

# Mission Statement & Strategic Issues

July 2011

For

## Summit County

60 North Main  
Coalville, Utah 84017

Presentation by

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# Mission Statement

*A mission statement is a declaration of organizational purpose.* Mission statements vary in length based on their purpose, but they are typically short, and often not more than a punchy slogan. They should be targeted, activist in tone, and inspiring. *A mission statement should answer:*

- Who are we?
- What are the basic social and political needs we exist to meet, or what are the basic social or political problems we exist to address?
- In general, what do we do to recognize, anticipate, and respond to these needs or problems?

## Summit County Mission Statement

The mission of Summit County is—to provide cost-effective services that enhance quality of life, while respecting and promoting diversity, long term viability, and economic prosperity.

# Strategic Issues

A *strategic issue* is a fundamental policy question or critical challenge affecting an organization's (Summit County) mission and values, product or service level and mix, clients, users or payers, costs, financing, structure, processes, or management.<sup>1</sup> The description should not be more than a single paragraph in length. Strategic issues imply a need for exploring or creating new knowledge.<sup>2</sup> An adequate strategic issue description:<sup>3</sup>

- *Name* the strategic issue,
- *Phrases the issue as a question* the organization can do something about and that has more than one answer,
- Discusses the confluence of *factors* that makes the issue strategic, and
- Articulates the *consequences* of not addressing the issue.

## Immediate

### 1. Economic Diversification (929 total points—23.2% of Immediate)

How can Summit County diversify its economy? The confluences of factors are that the current economy is primarily tourism based, while our previous economies were based on agriculture, logging, and mining. A tourism based economy is dependent upon Mother Nature, seasonal, and not predictable or reliable. As a bedroom community to the Salt Lake Valley, we have a large pool of executive and technical talent that works elsewhere. It's difficult for a large segment of our residents to work year-round in Summit County. Consequences of not diversifying our economy are our tax revenues are unstable and prone to wide fluctuations based upon macroeconomic and weather forces. It is hard for the County to plan and budget and to provide a consistent level of services. Our residents' quality of life suffers.

People to address economic diversification:

- Elected Officials & Staff; Assistant County Manager
- Chamber of Commerce
- Create a task force of business leaders
- Identify NGO, CBO, & nonprofit representative

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<sup>1</sup> Strategic Planning for Public and Nonprofit Organizations, John M. Bryson, page 153

<sup>2</sup> Ibid., page 155

<sup>3</sup> Ibid., page 159

## **2. Sustainability (900 total points—22.5% of Immediate)**

How can Summit County meet the economic, environmental, and social needs of the present without compromising future generations' quality of life? As a sustainable County, we will lead and encourage the community in supporting local businesses, clean industries, and agriculture and in managing their activities sustainably. By doing so, we will protect our natural resources, air and water quality and public health. We will encourage opportunities for volunteerism, recreation, and community events for both residents and visitors. We will also manage our own internal efforts to track and monitor energy usage and reduce our carbon footprint. Failure to be sustainable will result in a diminished quality of life and increased energy use and costs to the economy, environment, and the community.

People to address sustainability:

- Ashley Koehler
- Diane Foster
- Mike Crystal
- Kevin Callahan
- Identify NGO, CBO, & nonprofit representative

## **3. Communication (551 total points—13.8% of Immediate)**

What can Summit County do to improve and modernize communications at all levels? Factors in communications include: with the public inter-departmental, social media, with other governmental entities, in codes and policies, what we do, two-way listening, how public gets value from what we do, and maps (GIS). Consequences of poor communications include: decreased citizen participation, inhibits cohesiveness, wastes time and resources, distracts us from our mission, and it impairs delivery of services and community thriving.

People to address communication:

- Ron Boyer
- Katie Mullaly
- Phyllis Robinson
- Ron Bridge
- Identify non-governmental organization (NGO), community-based organization (CBO), & nonprofit representative

#### 4. Relationships with the Utah Legislature and Governor (549 total points—13.7% of Immediate)

How can Summit County improve relationships with the Utah Legislature and Governor in order to have a more effective voice at the state level? Summit County needs to promote an accurate and positive image of the county as a whole, beyond that of just Park City, to statewide elected officials. Failure to develop positive relationships gives rise to false assumptions about Summit County and its motives resulting in legislation and attitude injurious to County residents.

People to address relationships with the Utah Legislature and Governor:

- Elected officials who have contacts in the legislature
- Look for other relationships like forest board, farm board, board of realtors, etc. (Kate Riggs)
- People who have worked with the Gov. on other committees
- Mike Sibett
- Dave Edmunds
- Identify NGO, CBO, & nonprofit representative

#### 5. Workforce Housing [Building Sustainable Communities] (541 total points—13.5% of Immediate)

What can Summit County do to support and provide workforce housing? Providing core community employees the opportunity to work and live in Summit County is important to promote ownership in the community's culture and development, and to enhance a better quality of work and employee morale. Affordable workforce owned and rented housing improves community diversity, community relationships, and economic vibrancy. Consequences are it will be difficult to fill positions and the diversity of our community will decrease as more people are forced to commute and ultimately quality of life decreases.

People to address workforce housing:

- Don Sargent
- Resorts (as largest employers in County)
- Scott Loomis
- Chamber Bureau
- Phyllis Robinson
- Tom Eddington
- Hispanic/Latino community representative (such as Mariely Ferrer)
- Identify NGO, CBO, & nonprofit representative

**Comment [t1]:** Reverend Nygaard suggested that we name this strategic issue "Building Sustainable Communities". Do you want to change the name or leave it as is?

**Comment [t2]:** Phrase the issues as a question. This is a different. The "original" question was "Should workforce housing be a priority for Summit County?" What is your preference?

**Comment [t3]:** Added by Mariely Ferrer.

**6. Summit County Identity/Who we are [East-West Divide (530 total points—13.3% of Immediate)]**

How can Summit County recognize and celebrate the similarities and differences of individual communities while maintaining the Summit County community identity as a whole? Diverse geographic economies and resources complement one another and enhance the lifestyles of Summit County residents. The failure to do this compromises the sense of community, quality of life, and economic sustainability of our county.

People to address summit county identity/who we are:

- Jimmy Gines
- Identify NGO, CBO, & nonprofit representative

## Next Two Years

### 1. Align Governing Efforts (1,390 total points—34.7% of Next Two Years)

How can Summit County align governing efforts and gain efficiencies in the provision of services? Factors include the need to consolidate governmental services to be more tactical and strategic rather than reactive. Consolidated agencies make it possible to develop, articulate, implement, and measure the results of a single comprehensive strategy to guide an organization and provide direction for priorities. A single agency, serving a specific government purpose, implementing a single strategic plan, can be held accountable to a set of core performance measures. Failure to do so can result in duplication or services, waste, and poor communication.

**Comment [t4]:** Difference lead sentence (phase as a question). The "original" sentence was "Should Summit County be looking for creative ways to consolidate government services?" What is your preference?

People to address align governing efforts:

- Sheriff Dave Edmunds
- County Department, elected officials, and County-wide decision makers

### 2. Managing Growth (750 total points—18.8% of Next Two Years)

How can Summit County direct future growth to effectively manage and mitigate development impacts? Effective growth management includes designating appropriate growth areas in order to establish a level of certainty with respect to where growth will occur and promote community identity. Preferably, growth should occur near or adjacent to existing cities or towns. Failure to properly plan for future growth may result in inefficient, chaotic, controversial, unattractive growth patterns; decrease quality of life; waste natural resources; unnecessarily increase infrastructure demand; and promote sprawl.

People to address managing growth:

- Don Sargent
- Planning commissions
- City and municipality planners
- Land owners

### 3. Technology (695 total points—17.4% of Next Two Years)

What can Summit County do to implement proven technologies to improve services, communications, and operations in Summit County? Summit County currently misses opportunities to use existing and future technology because of a lack of a strategic plan for acquisition and implementation of technologies. Today people expect to find and do most tasks online, and they expect transparency and efficiency from their government departments and equipment. Technology investments need to be made strategically, taking into consideration the various needs of the departments. Purchasing should be consolidated and coordinated among various departments and service districts and agencies. Each department needs to be more strategic and cooperative with current and future technology needs. Now that operating funds are decreasing, technology requests sometimes fall to political influence more than business

influence. With proper research, planning, and investing, Summit County can implement proven technologies to solve many diverse problems and become more efficient and productive. Failure to implement a strategic technology plan can damage the county's image, efficiency, and ultimately customer service.

People to address technology:

- Ron Boyer
- Tech Dept.
- Dan Compton
- Special service districts
- Technology resources in the community

#### 4. Revenue Structure [Tax Structure (645 total points—16.1% of Next Two Years)]

How can Summit County structure revenues to maximize equity among taxpayers and generate the funds needed to achieve the County's mission? The factors include a need to continually examine all possible revenue sources to maximize the sustainability of services during lean economic times. Other factors include a need to maintain market values, promote fairness and equality, equalize sales tax revenues with cities and counties, and consider users who can pay their own way. The consequences are a reduction of services and/or tax or fee increases.

People to address revenue structure:

- Blake Frazier
- Corrie Kirkland
- Michael Howard
- Financial community resources

#### 5. Promote and Expand Recreational Opportunities (520 total points—13.0% of Next Two Years)

What can Summit County do to provide affordable, diverse, and expansive recreational opportunities that promote good health and well being throughout the County? As part of a world renowned destination community, Summit County relies heavily on the promotion and growth of recreational opportunities to drive tourism, tax revenues, and good health and well-being of its residents. As the County works through its general plan updates, the County must make it a priority to include the recreational element and plan for expanded countywide passive and active recreational needs. If we fail to promote and expand recreational opportunities quality of life, health, and economic benefits will suffer.

**Comment [t5]:** With Rich calling this to my attention—I took the liberty to adjust the “factor” statement. The “original” statement was: “The factors are no taxes, no revenues, and then no expenditures. Maintain market values, fairness, and equality locally and statewide. Equalized sales tax revenues with cities and counties. Have, as much as possible, users pay their way.” What is your preference?

People to address promote and expand recreational opportunities:

- Rena Jordan
- Recreation District
- North & South Summit School Districts
- Park City Municipal
- Chamber and 3 resorts
- Mountain Trails
- Nonprofits with recreational focus or interest
- Hispanic/Latino community representative (such as Mariely Ferrer)

## **Long Term**

### **1. Natural Resources (1,637 total points—40.9% of Long Term)**

How will Summit County maintain, develop, and manage our natural resources? Factors include proactively managing water, wastewater, forest, agriculture, recreational areas, and energy resources. The consequences include a decrease in resource quality and quantity leading to an increase in environmental degradation, decreased economic opportunities, loss of tax base and a degradation of quality of life and desirability of tourist economy, and an elimination of future natural resources.

People to address natural resources:

- Mike Luers
- Andy Armstrong
- Forest District representative
- State Parks & Recreation
- Weber Basin Water
- Upper Provo River Water Users Association
- State division of natural resources

### **2. Agriculture (1,231 total points—30.8% of Long Term)**

How can Summit County encourage and support agriculture? Recognizing that growth consumes farmlands unless Summit County takes actions through land use plans, strategic planning, and economic incentives, agriculture will not be sustainable. The County should recognize the historical and cultural importance of agriculture in the community. Failure to maintain an environment that supports agriculture will result in the loss of agricultural opportunities.

People to address agriculture:

- Commission of agriculture
- Farm Bureau
- Ag Board
- State Commissioner of Agriculture
- State Sources
- Future Farmers of America
- Restaurant Association

### **3. Cultural Diversity**

How can Summit County continue to meet the needs of a population that is becoming more diverse? Diversity factors include long-time residents and new residents; seasonal residents and full-time residents; outdoor recreationalists; increasing aging populations. In addition our community has experienced significant growth in Spanish speaking residents. Language and the ability to communicate create challenges for our communities. Failure to recognize and celebrate our increasing diversity will result in a lack of common unity.

People to address cultural diversity:

- Interfaith groups
- Shelly Wiess
- Hispanic/Latino community representatives
- Myles Rademan
- Lisa Cilvia-Ward
- School representatives
- Senior citizens representatives
- Outdoor recreationalists representatives

# Operational Issues

*Operational issues* imply exploiting existing knowledge.

## *Operational Issues by Title*

*Promote Summit County*

*Probation services*

*Prepare for manmade or natural disasters*

*Maintain county assets*

*Workforce*

*Wild Land Urban Interface (WUI)*

*Healthy lifestyles*

## *Other Operational Issues Considerations*

1. Transportation, including providing roads
2. Water issues, solid waste, recycling
3. Assets might relate to capital facilities
4. Need to modernize fund structure and better automate fiscal reporting. The current fund structure is overcomplicated. An agency's budget can be in four or five funds, hard to have a sense of budget. County can't operate without knowing how much money it has and without tools to keep track of its fiscal house. Need to keep track of money and be transparent. Need efficient, effective, transparent, timely financial reporting system.
5. Policies can't be read by laymen right now. Shoot to create procedures and policies that can be interpreted by laymen clearly... especially in planning. Procedures and policies are so convoluted that they create misunderstandings and can lead to lawsuits.
6. More options for managing jail populations. Currently there is only a traditional jail without room to expand. Look for alternatives like ankle bracelets, very low security work jails, etc.
7. Capital facilities plan

**Current Summit County Strategic Issues Statements**

**IMMEDIATELY**

- Bolster *economic development* and create a variety of initiatives including green energy, green agriculture, recreational open space, and a Summit County “brand” for locally produced products.
- Develop and implement a state *governmental relations* program involving the Legislative, Executive, and Judicial branches of state government.
- Encourage and foster effective *growth* strategies in conjunction with the Council of Governments.
- Promote exemplary *fiscal stewardship and accountability*.
- Develop a *capital facilities plan* to include highly efficient and sustainable infrastructure.
- Develop effective *weed abatement and control strategies*.
- Enforce existing *codes, ordinances, and policies* with consistency and fairness.
- Foster excellence in *customer service and communication* between constituents and departments.

**OVER THE NEXT TWO YEARS:**

- Continue to set local and regional *transit* goals that include public transit, connectivity, and non-motorized connections.
- Promote and encourage *sustainability*.

**LONG-TERM MEASURES:**

- Improve *mental health programs* including more effective drug abuse treatment and Drug Court.
- Explore and develop *greener waste management options*.
- Maintain our ongoing legacy of *heritage and cultural assets*.
- Pursue *housing and employment options* for the diverse community of residents.

# Strategies and Plans

## Strategies

A strategy or strategies should be developed for each of the County's "immediate" strategic issues.

Strategy may be thought of as a pattern of purposes, policies, programs, actions, decisions, and a resource allocation that defines what an organization [the County] is, what it does, and why it does it. Strategy therefore is an extension of the organizations [the County's] mission, forming a bridge between the organization and its environment.<sup>4</sup>

Strategies typically are developed to deal with strategic issues: that is, they outline the organization's response to the fundamental challenges it faces—strategic issues show where the bridges are needed, and strategies are the bridges.<sup>5</sup>

**General strategies will fail if specific steps to implement them are absent** [hence—the reason to develop an action plan for each strategy]. Further, strategies are prone to failure when there is no alignment or consistency among what an organization says what it pays for, and what it does. The definition of strategy offered here—an arrangement to achieve the mission... and create public value—calls attention to the importance of this alignment.<sup>6</sup>

**Example** is from the Amherst Wilder Foundation Strategic Plan, 2005. Their mission is "to relieve aid and assist the poor, sick, and needy people of St. Paul... by all appropriate means... without regard to their nationality, place of residence, sex, color, or religion."<sup>7</sup>

Name of one of their *strategic issues* is: Economic Stability. There are four strategies:

- Move people from welfare to work
- Address barriers to employment: housing, child care, health care, and transportation
- Strengthen the financial position of the working poor
- Improve the quality, quantity, and stability of low-income housing

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<sup>4</sup> Ibid., page 183

<sup>5</sup> Ibid., page 183

<sup>6</sup> Ibid., page 184

<sup>7</sup> Ibid., page 189

### *Action Plans*

Identifying a mission statement, strategic issue statements and strategies is not enough. “The changes called for by the adopted strategies must be incorporated throughout the system for these strategies to be brought to life and for real value to be created for the organization and its stakeholders. Thinking strategically about implementation and developing an effective implementation plan are important tasks on the road to realizing the strategies.”<sup>8</sup>

Action plans should detail the following:

- County mission statement
- Strategic issue statement
- Strategy statement
- Membership (identification of the people who will form the “team” to work the strategy to include membership roles and responsibilities and the identification of a “chair” who has direct responsibility and accountability for the action plan)
- Expected results and specific objectives and milestones (these are the measures of success)
- Resource requirements and sources for working the action plan and also the resource requirements and sources needed to implement the action plan and achieve expected results
- Communications/marketing process (the means and methods to communicate/market the plan and results to stakeholders)
- Specific tasks (action steps) and relevant details

“The organization must build into action plans enough sponsors, champions, and other personnel—along with enough time, money, attention, administrative and support services, and other resources—to ensure successful implementation. It must “budget the plan” wisely to ensure implementation goes well. In inter-organizational or community situations, it is almost impossible to underestimate the requirements for communication, nurturance of relationships, and attention to operational detail.”<sup>9</sup>

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<sup>8</sup> Ibid, page 50

<sup>9</sup> Ibid, page 51

***Sample Action Plan***

County mission statement:
Strategic issue statement:
Strategy statement:
Membership (identification of the people who will form the “team” to work the strategy to include membership roles and responsibilities and the identification of a “chair” who has direct responsibility and accountability for the action plan):
Expected results and specific objectives and milestones (these are the measures of success):
Resource requirements and sources for working the action plan and also the resource requirements and sources needed to implement the action plan and achieve expected results:
Communications/marketing process (the means and methods to communicate/market the plan and results to stakeholders):

<i>Task Number</i>	<i>Task Plan—is the specific tasks we plan to perform to realize the strategy as measured by the expected results</i>	<i>Person Responsible</i>	<i>Due Date</i>	<i>Status</i>



Kimber Gabryszak  
Planner III

# Memorandum

**From:** Kimber Gabryszak  
**To:** Summit County Council (SCC)  
**Date:** Thursday, July 21, 2011  
**Meeting:** Wednesday, July 27, 2011, work session  
**Re:** Creation of Neighborhood Councils / Advisory Boards

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## Background

Following recent requests by the public, as well as discussions at a recent joint SCC meeting with the Snyderville Basin Planning Commission (SBPC), the SCC requested additional information on the potential for creating neighborhood councils / advisory boards.

At the request of the SBPC and SCC following public input on the concept, Staff has researched the possibility of creating a "neighborhood council" type system, following the model currently utilized by Salt Lake City. Staff has also contacted City representatives directly and discussed the concept, their suggestions, and their experiences.

## SBPC Discussion

At a work session on June 14, 2011, the SBPC discussed the concept with Staff, and expressed the following concerns:

- Potential for bias within the neighborhood groups, i.e. an interest group works to form a neighborhood council or becomes the majority within a council, so other aspects of the neighborhood may be left out.
- Potential to further lengthen the regulatory process by adding a layer of review on top of an already lengthy process.
- Potential for neighborhood groups to consider themselves regulatory bodies in lieu of the government process.

## Possible Structure

If the SCC chooses to pursue the enabling of neighborhood councils, Staff has the following recommendations for process:

- Neighborhoods may choose to create a neighborhood council or advisory board, but it is not mandated by the County, nor is it created by the County.
- Articles of Incorporation and Bylaws would be reviewed and, if accepted by the SCC, then officially recorded by the County Recorder.
- The SCC would adopt an ordinance recognizing Neighborhood Councils with the following guidelines:

Community Development Department  
Planning Division  
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017  
Phone (435) 615-3132 Fax (435) 615-3046  
kgabryszak@co.summit.ut.us

1. Boundaries to follow the eight (8) Neighborhood Planning Areas currently contained in the General Plan
  2. A fair system of representation and appointment
  3. Bylaws including certain required content concerning process
  4. Staff recommends that the ordinance be placed in Chapter 2 (under Boards) of the Summit County Code rather than the Development Code.
- Review of certain projects and topics by the Neighborhood Council prior to presentation to the SBPC/SCC would be encouraged:
    1. Rezones, Conditional Use Permits, Major Development, General Plan and Code amendments in their area
    2. Comment by the Neighborhood Council would be advisory only, with their official comments provided to Planning Department and SBPC via a template form
    3. Neighborhood Councils would be self-organized and run separately from Planning Staff and SBPC functions

If the SCC chooses to pursue this option, and place the ordinance in Chapter 2, the future process for the formation of the Councils would simply consist of the adoption of an ordinance by the SCC. Neighborhood Councils could then begin to organize.

Please let me know if you have any questions.

Thank you,



Kimber Gabryszak  
Summit County Planner

**Exhibits:**

- A – Salt Lake City recognition ordinance (pages 3-4)
- B – Salt Lake City notification procedures (pages 5-6)
- C – Current Snyderville Basin Neighborhood Planning Areas per the SB General Plan (page 7)

## **Chapter 2.60**

# **SLACC AND NEIGHBORHOOD BASED ORGANIZATION RECOGNITION**

**2.60.010: PURPOSE:**

**2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:**

**2.60.030: PARTICIPATION:**

**2.60.040: OPEN PARTICIPATION:**

**2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:**

**2.60.010: PURPOSE:**

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition. (Ord. 63-90 § 1, 1990)

**2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:**

- A. All organizations recognized pursuant to this chapter shall comply with the following conditions:
1. Only properly registered not for profit corporations in good standing with the state of Utah may be recognized;
  2. To obtain recognition any community based organization shall submit to the city recorder the following information:
    - a. The articles of incorporation and bylaws of the community based organization.
      - (1) The bylaws shall contain a provision against discrimination and encouraging representation and participation from all qualified members.
    - b. A list of officers, directors or trustees of the organization together with their addresses and the address to which any notice to the organization should be sent.
    - c. No later than January 31 of each year any recognized organization seeking continuing recognition shall submit to the city recorder any changes in the information specified in subsections A2a and A2b of this section and a list of each meeting held by the organization in the preceding year and a description of the election procedure for officers, directors or trustees of the organization.
- B. The Salt Lake Association of Community Councils (SLACC), or its legal successor, is recognized as the citywide organization in which community councils, neighborhood councils and neighborhood associations participate by sending representation in accordance with SLACC bylaws.

C. Neighborhood and community organizations representing the neighborhoods and communities defined on the list and map attached as exhibit A to the ordinance codified herein and maintained on file with the city recorder are hereby recognized. Membership in any neighborhood or community based organization must be open to anyone residing within or owning property within the boundaries of the organization. The number, name or boundaries of any community or neighborhood organization may be amended by the city council upon petition from a city council member, or any neighborhood or community organization recognized under this chapter. All neighborhood or community organizations affected by such a petition shall hold a public hearing on the amendment request not less than fifteen (15) nor more than forty five (45) days after written notice of the request is received. Within thirty (30) days after the hearings before the affected community or neighborhood organization the city council shall hold a public hearing on the amendment request. The council shall act on the amendment petition by majority vote.

D. All organizations recognized pursuant to this chapter shall comply with the provisions of the open meeting laws of the state of Utah and Salt Lake City. (Ord. 63-90 § 1, 1990)

#### **2.60.030: PARTICIPATION:**

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by [chapter 2.62](#) of this title. (Ord. 63-90 § 1, 1990)

#### **2.60.040: OPEN PARTICIPATION:**

This chapter shall not preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by a decision to be considered by the city council or the mayor are encouraged and invited to participate whether through their recognized organization or individually. (Ord. 63-90 § 1, 1990)

#### **2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:**

Recognized organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized organizations and their officers, trustees and directors shall be indemnified by the city pursuant to the Utah governmental immunity act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter or under [chapter 2.62](#) of this title. This defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the recognized organizations or their members such as driving, inspecting property or other similar activities. This provision shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer. (Ord. 63-90 § 1, 1990)

## **Chapter 2.62**

# **RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES**

### **2.62.010: PURPOSE:**

### **2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:**

### **2.62.030: REQUIRED NOTICES:**

### **2.62.040: PARTICIPATION IN PLANNING PROCESS:**

### **2.62.050: OPEN PARTICIPATION:**

#### **2.62.010: PURPOSE:**

It is the policy of Salt Lake City to notify recognized or registered organizations of activities concerning the organizations and obtain input from these organizations concerning various city planning and administrative services. This chapter provides a process for such notification and obtaining such input. (Ord. 64-90 § 1, 1990)

#### **2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:**

- A. Recognized Organizations: Organizations recognized pursuant to [chapter 2.60](#) of this title shall receive the notices and may participate in the processes established pursuant to this chapter.
- B. Registered Organizations: Any other entity, organization or person may register on an annual basis with the department of community and economic development to receive the notices specified in this chapter. (Ord. 38-08, 2008; Ord. 6-04 § 4, 2004; Ord. 64-90 § 1, 1990)

#### **2.62.030: REQUIRED NOTICES:**

- A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection [2.60.020C](#) of this title, or its successor subsection, applications for changes to zoning ordinances, planned developments or conditional use applications pertaining to territory located within, or within six hundred feet (600') of the border of such recognized organizations.
- B. Board of adjustment agendas shall be sent to all organizations recognized pursuant to subsection [2.60.020C](#) of this title or its successor.
- C. Other city administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.

D. The failure to give any notice under this section shall not affect the validity of any act or decision and shall not give rise to any private right of action for such lack of notice. (Ord. 23-10 § 23, 2010; Ord. 64-90 § 1, 1990)

#### **2.62.040: PARTICIPATION IN PLANNING PROCESS:**

A. Recognized and registered organizations are encouraged to make recommendations concerning matters of which they are given notice pursuant to this chapter. In making such recommendations the spokesperson for the organization shall specify the following:

1. The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);
2. The notice procedure for the meeting at which such recommendation was made;
3. The vote on such recommendation;
4. Any dissenting reports.

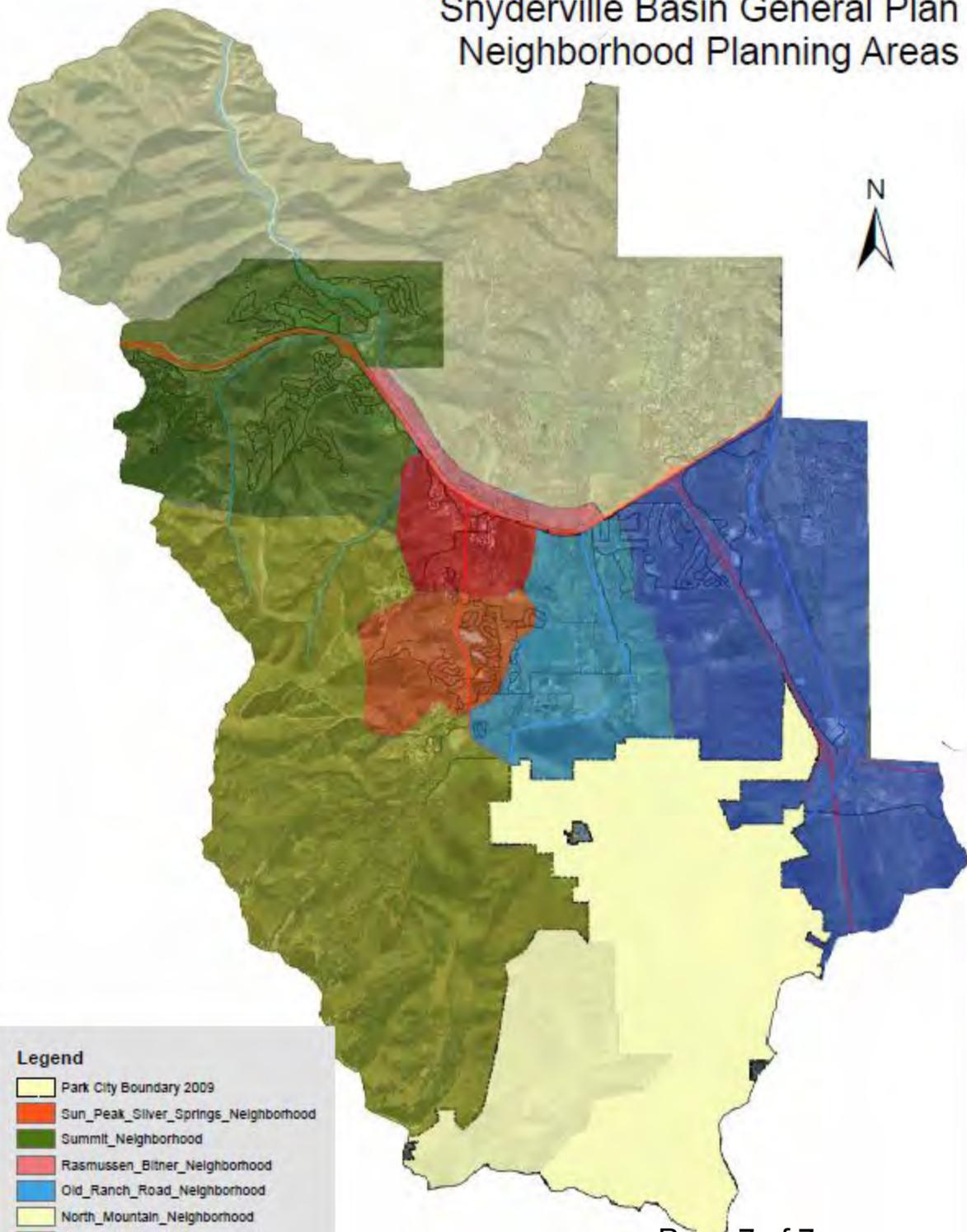
B. The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.

C. The mayor may, by executive order, establish certain classes of applications which can be delayed for additional consideration by organizations recognized pursuant to subsection [2.60.020C](#) of this title or its successor. Upon request of the chairperson or authorized designee of such organization given in writing, prior to the meeting at which the application is to be considered, the city body considering the application shall continue the application for a period not to exceed four (4) weeks from the first meeting such application is heard to allow the recognized organization to consider the application at its own meeting. The mayor or the mayor's designee may notify the considering body that immediate action is necessary for the best interests of the city, in which case a request for delay shall not be granted. (Ord. 23-10 § 24, 2010; Ord. 64-90 § 1, 1990)

#### **2.62.050: OPEN PARTICIPATION:**

The notification and participation process specified in this chapter is not intended to preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by the decision to be considered at a public hearing are invited and encouraged to participate, whether through their recognized organization or individually. (Ord. 64-90 § 1, 1990)

# Snyderville Basin General Plan Neighborhood Planning Areas



## Legend

-  Park City Boundary 2009
-  Sun\_Peak\_Silver\_Springs\_Neighborhood
-  Summit\_Neighborhood
-  Rasmussen\_Biltner\_Neighborhood
-  Old\_Ranch\_Road\_Neighborhood
-  North\_Mountain\_Neighborhood
-  Kimball\_Junction\_Neighborhood
-  East\_basin\_Neighborhood
-  West\_Mountain\_Neighborhood

**BEFORE THE BOARD OF EQUALIZATION  
OF SUMMIT COUNTY, UTAH**

**AMENDED 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**

On April 6, 2011, the Board of Equalization of Summit County issued written findings of fact and conclusions of law denying the Catholic Church's request for a property tax exemption under UCA § 59-2-1101(1)(a) based upon the information provided, which indicated the property owned by the Catholic Church within the Aspen Springs subdivision of Park City, Utah was purely vacant ground held for future development. The Catholic Church then appealed that decision to the Utah State Tax Commission based upon its argument that the property is used exclusively for religious purposes. The Summit County Board of Equalization requested that this matter be scheduled before them for possible reconsideration.

The Catholic Church was represented by Michael Lee, Director of Diocesan Pastoral Operations. The Board was represented by Helen E. Strachan, Deputy Summit County Attorney. The Catholic Church presented evidence and materials by way of testimony, statements, documents and memorandum for consideration by the Board. 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 June 29, 2011, adopting a motion to reconsider its original decision to deny the Catholic Church's property tax exemption and adopting a second motion to GRANT the request for 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 properties consist of a chapel house, known as the Diocesan Hospitality House. The chapel house is used by the Catholic Church's clergy and their staff for religious worship purposes. The balance of the property is used by church members who wish to have a time and space to experience a supreme being. The Catholic Church uses the property exclusively for religious worship purposes and has no plans to develop the property in the future.
- 4) The Catholic Church has requested a 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, 5<sup>th</sup> 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) 100% of the property is used for religious worship. Consequentially, the property qualifies 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 \_\_\_\_ day of July 2011

BOARD OF EQUALIZATION  
OF SUMMIT COUNTY

BY: \_\_\_\_\_  
Christopher F. Robinson  
Chair

ATTEST:

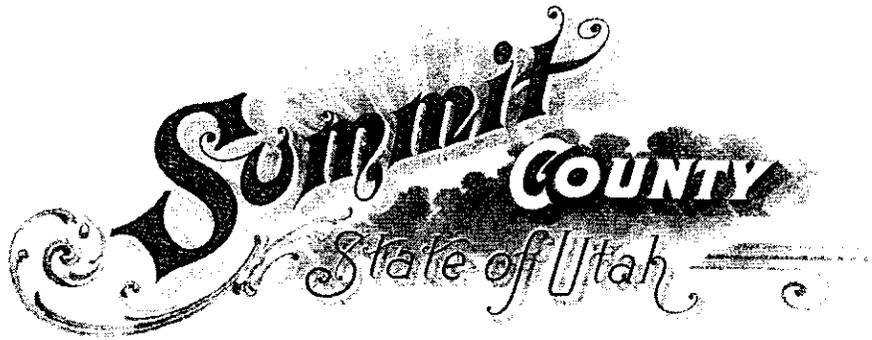
\_\_\_\_\_  
Kathryn Rockhill  
Clerk to the Board of Equalization

APPROVED AS TO FORM:

\_\_\_\_\_  
Helen E. Strachan, Deputy County Attorney

Auditor

Blake Frazier



July 19, 2011

County Council;

RE: KT-218-A

Ms. Bonnie Sweatfield and myself are asking for your approval of the attached Payment Plan for her delinquent property taxes. The property was scheduled to go to sale in May of 2010. She had a verbal agreement with Blake that she would make regular payments and get the taxes paid up.

She failed to make any payments. I proposed the attached agreement to her in May 2011 and she agrees to it. Although at this date she has failed to make her first payment. If Ms. Sweatfield doesn't pay the taxes in full by May of 2012, her property will be sold.

I am asking for your approval of this agreement. If you need any further explanation of this, please contact me at 435-336-3016.

Respectfully;

A handwritten signature in black ink that reads "Kathryn Rockhill". The signature is written in a cursive style.

Kathryn Rockhill  
Deputy Auditor

Auditor

Blake Frazier

May 17, 2011

Bonnie Sweatfield  
P.O.Box 497  
Kamas, Utah 84036



Dear; Ms. Sweatfield

RE: Parcel KT-218-A

This property was scheduled to go to sale in May 2010 due to unpaid property taxes. We pulled the property from the sale with the understanding that payments would be made to bring the taxes up to date. We haven't seen any attempt at making payments on this property.

We've set up a payment schedule to bring the property taxes current through 2010 by December 31, 2011.

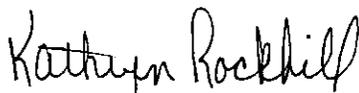
July 15, 2011	\$833.96
August 15, 2011	\$833.96
September 15, 2011	\$833.96
October 15, 2011	\$833.96
November 15, 2011	\$833.96
December 15, 2011	<u>\$833.96</u>
<b>TOTAL</b>	<b>\$5003.76</b>

If you agree with this payment schedule, please sign below and return it ASAP. After returning this signed schedule to Summit County it will then need to be approved by the County Council.

  
Property Owner

Summit County Council, Chair

Sincerely,

  
Kathryn Rockhill  
Deputy Auditor



*Don B Sargent, Director  
(435) 336-3125  
dsargent@co.summit.ut.us*

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## MEMORANDUM

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**DATE:** July 20, 2011  
**TO:** Summit County Council (SCC)  
**FROM:** Don Sargent, Community Development Director  
**RE:** Ordinance Repealing the Eastern Summit County Water Advisory Committee (EWAC)

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This item was discussed at the SCC Work Session on July 13, 2011. It was determined at that meeting to dissolve EWAC. As also discussed, if there is a need, the committee could be reestablished in the future.

The attached ordinance to repeal the Eastern Summit County Water Advisory Committee (EWAC) has been prepared for your approval.

**AN ORDINANCE REPEALING THE  
EASTERN SUMMIT COUNTY  
WATER ADVISORY COMMITTEE  
ORDINANCE NO. \_\_\_\_**

**PREAMBLE**

**WHEREAS**, the mission of the Eastern Summit County Water Advisory Committee ("EWAC") has been satisfied; and,

**WHEREAS**, there is no longer a need for EWAC;

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

Section 1.     **Repealer.** The Eastern Summit County Water Advisory Committee, Summit County Code §§ 2-35-1 thru 2-35-6, is hereby repealed.

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:

Summit County Council

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
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	_____

## **Memo**

**Date:** July 27, 2011  
**To:** County Council  
**From:** Kevin Callahan, Public Works Director  
**Subject:** Interlocal Transit Agreement with Utah Transit Authority and Park City

## **Background**

Staff presented the history and details of this proposed Interlocal agreement to the County Council at a work session on July 13. The basic points of the agreement are as follows:

- A year round commuter service would be operated by the Utah Transit Authority (UTA) under contract to Park City and Summit County;
- The agreement proposes a one year contract automatically renewed but cancelable within 90 days of renewal ((July 2012);
- The service would begin in October 2011 with 4-5 buses depending on demand;
- The intention is that the passenger fare of \$5.50 each way would cover the full operating costs of the service, no discounts are proposed from this fare;
- The County and City would each pledge an annual revenue subsidy of up to \$235,000 for a full year's service (based on 60% occupancy);
- The service would be managed by a project management committee of representatives from UTA, Park City and Summit County that would oversee operations, marketing and service expansions;
- The agreement contemplates the opportunity for third party contractors to bid on portions or all of the service components if they can provide those services at a lesser cost than contemplated by UTA;
- The County will work with UTA to market the service to local resorts and other major employers.

## **Program Financing**

The County's 2011 Transit budget did not anticipate the initiation of this service during this budget year. In order to provide the buffer of an operating subsidy for the remainder of this year, the Council will need to authorize the transfer of \$60,000 from the County's transit surplus funds to this year's transit budget. The surplus account has in excess of \$1,100,000 which has been accrued in anticipation of the development of the Kimball Transit Hub.

## **Alternatives**

- A. Approve The Recommendation.** Council should review Utah Transit Authority's offer to operate the Park City Connect bus service. Council should provide Staff with comments on the attached draft inter-local agreement (ILA). Staff will return to Council on July 13 with a request for authorization to execute a final ILA with UTA\Park City.

- B. Deny The Recommendation.** Council could deny Staff's recommendation. Staff does not recommend this alternative.
- C. Defer the item to a later date.** Council could defer the item. Any deferral beyond July 27<sup>th</sup> would likely jeopardize implementation of service in 2011.
- D. Do Nothing.** Council could do nothing this alternative would have the same impact as alternative C.

**Departmental Review:** This report has been reviewed by The County Manager's office and County Attorney's office. All comments received are addressed within this report.

### **Significant Impacts**

Staff thinks it is important to note that participation with UTA on the provision of this service brings far more benefits to the community than if the City\County were to provide the service on their own or through a subcontractor. The most important of these benefits are:

- Cooperative partnership amongst UTA\Summit County\Park City.
- Integration of service with UTA's transportation network on the Wasatch front.
- Service provided by entity familiar with, and subject to, (FTA) requirements.
- Minimum of administrative overhead required of City\County.

### **Recommendation**

Approve the Utah Transit Authority's offer to operate the regional bus service to Summit County/Park City and authorize the Council Chair to sign the Interlocal Agreement.

**INTERLOCAL AGREEMENT  
REGARDING BUS SERVICE BETWEEN  
PARK CITY AND THE SALT LAKE VALLEY**

THIS INTERLOCAL AGREEMENT REGARDING BUS SERVICE BETWEEN PARK CITY AND THE SALT LAKE VALLEY (this “Agreement”), is entered into as of \_\_\_\_\_, 2011 (“Effective Date”), by and between SUMMIT COUNTY, a political subdivision of the State of Utah (the “County”), PARK CITY, a municipal corporation and political subdivision of the State of Utah (the “City”), and UTAH TRANSIT AUTHORITY, a public transit district and political subdivision of the State of Utah (“UTA”). The County, City and UTA are hereafter sometimes collectively referred to as “parties” and may be referred to individually as a “party.”

**RECITALS**

WHEREAS, UTA operates a public transportation system along the Wasatch Front, including bus service within Salt Lake County; and

WHEREAS, the City operates a public transportation system within Park City and parts of unincorporated Summit County; and

WHEREAS, there is currently no public transportation system providing service between Salt Lake County and Summit County, and the parties desire to establish such service according to the terms and conditions herein.

**AGREEMENT**

NOW, THEREFORE, based upon the stated Recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereinafter set forth, the mutual benefits to the parties to be derived herefrom, and other valuable consideration, the receipt and sufficiency of which the parties acknowledge, it is hereby agreed as follows:

1. **Salt Lake to Park City Connect Service.** UTA agrees to operate an express bus service between Salt Lake City, Summit County, and Park City (hereafter, the “Park City to Salt Lake Valley Bus Service”). The route, schedule, stop locations, park and ride lots, and other characteristics of the Park City to Salt Lake Valley Bus Service are defined in the “Operating Plan” attached hereto as Exhibit A. The parties may amend the Operating Plan from time to time, through the process defined in paragraph 6, below.
2. **Equipment.** During the term of this Agreement, UTA will provide buses for use in connection with the Park City to Salt Lake Valley Bus Service. Initially, UTA will contribute buses from its existing fleet. These buses are expected to be 2005 MCI buses but may require the use of other buses in UTA’s fleet. Bus replacement, routine maintenance of buses, including repairs to buses damaged while in service, will be

performed by UTA, but shall be deemed an operational cost subject to paragraph 3, below.

3. **Operational Costs.** The cost of operating and administering the Park City to Salt Lake Valley Bus Service includes the following: (i) direct costs of operator and supervisor wages, maintenance, and fuel, (ii) proportional costs of operational and administrative support provided by UTA, (iii) bus replacement costs, and (iv) a Liability Premium (defined below) (collectively, the “Operating Expenses”). As of the Effective Date, the anticipated monthly Operating Expenses are detailed in the Operating Plan, attached hereto as Exhibit A. The parties hope and intend that farebox revenues will cover much, if not all, of the Operating Expenses. The parties recognize, however, that farebox revenues might not equal the Operating Expenses. The Operating Expenses less the farebox revenues is hereafter referred to as the “Operational Deficit.”
  - a. The City and County hereby agree to jointly fund the Operational Deficit, up to a maximum amount as set forth in the Operating Plan, attached hereto as Exhibit A (the “Annual Operating Expense Cap”). UTA shall invoice the City and County for such Operational Deficit on a monthly basis, and the City and County shall remit payment to UTA within 30 days of receipt of an invoice. UTA shall maintain its cost records, and allow the City and the County to inspect such records upon request.
  - b. Once the City and County have made payments to UTA pursuant to this paragraph equal to the Annual Operating Expense Cap, UTA shall be responsible to fund the Operational Deficit for the remainder of the annual term of the Agreement, up to a maximum amount as set forth in the Operating Plan, attached hereto as Exhibit A (the “UTA’s Annual Operating Expense Cap”). In the event that the annual Operational Deficit exceeds both the Annual Operating Expense Cap and UTA’s Annual Operating Expense Cap, UTA may, at its sole option, immediately cease operating the Park City to Salt Lake Valley Bus Service for the remainder of the term. Prior to any service termination UTA will provide the City & County the opportunity to increase their Annual Operating Expense Cap in a sum sufficient to keep service in operation.
  - c. The Operating Cost will be determined using actual costs incurred by UTA, and not current cost estimations. The Parties understand and agree that UTA’s actual Vehicle Replacement Cost or other cost line items might be different than estimated Operating Costs. In the event that there is a surplus of farebox revenues during any month, such surplus shall be applied on a continuing basis to future Operating Expenses so as to reduce the Operational Deficit in future months as set forth in paragraph 3(a) herein.
4. **Facilities.** The City and County shall allow UTA to use City or County-owned or controlled facilities as necessary to operate the Park City to Salt Lake Valley Bus Service. Such facilities include: City streets and County roads along the route, the Bus Stops listed in the Operating Plan, and portions of the Ironhorse Transit Facility, as set

forth in the Operating Plan. Such City or County-owned facilities shall be maintained by the City or County, as appropriate. UTA will have no maintenance duties with respect to facilities located in Park City or Summit County.

UTA may layover buses at the Ironhorse Transit Facility as detailed in the Operating Plan, and may perform routine maintenance on its buses parked at the Ironhorse Transit Facility.

5. **Term.** The term of this Agreement is for one (1) year, commencing on the Effective Date, and shall automatically renew for successive one (1) year terms, until such time as any party serves written notice of termination. Such written notice of termination must be given at least three (3) months in advance of the terminating party's desired termination date. In addition to UTA's right to cease service as provided in paragraph 3(b) above, any party may terminate this Agreement for default by another party, in accordance with the provisions of paragraph 14, below. In no event shall this Agreement exceed fifty (50) years in duration. The expiration or termination of this Agreement shall not relieve or excuse a party of any obligations accruing prior to such expiration or termination.
6. **Management of Project.** The parties hereby create a Project Management Team consisting of the following individuals, or their designees: (i) for the City, Park City Transit General Manager; (ii) for the County, Public Works Administrator, (iii) for UTA, the Regional General Manager, and (iv) UTA's Project Manager for the Park City to Salt Lake Valley Bus Service. A party may change its representative on the Project Management Team by providing written notice of such change to the other parties.

The Project Management Team shall: (a) meet on a regular basis, as determined by the Project Management Team, (b) perform all functions expressly assigned to the Project Management Team in this Agreement or amendments hereto, (c) recommend any amendments to this Agreement deemed necessary or desirable, and (d) address and resolve issues, disputes or concerns arising during the term of the Agreement.

The Project Management Team may, by letter agreement executed by each of the representatives on the Project Management Team, amend the Operating Plan attached hereto as Exhibit A, in order to make minor changes to the Park City to Salt Lake Valley Bus Service, such as: making minor changes to the route; adding, eliminating, or changing the location of Bus Stops; adjusting the number or timing of daily bus trips, or changing the amount of the Annual Operating Expense Cap. The Project Management Team should review and, if appropriate, amend the Operating Plan at least annually. Such annual review and amendment should take place in advance of the three (3) month deadline for termination as described in the preceding paragraph. More substantial changes to the Park City to Salt Lake Valley Bus Service service, along with changes to other provisions of this Agreement, should be made through formal amendment of this Agreement. The Parties acknowledge and agree that amending the Operating Plan may require the approval of one or more of the Parties' governing bodies.

The Project Management Team may elect, by mutual written agreement, to hire a private firm to operate the Park City to Salt Lake Valley Bus Service in whole or in part. Any such arrangement would have to comply with all applicable laws, including applicable procurement law and approval, when needed, by the Parties' respective governing bodies.

7. **Paratransit Services.** The parties agree that Park City Transit shall provide any Paratransit services, made necessary by the implementation of the Park City to Salt Lake Valley Bus Service service, in Summit County. The Parties further agree that UTA shall provide any necessary Paratransit services in Salt Lake County.
8. **Roadcalls and Maintenance.** In the event that a Park City to Salt Lake Valley Bus Service becomes inoperable while in Summit County, the parties agree to work cooperatively together to provide the necessary personnel, vehicles, and services as necessary to transport passengers and resume service as soon as possible, with the mutual goal of meeting the expectations of bus patrons and providing a consistently reliable service. Costs incurred by the City or County in connection with such roadcalls or maintenance work shall be credited against the monthly operational charge described in paragraph 3, above, at UTA's standard hourly and mileage rates for personnel and vehicles, and at actual cost of supplies used.
9. **Marketing.** The City and County agree to work cooperatively with UTA to promote the Park City to Salt Lake Valley Bus Service service, with the mutual goal of maximizing ridership.
10. **Dispute Resolution.** Any dispute that cannot be resolved by the Project Management Team shall be forwarded to UTA's General Manager, the Park City Manager, and the Summit County Manager for resolution prior to any party initiating arbitration proceedings. If the matter has not been resolved within thirty (30) days of the meeting of the UTA General Manager, the Park City Manager, and the Summit County Manager, any controversies arising out of the terms of this Agreement or its interpretation, including any subcontractor dispute, shall be settled in Utah in accordance with the rules of the American Arbitration Association, and the judgment upon award may be entered in any court having jurisdiction thereof.
11. **Jurisdiction and Venue.**
  - a. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.
12. **Losses and Liability.** The Parties shall indemnify and hold one another and their respective agents employees, and officers, harmless from and shall process and defend at their own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against a Party arising out of, in connection with, or incident to the execution of this Agreement and/or a Party's

defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of another Party, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of a Party against whom a claim is made; and provided further, that nothing herein shall require a Party to hold harmless or defend another Party, its agents, employees and/or officers, from any claims arising from the sole negligence of another Party, its agents, employees, and/or officers.

Each Party agrees to maintain throughout the duration of this Agreement insurance coverage (or a self-insurance program) for the activities set out in this Agreement in an amount that is equal to or greater than the Parties' maximum exposure to liability as determined by the Utah Director of Risk Management and as set forth in Utah Code Annotated Section 63G-7-604, as amended.

The Parties agree that each Parties' workers compensation insurance will cover each Parties' employees and that under no circumstances shall an employee of one party be considered an employee or agent of another Party.

Any dispute regarding responsibility for losses or liability under this paragraph shall be referred to dispute resolution as described in paragraph 10.

13. **Passenger Data.** UTA shall provide Park City Connect Bus passenger, fare, boarding, and alighting data available to the City or County upon request.
14. **Liability Premium.** UTA shall charge the City and County a Liability Premium of Five Cents (\$0.05) per mile traveled by the Park City to Salt Lake Valley Bus Service to compensate UTA for the assumption of risk inherent in operating the Park City to Salt Lake Valley Bus Service.
15. **Passenger Data.** UTA shall make Park City to Salt Lake Valley Bus Service passenger, fare, boarding, and alighting data available to the City or County upon request.
16. **Default.** If any Party determines that another Party is in breach of the terms of this Agreement, that Party shall give written notice to the breaching Party of such violation and demand corrective action sufficient to cure the breach. If the breaching Party fails to cure the breach within thirty (30) days after receipt of notice thereof from another Party, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such breach within the thirty (30) day period, or fails to continue diligently to cure such breach until finally cured, a Party may commence the dispute resolution process described in paragraph 10.
17. **Notices.** Any notice, demand, request, consent, submission, approval, designation or other communication which either party is required or desires to give under this Agreement shall be made in writing and delivered to the other party at the addresses set forth below or at such other addresses as the party may provide in writing from time to time. Such notices shall be hand delivered, mailed (by first-class mail, postage prepaid) or delivered by courier service as follows:

**If to the City:**  
Park City Manager's Office  
445 Marsac  
PO Box 1480  
Park City, Utah 84060

**With a Copy to:**  
Park City Attorney's Office  
445 Marsac  
PO Box 1480  
Park City, Utah 84060

**If to UTA:**  
Utah Transit Authority  
Attn: Michael Allegra, General Manager  
669 West 200 South  
Salt Lake City, Utah 84101

**With a Copy to:**  
Utah Transit Authority  
Attn: General Counsel's Office  
3600 South 700 West  
Salt Lake City, Utah 84119

**If to the County:**  
Summit County  
Attn: Robert Jasper  
County Manager  
PO Box 128  
60 N Main  
Coalville, Utah 84017

**With a Copy to:**  
Summit County  
Attn: David Thomas  
Chief Civil Deputy  
PO Box 128  
60 N Main  
Coalville, Utah 84017

18. **Acquisition, Ownership, and Disposition of Property.** Unless otherwise agreed by the parties in writing, all real and personal property acquired by a party for use in connection with the Park City to Salt Lake Valley Bus Service service, or property already owned by a party and used in connection with the Park City to Salt Lake Valley Bus Service service, shall remain the property of that party during and after the term of this Agreement. By way of example only and not of limitation, buses now owned by UTA, or acquired in the future by UTA, and used as Park City to Salt Lake Valley Bus Services, shall at all times remain the property of UTA.

19. **Miscellaneous.**

- a. **Non-Waiver.** No covenant or condition of this Agreement may be waived by either party unless done so in writing by such party. Forbearance or indulgence by a party in any regard whatsoever shall not constitute a waiver of the covenants or conditions to be performed by the other party.
- b. **Severability.** If any provision of this Agreement shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.
- c. **No Third Party Beneficiaries.** There are no intended third party beneficiaries to this Agreement. It is expressly understood that enforcement of the terms and

conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the parties, and nothing contained in this Agreement shall give or allow any claim or right of action by any third person under this Agreement. It is the express intention of the parties that any third person who receives benefits under this Agreement shall be deemed an incidental beneficiary only.

- d. Entire Agreement; Amendment. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof, and statements, promises or inducements made by any party or agents of any party that are not contained in this Agreement shall not be binding or valid. This Agreement may not be amended, enlarged, modified or altered except through a written instrument signed by all parties.

20. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, as amended, and in connection with this Agreement, the parties agree as follows:

- a. The Agreement shall be authorized by resolution or ordinance of the governing body of each party pursuant to §11-13-202.5 of the Act.
- b. This Agreement shall be approved as to form and legality by a duly authorized attorney on behalf of each party pursuant to §11-13-202.5 of the Act.
- c. A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party pursuant to §11-13-209 of the Act.
- d. Prior to the expiration of the term of this Agreement pursuant to paragraph 5, this Agreement may only be terminated in accordance with the terms of this Agreement, or by and upon the express written consent of all of the parties. Cessation of service under 3(b) of this agreement shall also automatically terminate this agreement, but obligations accruing prior to any such termination shall survive the termination of the Agreement.

IN WITNESS WHEREOF, the parties have each executed this Interlocal Agreement Regarding Bus Service between Park City and the Salt Lake Valley as of the date first set forth above.

**PARK CITY MUNICIPAL CORPORATION**

**UTAH TRANSIT AUTHORITY**

By: \_\_\_\_\_  
Thomas B. Bakaly, City Manager

By: \_\_\_\_\_  
Michael Allegra, General Manager

ATTEST AND COUNTERSIGN:

By: \_\_\_\_\_

By: \_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND LEGALITY:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Senior City Attorney

\_\_\_\_\_  
UTA Legal Counsel

**SUMMIT COUNTY**

By: \_\_\_\_\_  
Christopher F. Robinson, Chair

ATTEST:

By: \_\_\_\_\_  
Kent Jones, County Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

## EXHIBIT A

### The Park City to Salt Lake Valley Bus Service – Operating Plan

- a. Route. The Park City to Salt Lake Valley Bus Service will run from the Salt Lake Intermodal Center, along 200 South to the University Hospital, then along Foothill Boulevard, up Parley’s Canyon to Jeremy Ranch, on Highway 224 to Kimball Junction, The Canyons Resort, Park City Mountain Resort, then to the Park City Old Towne Transit Center, and Deer Valley. Buses travelling from Park City to Salt Lake will travel the same route, in the reverse direction. The route is depicted on Exhibit 1 hereto.
- b. Stops. The Park City to Salt Lake Valley Bus Service will stop at the following locations:

- Salt Lake Central Station
- 700 East 200 South
- University Hospital
- Research Park
- Wal-Mart Park and Ride
- Jeremy Ranch
- Kimball Junction
- The Canyons
- Park City Mountain Resort
- Old Town Transit Center
- Deer Valley

The stops are depicted on Exhibit 1 hereto.

- c. Park and Ride Lots. The Park City to Salt Lake Valley Bus Service will be served by the following park and ride lots:

- Jeremy Ranch

- d. Schedule. The Park City to Salt Lake Valley Bus Service will initially operate according to the schedule in exhibit 2 hereto.

The Project Management Team may, from time to time, adjust the schedule according to demand, pursuant to paragraph 6 of the Agreement.

- e. Buses. The Park City to Salt Lake Valley Bus Service will primarily use high capacity coach buses. UTA reserves the right to use buses that meet the demand per trip and time of day.

- f. Fares. The fare for the Park City to Salt Lake Valley Bus Service will be Five Dollars and 50 Cents (\$5.50). The Project Management Team, pursuant to paragraph 6 of the Agreement may adjust the fare from time to time, in accordance with UTA's standard practices and policies regarding fares.
- g. Monthly Cost. As of the effective date of the Agreement, the anticipated gross monthly cost to operate the Park City to Salt Lake Valley Bus Service ranges from approximately \$63,500 for off-season months and \$82,500 for peak-season months (the "Operating Cost", as described in paragraph 3 of the Agreement). Such cost consists of the following individual line items:
- Operating cost/platform hour
  - Maintenance cost per mile
  - Fuel cost per mile
  - Supervisor Expense
  - Marketing Expenses
  - Administrative Support
  - Vehicle Replacement Cost
  - Liability Premium (\$0.05 per vehicle mile)

All three members of the Project Management Team may, at their discretion, elect to hire subcontractors to perform services typically performed by UTA, as described above. In the event the Parties contract out such services, the actual costs paid by UTA to such contractors would be included within the Operating Cost.

As described in paragraph 3 of the Agreement, the City and County shall fund the Operating Cost, less the amount recovered by the service through the farebox (the "Operational Deficit"). The Operational Deficit for which the City and County are responsible shall not exceed \$470,000 for the first operating year (October 2011 to October 2012) (the "Annual Operating Expense Cap.") The Annual Operating Expense Cap may be adjusted by the Project Management Team, pursuant to paragraph 6 of the Agreement.

As described in paragraph 3 of the Agreement, UTA shall fund the Operational Deficit after the City and County have fully satisfied their obligation to fund the Operational Deficit up to their Annual Operating Expense Cap. The Operational Deficit for which UTA is responsible shall not exceed \$180,000 for the first operating year (October 2011 to October 2012) (the "UTA's Annual Operating Expense Cap.") The UTA Annual Operating Expense Cap may be adjusted by the Project Management Team, pursuant to paragraph 6 of the Agreement.

The actual Operating Cost will be based on actual costs incurred by UTA, not the estimated costs cited above. If UTA elects, for example, to use buses other than the MCI buses that the estimated Operating Costs are based on, the actual Vehicle Replacement Cost or other cost line items might be different than the estimated Operating Cost cited above.

- h. Facilities. Two bus stalls at the Ironhorse Transit Facility will be made available for UTA's use at all times, including End of Line waiting times, layovers during peak and non-peak hours, and overnight. UTA acknowledges that Park City will lock the bus stalls between 10 p.m. and 6 a.m. but that Park City will attempt to provide access to those stalls if possible on an as-needed basis. The stalls must be located in proximity to a power outlet, so that UTA can use block heaters when necessary. Additionally, a 5 by 15 foot area adjacent to such stalls will be made available for UTA's use, for storing supplies necessary to the bus service. The stalls and area available to UTA must be covered and secure, to prevent damage to UTA's buses.

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# MINUTES

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**SUMMIT COUNTY**  
BOARD OF COUNTY COUNCIL  
WEDNESDAY, JUNE 29, 2011  
COUNCIL CHAMBERS  
COALVILLE, UTAH

**PRESENT:**

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

**Robert Jasper**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**Dave Thomas**, *Deputy Attorney*  
**Helen Strachan**, *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 property acquisition. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.**

The Summit County Council met in closed session from 1:40 p.m. to 3:00 p.m. to discuss property acquisition. Those in attendance were:

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

**Robert Jasper**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**Ashley Koehler**, *Sustainability Coordinator*  
**Cheryl Fox**, *Summit Land Conservancy*  
**Max Greenhalgh**, *BOSAC*  
**Rena Jordan**, *Snyderville Basin Recreation*

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

Chair Robinson called the work session to order at 3:05 p.m.

**WORK SESSION**

- **Proposal to participate in sponsoring “The County Seat” television show**

Chad Booth with The County Seat explained that this television program, which started broadcasting in January 2011, is funded by counties to bring issues of county importance to the

attention of the general public, the Governor's Office, and the State Legislature and congressional delegations. It is broadcast on ABC 4, and they have broadcast agreements with the five major cable operators in Utah, who carry it on their access channels. It is broadcast 19 times per week throughout the State, and the counties generate the topics they would like to have discussed. They bring to those who need to deal with counties and the general population an idea of the complexity of County issues and what goes into making government decisions. Mr. Booth stated that the counties who currently participate have found this programming valuable in getting information to their constituents. The show has done remarkably well and has generated a substantial audience. He explained that it takes funding to make this work, and they are currently \$50,000 short for the entire season this year, with only about half of the counties in the State participating. The program is funded by commercials, and Summit County could participate at the level it can afford. The County Seat would provide the commercial production and broadcasting, which could promote events, community development, or other types of information about the County. He noted that some counties are using the TRCC or TRT funds to promote tourism in their commercials.

Darren Kinder with The County Seat reviewed the sponsorship levels and the amount of advertising the counties would purchase at each level. Council Member Elliott asked about viewership of the show in Summit County. Mr. Kinder replied that depends on a number of factors. Mr. Booth explained that the program is not so much about communicating to the County's constituents as it is about getting issues that affect Summit County out to people across the State. There are big issues that face medium- and smaller-sized counties that do not get noticed in the media. Legislators also need to know the problems counties face, and the value of this program is getting the issues out and talked about. He stated that he knows legislators watch the program, because he gets e-mails from them asking follow-up questions, and this is a great way to prepare them for the legislative session. He commented that county government is invisible and does not get the attention that cities or Federal or State governments get. Counties are an invisible layer of government that delivers services to the majority of their constituents, but the citizens have no idea what they do.

County Manager Bob Jasper explained that there is no money in the budget to participate this year, but the County Council could consider this as part of next year's budget process.

Council Member Elliott stated that it would be a stretch to try to use TRCC and TRT taxes to fund this program. She explained that 90% of Summit County's TRCC funds go toward advertising outside the State by leveraging funds with the Chamber of Commerce and the State, and advertising on The County Seat would be very localized. Unless those tax funds were used specifically to promote tourism inbound to Summit County, she would not approve their use for this purpose. Mr. Booth explained that, if the County were to advertise on the program, the advertisement would be produced specifically to promote whatever Summit County wants to promote. He noted that some counties use the commercials The County Seat has produced for them in other venues as well.

Council Member Hanrahan suggested that Mr. Jasper talk to the Chamber Bureau, determine whether this would be a reasonable expenditure, and let him determine how to proceed.

- **Discovery CORE Rezone and major project, continued discussion**

County Planner Kimber Gabryszak recalled that the County Council discussed several options for determining maximum density for a CORE Rezone project. She reviewed the history of density calculations for the CORE project, which have ranged between approximately 50 units and 176 units. The Council asked Staff to look at the CORE Rezones within the project individually and to better address the open space that may have been required in surrounding developments. She showed the parcels that would be included in the calculation when looking at parcels within 1,000 feet of the entire project. Staff determined which parcels were within the 1,000-foot boundary and then determined which parcels were included in the plats containing those parcels, including open space parcels and roads within the project, to get the total acreage within the plat. After deducting the non-residential parcels, they determined the average lot size within the plat and the number of units per acre within that phase or plat. The average was then applied to units within that plat or phase that are within the 1,000-foot boundary of the project for purposes of making the density calculation. Using the same process used in the previous calculation of removing undeveloped lots and dedicated open space but using the average size in each subdivision, Staff determined the average lot size in the area within the 1,000-foot buffer, then the average units per acre, and doubled that to determine the maximum number of units. Staff also did the same calculations based on the 1,000-foot boundary around the CORE C and CORE E rezone areas separately and found that the calculation was within about four units. Using this method of calculation, the result could be applied to the entire Discovery CORE rather than deducting the 50% open space requirement from the CORE project as suggested by the Planning Commission.

Glen Lent, the applicant, stated that he made almost the same calculations, but he averaged the units per acre rather than average lot size and came up with a number that is almost double the County's calculation. Planner Gabryszak explained that the County calculated average density after determining the average lot size for the surrounding parcels. The applicant determined the average density for each parcel and then averaged that to get his results. Staff's concern about the applicant's calculation is that it overly weights the smaller parcels.

Council Member Hanrahan asked if Staff believes their current calculation makes this more of an apples-to-apples comparison. Planner Gabryszak replied that they do.

Chair Robinson suggested that they make the calculation simpler when looking at changes to the CORE, because he would hate to have Staff spend hours trying to gather all the data and crunch the numbers for each CORE development. After reviewing the numbers, he was surprised that Staff's numbers and the applicant's numbers were so disparate and stated that he would like to review the spreadsheet.

Council Member Ure asked if this calculation would apply only to this CORE Rezone or if it would apply to all CORE Rezones. Chair Robinson explained that, if they declare a moratorium on CORE Rezone applications, this calculation might only apply to the two currently pending CORE applications. Council Member Hanrahan explained that calculation of the maximum density does not mean anything in terms of the ultimate decision, because the Council has total latitude in making a decision. This is only a tool they use to say this is the maximum density the applicant could achieve. Council Member Ure stated that he believed applicants should be able to know what standard they will be judged against. Mr. Lent noted that the other pending application will be restricted by the calculations related to an infill parcel, not by neighborhood

density. Planner Gabryszak confirmed that the other application should not be impacted by this calculation, because they are allowed one unit per acre.

Planner Gabryszak requested that the Council make a determination on the density calculation as soon as possible so the applicant can move forward to a public hearing.

Mr. Lent explained that there is a high amount of subsidization involved when providing affordable housing and requested time to discuss the economics of an affordable housing project. Dave Nilsson, representing the applicant, explained that there is not a specific line where a person can say that a project will or will not work. The issue is more about feasibility and probability of success. The higher the density, the higher the probability of success, and the lower the density, the lower the probability of success. Currently the market is unstable, so it is difficult to determine that range with certainty. He presented an analysis of a typical project in Summit County with a typical affordable housing requirement of 20% and showed the burden per unit of providing affordable housing units, which reduces the profit margin on market rate units. He provided an analysis of the Discovery CORE project and the impact on the profit margin for the project. He explained that more units are needed to be able to spread out the fixed costs and get to a profit margin that would allow the project to be feasible. The breakeven for the Discovery CORE project would be close to 100 units, and at about 162 units they could achieve a profit margin that would allow the project to be feasible and support the burdens of the project. As a developer, they have to decide at what point the project is no longer feasible, and in today's market, 162 units, plus or minus 20 units, would be the range. If prices increase in the next few years, they could possibly decrease the number of units somewhat. He acknowledged that economics is not the Council's focus, but it is the developer's focus, and they do not want to have a budget that fails.

Council Member Hanrahan commented that it would seem that the developer could determine what it costs to build the houses and set their profit margin on top of that. Mr. Nilsson explained that the market determines what they can sell a house for, and right now they could not increase the price of a market-rate house above today's market rate to pay for the affordable units. Mr. Lent explained that most market-rate homes in this development will be moderate-income homes. If they were developing large lots with expensive homes integrated with affordable housing units, that would make the project more economically feasible, but the units would not necessarily be compatible with each other. He recalled that the County looked at a number of alternatives for providing affordable housing and determined that the best method would be to incentivize developers with additional density to create affordable housing for the County. If they want to do that, they need to have a Code that is practical. This would be practical at 162 units, but it would not be at 88 units.

Council Member Ure stated that he was not so much concerned about density or what the project looks like. From a purely practical standpoint, this project is proposed on a north slope, which gets about five hours of daylight in the winter, and they will have to pay someone to remove snow from the site. He did not believe they should build on the north slope of the mountain because the HOA fees to maintain the snow and road will be unaffordable. He did not believe workforce housing belongs in this area because of the high HOA dues, the need for four-wheel-drive vehicles to access the area, and other factors that make this site impractical because of the natural features of the property. Mr. Lent explained that they will have to meet County road standards, and the Planning Commission asked them to not build on the portion of the site that is

more buildable because it was in the viewshed. He reported that they did a snow study, and there does not seem to be a problem with snow removal.

**DISMISS AS SUMMIT COUNTY COUNCIL AND CONVENE AS THE BOARD OF EQUALIZATION**

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

The meeting of the Summit County Board of Equalization was called to order at 4:20 p.m.

**REVISIT PROPERTY TAX EXEMPTION RECOMMENDATION FOR MOUNTAINLANDS COMMUNITY HOUSING TRUST**

Deputy County Attorney Helen Strachan recalled that the Board Members had some questions about why Mountainlands Community Housing Trust holds onto the land on which a house is built in some cases and sell the land in other cases. She requested that Scott Loomis from Mountainlands clarify that issue.

Mr. Loomis explained that Mountainlands maintains a community land trust as one option for providing affordable housing, and the lots received from The Woods at Parley's Lane were the first use of the land trust. They built homes on those lots and sold the homes for just the cost of the home, not charging anything for the land. Using a deed restriction and a cap on the sales price, and the home can only be resold for that amount. With or without the land, the cost of the house is still the same, and it is taxed at that value. He explained that they charge a nominal amount for the land lease as consideration, but the land they lease really has no value. The value does not change based on the cost of the land, the value is based on the improvements to the lot, and in this case, only the improvements are taxed.

Chair Robinson asked about the advantage of the trust maintaining ownership of the land. Mr. Loomis explained that they have experienced problems with deed restrictions placed on some affordable housing units, and with the land trust, no one can transfer the property or get a mortgage without Mountainlands' consent as the lessor. If they find something of concern in the lease, they can also address that issue the next time they enter into a lease with a new owner. They can also maintain stewardship of the property, and the homeowner pays an annual fee that stays with the house so that, if major repairs are needed in the future, there is money available to pay for them. They can also require the lessee to maintain the home, which they cannot do with a normal deed restriction in a subdivision.

**Board Member Elliott made a motion to approve the findings of fact and conclusions of law to grant the property tax exemptions for Mountainlands Community Housing Trust. The motion was seconded by Board Member Ure and passed unanimously, 4 to 0.**

## **DISCUSSION AND POSSIBLE RECONSIDERATION OF THE CATHOLIC CHURCH'S REQUEST FOR A PROPERTY TAX EXEMPTION**

Ms. Strachan recalled that the Board of Equalization previously adopted findings of fact and conclusions of law regarding the Catholic Church's Aspen Springs property. After that, the Catholic Church filed an appeal with the Utah State Tax Commission. She then called Michael Lee, who represents the Catholic Church, to determine the grounds for the appeal. Mr. Lee indicated that there is a chapel house on the property that is used exclusively for religious purposes. She suggested that he come to the Board of Equalization to appeal the previous decision.

Chair Robinson swore in Mr. Lee to give testimony regarding this item.

Ms. Strachan indicated the location of the property, which consists of five parcels. Board Member Hanrahan asked if they are asking for reconsideration of the parcel with the chapel house or of all five parcels. Mr. Lee replied that they are also asking for a tax exemption for the vacant parcels. He explained that the structure is a retreat house with a chapel in it. They have marriage teams, parish councils, and staff and other religious uses on the site. They also hold mass there and have a need for a retreat house. He confirmed that the other lots are also used exclusively for religious retreat purposes.

**Board Member Ure made a motion to reconsider the Board of Equalization's previous action on the subject properties owned by the Catholic Church. The motion was seconded by Board Member Elliott and passed unanimously, 4 to 0.**

**Board Member Ure made a motion to grant a tax exemption to the Catholic Church for Parcels ASR-II-R-2, ASR-40, ASR-41, ASR-42, and ASR-43 for the tax year 2010 with the findings of fact and conclusions of law that the properties are used exclusively for religious purposes. The motion was seconded by Board Member Elliott and passed unanimously, 4 to 0.**

## **CONSIDERATION OF APPROVAL OF STIPULATIONS**

**Board Member Hanrahan made a motion to approve the stipulations as presented. The motion was seconded by Board Member Ure and passed unanimously, 4 to 0.**

## **DISMISS AS THE BOARD OF EQUALIZATION**

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

The meeting of the Summit County Board of Equalization adjourned at 4:40 p.m.

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

**Board Member Elliott made a motion to convene as the Governing Board of the Snyderville Basin Special Recreation District. The motion was seconded by Board Member Hanrahan and passed unanimously, 4 to 0.**

The meeting of the Governing Board of the Snyderville Basin Special Recreation District convened at 4:40 p.m.

**CONSIDER APPROVAL FOR THE ALLOCATION OF OPEN SPACE BOND FUNDS FOR THE OSGUTHORPE CONSERVATION EASEMENT**

**Board Member Elliott made a motion to contribute \$300,000 as the first moneys to be allocated out of the recently passed open space bond to be used to purchase the Osguthorpe property. The motion was seconded by Board Member Ure.**

**Board Member Hanrahan amended the motion to state that they are allocating \$300,000 with the understanding that they will consider an additional \$300,000 in the future if there is money left over after they have reviewed and negotiated for other parcels.**

**Board Member Elliott did not accept the amendment to her motion.**

Board Member Elliott stated that she did not want to encumber the moneys further. Board Member Hanrahan stated that his motion would not encumber the money; it just indicates a desire to do something if the possibility arises.

**Board Member Elliott withdrew her motion.**

**Board Member Hanrahan made a motion to allocate \$300,000 of open space bond funds for the purchase of the Osguthorpe parcel and to also consider allocation of up to an additional \$300,000 contribution if there are funds remaining after other subject priority parcels are acquired.**

Board Member Ure stated that he did not understand the purpose of Board Member Hanrahan's motion. Board Member Elliott stated that she would be willing to wait until the last minute and grant last funds, but she was not willing to make a statement to the public that this is their intent until they see what the options are for the other funds. Board Member Hanrahan stated that his intent is to say that, if they have funds left over, they will consider using them for the Osguthorpe parcel. Board Member Elliott stated that, if Board Member Hanrahan would leave the number open ended, she would second the motion. Board Member Hanrahan stated that his motion stands as stated. Chair Robinson explained that the motion simply shows intent for use of future funds and is not binding.

**Chair Robinson vacated the chair and seconded the motion.**

Vice Chair Ure assumed the chair.

**The motion failed by a vote of 2 to 2, with Board Members Hanrahan and Robinson voting in favor of the motion and Board Members Elliott and Ure voting against the motion.**

Chair Robinson reassumed the chair.

**Board Member Elliott made a motion to allocate \$300,000 of open space bond moneys to purchase an easement on the Osguthorpe property. The motion was seconded by Board Member Ure and passed unanimously, 4 to 0.**

Board Member Hanrahan stated that, although he voted in favor of the motion, he believed they could make a stronger gesture, and he would support a stronger gesture.

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

**Board Member Ure made a motion to dismiss as the Governing Board of the Snyderville Basin Special Recreation District and to reconvene as the Summit County Council. The motion was seconded by Board Member Elliott and passed unanimously, 4 to 0.**

The meeting of the Governing Board of the Snyderville Basin Special Recreation District adjourned at 4:50 p.m.

**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, 4 to 0.**

The Summit County Council met in closed session from 4:50 p.m. to 5:35 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***

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

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

**REGULAR SESSION**

Chair Robinson called the regular meeting to order at 5:40 p.m.

- **Pledge of Allegiance**

**PROPOSED 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**

Matt Lindon, a member of the Park City Leadership Class 17, explained that their class unanimously chose civility as their topic. They will promote their season of civility with public service announcements and handing civility cards to people who act civil as recognition of their civil behavior. They hope this will help civility spread through the community, the County, the State, and the country. He read the proposed resolution proclaiming June 21, 2011, through September 21, 2011, as the season of civility in Summit County.

**Council Member Elliott made a motion to adopt a resolution declaring Summit County Utah as Civility County USA and proclaiming June 21, 2011, through September 21, 2011, as the season of civility in Summit County. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**APPOINTMENT OF TWO MEMBERS TO THE SUMMIT COUNTY RAP TAX RECREATION COMMITTEE**

**Council Member Hanrahan made a motion to appoint Kathy Apostolakos and Marla Garfield to the RAP Tax Recreation Committee with terms to expire December 30, 2014. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.**

**APPOINTMENT OF FOUR MEMBERS TO THE TIMBERLINE SPECIAL SERVICE DISTRICT**

**Council Member Hanrahan made a motion to appoint Jon Owen, Megan Fernandez, Liz Blackner, and George Michalko to the board of the Timberline Special Service District with terms to expire December 31, 2015. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**APPROVAL OF 2011 RESTAURANT TAX GRANT RECOMMENDATIONS**

**Council Member Elliott made a motion to accept the recommendations of the Restaurant Tax Grant committee as presented. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.**

**PROPOSED ORDINANCE NO. 758 – RESIDENTIAL PROPERTY TAX ABATEMENTS**

**Council Member Ure made a motion to adopt ordinance No. 758 regarding residential property tax abatements. The motion was seconded by Council Member Elliott.**

Council Member Hanrahan stated that he would not support adoption of this ordinance, because he believed there are unique circumstances that would not fall within the ordinance. He believed this would remove the opportunity for the taxpayer to come before the Council. Chair Robinson explained that, unless the County erred, the property would be taxed as a second home.

**Council Member Ure withdrew his motion.**

Council Member Ure suggested that they include language in the ordinance that would address Council Member Hanrahan's concerns.

**Council Member Hanrahan made a motion to table this item until the July 20, 2011, County Council meeting. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.**

**PROPOSED INTERLOCAL COOPERATION AGREEMENTS FOR NORTH SUMMIT AND PARK CITY AMBULANCE SERVICES**

Mr. Thomas provided a brief overview and explained that the County owns the ambulances and has interlocal agreements with the Fire Districts to administer those services for the Park City and North Summit Fire Districts. The updated interlocal agreement sets out the responsibility of each party. The County's responsibility is to maintain the ambulances and buy new ones when the old ones wear out.

Council Member Hanrahan asked if billings for ambulance services go to the Fire District or to the County. Chief Frank Heumann with the Park City Fire District explained that the fee for service is sent through a third-party billing company, and the money is deposited directly with the County. On a quarterly basis, the Fire Districts submit for reimbursement of operation expenses, including salaries, supplies, etc. That budget item goes through the County's regular budget approval process. Council Member Hanrahan asked if the fees are a revenue generator. Chief Heumann replied that for the Park City Fire District, they generate about the same amount of revenue as expenses. In North Summit and South Summit, the reimbursement rate is about 50%.

Mr. Thomas explained that this item comes to the County Council rather than being signed by the Manager because of the money involved in capitalization of the vehicles.

Council Member Hanrahan asked if it is typical to have this type of agreement where the County's General Fund covers any loss, or if it is more typical for the taxing entity fire district to take care of everything. Chief Heumann explained that the kind of license under which they operate provides that the County owns the vehicles, and the operator is the Fire District through a license issued through the Bureau of EMS. He explained that the County opted years ago to retain ownership of the licenses.

Mr. Jasper noted that the agreement continues for 6 years plus 1, and the only way it can be terminated is by mutual agreement. He would prefer to have a shorter agreement or an escape clause. Chair Robinson suggested that the term of the contract be for two years, and after that, either party could terminate the agreement upon 90 day's notice. He believed the chances that either party would want to terminate the agreement would be minimal.

Council Member Hanrahan asked if the Fire District has considered raising fees to be able to break even. Chief Heumann explained that the State sets the maximum rate for fees.

**Council Member Elliott made a motion to approve the interlocal agreement with the Park City Fire Service District subject to the amendment that after two years the agreement could be terminated by either party upon 90 days' notice. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**Council Member Elliott made a motion to approve the interlocal agreement with the North Summit Fire District subject to the amendment that after two years the agreement could be terminated by either party upon 90 days' notice. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**PROPOSED ORDINANCE NO. 760 – MANDATING A MORATORIUM ON APPLICATIONS FOR COMMUNITY ORIENTED RESIDENTIAL DEVELOPMENT ZONES (CORE)**

Council Member Ure verified with Mr. Thomas that this moratorium will not affect those CORE applications that are already in the application process. Mr. Thomas confirmed that this would not apply to the two CORE applications that are currently active.

Chair Robinson noted that the intent is to restructure the CORE Rezone process during the six-month moratorium period. He asked if State Code would provide for an extension to that six-month period. Mr. Thomas replied that State Code does not provide for an extension.

**Council Member Hanrahan made a motion to adopt Ordinance No. 760 mandating a moratorium on applications for Community Oriented Residential Development (CORE) Zones. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**COUNCIL MINUTES**

JUNE 1, 2011

JUNE 8, 2011

**Council Member Hanrahan made a motion to approve the minutes of the June 1, 2011, and the June 8, 2011, County Council minutes as amended. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.**

**MANAGER'S COMMENTS**

Mr. Jasper provided an update on flooding and reported that the Weber River has gone over the banks in several places. It was anticipated that flooding would peak at about 1:45 p.m. today. There has been some damage, but overall the flooding was slowed because of the weather and because of the investments and improvements the County has implemented. He thanked Staff for their many hours of work during the flooding.

Mr. Jasper reported that he met with the County Treasurer and with Mountain Regional Water Special Service District and their financial advisor. Mountain Regional was considering whether to issue a note, and he suggested a County loan to help with Mountain Regional's short-term cash flow needs rather than going out to the bond market. For their capital needs, the County is considering a 150 basis points loan, which is twice what the County makes now and a quarter of what it would cost to go out to the bond market. For the Summit Park improvements, Mountain Regional will try to go to the State for a facilities improvement loan, which would probably be at about 1.5%. Council Member Ure asked what kind of authority the County would have to call the loan if they find they need the money. Mr. Jasper replied that it is up to the Treasurer to determine how to invest, and he had suggested this as a way to save ratepayers and taxpayers money. The County has cash, and this is a matter of appropriating it in such a way that everyone

profits, which would be a better investment on the County's cash than it currently receives. He explained that the County Council is Mountain Regional's governing body, and they could structure the loan or direct a rate increase if needed. Chair Robinson commented that he would prefer to structure it so that the interest rate is variable and would be a certain number of basis points above what the County is currently earning.

### **COUNCIL COMMENTS**

Council Member Ure asked that the Council send a letter of appreciation to the Provo River Water Users for opening their gates and taking the pressure off the Weber River.

Council Member Hanrahan recalled that the Council discussed putting a ballot initiative before the voters regarding whether they would release a certain amount of money from the Tax Stability Fund to the General Fund. He believed that would be a good idea and asked about the deadline to put it on the ballot. Mr. Thomas explained that the resolution needs to be adopted 75 days before the election, which would be mid-August. The Council Members requested a work session on the resolution on July 13 and hoped to have it on the agenda for action on July 20.

Chair Robinson reported that he sent an e-mail to Public Works Director Kevin Callahan regarding a dyer's woad outbreak in portions of the Snyderville Basin and asked if someone from the Weed Department could look at those areas. Mr. Jasper stated that he received a reply from Mr. Callahan, who explained that part of it is UDOT's responsibility, and some of it is the landowner's responsibility. Chair Robinson stated that it is not just in one location. Mr. Jasper offered to have Mindy Wheeler take a look at it and see what can be done to address it. Council Member Elliott reported that there is mustard garlic all over the entryway to Highway 224.

Assistant Manager Anita Lewis noted that the RAP Tax cultural/recreation bond that passed last year did not include a breakdown of how the funds would be distributed. Therefore, it will be up to the County Council to decide how the funds will be allocated. She reported that the two committees have discussed this and recommend a 50-50 split, and this item will come before the County Council within the next couple of weeks. The recreation funds are distributed based on population, and the committees recommended that be based on the 2010 Census.

### **PUBLIC INPUT**

Chair Robinson opened the public input.

Tassy Williams stated that she and other County residents are here on behalf of their children who are exhibitors at the Summit County Fair. Because they are from the Kamas Valley, they camp at the fairgrounds, because their children need to be on site several times a day to exhibit their animals. In the past they have been able to camp at the fairgrounds, but this spring the Fair Board and County Manager decided that they could no longer camp next to the livestock tents where the children's animals are. She requested that the County Council hear their issues concerning being moved across the river and through a parking lot to camp far away from their exhibits. She explained that they would like to be able to camp closer because of their children's safety. She reported that they had a meeting with Ms. Lewis in April, and Ms. Williams understood at that time that there was an issue with insurance and liability. They discussed at that meeting that it is a greater hazard to be farther away and for the children to have to come through a parking lot, over the river, and through a driveway area to get to their animals several

times a day. She stated that they would be willing to sign a waiver and monitor themselves. She provided maps of the fairground area and indicated the various venues where livestock are housed and shown and the area where they have been able to camp in the past. She indicated the location of the proposed camping area and her safety concerns related to camping in that area. She noted that the carnival people are allowed to camp next to their equipment, and the night of the rodeo, the clowns and stock contractors are able to camp next to the arena, and she felt they were being discriminated against. She stated that they would agree to time limits or other restrictions and that they want to stay where they have been for the last 20 years and allow their families to have the experience they have had for years.

Mr. Jasper explained that this is his decision. He indicated the location where they would like the families to camp, which is only 50 or 60 yards from the current location. He explained that he and Ms. Lewis have tried to discuss this issue with the families and the insurance company, and from their point of view it is not safe for the children or other people at the fair to park in the location where the families have been camping. This use is not appropriate in the middle of the fairgrounds, so the County asked that they move a short way across a footbridge to park and camp, and he believed that was appropriate for the safety of the children. Ms. Lewis explained that all campers are being given this same information and direction.

Ms. Williams requested that the County provide some fencing around the river, lighting, and a sound system so they can hear the announcements for the events if they have to camp on the other side of the bridge.

Lorraine Jones stated that, in the 16 years they have camped at the fair, there has never been a problem, vandalism, or property damage. She stated that they are there for their children, and they look forward to camping at the fair as their summer vacation. They spend several hundred dollars with the vendors each year, and they do nothing to take away from them.

Tom Snyder commented that it sounds like one man has made the decision about what is going to happen. If that is the case, he suggested that they may need to move the livestock show somewhere else if the County is not willing to work with them. There has never been a problem, and he did not understand why they have to change now. He stated that other people will go with them if they decide to move this somewhere else other than the fair.

Chair Robinson closed the public input.

**PUBLIC HEARING – POSSIBLE APPROVAL, EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE AMENDMENT, SECTION 11-6-1, NON-CONFORMING USE,  
STRUCTURES AND LOTS, THROUGH ADOPTION OF ORDINANCE 759**

County Planner Tiffanie Northrup-Robinson explained that the Eastern Summit County Development Code was amended in 2009 to not allow expansion of non-conforming uses. Since then, this has become a problem for citizens of Eastern Summit County, and Staff has looked at how to allow more flexibility and some minor extensions of non-conforming uses. She reviewed the proposed criteria for expansion of a non-conforming use as outlined in the staff report and provided examples of how the criteria would apply. Both commercial and residential expansions of non-conforming uses would have to meet 10 special standards, and all 10 criteria must be met. Expansion of a non-conforming use would not be allowed if it would increase density or if it is within sensitive lands. Expansion of a non-conforming commercial or industrial use would also

require a LIP and a public hearing. If a non-conforming use has been abandoned for more than a year, it could not be expanded, and the burden of proof would be on the owner to prove that the business has not been abandoned.

Chair Robinson opened the public hearing.

Dave Richards, representing Dave Richards Architects, stated that he is in favor of changing the ordinance. He stated that his client owns property in Beaver Creek Ranch Estates and came to the Board of Adjustment in March because of a 100-foot stream setback that was enacted after his client's cabin was constructed. The Board of Adjustment was hesitant to approve an expansion to the cabin as a hardship. He believed that when the County applies new setback ordinances in areas where there are existing structures, it creates a problem for a lot of residences. He believed the Code amendments would provide some leeway, be more practical, and protect other people's interests. He recommended that the Council consider this language. If there are concerns about the commercial portion of the amendments, he suggested that the Council approve the residential portion of the amendments and address the commercial portion later.

Chair Robinson closed the public hearing.

Council Member Ure asked about several recent circumstances where people have requested expansion of non-conforming uses and how these amendments would apply to them. Planner Northrup-Robinson explained that Reese's Metal Shop could go through the LIP process under the proposed Code language, but they have chosen to request a rezone on their property. On another recent request, because of the odd shape of the front setback, the request would not have been entirely approved. With regard to the Donaldson situation, because the existing structure is right on the property line, the Code amendments would not remedy their situation. Staff acknowledges that the amendments will not fix everything, but in some cases these amendments will work for people who need to expand a non-conforming use.

Council Member Hanrahan suggested that Staff take these amendments to the Snyderville Basin Planning Commission as well. Planner Northrup-Robinson replied that she will hold a work session with the Snyderville Basin Planning Commission on non-conforming uses in July.

Chair Robinson asked if the Council Members were comfortable with allowing Staff to make the determination on applications for residential and agricultural expansions of non-conforming uses. Community Development Director Don Sargent explained that the Code previously required all expansions of non-conforming uses to go through the Conditional Use process. That was then changed to eliminate all expansions of non-conforming uses. Now the Planning Commission is proposing something that is somewhere in the middle by requiring a LIP with a public hearing for expansion of commercial and industrial uses and a LIP for expansion of residential and agricultural uses without placing such a burden on the applicant. Chair Robinson asked if an adjacent landowner would have the right to appeal a decision to grant a LIP and how they would know about it if it did not go through a public hearing process. Mr. Thomas replied that any individual who may be impacted would have the right to appeal within 10 days. Just as with a building permit, the neighbor may not know that a permit has been issued. Chair Robinson requested that Staff be very cautious when issuing a LIP for expansion of a residential or agricultural non-conforming use.

Council Member Ure commented that he is defensive on the part of the property owner, and in most cases, the County has made changes that have caused the properties or uses to become non-conforming. The people did not do anything wrong, and he believed their rights need to be protected.

**Council Member Hanrahan made a motion to adopt Ordinance 759 to amend the Eastern Summit County Development Code regarding non-conforming uses, structures, and lots. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

**DISCUSSION ITEM – DISCUSSION AND POSSIBLE RECONSIDERATION OF BEEHIVE HOMES APPEAL**

Chair Robinson recalled that this appeal was heard a couple of weeks ago, and members of the audience were disappointed that they were not given an opportunity to speak. He explained that anyone who wishes to discuss the appeal with the Council must ask for intervener status when they sit as a quasi-judicial body, which is like a judge hearing an appeal in court. Although the County Council made a decision on the appeal, they were concerned that they had not heard from the public, so they have elected to discuss whether to reconsider their decision. They also decided to get an outside opinion with regard to the law related to the appeal, because they have been sworn to uphold the law, even though they sometimes may not like its ramifications. He explained that it is the County Attorney's responsibility to hire outside counsel, and that outside counsel has provided a letter with his decision. He asked Mr. Thomas to provide a brief summary of the letter. He explained that, if they choose to reconsider this matter, they would vacate the decision made previously and start the process over again with another hearing where the appellant and any interveners would present their positions.

Mr. Thomas read the opening remarks from the outside legal opinion, which stated that it was counsel's opinion that the Council's actions are the only legal course available. They acted squarely within the four corners of the law by reversing the Snyderville Basin Planning Commission decision since Federal, State, and County law require that the CUP be issued. The law requires that the County provide a zone in which group homes would be allowed, and the County has provided that one of those zones is the Rural Residential Zone (RR). Therefore, it was consistent with the statutes and law for Beehive Homes to submit an application, and the County can only make conditions on this application that are consistent with other requirements in the RR Zone. The RR Zone has height and setback requirements, but no size requirements and no bond requirement, and there are no limitations on the number of persons.

Chair Robinson noted that there is a provision in the draft findings of fact and conclusions of law that have not yet been adopted that, if this use were to fail, the CUP would automatically lapse.

Chair Robinson opened the public input.

Matt Hutchinson, an attorney representing the Park Ridge Estates Homeowners Association, noted that he is not speaking on behalf of the entire association. He stated that he has reviewed outside counsel's decision and has done research as to whether the Fair Housing Act requires this application or this appeal to be granted. Based on his research and the concerns of the neighborhood, he believed the appeal should be reconsidered and that the Council should conduct a de novo review of the application. Since Summit County has not established a standard of review for Planning Commission decisions, they are to conduct a de novo review,

and that has not occurred. Chair Robinson clarified that the appeal hearing was a de novo appeal. Mr. Hutchinson claimed that no fact finding was conducted. Mr. Thomas explained that there was fact finding. Mr. Hutchinson stated that two questions need to be resolved. One is whether the Federal Fair Housing Act applies, and if it does, the other is whether the requested accommodation is reasonable and necessary. He believed it has been assumed that some of the residents of the home will be disabled, but that does not seem to be a condition for their living in the home. Just because a person is elderly and chooses to live in this type of facility does not mean they are disabled, and that question needs to be answered before the County abdicates its responsibility to apply the General Plan and Development Code to this application. With regard to whether the requested accommodation is reasonable and necessary, the Planning Commission found that the size of the structure is incompatible with the neighborhood and should comply with the requirements of the Snyderville Basin General Plan and Development Code. The Fair Housing Act does not require all accommodations, only those that are necessary and reasonable. The independent counsel's letter stated that the applicant provided sufficient information so that the conclusions could be drawn that this particular size of facility was necessary. Mr. Hutchinson argued that the necessity of this size and number of rooms has not been established. He stated that the applicant has not shown that 10 rooms would not be feasible, and this particular application does not need to be granted as proposed, or at least it is too soon to make that conclusion.

Bill Hartlieb stated that he sent a letter to the County Council stating that he thought the Snyderville Basin Planning Commission did a good job in making their decision. He believed a key aspect is whether this application must be approved or whether it may be approved. He was not certain that the information the Council received clearly defined that. He reviewed the issues the Planning Commission discussed in making their decision and stated that there are other issues that could also help illuminate more about the project. One is whether the project has been determined to be financially viable. He stated that this does not feel like a neighbor moving in; it feels like a business moving in and doing what they can to make money, which goes against their neighborhood view.

Randy Hamburger, a resident of Park Ridge Estates, stated that they are not against the elderly living in their neighborhood, but one competing issue is the size. The neighborhood wants this as small as possible, and they are trying to match that with a business that is obviously wanting to make this as big as possible to make a profit. He asked if anything has been done to look into the economics of Beehive Homes, and he believed it would be a good gesture on the Council's part to determine whether there is a prudent return on this investment or whether it might be excessive. With regard to snow removal, he questioned where the applicant would put the snow and expressed concern that they might have to bring in equipment along Highland Drive to remove the snow from the site, which would impact traffic. He also expressed concern about construction workspace and whether equipment would be parked along Highland Drive. He requested that the Council ask the applicant to voluntarily comply with the HOA's setbacks and stated that this will be a huge structure that will be right in the face of some of the neighbors.

Cindy Beem a resident on View Drive, expressed concern that, if Beehive were to go bankrupt, there would not be a stopgap to prevent a residential treatment facility from occupying the building in the future. A residential treatment facility would have a high occupancy rate turnover. Both the public school and public transit bus stops are located adjacent to this site. As a parent of a daughter with Down's syndrome, she expressed concern about the safety and welfare of the children in the neighborhood if this were to become something other than a facility

for the elderly. She noted that the proposed site plan shows no land dedicated to outdoor activities, and she was concerned about the welfare of the Beehive residents because of the lack of an outdoor activity area. She stated that the Utah Code states that site design for assisted living facilities shall include surrounding land for outdoor activities, and she was not certain that the State would approve the building with no outdoor activity area. She also referred to the Utah Code requirements regarding facilities storing or disposing of infectious waste and stated that the County has no information on the quantity of infectious waste that would be generated by Beehive. She asked whether Beehive plans to use the County's waste receptacles and how they would be secured so there would be no infectious waste in their neighborhood. She commented that Beehive is a business, and there will be contractors, electricians, employees, and visitors, which means a lot of strangers will be entering their neighborhood, and as the parent of a handicapped child, she is worried about her safety.

Andre Shoumatoff stated that he is not opposed to this specific facility, but the issue for him is the size and some level of compromise. With the reduction in size to 16 rooms, he believed they were getting pretty close, but there are a few outstanding issues. He stated that he reviewed the letter from outside counsel and the County's findings, and a key point is that they assume all elderly persons are disabled. He stated that he know several people who fit in that category who are clearly not disabled. He stated that the State attempted to address that in the State Code by saying that it cannot be more than eight persons and may not operate as a business, and he has e-mailed that to the Council Members. He noted that last year HB 400, which would have allowed businesses like Beehive to go through, did not get past committee. Outside counsel's letter states that the Council has a direct responsibility to make sure that the business is financially viable, and it was Mr. Shoumatoff's opinion that very little diligence was done on Staff's part to be sure that happens. He asked that the Council look in greater depth at those two specific issues rather than relying on quick little sessions and quick little 5-page summaries from outside counsel. He suggested that, if it is not possible to do due diligence on the financial aspect, they should ask the applicant to provide a bond. He believed that, if a compromise could be reached, they could potentially let this go and stop taking up everyone's time.

Bob Willard, a resident on View Drive, verified with Chair Robinson that he said if this facility were used for anything other than assisted living, the permit would be revoked. He provided information stating that a sex offender lives at a Beehive Home in Draper. Council Member Hanrahan explained that sex offenders live all over the County. They are allowed to live where they want, and the Sheriff tracks where they are. Mr. Willard expressed concern that this could turn into a halfway house. If a facility is called an assisted living facility and they put sex offenders in it, that changes the use. He did not think they would want a sex offender living next to the school bus stop.

Chad Lundstrom, a resident on View Drive, asked if there is anything to keep the applicant from doubling up on residents in the rooms if the County makes them decrease the number of rooms. He asked if anything in the permit would restrict the number of occupants in the rooms. Chair Robinson explained that the applicant would have State license requirements that spell out what they can do, and the County can put conditions on the CUP.

Pat Patterson, a resident on Park Ridge Drive, asked if the reduction from 20 rooms to 16 rooms included a reduction in square footage.

Karen Holly stated that she lives across the street from the proposed site, and her concern is compatibility with the neighborhood. She stated that she moved here for the Park City mountain experience and feels like the size and look of the building looks like a business. She stated that her home is her place of peace, and she does not feel this is compatible with the neighborhood.

Stephen Wattrick, legal counsel for Beehive Homes, clarified that not all elderly people are handicapped, and not all handicapped people are elderly. It is possible that they could have someone in their facility who is younger than 62, but primarily the residents are over 62 years of age. The nature of the facility is to provide assisted living services, and people who are athletic and fit do not pay to live in their facilities. The people who live in their homes are unable to live independently, and that is what makes them disabled. They are people who have worked hard all their lives and set money aside so that, when they cannot live independently, they can pay for assisted living services. They still want to live in the kinds of neighborhoods other people live in and do not want to live in a commercial area and have to listen to commercial traffic in the middle of the night. With regard to whether they might go bankrupt, Mr. Wattrick explained that they did have one operator in Utah who declared bankruptcy. However, that was not because of her Beehive Homes but because she had another business that failed. When that happened, the franchise bought the homes, found a new operator, and they are up and running. He explained that they have never lost a Beehive Home. He noted that the applicant has spent \$30,000 to redesign the structure to comply with 16 rather than 20 rooms, which necessarily decreased the size of the building. They like Beehive Homes to be smaller and more compatible with the neighborhood, but they also have to live within economic constraints to be profitable. He explained that this is not a nursing home, and they do not have contagious waste. There are some needles associated with residents who have diabetes, which exists in every neighborhood, and the State regulates how they dispose of them. Mr. Wattrick summarized that Beehive Homes complies with the statute, and they see no reason for reconsideration of the appeal and ask that the request for reconsideration or intervention be denied.

Dennis Tolman, representing Beehive Homes, stated that when they voluntarily reduced the size of the home, he asked the civil engineers to redesign the home and move the location as requested by the County Council. The site plan and building plan have been taken to the State Health Department, and they have received approval from the State. He stated that they will comply with what the County requires as far as garbage removal. He verified that they cannot survive financially in today's climate with homes smaller than 16 rooms. He emphasized that Beehive Homes do not double bunk. The only people who share a room are married, except for two sisters who wanted to stay together in the same room. Because of their licensing, they can only have 16 residents in the home. If a couple stays in one room, they must leave one room vacant. Mr. Tolman explained that, if someone comes to stay in one of their homes who is younger than 62, he must get a waiver from the State. There are currently two residents in Beehive Homes in Utah who are younger than 62, and both of them have muscular dystrophy.

Council Member Hanrahan asked if this would be a Type I assisted living facility. Mr. Tolman replied that it will be a Type II facility. If a person needs extra medication due to Parkinson's disease or diabetes, that cannot be done in a Type I home. In a Type II home, they can help administer those medications. Council Member Hanrahan also explained that a Type I facility allows for up to two adult daily living activities, such as medication and showers. A Type II home can provide more than two types of help. Mr. Tolman explained that both types of homes require that the residents be ambulatory and that the residents not have Alzheimer's.

Chair Robinson closed the public input.

Council Member Hanrahan noted that, unless the County changes the existing use chart or its ordinance, someone could apply for a CUP for a residential treatment facility in the RR Zone, and the condition that the CUP would lapse if the use changes really does not mean anything. Chair Robinson explained that the current applicant could not sign the CUP over to someone else based on that condition. Mr. Shoumatoff stated that, if the County would require a bond that the building would be torn down if the applicant goes out of business, that would solve that problem.

Council Member Elliott asked Mr. Thomas to explain the financial viability issue. Mr. Thomas explained that the cases cited by the outside counsel were very specific as to the kind of financial viability the courts look at. The court said that local jurisdictions could not restrict the number of rooms so that the facility becomes non-financially viable and thus would go away, which would in effect be a way of turning the facility down. There is nothing in the County Code that requires anyone who makes application for a commercial or residential use to prove financial viability. Since that is not required of anyone else, it cannot be required of this applicant, because doing so would be discrimination and violate Federal statute.

Chair Robinson asked if Beehive Homes screens its residents or does criminal background checks. Mr. Tolman replied that they do, and the State Health Department does not require them to allow people into their homes who are in drug treatment programs or under State supervision, such as parole. However, a person could sue Beehive if they deny access if there is a room open and the person has the financial ability to pay. He stated that they have to rely on what people represent to them when they apply to come into their homes, and the gentleman in Draper may not have told the truth. Now that they are aware of it, they will look into it. He stated that they have never had an issue with sex offenders or other legal issues in the 24 years they have been in business.

Chair Robinson asked about providing adequate space for snow removal and construction work on site. Mr. Tolman replied that they will do whatever the County requires. As far as he was aware, everything they have done complies with County regulations. They always keep construction on site and do not want to have problems with their neighbors.

Council Member Elliott asked if the applicant would provide a snow removal plan. Mr. Tolman replied that they would be happy to if that is a requirement. He stated that their civil engineer is from this area and is aware of what needs to be done, but if se they need to do something else, they will be happy to comply. Council Member Hanrahan noted that, unless they reconsider the appeal, the Council cannot impose additional conditions for mitigation on this applicant. Mr. Thomas explained that the applicant would be subject to the Code requirements for snow removal.

Chair Robinson requested that Mr. Tolman provide the Council Members with the revised site plan. He stated that he would like to see the final site plan before he signs the findings of fact and conclusions of law.

Mr. Shoumatoff stated that, if someone cannot afford to live in the facility, the facility does not necessarily have to allow them to live there. He claimed that the County Council has the ability to enforce that as well. Therefore, the Council has the ability to enforce due diligence on the applicant on the financial level. A great compromise would be to require a bond, and there is no

reason that could not be included in the CUP. Mr. Thomas explained that it is not legal for the Council to do that.

Council Member Hanrahan commented that he did not believe the Council did a good job of vetting this two or three weeks ago. It seems that the system was short circuited at the Planning Commission level. They were still working through the process, looking at impacts and conditions for mitigation, and the applicant wanted a decision that night, so the Planning Commission voted it down. Then it came to the County Council, and he did not know what impacts the Planning Commission considered or might have considered if this had run its full course. They have heard this evening a number of potential impacts that should be considered, and he believed they should more fully look at this process, because the Planning Commission did not get that opportunity. He was not convinced that they could not look at the impacts of the building size, and he believed it was too big. He thought it would be difficult to mitigate some of the impacts based on the size of the building, and he believed there was still some room to say that the only way to mitigate some of those impacts is to have a smaller building. He would support reconsideration, because he did not believe the Council has the information it needs to put all the conditions in place.

Council Member Elliott stated that she would also support reconsideration. She stated that she feels strongly about not approving things that are less restrictive than HOA CC&Rs. She believed HOAs are the best way at the grass roots level for people to protect their own homes and way of life. She explained that the Council is totally constrained by State and Federal law. They are trying to do the best they can to protect the homeowners' interests while upholding the law. She asked Beehive Homes to be the best neighbors they possibly can, to be mindful of the neighbors' concerns, and to try to comply voluntarily with the HOA restrictions and neighborhood needs so they can move into a neighborhood where they are welcome rather than where they are not welcome. She agreed that they did not give the Planning Commission enough time to give the Council the kind of information they rely upon them to give.

Council Member Ure stated that they have had two attorneys state exactly the same thing, and he would not support reconsideration. He believed they need to move ahead. There appear to be holes in the County Code that they need to repair and try to learn from this next time.

Chair Robinson stated that he would like to see the site plan before he would vote to reconsider. It appeared to him that the applicant has reduced the size even more than what the Council asked for. He would not be in favor of reconsideration this evening, but he also would not be in favor of approving the findings of fact tonight. He recommended that the applicant meet with the HOA to work out any issues they might have.

The County Council meeting adjourned at 8:50 p.m.

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*Council Chair*, Chris Robinson

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*County Clerk*, Kent Jones



## STAFF REPORT

**To:** Summit County Council (SCC)  
**Report Date:** Thursday, July 21, 2011  
**Meeting Date:** Wednesday, July 27, 2011  
**Author:** A.C. Caus, County Planner  
**Title:** The Pines Ranch Special Exception  
**Type of Item:** Public Hearing  
**Future Routing:** N/A

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**EXECUTIVE SUMMARY:** The appellant, Peter Ottosen, representing the Pines Ranch Inc., is requesting a Special Exception to allow the Pines Ranch Inc. flexibility in rebuilding, remodeling and increasing the size of the cabins located at the Pines Ranch.

**Staff recommends that the SCC conduct a public hearing to gather any public comment, review Staff’s analysis, and vote to approve the request for a Special Exception to allow for the Pines Ranch to maintain 25 cabins on the property with findings and conditions located in Section G of the Staff Report. Alternatively, the SCC may choose from one of the other options located in Section G of the Staff Report.**

### A. Project Description

- Project: The Pines Ranch Inc.
- Applicant(s): Peter Ottosen
- Owner(s): The Pines Ranch Inc.
- Location: 6500 East Weber Canyon Road, Summit County, UT
- Zone District: Agriculture Grazing 160 (AG-160)
- Adjacent Land Uses: Residential/Agriculture
- Existing Uses: Residential
- Parcel numbers: CD-689 (553.34 acres), CD-693 (46.66 acres), CD-696 (5 acres), CD-696-A (5 acres), CD-696-B (5 acres), CD-696-C (5 acres), CD-696-D (5 acres), & CD-696-E (15 acres) – 640 acre TOTAL
- LOR status: LORs

### B. Community Review

A public hearing notice was published in *Summit County News*, and public hearing notices were mailed to property owners within 1,000 feet of the subject property. As of the date of this report, no public comment has been received.

### C. Background

The Pines Ranch is a 640 acre property that consists of eight (8) parcels, located in Weber Canyon and has become a summer cabin community. All of the cabins are

situated on the 553.34 acre parcel (CD-689). The property was purchased in 1907 by an association of families who decided to share the land as a common property. Originally the property was used for camping, but by the 1920s individual cabins began to be constructed. These cabins were primarily constructed from on-site materials such as large stones and trees. Through the years, most of the cabins went through improvements to create a more modern cabin area. The community evolved into twenty four (24) cabins which are mostly in use and one (1) care taker's cabin which has been abandoned for many years and for which only the original stone foundation remains.

In 2008, one of the share holders of the Pines Ranch applied for a building permit with a plan to demolish an existing cabin and construct a new one on Parcel CD-689. Upon reviewing the building permit the Staff found that there are 24 dwelling structures on Parcel CD-689. Under the current Eastern Summit County Development Code, a "Lot of Record" is eligible for the development of only one (1) single family dwelling, if the requirements for a building permit can be satisfied.

*The definition of a "lot of record" is, "Any parcel of real property (lot) identified in a subdivision plat approved by Summit County and recorded in the office of the Summit County Recorder is a "lot of record". Any parcel/lot described in a deed, sales contract or survey, that was recorded in the office of the Summit County Recorder before August 1, 1977 is a "lot of record". Any parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Summit County Recorder between August 1, 1977 and June 30, 1992 which complied with the zoning requirements in effect at the time of its creation is a "lot of record". There are parcels/lots within Eastern Summit County that, while their existence may be recorded in the office of the Summit County Recorder, were not lawfully created in accordance with the laws of Summit County as described herein. Summit County will not issue a building permit for such parcels/lots".*

Parcel CD-689, containing **553.34** acres was determined to be a legal "lot of record", but with the 24 existing cabins on the property would not meet the current Code requirements for number of single family dwellings. As such, the dwellings are considered legal nonconforming, limiting the future ability to be expanded, relocated, or replaced.

In September of 2009, the applicant submitted a Special Exception application. Before Staff could move forward, a site plan was required to show the existing cabin area. The applicant stated that they wish to place the special exception on hold until they could survey the cabin area. Between September of 2009 and October of 2010, the application was stagnant due to the delay in obtaining a survey. Since October of 2010, the applicant has been working with Staff to move forward with the application.

#### **D. Identification and Analysis of Issues**

##### **Building sizes**

Staff has conducted an analysis of the sizes of the cabins at the Pines Ranch and has found that they vary between 876 sq. ft. and 5988 sq. ft. for an average size of 2075 sq.ft. Most of the improvements that have been performed at the Pines Ranch were completed without building permits, so Staff does not have records of the original cabin sizes. The applicant is requesting a maximum building size of 6,000 sq.ft., however Staff recommends that the maximum building size be limited to the average size of 2075 sq. ft. Additionally, the applicant is requesting that each Cabin be allowed one appurtenant out

building, such as a shed, barn, or garage, which shall not exceed three hundred eighty-five (385) square feet.

### **Lots of Record**

There are a total of eight (8) Lots of Record for the 640 acre property. All cabins are located on parcel CD-689. Staff has proposed a condition of approval that the remaining seven (7) Lots of Record and density would be absorbed by the cabins with the approval of the Special Exception, thus limiting the number of units on the property to the current twenty five (25).

### **Recommended Notes**

A final site plan is to be recorded as part of any special exception approval, codifying the approved uses and configuration. Staff recommends the addition of plat notes to the site plan for the Pines Ranch, to give clarity to share purchasers and County Staff into the future. These notes contain the conditions of approval and outline the allowed uses for the site according to the special exception. Therefore, Staff recommends the following notes:

1. Structure Size. Pines Ranch or the shareholder who owns any cabin may increase the interior square footage of a cabin up to 2,075 square feet (gross), provided that all of the Summit County Planning and Building Department requirements are being met. This square footage limitation shall apply only to interior square footage and shall not apply to decks, and patios; however, the total land area footprint (cabin main floor, garages, decks, and patios) of any Cabin shall not exceed 3,000 square feet.
2. Each Cabin shall be allowed one appurtenant out building, such as a shed, barn, or garage, which shall not exceed three hundred eighty-five (385) square feet, provided that all of the Summit County Planning and Building Department requirements are being met. No dwelling units shall be improved in any of the accessory structures.
3. Setbacks and Side Yards. Each of the 25 Cabins shall have the following minimum setbacks and side yards: 100 feet front, 50 feet side and rear, and 100 feet from the stream, except for any existing cabin that currently has a lesser setback. In no case will new construction further encroach into existing setbacks.
4. Smith and Morehouse River Setback. No Cabin shall be located closer to the Smith and Morehouse River than its current location or within 100 feet of the river, whichever is closer. New construction is required to meet all County specified setbacks.
5. Number of Cabins. No more than twenty-five (25) Cabins shall be built on this Property (Parcel CD-689).
6. Cabin locations shall be as identified on this recorded Final Site Plan.

7. The boundaries of this final site plan are now considered to represent one (1) Lot of Record in total. Any previously existing Lots of Record have been absorbed into the overall property.
8. Building Permits. The County shall issue Building Permits to Pines Ranch or the shareholder applicant for the replacement, relocation, reconstruction, remodeling, improvement, and/or maintenance of the Cabins in accordance and upon compliance with the Building and Zoning requirements.
9. Nothing shall limit the future exercise of the police power of the County in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances and regulations after the date of this Agreement.

### **Waste Management**

Bob Swensen with the Health Department was contacted concerning the septic tank usage and he stated that the Health Department has not had any issues or complaints with the subject property.

### **Fire Protection**

The subject property is located within the Wildland Urban Interface Zone; therefore there may be additional requirements from the Fire District for new building permits.

## **E. General Plan Consistency**

Staff has reviewed the project for consistency with the Eastern Summit County General Plan goals and policies.

3.1.4 POLICY: Permit only one (1) single-family dwelling unit on any legal non-conforming lot.

*The cabins on the subject parcel were established prior to adoption of the General Plan. The Community Development Department considers these to be a legal non conforming use.*

3.2 OBJECTIVE: Ensure that lawfully created non-conforming uses and recreational dwelling units are developed with minimal impact on the environment.

*Staff has proposed a limit on sizes and setbacks to ensure that minimal impact is placed on the environment.*

3.2.1 POLICY: Allow one dwelling unit on previously approved, lawfully created lots as a non-conforming use in the zone district in which they are located.

*Staff has found that this General Plan Policy is not being met, but as a Special Exception, the SCC can determine that this is a unique circumstance that does not need to meet this policy.*

6.2.10 POLICY: Require non-conforming lots to meet minimum standards for septic and water and encourage them to be developed in a manner which is sensitive to the land.

*All Health Department requirements shall be placed upon the property.*

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

Before an application for a special exception can be approved, it must conform to the following criteria:

1. The special exception is not detrimental to the public health, safety, and welfare. *The special exception is not detrimental to the public health, safety, and welfare. The cabins have been in existence since 1920s. Staff has included conditions on sizes and setbacks to protect public health, safety, and welfare. Sheriff, Fire, and Health Departments have stated that they have no objection for the proposed application.*
2. The intent of the Development Code and General Plan will be met. *The application does not meet all requirements of the Development Code and General Plan, but the application is of unique circumstances and the SCC can determine whether the general intent is still being met.*
3. The applicant does not qualify for any other equitable processes provided through the provisions of the Code. *The applicant does not qualify for any other equitable process provided through the Code, since the zoning requirements can't be met but the use is legal non-conforming.*
4. There are equitable claims or unique circumstances warranting the special exception. *With no Code requirements in the 1920s, the cabins were legal at the time of construction, and the applicants want to ensure the ability to rebuild and modify them into the future, beyond the restrictions currently imposed on nonconforming structures and uses. To ensure clarity into the future, Staff recommends that all of the current density associated with the Pines Ranch and the existing lots be absorbed into the property as a whole with the proposed Special Exception. This ensures that equitable claims are addressed. (Please see conditions of approval in Section G of the Staff Report.)*

**G. Recommendation(s)/Alternatives**

Staff recommends that the SCC conduct a public hearing to gather any public comment, review Staff's analysis, and choose Option 1 below:

**OPTION 1:**

Vote to approve the proposed Special Exception to allow the Pines Ranch Inc. flexibility in rebuilding, remodeling and increasing the size of the cabins located at the Pines Ranch based upon the following findings and conditions:

**Findings:**

1. The special exception is not detrimental to the public health, safety, and welfare.
2. The intent of the Development Code and General Plan is being met.
3. The applicant does not qualify for any other equitable process identified in the Code.
4. There are equitable claims or unique circumstances warranting the special exception.

**Conditions:**

1. All requirements of the Summit County Health Department, South Summit Fire District, and any other applicable service providers shall be met prior to and following Final Site Plan recordation.
2. The following notes shall be placed on the Final Site Plan:
  1. Structure Size. Pines Ranch or the shareholder who owns any cabin may increase the interior square footage of a cabin up to 2,075 square feet (gross), provided that all of the Summit County Planning and Building Department requirements are being met. This square footage limitation shall apply only to interior square footage and shall not apply to decks, and patios; however, the total land area footprint (cabin main floor, garages, decks, and patios) of any Cabin shall not exceed 3,000 square feet.
  2. Outbuildings. Each Cabin shall be allowed one appurtenant out building, such as a shed, barn, or garage, which shall not exceed three hundred eighty-five (385) square feet, provided that all of the Summit County Planning and Building Department requirements are being met. No dwelling units shall be improved in any of the accessory structures.
  3. Setbacks and Side Yards. Each of the 25 Cabins shall have the following minimum setbacks and side yards: 100 feet front, 50 feet side and rear, and 100 feet from the stream, except for any existing cabin that currently has a lesser setback. In no case will new construction further encroach into existing setbacks.
  4. Smith and Morehouse River Setback. No Cabin shall be located closer to the Smith and Morehouse River than its current location or within 100 feet of the river, whichever is closer. New construction is required to meet all County specified setbacks.
  5. Number of Cabins. No more than twenty-five (25) Cabins shall be built on this Property.
  6. Cabin locations shall be as identified on this recorded Final Site Plan.
  7. The boundaries of this final site plan are now considered to represent one (1) Lot of Record in total. Any previously existing Lots of Record have been absorbed into the overall property.
  8. Building Permits. The County shall issue Building Permits to Pines Ranch or the shareholder applicant for the replacement, relocation, reconstruction, remodeling, improvement, and/or maintenance of the Cabins in accordance and upon compliance with the Building and Zoning requirements.
  9. Nothing shall limit the future exercise of the police power of the County in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances and regulations after the date of this Agreement.

3. Seven Lots of Record. In consideration with the approval of the Special Exception, the remaining seven (7) Lots of Record and the associated density shall be absorbed into the overall parcel and counted toward the 25 cabins with the approval of this Special Exception, and the Pines Ranch shall refrain from allowing Cabins or other structural improvements on the previous seven Lots of Record.
4. The Final Site Plan shall be recorded within one (1) year of the date of approval.

**OPTION 2**

If the SCC does not feel prepared to make a decision, they may instead vote to continue the item to another meeting, with specific direction to Staff and the applicants on information needed to aid them in making a decision.

**OPTION 3**

If the SCC feels that the request does not merit approval, they may instead vote to deny the request to allow the Pines Ranch Inc. flexibility in rebuilding, remodeling and increasing the size of the cabins located at the Pines Ranch, based upon the following finding(s):

**Findings:**

1. The special exception is detrimental to the public health, safety, and welfare, as articulated by the SCC.
2. The intent of the Development Code and General Plan is not being met, as articulated by the SCC.

**Attachment(s)**

- Exhibit A – Vicinity Map
- Exhibit B – Zoning Map
- Exhibit C – Aerial Photo
- Exhibit D – Site Plan



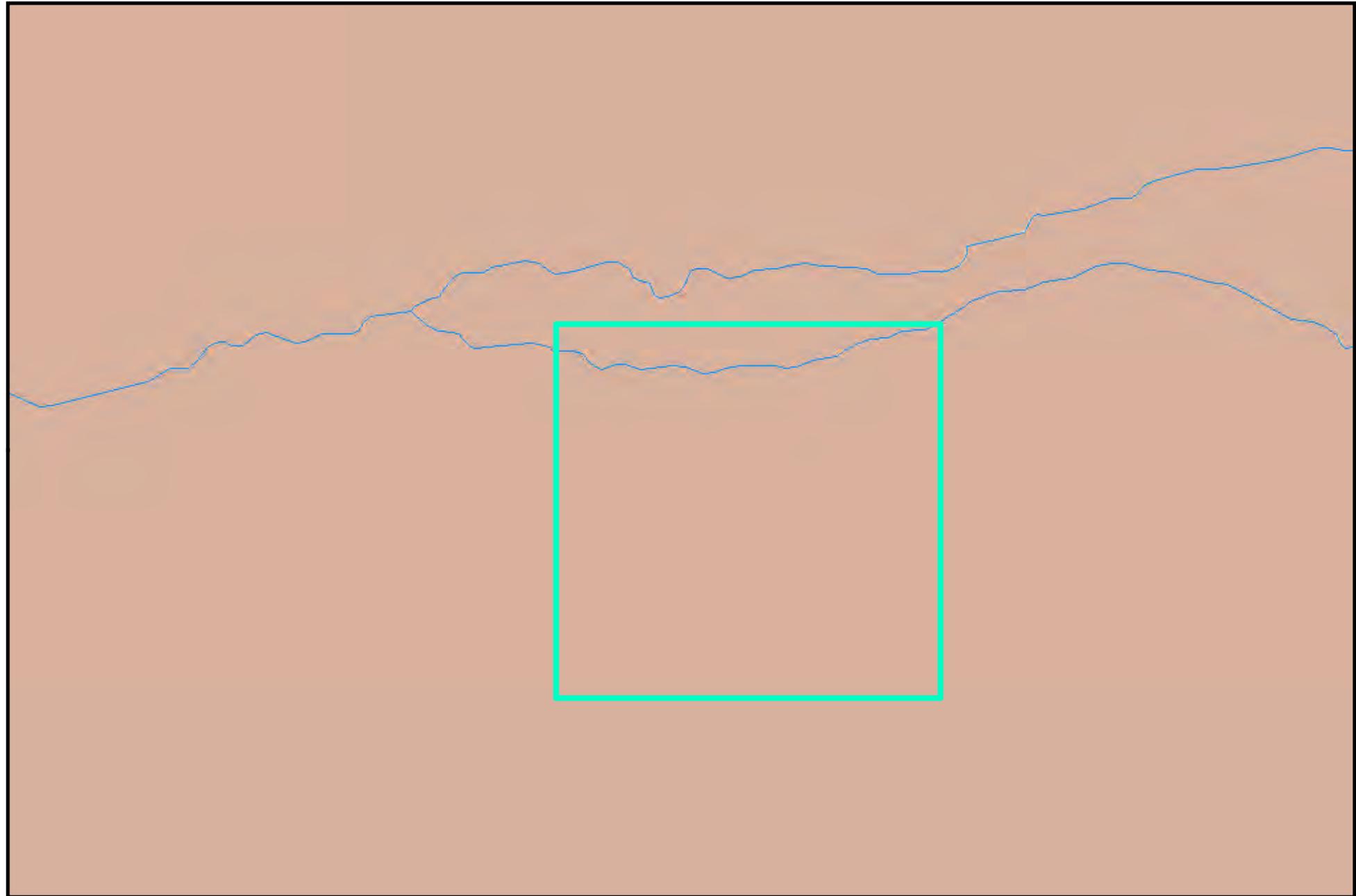
## Pines Ranch Vicinity Map

Prepared by Summit County  
Community Development Department

-  Cities
-  Reservoirs
-  Rivers



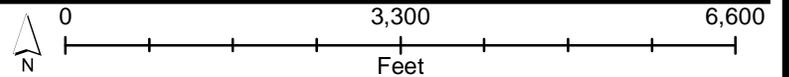
This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of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



# Pines Ranch Agriculture Grazing 160 Zoning (AG-160)

Prepared by Summit County  
Community Development Department

— Rivers  
9



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Exhibit B

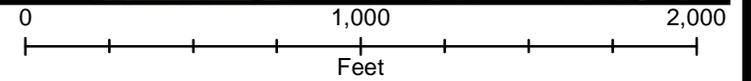


WEBER RIVER

WEBER CANYON ROAD

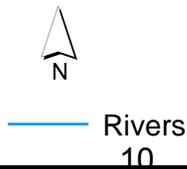
PINES RANCH DRIVE

SMITH AND MOREHOUSE RIVER



# Pines Ranch Aerial

Prepared by Summit County  
Community Development Department



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Exhibit C

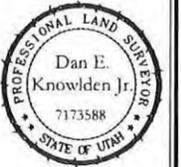
**PINE RANCH SITE MAP**  
 LOCATED IN SECTION 34, AND THE SOUTH  
 HALF OF SECTION 27, TOWNSHIP 1 SOUTH,  
 RANGE 7 EAST, SALT LAKE BASE AND MERIDIAN.

**SURVEYOR CERTIFICATE**

I, DAN E. KNOWLDEN JR., DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7173588 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A TOPOGRAPHY SURVEY HAS BEEN PERFORMED UNDER MY DIRECTION.

DAN E. KNOWLDEN JR. \_\_\_\_\_

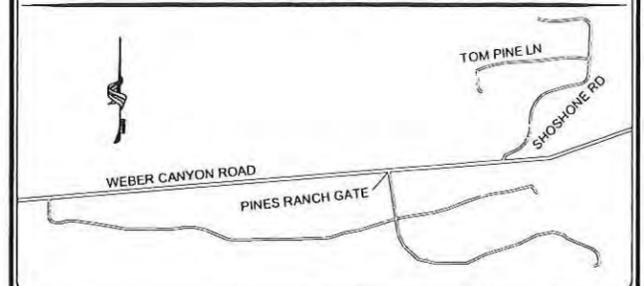
DATE \_\_\_\_\_



**NARRATIVE**

EPIC ENGINEERING WAS CONTRACTED BY PETE OTTOSEN OF THE THE PINES RANCH HOA TO MAP THE EXISTING STRUCTURES, ROADS, RIVER AND ANY IMPROVEMENTS ON THE PINES RANCH. THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°42'00" EAST BETWEEN THE NORTHWEST CORNER AND THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 7 EAST, SALT LAKE BASE AND MERIDIAN. BOTH ARE FOUND ALUMINUM CAPS. THE BENCHMARK FOR THIS SURVEY IS THE NORTH QUARTER CORNER ELEVATION 7294.27. NO PROPERTY CORNERS WERE SET WITH THIS SURVEY.

**VICINITY MAP**



**LEGEND**

- = SECTION LINE
- x- = FENCE LINE
- - - = SHEETS
- - - - = CABIN AREA BOUNDARY
- ⬠ = FOUND SECTION CORNER
- ⬠ = CALCULATED SECTION CORNER

**epic**  
ENGINEERING

Soil Lake City - (801)955-5605  
 Heber City - (435)854-6500  
 Vernal - (435)781-2113  
 web - www.epicengineeringco.com

DRAWN: JCR	PROJECT #
DESIGNER: DEK	10-SM-1197
REVIEWED: DEK	DATE: 8/23/2010

**SCALES**

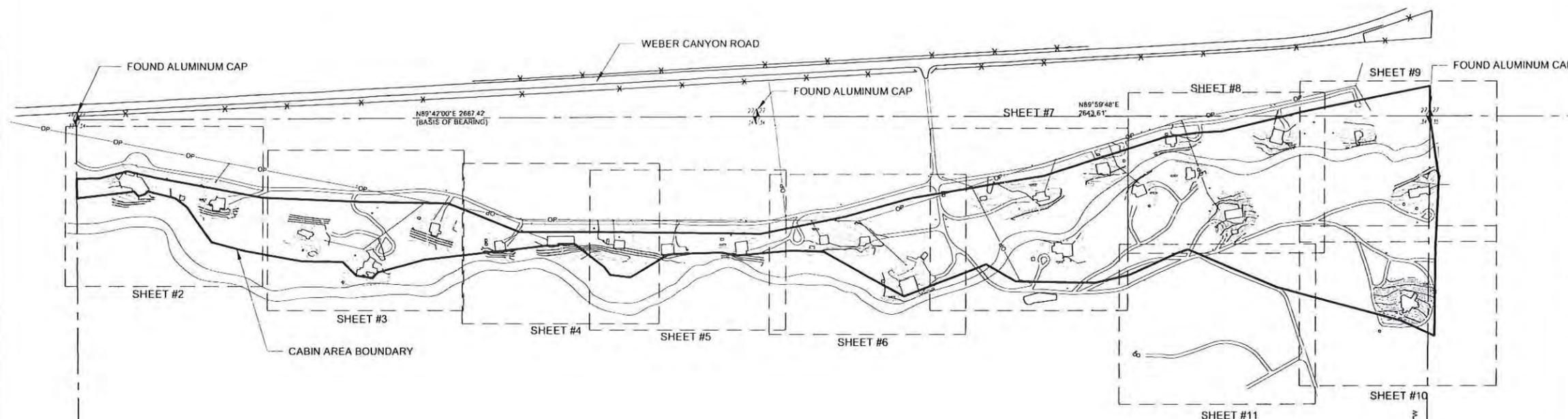
HORIZ: \*\*NTS\*\*

BAR SCALE MEASURES 1" ON A FULL SIZE SHEET, ADJUST FOR A HALF SIZE SHEET.

PROJECT NAME: **PINE RANCH**

PROJECT LOCATION: **WEBER CANYON**

SHEET TITLE: **SITE MAP** SHEET: **1 of 11**



**\*NOTE\***  
 1. THE LOCATION OF THE WEBER RIVER IS APPROXIMATE. IT WAS DETERMINED BY MAPPING THE CENTERLINE OF THE EXISTING RIVER WITH G.P.S. AND MEASURING DISTANCES TO THE EDGE OF THE RIVER BANK. THIS METHOD WAS DISCUSSED AND ACCEPTED BY A.C. CAUS THE ACTING PLANNER FROM SUMMIT COUNTY IN CHARGE OF THIS PROJECT.

CALCULATED SECTION CORNER USING RECORD OF SURVEY # 6978

CALCULATED SECTION CORNER USING RECORD OF SURVEY #4190