. It is a revenue generator, with two tenants in the structure who have lived there for approximately two years. He was astounded that this had come before the County Council, because Ms. Casey was issued a certificate of non-compliance in January 2011 and was given 60 days to come into compliance. They are now 120 days beyond that 60 days, and there still has been no decision. He noted that this was an issue in 2006, and someone dropped the ball, but there is clearly an issue with the cabin. He requested that they put this to rest tonight.

Chair Robinson closed the public hearing.

Mr. Wakefield claimed that there was an agreement that the guest house would not have to be demolished, and if that had not been agreed to, Ms. Casey would have sold the property. She took significant steps and spent a lot of money relying on that representation. He stated that they are in agreement on three of the four criteria for a special exception, and the only thing they are stuck on is Criterion #2 regarding whether the intent of the Code and General Plan would be met. He did not believe the Code and General Plan contemplate the eradication of legal, non-conforming uses, and that is what this structure was found to be in 2006. He believed that the County does intend to limit the scope and scale of accessory buildings, and this is not really a 2,300-square-foot residence. In the basement is 1,000 square feet of storage and utility space that is not living space. He claimed that the Code is designed to accommodate larger structures that involve sub-sections as living space. The question is how far over 1,000 square feet they are with actual dwelling space inside the building, and he stated that there is about 1,000 square feet on the main level and 350 square feet in the loft, which is not a material increase over the 1,000-square-foot mark Therefore, he did not believe they were running afoul of the intent of the Code and General Plan. Mr. Wakefield stated that this structure is not out of character with other accessory structures in the area and distributed photographs of neighboring accessory structures. With regard to equitable claims, he stated that a deal was reached with the County that was

poorly documented, and no one can claim that they purchased property in this area without knowing the cabin was there or that they expected that it would be removed. Anyone could have seen that a restrictive covenant had been recorded with the County and that the structure would continue to be there. With regard to setting a precedent, he stated that no one has ever complained about this structure before, and it has been there a long time. Trying to come forward now and have it removed would not set a precedent, and he believed granting a special exception would be a good precedent. It tells people to be vigilant. He believed another potential precedent might be that, if the County enters into a restrictive covenant, it means what it says, and people can rely on it. If there are concerns about the maintenance of the structure, something can be done to take care of that. He stated that the building has not been a problem for anyone for 20 years, and they do not want it to become a problem.

Ms. Casey explained that there are currently two men living in the structure, and one is there temporarily. He was a friend of a friend who needed a place to live, and her parents are not yet at the point where they would like to move. The house was empty, so she told the man he could live there, and he asked a friend to come and share expenses due to the bad economy. Chair Robinson asked if the basement is finished. Ms. Casey replied that the walls are sheet rocked and painted, but it is all used for storage. She stated that she abided by every ridgeline rule.

Chair Robinson asked if the 1,000-square-foot test applies to the living space or the exterior walls. Mr. Sargent explained that they try to apply a rational review, and each case is a little different. If it is interior to a larger structure, it is the occupied space of the structure, but Staff has not had an opportunity to verify that in this case. The Code specifically states that it is to be measured from exterior wall to exterior wall. If it is interior to a barn, it is 1,000 square feet. Chair Robinson stated that he is a fan of the idea that a deal is a deal, but the question here is what the deal was. The Council is being asked to believe that, notwithstanding the documentation they have in front of them, there was some other deal. He noted that the restrictive use covenant is a unilateral document and is not signed by the County. He asked if Staff has any evidence that the restrictive use covenant was not created by County personnel and recorded at their request. Mr. Sargent replied that they do not have any record of communication regarding the restrictive use covenant. Chair Robinson commented that it was surprising to him that a staff member would not have been involved in having Ms. Casey record the restrictive use covenant. Mr. Sargent explained that typically Staff has worked with an applicant when a restrictive use covenant is recorded, and it is because of new construction or a new use being established. He explained that Staff gives the restrictive use covenant to the applicant, and the applicant takes it to the Recorder's office to be recorded. Usually other correspondence has led up to the restrictive use covenant, but Staff does not know for sure if there was communication between the applicant and former Staff that is no longer here in this case.

Council Member Ure asked if someone from the County should have signed the restrictive use covenant. Ms. Orgill reviewed the process and explained that the applicant would be given the restrictive use covenant to sign, have notarized and recorded, and brought back to the Planning Department, but no one at the County signs it. Chair Robinson referred to Mr. Wakefield's statement that there was an agreement and explained that there is not an agreement, only a document signed by one party and recorded. He was trying to determine whether the document is legitimate.

Chair Robinson noted that the letter of April 13, 2006, did not give the option of reducing the size of the accessory building but only addressed removing the building. He asked how Staff came up with the modification to the original requirement that the building be removed. He asked if there is any record that the applicant obtained a demolition permit for the existing building. Planner Orgill replied that there is not. She noted that Ms. Casey applied for a second LIP, and in the July 7, 2006, letter signed by Nora Shepard, Director Shepard explained that the applicant could not add onto the home because it is in the ridgeline overlay zone and that the home does not meet the requirements to be an accessory dwelling. Planner Orgill clarified that, because that application was denied, it would have reverted back to the April LIP application. There is a note on the building permit application that a LIP needs to be approved prior to footing construction. Mr. Thomas explained that, based on the documentation, a LIP was issued in April 2006 to build a new home on the condition that the old home would be removed. The applicant applied for a building permit in May pursuant to the April 13 letter. In the meantime, the applicant applied for another LIP to basically try to get rid of the condition to tear down the old home, and it was denied. By August, the building permit was issued, and from that time forward the home was built, and in December of 2006 the restrictive use covenant was recorded. Planner Orgill explained that Ms. Casey was having communications with the Code Enforcement Officer and told her that she had recorded a restrictive use covenant. The Code Enforcement Officer found it in the records and printed it off and put a copy in the file. Code Enforcement Officer Leslie Rushton clarified that she did not get the restrictive use covenant from the Recorder's Office but found it in the building permit file. It was her opinion that it had been in the building permit file since Ms. Casey received it back from the Recorder's Office. She stated that she was not the Code Enforcement Officer at the time, but she did remember in the Planning Department that there was a lot of talk and debate about this application at the time, and she believed those discussions were between Michael Barille and Nora Shepard. She explained that she uses a tickler file as Code Enforcement Officer to be sure that conditions have been met, and the LIP letter stating that the home needed to be torn down was not in that file. The first she heard about this issue was when she received the complaint in 2010, and at that point she found the letter in the Planning file. Planner Orgill explained that, when she contacted Mr. Barille, he could not recall what had happened. The only reason he could think of that the restrictive use covenant might have been recorded was to allow Ms. Casey to live in the accessory home until the new home had been built. Council Member Hanrahan commented that it makes no sense to try to theorize about what happened, and they should deal with the documented evidence and the verbal testimony they have received.

Mr. Wakefield commented that there is a lot of speculation going on about what may have happened by people who were not parties to the conversations. However, Ms. Casey was a part to those conversations. Planner Orgill stated that she was in the Planning Department at the time and recalled discussing several times in staff meeting how Ms. Casey could make the 2,000-square-foot-plus home into 1,000 square feet. When the building permit was issued, Ms. Casey was still working on the second LIP to try to get the accessory dwelling approval, and before a CO was issued, some kind of agreement would be reached. However, she did not recall that there ever was an agreement.

Council Member McMullin commented that they know from two people who were present at the time that there was a lot of conversation about how to resolve this, but no one remembers the resolution. To her, that indicates that there was no resolution.

Mr. Thomas noted that the fact that the restrictive use covenant was found in the building permit file does give some credibility that something happened. The County is in charge of what it puts in the file, and some official action would have caused that to be put in the file.

Chair Robinson asked again about the measurement of square footage for the accessory dwelling unit being from exterior wall to exterior wall and confirmed with Mr. Wakefield that it is less than 1,000 square feet. Mr. Thomas explained that gross square footage means not just one floor. Mr. Sargent explained that they measure the footprint of each floor from the exterior walls. Chair Robinson confirmed that the building would still be in excess of 1,000 square feet. He noted that a special exception does not create a precedent, and this situation certainly has extenuating circumstances.

Ms. Casey stated that she could not remember with whom she worked in the Building Department and that she had worked with a lot of people. They told her at the time they issued the building permit that she did not have to tear down the building. Then they sent out the restrictive use covenant, and she signed it and had it recorded. She explained that she tried to find other ways, such as building a garage on the existing structure, but because of the ridgeline issue, she could not do that. After further discussion with the Building Department, they said that she could make it an accessory dwelling. She stated that she would not have agreed to tear the building down in order to build the house.

Chair Robinson noted that Ms. Casey accepted the conditions of the April 13 letter to commence construction, and the issue of the house was still open. At the time she accepted the LIP and applied for a building permit, she ran the risk that she might have to tear the existing house down. Ms. Casey stated that, in her mind, she already had an agreement with the County and that they had told her she did not have to tear it down. That is why she proceeded to build. She stated that she would never have built the house if she knew she had to tear this one down.

Mr. Thomas commented that, considering Ms. Casey's description of who she may have met with and the fact that the restrictive use covenant was in the County's file, he believed the County may have entered into that agreement. However, in terms of equitable estoppel, a person cannot rely on a government official who gives them something if they know it is contrary to the law.

Council Member Elliott commented that she has enormous sympathy for Ms. Casey, but regardless of what she recalls, the documents indicate that she knew she had to tear down the old house or bring it into compliance with the law. She could see no reason to grant a special exception. This is not an appropriate accessory dwelling, and Ms. Casey could perhaps donate it to a contractor who might be willing to build an affordable house on some other lot. She believed there was a legitimate agreement and that Summit County's Staff, building inspectors, and officials tried the best they could to allow her to build a home while still maintaining the spirit of the letter of the law.

Council Member Elliott made a motion to deny the special exception for the accessory dwelling unit and require Alisa Casey to bring the two non-conforming structures on her property into compliance with the Code based on the findings in the staff report and to direct legal staff to prepare findings of fact and conclusions of law to memorialize that decision. The motion died for lack of a second.

Council Member Hanrahan made a motion to grant the special exception for the accessory dwelling unit based on the fact that it does meet the four criteria for granting a special exception, that the evidence is not clear that an agreement was not reached with the applicant to keep this dwelling as an accessory dwelling, and based on the following findings in the staff report, with direction to legal staff to prepare findings of fact and conclusions of law to memorialize the decision to be signed by the Council Chair.
<u>Findings</u>:

1. **The special exception will not be detrimental to the public health, safety, and welfare.**
2. **The intent of the Development Code and General Plan will be met.**
3. **The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Code.**
4. **There are equitable claims or unique circumstances warranting the special exception.**

The motion was seconded by Council Member Ure.

Council Member Ure commented that his decision is based on Thomas Jefferson's statement during the Constitutional Convention that the juror, or person in judgment, when in doubt, should err always on the side of the taxpayer. Since the letter was found in the building permit file, he would be willing to err on the side of the applicant.

Council Member Hanrahan commented that it boils down to documents versus verbal testimony, plus the fact that other documents in the file indicate that it could have happened this way. This is a situation where they really do not have a clear indication of what happened.

Council Member McMullin stated that it is anathema for the Planning Department to not strictly enforce the ridgeline. It is anathema to allow someone to keep a dwelling on a ridgeline, and ridgeline development has been strictly enforced since 1992. Although the record is sloppy, she would be shocked to believe that someone on Staff had agreed to allow a non-conforming accessory dwelling to remain in addition to the building of a second home. The lack of access to the home during this time and the fact that they had to rely on photographs provided by the applicant's attorney was also disturbing to her. Therefore, she would vote against the motion.

Chair Robinson stated that he liked Council Member Ure's analysis, noting that there are questions regarding what is in the file and missteps on the County's part, and they should do better than that.

The motion passed by a vote of 3 to 2, with Council Members Hanrahan, Robinson, and Ure voting in favor of the motion and Council Members Elliott and McMullin voting against the motion.

Council Member Hanrahan made a motion to approve the minutes of the April 27, 2011, and May 4, 2011, County Council meetings as written. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

The County Council meeting adjourned at 8:20 p.m.

_____ _____

Council Chair, Chris Robinson ***County Clerk,*** Kent Jones

TIFFANIE NORTHRUP-ROBINSON
PLANNER II

STAFF REPORT

To: Summit County Council (SCC)
Report Date: Wednesday, June 22, 2011
Meeting Date: Wednesday, June 29, 2011
From: Tiffanie Northrup-Robinson, County Planner
Project Name & Type: Non-Conforming Use and Structures Amended Language
Type of Item: Public Hearing

Executive Summary

On June 1, 2011 the Eastern Summit County Planning Commission (ESCPC) recommended approval of proposed amended language for Non-Conforming Uses, Structures and Lots. The ESCPC voted 4 to 1. This is a public hearing for the Non-Conforming Uses, Structures and Lots found in Section 11-6-2 of the Eastern Summit County Development Code.

Staff recommends that the SCC conduct a public hearing for the proposed Non-Conforming Use, Structure and Lot language and vote to approve Section 11-6-2 of the Eastern Summit County Development Code **(Exhibit A).**

A. Background

After receiving many complaints from numerous citizens in Eastern Summit County, the ESCPC asked Staff to look at potentially modifying the current non-conforming language in the Eastern Summit County Development Code.

Below is a summary of the code language as it has pertained to non-conforming uses, structures, and lots in the Eastern Summit County Development Code over the years.

May 1996 to July 2009

When the Eastern Summit County Development Code was adopted in May 1996 it included language that would allow for some expansion of a non-conforming use. The provision specific to this discussion stated:

"The non-conforming structure and use of land shall not be changed in any way that increases the non-conformity except through the Conditional Use review process. This does not include remodeling or normal maintenance and repair of an existing non-conforming structure, which is permitted. A structure may be altered to decrease its non-conformity."

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July 2009 to Present
At the request of the County Council the non-conforming language was modified on both sides of the County, eliminating the ability to expand in any way a non-conforming use or structure. Chapter 6.2 of the code currently states:

"*A non-conforming structure or non-conforming use shall not be enlarged in any way unless it conforms to the provisions contained in this Title.*"

Since the amended language was adopted in 2009 it has become apparent that due to the nature of the Eastern portion of the County, this has been problematic for many residential and commercial property owners. The ESCPC directed Staff to work towards amending Section 11-6-2 so that some expansions could occur on a non-conforming residential, commercial or industrial structures and uses, if very specific criteria could be met.

B. **Identification and Analysis of Issues**

In order to simplify the process, Staff suggested that the ESCPC discuss the residential structures component separately from the commercial and industrial structures and uses to help focus the discussion and keep the language moving forward. Two work sessions were held for the each component as well as a public hearing for both. Attached are the meeting minutes from those work sessions as well as from the two public hearings **(Exhibit B).**

After the numerous work session and public hearings, the residential language was modified to allow for some minor expansions through the Low Impact Permit (LIP) process, so long as 10 special standards could be met. This would be an administrative review, however, if Staff felt that additional input was needed from the ESCPC or if they are concerned about the potential public impacts, a public hearing can be scheduled.

As proposed, all expansions or conversions of a non-conforming commercial and industrial structures or uses shall be reviewed as a LIP as well. The same ten (10) special standards must be met. In addition, each LIP for an expansion or conversion of a non-conforming commercial or industrial structure or use shall require a public hearing with the ESCPC in order to be approved. The ESCPC shall determine if all ten (10) special standards that have been met before making a recommendation for approval, approval with mitigating conditions, or denial to the CDD for a final decision.

C. **Recommendation**

Staff recommends that the SCC discuss the proposed changes to the language regarding Non-Conforming Uses, Structures and Lots. Staff further recommends that the SCC approve the amended language to the Eastern Summit County Development Code, Section11-6-2 Non-Conforming Uses, Structures and Lots, through the adoption of an Ordinance.

EXHIBIT A: Proposed Non-Conforming Uses, Structures and Lots Language

EXHIBIT B: January 5, 2011 Work Session (B1-B4)
February 16, 2011 Work Session (B5-B11)
March 16, 2011 Work Session (B12-B15)
April 20, 1011 Public Hearing (B16-B20)
April 20, 2011 Work Session (B21-B24)
May 4, 2011 Work Session (B25-B27)
June 1, 2011 Public Hearing (B28-29)

EXHIBIT C: Draft Ordinance

11-6-2: NON-CONFORMING USES, STRUCTURES AND LOTS:

A. Purpose: Within the zone districts established in Chapter 3.0 of the Code, there may be existing lots, structures, and uses of land and structures, which were lawfully established before the adoption of the Code, but which are now prohibited, regulated, or restricted. It is the intent of this section to allow these uses and structures to continue until such time as they are removed or otherwise brought into conformance with this Title.

B. Burden on Owner to Establish Legality: The property owner bears the burden of establishing that any non-conforming use or non-conforming structure lawfully exists.

C. New Non-Conforming Use, Structure Prohibited. No lot, parcel of land, or interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part so as to create a new non-conforming use, structure, or lot/parcel, or to avoid or circumvent the requirements of the Code. No building permit will be issued for any lot, parcel, or structure which has been transferred, conveyed, sold, subdivided or acquired in violation of the Code.

D. Non-Conformance of Area per Dwelling Unit: A parcel/lot that was lawfully created but does not conform to the minimum area per dwelling unit requirement of the zone district in which it is located shall be considered a lot of record and is entitled to one, but no more than one dwelling unit thereon (lot of record) if it can meet the development code criteria.

E. Maintenance and Repair of a Non-Conforming Structure: A non-conforming structure may be repaired, maintained, or improved, provided such repair, maintenance, or improvement is in compliance with the provisions of this Title. A non-conforming structure may be altered to decrease its non-conformity or to be brought into compliance with the provisions of this Title.

F. Removal of a Non-Conforming Use or Non-Conforming Structure: If any such non-conforming use, non-conforming structure or non-conforming portion thereof is demolished or removed at the will of the property owner, any subsequent use, structure or portion thereof shall thereafter be required to conform to the regulations specified in this Title for the zone district in which the use or structure is located.

G. Replacement of a Non-Conforming Use or Non-Conforming Structure: If any non-conforming use, non-conforming structure, or non-conforming portion thereof, is destroyed by fire or other natural cause, it may be replaced. If all necessary development permits are not obtained to repair or replace the damaged structure or use within one (1) year from the date of loss, the structure or use may not be reconstructed or replaced, except in conformance with the

provisions of this Title. The CDD or designated planning staff member may grant a one time, one (1) year extension upon finding that special circumstances, such as construction schedules, seasonal weather conditions, renewed business demand, or other similar circumstances exist which warrant such an extension. In order to grant an extension, the property owner shall file a written request to the Community Development Department requesting such extension and be under due diligence in replacing or rebuilding the use or structure, prior to the end of the original one (1) year period.

H. **Enlargement of a Non-Conforming Residential, Agricultural, or Accessory Structure:** A non-conforming residential, agricultural, or accessory structure may be enlarged according to the following criteria:

1. **Building Permit Required:** Any portion of a non-conforming residential or accessory structure that complies with the setback requirements for the zone district in which the structure is located may be enlarged through the building permit process only, if the enlargement will further comply with all applicable zoning requirements. SEE FIGURE 1 BELOW.

2. **Agricultural Structure:** Any portion of a non-conforming agricultural structure that complies with the setback requirements for the zone district in which the structure is located may be enlarged through the building permit process or if applicable, the Agricultural Use Exemption, if the enlargement will further comply with all applicable zoning requirements. SEE FIGURE 1 BELOW.

3. **Low Impact Permit Required:** Any portion of a non-conforming residential, agricultural, or accessory structure that does not comply with the setback requirements for the zone district in which the structure is located may be enlarged through the Low Impact Permit process described in Section 11-4-12 of this Title and according to the following criteria.

    a. At least 50% of the existing structure walls to be expanded, from which the setback is measured, must be non-conforming. SEE FIGURE 2 BELOW.

    b. Additions to non-conforming residential, agricultural, or accessory structures may extend to the existing non-conforming setback line, but may not encroach further into the setback. SEE FIGURE 3 BELOW.

    c. In no case shall the addition be closer than fifty percent (50%) of the zone required setback. SEE FIGURE 4 BELOW.

    d. Non-conforming residential, agricultural, or accessory structures may not be enlarged for the purpose of increasing density.

I. **Enlargement of a Non-Conforming Commercial or Industrial Structure.** A non-conforming commercial or industrial structure may be enlarged according to the following criteria:

1. **Building Permit Required:** Any portion of a non-conforming commercial or industrial structure that does not comply with the setback requirements for the zone district in which the structure is located may be enlarged through the building permit process, only if the enlargement will further comply with all applicable zoning requirements. This provision only applies to commercial or industrial non-conforming structures that contain a conforming use. SEE FIGURE 1 BELOW.

2. **Low Impact Permit Required:** A non-conforming commercial or industrial structure shall not be enlarged in any way that increases the non-conformity, except through the Low Impact Permit process described in Section 11-4-12 of this Title and according to the criteria found in Section11-6-2 (K)(4) of this Chapter. A public hearing shall be held before the Commission. Following the public hearing, the Commission shall make a recommendation to the CDD regarding an approval, approval with conditions, or denial of the application.

J. **Enlargement or Conversion of a Non-Conforming Commercial or Industrial Use:** A non-conforming commercial or industrial use may be enlarged or converted to another non-conforming use according to the following criteria:

1. **Low Impact Permit Required:** A non-conforming commercial or industrial use shall not be enlarged in any way that increases the non-conformity except through the Low Impact Permit process described in Section 11-4-12 of this Title and according to the criteria found in Section11-6-2 (K)(4) of this Chapter. A public hearing shall be held before the Commission. Following the public hearing, the Commission shall make a recommendation to the CDD regarding an approval, approval with conditions or denial of the application.

2. **Abandonment or Loss of Non-Conforming Commercial or Industrial Use:** A non-conforming Commercial or Industrial use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter by re-established or resumed. The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred. Any party claiming that a non-conforming use has been abandoned shall have the burden of establishing such abandonment. All evidence either providing non-abandonment or abandonment shall be submitted to the CDD who shall make a final determination of abandonment status. Any subsequent use of

the building, structure, or land must conform to the regulations specified in this Title for the zone district in which the use is located.

3. **Special Standards that shall be met for Expansions or Conversions of Non-Conforming Commercial or Industrial Uses:**

   a. The use does not significantly increase vehicular traffic or interfere with traffic flow;

   b. The use does not significantly increase the demand for parking;

   c. The use does not significantly intensify the likelihood of pedestrian and vehicular conflicts;

   d. The use does not create unsightly conditions or impacts to the environment including, but not limited to unscreened storage and other environmental concerns;

   e. The use does not significantly intensify noise levels or odors;

   f. The use does not create significant dust and dirt conditions, which cannot be adequately mitigated;

   g. The use does not significantly intensify lighting and glare conditions;

   h. The use does not create a significant change in privacy for adjacent property owners;

   i. The use is generally consistent with the goals and policies of the General Plan; and

   j. The use will not adversely affect, in a significant manner, the public health, safety, and welfare.

K. **Sensitive Lands:**

1. **Prohibited:** Any portion of a non-conforming residential, agricultural, accessory, or commercial structure or any portion of a non-conforming use that is located within sensitive lands (wetlands, slopes greater than 30%, and streams) shall not be enlarged.

FIGURE 1: **Addition proposed that complies with the zone required setbacks. Building permit required.**

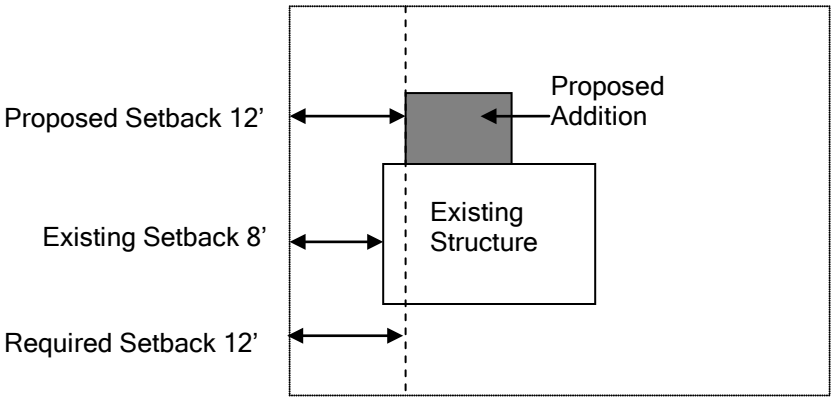


FIGURE 2: **At least 50% of the wall proposed to be enlarged shall be non-conforming. Low Impact Permit required.**

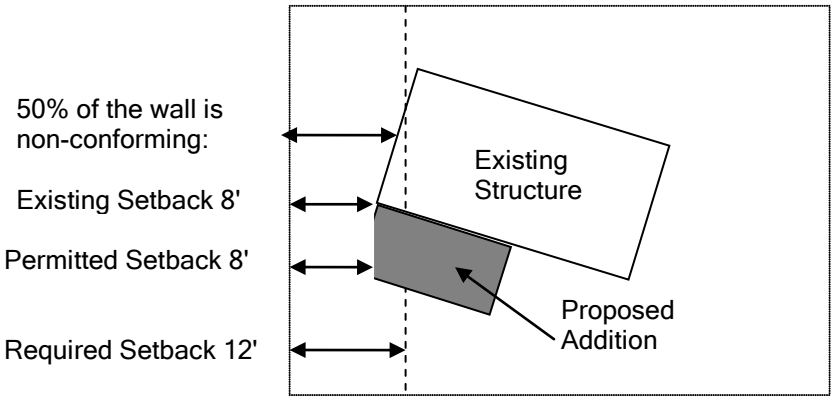


FIGURE 3: **Addition proposed to the existing non-conforming setback line, but not further into the setback. Low Impact Permit required.**

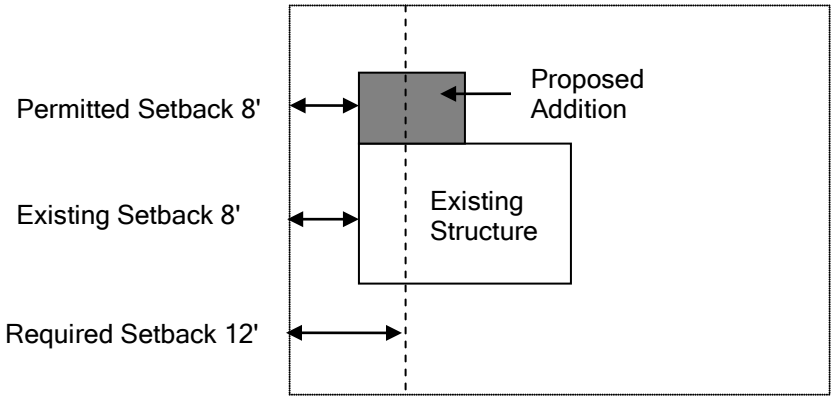
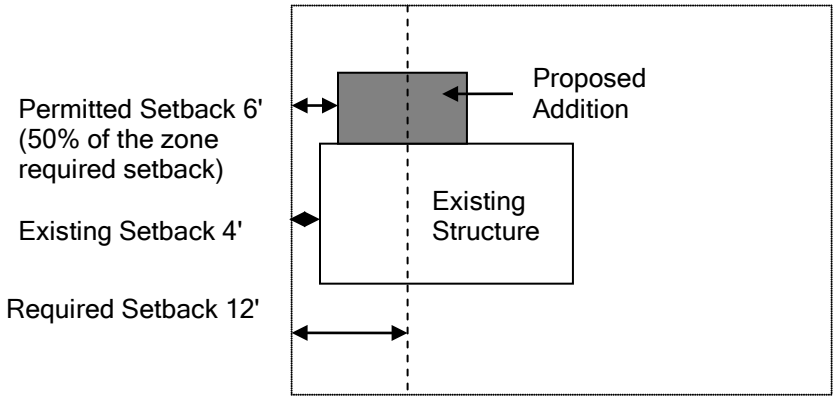


FIGURE 4: **Addition proposed to the existing non-conforming setback line, but not closer than 50% of the zone required setback. Low Impact Permit required.**



Commissioner Brown made the motion to approve the Moran riding arena with the recommendations and findings as presented in the Staff Report and with no additional recommendations. These findings are:

FINDINGS:

1. ***The construction of a riding arena is appropriate in its particular location because the agricultural nature of the immediate and surrounding property.***
2. ***The riding arena will be in compliance with the Development Evaluation Standards described in Chapter 2 of the Code.***
3. ***The construction of the riding arena will not violate any County, State, or Federal laws.***
4. ***Staff has verified proof of ownership for Parcel HHR-4-AM.***
5. ***The applicant possesses the skills and experience to ensure that the particular use will be conducted in a safe and order manner.***
6. ***The use will not adversely affect, in a significant manner, the public health, safety, or welfare.***
7. ***The size of the proposed structure is compatible with the surrounding structures in the area and it is located within the recorded building pad as identified on the Horse Hollow Ranch Amended Subdivision plat.***

CONDITIONS:

1. ***The riding arena shall not exceed 28 feet in height, measured from the natural grade to the ridgeline.***
2. ***The applicant shall obtain a Summit County Building Permit prior to construction of the riding arena.***
3. ***The riding arena shall be located and constructed as shown on the attached site plan and building elevations.***
4. ***The riding arena is for private use only. The granting of this Conditional Use Permit does not authorize the property owner to utilize the arena for commercial purposes.***

Commissioner Henrie seconded the motion. All voted in favor.

- **MOTION CARRIED (7 – 0)**

Chair Houston advised that "Approval of the Minutes" would be moved to the end of the agenda.

WORK SESSION

1. **Non-Conforming Language Discussion** – ***Tiffanie Northrup-Robinson, County Planner***

Planner Northrup-Robinson asked the Planning Commission if they would like to move forward with some type of amendment to the Non-Conforming Use standards in the Development Code. She reminded the Commission that in August of 2009, the Non-Conforming language was altered. The previous Code allowed for non-conforming uses and non-conforming structures to be expanded through a Conditional Use Permit process. The present language was changed to prohibit expansion of either. Staff is suggesting that the Planning Commission consider allowing expansion, or a certain percentage of an expansion.

Planner Northrup-Robinson stated that Staff is looking for input from the Planning Commission. Should they move forward with amendments? Is it appropriate to come back with some language specifying a certain percentage of expansion? Planner Northrup-Robinson stated that Planner Strader will make certain the language is consistent within the Development Code.

Planner Slaght added that the Summit County Council requested that the Planning Commission revise the language following their hearing of the Dent Special Exception. He said the Community Development Department has also seen that the new language is problematic.

Planner Northrup-Robinson said the Planning Commission can choose to revert back to the prior Code language or request that the language be totally revised. Staff is suggesting that if the Commission wishes to revert back to the previous Code, perhaps including a percentage limit of the expansion should be set.

Chair Houston said she thought if a property owner wished to add to a structure that encroached into a setback, it would be denied, because it would be expanding the non-conformity. She said that the Dents were not encroaching further into the setback, but were maintaining the non-conformity.

Planner Northrup-Robinson said with the present language, if a person owns a home that was built four feet from the property line, during the 1960's, that person wouldn't be allowed to add onto a porch because that would expand the non-conformity. Staff would like to modify the language that this expansion would be allowed as long the non-conformity wasn't increased; in other words, as long as the four-foot setback was maintained.

Planner Northrup-Robinson said if there is a zero setback or if a structure is located on another's property, that expansion would not be allowed to proceed. She said that with the Dent application, the Dents would have been allowed to go ahead with their addition as long as they didn't encroach further into the setback. She said that to make the Development Code more clear, Staff would like language separating non-conforming uses and non-conforming structures. She said that some property owners have a combination of both.

Commissioner Brown asked what was the reason for the language change. He said the 1996 Code had accountability, while maintaining some flexibility. Planner Slaght said that it was changed due to the recommendation by the previous Board of County Commissioners.

Commissioner Clyde said he can see some problems with the present language. He gave the example of the General Stores that are located in Peoa and Woodland. He said they are both closed because no one can make a living on a little convenience store. As he reads the present Code, the vacant building can't be anything but a house. Planner Northrup-Robinson said that is correct, under the current Code, it could not be expanded.

Commissioner Clyde commented that a community asset has become a community eyesore. He noted that the uses have changed for the Old General Store in Woodland. It started as a grocery store, changed to a deli, and is now a snowmobile company's meeting place, but all of these have been commercial uses. He noted that different activities have also taken place at the Peoa store. He said it may become important as to how a use is defined. If the use is defined as a grocery store and it is now used as the headquarters for a snowmobile touring company; then it is a change of use and it would not be acceptable. He said that a problem one couple faced who wanted to run a deli in the Woodland Store was the requirement to put in two ADA approved restrooms on the building. An addition would have been required, which was prohibited by the non-conformity rules. He believes that the County should make provisions to allow for upgrades that will allow a business to be viable; such as restrooms. He would like to see a lot of flexibility for commercial uses.

Commissioner Brown said the same is true for some of the older homes. To make these structurally sound, it may be necessary to expand off of the original foot print. He said the 1996 Code was more reasonable.

Planner Northrup-Robinson asked the Commission if they want to establish a set of limitations or see each case, making a determination on an individual basis. Chair Houston responded she would like to see commercial cases individually. She would like more flexibility extended to commercial, such as Rees' Metal Works. This will allow more people to have a job.

Commissioner Foster asked if the Commission would be willing to have some clear standards on residential, such as if a property owner could expand along, but not over the property line. She stated that when she and Commissioner Henrie spoke to the County Council about the non-conforming language, they seemed to understand that is one area where the east side of the County should be different from the west side of the County.

Chair Houston asked the Commission if they had a recommendation if there should be a limitation on the size of a structure. Commissioner Foster said she would look to Staff for this recommendation. She commented there are times when a structure may build upward instead of outward. She also agreed they may want to be more liberal with commercial than the 1996 Code allowed.

Commissioner Henrie commented there is a big difference between a non-conforming structure and a non-conforming use. It seems these were mixed together in the present

Code. If the non-conformity is not expanded, it should be a Staff decision; if it does expand it should come before the Planning Commission.

Commissioner Clyde added there are some changes that should be reviewed; such as if a gas station that has been inactive for many years, becomes active again. The neighbors may be concerned about the fumes. Commissioner Ure commented they wouldn't have to worry about that particular item, as the State regulates gas stations.

Planner Northrup-Robinson asked how the Commission would feel if Staff created some language concerning non-conforming residential structures, perhaps setting some limitation and reviewing these administratively as a Low Impact Permit; or, would they prefer to see all non-conforming structures come before the Planning Commission. Commissioner Henrie said if they meet all of the requirements, they should be approved administratively. Commissioner Hanson agreed. Chair Houston asked if an applicant would have the choice to come before the Planning Commission if they wanted. Planner Northrup-Robinson said they always have that right and Staff also has the discretion to require a public hearing for any Low Impact Permit, if they feel it is prudent.

Planner Northrup-Robinson said Staff will create verbiage so that it is very clear on what the requirements are to be approved administratively. If these requirements can't be met, an applicant would be required to go before the Planning Commission. She added there will be situations where expanding the non-conformity would not be allowed, such as encroaching into the wetlands or other sensitive areas.

Commissioner Clyde said that commercial structures or uses should come before the Planning Commission. Chair Houston agreed. Commissioner Henrie said there wouldn't be many of these. Chair Houston asked how soon this language can return. Staff stated it can be ready to come before the Planning Commission quickly. The date was discussed. Chair Houston thanked Staff for their work.

2. **Deer Meadows Major Sketch Plan Discussion** – ***Adryan Slaght, Principal Planner***

Jodi Hoffman and Pete Gillwald were present, representing the landowners. Ms. Hoffman began by saying that because there haven't been many Specially Planned Area (SPA) applications on the east side, perhaps some of the Commissioners are not extremely familiar with the process. She stated that at the last meeting, she received the impression that the Planning Commission would like to see the non-profit approach fluffed out a little bit more. She said that a SPA adds to the quality of life to the residents of the east side because it provides another way of adding a benefit to the community. It also has the possibility of invigorating the non-profit community.

Ms. Hoffman said the SPA process is straight forward. It is like a floating zone that is available to anyone who meets the criteria. Although it was designed for the Snyderville Basin, it can work for the east side of the County as well. The purpose of a SPA is to allow

Chair Houston announced that the approval of the minutes will be moved to the end of the meeting.

WORK SESSION

1. **Discussion of Non-Conforming Language – *Tiffanie Northrup-Robinson, County Planner***

Planner Tiffanie Northrup-Robinson presented the Staff Report and background of the non-conforming language. She stated that Staff felt there will be less confusion if this discussion is centered on language for non-conforming residential structures. At another time, they will discuss the non-conforming language for commercial structures.

Planner Northrup-Robinson said the Code was adopted in 1996 and was in place until July 2009. It included language that allows for some expansion of a non-conforming use. The Code read as follows:

> *"The non-conforming structure and use of land shall not be changed in any way that increases the non-conformity except through the Conditional Use review process. This does not include remodeling or normal maintenance and repair of an existing non-conforming structure, which is permitted. A structure may be altered to decrease its non-conformity."*

Planner Northrup-Robinson said that in 2009, the Summit County Council requested that the non-conforming language be modified on both sides of the County. This new language removed the ability to expand in any way a non-conforming use or structure. It took away all flexibility. The Code then read:

> *"A non-conforming structure or non-conforming use shall not be enlarged in any way unless it conforms to the provisions contained in this Title."*

Planner Northrup-Robinson said it was found that this created a larger burden for the public than was anticipated at the time that change was made. Staff has been working on language that will make this language more flexible; however, they realize that this won't be a fix for all of the problems; but it will increase the flexibility for many of the legal non-conforming residential structures.

Planner Northrup-Robinson displayed a slide with the non-conforming structure language. She said the only change in the language is found in Section H. Language has been added concerning the enlargement of a non-conforming residential structure.

Planner Northrup-Robinson displayed two graphics which demonstrated how the new language would be applied. Figure 1 demonstrated an expansion of a structure that met the existing setback requirements. She said that in that case, only a building permit would be required. Figure 2 showed an expansion that would require a Low Impact Permit (LIP). This would come

into play if the landowner can meet at least 50% of the required setback. Planner Northrup-Robinson gave an example. She said if the side setback of today is 12 feet, the property owner would need to be at least 6 feet or more from the setback. In that case, an LIP would be granted. If the setback were 15 feet, the structure could be no closer than 7.5 feet.

Planner Northrup-Robinson emphasized that a structure cannot further encroach into the setback. If the original structure is eight feet from the property line, the expansion could not jog out to be six feet from this line. She stated if anyone is within two feet from the property line, they would not be able to be processed under the LIP.

Commissioner Brown asked how the 50% requirement was decided. He asked if there had been a study done to determine the percentage of those that would be impacted by what is being proposed. Planner Northrup-Robinson said before they proceeded to that point, Staff wanted to discuss this with the Planning Commission. She added that the subcommittee was uncomfortable with allowing something to be built too close to the property line, as this would have a negative impact on the neighboring residents. What the Planning Department typically sees is that most people are only a couple of feet over the property line. The 50% allowance seemed to be a happy medium. It offered some flexibility without negatively affecting a neighbor.

Commissioner Brown verified that if a non-conforming structure is closer than 50% to the property line, the proposed addition would have to jog away from the setback to at least meet the 50% requirement; however, the expansion couldn't jog closer to the property line. Planner Northrup-Robinson said that is correct. Commissioner Clyde suggested that there be some language crafted that will illustrate this more clearly. He said the example that Staff has given is nice and clean, but what about something that is on an angle or if it zigzags? There may be a bay window, or a chimney bay. Chair Houston asked if Staff is using the foundation of a structure to measure from. Planner Northrup-Robinson said that is correct, it is foundation.

Commissioner Brown asked if an applicant meets the 50% requirement; why should they be required to go through the LIP process; what would there be to review? Perhaps they should only be required to get a building permit. He recommended that a study is performed to see how many people this would help, or would it place an unfair burden on the majority.

Planner Northrup-Robinson said that requiring an LIP would be a way of keeping track of what is happening. She added that the language only allows expansion on *legal* non-conforming structures. This places the burden on the applicant to demonstrate that their building is a legal building. Neither the Planning Commission nor Staff would want to allow an expansion of an illegal non-conforming use. Commissioner Clyde summarized by saying that if someone built a bump-out without a building permit, they wouldn't get to come back and get another expansion.

Chair Houston said that she is confused with the language of Section H-3a and H-3b, dealing with sensitive lands. Planner Northrup-Robinson responded if a structure is within sensitive lands, such as wetlands, the property owner wouldn't be allowed to expand; however, a

landowner would be allowed to expand if they are within the 100-foot stream setback and they meet the minimum requirements. She stated that the verbiage in 3a, deals with structures that are actually in the stream, such as decks on pillars.

Commissioner Henrie said that anytime someone expands, they expand the non-conformity, even if they are not getting closer to the setback. He suggested that the Planning Commission should take into consideration if the expansion is larger than the original structure. Another consideration might be if there is only a small corner out of compliance. Planner Northrup-Robinson said that Staff has wondered if there should be a limit on the expansion. For example, should a limit be set at 2,000 square feet?

Planner Northrup-Robinson added that as the Code is written, an application could be taken to a Public Hearing if Staff feels that it is necessary. An example of this might be if someone wants to expand six feet from the neighbor's property line. The neighbor's interest should also be of consideration. Commissioner Henie stated this justifies requiring the LIP so that a review is necessary.

Chair Houston opened the floor for Public Comment.

Frankie Donaldson said that residential rules are being applied to her agricultural building. She explained that her home was built in 1950 with a lean-to for storage. She said that last winter the heavy snow storms demolished the lean-to.

She was told by a member of the Planning Commission, a member of the County Council, a surveyor, a state legislature, and the County Attorney, that because it is an agricultural structure, they can go ahead and rebuild. She said that as a former member of the Planning Commission, she wanted to follow proper procedure so she checked with the Planning Department. She explained to Community Development Director Don Sargent what they wanted to do. Director Sargent told her she can only rebuild the structure to the identical dimensions that existed prior to it being demolished.

Ms. Donaldson stated that times have changed since the 1950's and they have a larger tractor and horse trailer. They would like to be able to expand this structure by five to ten feet. She explained the structure wouldn't encroach on any neighbor. She believes this is allowed, as it is for agriculture. No one can prove to her why it wouldn't be allowed.

Ms. Donaldson said that Director Sargent said there is a flaw in the Code. He encouraged them to be patient and it would be worked on. She said that was in May of 2010 and they have had to keep their equipment out during the winter. She said that she met with Councilman Ure who told Director Sargent that he wanted to have this processed quickly; however, Director Sargent has told her that nothing has been done, and most likely it will take some time for any action to take place.

Ms. Donaldson reported that she was told that she can do this through the Special Exception process, which costs about 400 dollars. She doesn't feel that they should have to go through that process or incur that expense. She said that across the freeway a mink farm was put in without any public input, even though it has an impact on all of them. She said that another piece of property by them has built a motor cross track, which has created noise and dust. She said that it doesn't make sense to her that she can't extend her building a few feet.

Commissioner Clyde asked if the difficulty is that the building is on the property line. He was told that is the case. Planner Slaght said that even in agriculture, the setbacks must be met. Commissioner Brown said the only reason that the structure is non-conforming is because the Development Code was changed. It was built legally at the time. Planner Northrup-Robinson agreed and added that the Code does allow a non-conforming structure to be rebuilt if it is damaged or destroyed by Mother Nature.

Don Donaldson said that this structure is located in an existing hay stacking area. He said there is no place in the Development Code that discusses rebuilding an agricultural structure. Commissioner Brown said the Donaldson's would be following the existing line. They meet all other setbacks. Planner Slaght said their barn is on the property line and they want to expand it five or more feet to cover their equipment. The State Code says that agriculture is exempt from building permits, but it is not exempt from setback requirements. Planner Northrup-Robinson said in this case, there isn't a neighbor next to the Donaldson's; all situations have to be considered.

Commissioner Henrie asked if a neighbor gives permission, is a LIP allowed? Planner Northrup-Robinson explained the process. She said that Staff can notify the neighbors if they think there will be a concern. Staff will try to determine if there is a legitimate concern, or if there is just a squabble between neighbors; Staff cannot deny a LIP if the Code criteria is met.

Commissioner Foster said that everyone agrees this is an unreasonable situation. She recommended that they go through the Special Exemption process and seek a fee waiver. Planner Strader said that fee waivers are no longer allowed. The amount of the different fees was discussed.

Commissioner Hanson asked if there is a possibility of drafting language so that if a neighbor doesn't live within a certain distance to a structure, some of the problems may be alleviated. Mr. Donaldson said there are many like agricultural buildings in this same situation.

Commissioner Foster said that the Special Exception is designed for this type of situation, rather than creating a special code for each case. She said if the Donaldsons apply for this, they may be able to get help more quickly than waiting for the Code to be amended, which may or may not be of help to them.

Ms. Donaldson commented that the Planning Commission is supposed to be helping agriculture. Commissioner Foster responded they work hard to aid agriculture, but the State Code is the ultimate authority.

Commissioner Brown said the Planning Commission has a lot of latitude with the State Code. He suggested that the Planning Commission could establish an agricultural setback as zero. Commissioner Clyde said he can think of places where this wouldn't be a very good idea and would eventually create problems. Planner Northrup-Robinson said that some agricultural buildings have been converted to other types of structures after the fact. Commissioner Brown said there is a lot of abuse with agricultural exceptions. He suggested that if someone is caught breaking the rules, they would be required to tear the structure down.

Planner Slaght reminded the Commissioners of their recent tour of the east side of the County. He said they saw some properties that are right on Chalk Creek Road. They wouldn't want to let these properties expand. Commissioner Ure said they should be able to use common sense. He asked why the 1996 Code was changed. Planner Northrup-Robinson said they were directed by the BCC to have the Code language amended. Commissioner Henrie said they were also considering expanding some of the highway setbacks.

Commissioner Henrie suggested that perhaps someone could be allowed to rebuild with an increase in size (such as 10%), to allow for more modern applications. He said this would be replacing the structure with the same intent. Planner Northrup-Robinson said she likes this idea.

Chair Houston said she is concerned with the time it will take the Planning Commission to approve anything that will help the Donaldsons. Planner Northrup-Robinson said that under the current Code, the only way the Donaldsons may be able to get some assistance is through the Special Exception process. Chair Houston requested that the non-conforming language is put on the fast track, as the Code was changed quite some time ago and it is an onerous process.

Commissioner Henrie said he would not agree with having a zero setback for a new agricultural structure. Commissioner Brown said what he intended to propose was not a zero setback, but to allow a structure to be expanded along the existing setback of the existing agricultural structure. He said he doesn't think that a person should be allowed to expand the non-conformity.

Commissioner Henrie suggested that possibly the Planning Department should be granted the right to extend Special Exceptions for agricultural situations as the Code can't address every situation. Planner Northrup-Robinson said they would need to have very clear guidelines as to what could and could not be approved. Commissioner Clyde said that perhaps the fee schedule could be amended so there is a different fee for Special Exceptions involving agricultural buildings.

Commissioner Brown said that a legal structure only became non-conforming because the Code changed. He said he doesn't like this term; it is misleading to the public. The public focuses on the fact that the structure was conforming when the building was constructed. To the public's

mind it is still a conforming structure. Planner Northrup-Robinson said it is important to distinguish between a *legal* non-conforming structure and an *illegal* non-conforming structure. When these structures were built, times were different than they are now. Some of the buildings were placed right next to the highway, which wasn't a problem at that time. She said that regulations were put into place for a reason; they don't want to ignore them.

Commissioner Brown said he understands the concerns when it comes to the road, because the County is the owner. But if both parties agree on a side setback, it's hard to believe that the County can override their desires. He said the amended County Code is what created the problems. Why should a person be punished because the County has new rules? Commissioner Henrie agreed. He said if they remove the language that necessitates 50% of the required setback to be met, they would remove the problem. Commissioner Clyde remarked if someone is building close to a setback, certain problems will be created, such as snow shed off a roof which can be damage a neighbor's fence. He said the tighter the space between two houses, the harder it is to stretch utilities or to place a fence between the two houses.

Commissioner Hanson asked what if there is a situation in the middle; if someone wants to expand a structure less than the 50%, but more than the current setback. Planner Northrup-Robinson said that it would be permitted through the LIP. Commissioner Hanson asked what the fee is for the LIP application. Planner Northrup-Robinson stated it was recently raised from $50 to $210.

Ms. Donaldson asked what the Planning Commission wants them to do. Commissioner Foster suggested that they address the County Council at their next meeting. The County Council has an input session where they can explain the situation. She said they should give the Council the opportunity to help.

Kent Wilde, another member of the public, said that he lives on Hoytsville Road. He said there are 113 structures along this road at the 30-foot setback line. He said when the 50-foot setback was placed; it kicked all of these homes into non-conformity. He asked what could possibly be accomplished by requiring new structures to be built with a 50-foot setback, between the houses that are built at the 30-foot setback.

Mr. Wilde said that Hoytsville Road has a 100-foot right-of-way. He said although his home is on the 30-foot setback, he is 80 feet from the centerline of the road. He said there is no other road in the County that he knows of that is that wide. He has asked several people why the County increased the setback from 30 feet to 50 feet. He was told that because the Hoytsville Road is so wide, there doesn't seem to be a good purpose for the 50-foot setback at that location.

Mr. Wilde said he would like to add onto his house, but he can't because he is non-conforming. If he were to add onto his home and comply with the 50-foot setback, he would be over his septic tank; however, he has plenty of room to build to the south of his home. He said that his neighbor got a building permit to build within 12 feet of the County road. He said that another neighbor put in a two-story garage eight feet from the road. After Commissioner Brown asked some

questions, it was determined that the new LIP would apply to Mr. Wilde's situation and he would be permitted to add onto his home.

Chair Houston said that she doesn't have a problem with 50% setback, but she would like to see language that would permit an agricultural building to expand along the lines of the existing building. She suggested that the non-conformity shouldn't be enlarged, except through the Low Impact Permit process.

Commissioner Ure asked what would be the appeal process for these situations. Planner Strader said they would come before the County Council. Planner Northrup-Robinson said that Staff would take all of their comments into account.

2. **Approval of Minutes: January 5, 2011**

Commissioner Clyde made the motion, which was seconded by Commissioner Hanson, to approve the minutes as corrected. All voted in agreement.

- **MOTION CARRIED (7 – 0)**

Staff Items

Planner Slaght reviewed the upcoming agenda. A plaque was presented to Chair Houston to thank her for her years of service on the Planning Commission.

Adjourn

At 8:52 Commissioner Hanson made the motion which was seconded by Commissioner Henrie to adjourn. All voted in favor.

- **MOTION CARRIED**

Joseph Higgins
Signature of Approval

that fire trucks can pass each other. There have been several brush fires in the area, and they have had fire trucks going in both directions.

Chair Brown asked what the Code requires as far as egress/ingress. What is required for a major subdivision in the lower valley? Mr. Blonquist asked if the Planning Commission is saying that there should be a separate road all the way down to where the county road begins. Commissioner Henrie asked if there is another road that goes over to Weber Canyon. Mr. Blonquist said that there is, but it is a very rough type of road.

Fire Warden Boyer said there has been other major subdivisions approved that has a loop in the subdivision for both entering and exiting. He said this has been based on the width of the road and the ability to pull out and pass.

Chair Brown requested that this application return for a Public Hearing as quickly as possible.

2. **Continued Discussion of Non-Conforming Residential Code Language – *Tiffanie Northrup-Robinson, County Planner***

Planner Tiffanie Northrup-Robinson stated that the Planning Commission discussed the non-conforming language for residential structures a month ago. After input from the public and the Planning Commission, Staff is bringing back the language with a few changes. The language has been amended to make it easier to understand. Staff also explored a comment made by Commissioner Clyde concerning how much of an expansion should be allowed.

It is Staff's belief that the ordinance should *not* be written to allow expansion of any non-conforming structure, neither should it be written to try to accommodate a specific circumstance. The previously proposed language was an attempt to find a compromise between the current language and the pre-2009 language, while simplifying the process for the public. Planner Northrup-Robinson said the Planning Commission can also consider readopting the pre-2009 language. If this is done, all proposed expansions would be reviewed through the Conditional Use Permit process with a Public Hearing.

Planner Northrup-Robinson said that buildings which would qualify for an agricultural exemption would not be required to obtain a building permit. She cautioned that not all "barns" qualify for an agricultural exemption. She discussed Figure 1 of the proposed language. She said in this example, a building permit would not be required for an agricultural building, but it would for all others.

Planner Northrup-Robinson said that Figure 2 demonstrates that an addition may be placed as close as 50% of the required setback, or less; but it cannot be greater. Applicants will be encouraged to meet the setback as much as possible. This would be processed under the Low Impact Permit.

Chair Brown said that he understands the principal behind what is being said, but he doesn't know what it would accomplish. He said he would almost rather force the applicant back to the required setback line. Planner Northrup-Robinson said that Staff is trying to be flexible, and find a compromise. Commissioner Clyde said he likes the flexibility this would provide.

Planner Northrup-Robinson said that Figure 3 is new. It demonstrates a structure at an angle to the property line. She said that at least 50% of the wall proposed to be expanded would need to be non-conforming in order to qualify. She said this doesn't have to be a straight line; it could jog in and out of compliance, such as with a bay window.

Commissioner Clyde asked what would happen if the lot isn't rectangular. A structure may be set square to the street, but the lot may be an irregular shape. He said if the angle is growing, an applicant shouldn't be allowed to follow the lot-line indefinitely. Commissioner Henrie said that situation would be promoting more non-conformity and would be denied.

Planner Northrup-Robinson said if the Planning Commission wants to fall back to the pre-2009 language, they would be able to see each of these individually. Commissioner Foster asked how many of these cases come to the Planning Department. Planner Northrup-Robinson said it may be about two a year.

Commissioner Ure said he is in favor of this coming back to the Planning Commission as a Conditional Use Permit. Commissioner Foster responded that the problem would be the subjectiveness of the decision. She said they are close to a resolution; she would like to see it through. Commissioner Clyde said there should be criteria standards established whether an application is judged either administratively or by the Planning Commission. He said that an applicant needs to show compliance. He said that if an application comes before the Planning Commission, it would allow them the opportunity to deal with the unusual situation.

Planner Slaght said that Staff has discussed the criteria of approval (number seven) of the Conditional Use Review. He said this requires that *"The length and size of the proposed structure must be compatible with the residential uses in the area and must also meet the required setback requirements of the zone where it is located."* He said if the Planning Commission wishes to proceed down this road, this language will need to be modified. Commissioner Clyde said they want to have these standards in the Code. He said if they get a lot of routine applications, they could decide these should be processed administratively.

Commissioner Henrie referred to Section 11-6-2 of the Eastern Summit County Development Code (Exhibit A). After reading Letter D, he said in the old language an exception was made. He asked if an exception should be added to the new language. It was agreed that an adjustment should be made.

Commissioner Henrie also referred to Section 11-6-2 (Exhibit B) B.3. He said there is no mention that a non-conforming structure that hasn't been used for one year is considered

abandoned. He asked if this should be placed in the new language. Planner Strader responded that this is referring to a non-conforming use, not a non-conforming structure. Community Development Director agreed, and said that historically it has applied to the use, not to the structure. There are no restrictions on residential non-conforming structures. He said this should be clarified in the language to avoid confusion.

Chair Brown said that the language states that a property owner has one year to fully replace a building that has been demolished by natural means. He asked what would happen if they are in the process, but not completed at the end of the year. Chair Brown said that on the next page it discusses due diligence. Chair Brown said if a property owner is in the process, should this be in the Code? Commissioner Henrie said that it will ensure that the process is really going forth.

Commissioner Hanson said that from the point of view of the public, she thinks this process would be considered a hassle. Instead of being able to walk in and walk out and be done with it, an applicant would have to come before the Planning Commission and have a Public Hearing. Commissioner Clyde said if the Commission's agenda gets too busy it would be a time delay, but that isn't the case right now. Commissioner Foster added that if these cases are a priority, a property owner shouldn't be delayed. Commissioner Henrie said that there should be a time limit set for the Planning Commission. An application should not drag on for two years. Chair Brown said there are some applications they would want to review. Commissioner Clyde said if this process should become a burden for either the Planning Commission or the public, it should be changed to an administrative review.

Chair Brown said he believes if they make a motion on how to proceed, this will help the language progress more quickly. He stated they can use parliamentary procedure to give Staff direction, although they cannot take an up or down vote at a Work Session.

Commissioner Clyde made the motion to proceed with the Public Hearing, and following the Public Hearing send a positive recommendation to the County Council with the changes that were discussed. The final approval for modification of non-conforming residential structures will be brought before the Planning Commission. Commissioner Ure seconded the motion.

Community Development Director Don Sargent said he believes it would burden the Planning Commission's agenda if every application was brought before them for review. He said there is the possibility of having some applications reviewed administratively and some of the applications reviewed by the Planning Commission. He suggested that Figure 1 and Figure 2 could be handled administratively and Figure 3 could come before the Planning Commission. Commissioner Henrie said if there is a set of rules, and if a property owner complies with those rules, they shouldn't have to come before the Commission; it would be a waste of everyone's time. If there is a question, or an interpretation, however, that should come before them.

Commissioner Clyde withdrew his previous motion and restated it. His new motion is to give direction to Staff to move ahead with the presented language, with the modifications and corrections that were discussed earlier and that an application would be processed under the Low Impact Permit for Figure 1 and Figure 2. A Conditional Use Permit would be required for Figure 3. Commissioner Ure seconded the motion. Chair Brown called for a vote. All voted in approval.

- **MOTION CARRIED (7 – 0)**

3. **Discussion of the Lot-of-Record** – ***Jennifer Strader, County Planner***

Planner Jennifer Strader said the proposed one-lot plat process would remove the ability of a third party to delay a subdivision plat approval. With the proposed language, the entire lot-of-record does *not* need to be included within the boundary of the subdivision. The new subdivision plat would contain one lot, a minimum of one acre in size. Staff is suggesting that a memorandum of decision is recorded against the remainder parcel, which basically states the history of the parcel and references the subdivision. The memorandum would also state that if the remainder parcel meets zoning, it will be eligible for further subdividing. Staff is suggesting that the one-lot process can be utilized one time only. A note would be placed on the plat to that effect. This would encourage subdivisions to be planned comprehensively, while giving property owners another option that hasn't been available.

Commissioner Henrie said that the Utah State Code allows one acre to be divided from 100 contiguous acres, without going through this process. Planner Strader agreed and said the Code was amended to add this language about one year ago. Commissioner Henrie asked what the difference is between what the State allows and the proposed one-lot plat. He asked why someone would go through the process and surveys that Summit County requires, if it isn't needed. Planner Strader said if someone has less than 100 acres, the proposed language allows them to divide their property utilizing the one-lot plat. The State Code does not allow for that.

Community Development Sargent stated that the intention of the State Code is to allow large land owners an opportunity to exercise their development rights. Planner Strader reminded the Commission that this was only approved last year. Commissioner Henrie said there should be language added that explains there is another process available if someone qualifies. Planner Strader said they can reference the Code section in the one-lot plat process. This will make the public aware.

Chair Brown said he has concerns about the memorandum of decision that will be recorded. He questions the limit of a one-time only opportunity. Planner Strader said the purpose is to allow flexibility to property owners, but if this should be allowed multiple times, subdivisions would be created that have not been comprehensively planned or reviewed. Chair Brown said that each time the one-lot plat took place, there would be a review. He said

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY APRIL 20, 2011
CONFERENCE ROOM 3
AND COUNCIL CHAMBERS
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN
COALVILLE, UTAH

COMMISSIONERS PRESENT:

Michael Brown – *Chair*
Tom Clyde
Diane Foster
Tonja Hanson
Ken Henrie
Chris Ure
Sean Wharton

Amir Caus – *County Planner*
Sean Lewis – *County Planner*
Tiffanie Northrup-Robinson – *County Planner*
Don Sargent – *Community Development Director*
Adryan Slaght – *Principal Planner*
Helen Strachan – *County Attorney*
Jennifer Strader – *County Planner*
Kathy Lewis – *Recording Secretary*

STAFF PRESENT:

The meeting began in Conference Room 3 and reconvened in the Council Chambers at 7:20 p.m. Commission Chair Michael Brown called the regular meeting of the Eastern Summit County Planning Commission to order at 6:35 PM. Commissioner Foster introduced a guest from Hastings, New Zealand. Mark Liens is part of the International City Manager's Association. This is run by the US Department of State and ICMA. He is interested in Planning and Zoning issues.

REGULAR ITEMS

1. **Pledge of Allegiance** (The pledge of allegiance was by-passed, as there was not a flag present in the conference room.)

2. **General Public Input**
   Chair Brown opened the Public Input Session. There were no comments made and the Public Input Session was closed.

3. **Public Hearing and possible recommendation of approval on Development Code amendments regarding residential non-conforming language – *Tiffanie Northrup-Robinson, County Planner***

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Planner Tiffanie Northrup-Robinson said that the Development Code language was reviewed in work sessions on February 16, 2011 and March 16, 2011. The Planning Commission stated that they felt comfortable moving forward with the language on residential non-conforming structures. She stated at tonight's work session, the language for commercial structures will be reviewed. She stated that both will need to be presented to the Summit County Council as a whole package.

Planner Northrup-Robinson said the Commission's input from these work sessions has been included in the language that is being presented. Some of the language will apply to both commercial and residential. She explained that one change to the language is the requirement to replace a structure that was destroyed by natural causes within one year. The language has been altered to read that all necessary development permits must be obtained within one year.

Planner Northrup-Robison stated the document in the packet demonstrated what the language was, and what is being proposed. She said that for the most part, the language is the same as what was presented on the March 16, 2011 meeting. She explained the following modifications:

- A reference has been inserted into the language that if an applicant meets all of the criteria, they can move forward with the building permit.
- An agricultural structure may be eligible for an agricultural exemption, if they meet the criteria for the exemption.
- A low-impact permit is required, if an application can meet very specific criteria. This can be handled at an administrative level. If it is felt that greater scrutiny is needed, a public hearing can be scheduled.
- At least 50% of the wall that is to be expanded should be non-conforming.
- The structure cannot be extended any more into the setback than what already exists. It cannot be extended into the setback more than it is non-conforming.
- It cannot be more than 50% of the required zone setback. If the required side setback is 12 feet, the structure cannot exceed 6 feet into the setback. If the structure encroaches eight feet into the setback, the addition must jog over to be no more than six feet into the setback.

Planner Northrup-Robinson said that a caveat that came up at the last work session is that a Conditional Use Permit (CUP) would be required for any structure that cannot meet the designated requirements. This might be the case if either the structure or the lot is oddly shaped. There may be a question on how much of the wall is involved. She stated that any structure (residential or commercial) that is located within a sensitive area will not be allowed to expand. She explained that occasionally Staff will come across something like a deck on posts in a river.

Planner Northrup-Robinson said that Staff recommends that the Planning Commission conduct a public hearing, consider any public comments, and forward a positive

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recommendation to the Summit County Council, specifically for the residential language (upon completion of the commercial language.) She explained that there will be a need for a slight modification of the CUP language. She said that Exhibit C is attached which demonstrates the minor modifications.

Commissioner Clyde asked if this language would apply to the front setbacks. Planner Northrup-Robinson said it would apply to all required setbacks, including the front. Commissioner Clyde stated that the Commission has worried about front/street rights-of-way. Further encroachment into the front yard may pose a potential problem that will not exist with side yard setbacks. If the road should be widened into the road in the future, does it make sense to have the structure closer? Will this create a condemnation problem? Instead of condemning the front yard, would they be condemning part of the kitchen?

Chair Brown opened the public hearing.

Dave Richards (from Dave Richards Architects) stated that he appeared before the Board of Adjustment representing his client, Wendell Burt. He said that this application was tabled. He believes the Planning Commission is working in a good direction. He said that his one suggestion is that they should look hard at more things being handled administratively by their able Staff.

Chair Brown said that as there were no other comments, he would bring the discussion back to the Planning Commission.

COMMISSION QUESTION AND COMMENTS

Commissioner Wharton said he is concerned about the requirement that 50% of the wall be non-conforming. He said it is possible that a person requesting a six-foot encroachment might be denied. A person with a 40-foot encroachment might be approved. He said that a person with a home that is more greatly out of compliance has an advantage over a person whose home achieves greater compliance. Commissioner Clyde said the goal is to try to encourage people to achieve conformity, while helping people who are in a tough situation. Planner Northrup-Robinson said this language isn't intended to grant relief to every problem. She said that part of the process will include that they are a legal, non-conforming structure.

A public member, Mark Blackman, said that he is a builder with Dave Richards Architects. He said that Commissioner Wharton raises a question of equity, of fairness. He said that from a builder's aspect, he has come across this issue more than once. He said if he has a building that is three feet into the setback, he would adjust the addition back three feet in order to get a building permit. This would simplify the process and enable the client to move forward. He is working with a structure where the entire structure is within the 100-foot setback. He is glad to see the verbiage that is being created. Commissioner Henrie said that he had the following questions on:

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Section H.2:

"Any portion of a non-conforming agricultural structure that complies with the setbacks requirements for the zone district in which the structure is located may be enlarged." Commissioner Henrie stated that if a structure complies, it wouldn't be non-conforming. Planner Northrup-Robinson said that any structure that is in compliance, or qualifies with an agricultural exemption, would only need a building permit. She added Staff is trying to make this as clear as possible. She added that if a structure isn't conforming, it would be processed under the Low Impact Permit (LIP.)

Section 3.a

Commissioner Henrie asked if the existing wall is only 20% out of compliance, what is available to the applicant. Planner Northrup-Robinson said the applicant would not be allowed to expand within the setback.

Commissioner Wharton suggested that the 50% requirement be deleted. He said he believes that there is confusion on which wall that is being specified. Is it the existing wall, or the wall that is being expanded?

Commissioner Clyde responded that what the Commission and Staff is trying to accomplish is to help someone whose house substantially conforms to the building requirements; however, they may have a porch that encroaches into the side setback. The porch should not dictate the future of the 5,000 square foot house.

Section 3.b

Commissioner Henrie asked for further explanation. Planner Northrup-Robinson said if the structure is eight feet from the property line, the addition cannot encroach more, such as ten feet. She said the eight foot encroachment must be maintained or lessened.

Commissioner Henrie asked what would be allowed, if the non-conforming structure is two feet from the property line. Planner Northrup-Robinson said that the addition must be at least 50% of the required setback. It would have to jog back to the 50%.

Section 4

Commissioner Henrie felt that this entire section should be deleted.

A member of the public, Dave Richards, said that what he has seen in other communities, especially older communities, is that a midline has been taken. He said if the addition didn't make this any worse, then the application would be handled administratively. He said that if a homeowner is barely over the setback, the chances are that an architect can design a structure that can meet the setback. If there is a structure that is way over the setback and is severely impacted by the setback rules, he would see that situation as a hardship. He said the new language should be easier for the general population to understand.

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Mark Blackman said he believes there is a need for clarification on which wall is being referred to on Figure #3. He would like to see a definition of which wall is being expanded.

Chair Brown closed the public hearing. He said there have been enough concerns expressed, that the Planning Commission is not prepared to take a final action.

Commissioner Clyde said that he is ready to make a motion. He made a motion to forward a positive recommendation on the language presented with the following changes:

1. ***Paragraph 3a.: It should say 50% of a wall that is to be expanded (from which the setback is measured) must be non-conforming.***

2. ***Striking paragraph 4 on the Conditional Use.***

Commissioner Hanson seconded the motion.

Commissioner Henrie asked if the language in the motion is not quite clear enough yet. Commissioner Wharton said he doesn't believe that the 50% requirement is relative. It should apply to any non-conforming structure, whatever the percentage may be.

Commissioner Foster said that she likes the 50% requirement, but doesn't believe this would make sense to most people coming through the door. She said if Staff comes up with language to make it clearer, it may affect something else in the Code.

Commissioner Clyde amended the motion that 50% of the existing wall (from which the setback is measured) must be non-conforming. Chair Brown called for a vote.

Those voting in favor of the motion were: Commissioner Clyde, Commissioner Foster, Commissioner Hanson, and Commissioner Ure. Those voting against the motion were Commissioner Wharton and Chair Brown.

- **MOTION CARRIED 5 – 2**

At 7:20 p.m. a 5-minute recess was declared to allow the meeting to move to the Council Chambers.

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WORK SESSION

1. **<u>Discussion of Code amendments</u> regarding commercial non-conforming language –** ***Tiffanie Northrup-Robinson, County Planner***

Planner Tiffanie Northrup-Robinson stated that Staff and the Planning Commission desired to keep the commercial and residential non-conforming language separate, in order to avoid confusion. She said that there can be non-conforming structure and/or a non-conforming use. She said that the previous Development Code did not distinguish between the two.

Planner Northrup-Robinson explained the language amendments that were contained in the Staff Report. She said that Section I discusses the enlargement of a non-conforming structure. She said that only a building permit would be required if the structure stays within the setbacks. A Conditional Use Permit (CUP) would be required if the non-conformity should be increased in anyway.

Planner Northrup-Robinson said that a CUP will be required for a significant expansion of a non-conforming use, such as from a minor art studio, to a gas station. She said that the use can be modified from the former use, but if it is a significant change, it would be better for the Code to rezone the area to a commercial use. It should be rezoned to what actually exists.

Planner Northrup-Robinson next talked about abandonment or loss of non-conforming use. She read from the Section J.2 of the Staff Report, which states that any party claiming that a use has been abandoned, must offer proof. She said that Staff is requesting input from the commission on this item.

Chair Brown said that he remembers having this discussion at an earlier meeting and the Planning Commission wasn't comfortable with this requirement. Commissioner Clyde also remembered discussing the grocery store in Woodland. He said there are situations, such as the Woodland store, that when a tenant moves out, the building can't be leased for at least a year. He doesn't believe the owner should necessarily lose the non-conforming status. He said this is especially true if there is evidence of non-abandonment, such as paying the utilities, or advertising for a tenant. He protested that abandonment isn't defined. Commissioner Clyde said the continuation of the use also comes into play. If it was originally a grocery store, and if it should become a bar, is that a new non-conforming use. Or is it a continuation of a commercial use? Commissioner Foster responded if a business has not been operating for some time, and someone moves in next door and a new business comes into play; there may be impacts that were never contemplated.

Planner Northrup-Robinson said the impacts of the previous use and the impacts of the proposed use should be weighed. There should be some kind of reasonable timeline established so the public can have a reasonable expectation. The Planning Commission should decide when and how a use can be modified. Can it be modified within the year? It

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should be proven that the modified use would be acceptable. She said that an alternative choice would be a rezone.

Planner Northrup-Robinson gave an example of the V&S store by Brown's Dairy. It has been abandoned for about ten years. If someone wanted to open a bar and grill at that location, would it make sense to have that application go through this process?

Commissioner Ure said there is a saw mill in the town of Francis. This company will be operating in Wyoming for five years. If a subdivision is developed around this property, and when they come back in five years would that be abandoned? He said the Commission needs to define abandonment. Commissioner Foster said if they kept their business license current, the business would not be considered abandoned.

Attorney Strachan said that under the State law, a business is considered abandoned if the use has been discontinued for one year. She said that normal procedure is if something is considered abandoned; Staff sends a letter to the business/property owner. That person has the right to respond with evidence that the business or the property has not been abandoned. She thought it might be better to leave the verbiage vague. They would not be able to articulate every scenario.

Chair Brown asked who would be the judge that a business has not been abandoned. Would it be the County Manager, the County Council, or the Community Development Director? Attorney Strachan answered that she believes it would be an administrative decision made by the Planning Staff. Commissioner Henrie recommended that a list of criteria be developed that would prove that the business has not been abandoned.

Commissioner Clyde said there are many small grocery stores in the area, such as the Woodland store, that most people would consider as abandoned, but the owner wouldn't agree. If someone living next to one of these businesses complains when a new business starts up, that would trigger an investigation by Staff. He said that he would hate to put a road block in their way.

Chair Brown said that in a worst-case scenario for something that has clearly been abandoned, like the V&S Store, an applicant could request a rezone. He said the opportunity hasn't been removed. Commissioner Clyde responded that a rezone could take up to a year. To restart a business under the non-conforming language may only take a month.

Commissioner Foster said if they try to define abandonment, it will be too narrow. The intent of leaving the verbiage vague is to allow flexibility. They should leave the definition undefined, in favor of the person that is trying to start a business. Commissioner Clyde said they could list evidence of non-abandonment and add a catch-all at the end of the list, such as…*"other evidence of non-abandonment."* He said that evidence of non-abandonment could include active utility connections, current business licensing, current real estate

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listings, or other substantial evidence. Commissioner Henrie said that he likes this idea, but he would want to see the use stay the same.

Attorney Strachan said it may be a slippery slope to say that a non-conforming use can apply for a CUP, when a CUP is an allowed use under the law. An industrial use would be allowed in a residential zone, if it can meet the requirements. Commissioner Foster replied they are talking about reestablishing a business, not establishing a CUP. They would be saying that a historical use is an allowed use.

Chair Brown said they should clean up the language as much as they can, but the non-conforming use isn't as big of a detriment as it is being portrayed to be. Attorney Strachan asked how many of these applications do they get a year. Would it be difficult to change the chart of allowed uses? She said if the Commission proceeds in this way, there may be unintended consequences.

Commissioner Clyde said they are considering three things. They are:

1. The re-establishment of a use.
2. The change of a use.
3. The expansion of a use.

He asked if someone would be allowed to add 500 square feet onto a non-conforming restaurant that has been operating for many years. He asked what would be the process to undertake this. Attorney Strachan answered that it would be allowed under the State law. Commissioner Hanson asked how many of these businesses are there. Planner Northrup-Robinson said there are not a lot. When zoning came into the County, they tried to match the use to the zone.

Chair Brown said that he would allow public comments at this time.

Dennis Boulder said that he is one of the owners of some storage units in Weber Canyon. He said this is a non-conforming business. It is a business that has been in existence for many years. He has tried to get a permit to add onto and remodel these units so that they don't look old or abandoned. He said there is a business down the street that was able to do some of these things before the Code changed.

Commissioner Foster offered some specific wording suggestions for Section J.4. Most of the standards for expansions use the word *"significantly"* attached as a "reasonable person modifier." She noticed that there is a hard standard for items C, E, and G. She requested that *"significantly"* is also added to these items. She said the word *"significant"* should be left open so that Staff or the Planning Commission has the ability to determine what is significant.

Commissioner Clyde said that if they take Attorney Strachan's comments and concerns into account, they should not use the CUP to allow the expansion, re-establishment or

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continuation of a non-conforming use or structure. This should be done under a provision that is unique to non-conforming use; it should not be called a CUP. A process to do this should be established. The Commission should come up with the language that would accommodate the desires of a non-conforming business owner.

Commissioner Henrie asked what would be the goal, what would they be trying to achieve? He asked if this is to allow non-conforming commercial businesses to expand. He noted that would be the opposite of non-conforming residential language. The goal there was not to allow excessive expansion of residential. Commissioner Foster responded that this goal may be addressing the need to allow economic growth.

In response to Chair Brown's directive to create some language, Planner Northrup-Robinson asked if the Commission is comfortable with the abandonment language and that something that has been clearly abandoned should be rezoned. Commissioner Foster made some language suggestions.

Commissioner Henrie said he is not comfortable with the language of Section J.3 on page 4 of the Staff Report. He said that this section is requiring someone to go through the Conditional Use Process to restart a business, even if it has not been operating less than one year. He said this doesn't meet the standards of abandonment. A person should not have to go through this process. He said that a person should simply be able to start back up, if it has been less than one year. Commissioner Clyde agreed. He said if a business was non-conforming, they are vested and should be able to continue. He believes this section should be removed. Commissioner Foster agreed, if the use remains the same. If there is a use change, perhaps a process should be created to allow someone to do that. Chair Brown recommended that another Work Session be held before this comes before the public.

2. <u>Discussion of a re-zone</u> regarding a 13.55 acre group of properties located on 1039 Hoytsville – *Amir Caus, County Planner*

Planner Amir Caus said the proposed rezone is close to the town of Coalville, next to Brown's Dairy. The current zones are Highway Corridor and Agricultural Protection. The applicant is requesting a rezone to allow flexibility to expand their use and to bring an existing legal non-conforming business into conformance. He said that although no public comment has been received, Staff did receive a request for a Storm Water Pollution Protection Plan (SW3P) from the City of Coalville. Planner Caus stated that an SW3P has been submitted to the Engineering Department.

Planner Caus reminded the Commission that in 2009, the Summit County Council approved Code changes that now preclude the expansion of non-conforming uses; therefore, the applicant wishes to re-zone the properties owned by Rees's Enterprise to ensure future expansions of the business. The current use is welding and construction equipment storage. Hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday, but occasionally the business operates 24 hours a day, 7 days a week.

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He said there will probably be neighborhood opposition to the industrial zone because of the things that zone allows.

Planner Slaght said that if this property is rezoned Industrial and if Rees's Metal Works should go away at some point in the future, anything that is a permitted use in the industrial zone could come into that property. That could be mining, or sexually oriented businesses. He said that Staff wanted the Planning Commission to be aware of this possibility. The Commission should be comfortable with what that zone allows for Rees's or anybody else that should come into that property. Commissioner Clyde said this is a great example of why there should be a light industrial zone. Attorney Strachan pointed out that the Industrial Zone also limits the possibilities for Rees's, such as a dwelling on the property, an agricultural arena, and other items. Chair Brown told the Commission that more information will be forthcoming at the next meeting.

2. <u>Discussion</u> of proposed development code amendments regarding commercial non-conforming language – *Tiffanie Northrup-Robinson, Principal Planner*

Planner Tiffanie Northrup-Robinson reminded the Planning Commission that they voted to forward a positive recommendation to the County Council on the language for non-conforming *<u>residential,</u>* agricultural or accessory structures. She said this Work Session is intended to discuss the language for *<u>commercial</u>* non-conforming uses and structures.

Planner Northrup-Robinson said that Staff met with an appointed committee on the proposed language. The goal of the committee was that this language should be kept simple for the benefit of the Commission, Staff, and the Public; while still accomplishing what they want to have set forth.

The committee decided that a business owner will not be able to re-establish a use that has been declared as abandoned. They discussed clarifying the abandonment language in the document. Examples were culled out that may prove abandonment or non-abandonment, such as utility bills being paid. The Community Development Director (CDD) requested however, that the language be kept vague. It would be the burden of the applicant to prove it either way. Planner Northrup-Robinson said there is an appeal process of the CDD's decision to the County Council.

Planner Northrup-Robinson said that upon review, the committee decided to delete Section J.3. A Conditional Use Permit (CUP) is not necessary to re-establish a business if it has been out of operation less than one year and if the business is essentially the same.

Planner Northrup-Robinson said that Section 4 lists the special standards that would be required for any expansion of a non-conforming use or structure. An applicant must meet all the requirements. She said that the word, "significantly" was added to each of the special standards (4.a-j) to achieve consistency. She clarified that Section K states that a structure cannot expand into sensitive lands. She explained that this language is not discussing the setbacks to sensitive lands, but the sensitive lands itself.

Planner Northrup-Robinson said the committee felt that it was best to leave this as a Low Impact Permit (LIP) with a public hearing, instead of a CUP. She said under this circumstance, it would come before the Planning Commission and a public hearing would be held. She explained that a CUP is a permitted use with conditions, but a LIP is not. This way the Planning Commission will be able to approve, deny, or place conditions. She said that this language seems easy and straightforward. She hopes that it addresses their concerns.

Commissioner Clyde suggested that Section 4.a should say *"The use does not significantly increase vehicular traffic or impede traffic flow."* He explained that the traffic may not increase, but there could be an increase in the type of certain vehicles that would impede traffic flow, such as cement trucks. Commissioner Foster suggested that the word "significantly" again be inserted, so that the language would say, *"The use does not significantly increase vehicular traffic or significantly impede traffic flow."* Someone may claim that one cement truck compared to none impedes the traffic.

Chair Brown said that Section 4.a-j is subjective. He understands the reason why it is there, but he struggles with the application of the standards. He said that letter j of that section contains all of the aforementioned standards. He said that this language would be hard to implement. Attorney Strachan said if an applicant can prove they can mitigate the conditions, the Planning Commission will have to approve it.

Chair Brown said the State law reads that if an agricultural parcel is within city limits and that parcel has more than five acres, it is exempt from meeting building requirements. He said those requirements would be things such as the height and setback criteria. Planner Northrup-Robinson said the law states that agricultural buildings are exempt from the *adopted building code requirements.* She explained that this does not include the regulated setbacks. Chair Brown said he is being told something different from the land use authorities at the state level. He will present his documents to Attorney Strachan and request further research.

Commissioner Henrie said that when he read Section 4.a-j he struggled with the word *significantly*. He wondered how it would be determined that something is significant? As he thought about it, he decided that the public would determine what is significant through a public hearing. He said that he would be satisfied with that process. Commissioner Clyde added that what is significant in one location may not be significant in another. Chair Brown suggested a verbiage change on 4.h. He suggested that the language should read *"The use does not create a significant change…(instead of a sudden change)."*

Commissioner Clyde made a motion to move the legal non-conforming commercial language to a public hearing with the changes they have made. Commissioner Foster seconded the motion.

Commissioner Wharton said he is still concerned with Figure 2 (where at least 50% of the wall is non-conforming). He said that one person might be allowed to expand six feet into the setback, while another person that would only encroach two feet into the setback could be

denied. He wondered if this will open the door to law suits. Attorney Strachan said this is why this policy is based on percentages. Commissioner Wharton asked what would happen if this language were removed. Planner Northrup-Robinson said that it may allow the non-conformity to increase.

Chair Brown called for a vote. All voted in favor.

- **MOTION CARRIED (7 – 0)**

Commissioner Foster made a motion to continue until 9:20 p.m. This motion was seconded by Commissioner Henrie. All voted in favor.

- **MOTION CARRIED (7 – 0)**

Principal Planner Slaght distributed a copy of an e-mail that he had received from Dave Richards who spoke at public hearing held on April 20th regarding the non-conforming residential structures.

Planner Northrup-Robinson explained that Mr. Richards was the architect who was concerned about some property that is located by the Smith and Morehouse Reservoir. She said that he wanted to be certain of the language that was approved to be forwarded to the County Council. He believed that the Planning Commission wanted to eliminate item #4 entirely. Planner Northrup-Robinson said that it was her understanding that item #4 would be processed as a Low Impact Use (LIP). She said that she wanted to clarify if Staff had understood the Planning Commission's desire correctly. The Commission verified that she was correct; Item #4 was not to be removed, but to be processed as a LIP.

3. <u>Discussion</u> of Lot of Record – ***Don Sargent, Community Development Director***

Chair Brown said that he and Vice-Chair Clyde had meet with Community Development Director Dona Sargent for about two hours concerning the lot-of-record issue. They talked about some of the ways that the Planning Commission can move forward on this issue. Director Sargent will create some language that Vice-Chair Clyde will present to the Commission either on May 18th or June 1st.

Vice-Chair Clyde said that they flushed out two or three issues that were policy level decisions that need to come to the Planning Commission before anything can be drafted. They will go from where the Commission has left off, and will be dealing with two or three issues that need to be wrapped up. Chair Brown said that he believes they can be finished with this by the end of June or the first of July.

<u>Commission Items</u>

Commissioner Foster asked if they want to have appeals for subdivisions and CUPs go before the Administrative Law Judge. She would like to talk about that sometime. She said

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY, JUNE 1, 2011
KAMAS CITY OFFICE
170 NORTH MAIN
KAMAS, UTAH

COMMISSIONERS PRESENT:

Michael Brown – *Chair*
Tom Clyde
Tonja Hanson
Chris Ure
Sean Wharton

Regrets: Diane Foster, Ken Henrie

STAFF PRESENT:

Kimber Gabryszak – *County Planner*
Tiffanie Northrup-Robinson – *County Planner*
Don Sargent – *Community Development Director*
Adryan Slaght – *Principal Planner*
Helen Strachan – *County Attorney*
Jennifer Strader – *County Planner*
Kathy Lewis – *Recording Secretary*

Commission Chair Michael Brown called the regular meeting of the Eastern Summit County Planning Commission to order at 6:00 PM.

REGULAR ITEMS

1. **Pledge of Allegiance**

2. **General Public Input**

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

3. **<u>Public hearing and possible recommendation</u> on proposed Development Code amendments regarding Non-Conforming Use Language. – *Tiffanie Northrup-Robinson, County Planner***

   County Planner Tiffanie Northrup-Robinson said that on April 20, 2011 the Planning Commission voted to forward a positive recommendation on the proposed language for the Non-Conforming Residential, Agricultural, or Accessory Structures. This is a public hearing considering the language for Commercial and Industrial Non-conforming Uses and Structures. She noted that work sessions on the commercial language were sent on April 12 and May 4. At these work session the proposed language was discussed in detail.

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A slide was displayed that showed a summary of the language.

For commercial structures:

- Enlargement of non-conforming commercial or industrial structure that meets all of the setbacks will only need to obtain a building permit.
- If the non-conformity will increase or expand (even if the existing setback lines are maintained), a Low Impact Permit (LIP) will be required.
- All LIPs will be required to meet ten special standards.
- The Planning Commission will hold a public hearing and a recommendation will be made to the Community Development Director (CDD).

The following criterion applies to commercial uses:

- For enlargement and conversion of a use a LIP will be required.
- They also will have to meet the 10 special standards.
- The Planning Commission will hold a public hearing and a recommendation will be made to the CDD.

How to establish if a use had been abandoned was also discussed. The burden of proof will be on a property owner to establish whether abandonment has occurred. If someone is claiming that abandonment has occurred, the burden of proof will be on the individual making that claim. The CDD will make the final determination of the abandonment status. This decision can be appealed to the Summit County Council. Upon completion of the above listed requirements, the Planning Commission will make a recommendation to the CDD.

Planner Northrup-Robinson said that Staff recommends that following a public hearing the Planning Commission forward a positive recommendation to the County Council. Chair Brown requested that Planner Northrup-Robinson display slides that demonstrated examples of what had been discussed.

The public hearing was opened. There were no comments made. The public hearing was closed.

Commissioner Clyde made a motion to forward a positive recommendation to the Summit County Council of the amended language to Chapter Six of the Eastern Summit County Development Code for Commercial and Industrial Non-Conforming Structures and Uses. Commissioner Ure seconded the motion. Chair Brown call for a vote. Chair Brown voted nay, the rest of the Commission voted in favor of the motion.

- **MOTION CARRIED (4 – 1)**

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SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

AMENDING THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE

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

WHEREAS, the County is amending the Eastern Summit County Development Code to modify 11-6-2 of the Code regarding Non-Conforming Uses, Structures and Lots, and;

WHEREAS, the Eastern Summit County Planning Commission held work sessions on January 5, 2011, February 16, 2011, March 16, 2011, April 20, 2011 and May 4, 2011, and;

WHEREAS, the Eastern Summit County Planning Commission held public hearings on April 20, 2011 and June 1, 2011 to consider the amendment, and;

WHEREAS, the Eastern Summit Planning Commission subsequently voted to forward a positive recommendation to the Summit County Council regarding the proposed amendment regarding Non-Conforming Uses, Structures and Lots in 11-6-2 of the Eastern Summit County Development Code; and

WHEREAS, the Summit County Council held a public hearing on the proposed amendments on June 29, 2011.

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

Section 1. EASTERN SUMMIT DEVELOPMENT CODE
The Eastern Summit County Development Code is amended as depicted in Exhibit A.

Section 2. 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 29th day of June, 2011.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By: _____
Christopher Robinson, Council Chair

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

Sean Lewis
County Planner

MEMORANDUM

Date: Thursday June 23, 2011
To: Summit County Council (Council)
From: Sean Lewis, County Planner
CC: Bob Jasper, County Manager
David Thomas, Chief Deputy County Attorney
Don Sargent, Community Development Director
Re.: Beehive Homes discussion and possible reconsideration

Staff was instructed to place on the county website directions for interested parties who have an interest in intervening in the Beehive Homes assisted living center appeal. Those wishing to intervene were asked to provide a brief letter stating their intent and a summary of their interest in the matter.

Attached, please find copies of the letters received by staff so far. As the stated deadline to receive the letters falls after the deadline to submit Staff Reports, Staff will provide any additional letters received before the deadline via email.

Interested parties were also instructed that submission of a letter does not guarantee that the Council will accept new public comment, nor does submission of a letter guarantee an opportunity to speak if public comment is accepted.

Staff recommends that the Council take opportunity to discuss with legal counsel the issues surrounding the appeal; read and discuss the attached letters, (including any others received by Staff before the deadline); and determine if reexamining the Beehive Homes appeal is in the best interest of Summit County.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
P.O. BOX 128
60 NORTH MAIN STREET
COALVILLE, UT 84017
PHONE (435) 336-3134 FAX (435) 336-3046
SLEWIS@CO.SUMMIT.UT.US WWW.SUMMITCOUNTY.ORG

Sean Lewis

From: Lesar,Frank <Frank.Lesar@gartner.com>
Sent: Wednesday, June 22, 2011 8:29 AM
To: slewis@co.summit.ut.us
Subject: Park Ridge Estates HOA - non-residential facility application

Importance: High

Sean, my name is Frank Lesar and I live at 6155 Park Ridge Drive in the Park Ridge Estates HOA area. Thanks to the county commission for putting off a final decision on the Park Ridge Estates non-residential facility. The facility developer has failed so far to address concerns of his future neighbors. He rode arrogantly over the local planning board to appeal his application directly to our elected officials. The original decision by the county commission to not hear our voice (expressed in a letter by our attorney) was the wrong decision at the time. There is one final opportunity to hear the application properly.

I appeal to the county commission to consider their local board's pronouncements on the application and also the desires of the local community to see a *proper* facility erected or no facility at all if the developer cannot negotiate in good faith. Please support the Park Ridge Estates homeowners.

Thanks again to the county commission for keeping deliberations of this application open and for considering the voices of the people who live in this development.

Regards,

Frank Lesar
cell: 435-655-5782

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SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 22 2011
RECEIVED

Sean Lewis

From: Gregory T. McHaas <gtmchaas@me.com>
Sent: Tuesday, June 21, 2011 7:49 PM
To: slewis@co.summit.ut.us
Cc: Becca McHaas; robertofran3@gmail.com; johneb@catapulsion.net; Bronstein; Buckler; Carone; Casey; Chapman; Constantine; DaBell; Deirdra Walsh; Dr. John DeMartin; Dr. Robert DeMartin; Fisher; Fleming; Gary Rogers; Gibbs; Guay; Hall; Hamburger; Harmon; Harmon; Hartlieb; Hawley; Hays; Hurd; Issac and Ashlie Allen; j. Riley & S. Liese; Kelly Miller; Kirst; Kopcrak; Kuster; Leigh and Cindy Beem; Lesar; Lundstrom; Maben; Maero; Mark Turner; Mcelhaney; McLane; Mueller; O'Brien; Palacious; Patterson; Pinter; Pratt; Querry; Raafati; Rick Miller; Sheehan; Shoumatoff; Silvia Berger; Stouffer; Tina Turner; Walker; Walsh; Willard; Williams; Wright; Wynne
Subject: Stop the BeeHive Commercial Project in my neighborhood!

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 22 2011
RECEIVED

> Summit County Council
> Attn: Sean Lewis, Community Development Department
> 60 North Main Street
> Coalville, UT 84017

Dear Mr. Lewis,

Please read this aloud in your meeting since I will not be able to physically attend due to work travel. The purpose of this letter is to appeal to your council's recent decision regarding the construction of an assisted living facility in the middle of a very safe, quiet, and family oriented neighborhood. What is next? A Popeye's? This whole thing is an outrage. Why not put up some bill-boards for cigarettes and eliminate the open space for some gas stations, big box stores, and a smelter? Who on earth would put an assisted living facility smack dab in the middle of a serene family neighborhood?

My family moved to Park City 3 years ago from Scottsdale to escape the incessant sprawl and crawl of business. So that we might raise our young children in a small town environment without being surrounded by all of the commercial, money-focused, strangers who suddenly become welcome as long as they pay the money. Utah as a state does a good job of keeping neighborhoods clean and focused on the family.

Our tiny neighborhood is humble, and for most families, we are barely able to afford the privilege of living in a safe and peaceful community. Please do not destroy the very essence of our neighborhood
by allowing this facility to go forward. It makes no sense at all.
If you want to serve the future patients of such a facility, our neighborhood, and the people of Park City, then why not put the assisted living facility next to the hospital?

My son's bus stop is across the street from the proposed building. If this facility goes forward then I will have to take him to school myself. There is no way I would let my son or my young daughter stand across the street from such a transient facility. The traffic alone will be dangerous, not to mention the increased likelihood of an amber alert. Like many people who live in Park City, I travel long
distances multiple times per week. It greatly concerns me that I will be leaving my family alone in the face of a revolving door of customers less than a block from my house. This is a terrible idea, and from what I have heard, the owners of the proposed business have had failures and issues at the other unfortunate locations where they have tried and failed to set up shop. Please put yourself in my shoes. Would you want this facility in your back yard? Do I have to sell my house and move to Kamas?

I apologize that I will not be able to attend the upcoming hearing because I will once again be traveling so that my family might have the ability to live in a peaceful, safe, neighborhood - devoid of strangers trying to make a buck at the direct expense of my quality of life and peace of mind. I urge you and the council to put a stop to the commercialization of one of the older and very nice neighborhoods in our great town. While it will directly impact us in a negative way, it will also directly affect the wealthier neighborhoods next door. Not to mention the increased traffic that is already an issue with our avid local cyclers. One of my favorite things about Park City is that I don't hear constant sirens like I do when I travel. If you allow this misguided decision to proceed you will be directly contributing to noise pollution in Park City - which sounds silly - but believe me, I notice the stark difference when I travel, and that is one of the things I love about coming home to Park City. Safe and quiet.

Please stand firm in protecting our individual property rights and our rights to live in a neighborhood rather than a strip mall.

Sincere thanks for reconsidering the decision and recognizing the negative impact and precedent that such a business will have on our true gem of a neighborhood.

I would be happy to speak to the council via speaker phone if you have any questions. My cell: 801-574-0410.

Respectfully,

Greg McHaas

Sean Lewis

From: Mike Phillips <mphillips1@phillipsedison.com>
Sent: Wednesday, June 22, 2011 10:42 AM
To: slewis@co.summit.ut.us
Cc: bigdoglittledog@utahbroadband.com
Subject: Beehive homes

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 2 2 2011
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Dear Council Members,
As a property owner that will be directly across the street from the proposed Beehive homes care facility I'm shocked that the council would approve a commercial use in a residential neighborhood. The facility is four times as large as any building in the subdivision, access on to View Drive will result in a danger to the children playing in the neighborhood. Emergency vehicles that will be needed for critical care will be an unnecessary intrusion into an otherwise quiet street, and a conditional use permit is an inappropriate way to override a residential ordinance strictly for commercial purposes. Everyone in the subdivision is outraged by the capricious nature of the decision. If a resident or a child that is used to playing in a quiet neighborhood street is struck by a car or ambulance as a result of increased commercial traffic it will be your responsibility as a council member. Commercial and residential zoning are separated for that reason –SAFETY; and for the council to issue a conditional use permit at the entrance of a quiet subdivision in direct opposition to the current zoning is irresponsible and dangerous. If you determine it is in the best interest of the community to move forward with this you will be held accountable. The HOA is asking my help in retaining legal counsel and I will seriously consider helping financially with the financial burden. I am a commercial real estate developer and have experience on both sides of controversial issues when it comes to zoning. I know that the Beehive developer has had unsuccessful developments in the past and if this development becomes vacant it will negatively impact the home values in the immediate subdivision. I have already contacted Brad Cahoon, my attorney to outline a series of legal arguments we can make that will challenge your decision and the estimated cost of pursuing a legal challenge is between 40 and 50 thousand dollars. This is a burden I nor the HOA would want to have to bear nor would I want the county to have to spend money defending a lawsuit that is needless. I am a supporter of many causes in Park City and I am the owner of Blue Sky Ranch and Resort in eastern Summit County. I have donated a significant amount of money to causes such as the purchase of lands for open space and supported the counties efforts to provide for the quiet enjoyment of residents living space. Utah Business magazine chose me as CEO of the year as CEO of Phillips Edison & Company. My company owns and operates 250 shopping centers throughout the country and none of them are in residential subdivisions. I have numerous physical examples of where congregate care facilities work adjacent to commercial uses such as shopping centers and none of them fit the profile of what you have approved for Beehive homes. I urge you to reconsider your decision and require Beehive homes to consider other sites that are not directly in a residential subdivision.
Sincerely,
Mike Phillips

Mike Phillips
Phillips Edison & Company
175 E 400 South
Suite 402
Salt Lake City, UT 84111
cell: 801-634-9681
office: 801-521-6970

Sean Lewis

From: Lesar,Frank <Frank.Lesar@gartner.com>
Sent: Wednesday, June 22, 2011 8:29 AM
To: slewis@co.summit.ut.us
Subject: Park Ridge Estates HOA - non-residential facility application

Importance: High

Sean, my name is Frank Lesar and I live at 6155 Park Ridge Drive in the Park Ridge Estates HOA area. Thanks to the county commission for putting off a final decision on the Park Ridge Estates non-residential facility. The facility developer has failed so far to address concerns of his future neighbors. He rode arrogantly over the local planning board to appeal his application directly to our elected officials. The original decision by the county commission to not hear our voice (expressed in a letter by our attorney) was the wrong decision at the time. There is one final opportunity to hear the application properly.

I appeal to the county commission to consider their local board's pronouncements on the application and also the desires of the local community to see a *proper* facility erected or no facility at all if the developer cannot negotiate in good faith. Please support the Park Ridge Estates homeowners.

Thanks again to the county commission for keeping deliberations of this application open and for considering the voices of the people who live in this development.

Regards,

Frank Lesar
cell: 435-655-5782

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 2 2 2011
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Sean Lewis

From: Lorna Kimball <lkimball@PHILLIPSEDISON.com>
Sent: Wednesday, June 22, 2011 11:27 AM
To: slewis@co.summit.ut.us
Subject: Summit County Council Meeting

Sean,
Mr. Mike Phillips wishes to attend the Summit County Council meeting on Wednesday, June 29, 2011. As a property owner in the subdivision he wishes to speak at the intervene regarding Bee Hive Assisted Living Facility.

Mike Phillips
2612 Morning Sky Court
Park City, UT 84060
Home Phone: (435) 940-0126
Mobile Phone: (801) 634-9681

Please let me know if you need further information for this event. Thank you in advance

Lorna Kimball
Administrative Assistant
175 East 400 South, Suite 402
Salt Lake City, UT 84111
lkimball@phillipsedison.com
Tele: (801) 521-6970
Fax: (801) 521-6952
Direct Line: (801) 983-6304

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 2 2 2011
RECEIVED

Sean Lewis

From: Bill Hartlieb <bhartlieb@mac.com>
Sent: Wednesday, June 22, 2011 4:33 PM
To: sean lewis
Cc: Rob Walsh
Subject: park ridge estates bee hive home appeal.
Attachments: Park Ridge letter to Summit County Council FINAL 060311 Rev1.doc; Untitled attachment 00007.txt

sean,

i would like to resubmit our letter that we had sent to you, and the county council on june 3rd.

There is pertinent information regarding this matter in a legal regard, as well as addressing the key information the SBPC used to deny the application for CUP.

My overall interest is to insure that SBPC and the county can may wise and informed decisions on precision matters such as development, and sustaining neighborhoods and our community. There is a degree of law, and a degree of discretion required. The laws does not state that these homes Must be allowed, only that they may be allowed, as the SBPC described to beehive homes.

The best way for the council to make a wise and informed decision is to hear all the information. i feel that it was a poor choice to not read our letter of details, and not to let any of the 40 people in the audience speak at the hearing. while we remained calm, and polite, we should have been allowed to speak and provide the entire council with information that may have improved the position to make a decision they can stand behind.

we are now reviewing in more detail the specifics, and will have a revised letter on june 23rd, but i want this letter in the record, and have the opportunity to discuss and defend it.

thanks,

bill hartlieb

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 23 2011
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Park Ridge Estates Residents

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 23 2011
RECEIVED

June 3, 2011

VIA E-MAIL AND U.S. MAIL

Chris Robinson
PO Box 128
Coalville, UT 84017
cfrobinson@co.summit.ut.us

Claudia McMullin
PO Box 980665
Park City, UT 84098
cmcmullin@co.summit.ut.us

John Hanrahan, M.D.
PO Box 128
Coalville, UT 84017
jhanrahan@co.summit.ut.us

Sally Elliot
2690 Sidewinder Dr.
Park City, UT 84060
selliott@co.summit.ut.us

David Ure
661 S. Lambert Lane
Kamas, UT 84036
dure@co.summit.ut.us

Re: Conditional Use Permit Application for Beehive Homes 20-bed Assisted Living Center, PRE-12, Park Ridge Estates Subdivision (File No. 100910)

Dear Members of the Summit County Council,

The purpose of this letter is to provide a means for the undersigned residents of the Park Ridge Estates subdivision to express support for the Snyderville Basin Planning Commission's May 3, 2011 decision to deny the Conditional Use Permit applied for by Beehive Homes for the construction of a 12,561 square foot for-profit assisted-living facility on parcel PRE-12 of the Park Ridge Estates Subdivision and to encourage the Summit County Commissioners to uphold the Planning Commission's decision for the following reasons:

I. The Applicant's Proposed Use and Structure Do Not Conform with the Snyderville Basin General Plan or the Snyderville Basin Development Code.

The families that live in Park Ridge Estates value the mountain ranch feeling, rural mountain lifestyle, and unique scenic natural resources of our neighborhood. The General Plan wisely values these intangible qualities and makes clear that all land use planning decisions are to be made according to "sound land use planning principles," which are defined to include "consistency with neighborhood character." (Section 3.1). The General Plan also states as a policy that "[l]arge scale commercial "one story" structures are generally not appropriate outside of Kimball Junction and the Silver Creek Business and

Commerce Center unless it is determined that the structure will significantly advance numerous and significant goals of [the General Plan.]"

Parcel PRE-12 is located in the Old Ranch Road Neighborhood Planning Area. The General Plan makes clear that the goals for this planning area are, among other things to:

- Protect the rural and agricultural way of life, the mountain-ranching feeling and the unique natural scenic resources of the neighborhood, and ensure that the neighborhood remains a good place to raise a family and a place where people and animals live in harmony;

- Ensure that all development occur in a manner that protects and enhances the rural residential character of the area; and

- Create an entry to each development to contribute to neighborhood ambiance that is appropriate to the Old Ranch Road neighborhood character.

After considering the Staff Report, Planner's Lewis's presentation, the Applicant's presentation and the views of over 50 residents of the Park Ridge subdivision and adjacent neighborhoods who spoke at the public hearing on December 21, 2010 (a summary of which is included in the Commission's Minutes from that session), the Commission appropriately and correctly determined that the application did not comply with the General Plan's requirements that new structures and proposed uses be compatible with the surrounding neighborhood. Some of the facts supporting this finding are as follows:

- At over 12,500 square feet, the size of the proposed structure is over four times the size of the average house in Park Ridge Estates (approximately 2,900 square feet) and thus completely out of character with the neighborhood.

- With 20 permanent residents and 5-10 staff members, the number of persons living and working in the proposed structure is seven time that of the average Park Ridge Estates residence (average of 3 residents).

- The proposed use has no relation to the rural and agricultural way of life or the mountain-ranching feeling of the neighborhood.

- PRE-12 is located on one of two entries to the Park Ridge Subdivision and, in light of its immense size, would detract from, as opposed to contribute to, the neighborhood ambience.

Turning to the Code, Section 10-3-5 of the Snyderville Basin Development Code prohibits the issuance of any conditional use permit unless the proposed use is in

accordance with all applicable provisions of the Code. Provisions applicable to this proposed use include:

- Section 10-4-15. This provision requires that all developments provide "adequate area for snow removal and storage. This winter there were approximately 300 inches of snow in this location. As can be readily seen from the aerial view of the proposed facility, the bulk of the parcel will be occupied by the structure, the parking area, the driveway and landscaping. There is inadequate room for the removal and storage of snow.

- Section 10-8-6. This section sets forth the requirements for residential facilities for the elderly like the proposed Beehive facility, including the requirement that "adequate off-street parking" be provided. The proposal includes only 8 parking spots for 20 residents and 5-10 staff. This is inadequate and will result in employees and visitors parking along Highland Drive (which is never permitted) and along View Drive (which is not permitted from November to May).

Finally, as the Council is keenly aware, there is a long-awaited community trail system in the planning stages for the Park Ridge Estates and Highland Estates neighborhoods to enhance the rural feeling and the lifestyles of the community. We feel that the commercial nature of the Beehive Homes proposal and the immense size of the proposed structure are antithetical to this plan.

II. The Applicant's Proposed Use and Structure Do Not Conform with the Protective Covenants for Park Ridge Estates, To Which PRE-12 Is Subject.

The Protective Covenants for the Park Ridge Estates Subdivision were recorded with the offices of the Summit County Recorder on January 16, 1979 as Entry No. 152512 against all of the parcels of the the Park Ridge Estates subdivision plat (including PRE-12). By virtue of this recordation, the owners of PRE-12 and the Applicant are subject to the use restrictions contained therein, including Article 1, Section 1, which provides, in relevant part, that:

- No lot shall be used except for residential purposes; and

- No building shall be erected, altered, placed or permitted to remain on any lot other than one detached, single-family dwelling, a private garage for not more than three cars and a barn for not more than two horses.

Though we recognize that it is not the County's responsibility to enforce these restrictions, which quite plainly prohibit the structure and use proposed by this applicant, they are a

clear expression of the character of this neighborhood and we believe should be taken into account by the Council as such.

III. The County Land Use, Development and Management Act Does Not Require That Every CUP Application for a Residential Facility Be Granted.

At the December 21, 2010 Planning Commission meeting Beehive Homes representatives made several vague references to state laws which the applicant interpreted as requiring the approval of the CUP. It is true that Section 516 of the County Land Use, Development and Management Act requires Counties to adopt ordinances establishing that "a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed," that statute contains an exception for areas, like Park Ridge Estates, which are "zoned to permit exclusively single-family dwellings." See Utah Code Ann. § 17-27a-516. Even if that exception did not apply here (which it does) the mere fact that a residential facility for elderly persons is a "permitted use" does not compel the conclusion apparently drawn by the applicant –that the statute requires that all such applications be granted. Section 518 makes it clear that any approval is "subject to the granting of a conditional use permit".

IV. The Applicant Has Not Demonstrated The Viability of The Proposed Project.

As the potential future neighbors of the proposed project, we are concerned that the applicant has not taken into account some of the unique aspects of Summit County and this site in particular in planning to locate an assisted living facility in Park Ridge Estates. Among other things, we are concerned that:

- If built and later abandoned, the proposed 12,562 square-foot, twenty-bedroom structure will never be converted into a residential home in the event of a failure of the Beehive Homes franchise, potentially causing a blight in our neighborhood.

- As far as we can discern, Beehive Homes has no experience building or operating facilities in Park City. As pointed out by one of the Summit County Planning Commissioners at the April 26 planning meeting, the climate and environment in Park City is very different the same as Cedar City, St. George, or Ogden. As evidenced by this past season, winters are long, cold, and often include significant amounts of snowfall. These conditions make it exceptionally difficult for elderly individuals in less than ideal health to lead active lifestyles or travel outside the assisted living center. For most, if not all residents, winter travel or mobility will be out of the question given the distance to amenities.

- Beehive Homes apparent unwillingness to accept input from the Snyderville Basin Planning Commission or the residents of Park Ridge Estates to reconsider the size of its business suggests an arrogant belief on the

applicant's part that their "plug and play" model will work in Summit County and that input from its residents is not valuable.

V. The Applicant Has Not Demonstrated That It Will Be a Good Neighbor.

In addition to the above-described problems with this application, we want the Council to be aware that the applicant's approach to this process has not demonstrated an intent on its part to be a good neighbor. Among other things:

- Beehive Homes requested that the Planning Commission schedule a work session, which it did, but then failed to appear at that session, showing a disrespect for the Commissioners as well as the concerned citizens who attended the work session to provide input.

- There will be further impacts on the neighborhood from the proposed project for: (i) snow removal (there is little room to pile snow in the proposed design and most likely, snow will be pushed on to Highland drive creating a hazard for oncoming traffic as well as traffic exiting the business), (ii) problems associated with construction workspace, materials storage and worker parking – the sheer size of the proposed building dwarfs any previous Park Ridge Estates' residential construction, (iii) business traffic (the applicant did not adequately respond to the Planning Commissions questions regarding the traffic associated with their business), (iv) parking (8 off-street spots is not adequate) and (iv) interference with recreational uses (the proposed ingress and egress on Highland Drive will put residential recreation at risk given the proposed Highland Drive trail system).

The families in Park Ridge Estates appreciate this opportunity to provide their input to the planning and permitting process and have confidence that you will affirm the decision made by the Planning Commission to deny the conditional use permit for Beehive Homes.

Cordially,

Park Ridge Estates Families

cc: Sean Lewis, County Planner (via e-mail slewis@co.summit.ut.us)
Rob Walsh, Park Ridge Estates HOA (via e-mail robertofran@hotmail.com)

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Sean Lewis

From: Kevin Sheehan <kevinmichaelsheehan@gmail.com>
Sent: Wednesday, June 22, 2011 9:48 PM
To: slewis@co.summit.ut.us
Cc: hall.teresa@hotmail.com; cfrobinson@co.summit.ut.us; jhanrahan@co.summit.ut.us; dure@co.summit.ut.us; cmcmullin@co.summit.ut.us; selliott@co.summit.ut.us; isaac.allen@usbank.com; leigh@qwestoffice.net; silviaberger@gmail.com; johneb@catapulsion.net; bronsteinkeith@gmail.com; fbuckler@gmail.com; jrosen@carone.biz; 4caseys@catapulsion.net; vchapman@ptr360.com; econstantine@insphereis.com; todddabell@hotmail.com; margie@barbosaandcompany.com; cath33fleming@aol.com; kgibbs@deervalley.com; diana.guay@canyonsdistrict.org; randy.hamburger@gmail.com; bhoben@extraspace.com; harmon_shirley@hotmail.com; bhartlieb@mac.com; bigdoglittledog@utahbroadband.com; justice1217@msn.com; linda@lindahurd.com; sharonliese@yahoo.com; mike.kirst@standardaero.com; kopcrak5@gmail.com; kuster@xmission.com; mlesar@echo.com; chadlundstrom@gmail.com; sfbayvbarbara@aol.com; rrm@hawaiiantel.net; brentmcelhaney@aol.com; beccamchaas@mac.com; tressas2cd@gmail.com; kmiller@steinlodge.com; mueller.kit@gmail.com; obriensparkcity@yahoo.com; palacious27@peoplepc.com; stpaterson@msn.com; jmpinter@msn.com; colduck@earthlink.net; carolq.pc@gmail.com; araafati@msn.com; kevinmichaelsheehan@gmail.com; andreshoumatoff@gmail.com; skipc74@yahoo.com; mark@turnertime.net; tina@teacupsandtreasures.net; alas193@aol.com; robertofran@hotmail.com; blwill92 @gmail.com; terri@so-gnar.com; mollyrite@yahoo.com; billwynne@me.com
Subject: Please Stop this Commercial Facility in Our Mountain Ranch Neighborhood

Summit County Council

Attention: Sean Lewis, Community Development Department

60 North Main Street

Coalville, UT 84017

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 23 2011
RECEIVED

Dear Mr. Lewis

Summit County Council please reconsider granting Beehive Homes a permit to place their facility on the corner of View Drive and Highland Drive.

Our mountain ranch feeling makes this facility out of place. Safety is a huge concern with the increased traffic associated with a commercial business mixed with kids and seniors with no sidewalks and no streetlights.

I would argue against this same facility anywhere along Old Ranch Road for the same reasons. Safety concerns. Commercial Concerns. Mountain Ranch feeling.

Summit County Planners and Summit County Council have a long tradition of making sound decisions. We have made very few mistakes and decisions that do not fit in our County.

This facility would feel out of place anywhere on Old Ranch Road today or twenty years from now.

It would be out of character on the corner of View Drive and Highland Drive today and would be out of character years to come as well.

Please preserve Summit County and continue making sound decisions.

Sincerely,
Kevin Sheehan

801.668.7576 cell

(Please respond and let me know you received this email.)

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 23 2011
RECEIVED

June 22, 2011

Summit County Council
Attn: Sean Lewis, Community Development Department
60 North Main Street
Coalville, UT 84017

RE: Council Meeting, Wednesday, June 29, 2011
Beehive Homes Assisted Living Facility Appeal

Dear Sean;

As an interested party and property owner in the subdivision, I would like to submit this letter as a written request for the opportunity to speak to intervene regarding the appeal for the Beehive Homes Assisted Living Facility at the above-referenced time and location.

Sincerely,

Mike Phillips
2612 Morning Sky Court
Park City, UT 84060
Home Phone: (435) 940-0126
Mobile Phone: (801) 634-9681

SUMMIT COUNTY
COMMUNITY DEVELOPMENT
JUN 23 2011
RECEIVED

June 23, 2011

VIA E-MAIL AND U.S. MAIL

Summit County Council
Attn: Sean Lewis, Community Development Department
P.O. Box 128
Coalville, UT 84017
slewis@co.summit.ut.us

Re: Request to Intervene on Behalf of Park Ridge Estates HOA (File No. 100910)

Dear Honorable Councilmembers,

I represent the Park Ridge Estates of Summit County Homeowners Association (the "HOA"). This letter should be considered a formal request by the HOA to intervene in the above-referenced appeal proceeding (the "Appeal") and is being submitted to Mr. Lewis's attention pursuant to the notice posted on the Summit County web site entitled "Beehive Homes Possible Reconsideration Notice." I have recently been retained by the HOA to advise it with respect to the applicability of prohibitions on use restrictions contained in the Federal Fair Housing Act (the "FHA"), the Utah Fair Housing Act (the "UFHA") and the County Land Use, Development and Management Act ("CLUDMA") to Beehive Homes' conditional use permit application (the "Application"), and in that capacity would appreciate being granted an opportunity to briefly address the County Council on the topics addressed in this letter at its meeting on June 29, 2011.

Though the HOA has not been provided with any written analysis which suggests that the use restriction prohibitions of FHA, the UFHA or CLUDMA apply to the Appeal or the Application, I am informed by the HOA that at prior public hearings representatives of the applicant, Summit County attorneys and Councilmembers made references to the effect of these laws on the Planning Commission's decision to deny the Application and on the Council's authority to uphold the Commission's denial in the Appeal. This letter is for the purpose of assisting the Council in its evaluation of the applicability of these statutes to the Application.

1. The FHA.

The FHA makes it unlawful for a variety of covered entities, including local governments to "make unavailable or deny, a dwelling to any buyer or renter **because of** a handicap of (A) that buyer or renter; (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or (C) any person associated with that buyer or renter." 42 U.S.C. 3604(f)(1) (emphasis added). Under the FHA, a person has a "handicap" if he or she has

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physical or mental impairment which substantially limits one or more of such person's major life activities. 42 U.S.C. 3602(h)(1).

Thus, the FHA certainly does prohibit permit application denials that are based on the fact that the applicant or applicant's clientele has a handicap, but the FHA itself says nothing about denials which are based on some other legitimate reason.

Here, it is clear from both the minutes of the Planning Commission meeting and Mr. Lewis's May 3, 2011 letter to the applicant transmitting the Commission's decision to deny the Application that the fact that Beehive Homes may intend to house persons with a handicap had nothing whatsoever to do with the denial. Rather, the Commission based its denial on five separate reasons, chief among them the incompatibility of the proposed structure with the surrounding neighborhood and the proposed business's anticipated impact on parking in the Park Ridge Estates neighborhood. As the Council will no doubt hear from other neighbors, the proposed facility is many times larger than any of the other structures in Park Ridge Estates.

In addition to prohibitions on traditional discriminatory practices, the FHA defines discrimination to include refusals to make "reasonable accommodations" in rules and policies when such accommodations may be "necessary to afford such person equal opportunity to use and enjoy a dwelling." 42 U.S.C. 3604(f)(3)(B). The FHA does not require local governments to do everything humanly possible to accommodate a disabled person – it requires only that local governments modify local requirements when and if they discriminate against the handicapped. *See Liddy v. Cisneros*, 823 F. Supp. 164, 176 (S.D.N.Y. 1993). By way of example, a restriction which has been deemed to run afoul of the FHA is a restriction on the number of unrelated persons who can reside in the same dwelling. Because the courts have determined that the enforcement of these types of restrictions may have a discriminatory effect, they are subject to strict scrutiny by reviewing courts. *See, e.g., City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995).

Whether a requested accommodation is "reasonable" under the FHA is a factual question that requires determining whether the proposed use creates a "fundamental alteration" in the zoning scheme. If, so the accommodation is unreasonable. *See* August 18, 1999 Joint Statement of the Department of Justice and the Department of Housing and Urban Development, *Group Homes, Local Land Use, and the Fair Housing Act* (the "Joint Statement").[1] As the DOJ and HUD point out:

> A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered.

[1] Accessible at http://dola.colorado.gov/cdh/fairhousing/HUD-DOJ%20Statement%20ReGrpHm-LocalLandUseandTheFairHousingAct.pdf.

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> By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood.

Joint Statement at 3.

Here, the Commission's decision to deny the Application was based on a finding that the "structure is not compatible within the surrounding neighborhood" and "did not conform to the Snyderville Basin General Plan or the Snyderville Basin Development Code." Since the Application concerns a neighborhood that contains only single-family residences, the proposed twenty-room facility will create a "fundamental change in the single-family character of the neighborhood," and the requested accommodation is thus not reasonable under the FHA, and the County is thus not required by the FHA to grant the Application.

I am told that a member of the County Council rhetorically asked the question whether a single-family residence with the same size and appearance as that described in the Application could be built on parcel PRE-12. Setting aside the applicability of the Park Ridge Estates Protective Covenants (which permit only single-family residences, require a 40-foot setback from the rear lot line and require design approval approval of the construction committee), this isn't the right question. The right question is whether the Snyderville Basin Development Code provisions upon which the Commission relied when it denied the Application have a discriminatory effect against the handicapped. The answer is: they don't.

Under Section 10-2-10, uses which require a Conditional Use Permit in areas zoned Rural Residential (RR) include: accessory buildings over 10,000 square feet, bed and breakfast inns, child care centers with 9 or more children, churches, schools, institutional uses, cultural activities, multi-family dwelling units, two-family dwelling units, group homes, nursing homes, personal improvement services, residential treatment facilities and resort structures over 5,000 square feet. The point here is that under the Snyderville Basin Development Code, an application seeking approval of any of these proposed uses on parcel PRE-12, regardless of such use had anything to do with providing shelter for handicapped persons, would require the same application process, public hearing, and compliance with both the Code and the General Plan, and would be rejected on the same grounds as the Application. This is not a discriminatory application of the rules.

In sum, the Council is not bound to reverse the decision of the Commission on the basis that the denial of the permit implicates an FHA violation and the Commission's decision to deny the Application can and should be reviewed on its merits.

2. The UFHA.

The provisions of the UFHA addressing residential facilities, set forth in the Utah Code at Title 57, Chapter 21, is substantially similar to the FHA and does not impose any additional requirements to those set forth in the FHA applicable here.

3. CLUDMA.

Under CLUDMA, counties are required to adopt ordinances establishing that: (1) a "residential facility for elderly persons" (as that term is defined) is a permitted use in any area where residential dwellings are allowed (Section 516); and (2) a "residential facility for persons with a disability" is a permitted use in any zone where similar residential dwellings are allowed (Section 519). Neither of these provisions require approval of the Application.

First, there is no question that the structure covered by the Application does not fit the definition of "residential facility for elderly persons" set forth in Section 515, which provides that a "residential facility for elderly persons" is not run as a business, must be owned by a resident or family member and is limited to eight elderly persons.

Second, Section 519, the CLUDMA provision addressing residences for persons with a disability is: (i) expressly limited to the scope of the FHA (Section 519(2)(b)); (ii) limited to situations where the facility is proposed in a "zone where similar residential dwellings" are allowed; (Section 519(2)(b)); and (iii) permits counties to exclude facilities that would likely create a "fundamental change" in the character of a residential neighborhood (Section 519(3)(b)). As explained above, the FHA does not require accommodation where the proposed facility would cause a fundamental change in the single-family character of the neighborhood, which is the case here. Further, the Park Ridge Estates neighborhood does not contain a single residential dwelling that is even remotely "similar" to the facility proposed in the Application in size, layout or design. Accordingly, the CLUDMA provisions governing residential facilities are not applicable to the Application.

Based on the foregoing, it is the opinion of the HOA that the Council should consider itself free to review the Commission's denial of the Application without considering itself constrained by the FHA, UFHA or CLUDMA. I look forward to exploring these issues with the Council on June 29.

Sincerely,

HUTCHINSON LAW, P.C.

Matthew B. Hutchinson

cc: Park Ridge Estates of Summit County Homeowners Association