



## MEMORANDUM

**To:** Summit County Council  
**From:** Jennifer Strader, County Planner  
**Date of Report:** September 7, 2011  
**Date of Meeting:** September 14, 2011  
**Type of Item:** Silver Creek Village Center – Work Session on SPA Rezone

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On August 3, 2011, the Summit County Council (SCC) held a work session to discuss the proposed Silver Creek Village Center, located on the southeast corner of Highway 40 and Interstate 80.

The SCC suggested that the applicants consider providing more workforce housing and return for a public hearing. Since that time, Staff has met with the applicants to discuss potential amendments to the proposal based on feedback received from the SCC.

Although the public hearing was scheduled with the SCC, Staff felt it would be appropriate to discuss the amendments to the density in a work session prior to the public hearing.

The 1998 Code language in reference to workforce housing states:

***Restricted Affordable Housing:** Higher densities will be permitted when restricted affordable housing is provided within the project. Restricted housing must be of a type that is compatible with the neighborhood within which it is proposed. Restrictions by deed or other desired mechanism shall include appropriate sales and resale restrictions, rental rate restrictions, and other appropriate measures. The restrictions shall ensure that the dwelling units are oriented toward persons employed within Summit County and remain affordable to those employed in Summit County in perpetuity, including sales beyond the original owner. Affordable housing types and size, together with the percentage of such units provided must be compatible with and deemed appropriate by Summit County for the neighborhood in which it is proposed and meet the housing needs of the community. Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated.*

The 1998 Code does not contain a minimum amount of required workforce housing units, but most developments processed under the matrix system provided approximately ten percent (10%). During the SBPC review of the Village Center, they requested that the applicant apply the current Code requirements, which is a minimum of 20%. The applicant has consistently proposed around 22 - 25%.

The SCC advised the applicants that a reduction in open space may be appropriate if more workforce unit equivalents (WUEs) were considered. The applicant is proposing an additional 110 market units and 110 WUEs. The increase in density has resulted in the open space being

amended from 70% to 63% or 171 acres to 154 acres; however, the general location and function of the open space has not significantly changed.

The table below compares the proposals.

	<b>Market Units</b>	<b>Commercial</b>	<b>WUEs</b>	<b>Open Space</b>	<b>Units per Acre</b>
Previous Proposal	850	50,000 sq ft (using a 1,600 unit equivalent = 31 units)	220 (25% of market and commercial density)	70% (171 acres)	850 + 31 = 881 units / 244.33 acres = <b>3.60</b> (does not include WUEs)
Revised Proposal	960	50,000 sq ft (using a 1,600 unit equivalent = 31 units)	330 (33.3% of market and commercial density)	63% (154 acres)	960 + 31 = 991 units / 244.33 acres = <b>4.05</b> (does not include WUEs)

Preliminary discussions with the applicant indicate that there would be 80-100 WUEs provided within Phase I of the development in addition to 150-170 market rate units. All WUEs would be initially offered to those household earning 80% AMI or less. Final details of the workforce housing program would be laid out in the Development Agreement for the Village Center, including, but not limited to items such as prices, unit types and styles, and waterfall provisions (i.e. WUEs could open up to 80-100% AMI after 60 days, 100-140% after 90 days, etc.). These provisions would be generally consistent with the current Code requirements for workforce housing.

Staff and the applicant have met with Scott Loomis, representing Mountainlands Community Housing Trust and he is in support of the project. The WUEs would be integrated into the community and would be consistent with the character of the surrounding neighborhood.

Staff recommends that the SCC consider the following:

1. Is the increase in workforce housing combined with the increase in market rate units and reduction of open space proposed by the developer consistent with the SCC direction for the project?
2. Staff is in favor of the revised proposal. This particular location was identified as an appropriate location for a Village Center which needs highly concentrated development in order to function appropriately. Staff does not feel that the increase in density will affect the overall character, design, or function of the Village Center.

If you should have any questions, please feel free to contact me at (435) 615.3152 or by e-mail, [jstrader@summitcounty.org](mailto:jstrader@summitcounty.org).



**MEMORANDUM:**

Date: September 14, 2011

To: Council Members

From: Annette Singleton

Re: Snyderville Basin Special Recreation District

Appointment of David Kottler to the Snyderville Basin Special Recreation District, to fill the unexpired term of Dawn Bowes.

Term to expire December 31, 2012.

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

**AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE**

**WHEREAS**, the current Snyderville Basin Development Code was adopted in 2004; and

**WHEREAS**, in May, 2010, the Snyderville Basin Special Recreation District applied for an amendment to update and clarify the approval process for trailhead parking; and

**WHEREAS**, Staff recommended the inclusion of additional amendments pertaining to parking lots; and

**WHEREAS**, the Snyderville Basin Planning Commission held public hearings on June 8, 2010, and July 13, 2010; and

**WHEREAS**, the Snyderville Basin Planning Commission recommended the amended sections of the Snyderville Basin Development Code on July 13, 2011; and

**WHEREAS**, the Summit County Council held a public hearing on August 24, 2011 and September 7, 2011, also including amendments pertaining to Parks and Park and Rides; and

**WHEREAS**, the Summit County Council continued the decision to September 14, 2011, and voted to approve the amendments.

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

**Section 1. SNYDERVILLE BASIN DEVELOPMENT CODE**

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

**Section 2. Effective Date**

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

APPROVE, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 14th day of September, 2011.

**SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH**

By: \_\_\_\_\_  
**Christopher Robinson, Chair**

**Councilor Hanrahan voted** \_\_\_\_\_  
**Councilor McMullin voted** \_\_\_\_\_  
**Councilor Elliott voted** \_\_\_\_\_  
**Councilor Ure voted** \_\_\_\_\_  
**Councilor Robinson voted** \_\_\_\_\_

~~10-11-1.217 **Parks, Community:** A park and recreation area under the management and control of a public agency and open to the public.~~

~~10-11-1.218 **Parks, Neighborhood:** A park and recreation area under the management and control of a public agency and open to the public.~~

**10-11-1.217 **Park and Ride:**** A hard-surfaced area, including the driving area, other than a road or public right-of-way, located adjacent to an arterial or collector road, to be used primarily for commuters and other public to park and transfer to a public transport system, carpool, or other mode of transportation.

**10-11-1.218 **Parks:**** A park and recreation area under the management and control of a public agency and open to the public, or under the management and control of a neighborhood or commercial owners association that may or may not be open to the public.

~~10-11-1.219 **Parking Area:** A hard-surfaced area, including the driving area, other than a road or public right-of-way, to be used for storage, temporarily, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.~~

~~10-11-1.323 **Trails, Community-wide:** A trail, developed or proposed as part of the Basin-wide Trails Corridor Exhibit of the Recreation and Trails Master Plan, as revised over time, and generally designed for intrinsic recreation and non-motorized transportation connections between neighborhoods. Community trails must be open to the public.~~

**10-11-1.323 **Trailhead Parking, Designated:**** Designated point of access to the Community-wide trail system intended to provide public parking stalls.

*Note - all definitions from here to the end of the definition section will increase in number by one.*

**10-11-1.324 **Trails, Community-wide:**** A trail, developed or proposed as part of the Basin-wide Trails Corridor Exhibit of the Recreation and Trails Master Plan, as revised over time, and generally designed for intrinsic recreation and non-motorized transportation connections between neighborhoods, public facilities, commercial centers and to the back-country. Community trails must be open to the public. Parking lots and parking areas shall be designated as trailheads along the Community-wide trail system to disperse users and fulfill the need for staging areas and support facilities system wide in accordance with the Snyderville Basin Recreation and Trails Master as amended.

**10-2-10 Use Chart**

*Note - only these sections will change, and the remainder of the Use Chart will remain the same.*

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Park and Ride	C	C	C	L	L	L	
Parks	C	C	C	A	A	A	
<del>Parks constructed by SBSRD in accordance with the General Plan</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>E</del>	<del>Section 10-4-17</del>
Trailhead Parking, Designated	C	C	C	A	A	A	
Trails, Community-wide	A	A	A	A	A	A	

**RESOLUTION DECLARING SURPLUS PROPERTY  
AND AUTHORIZING SALE TO THE SNYDERVILLE BASIN  
RECREATION SPECIAL SERVICE DISTRICT**

**MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT,  
SUMMIT COUNTY, UTAH**

**WHEREAS**, Mountain Regional Water Special Service District (“MRW”) owns parcel SS-48-2-X in the Snyderville Basin of Summit County; and,

**WHEREAS**, MRW no longer needs the use of parcel SS-48-2-X for its governmental purposes; and,

**WHEREAS**, the Snyderville Basin Recreation Special Service District (“SBRSSD”) has offered to purchase parcel SS-48-2-X for the sum of \$28,000.00 and will use the parcel for its own governmental purposes; and,

**WHEREAS**, the Governing Board of MRW has determined that parcel SS-48-2-X is surplus property not in governmental use and that the sum of \$28,000.00 is fair and adequate consideration; and,

**WHEREAS**, it is in the best interests of the rate payers of MRW to sell surplus property for fair and adequate consideration;

**NOW, THEREFORE**, be it resolved by the County Council, Summit County, Utah, sitting as the Governing Board of MRW, that parcel SS-48-2-X is surplus property having a fair market value of \$28,000.00.

**BE IT FURTHER RESOLVED**, that the sale of parcel SS-48-2-X to the SBRSSD is hereby approved. The General Manager of MRW is delegated the authority to execute those legal instruments necessary to effectuate the sale.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SUMMIT COUNTY COUNCIL  
Sitting as the GOVERNING BOARD OF MRW  
SUMMIT COUNTY, UTAH

ATTEST:

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

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

APPROVED AS TO FORM:

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

**RESOLUTION AUTHORIZING PURCHASE OF PROPERTY BY  
SNYDERVILLE BASIN  
RECREATION SPECIAL SERVICE DISTRICT  
FROM  
MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT,  
SUMMIT COUNTY, UTAH**

**WHEREAS**, the County Council has approved by resolution the sale of Mountain Regional Water Special Service District (“MRW”) parcel SS-48-2-X in the Snyderville Basin of Summit County; and,

**WHEREAS**, the Snyderville Basin Recreation Special Service District (“SBRSSD”) is desirous of purchasing parcel SS-48-2-X for the sum of \$28,000.00 and will use the parcel for its own governmental purposes in serving taxpayers in the District’s service area; and,

**WHEREAS**, parcel SS-48-2-X is property suitable for public trailhead improvements as part of the District’s Snyderville Basin Community-wide Trail System Master Plan, an Element of the Snyderville Basin General Plan; and,

**WHEREAS**, the County and SBSSRD have entered into a Cooperative Agreement for the Highland Drive Transportation Trail, which contemplates a public trailhead at the termination of Highland Drive as a support facility for users of the Round Valley trail system;

**NOW, THEREFORE**, be it resolved by the County Council, Summit County, Utah, sitting as the Governing Board of SBRSSD, that parcel SS-48-2-X is property having a fair market value of \$28,000.00.

**BE IT FURTHER RESOLVED**, that the purchase of parcel SS-48-2-X by the SBRSSD

is hereby approved. The District Director of SBSSRD is delegated the authority to execute those legal instruments necessary to effectuate the sale.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SUMMIT COUNTY COUNCIL  
Sitting as the GOVERNING BOARD OF SBRSSD  
SUMMIT COUNTY, UTAH

ATTEST:

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

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

APPROVED AS TO FORM:

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

# Application for Exemption – Real Property Schedule A

UCA §59-2-1101 and 1102  
Form PT-020A  
PT-020a.ai Rev. 10/99

RECEIVED

Summit County Assessor

Complete a separate Schedule A for each parcel of real property under consideration

AUG 26 2011

## Property Owner

Full name of the owner of record Living Church Ministries, Inc.	EIN, SSN, or other tax ID number 26-3879190	
Address PO Box 789	Telephone (435)783-4636	
City Kamas	State Utah	Zip 84036

## Property Information and Description

Property Location 80 W 100 N, Kamas, Utah 84036	Property parcel number KT-176
Brief description of parcel 5747 sq. ft. building and lot	Date the property was acquired 08/02/2011
	Acreage: 0.75 acres <input type="checkbox"/> Actual <input checked="" type="checkbox"/> Approximate

List separately and describe each building or physical structure on the property

5747 sq. ft. structure including a sanctuary, an office, two bunkrooms, five bedrooms, nine bathrooms, kitchen, dining room, living room, and an attached garage, which is being converted to a video studio for our live streaming broadcasts.

There is also a maintenance shed on the property used for storage of tools, etc.

## Use of Property

- Complete this first question separately for each building or structure, use additional sheets as necessary.
  - Building or structure Main Structure
  - Activities or functions this building or structure is used for daily and weekly services; church offices; a hub for distribution of church teachings; streaming broadcasts for our global ministry; temporary housing for ministers, missionaries and volunteers with office, support, and tech support skills used in support of the ministry.
  - Percentage of building or structure used for this purpose 100%
  - Approximate hours per month building or structure is used for this purpose 700
  - Date use for this purpose began 08/02/11
- Have all activities/functions listed in 1 continued without interruption since first starting?  Yes  No  
If no, explain any interim or non-use: \_\_\_\_\_
- Is there any use of the property, buildings or structures other than described in 1 above?  Yes  No  
If yes, describe: \_\_\_\_\_
- Is all or part of the property, buildings or structures rented or leased?  Yes  No  
If yes, answer the following.
  - Name of person or entity renting or leasing the property \_\_\_\_\_
  - Describe the portion that is rented or leased \_\_\_\_\_
  - Amount of rent or other compensation received \_\_\_\_\_
  - How is the rent or compensation determined? \_\_\_\_\_

## Attachments Attach the following items

- A copy of the legal description of the real property under consideration.
- A current photograph of the real property under consideration.

# Application for Property Tax Exemption

\_\_\_\_\_ County Board of Equalization

UCA §59-2-1101 and 1102  
Form PT-020  
PT-020.ai Rev. 10/99

This application should be used to apply for exemption from ad valorem (value-based) property tax.

## Nonprofit Entity Information

Name of organization applying Living Church Ministries, Inc.	EIN, SSN, or other tax ID number 26-3879190	
Address PO Box 789	Tax year 2011	
City Kamas	State Utah	Zip 84036
Contact person Lisa Fair	Telephone (435)783-4636 Cell 717-629-1035	

## Exemption Information

This property is exclusively used for (check one):

- Religious purposes       Charitable purposes       Educational purposes  
 Other (specify) \_\_\_\_\_

Describe the purpose of this nonprofit organization:

A religious corporation organized to establish and oversee places of worship, conduct the work of

evangelism, create departments necessary to support missionary activities and to engage in activities which

are conducive to practicing the teachings of Jesus Christ.

Describe why this property should be exempt from ad valorem property taxes:

The property is used solely in furtherance of our ministry including daily and weekly services and devotion, church offices, a hub for publication of our teachings and in our global internet ministry including streaming broadcasts from our Senior Pastor and our other ordained ministers and missionaries. Volunteers with technical, publication and office and support skills reside there and use this property to join in daily service and devotion and use the ministry centered projects as a backdrop to join together and bring the gospels to the world.

## Attachments

 Attach the following documentation

1. A certified copy of the Articles of Incorporation of the nonprofit entity.
2. A copy of current by-laws and/or other organizational information.
3. A copy of the 501(c)(3) certification issued by the IRS.
4. Completed schedules as follows:
  - Schedule A** – Real Property; one schedule for each parcel of real property under consideration.
  - Schedule B** – Personal Property used exclusively for religious, charitable, or educational purposes.
  - Schedule C** – Financial information related to the property under consideration; complete only applicable portions.

# Application for Exemption – Personal Property Schedule B

UCA §59-2-1101 and 1102  
Form PT-020B  
PT-020b1.ai Rev. 10/99

## Property Owner

Property owner Living Church Ministries, Inc.	EIN, SSN, or other tax ID number 26-3879190	
Address PO Box 789	Telephone (435)783-4636	
City Kamas	State Utah	Zip 84036

## Property Information and Description

Property Location 80 W 100 N, Kamas, Utah 84036	Personal property account number (if any)
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Briefly describe the personal property under consideration for exemption  
furnishings, office equipment, video production equipment for church and global internet ministry

List the original acquisition cost and year acquired.

	Year Acquired	Acquisition Cost
Furniture and fixtures .....	2011	\$ 17,300.00
Commercial and industrial equipment .....		\$
Mobile homes .....		\$
Other personal property .....		\$
Estimated current value for items with unknown acquisition cost .....	various	\$ 2,700.00

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

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

## Use of Property

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

If yes, indicate the property parcel number or address: 80 W 100 N, Kamas, Utah 84036

If no, where is the property usually located? \_\_\_\_\_

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

Daily and weekly church services; church offices; a hub for publication of church teachings; streaming broadcasts for our global ministry;  
temporary housing for ministers, missionaries and volunteers with office, support and tech support skills used in support of the ministry.

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

If no, explain any interim or non use: \_\_\_\_\_

(continued on reverse)



**Application for Exemption – Benefactors  
Schedule C**

UCA §59-2-1101 and 1102  
Form PT-20C  
PT-020c1.ai Rev. 9/00

**Property Owner**

Name of organization applying Living Church Ministries, Inc.	Property parcel or account number KT-176
Contact person Lisa Fair	Telephone (435)783-4636
Property location 80 W 100 N, Kamas, Utah 84036	

**Financial Information**

1. Does the use of the property in any way create funds, revenue, products or services that are sold or given away?  Yes  No

If yes, state the amount and describe in detail: \$ We sell DVD's and CD's which will be distributed from this location.  
Our second quarter financial reports show gross income from such sales in the amount of \$7,875.00

2. If you answered Yes in question 1, what portion of funds, revenue, products or services:

a. Are used directly for the purposes for which exemption is claimed? 100 %

Describe the individuals or organizations receiving benefits, and how they are selected: \_\_\_\_\_

b. Are used indirectly for the purposes for which exemption is claimed? \_\_\_\_\_ %

Describe the individuals or organizations receiving benefits, and how they are selected: \_\_\_\_\_

c. Are given to any shareholder or individuals or are distributed from the use of the property \_\_\_\_\_ %

Explain in detail: \_\_\_\_\_

3. Does anyone receive compensation in wages, goods, services or other benefits, for services rendered with respect to the property?  Yes  No

If yes, attach the following information for each individual:

- Total compensation received in detail, e.g., money, goods, living quarters, services or other benefits.
- How the compensation is determined.
- Explanation of the services performed, including duties and working hours.
- Relationship of the individual to the owner, user or operator of the property, and whether the individual is a trustee, director, shareholder, lessor, member, employee or contributor of the owner.

(continued on reverse)

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**Attachments** Attach the following documentation

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1. Copies of any financial statements, income statements, profit and loss statements or other records that accurately reflect the use of the described property, including the source of all funds, the amount received from each source, and the use of such funds for the most recent fiscal year available.
2. All information requested in question 3, above.
3. If the use of the property did not create any funds, revenue, products or services that are sold or given away, but did result in a benefit to any individual or organization, attach detailed documentation indicating the following:
  - a. All individuals or organizations benefited.
  - b. The amount of benefit received by each.
  - c. How such individuals or organizations were selected.

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**Certification**

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I certify that all statements and information on this sheet are true and correct to the best of my knowledge, and that I will notify the Board of Equalization if any of the information should change. I further certify that I have authority to sign this document.

Name (printed)	Position or capacity
DAVID HOFEMEISTER	SENIOR PASTOR
Signature	Date signed
<input checked="" type="checkbox"/> David Hoffmeister	8/26/11

# LIVING CHURCH MINISTRIES, INC. BYLAWS

(AMENDED AS OF 7/3/11)

## ARTICLE I ORDER

For the purpose of conducting business, the senior pastor/president shall, in an orderly manner, preside over all of the affairs of the corporation.

## ARTICLE II FINANCES

### 1) AUDIT

The treasurer and or other Board appointed person shall complete an internal audit. This audit of all financial records shall be made after the close of the calendar year, prior to the end of February.

### 2) CHECKS AND WITHDRAWALS

a. Any check or withdrawal at or more than \$1,000.00 shall require the signatures of two officers who are also authorized signees on the bank account.

b. The signature of the treasurer (Chief Financial Officer) must be on any check or withdrawal at or more than \$1,000.00.

### 3) SALARIES

a. The Senior Pastor/President may be given a regular and reasonable salary as determined by agreement of the official board. His/her salary shall be reviewed each year during the last meeting of the calendar year.

b. All other salaries shall be determined in the following manner:

(1) A compensation committee shall be formed which will consider each candidate and create a compensation package that shall be forwarded to the board of directors for approval.

(2) The board of directors shall appoint members of the committee.

(3) The board of directors shall consider the recommendation of the compensation committee and shall vote on the package.

Only uncompensated individuals of the board of directors shall vote on any recommended compensation package.

## ARTICLE III PROPERTY RIGHTS

All property, real or chattel, shall be taken, held, sold, transferred or conveyed in the corporation's name.

No real or chattel property of the corporation shall be sold, leased, mortgaged, or otherwise alienated without authorization of the senior pastor/president.

The senior pastor/president of the corporation shall certify in such conveyances, leases, or mortgages.

In the event that the corporation ceases to exist, all assets of THIS CHURCH shall at the discretion of the board of directors be given to organizations that are exempt as described in section 501(c)(3) and/or 170(c)(2) of the Internal Revenue Code of 1986. The receiving organization must be of similar purpose.

## ARTICLE IV GOVERNMENT AND OFFICIAL FUNCTIONS

### SENIOR PASTOR/PRESIDENT

#### Qualifications

The senior pastor/president shall have wisdom in handling the corporation's affairs. He/she shall be of sound doctrine and good judgment.

#### Duties

The senior pastor/president shall be the leader of the church as provided by the Holy Scriptures. The senior pastor/president shall be chairman of the official board and preside over all corporation meetings.

#### Manner of Appointment

The Pastor/President shall be appointed by a majority vote of the Board of Directors.

#### Term of Office

The term of office of the Pastor/President shall be reviewed at the end each calendar year. He she is subject to removal at anytime in accordance to with Article X of the constitution.

### EXECUTIVE PASTOR/EXECUTIVE VICE-PRESIDENT

#### Qualifications

The executive pastor/executive vice-president shall have wisdom in handling the corporation's affairs. He/she shall be of sound doctrine and good judgment.

#### Duties

He/she will serve as chief advisor to the senior pastor/president. He/she shall carry out the responsibilities that the senior pastor/president delegates to him/her.

#### Manner of Appointment

The senior pastor/president shall nominate and the board of directors shall confirm the executive pastor/executive vice-president to office by majority vote.

#### Term of Office

The term of office of the Executive Pastor/Executive Vice President shall be reviewed at the end of each calendar year. Should the Executive Pastor/Executive Vice President be found in violation of the Bylaws the Board of Directors may dismiss him/her by a two-thirds majority vote. A Board Member may resign the position at any time. Such resignation shall be made in writing, verbally and or through telecommunications and shall take effect at the time specified therein, and if no time be specified, at the time of its receipt by the Executive pastor or one of the three Board of Directors.

### SECRETARY

#### Qualifications

The Secretary shall be a spiritually minded person and of sound judgment. He/she must be administratively minded with the ability to multi-task.

#### Duties

By virtue of his/her office, the Secretary shall keep a true and accurate record of all meetings, including business meetings of the corporation. He/she shall perform clerical duties, and shall be the custodian of all legal documents.

#### Manner of Appointment

The Senior Pastor/President shall nominate and the board of directors shall confirm the Secretary to office to office by majority vote.

#### Term of Office

The term of office of the Secretary shall be reviewed at the end of each calendar year. Should the Secretary be found in violation of the Bylaws the Board of Directors may dismiss him/her by a two-thirds majority vote.

### TREASURER

#### Qualifications

The treasurer shall be a spiritually minded person, and of sound business judgment. He/she shall be capable of doing the accounting required to maintain the corporation books.

#### Duties

By virtue of his/her office, the Treasurer shall keep, in a business-like manner, an itemized account of all receipts and disbursements of moneys committed to his/her trust and shall make reports to be presented during the official board meetings. He/she shall deposit and make withdrawals in a manner prescribed in article III of the bylaws.

#### Manner of Appointment

The senior pastor/president shall nominate and the board of directors shall confirm the

treasurer to office.

#### Term of Office

The term of office of the Treasurer shall be reviewed at the end of each calendar year. Should the Treasurer be found in violation of the Bylaws the Board of Directors may dismiss him/her by a two-thirds majority vote.

### TRUSTEES

#### Qualifications

The Board of Directors shall include two Trustees. The trustees shall be spiritually minded persons, and of sound judgment. They must possess good communication skills.

#### Duties

The Trustees shall listen to membership and communicate their issues, needs and interests to the Board of Directors. The Trustees shall conduct projects to further the goals of the organization and to develop services for the membership. The Trustees shall be stewards and overseers for the whole congregation.

#### Manner of appointment

The Senior Pastor/President shall nominate and the Board of Directors shall confirm the Trustees to office by majority vote.

#### Term of Office

The term of office of the Trustees shall be reviewed at the end of each calendar year. Should a Trustee be found in violation of the Bylaws, the board of directors may dismiss him/her by a two-thirds majority vote.

## ARTICLE V OTHER CONSIDERATIONS

Anything that has not been discussed in this constitution and bylaws shall be discussed and decided upon at an official board meeting.

## ARTICLE VI MINISTERS OF THE GOSPEL

The senior pastor of this church shall by virtue of his/her office automatically be recognized as an ordained minister. All other candidates for licensing or ordination must be of the necessary experience and qualifications, as set forth by the founders or current senior pastors and shall have demonstrated their ability to undertake the responsibilities of the ministry. No minister shall be licensed or ordained until he/she has been engaged in the active work of the ministry, exhibiting a teachable spirit.

### CLASSES OF MINISTERS

The church shall have three classes of ministers. Each class of minister will have distinct rights and privileges as are listed below:

### Commissioned Ministers

This recognition is given to those who feel a definite call to living a life in service to God. These individuals are involved in ministerial training while working in their chosen vocation. A specific commissioned ministry may involve sharing Christ's teachings through services and music, spiritual counseling, prison ministry, or offering ministerial assistance.

### Licensed Ministers

This recognition is for those who are called into the ministry and are recognized to have exhibited that call and maturity. These individuals may be working in their chosen vocation but have not yet entered full-time ministry, or have been in full-time ministry for less than two years. Such persons are authorized to perform all sacerdotal functions such as holding church services, performing wedding ceremonies and offering spiritual counseling. Given the apprentice nature of this designation, limited authority is granted to run the affairs of the church as overseen by the Senior Pastor and/or other designated Ordained Ministers.

### Ordained Ministers

This recognition is for those who have established or proven themselves in the ministry, and/or have worked in the Living Miracles ministry for at least two years. Ordained Ministers are authorized to perform all functions of the ministry, including running the affairs of the church as overseen by the Senior Pastor.

### SENIOR PASTOR'S AUTHORITY

The senior pastor of this church shall have ecclesiastical authority to decide who, how or if a person will be licensed by this church to hold any of the four classes mentioned above (Matthew 16:13-19).

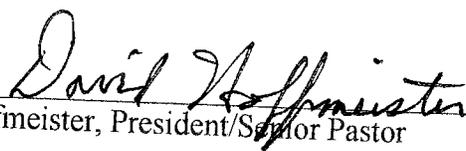
## ARTICLE VII PRIVACY

This church shall diligently watch to keep private all records concerning policy, doctrine, counseling and information on individuals in fellowship with this church. This church must not disclose any records that may compromise information about a member's attendance, membership status, giving and counseling records.

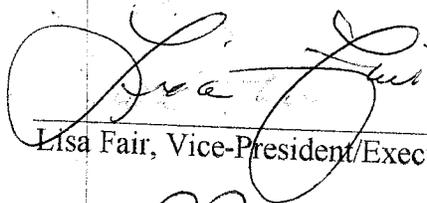
## ARTICLE VIII AMENDMENTS

Amendments to the bylaws may be made by a two-thirds vote of the official board. These bylaws adopted on this day make null and void all prior addendums and these bylaws supersede and replace all previous bylaws voted on prior to this day.

Signed and certified this 3rd day of July, 2011, to be effective immediately.



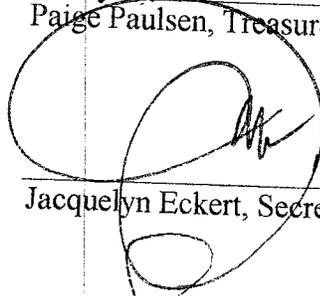
David Hoffmeister, President/Senior Pastor



Lisa Fair, Vice-President/Executive Pastor



Paige Paulsen, Treasurer



Jacquelyn Eckert, Secretary



Suzanne Sullivan, Trustee



Leila Stenberg, Trustee

WHEN RECORDED MAIL TO:  
LIVING CHURCH MINISTRIES, INC

HC63 BOX 822

DUCHESNE, UT 84021

### WARRANTY DEED

WILLIAM PRIEBE and SANDRA PRIEBE GRANTOR(S)  
OF DUNWOODY, COUNTY OF \_\_\_\_\_, STATE OF CA HEREBY CONVEY AND WARRANT TO

LIVING CHURCH MINISTRIES, INC. GRANTEE(S)

OF KAMAS, COUNTY OF SUMMIT, STATE OF UT  
FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,  
THE FOLLOWING DESCRIBED TRACT OF LAND IN SUMMIT COUNTY,  
STATE OF UT:

TAX PARCEL NUMBER: KT-176

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 41, KAMAS TOWNSITE SURVEY, AND RUNNING  
THENCE EAST 123.75 FEET; THENCE NORTH 247.5 FEET; THENCE WEST 123.75 FEET; THENCE SOUTH 247.5  
FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, ENCUMBRANCES AND RIGHTS OF WAY OF RECORD, AND TAXES  
FOR THE YEAR 2011 AND THEREAFTER

WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS 2 DAY OF August, 2011

  
WILLIAM PRIEBE

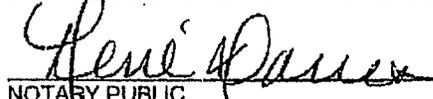
  
SANDRA PRIEBE

STATE OF Utah

COUNTY OF DeKalb

:SS

ON August 2, 2011, PERSONALLY APPEARED BEFORE ME, WILLIAM PRIEBE AND SANDRA PRIEBE, THE  
SIGNER(S) OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE  
SAME

  
NOTARY PUBLIC



INVEST TITLE SERVICES, INC.  
1671 W REDSTONE CENTER DRIVE SUITE 110  
PARK CITY, UT 84098



**Elaine N. Walker**  
**Secretary of State**

**Certificate**

I, Elaine N. Walker, Secretary of State for the Commonwealth of Kentucky, do hereby certify that the foregoing writing has been carefully compared by me with the original thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of

ARTICLES OF INCORPORATION OF

LIVING CHURCH MINISTRIES, INC. FILED DECEMBER 19, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 26th day of August, 2011.



*Elaine N. Walker*

Elaine N. Walker  
Secretary of State  
Commonwealth of Kentucky  
emcnulty/0719863 - Certificate ID: 117299

0719863.09

amcray  
NAOI

**ARTICLES OF INCORPORATION**  
Living Church Ministries, Inc.  
(Kentucky Non-Profit Corporation)

Trey Grayson  
Secretary of State  
Received and Filed  
12/19/2008 1:24:11 PM  
Fee Receipt: \$8.00

THE UNDERSIGNED, each with the capacity to contract, hereby submits, executes and acknowledges these Articles of Incorporation for the purpose of forming a corporation not for profit under the provisions of KRS Chapter 273.247.

**ARTICLE 1. NAME AND ADDRESS**

The name of this corporation shall be Living Church Ministries, Inc.

The physical address of this corporation is 750 Juett Rd., Williamstown, KY 41097. The mailing address of the corporation's principal office is 750 Juett Rd., Williamstown, KY 41097.

**ARTICLE 2. PURPOSE**

This is a religious corporation. The specific purpose for which the corporation is initially organized is to establish and oversee places of worship, conduct the work of evangelism, create departments necessary to support missionary activities and to license and oversee ministers of the gospel and to also engage in activities which are necessary, suitable or convenient for the accomplishment of that purpose, or which are incidental thereto or connected therewith which are consistent with Section 501(c)(3) of the Internal Revenue Code. This corporation is organized and operated exclusively for religious purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

**ARTICLE 3. QUALIFICATION OF MEMBERS**

This corporation will not have voting members.

**ARTICLE 4. TERM AND DISSOLUTION**

The date of commencement of corporate existence shall be when these Articles have been filed with the Department of State and approved by it and the respective filing fee has been paid; the term for which the corporation is to exist shall be perpetual. In the event of dissolution of the corporation, no part of the corporation's earnings or assets shall inure to the benefit of any of its members; the residual assets of the corporation shall be distributed to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue code of 1986, or corresponding sections of any prior or future law, or to the federal, state or local government for exclusive public purpose.

**ARTICLE 5. NON PROFIT ORGANIZATION**

No part of the net earning of the corporation shall ever inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and

distributions in furtherance of the purposes set forth in Article 2. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law or. (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provisions of any future United States Internal Revenue laws.

**ARTICLE 6. INITIAL REGISTERED OFFICE AND AGENT**

The street address of the corporation's Initial Registered Office is Kirsten Buxton and the name of its Initial Registered Agent at that office is 750 Juett Rd., Williamstown, KY 41097.

I consent to the assignment of Registered Agent

  
\_\_\_\_\_  
Kirsten Buxton

**ARTICLE 7. INCORPORATORS**

The name and residence address of the subscriber to these Articles is as follows:

Kirsten Buxton  
750 Juett Rd.  
Williamstown, KY 41097

**ARTICLE 8. DIRECTORS**

The Board of Directors of the corporation shall consist of no less than three (3) directors as determined by the Bylaws. Directors shall be elected at the annual meeting of the members in the manner set forth in the Bylaws. Directors may be removed and the vacancies shall be filled in the manner provided by the Bylaws.

The Directors named in these Articles shall serve as Directors for the ensuing year, or until the first annual meeting of the corporation, and any vacancies before then shall be filled in the manner set forth in the Bylaws.

The Board of Directors shall have the authority to make provision for reasonable compensation to its members for their services as Directors and to fix the basis and conditions upon which this compensation shall be paid. Any Director may also serve the corporation in any other capacity and receive compensation therefrom in any form.

The names and addresses of the first Board of Directors are as follows:

David Hoffmeister, President  
4443 Station Ave  
Cincinnati, OH 45232

Jason Warwick, Treasurer  
4443 Station Ave  
Cincinnati, OH 45232

Kirsten Buxton, Secretary  
4443 Station Ave  
Cincinnati, OH 45232

**ARTICLE 9. BYLAWS**

The first Bylaws of the corporation shall be adopted by the Board of Directors and may be amended, altered or rescinded by the Board of Directors in the manner provided by such Bylaws.

**ARTICLE 10. AMENDMENTS TO ARTICLES OF INCORPORATION**

These Articles of Incorporation may be amended in the manner provided by statute or in the following manner:

Every amendment shall be approved by the Board of Directors, proposed by them to the members and approved at a membership meeting for which due notice of the proposed amendment was given, by affirmative vote of a quorum of the members present.

Provided, however, that no amendment shall make any changes in the qualifications for membership nor voting rights of members without approval in writing by all members.

WE, THE UNDERSIGNED, for the purposes of becoming a corporation not for profit under the provisions of the laws of Kentucky, do make and affix our signatures to acknowledge and file in the office of the Secretary of State these Articles of Incorporation.

WITNESS our respective hands and seals on the dates and places indicated below.

  
\_\_\_\_\_  
Kirsten Buxton, Incorporator

17<sup>th</sup> Dec 08  
Date:

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAY 14 2009**

LIVING CHURCH MINISTRIES INC  
4443 STATEN AVE REAR BLDG  
CINCINNATI, OH 45232

Employer Identification Number:  
26-3879190  
DLN:  
17053030340029  
Contact Person:  
ROGER W VANCE ID# 31173  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(i)  
Form 990 Required:  
No  
Effective Date of Exemption:  
December 19, 2008  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

LIVING CHURCH MINISTRIES INC

Sincerely,

Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Publication 4221-PC

1:30 PM  
07/19/11  
Accrual Basis

LIVING CHURCH MINISTRIES INC  
Profit & Loss  
January through June 2011

	<u>Jan - Jun 11</u>
<b>Income</b>	
<b>43400 · Direct Public Support</b>	
43410 · Corporate Contributions	10.35
43450 · Indiv & business contributions	232,554.35
43500 · Membership Fee	<u>1,104.50</u>
<b>Total 43400 · Direct Public Support</b>	233,669.20
<b>45000 · Investments</b>	
45030 · Interest Income	<u>199.85</u>
<b>Total 45000 · Investments</b>	199.85
<b>46400 · Other Types of Income</b>	150.00
46430 · Lease Income	1,600.00
<b>47200 · Program Income</b>	
47225 · Media Sales	7,875.57
47240 · Retreat Fees	30,777.25
47260 · MMT	<u>7,750.00</u>
<b>Total 47200 · Program Income</b>	<u>46,402.82</u>
<b>Total Income</b>	282,021.87
<b>Expense</b>	
<b>60900 · Business Expenses</b>	
60920 · Business Registration Fees	<u>15.00</u>
<b>Total 60900 · Business Expenses</b>	15.00
<b>61000 · Auto</b>	10,699.66
<b>62100 · Contract Services</b>	
62110 · Accounting Fees	60.00
62140 · Legal Fees	47.00
62150 · Outside Contract Services	<u>514.94</u>
<b>Total 62100 · Contract Services</b>	621.94
<b>62800 · Facilities and Equipment</b>	
62890 · Rent, Parking, Utilities	<u>16,356.18</u>
<b>Total 62800 · Facilities and Equipment</b>	16,356.18
<b>63000 · Repairs &amp; Maintenance</b>	18,738.43
<b>64000 · Occupancy</b>	-20,937.45

1:30 PM  
07/19/11  
Accrual Basis

LIVING CHURCH MINISTRIES INC  
Profit & Loss  
January through June 2011

	<u>Jan - Jun 11</u>
<b>65000 · Operations</b>	
65020 · Postage, Mailing Service	1,056.06
65030 · Printing and Copying	437.84
65040 · Supplies	6,203.08
65050 · Telephone, Telecommunicati...	<u>7,137.87</u>
<b>Total 65000 · Operations</b>	14,834.85
<b>65005 · Bank Fees/Paypal</b>	2,620.94
<b>65100 · Other Types of Expenses</b>	
65120 · Insurance - Liability, D and O	<u>7,074.75</u>
<b>Total 65100 · Other Types of Expenses</b>	7,074.75
<b>66000 · Payroll Expenses</b>	15,096.32
<b>68300 · Travel and Meetings</b>	
68310 · Conference, Convention, Meet...	13,201.34
68320 · Travel	2,645.62
68300 · Travel and Meetings - Other	<u>3,645.55</u>
<b>Total 68300 · Travel and Meetings</b>	<u>19,492.51</u>
<b>Total Expense</b>	<u>84,613.13</u>
<b>Net Income</b>	<u><u>197,408.74</u></u>

LIVING CHURCH MINISTRIES INC

Balance Sheet

As of June 30, 2011

	<u>Jun 30, 11</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
11100 · MACU - checking	12,427.57
11200 · MACU - savings/Benevolence f...	4,026.31
11250 · MACU - MM	169,711.49
11300 · PayPal	<u>6,410.72</u>
Total Checking/Savings	192,576.09
Accounts Receivable	
11001 · Accounts Receivable	<u>-450.00</u>
Total Accounts Receivable	-450.00
Other Current Assets	
11500 · Inventory	<u>23,711.31</u>
Total Other Current Assets	<u>23,711.31</u>
Total Current Assets	215,837.40
Fixed Assets	
15000 · Furniture and Equipment	17,956.76
15005 · Software	2,856.62
15006 · Greenhouse	1,575.00
15100 · Snowplow	2,700.00
15500 · Automobiles	
15501 · 2003 Honda Accord	8,465.00
15502 · 1998 F150 Super Cab Truck	4,070.00
15503 · 2000 Honda Odyssey	5,690.00
15504 · 2001 Isuzu Rodeo	4,790.00
15506 · 1999 Dodge Ram - Red	3,500.00
15507 · New truck - 2	2,500.00
15508 · ATV - Blue	1,044.98
15509 · ATV - Red	<u>15,588.92</u>
Total 15500 · Automobiles	45,648.90
16000 · Living Miracle Monastery	289,007.53
16100 · Kamas Property	5,000.00
16500 · Bandana Ranch	140,000.00
17000 · Campground	87,315.69
18000 · RV	
18001 · RV (1)	6,295.00
18002 · RV (2)	5,014.19
18003 · RV (3)	4,000.00
18004 · RV (4)	20,000.00
18005 · RV Cabin	<u>47,035.00</u>
Total 18000 · RV	<u>82,344.19</u>
Total Fixed Assets	<u>674,404.69</u>
<b>TOTAL ASSETS</b>	<u><u>890,242.09</u></u>

1:23 PM  
07/19/11  
Accrual Basis

LIVING CHURCH MINISTRIES INC  
**Balance Sheet**  
As of June 30, 2011

	<u>Jun 30, 11</u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
24000 · Payroll Liabilities	515.78
Total Other Current Liabilities	<u>515.78</u>
Total Current Liabilities	<u>515.78</u>
Total Liabilities	515.78
Equity	
32000 · Unrestricted Net Assets	692,317.57
Net Income	<u>197,408.74</u>
Total Equity	<u>889,726.31</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>890,242.09</u></u>

LIVING CHURCH MINISTRIES INC  
**Profit & Loss**  
January through December 2010

	<u>Jan - Dec 10</u>
<b>Income</b>	
43400 · Direct Public Support	
43440 · Gifts in Kind - Goods	140,380.00
43450 · Indiv & business contributions	229,269.36
43500 · Membership Fee	720.00
	<hr/>
Total 43400 · Direct Public Support	370,369.36
44800 · Indirect Public Support	2,225.91
45000 · Investments	
45030 · Interest Income	33.56
	<hr/>
Total 45000 · Investments	33.56
47200 · Program Income	
47225 · Media Sales	2,208.03
47240 · Retreat Fees	92,979.03
47250 · Pathways	300.00
47260 · MMT	43,710.00
	<hr/>
Total 47200 · Program Income	139,197.06
<b>Total Income</b>	<hr/> <b>511,825.89</b>
<b>Expense</b>	
60900 · Business Expenses	
60920 · Business Registration Fees	132.80
	<hr/>
Total 60900 · Business Expenses	132.80
61000 · Auto	8,252.07
62100 · Contract Services	
62110 · Accounting Fees	95.20
62140 · Legal Fees	296.38
62150 · Outside Contract Services	2,003.74
62100 · Contract Services - Other	536.30
	<hr/>
Total 62100 · Contract Services	2,931.62
62800 · Facilities and Equipment	
62840 · Equip Rental and Maintenance	584.91
62880 · Property Tax	140.90
62890 · Rent, Parking, Utilities	23,758.99
	<hr/>
Total 62800 · Facilities and Equipment	24,484.80
63000 · Repairs & Maintenance	25,704.62
64000 · Occupancy	0.00
65000 · Operations	
65020 · Postage, Mailing Service	687.50
65030 · Printing and Copying	466.62
65040 · Supplies	13,250.14
65050 · Telephone, Telecommunications	3,814.97
	<hr/>
Total 65000 · Operations	18,219.23
65005 · Bank Fees/Paypal	3,448.94
65100 · Other Types of Expenses	
65120 · Insurance - Liability, D and O	4,545.00
	<hr/>
Total 65100 · Other Types of Expenses	4,545.00
66000 · Payroll Expenses	17,337.10

5:45 PM  
01/16/11  
Accrual Basis

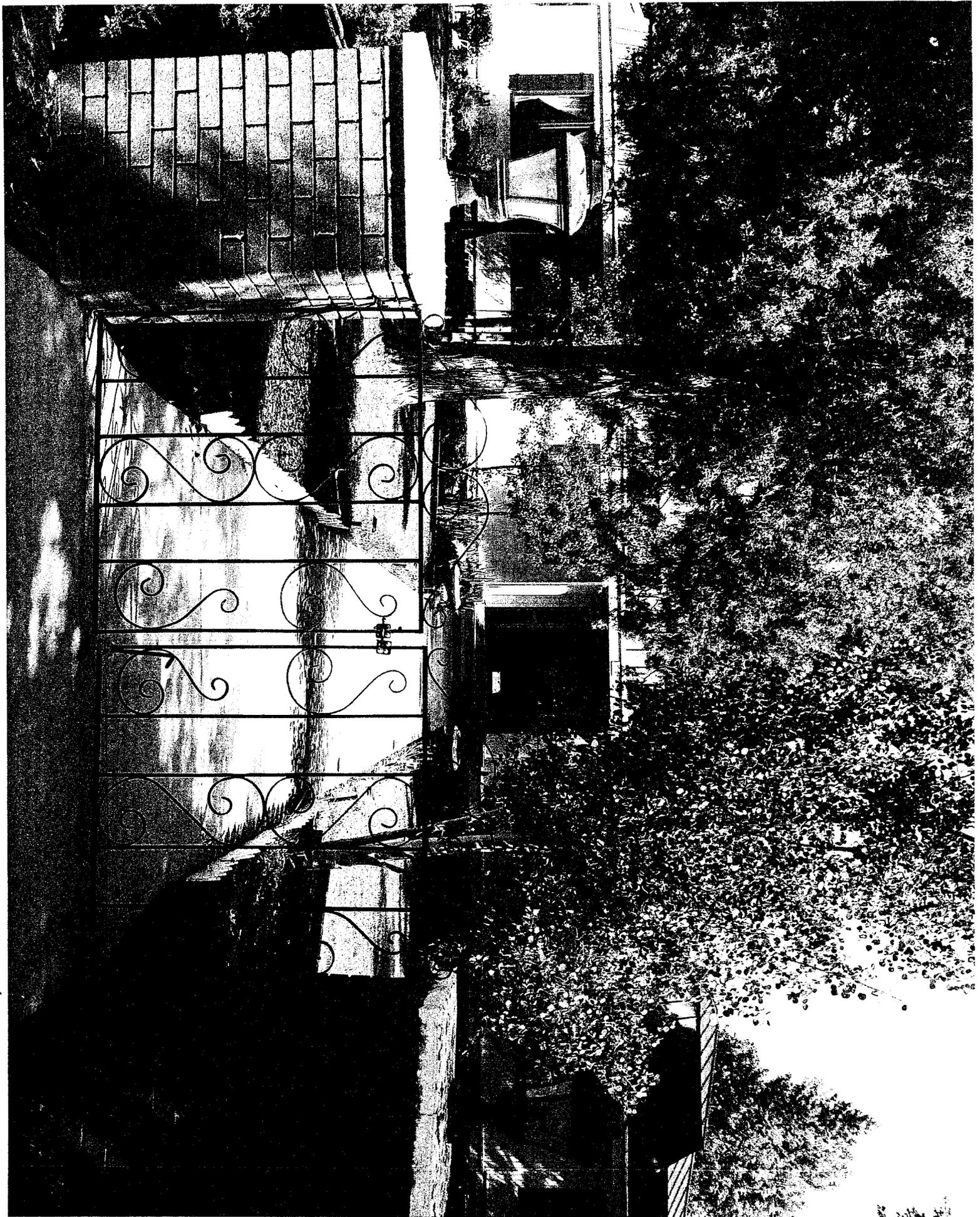
LIVING CHURCH MINISTRIES INC  
**Profit & Loss**  
January through December 2010

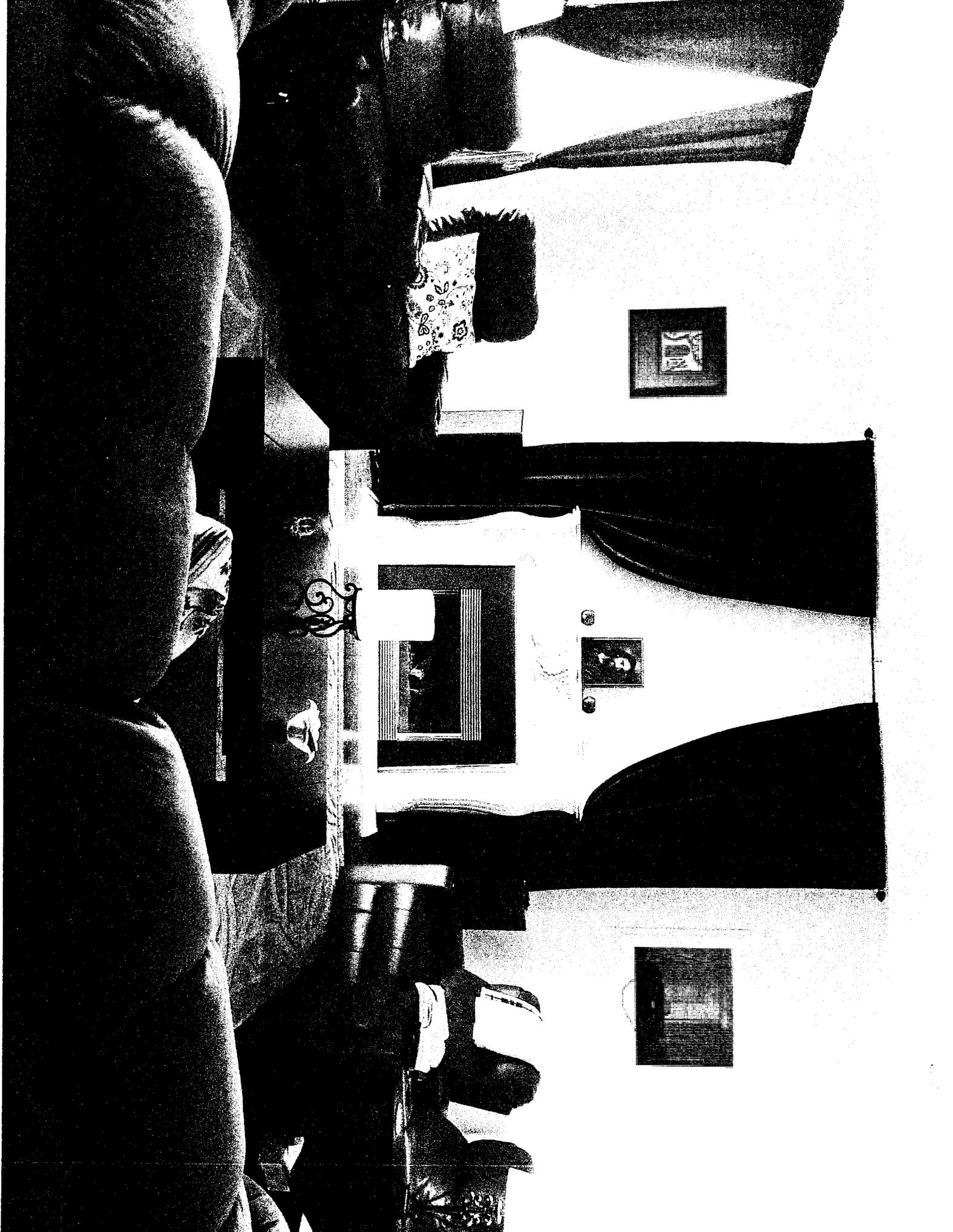
	<u>Jan - Dec 10</u>
68300 · Travel and Meetings	
68310 · Conference, Convention, Meet...	9,156.63
68320 · Travel	1,305.60
68300 · Travel and Meetings - Other	<u>8,333.37</u>
Total 68300 · Travel and Meetings	<u>18,795.60</u>
 Total Expense	 <u>123,851.78</u>
 Net Income	 <u><u>387,974.11</u></u>

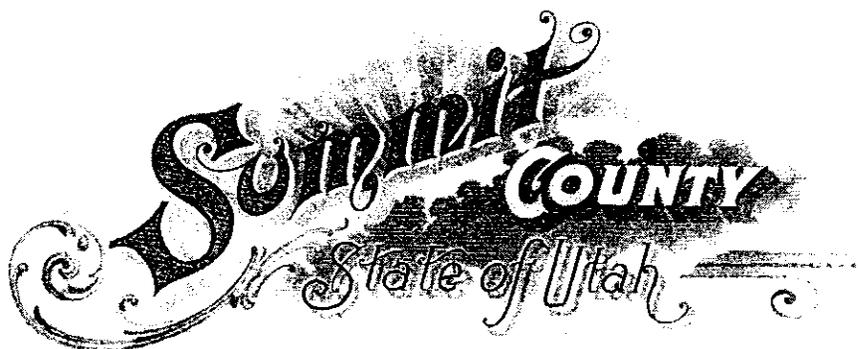
LIVING CHURCH MINISTRIES INC  
**Balance Sheet**  
As of December 31, 2010

	<u>Dec 31, 10</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
10000 · Bank of Kentucky-Checking	7,884.17
11100 · MACU - checking	16,045.41
11200 · MACU - savings/scholars...	1,025.97
11250 · MACU - MM	40,586.73
11300 · PayPal	8,775.10
Total Checking/Savings	<u>74,317.38</u>
Other Current Assets	
11500 · Inventory	23,711.31
12000 · Undeposited Funds	-200.00
Total Other Current Assets	<u>23,511.31</u>
Total Current Assets	97,828.69
Fixed Assets	
15000 · Furniture and Equipment	8,503.53
15005 · Software	2,856.62
15500 · Automobiles	
15501 · 2003 Honda Accord	8,465.00
15502 · 1998 F150 Super Cab Tru...	4,070.00
15503 · 2000 Honda Odyssey	5,690.00
15504 · 2001 Isuzu Rodeo	4,790.00
15505 · 1998 F150 Truck	2,350.00
Total 15500 · Automobiles	<u>25,365.00</u>
16000 · Living Miracle Monastery	289,007.53
16500 · Bandana Ranch	140,000.00
17000 · Campground	66,260.78
18000 · RV (1)	6,295.00
18001 · RV (2)	5,014.19
18100 · RV (3)	4,000.00
18500 · RV Cabin - Leila	47,035.00
Total Fixed Assets	<u>594,337.65</u>
<b>TOTAL ASSETS</b>	<u><u>692,166.34</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
32000 · Unrestricted Net Assets	304,192.23
Net Income	387,974.11
Total Equity	<u>692,166.34</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>692,166.34</u></u>









August 30, 2011

County Council;

Please consider approving the 2011 BOE Stipulations that will be prepared for your review by early next week. They are on the Sept. 14th agenda.

Thank You

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

Kathryn Rockhill  
BOE Clerk



# 2011 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
ALLC-211-1AM	\$ 1,100,000.00	\$ 1,900,000.00	\$ (800,000.00)	\$ 1,100,000.00	\$ 1,900,000.00
ALLC-214-1AM	\$ 970,000.00	\$ 1,300,000.00	\$ (330,000.00)	\$ 970,000.00	\$ 1,300,000.00
BCLAW-101	\$ 120,000.00	\$ 145,000.00	\$ (25,000.00)	\$ 66,000.00	\$ 145,000.00
BHVS-46	\$ 450,000.00	\$ 500,000.00	\$ (50,000.00)	\$ 450,000.00	\$ 500,000.00
BHVS-74	\$ 450,000.00	\$ 500,000.00	\$ (50,000.00)	\$ 247,500.00	\$ 500,000.00
BHVS-T112	\$ 410,000.00	\$ 410,000.00	\$ -	\$ 225,500.00	\$ 410,000.00
BHVS-T151	\$ 250,000.00	\$ 410,000.00	\$ (160,000.00)	\$ 350,000.00	\$ 410,000.00
BHVS-T17	\$ 410,000.00	\$ 410,000.00	\$ -	\$ 225,500.00	\$ 410,000.00
BHWKS-1-55-2AM	\$ 315,399.00	\$ 329,551.00	\$ (14,152.00)	\$ 173,469.00	\$ 329,551.00
BHWKS-2-107	\$ 378,571.00	\$ 378,571.00	\$ -	\$ 208,214.00	\$ 378,571.00
BL-105-B	\$ 269,000.00	\$ 275,000.00	\$ (6,000.00)	\$ 147,950.00	\$ 275,000.00
BN-A-1-6	\$ 863,536.00	\$ 1,051,306.00	\$ (187,770.00)	\$ 863,536.00	\$ 1,051,306.00
CCRK-B-23	\$ 90,000.00	\$ 90,000.00	\$ -	\$ 49,500.00	\$ 90,000.00
CCRK-F-31	\$ 175,000.00	\$ 175,000.00	\$ -	\$ 96,250.00	\$ 175,000.00
CCRK-P-26	\$ 175,000.00	\$ 175,000.00	\$ -	\$ 96,250.00	\$ 175,000.00
CD-2130-A	\$ 7,121.00	\$ 76,020.00	\$ (68,899.00)	\$ 7,121.00	\$ 76,020.00
CD-671-C	\$ 51,984.00	\$ 133,484.00	\$ (81,500.00)	\$ 51,984.00	\$ 133,484.00
CDE-II-4	\$ 1,270,000.00	\$ 1,921,548.00	\$ (651,548.00)	\$ 729,212.00	\$ 1,921,548.00
CDW-26	\$ 914,500.00	\$ 1,067,634.00	\$ (153,134.00)	\$ 502,975.00	\$ 1,067,634.00
CHC-112	\$ 93,000.00	\$ 120,000.00	\$ (27,000.00)	\$ 51,150.00	\$ 120,000.00
CHC-122	\$ 93,000.00	\$ 120,000.00	\$ (27,000.00)	\$ 51,150.00	\$ 120,000.00
CLJR-2-83	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-84	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-85	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-86	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-87	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-88	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CLJR-2-89	\$ 80,000.00	\$ 360,000.00	\$ (280,000.00)	\$ 80,000.00	\$ 360,000.00
CQVC-48	\$ 255,000.00	\$ 340,000.00	\$ (85,000.00)	\$ 255,000.00	\$ 340,000.00
CRC-B-203	\$ 257,500.00	\$ 290,000.00	\$ (32,500.00)	\$ 257,500.00	\$ 290,000.00
CRC-C-302	\$ 250,900.00	\$ 290,000.00	\$ (39,100.00)	\$ 250,900.00	\$ 290,000.00
CRQJ-55-AM	\$ 390,000.00	\$ 390,000.00	\$ -	\$ 214,500.00	\$ 390,000.00
CVOS-4-1	\$ 850,000.00	\$ 1,100,000.00	\$ (250,000.00)	\$ 850,000.00	\$ 1,100,000.00
CWPC-II-37	\$ 3,600,000.00	\$ 4,779,107.00	\$ (1,179,107.00)	\$ 3,600,000.00	\$ 4,779,107.00
DRID-9	\$ 876,000.00	\$ 976,000.00	\$ (100,000.00)	\$ 876,000.00	\$ 976,000.00

EGC-A	\$	445,000.00	\$	445,000.00	\$	-	\$	244,750.00	\$	445,000.00
EH-O-5	\$	198,000.00	\$	220,000.00	\$	(22,000.00)	\$	198,000.00	\$	220,000.00
EP-I-22	\$	1,351,180.00	\$	1,551,180.00	\$	(200,000.00)	\$	853,149.00	\$	1,551,180.00
ER-PB-15-898	\$	346,481.00	\$	346,481.00	\$	-	\$	190,564.00	\$	346,481.00
FGR-I-41	\$	570,000.00	\$	800,000.00	\$	(230,000.00)	\$	313,500.00	\$	800,000.00
FLGSF-103	\$	1,386,000.00	\$	1,700,000.00	\$	(314,000.00)	\$	1,386,000.00	\$	1,700,000.00
FLV-2-19-A	\$	660,000.00	\$	660,000.00	\$	-	\$	363,000.00	\$	660,000.00
FPRV-13-B	\$	280,000.00	\$	280,000.00	\$	-	\$	280,000.00	\$	280,000.00
FPRV-20-A-2	\$	271,000.00	\$	280,000.00	\$	(9,000.00)	\$	271,000.00	\$	280,000.00
FT-610	\$	206,051.00	\$	279,696.00	\$	(73,645.00)	\$	206,051.00	\$	279,696.00
FT-611-614	\$	56,298.00	\$	75,600.00	\$	(19,302.00)	\$	56,298.00	\$	75,600.00
FT-612	\$	93,830.00	\$	126,000.00	\$	(32,170.00)	\$	93,830.00	\$	126,000.00
FT-613	\$	408,161.00	\$	548,100.00	\$	(139,939.00)	\$	408,161.00	\$	548,100.00
GLEN-304	\$	894,500.00	\$	1,180,000.00	\$	(285,500.00)	\$	894,500.00	\$	1,180,000.00
GWLD-54	\$	325,000.00	\$	488,000.00	\$	(163,000.00)	\$	325,000.00	\$	488,000.00
GWLD-II-110-AM	\$	578,000.00	\$	735,000.00	\$	(157,000.00)	\$	578,000.00	\$	735,000.00
GWLD-II-156-AM	\$	359,000.00	\$	412,000.00	\$	(53,000.00)	\$	359,000.00	\$	412,000.00
GWLD-III-168	\$	160,000.00	\$	312,500.00	\$	(152,500.00)	\$	160,000.00	\$	312,500.00
HC-1-93	\$	410,000.00	\$	567,743.00	\$	(157,743.00)	\$	225,000.00	\$	567,743.00
HE-A-337	\$	225,000.00	\$	333,663.00	\$	(108,663.00)	\$	123,750.00	\$	333,663.00
HE-B-284-A	\$	90.00	\$	150,000.00	\$	(149,910.00)	\$	90.00	\$	150,000.00
HM-1-2	\$	1,720,000.00	\$	2,635,745.00	\$	(915,745.00)	\$	1,720,000.00	\$	2,635,745.00
HMP-32	\$	540,000.00	\$	639,884.00	\$	(99,884.00)	\$	297,000.00	\$	639,884.00
INT-6	\$	168,000.00	\$	240,000.00	\$	(72,000.00)	\$	92,400.00	\$	240,000.00
ISL-5	\$	2,900,000.00	\$	3,500,000.00	\$	(600,000.00)	\$	2,900,000.00	\$	3,500,000.00
ITT-8	\$	798,600.00	\$	935,000.00	\$	(136,400.00)	\$	798,600.00	\$	935,000.00
JLC-108	\$	800,000.00	\$	1,000,000.00	\$	(200,000.00)	\$	800,000.00	\$	1,000,000.00
JR-2-202	\$	660,000.00	\$	751,688.00	\$	(91,688.00)	\$	660,000.00	\$	751,688.00
JR-4-4103	\$	518,976.00	\$	565,545.00	\$	(46,569.00)	\$	285,436.00	\$	565,545.00
JR-4-4135	\$	165,000.00	\$	195,500.00	\$	(30,500.00)	\$	165,000.00	\$	195,500.00
KE-A-41	\$	22,000.00	\$	59,500.00	\$	(37,500.00)	\$	22,000.00	\$	59,500.00
KE-A-46	\$	30,000.00	\$	59,500.00	\$	(29,500.00)	\$	30,000.00	\$	59,500.00
KE-A-75	\$	24,000.00	\$	36,900.00	\$	(12,900.00)	\$	24,000.00	\$	36,900.00
KE-A-75-A	\$	22,000.00	\$	36,900.00	\$	(14,900.00)	\$	22,000.00	\$	36,900.00
KE-A-9	\$	28,000.00	\$	59,500.00	\$	(31,500.00)	\$	28,000.00	\$	59,500.00
KN-DVCE-8-AM	\$	2,100,000.00	\$	3,368,560.00	\$	(1,268,560.00)	\$	2,100,000.00	\$	3,368,560.00
LODV-19	\$	110,000.00	\$	150,000.00	\$	(40,000.00)	\$	110,000.00	\$	150,000.00
LODV-30	\$	110,000.00	\$	600,000.00	\$	(490,000.00)	\$	110,000.00	\$	600,000.00
MASKE-1	\$	510,252.00	\$	590,576.00	\$	(80,324.00)	\$	280,816.00	\$	590,576.00
MW-1-11	\$	392,876.00	\$	392,876.00	\$	-	\$	216,081.00	\$	392,876.00

NAKOMA-11-1AM	\$	1,725,000.00	\$	5,200,000.00	\$	(3,475,000.00)	\$	1,725,000.00	\$	5,200,000.00
NAKOMA-15-1AM	\$	1,200,000.00	\$	5,200,000.00	\$	(4,000,000.00)	\$	1,200,000.00	\$	5,200,000.00
NBF-12	\$	212,000.00	\$	243,095.00	\$	(31,095.00)	\$	106,057.00	\$	243,095.00
NC-102	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-105	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-106	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-107	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	66,000.00	\$	230,000.00
NC-111	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	66,000.00	\$	230,000.00
NC-113	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-202	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-203	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-206	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-210	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-211	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-212	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-213	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-301	\$	110,000.00	\$	230,000.00	\$	(120,000.00)	\$	110,000.00	\$	230,000.00
NC-303	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-304	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	66,000.00	\$	230,000.00
NC-305	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-307	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-312	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-314	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-401	\$	110,000.00	\$	230,000.00	\$	(120,000.00)	\$	60,500.00	\$	230,000.00
NC-407	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	66,000.00	\$	230,000.00
NC-408	\$	110,000.00	\$	230,000.00	\$	(120,000.00)	\$	110,000.00	\$	230,000.00
NC-410	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-411	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NC-413	\$	120,000.00	\$	230,000.00	\$	(110,000.00)	\$	120,000.00	\$	230,000.00
NGC-72	\$	60,020.00	\$	200,020.00	\$	(140,000.00)	\$	60,020.00	\$	200,020.00
NS-103	\$	320,000.00	\$	420,686.00	\$	(100,686.00)	\$	180,771.00	\$	420,686.00
NS-480-B	\$	250,000.00	\$	326,869.00	\$	(76,869.00)	\$	137,500.00	\$	326,869.00
OAKS-70	\$	1,080,000.00	\$	1,342,331.00	\$	(262,331.00)	\$	1,080,000.00	\$	1,342,331.00
PAC-19-AM	\$	140,000.00	\$	140,000.00	\$	-	\$	140,000.00	\$	140,000.00
PALSDS-66	\$	1,100,000.00	\$	1,438,597.00	\$	(338,597.00)	\$	1,100,000.00	\$	1,438,597.00
PBC-1-44	\$	384,300.00	\$	315,000.00	\$	69,300.00	\$	156,365.00	\$	315,000.00
PBP-A-K-22	\$	220,000.00	\$	220,000.00	\$	-	\$	220,000.00	\$	220,000.00
PB-PR-117	\$	110,000.00	\$	332,560.00	\$	(222,560.00)	\$	110,000.00	\$	332,560.00
PB-PR-16-AM	\$	140,000.00	\$	358,650.00	\$	(218,650.00)	\$	140,000.00	\$	358,650.00
PC-136	\$	551,763.00	\$	697,444.00	\$	(145,681.00)	\$	303,469.00	\$	697,444.00

PC-31	\$	657,681.00	\$	657,681.00	\$	-	\$	361,724.00	\$	657,681.00
PC-449	\$	453,000.00	\$	517,656.00	\$	(64,656.00)	\$	249,150.00	\$	517,656.00
PC-724-A	\$	1,042,828.00	\$	1,042,828.00	\$	-	\$	573,555.00	\$	1,042,828.00
PCMC-105	\$	665,000.00	\$	860,000.00	\$	(195,000.00)	\$	665,000.00	\$	860,000.00
PDP-202-A	\$	172,400.00	\$	210,000.00	\$	(37,600.00)	\$	94,820.00	\$	210,000.00
PI-37	\$	177,500.00	\$	320,242.00	\$	(142,742.00)	\$	177,500.00	\$	320,242.00
PI-67	\$	250,000.00	\$	330,000.00	\$	(80,000.00)	\$	138,220.00	\$	330,000.00
PI-B-20	\$	145,000.00	\$	270,285.00	\$	(125,285.00)	\$	145,000.00	\$	270,285.00
PI-F-27	\$	197,000.00	\$	401,432.00	\$	(204,432.00)	\$	197,000.00	\$	401,432.00
PI-I-39	\$	85,000.00	\$	113,184.00	\$	(28,184.00)	\$	85,000.00	\$	113,184.00
PKM-2-3	\$	680,000.00	\$	819,373.00	\$	(139,373.00)	\$	374,000.00	\$	819,373.00
PNCR-A-3	\$	159,000.00	\$	200,000.00	\$	(41,000.00)	\$	87,450.00	\$	200,000.00
PNCR-C-3	\$	161,500.00	\$	200,000.00	\$	(38,500.00)	\$	161,500.00	\$	200,000.00
POV-126	\$	378,434.00	\$	378,434.00	\$	-	\$	208,138.00	\$	378,434.00
PP-87-10-A	\$	647,000.00	\$	1,075,194.00	\$	(428,194.00)	\$	417,050.00	\$	1,075,194.00
PP-87-22	\$	1,000,000.00	\$	1,147,546.00	\$	(147,546.00)	\$	602,324.00	\$	1,147,546.00
PSA-4-A	\$	525,000.00	\$	710,000.00	\$	(185,000.00)	\$	525,000.00	\$	710,000.00
PSKY-20	\$	1,581,000.00	\$	3,106,722.00	\$	(1,525,722.00)	\$	869,631.00	\$	3,106,722.00
PSKY-42	\$	1,800,000.00	\$	2,572,345.00	\$	(772,345.00)	\$	1,800,000.00	\$	2,572,345.00
PSSR-6	\$	1,437,365.00	\$	1,437,365.00	\$	-	\$	790,730.00	\$	1,437,365.00
PT-2-B	\$	185,000.00	\$	185,000.00	\$	-	\$	185,000.00	\$	185,000.00
PWC-1-1	\$	186,000.00	\$	295,000.00	\$	(109,000.00)	\$	186,000.00	\$	295,000.00
PWC-2-3	\$	186,000.00	\$	295,000.00	\$	(109,000.00)	\$	186,000.00	\$	295,000.00
PWL-1-S-11-I	\$	105,000.00	\$	105,000.00	\$	-	\$	105,000.00	\$	105,000.00
RCC-1B-B-205	\$	435,500.00	\$	570,000.00	\$	(134,500.00)	\$	435,500.00	\$	570,000.00
RCCS-16	\$	924,500.00	\$	1,301,136.00	\$	(376,636.00)	\$	924,500.00	\$	1,301,136.00
RKC-B	\$	1,150,000.00	\$	2,000,000.00	\$	(850,000.00)	\$	1,150,000.00	\$	2,000,000.00
RPL-III-130	\$	685,717.00	\$	759,903.00	\$	(74,186.00)	\$	377,144.00	\$	759,903.00
RP-T-18	\$	319,900.00	\$	350,000.00	\$	(30,100.00)	\$	319,000.00	\$	350,000.00
RRH-1	\$	1,125,000.00	\$	1,844,369.00	\$	(719,369.00)	\$	656,370.00	\$	1,844,369.00
RSLC-402	\$	475,000.00	\$	600,000.00	\$	(125,000.00)	\$	475,000.00	\$	600,000.00
RSLC-501	\$	505,000.00	\$	600,000.00	\$	(95,000.00)	\$	505,000.00	\$	600,000.00
SA-236	\$	270,000.00	\$	457,680.00	\$	(187,680.00)	\$	148,500.00	\$	457,680.00
SG-A-101	\$	196,024.00	\$	362,594.00	\$	(166,570.00)	\$	196,024.00	\$	362,594.00
SG-D-19	\$	1,650,000.00	\$	2,024,628.00	\$	(374,628.00)	\$	1,650,000.00	\$	2,024,628.00
SL-A-73	\$	520,412.00	\$	520,412.00	\$	-	\$	339,944.00	\$	520,412.00
SLB-2-R-2	\$	220,000.00	\$	220,000.00	\$	-	\$	121,000.00	\$	220,000.00
SLC-102-AM	\$	219,000.00	\$	300,000.00	\$	(81,000.00)	\$	219,000.00	\$	300,000.00
SLC-106-AM	\$	179,500.00	\$	200,000.00	\$	(20,500.00)	\$	179,500.00	\$	200,000.00
SL-F-357	\$	337,747.00	\$	337,747.00	\$	-	\$	193,962.00	\$	337,747.00

SLK-413	\$	325,000.00	\$	405,000.00	\$	(80,000.00)	\$	325,000.00	\$	405,000.00
SLT-III-2-A	\$	229,000.00	\$	320,000.00	\$	(91,000.00)	\$	229,000.00	\$	320,000.00
SNC-1015	\$	143,500.00	\$	160,000.00	\$	(16,500.00)	\$	143,500.00	\$	160,000.00
SOL-17	\$	1,746,060.00	\$	1,746,060.00	\$	-	\$	960,333.00	\$	1,746,060.00
SOP-B	\$	1,890,000.00	\$	2,130,000.00	\$	(240,000.00)	\$	1,890,000.00	\$	2,130,000.00
SPC-2AM-A-55	\$	395,900.00	\$	395,900.00	\$	-	\$	217,745.00	\$	395,900.00
SPIRO-303-AM	\$	845,000.00	\$	950,000.00	\$	(105,000.00)	\$	845,000.00	\$	950,000.00
SPIRO-D-103	\$	900,000.00	\$	950,000.00	\$	(50,000.00)	\$	900,000.00	\$	950,000.00
SPT-A-3	\$	315,000.00	\$	360,000.00	\$	(45,000.00)	\$	315,000.00	\$	360,000.00
SPT-B-4	\$	395,000.00	\$	450,000.00	\$	(55,000.00)	\$	395,000.00	\$	450,000.00
SS-136-D-1	\$	49,125.00	\$	109,300.00	\$	(60,175.00)	\$	49,125.00	\$	109,300.00
SS-61-B-9	\$	147,000.00	\$	235,000.00	\$	(88,000.00)	\$	147,000.00	\$	235,000.00
SU-B-13	\$	45,000.00	\$	45,000.00	\$	-	\$	45,000.00	\$	45,000.00
SU-I-53	\$	490,000.00	\$	536,713.00	\$	(46,713.00)	\$	490,000.00	\$	536,713.00
SUNR-SR-39	\$	436,500.00	\$	771,981.00	\$	(335,481.00)	\$	436,500.00	\$	771,981.00
TCS-12	\$	600,000.00	\$	781,755.00	\$	(181,755.00)	\$	600,000.00	\$	781,755.00
TCS-13	\$	725,000.00	\$	830,292.00	\$	(105,292.00)	\$	725,000.00	\$	830,292.00
TCT-7	\$	350,000.00	\$	370,000.00	\$	(20,000.00)	\$	192,500.00	\$	370,000.00
TH-2-34	\$	785,013.00	\$	785,013.00	\$	-	\$	431,757.00	\$	785,013.00
TJR-5	\$	1,030,000.00	\$	1,290,408.00	\$	(260,408.00)	\$	596,449.00	\$	1,290,408.00
TWL-12D	\$	290,000.00	\$	290,000.00	\$	-	\$	159,500.00	\$	290,000.00
TWL-4C	\$	278,000.00	\$	290,000.00	\$	(12,000.00)	\$	278,000.00	\$	290,000.00
UL-68-C-AM	\$	272,123.00	\$	176,402.00	\$	95,721.00	\$	272,123.00	\$	176,402.00
VKCS-12	\$	53,360.00	\$	58,000.00	\$	(4,640.00)	\$	53,360.00	\$	58,000.00
VPJR-3	\$	363,000.00	\$	385,000.00	\$	(22,000.00)	\$	199,650.00	\$	385,000.00
VPJR-6	\$	411,800.00	\$	415,000.00	\$	(3,200.00)	\$	411,800.00	\$	415,000.00
VPJR-C-7	\$	388,500.00	\$	415,000.00	\$	(26,500.00)	\$	388,500.00	\$	415,000.00
WA-1-35-AM	\$	12,000.00	\$	12,000.00	\$	-	\$	12,000.00	\$	12,000.00
WEBE-B-6	\$	450,000.00	\$	561,225.00	\$	(111,225.00)	\$	293,670.00	\$	561,225.00
WLCRK-72	\$	1,956,246.00	\$	1,956,246.00	\$	-	\$	1,097,805.00	\$	1,956,246.00
Totals for 9/14/2011	\$	85,729,024.00	\$	119,777,161.00	\$	(34,048,137.00)	\$	71,377,372.00	\$	119,777,161.00
Totals for 8/31/2011	\$	84,373,698.00	\$	101,976,442.00	\$	(8,743,072.00)	\$	65,653,679.00	\$	101,976,442.00
Running Total	\$	170,102,722.00	\$	221,753,603.00	\$	(42,791,209.00)	\$	137,031,051.00	\$	221,753,603.00

Annette,

So far this year(2011)the Market value decrease is (\$42,791,209) As of 09/14/2011

We have sent 380 appeals to the council for signature.

**RESIDENTIAL PROPERTY TAX ABATEMENTS  
SUMMIT COUNTY, STATE OF UTAH  
ORDINANCE NO. \_\_\_\_**

**PREAMBLE**

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

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

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

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

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

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

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

**Tax Abatement for Tax Years prior to Current Tax Year.** Tax Abatements for prior tax years shall not be approved unless the tax payer demonstrates by a preponderance of

the evidence that an error on the part of the County, which prejudices the taxpayer, has been made. In all instances, the maximum abatement shall be five years.

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

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

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        \_\_\_\_\_



## **STAFF REPORT**

**To:** Summit County Council  
**From:** Jennifer Strader, County Planner  
**Date of Report:** September 7, 2011  
**Date of Meeting:** September 14, 2011  
**Type of Item:** Silver Creek Village Center – Public Hearing on SPA Rezone

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### **Executive Summary**

The applicants, Jeff Graham and Eric Langvardt, representing the property owners, Liberty Capital Lending and Gayle Kennedy Larsen (Robert M. Larsen), are requesting consideration of a Specially Planned Area (SPA) rezone for a Village Center on 244.33 acres located on the southeast corner of Highway 40 and Interstate 80 (**Exhibit A**).

On August 24, 2010 the Snyderville Basin Planning Commission (SBPC) unanimously forwarded a positive recommendation to the Summit County Council (SCC) for the proposed Village Center. The proposal included 850 market rate units, 220 workforce unit equivalents, and 50,000 square feet of commercial.

After the applicants received their recommendation from the SBPC, the majority (~220 acres) of the property contained in the Village Center transferred title to Liberty Capital Lending. The remaining ~25 acres is still managed by Mr. Larsen, the original owner, for the current owner Gayle Kennedy Larsen. Both property owners have agreed to continue with the Village Center project.

The SCC held a work session on August 3, 2011 and provided input regarding the proposal, specifically requesting that the applicants consider providing more workforce housing in exchange for less open space. The applicants amended their plan and are now proposing 960 market units, 330 workforce unit equivalents, and 50,000 square feet of commercial (they added 110 market rate units and 110 workforce unit equivalents). The open space has decreased from 70% to 63%.

### **A. Project Description**

- Project Name: Silver Creek Village Center
- Applicant(s): Jeff Graham and Eric Langvardt
- Owner(s): Liberty Capital Lending and Gayle Kennedy Larsen
- Location: Southeast corner of Silver Creek Junction
- Zone District: RR (rural residential)
- Adjacent Land Uses: Silver Creek Commerce Center/Business Park  
SBWRD Treatment Facility  
Agricultural Grazing
- Existing Uses: Vacant
- Parcel #'s: SS-30-A, SS-48-B-1, SS-48-B, SS-30-B, SS-32-B-1

B. **Community Review**

This item has been noticed as a public hearing. Notices were sent to all property owners located within 1,000' from the boundaries of the property and public notice was published in the Park Record. As of the date of this report, Staff has not received any public comment.

Public hearings were held before the Snyderville Basin Planning Commission (SBPC) on February 9<sup>th</sup>, June 3<sup>rd</sup>, and July 27, 2010. Public comment was primarily related to traffic concerns, affordable housing, and the existing Highland Drive underpass. Each of these issues will be discussed later in this report.

C. **Background**

- **1995, 1997, 1998, and 2000:** Sketch Plan applications were filed for a Village Center at Silver Creek Junction. Those applications did not move forward pending General Plan and Development Code amendments that were being initiated by the County at that time. The applications in 1998 and 2000 were for the development of an affordable housing community of 990 residential units and about 72,000 square feet of commercial.
- **March 24, 1998:** the SBPC held a Joint Planning Public Meeting on the proposal. There was also a work session on the item, but there were no official notes or minutes of work sessions being recorded at that time.
- **June, 2002:** A letter was sent to the applicant indicating that any Sketch Plan approval that may have been given in 1998 expired prior to the filing of the 2000 application. The letter went on to state that since no action had been taken on the sketch plan since the 2000 application was filed and since the County was considering amendments to the General Plan and Development Code, the project would be processed under the new Code provisions, if they were adopted (pending ordinance doctrine). The applicant disagreed with this interpretation and the General Plan and Development Code were not ultimately amended within the six (6) month period originally anticipated.
- **June 10, 2005:** the Community Development Director made a determination that the application was vested to continue being processed under the 1998 General Plan and Development Code (**Exhibit B**).
- **May 27, 2008, October 28, 2008, & December 8, 2009:** Work Sessions w/SBPC on the proposal for 1,100 market units, approximately 200 workforce housing units, and 70,000 square feet of commercial space (**Exhibits C-E: Meeting Minutes**).
- **November 25, 2008:** Site visit w/SBPC.
- **February 9, 2010:** Public Hearing w/SBPC on the proposal for 1,100 market units, 242 workforce housing units, and 82,750 square feet of commercial space (**Exhibit F: Meeting Minutes**).
- **June 3, 2010 & July 27, 2010:** Public Hearings w/SBPC on the proposal for 900 market units, 205 workforce housing units, and 50,000 square feet of commercial space (**Exhibits G-H: Meeting Minutes**).
- **August 24, 2010:** *SBPC unanimously forwarded a positive recommendation to the SCC for the proposal containing 850 market units, 220 workforce housing units, and 50,000 square feet of commercial space* (**Exhibit I: Meeting Minutes**).
- **August 3, 2011:** Work session w/SCC.

D. **Development Code Compliance**

The base density of the property under the 1998 zoning (as well as current zoning) is as follows:

	<b>Base Density</b>	<b>Acreage</b>	<b>Number of Units</b>
<b>Developable Land</b>	1 unit per 20 acres	238.64 acres	11.9
<b>Sensitive Land</b>	1 unit per 40 acres	5.69 acres	.14
<b>TOTAL</b>		244.33 acres	<b>12 units</b>

Section 2.3.F (3) of the 1998 Snyderville Basin Development Code is the Matrix for a Major Development within a Village Center (**Exhibit J**). The development potential is based on compliance with a number of criteria.

The criteria that are mandatory to qualify as a minor development (**1 unit / 5 acres**) include:

- Dedication and Preservation of Viewshed/Environmental Features of the Area
- Consistency with Desired Neighborhood Character
- Community and Neighborhood Recreation Facilities

Compliance with these criteria would yield a maximum density of 48 units for the property that is included as a part of this application (244.33 acres).

The criteria that are utilized for consideration of a major development under the matrix (**up to 5 units / acre**) include:

- Environmental Enhancements
- Restricted Affordable Housing
- Contribution to Community Trails and Parks
- Exceeds Open Space Requirements for Project
- Tax Base and Economic Enhancements
- Compatibility with “Town, Resort, Village Design”
- Land Bank & Transfer of Development Rights
- Unique Public Facilities and Amenities Exceeding Project Requirements

The amount of increased density granted is to be directly related to the public benefits being provided. In order for an applicant to obtain the *maximum* density under the matrix system, all of the aforementioned criteria shall be met. This application is not requesting the maximum density.

The following table compares the density recommended by the SBPC and the density proposed based on feedback from the SCC at the previous work session. The SCC advised the applicants that a reduction in open space may be appropriate if more workforce unit equivalents (WUEs) were considered. The applicant is proposing an additional 110 market units and 110 WUEs. The increase in density has resulted in the open space being amended

from 70% to 63% or 171 acres to 154 acres; however, the general location and function of the open space has not significantly changed.

	Market Units	Commercial	WUEs	Open Space	Units per Acre
Previous Proposal	850	50,000 sq ft (using a 1,600 unit equivalent = 31 units)	220 (25% of market and commercial density)	70% (171 acres)	850 + 31 = 881 units / 244.33 acres = <b>3.60</b> (does not include WUEs)
Revised Proposal	960	50,000 sq ft (using a 1,600 unit equivalent = 31 units)	330 (33.3% of market and commercial density)	63% (154 acres)	960 + 31 = 991 units / 244.33 acres = <b>4.05</b> (does not include WUEs)

**E. Identification and Analysis of Issues**

*Traffic*

A Traffic Study for the project was first submitted in 2008, with an addendum to that study completed on July 7, 2010. The Summit County Engineering Office reviewed the study and found that in order for a project of this scale to move forward, improvements would need to be made to the Silver Summit Interchange. The applicant has proposed two (2) round-a-bouts, one on the east side of the off ramp of Hwy-40 and one at the intersection of Silver Creek Drive and the Frontage Road.

The Engineering Department found the use of the roundabouts acceptable. With anticipated future growth in the regional area primarily on the east side of Highway 40 as well as the total build out of the Silver Creek Village Center, the roundabouts would still operate at a Level of Service "C".

Additionally, concern was expressed regarding the Hwy-40 and I-80 intersection and whether the increased traffic would cause a reduction in the level of service. The addendum to the original traffic study addresses this intersection and it was found that with future growth in the area as well as the total build out of the Silver Creek Village Center, the Level of Service will not drop below a "C".

Because of the concern with this intersection, the SBPC recommended a condition that should this intersection or the roundabouts drop below a Level of Service "C", the applicant shall contribute to future improvements. A discussion was held regarding a potential future improvement being the construction of an additional interchange/access from I-80 onto the Pace Frontage Road (**Exhibit K**).

*Workforce Housing*

The matrix contained in the 1998 Code states that higher densities will be permitted when restricted affordable housing is provided within the project; however, there is no minimum amount specified. Based on previous applications, ten percent (10%) of the market rate units seemed to be the understood minimum.

The SBPC felt that although this application is being processed under a previous Code, they should make every effort to comply with the current Code regarding workforce housing (20% minimum required). The applicants have consistently proposed around 22 - 25%.

The applicants have worked closely with Scott Loomis, representing Mountainlands Community Housing Trust and since the work session with the SCC, are proposing 330 workforce unit equivalents, which is equal to ~33% of the market rate and commercial density. All of the units will be affordable to citizens earning less than 80% AMI, which is currently \$99,000.00 Scott Loomis has indicated there is a need for this type of housing. All units will be deed restricted according to the current Code criteria.

#### *Highland Drive Underpass*

Part of this application is the dedication of approximately 74 acres to the Snyderville Basin Recreation District for a community park. In order to connect the park to the neighborhoods on the west side of Hwy-40, the applicant is proposing to upgrade the drainage patterns on both sides of the existing Highland Estates pedestrian underpass.

Members of the public and some members of the SBPC expressed concern that the existing underpass essentially takes you into the backyard of a private residence on the west side of Hwy 40, and from there, there isn't an existing sidewalk along Highland Drive that connects into the neighborhoods. The applicant has been working with Rocky Mountain Power, UDOT, and the Snyderville Basin Special Recreation District (SBSRD) to formalize a trail easement to connect Highland Estates and the Silver Summit neighborhoods to the park. In fact, SBSRD made application to UDOT to formalize easements in this neighborhood and they are currently constructing a trail along Highland Drive.

#### F. Matrix Compliance

Through the SPA process, the burden is on the applicant to convince the SBPC and the SCC that they have earned the amount of density being requested based upon their community benefits. It is up to the discretion of the SBPC and SCC to determine whether the benefits are sufficient for the requested density.

Under the Matrix system, the process for evaluating the benefits identified for density is very subjective. Because the majority of the SBPC had no experience with the Matrix, Staff included a "scorecard" that was used by the SBPC for their analysis of the Village Center. The intent of the "scorecard", at a minimum, was to have a starting point for the SBPC to analyze the Matrix criteria (**Exhibit L**).

Below Staff has provided the applicant's responses to the matrix criteria.

***Dedication and Preservation of Natural Features:** Preservation of viewsheds shall, when possible, include the retention of all or major portions of all meadow and hillside viewsheds, all ridge lines, and significant environmental features such as all waterways and non-jurisdictional wetlands, wildlife habitat, wildfire hazard areas, historic and cultural artifacts, and geologic features. This is to be accomplished by, among other things, minimizing the removal of vegetation from the site and the amount of over-lot grading required to fit the project into the natural landscape.*

- Near View buffer between 600 and 1300 feet from Hwy 40 and I-80.
- Preservation of 5.69 acres of wetlands and near view buffer vegetation which entails 82 acres.
- Development is sited so that it is not readily visible from major roadways.
- Development does not interfere with existing drainage courses or wildlife corridors.
- Design locates development adjacent to the Silver Creek Business Park to continue clustering of developed areas and to preserve open views of the Silver Creek drainage.

- Development is clustered so as to minimize grading and improvement impacts.

***Consistency with Desired Neighborhood Character:*** *Development shall be compatible with the desired neighborhood development patterns and policies identified in the Snyderville Basin General Plan and both the applicable Neighborhood Planning Area Plan and Land Use plan Map. At least sixty (60) percent of the total development parcel(s) that exceed base density shall be maintained as open space in a manner that is consistent with the goals and objectives of the Snyderville Basin Development Code. In certain instances, development, at the option of Summit County and when requested in writing by the developer, may make a cash-in-lieu of open space contribution to Summit County for the purposes of acquiring open space and open use recreation facilities at another location.*

- The project is located in an area identified as a Village Center on the East Basin Neighborhood Land Use Map.
- Village provides a mix of uses including neighborhood commercial, multi-family and single family residential and recreational opportunities.
- Design provides a focal point for public activities and gathering spaces within the Village Green.
- Plan provides civic spaces for schools and churches.
- Pedestrian oriented, tree lines and interconnected streets.
- The Village is easily accessible from a major transportation route with minimal impacts.
- The Village is located in close proximity to existing economic and employment generators.
- Village is near or contains appropriate infrastructure and County services.
- Provides for housing opportunities for current and future employees of the adjacent commercial and office uses of the Silver Creek Business Park which reduces the traffic impact to adjacent neighborhoods.
- Provides gathering places, park facilities, neighborhood shopping, and amenities that are easily accessible by Silver Creek Estates, Highland Estates, Silver Summit, Promontory, and Silver Summit communities.
- Development has been clustered to maximize significant open space.

***Neighborhood Recreation Facilities:*** *Development shall provide appropriate neighborhood recreation and trail facilities, in terms of location, type, and variety that meet the specific neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trail facilities provide shall be adequate to satisfy the neighborhood demand. The long term care of these facilities shall be the responsibility of the developer or subsequent residents of the project.*

- 4 neighborhood parks are proposed that range in size from .25 acres to 1.5 acres and are easily accessible by users.
- 2.75 acre central park with public gathering spaces, such as an amphitheater, pavilions, and lawn area.
- 13 acre neighborhood park with multi-purpose play fields, play structures, and associated parking.
- The plan provides for a park within 800' of all residences.

***Environmental Enhancements:*** *Environmental enhancements shall include, but are not limited to, programs and improvements that will enhance existing wildlife habitat,*

*rehabilitating wetlands disturbed by various land use practices, measure to protect air quality, establishing fisheries in local streams, landscaping beyond Code requirements, and other such features. Such enhancement must be compatible with the Snyderville Basin General Plan and the applicable neighborhood plan. Environmental enhancements must produce benefits for the enjoyment of all residents of the Snyderville Basin. Improvements that are provided largely for the enjoyment of residents of the development and which produce only minor benefits for the general population may receive some density credit, but only to the extent that the general public benefits from the improvements.*

- All homes will be built to Energy Star 2011 standards.
- Silver Creek Village will submit for the LEED Neighborhood Certification and has set a goal to achieve the Gold level certification.
- Silver Creek Village will submit for the National Green Building Standard for Site Design and Development ratings and has set a goal to achieve a 4 Star level of performance (out of 4 stars). The National Green Building Standard provides criteria for rating the environment impact of design and construction practices to achieve conformance for green residential development.
- Use of reclaimed water from the adjacent Snyderville Basin Water Reclamation District (SBWRD) plant as a secondary irrigation system for all common areas, thus relieving the impact and quantity of treated water in the Basin. Rehabilitation of 8 acres of abandoned wastewater treatment ponds with conversion to park and civic spaces.
- Creation of 3.5 acres of wetland basins for storm drainage within the Silver Creek drainage corridor providing for groundwater recharge.
- Rehabilitation and enhancement of 5.69 acres of existing wetlands.
- Shared bicycle program.
- Mass Transit – Providing bus stops within 1,000' of every residence.
- Truly mixed use and walkable development providing for a reduction in daily off-site vehicular trips and shared parking opportunities.
- All fireplaces shall be non-wood burning.
- Turf limits – 20% of a building lot
- Require water wise and regionally appropriate plantings
- Tree lined and shaded streets providing reduced heat gain
- On-site Community Nursery
- Contractor and Neighborhood Recycling Programs
- Photo Voltaic (PV) and Hybrid Vehicle ready homes

Please see the attached **Exhibit M** for a detailed description of the aforementioned environmental enhancements.

***Restricted Affordable Housing:*** *Higher densities will be permitted when restricted affordable housing is provided within the project. Restricted housing must be of a type that is compatible with the neighborhood within which it is proposed. Restrictions by deed or other desired mechanism shall include appropriate sales and resale restrictions, rental rate restrictions, and other appropriate measures. The restrictions shall ensure that the dwelling units are oriented toward persons employed within Summit County and remain affordable to those employed in Summit County in perpetuity, including sales beyond the original owner. Affordable housing types and size, together with the percentage of such units provided must be compatible with and deemed appropriate by Summit County for the neighborhood in which is it proposed and meet the housing needs of the community. Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated.*

- 330 workforce housing units (~33% of market units and commercial density) proposed to be located throughout the project with a wide range of housing types.
- Will provide for restrictions that will enable the units to be available to residents employed within Summit County.
- Appropriate sales and restrictions by deeds as outlined in the 2007 Workforce Housing Ordinance.
- The applicant is proposing the units at income levels of 80% of AMI or less.

***Community Trails and Parks:*** Contributions for community parks and trails shall be made according to the Snyderville Basin Recreation and Trails Master Plan. Facilities “required” to meet specific neighborhood or project needs will not be considered as contributions to the community-wide system. Improvements and/or contributions must be considered appropriate and desirable by the Snyderville Basin Special Recreation District. The level of density incentive will relate to the value of the community benefit received from the contribution.

- Donate 74 acres for a “community” park site to the Snyderville Basin Special Recreation District with the potential for multi-purpose play fields, ball fields, parking, trails, etc.
- Provide pedestrian connections for Silver Summit, Highland Estates, and Silver Creek neighborhoods to the proposed community park and the Rail Trail east of the proposed project.
- 14,200 feet (2.7 miles) of community trails.

***Exceeds Open Space Requirements:*** Density incentives will be granted by Summit County when a development project provides significant and meaningful open space consistent with the requirements established in Policy 3.3 and 3.4 of the General Plan, and when the amount of open space provided exceeds the required open space for the site as established in the Development Code.

***Policy 3.3:*** Visual access to the mountains from public roadways, trails, and from within private development and significant open spaces shall be maintained and enhanced whenever possible by siting buildings in such a way as to provide views between or around them.

***Policy 3.4:*** Required open space within development shall, among other things, be located to protect the most important attributes of a site and the key focal points that are important qualities of the character of the area, which may include scenic viewsheds and near buffers, slopes that are less than 30%, significant wildlife habitat, agricultural lands and antiquities, provide open space connections through development, and other such features. Whenever possible, superior attributes should be maintained within parks or other open space areas accessible by the public.

- 63% open space provided.
- Open space proposed in large contiguous areas and includes near view buffers as identified in the General Plan.
- Majority of the significant open space is maintained within parks or trail corridors.

***Tax Base and Economic Incentives:*** The potential density incentive will be partially a function of tax base and economic enhancement desired by summit County, which may include, but are not limited to, job generation of the local labor supply; enhancements to

*the resort economy which may include appropriate short-term accommodations and recreation amenities; significant assessed valuation increases that benefit County and Special Service Districts; and/or significant increases in sales tax revenues to the County. Such projects shall be required to accommodate the unique seasonal employee housing needs of the development project in order to qualify for this measure. The development project shall be phased in a manner that ensures that tax revenues are available to County and Special Service Districts before those aspects of the project that may produce a fiscal burden on service providers are constructed. A fiscal, economic, and seasonal housing needs assessment of the project, based on assumptions approved by Summit County will be required to demonstrate the level of enhancement generated by the project.*

- Commercial & Office tax base
- Workforce housing for resort industry support
- Rental Housing options
- Commercial uses and Elementary School generates +/- 270 jobs
- Recreational amenities add to Counties resort economy
- Second home residents

***Compatibility with “Village Center” Design Principles:*** *Higher densities may be permitted within those areas designated Village Center on the applicable Neighborhood Land Use Plan Map. However, to qualify for density increases under this provision, all development must comply with the appropriate design principles identified in Policy 2.2 of the Snyderville Basin General Plan. Furthermore, development shall be clustered at a minimum rate of approximately five (5) units per one (1) acre so as to create an appropriate critical mass within the developed area.*

- Network of easily navigable roadways.
- Defined village center.
- A variety of housing types.
- Pedestrian oriented.
- Recreational uses near every residence.
- Near infrastructure and services.

***Land Bank and Transfer of Development Rights:*** *Summit County will use density incentives to encourage the transfer of development rights from a less desirable location with the Snyderville Basin to a more desirable location with the Snyderville Basin or suitable contributions of land for land bank purposes to Summit County. The incentive shall be related to the public benefit received from the transfer, but it is recognized that significant density increases may be considered to achieve density transfers. It is also recognized that sending areas vary in degree of significance to the community. The more significant the sending area, the greater the incentive that will be considered. To qualify, development rights must be transferred from one parcel to another, not within the same parcel. Before a density incentive is granted, it must be demonstrated that the proposed density is appropriate in the receiving area and that a reduction of density in the sending area is appropriate and in the public interest.*

- The applicants are not proposing transferring development rights as part of this application. This item is not a “Mandatory” requirement under the Development Matrix.

***Unique Public Facilities and Amenities Exceeding Project Requirements:*** *Unique community facilities and amenities shall be considered only when it is demonstrated that the improvements or land contribution exceed the specific and identifiable impacts and/or needs of the project. The density shall be directly related to the value of the community benefit. Before a density incentive is granted, however, it also must be demonstrated that there is a need for the proposed improvements; that the improvements or land are needed or desired at the proposed location; that the land is appropriate in size and that the terrain is appropriate to accommodate the intended use; and the improvement is compatible with the surrounding neighborhood. Such benefits may include structure parking when it will result in the preservation of additional and desirable open space, school sites, trail underpass/overpass; public buildings; the provision of alternative transportation systems and facilities, or other such improvements that are determined to be desirable under the General Plan.*

- Community amphitheater and stage within the Village Green.
- Splash plaza within the Village Green.
- Community gardens throughout the Village.
- Highland Estates pedestrian tunnel drainage improvements.
- Transit stops within the Village as part of future transit route.
- Transit hub for community park and ride and changing bus routes to promote bus service and keep cars off the road.
- Petrified Wood Interpretive All trails will be public.
- Dedicated Civic Space for public uses as needed which may include community centers, library, post office, fire station, transit station, etc.
- Construct a model home/sales center built to the most aggressive energy design standards to attempt to reach a goal of zero energy requirements.

G. **Process for Approval**

There are two (2) application processes that are required for consideration of a Major Development that exceeds base density. An applicant submits an application for a SPA Rezone, as well as an application for a SPA Plan, which is essentially a Development Agreement.

The SBPC is responsible for reviewing the SPA Rezone and SPA Plan, which includes conducting public hearings and forwarding a recommendation to the SCC.

The SCC then conducts public hearings on both the Rezone and SPA Plan and either approves, approves with conditions, or denies the applications. Approval of the Rezone and Development Agreement are both in the form of an Ordinance.

H. **General Plan Compliance**

Silver Creek Village Center is located in the East Basin Neighborhood Planning Area in the General Plan. There is a Village Center designation in the location of the proposed Village Center. That area is approximately 200 acres in size (**Exhibit N**). This application contains about 168 acres of that area and the balance is owned by the Snyderville Basin Water Reclamation District. There is a much larger area (approximately 1,163 acres) that is described with the provisional language, “*Compliance with the General Plan Policies and Land Use Plan Map encourages Master Planned Area for Village Center qualification*”.

The Neighborhood Planning Area Goal is: “*Promote an appropriate diversity and amount of uses and activities which are compatible with and promote a neighborhood scale and center for social interaction; where economic activities that are complimentary to the Kimball’s Junction Community Center and the resort nature of the Snyderville Basin, and*

*which help 'balance' the overall Basin community, are appropriate so long as they are compatible with the mountain character and preserve the unique natural and scenic resources of this area; where there are appropriate amenities to meet the needs of the residents and visitors; where there is access, both physical and psychological, to the mountain, open space and enjoyment of natural resources; and where there is a transportation system which enhances the livability of the neighborhood."*

Staff is of the opinion that the proposed plan meets the intent of the East Basin Neighborhood Planning Area General Plan objectives and design principles (**Exhibit O**).

#### **I. Development Code Compliance**

Prior to the SCC making a decision for approval on the proposed SPA Rezone, Section 3.7, D-4 of the Code requires that the SCC shall first have determined that:

1. there are substantial tangible benefits to be derived by the general public of the Snyderville Basin that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district;

*If development occurred under the provisions of the existing zone, the property would be eligible for 12 units. The SBPC determined this finding is being met based upon the proposed benefits addressed in Section E of this report.*

2. there are unique circumstances, above the normal limitations and allowances of the existing zone, that justify the use of a SPA;

*The General Plan identifies the proposed location as a Village Center as identified on Exhibit L. Staff is of the opinion that the justification of utilizing the SPA process exists as higher densities were anticipated for this zoning designation and need to occur in order to make a Village Center function.*

3. the development proposed in the SPA rezone furthers the goals and objectives and policies of the Snyderville Basin General Plan, Land Use Maps, and the applicable Development Potential Matrix, and the Program for Resort and Mountain Development established in Chapter 1 of the Code;

*The proposed development is within the East Basin Neighborhood Planning Area according to the 1997 General Plan and there is a Village Center designation in the location of the proposed development on the Land Use Plan map.*

*The applicants have provided community benefits in concert with the Matrix for a Major Development within a Village Center found in the Code.*

4. an SPA zone must be implemented through a Development Agreement (SPA Plan) as described in the Code; and

*If the SPA rezone is approved, the SPA Plan will be implemented through a Development Agreement.*

5. approving a SPA zone district will not adversely affect the public health, safety, and general welfare.

*Approving a SPA zone in this area will not adversely affect the public health, safety, and welfare.*

*All applicable Service providers have reviewed the proposal and the applicant will be required to meet all of their conditions. Trails will be provided for safe pedestrian movement throughout the project and traffic impacts will be appropriately mitigated, as approved by the Summit County Engineering Department.*

**J. Recommendation**

Staff recommends that the SCC conduct a public hearing, take public comment, discuss the application and choose from one of the following three options:

**OPTION A:**

Vote to **approve** the rezone for the Silver Creek Village Center, by adoption of an ordinance, based upon the following findings and with the following condition:

**Findings:**

1. There are substantial tangible benefits to be derived by the general public of the Snyderville Basin that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district.
2. There are unique circumstances, above the normal limitations and allowances of the zoning in effect in 1998 that justify the use of a SPA.
3. The development proposed in the SPA rezone furthers the goals and objectives and policies of the Snyderville Basin General Plan, Land Use Maps, and the applicable Development Potential Matrix, and the Program for Resort and Mountain Development established in Chapter 1 of the 1998 Code.
4. The SPA zone will be implemented through a Development Agreement (SPA Plan) as described in the 1998 Code.
5. Approving a SPA zone district will not adversely affect the public health, safety, and general welfare.

**Condition:**

1. The applicant shall submit a Development Agreement to be reviewed and recorded prior to building permit issuance. The Development Agreement shall contain all terms and conditions agreed to by the applicant and County. The Agreement shall describe all limitations, restrictions, and parameters associated with the development of the subject property. The Agreement shall describe all processes and procedures for obtaining final approval and building permits.

**OPTION B:**

If the SCC does not feel that they can render a decision, they may vote to **continue** the decision to another date, with specific direction to the applicant and Staff on information or changes needed to render a decision.

**OPTION C:**

Vote to **deny** the SPA rezone based upon the following finding:

**Finding:**

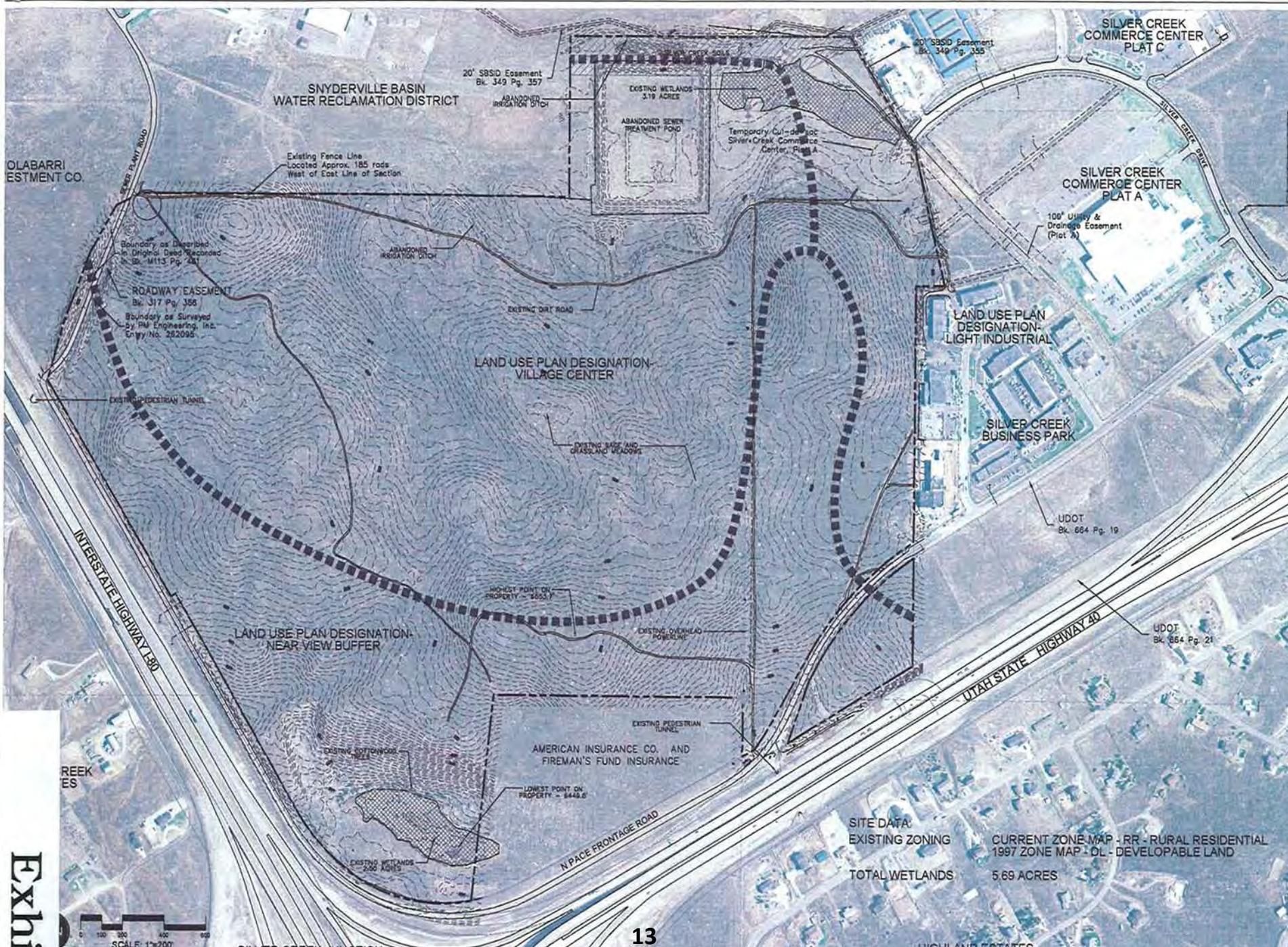
1. The SPA rezone does not comply with the requirements of Section 3.7, D-4 of the 1998 Code (section I above), as clearly articulated by the SCC.

**ATTACHMENTS**

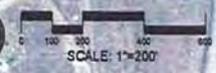
**Exhibit A:** Vicinity Map

**Exhibit B:** Vesting Letter

**Exhibit C:** 5.27.08 SBPC Work Session Minutes  
**Exhibit D:** 10.28.08 SBPC Work Session Minutes  
**Exhibit E:** 12.8.09 SBPC Work Session Minutes  
**Exhibit F:** 2.9.10 SBPC Public Hearing Minutes  
**Exhibit G:** 6.3.10 SBPC Public Hearing Minutes  
**Exhibit H:** 7.27.10 SBPC Public Hearing Minutes  
**Exhibit I:** 8.24.10 SBPC Public Hearing Minutes  
**Exhibit J:** 1997 Village Center Matrix  
**Exhibit K:** Area of Future Interchange  
**Exhibit L:** Matrix Score Card  
**Exhibit M:** Environmental Enhancements  
**Exhibit N:** General Plan Map  
**Exhibit O:** Village Center Design Principles  
**Exhibit P:** Site Plan  
**Exhibit Q (1-3):** Architectural Elevations  
**Exhibit R (1-3):** 3D Model Images



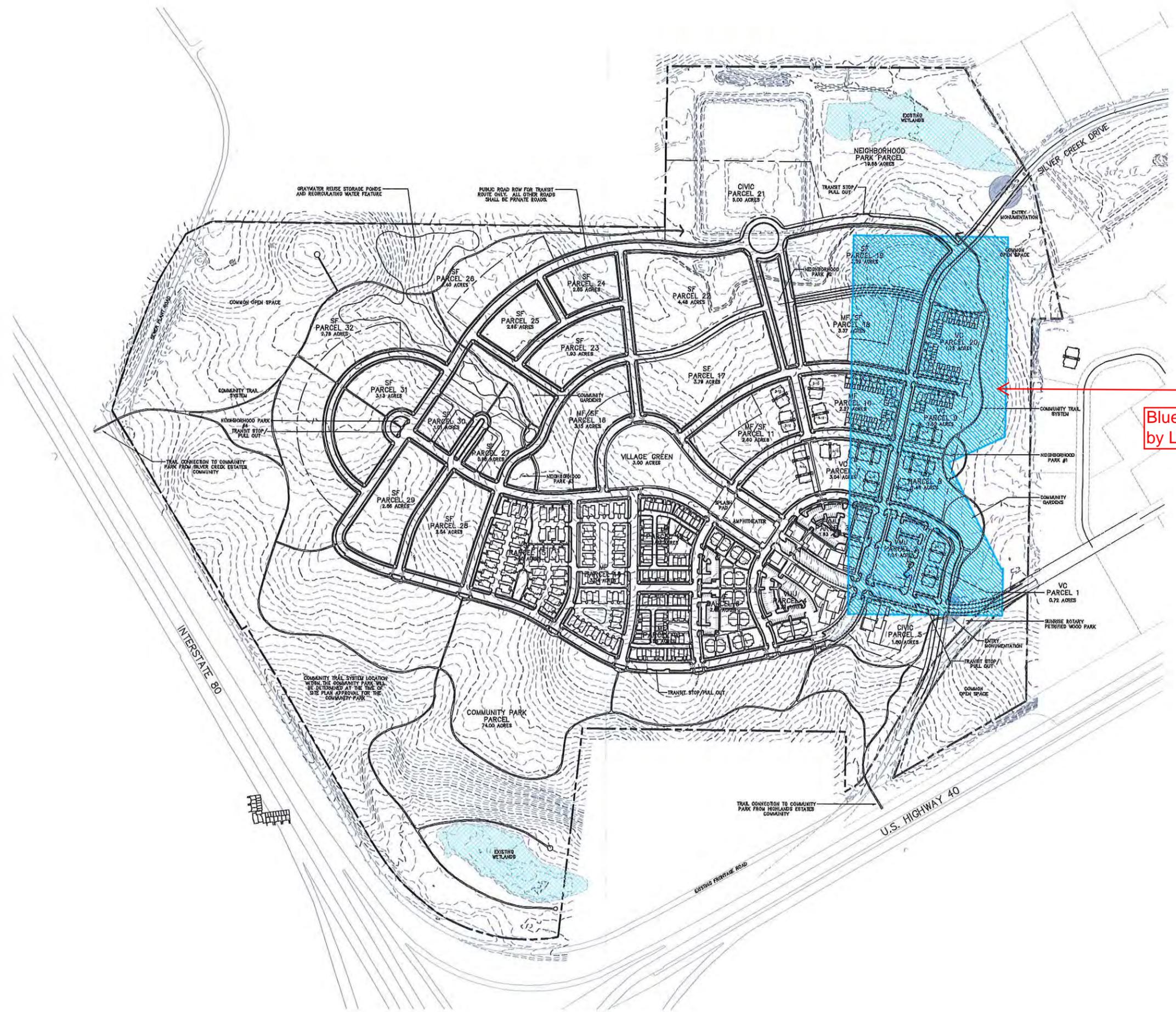
SITE DATA	EXISTING ZONING	CURRENT ZONE MAP - RR - RURAL RESIDENTIAL
		1997 ZONE MAP - DL - DEVELOPABLE LAND
TOTAL WETLANDS		5.69 ACRES



SILVER CREEK JUNCTION

HIGHLAND ESTATES

Exhibit



Blue Area Owned by Larsen



Dave Allen  
Community Development Director

June 10, 2005

Joseph E. Tesch  
Tesch Law Offices, P.C.  
P.O. Box 3390  
Park City, Utah 84060-3390

RE: Silver Creek Village Center- Vested Rights

Dear Joe,

This letter is in response to your letter of May 18, 2005 to Nora Shepard regarding the question of under what code we will review the application by Robert M. Larsen and Silver Creek Investors for a Village Center in the Silver Creek area (hereinafter the "Application"). As you are aware, a few months ago the question of whether or not the Application would continue to be reviewed under the Snyderville Basin Development Code of 1997 (hereinafter the "1997 Code") or whether the Snyderville Basin Code as amended in December 2004 and effective in January 2005 (the "2004 Code") would govern. Our request to the Applicant at the time was to provide us a factual basis for why the Application should be treated as "completed" prior to the adoption of the 2004 Code and therefore entitled to be processed under the 1997 Code.

Unfortunately, your letter of May 18, 2005 did a poor job of recounting the history of this project. Notwithstanding your garbled letter, we have taken the time to do the research ourselves regarding the history of the Application. While the Application has been dormant on and off for many years and does not have the same public process history of many of our applications which are vested to be processed under the 1997 Code, there is obviously some history to the project. The Application is deficient in addressing many areas of the 1997 Code requirements for a Village Center. However, based on the effort put into the Application and the time that has been involved in the review process, this letter constitutes my decision that we will continue to process the Application under the 1997 Code. The only "vesting" this grants is the right to be processed under the 1997 Code. In no way should this letter be determined to be a vesting or approval of any sort of density, the right to have a Village Center, or the fact that the Planning Commission and Board of County Commission will find that the project complies with the 1997 Code in any way. This is simply a statement that the project will continue to be processed under the 1997 Code. As you know, planning staff and the Snyderville Basin Planning Commission have expressed serious concerns about their view that the Application, as it

Community Development Department  
Summit County Courthouse 60 North Main P.O. Box 128 Coalville Utah 84017 (435) 336-3131 Fax (435) 336-3046  
dallen@co.summit.ut.us

currently stands, is seriously deficient in meeting the requirements of the 1997 Code for a Village Center.

In conclusion, I would like to clarify a few issues. To the extent you want to argue "legalese" on behalf of your clients, I would suggest you address your letters to the County Attorney's office (I can provide contact information if necessary). Our office focuses on planning principles, recognizing that there are legal rights that must be respected.

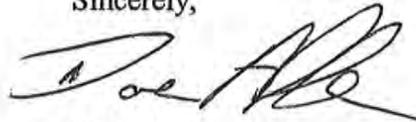
In the event you believe I should not be allowed to make this decision due to conflicts, please notify the County Attorney's office regarding this concern. Otherwise, I will make this decision as required by our codes and ordinances.

Finally, just to set the record straight, the property that is the subject of the Application was not rezoned AG 160 or any similar zone. The AG 160 zone does not even exist in the Snyderville Basin Code. It is however a part of our Eastern Summit County Development Code, but last I checked, the Silver Creek area is still in the Snyderville Basin. Attached you will find a copy of the Zoning Map for the Snyderville Basin to help you determine the current zoning. If you need further assistance in determining the current zoning of the property subject to the Application, please contact Nora Shepard.

Again, please be advised that this letter only grants a determination from the Community Development Director that the Application will be continued to be processed under the 1997 Code. **This is not a vesting of density or the right to ultimately be rezoned to a Village Center.** This property is NOT currently nor has it ever been zoned as a Village Center. Under the 1997 Code the applicant simply has the right to apply for this rezone and to justify this rezone through the matrix requirements. In addition, if your clients do not proceed to diligently process the Application, we retain the right to at some point in the future declare the Application null and void and to close our files on this project. If you need further clarification on this please let me know or visit with someone in our County Attorney's office.

If you have any questions, please let me know.

Sincerely,



Dave Allen

Enclosure: Snyderville Basin Zoning Map

cc: Nora Shepard, Principle Planner  
David Brickey, Summit County Attorney  
David Thomas, Deputy County Attorney  
Dale Berg, named representative on the Application

**WORK SESSION NOTES**

**SNYDERVILLE BASIN PLANNING COMMISSION**

**TUESDAY, MAY 27, 2008**

**SHELDON RICHINS BUILDING**

**6505 N. LANDMARK DRIVE, PARK CITY, UTAH**

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

**STAFF:** Nora Shepard—Community Development Director, Jennifer Strader—County Planner, Kimber Gabryszak—County Planner, Adryan Slaght—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

**WORK SESSION**

**1. Discussion for the proposed Silver Creek Village Center, located on the southwest corner of I-80 and Hwy. 40; Jeff Graham, Applicant—Jennifer Strader, Planner**

County Planner Jennifer Strader presented the staff report. She explained that the applicant is proposing a SPA (Specially Planned Area) at the southeast corner of Interstate 80 and Highway 40 and that the application is to be reviewed under the 1998 Snyderville Basin Development Code and General Plan through the matrix system. She noted that the original application was filed in 1995, and in 2000 an application was filed for a SPA rezone and plan, prior to adoption of the 2004 Snyderville Basin Development Code. In 2005, the Community Development Director issued a letter which vested this application. The applicant proposes 1,100 market units, approximately 200 workforce housing units, and 70,000 square feet of commercial space. The maximum potential density available through the SPA process is 5 units per acre, and this SPA proposal is for approximately 4.5 units per acre.

Community Development Director Nora Shepard reviewed the process for considering this SPA application which is still considered to be active. She reviewed the philosophy and policies adopted in the 1998 Development Code. She explained that areas were given a base density, and in order to obtain additional density, a developer would have to go through a rezone, or SPA, process. She noted that the 1998 Development Code included a policy that allowed for concentrated nodes of higher density in appropriate locations that would comply with the community design objectives and would help fulfill the economic, recreational, cultural, and education needs of the Snyderville Basin residents. She commented on several areas that were indicated on the land use map as possible village centers, including the parcel included in this application. She explained that an SPA is both a process and a rezone and that the SPA process was intended to be discretionary and flexible. She reviewed the four categories included in the matrix system and the purpose of a SPA and explained that the burden lies with the applicant to demonstrate that the proposed SPA is in the best interests of the general health, safety, and

welfare of the Snyderville Basin residents. Director Shepard noted that one SPA requirement is that the applicant provide substantial tangible benefits for the general public in the Snyderville Basin that significantly outweigh the benefits that would otherwise be derived if development occurred under the provisions of the existing zone districts. She explained that the amount of community benefit to be provided is not quantified and is intended to be a point of discussion and negotiation. She reviewed community benefit criteria that might be considered to offset the additional density and support a rezone to achieve higher density. She summarized that a base density was established in the 1998 Development Code and 1997 General Plan, there was specific language about the village center designation in the 1997 General Plan, and the SPA process is discretionary and is a rezone process. She explained that the burden of proof lies with the applicant, there are mandatory and community benefit criteria, and the amount of density is to be related to the benefits. She explained that the next step in the process would be for Staff to review the criteria and write a letter indicating whether the applicant meets the criteria.

Jeff Graham, the applicant, explained that he is looking for feedback regarding the application and the concept before moving forward with the SPA process.

Eric Varquardt, the applicant's planner, provided a visual presentation indicating the location of the potential village center. He noted that the property is tucked behind a knoll and that two major highways, Interstate 80 and Highway 40, would access the property. The main access would come through the Silver Creek Commerce Center, with the frontage road providing secondary access. He explained that the commercial portion of the development would be strictly neighborhood commercial, and the intent is not to draw traffic from the highway. He noted that the existing neighbors might also wish to utilize the commercial portion of the development. He explained that the highest density would be at the village center and density would decrease as the development fans out to the edges. He described the open space associated with the plan and explained that every residence would be within 700 to 800 feet of one of the proposed parks. A 55-acre community park would also be provided, and the Snyderville Basin Recreation District is very pleased with the proposed community park site. A key component of the park is connectivity to Highland Estates and Silver Creek Estates which have existing underpasses to allow residents access to the park. He indicated a potential access connecting to the Rail Trail. He noted that there are no cul-de-sacs in the plan. He presented sketches of what the village might look like and noted that all parking would be either on the street or behind the buildings. The mix of housing would range from residential over retail to single-family lots with a social mix throughout the development. He noted that they would not double side every street in order to allow for snow storage. He stated that the village center would focus on a ranch theme. He explained that the applicant has provided a commentary to address each item in the matrix.

Mr. Graham explained that the applicant plans to incorporate as much of the current Code and zoning as they can.

Commissioner Washington commented that the last time he saw this project in a previous work session he was appalled at the density. However, now it makes sense to him, and he commented

that the only place to put workforce housing is in a dense center. He stated that this is one of the few village centers which was previously designated as a village center which could actually work as a village center. He stated that he has heard a lot of comment in the community about people wanting a denser, more urban environment where they can walk to shopping areas, recreation, and restaurants and not have to maintain a large yard. He believed this plan might provide a product that fits the desires of the community. He wondered whether seasonal housing could be integrated into the plan and stated that he was uncertain how workforce housing would fit into the plan. He believed the park access would be an excellent community benefit. He noted that traffic at this intersection is part of the new transportation plan, and it is anticipated that a new intersection will be built at this location.

Commissioner Smith concurred with Commissioner Washington. He commented that he has worked a year and a half on the workforce housing subcommittee, and he believed this would be a viable place to provide workforce housing. He asked the applicant to look more carefully at how they could provide seasonal housing. He believed there is a need to draw traffic away from Kimball Junction, and he encouraged the applicant to work with neighboring landowners to provide retail development in this area that would keep traffic away from Kimball Junction.

Commissioner Kinsman confirmed with Staff that the applicant could potentially develop 1,220 units based on the 244 acres included in this application. She noted that there is a problem with the Highland Estates tunnel which goes through people's backyards and asked how the applicant plans to make that a usable tunnel. Mr. Varquardt explained that he had discussed that issue with the Recreation District and that they are working on it. Commissioner Kinsman noted that residential over commercial did not work at Newpark and asked that the applicant research whether that concept would work. She asked about the size of the single-family lots. Mr. Varquardt replied that the largest lots would be approximately 70 to 80 feet wide and 110 to 125 feet deep. Commissioner Kinsman noted that the lots across the highway from this planned development are significantly larger than the lots proposed for this development. She stated that it appeared the garages would line the street. Mr. Varquardt explained that the garages are along a shared driveway behind the residences. Commissioner Kinsman commented on the number of apparent dead ends. Mr. Varquardt explained that paths would connect those streets, and the streets could be connected by eliminating some green space. Commissioner Kinsman questioned whether the applicant plans to resolve the traffic problems at the interchange by the Home Depot as part of the community benefits, because she felt that interchange was not sufficient. She stated that she has concerns about the density, and she wanted to be sure that sufficient workforce housing is provided. She stated that she has always been a proponent of the idea that this is a good area for this type of development. She asked about the adjacent section that is not included in the development. Mark Hoolie stated that it is owned by Fireman's Fund, and the applicant is in negotiations regarding the possible purchase of that property. Commissioner Kinsman commented that there is already connectivity with the Rail Trail in this area, and she did not believe the applicant could consider that to be a community benefit.

Commissioner Decker commented that he agrees with the previous Commissioner comments and requested that the applicant expand on the workforce housing philosophy and how to integrate it

into the plan.

Commissioner Hooker stated that she is excited about this project and is looking forward to a site visit.

Commissioner Salem agreed with the other Commissioners' comments and stated that he believed this was a great location. He expressed concern about the viewshed from I-80 and bringing all the traffic through the proposed intersection.

Chair McMullin agreed that this is an exciting project and stated that she would like to see more workforce housing, because this is where the subcommittee was hoping dense workforce housing would be located.

**WORK SESSION NOTES**

**SNYDERVILLE BASIN PLANNING COMMISSION**

**TUESDAY, OCTOBER 28, 2008**

**SHELDON RICHINS BUILDING**

**6505 N. LANDMARK DRIVE, PARK CITY, UTAH**

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

**STAFF:** Don Sargent—Community Development Director, Adryan Slaght—Senior Planner, Kimber Gabryszak—County Planner, Sean Lewis—County Planner, Jennifer Strader—County Planner, Dave Thomas—Deputy County Attorney, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

**WORK SESSION**

1. **Discussion of the proposed Silver Creek Village Center, located on the southeast quadrant of I-80 and Hwy. 40; Jeff Graham, Applicant—Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and recalled that a previous work session was held on May 27, 2008, to provide an overview of the proposed project. She explained that this application is vested under the 1997 Snyderville Basin Development Code and General Plan, which allowed additional density in exchange for community benefits. She suggested that the Planning Commission focus on a couple of the criteria under the matrix system this evening and provide feedback to the applicant before addressing the other criteria in future work session meetings.

Commissioner Washington noted that, in order for the applicant to obtain the maximum density under the matrix system, he must completely meet all the criteria.

Planner Strader provided an aerial view of the property and site orientation. She also presented the East Basin Neighborhood Planning Map from the General Plan, which identifies the village center designation consisting of about 200 acres and an additional area described in the General Plan as being master planned with the village center of approximately 1,140 acres. The applicant's proposal contains approximately 244 acres, with a maximum density potential of 5 units per acre if all the matrix criteria are met. The applicant proposes 4.5 units per acre with 1,100 market-rate units plus 242 workforce housing units and 70,000 square feet of commercial density. Planner Strader presented the site plan and explained that Staff believes this is an appropriate area for a village center and that it meets the main criteria for a village center. She indicated a parcel adjacent to but not located within the village center. She reviewed the three mandatory criteria outlined in the staff report the applicant would have to meet in order to

qualify for a minor development. She explained that, if the applicant meets those criteria, the project would be eligible for a minor development of one unit per five acres, or 48 units given the acreage on this site. Planner Strader reviewed the criteria the applicant would need to meet in order for the project to be considered for a major development with up to 5 units per acre. She suggested that the Planning Commission focus first on the criterion which requires the project to exceed the open space requirements. She explained that the Code requires 60 percent open space, and 62 percent open space is proposed. Staff did not believe that would provide sufficient significant and meaningful open space. In researching other projects approved under the matrix system, she found that between 75 and 79 percent open space has been provided, and she was not certain that those projects had requested the maximum of 5 units per acre. The second criterion she suggested the Planning Commission consider is the open space incentive density, or transfer of development rights (TDR). She noted that, the more significant the sending area, the greater the incentive is considered to be. The TDR must be transferred from one parcel to another, not within the same parcel, and it must be demonstrated that the proposed density is appropriate in the receiving area and that a reduction in density in the sending area is appropriate and in the public interest.

Deputy County Attorney Jami Brackin noted that this item is called land bank and transfer of development rights in the matrix, but because that term is so confusing, she clarified that an applicant would get incentive density if they move density from one place to another. She further clarified that this amounts to an open space incentive, or moving density from a parcel that is considered valuable to preserve as open space into a receiving area. In analyzing that, the Planning Commission needs to evaluate whether the value of the sending area is high value, low value, or no value and whether the proposed density is appropriate in the receiving area and has some value in the sending area.

Planner Strader indicated the applicant's proposed receiving site for workforce housing and stated that Staff believes it is a good receiving site. She also referred to the adjacent 21-acre parcel she had referred to earlier and explained that the applicant has proposed that be considered as the sending site. She explained that the adjacent parcel is one lot of record with one unit of density, and the Planning Commission would need to determine whether the sending site is of significant value to the community and, if so, what density increases would be appropriate for preservation of that parcel.

Jeff Graham, the applicant, introduced Eric Langvardt, project planner, and Mark Hoolie, representing Silver Creek Investors. He commented that the two matrix items referred to by Planner Strader are the ones where Staff has the most concerns and that the other matrix items are simpler to address. He believed Staff felt the applicant was closer to meeting the other criteria. He explained that the applicant is looking for input regarding the two criteria suggested by Planner Strader as that could impact the overall project design and how they move forward.

Chair McMullin stated that she would like to hear why the applicant believes 62 percent is a sufficient increase over the mandatory 60 percent open space requirement for the Planning Commission to grant the requested density and why they believe a sending zone with one lot of

record is sufficiently valuable as a sending zone to get additional density.

Eric Langvardt, representing the applicant, replied that, according to the letter of the law, 62 percent open space does exceed the requirements for the project. He noted that, because of the size of this parcel, that 2 percent represents 5 acres. The applicant believed combining that with the remainder of the matrix items where the applicant has far exceeded the requirements, such as donating a 10-acre elementary school site, a 55-acre park parcel, etc., should be sufficient to meet the requirements. He stated that the applicant believes this is a better project with the densities they area trying to achieve. He believed it would make sense for this workforce housing site to be the receiving site for workforce housing from other projects because the infrastructure and facilities, such as schools, would be in place. That would make more sense than having workforce housing scattered among all the other projects in the Snyderville Basin and then having to bus children to school and people having to travel to shop. He explained that the 21-acre adjacent Fireman's Fund parcel is important because of its location. It is an out-parcel that would make the applicant's property whole, and the main advantage of maintaining that parcel in open space is not so much the density that would be removed from the parcel but the open space that would be preserved along the highway corridor and the rural and recreational elements of the General Plan. He believed that 21 acres would be incorporated into the 55-acre park. He explained that adding that parcel would increase the open space, when considering how big the parcel is, to 65 percent.

Chair McMullin addressed workforce housing and noted that the applicant's proposal at the most provides only the mandatory 20 percent workforce housing requirement. She noted that, from the Planning Commission's perspective today, 20 percent workforce housing is only mitigation, not a meaningful benefit.

Ms. Brackin explained that the last project approved under the matrix system was The Woods at Parley's Lane, a major development outside a village center. It received the maximum density allowed under that provision of one unit per 2.5 acres. The open space preserved was 75 to 80 percent, and the workforce housing donated was approximately 10 percent.

Mr. Graham provided a document outlining the proposed public benefits of the project. He asked whether it is more important to provide additional open space or to reduce open space and provide more affordable housing. He noted that the applicant's donations to the school district, the recreation district, the parks, and the civic center equate to at least 70 out of the 240 acres. He did not believe that could be found in other projects. He believed the benefits of walkability through the project and transit opportunities and their contribution to air quality should be considered. He explained that a certain amount of density is needed to make the project work and noted that the applicant will gain nothing from the 240+ proposed workforce housing units. He explained that sometimes it is difficult to quantify each of the matrix requirements and that the project also needs to be looked at as a whole. He stated that it is more important to the applicant to provide some of the proposed benefits than to provide six more acres of open space.

Commissioner Washington noted that the applicant could move the 21-acre parcel from the land

transfer category to the open space category and achieve 65 percent open space. He believed some of the items could be moved into other categories to better meet the matrix requirements.

Commissioner Smith stated that he does not know how to evaluate some of the criteria, such as “significant and meaningful” open space. He stated that, as he looks at the site plan, he does not know what part of the plan is open space, and he wanted to understand what “significant” and “meaningful” mean. He stated that 62 percent may or may not be significant and meaningful to him, because he does not know how to make that evaluation. He also did not understand how a value of more than one unit could be put on the 21 acres to justify it. He also wanted to know how many units of density the applicant wants for that parcel and how it could be justified.

Mr. Graham stated that he supports the matrix system because it makes the applicant meet specific criteria, but only if qualifiers are placed on the criteria that specify the amount of additional density that would be allowed if specific criteria are met.

Chair McMullin noted that the applicant is proposing to send one unit of density into the project and asked how much density the applicant would be receiving and where that density would go.

Commissioner Smith commented that the applicant needs to demonstrate “significant and meaningful open space,” how many units they want from the 21 acres, and how they justify that before they can move it. He stated that he did not know enough about the matrix system to be able to evaluate the open space and transfer of density for the applicant.

Commissioner Decker asked about the owner’s vision for the use of the property. He asked if the amount of the parcel dedicated to parks had changed since the previous work session. Mark Hoolie, representing the applicant, replied that the number of acres has remained the same. Commissioner Decker asked which school district the developer believed the school site should be located in. Mr. Hoolie replied that they believed it should be part of the Park City School District. Commissioner Decker asked about discussions with the school districts. Mr. Graham stated that the applicant had discussions with the South Summit School District a couple of months ago, and there was some interest, but they were not anxious to get the school site. The Park City School District indicated that they would very much like to have this school site. Commissioner Decker asked for the developer’s vision for the workforce housing. Mr. Hoolie replied that it would be spread throughout the project and would be a mix of rental and fee simple property. He stated that Mr. Graham has had conversations with representatives from Deer Valley and Park City Mountain Resort to evaluate the demand for workforce housing units, and there is a need for seasonal units. Commissioner Decker commented that the Fireman’s Fund parcel is a predominant feature in the I-80/Highway 40 corridor, and there would be a good reason to discuss preserving that parcel. He asked if the applicant has calculated what 80 percent open space would equate to in units, assuming the 21-acre parcel were acquired. Mr. Langvardt replied that, based on densities equivalent to what is now proposed, it would equate to approximately 720 total units, 600 market rate and 120 affordable housing. He noted that the open space would be in areas that are not seen from the highway, which is another reason the applicant believes the benefits would outweigh the open space issues because of how the site

lies. He suggested making a site visit so the Commissioners can see how large the open space is.

Commissioner Smith commented that, if the number of units were reduced to 700, the fundamental village center concept would be lost. He requested that the applicant make a presentation showing the open space in a clear way so the Commissioners can know whether it is significant and important and will make the community better.

Commissioner Salem verified with Staff that only one house could be built on the 21-acre parcel. He asked if the parcel could qualify for additional units using the workforce housing incentive portion of the Code. Ms. Brackin replied that it could.

Commissioner Decker asked about the applicant's vision for the proposed public facilities. Mr. Hoolie replied that he was hoping for some guidance from the Planning Commission and that he wanted it to be something that would enhance the village center. He suggested that, with the proposed school site, a library might be a great addition to the village center. Commissioner Decker asked if the applicant would be interested in a charette from the adjoining area to help define the best type of facility to provide. Mr. Hoolie replied that he would be.

Commissioner Salem asked about the base density for the 244 acres. Planner Strader replied that base density is one unit per 20 acres, or one unit per 40 acres for sensitive lands. Base density would be 11 or 12 units. Ms. Brackin explained that the village center is an overlay, not a zone, and is adopted through a type of rezone process with a development agreement. Commissioner Salem confirmed with the applicant that the Park City School District sees this as a viable school site. Mr. Graham explained that the amount of density proposed demands an elementary school site without any other development influence. Ms. Brackin noted that this site is currently located in the South Summit School District, and there is already a dedicated school site at Promontory. Mr. Graham explained that South Summit School District has indicated they would probably abandon the school site in Promontory, as it does not support any elementary school children. They would probably turn that into a charter school and place the elementary school location on the applicant's site.

Commissioner Kinsman stated that, in addition to a site visit, she would like to see a computer-generated visual showing the view corridor impacts of the proposed buildings. Mr. Graham confirmed that was submitted as part of the application and is available through Staff or the applicant. Commissioner Kinsman stated that she did not understand how the workforce housing site could be considered a receiving site when the applicant has not identified a sending site. She noted that the current Code requires 20 percent workforce housing as mitigation for any project, and the applicant has proposed only 20 units over the required 20 percent. She was unsure how that could be considered a significant amount of workforce housing.

Ms. Brackin asked if it was the applicant's intent to bring affordable housing needs from other projects into this parcel. She explained that the County does not allow a development to transfer workforce housing requirements from other projects. Mr. Graham stated that he believed that was a mistake and asked why the County would not allow this parcel to accept workforce

housing from other areas. Ms. Brackin explained that, if that is what the applicant proposes, it is not allowed by the Development Code. Mr. Graham commented that would defeat the applicant's purpose in trying to provide workforce housing, and particularly seasonal housing. He stated that he has a letter from Scott Loomis with Mountainlands Affordable Housing Trust indicating that there are programs which provide for houses to be built at very little cost if improved lots are donated. He stated that the applicant could build some multi-family buildings and lease them out. It is also possible that seasonal employers might purchase a parcel and build their own seasonal housing. Ms. Brackin asked if the applicant is working with other property owners who are required to provide 20 percent affordable housing who could come in at a later time and say they are not required to provide that affordable housing because they worked with the applicant to put it into the village center. Mr. Graham replied that they are not working with other property owners on that basis.

Commissioner Hooker stated that she would be interested in a site visit. She stated that she understood from the applicant that Park City School District would be excited to have the school site. Mr. Graham replied that they would be, but right now it is outside their jurisdiction as the site is currently in the South Summit School District. Commissioner Smith explained that there is a process for changing that which is outside the Planning Commission's jurisdiction. Commissioner Hooker stated that she would also be interested in hearing more about the next step in resolving the workforce housing issues.

Commissioner Washington stated that he believed the Fireman's Fund parcel could help with the open space and be a unique amenity. He did not understand how the transfer of development rights could work. He believed the applicant would struggle with the requirement to provide unique public facilities and amenities exceeding project requirements. He was not certain whether doing something to meet the seasonal needs for housing in addition to workforce housing was something the applicant should consider providing.

Commissioner Smith commented that he believed the seasonal housing would have been required in the matrix if the 1997 Code had been written today, and he was not certain how to give benefits for it today.

Chair McMullin explained that the Planning Commission has decided as a body that 20 percent workforce housing is minimal, and this project does not provide much more than 20 percent, yet the applicant wants the Planning Commission to put a lot of emphasis on that to try to overcome the 62 percent open space.

Commissioner Smith stated that the applicant would significantly damage the viability of the project if the people who work in the commercial businesses in the project could not live there. He explained that the key to the 20 percent requirement was to make it possible for people who work in the neighborhood to live in the neighborhood. He suggested that the applicant think through the commercial affordable housing need for people who live in the community. The developer would want those people who work there to live there; otherwise, the project will not work.

Commissioner Kinsman requested that the applicant check with Summit County to see if they could put another library in this location and to check with the government to determine whether they have an interest in putting another post office in this location.

Mr. Graham requested a site visit as soon as possible before the site is covered with snow.

2. **Discussion of proposed Plat Amendment and Final Site Plan on parcel NPRK-P of the Newpark Town Center for the conversion of the planned Newpark Flats mixed use to office space; Steve Baer and Marc Wangsgard, Applicants – Adryan Slaght, Senior Planner**

Senior Planner Adryan Slaght presented the staff report and recalled that the Newpark SPA and Development Agreement was approved in 2001 and amended in 2002. At that time two 62,000-square-foot office buildings were approved as part of the Newpark Flats project. One building was built as the Rossignol corporate headquarters, which left some additional density. The applicant now wishes to amend the plat to increase the size of the parcel to 1.6 acres and use the remaining density to build a Class A office building on the site of the previously approved Newpark Flats project.

Chair McMullin clarified that the applicant wishes to change the use from residential and a lower level of retail use to Class A office building.

Planner Slaght reviewed potential issues to be addressed as outlined in the staff report.

Chris Retzer, representing the applicant, explained that the development agreement allows flexibility with regard to the land uses to adjust for market conditions. He explained that the applicant currently has an inventory of condominiums, and a number of other condominiums are anticipated above the retail use that is currently under construction. He stated that the office market is currently very strong. The existing office space in Newpark is currently occupied, and vacancies are just above 8 percent for Park City office space, indicating a need for more supply. Mr. Retzer commented that, in addition to the need for additional office space, this change would provide some additional benefits to the town center. He believed it would improve the year-round daytime vitality and would provide opportunity for cross parking when the building is not occupied, honoring existing traffic and circulation plans. He stated that this proposal will allow the applicant to absorb 100 percent of their density, to reach build out faster, thus providing additional tax revenues for Summit County, and to complement the existing Class A office community in Newpark. He reviewed a table showing the density implications of the proposed amendment. He noted that the residential development proposed for this parcel would have been somewhat stranded from the existing retail uses in Newpark. He commented that the remaining density could be addressed in future phases of the development.

Jeff Gochnour with Cottonwood Partners, representing the applicant, explained that the architects are GSBS, who designed the first two buildings in the project and also designed the

## WORK SESSION NOTES

### SNYDERVILLE BASIN PLANNING COMMISSION

TUESDAY, DECEMBER 8, 2009

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

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

**STAFF:** Don Sargent—Community Development Director, Adryan Slaght—Senior Planner, Tiffanie Northrup—County Planner, Jennifer Strader—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

#### WORK SESSION

The Planning Commissioners discussed ground rules for the public input session on the proposed Stone Ridge CORE Rezone scheduled for the regular meeting. They agreed to allow public input until 9:30 to give the Commissioners an opportunity to provide their comments following the public input.

1. **Discussion of proposed Silver Creek Village Center Specially Planned Area, southwest quadrant of Highway 40 and Interstate 80; Jeff Graham, Applicant – Jennifer Strader, County Planner**

County Planner Jennifer Strader recalled that the Planning Commission last saw this item in work session in October 2008, and a site visit was conducted in November 2008. Since then Staff and the applicant have met to discuss Village Center matrix criteria. She explained that the three mandatory criteria are dedication and preservation of viewshed and environmental features of the area, consistency with desired neighborhood character, and neighborhood recreational facilities. In addition, there are incentive community benefit criteria. Compliance with all matrix criteria could yield up to a maximum of five units per acre, and the applicant is requesting approximately 4.5 units per acre. One criterion considered to be a high priority in order to achieve maximum density is the land bank or transfer of development rights. Due to market conditions, the applicant is having difficulty complying with this criterion, and the purpose of this work session is to determine whether the applicant could exceed other criteria to make up for the lack of TDRs.

Commissioner Kinsman asked if the Planning Commission has the legal authority to change a TDR requirement. Deputy County Attorney Jami Brackin explained that the applicant must meet the mandatory criteria, but the other criteria are optional. If an applicant wants to achieve the maximum density, they must achieve something in all of those optional criteria areas. Because the TDR is an optional criterion, the Planning Commission has the ability to require increased

compliance in other areas rather than requiring the TDR component. Commissioner Washington clarified that an applicant is required to meet all the criteria to achieve maximum density.

Jeff Graham, the applicant, introduced the applicant's representatives.

Mark Hooley, representing the property owner, noted that they are not asking for maximum density. He recalled that this project was introduced in the spring of 2007, just before the real estate market fell apart, and they have had an opportunity to re-envision the proposal. He explained that they are proposing that the Planning Commission forego TDRs in exchange for a higher level of commitment and contribution in affordable housing and environmental enhancements. He stated that three pillars form the basis of Silver Creek Village—affordability, community, and environment. The applicant plans to provide 22% affordable workforce housing, or 242 units, and he noted that the remainder of the community is also affordable and geared toward primary residences. He observed that the community is walkable and has been designed with playgrounds, fields, and community gardens to bring people together. He stated that prospective buyers are interested in reducing the amount of energy, water, and fossil fuels they use and the waste they create, and the applicant is striving to develop the most forward-thinking, environmentally sensitive community in the area. He suggested that, because they are not asking for maximum density, they do not believe the TDR criteria would be a mandatory component. Therefore, they propose over achieving on affordable housing and environmental enhancements as a replacement for TDRs and would like to know if that solution would be acceptable to the Planning Commission.

Eric Langvardt reviewed the site plan and explained that the village center would include commercial uses focused on residents within the project. He noted that the densities decrease toward the outer edges of the project. The streets are interconnected, walkable, and bikeable, with no cul-de-sacs. Public amenities and open space include a 3-acre public park in the center of the village and a 7-acre neighborhood park, with smaller neighborhood parks throughout. The largest component would be a 54-acre park dedicated to the Snyderville Basin Special Recreation District (SBSRD) with substantial park elements. He explained that open space is currently at 67.5%, and the minimum required is 60%. He pointed out that the project is clustered and surrounded by open space as a buffer to existing uses and highways.

Elaine Adams with Rocky Mountain Institute provided background information about the Rocky Mountain Institute. She explained that they focus on conserving fossil fuels and other resources and on energy efficiencies for individual buildings in communities. She explained that heating, cooling, lighting, and hot water are an enormous part of the energy use load, and Rocky Mountain focuses on a whole systems approach. She commented that, in order to make a big impact, it is important to make big decisions early on, and the earlier the decisions are made, the less effort it takes to make sustainability happen. She reviewed the sustainability rating systems and explained that builders compete with each other to build more sustainable homes. Rocky Mountain is looking at collecting rainwater, subsurface or possibly no irrigation, water reducing fixtures, and reclaimed water in Silver Creek. She explained that they could reduce energy use using passive solar design, no air conditioning, and photovoltaic readiness in the buildings in

Silver Creek Village. They are also looking at green roofs, smart switches, and use of methane gas from the adjacent water treatment plant. M. Adams stated that sustainable communities are important, and the applicant will provide community gardens, sustainable simple living, waste reduction, green cleaning, and education on sustainable living. She noted that transportation is a big issue, and there is an opportunity in Silver Creek Village to create a transit hub and provide car sharing.

Mr. Graham explained that Silver Creek Village would like to use some of the reclaimed water from the sewage treatment plant for irrigation purposes. He commented that they could have apartments as well as condominiums in the project. He addressed affordable housing and explained that they intend to spread workforce housing throughout the project. He noted that the matrix requires that 10% of the density be workforce housing, and the applicant has far exceeded that requirement by providing 22% affordable housing. He commented that it is becoming more difficult to provide workforce housing at 80% of Area Median Income (AMI), and the applicant is proposing that the additional 12% of the units, or 132 units, range between 80% and 140% of AMI, which he understands is a market that needs to be met to provide a full spectrum of workforce housing.

Ms. Brackin explained that, under the matrix system, the application would be analyzed based on what community benefits and incentives are provided and their worth in terms of getting incentive density. The maximum density for this matrix is five units per acre, and the applicant is asking for 4.5 units per acre, which is not quite the maximum. To achieve the maximum density, the applicant would have to meet all the criteria, including the TDR. The Planning Commission is being asked to determine whether the benefits the applicant is offering are worth the 4.5 units per acre, and if not, what they are worth.

Commissioner Washington suggested looking at each of the criteria and assessing the applicant's compliance with them, which would be subject to Planning Commission interpretation. If the applicant cannot meet the TDR requirements, the Planning Commission would have to assess what density should be granted. He believed the increased affordable housing and environmental enhancements are within the spirit of what was written in the matrix and that the environmental enhancements are more sophisticated than what was anticipated in the matrix. He asked about the time frame for implementation of the project if it were approved. Ms. Brackin explained that, once the SPA is approved, the applicant would have one year to move forward with it, the same as any other approval. Commissioner Washington explained that he would hate to grant an approval based on credit for the affordable housing and then not get it if the project did not move forward due to economic conditions, which would detract from the benefit. Ms. Brackin explained that the SPA approval would include a development agreement setting out the criteria and time frame for the phasing.

Commissioner Kinsman stated that she would agree with Commissioner Washington's interpretation of the matrix since he was on the Planning Commission when the matrix was applied. She was not set on the TDR if the applicant is unable to provide it. She believed this piece of property in the Snyderville Basin is the most appropriate for this type of development,

and she was supportive of the project and particularly liked the environmental enhancement.

Commissioner Bogardus expressed concern about the huge jump in density. She was not certain whether the Planning Commission has the authority to waive the TDR requirement. Ms. Brackin explained that the Planning Commission does have authority to waive the TDRs, but the applicant would not be able to achieve the maximum density. A determination needs to be made as to what formula the Planning Commission wants to apply and the value of the proposed incentives.

Commissioner Salem stated that he supports this project, which is in a great location. He liked the design and how the density tapers off. His only concern was the traffic impacts that would be created by a development of this size and being dependent on one exit.

Commissioner Decker asked Mr. Graham to discuss the transit hub and traffic. Mr. Graham explained that the County has done a study of the interchange, and a master plan was approved by the County Council that proposes two roundabouts to handle the traffic. The applicant will pay traffic impact fees toward construction of that interchange. With regard to a transit hub, the applicant has met with the County and City to discuss a transportation route that will meet the transit system criteria. The transit district has a master plan to build a hub in the Silver Summit/Silver Creek area in the future. He indicated a parcel within the development that is proposed for a transit hub in which the transit district is interested and explained that the district would have to conduct a study to determine whether that is the best location. Commissioner Decker confirmed with Mr. Graham that there has been no change of ownership or developer since the Planning Commission last saw this application. He stated that he would like to reflect further on the TDR question and would look to legal staff for guidance. He stated that he would also like to see an analysis of CORE versus the matrix and how the math is done.

Commissioner Washington commented that the number of affordable units proposed in this project could have a dramatic impact on the affordable housing needs assessment and could cause the pent-up need to be met more quickly.

Chair Smith stated that he would like to see an analysis from Staff as to how well they think the applicant has achieved the mandatory requirements. He also would like to see how this affordable housing component relates to the concept in the CORE Rezone. He believed this developer might actually be providing more WUEs than they have indicated. Mr. Graham explained that the WUE calculation is 261. Chair Smith noted that the Planning Commission is quite positive about a development that is almost 5 units per acre, yet they are having a discussion later this evening about a development two miles away that is only .85 unit per acre which some of the Commissioners believe is too dense.

Ms. Brackin explained that Staff is leery of providing an analysis of how many units should be allowed through the matrix process, because that is in the purview of the Planning Commission. However, Staff could provide examples of other developments approved under the matrix system, what the community benefits were, and what they received.

Mr. Graham commented that the area proposed for this project was defined under the previous Code as a Village Center, which allows for this type of density through the matrix process. He also recalled that he has always believed the matrix was advantageous to the County, as it allows the County to get more out of a developer. He believed the County would get more out of this SPA than they would be able to mandate or require under the CORE Rezone.

## MINUTES

### SNYDERVILLE BASIN PLANNING COMMISSION

#### REGULAR MEETING

TUESDAY, FEBRUARY 9, 2010

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, February 9, 2010, at 7:00 p.m.

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

**STAFF:** Don Sargent—Community Development Director, Kimber Gabryszak—County Planner, Jennifer Strader—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

#### REGULAR MEETING

1. **General Public Input for items not on the agenda**

Chair Smith opened the public input.

There was no public comment.

Chair Smith closed the public input.

2. **Public Hearing to discuss and take public comment on a proposed Specially Planned Area Village Center for a mixed use development on 244.32 acres, comprised of 1,100 residential units, 242 workforce housing units, and 82,750 square feet of commercial/retail, located on the southwest quadrant of Highway 40 and Interstate 80; Jeff Graham, Applicant – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and a map showing the location of the property on the southeast corner of Highway 40 and Interstate 80. She explained that the original application was submitted in 1995, and between 1995 and 2005 a number of work sessions and public meetings were held. During that time, the Development Code and General Plan were amended. In 2002 the Community Development Director determined that this application was vested to be processed under the 1998 Code and General Plan. The 1998 Code provided for a rezone to a Specially Planned Area (SPA), which allows an increase in density in exchange for community benefits. Work sessions on this item were held in 2008 and 2009, and the Planning Commissioners made a site visit. Base density on the land is 12 units, and the requested

density is 1,100 market rate units, 242 workforce housing units, and 82,750 square feet of commercial space. Based on market rate units alone, the applicant is requesting 4.5 units per acre. Planner Strader explained that the 1998 Development Code did not contain a unit equivalent for calculating commercial density, but based on previous applications under that Code, Staff calculated the density for the commercial space based on a 1,000-square-foot unit equivalent. The market rate units plus the commercial density based on those calculations is 4.84 units per acre. She reviewed the criteria for the Village Center SPA process and explained that the first three criteria are mandatory. If the applicant were to meet those three criteria, they would be eligible for a minor development, which allows 1 unit per 5 acres, or 48 units. She reviewed the other matrix criteria to be considered for a major development and explained that, if the applicant were requesting the maximum density allowed under the matrix of 5 units per acre, they would have to comply with every requirement. However, the applicant is not requesting the maximum density. Planner Strader reviewed the Village Center design principles contained in the General Plan and indicated how the proposed Village Center complies with those design principles. Staff recommended that the Planning Commission conduct a public hearing and provide Staff and the applicant with further direction. She specifically asked for direction on how the density for the commercial square footage should be calculated and whether the proposed benefits justify the requested density.

Commissioner Washington requested that Planner Strader more thoroughly review the matrix criteria for the benefit of the public. Planner Strader reviewed and explained the matrix criteria as outlined in the staff report. Commissioner Washington asked if there are examples of a Village Center in the community. Planner Strader replied that Bear Hollow was developed as a Village Center, but this application is the only one for a development of this scale under the Village Center provisions. Commissioner Washington verified with Staff that Village Centers were identified geographically in the General Plan. Planner Strader explained that this was the only Village Center identified in the General Plan.

Commissioner Decker asked about the applicability of the transfer of development rights and land bank to this application. Planner Strader replied that the applicant is not proposing a transfer of development rights with this application. Commissioner Washington explained that, if an applicant wishes to obtain maximum density, they must meet all the matrix criteria to the Planning Commission's satisfaction. Whether the applicant meets the criteria is a judgment call to be made by the Planning Commission. It was his understanding that an applicant could not provide more benefits in other areas to offset the fact that they are not meeting the criteria in other areas.

Planner Strader noted that this project is within the South Summit School District boundaries.

Commissioner Bogardus asked about the restricted affordable housing and the demonstration that the local community has the ability to absorb the number and type of units. Planner Strader replied that would be addressed as part of the needs assessment.

Commissioner Salem asked how it was determined that this application should be processed under the 1998 Code. Planner Strader explained that the application was consistently being reviewed and processed from 1995 to 2010. Meetings were being held with the applicant, and they continued to submit the necessary items for Staff review. The Community Development Director at the time determined that this project was vested because it had been consistently going through the process. Since then, a requirement has been added to the Code stating that an application must be kept active and would expire within a certain period of time, but that did not exist at the time this application was received.

Eric Langvardt, representing the applicant, provided a location map and explained that the proposed Village Center covers approximately the same area shown on the East Village Land Use Plan. He explained that the workforce housing units equate to 22% of the market rate units, that the neighborhood commercial would focus on residents within the project, and almost 165 acres, or 67.5%, would be in open space. He indicated how the project complies with the Village Center design criteria, discussed the mix of dwelling types, and indicated the proposed civic sites. He discussed the street orientation of the buildings and recreational amenities in the proposed Village Center and explained that the workforce housing will be dispersed throughout the project. He stated that Scott Loomis with Mountainlands Affordable Housing Trust had indicated that there is a need in the community for restricted housing that targets the 80%-140% of AMI range; therefore, 110 of the affordable housing units would be targeted at less than 80% of AMI, and 132 of the units would be targeted at 80% to 140% of AMI. With regard to environmental enhancements, the applicant is planning to preserve and enhance the existing environment on the site and to focus on three levels of green building, Energy Star 2011, LEED, and National Green Building Standards, which focus on energy efficiency both within and outside the buildings.

Jeff Graham, the applicant, recalled that they had previously discussed the use of reclaimed water from the Snyderville Basin Water Reclamation District. They met with Mountain Regional Water and the Water Reclamation District, and both are in favor of this project taking reclaimed water from the downhill side of the sewage treatment plant to irrigate all public areas in the development. They are also investigating use of that water to irrigate single-family lots. The reclaimed water would cost one-third of what it would cost if it were taken out of a culinary water system.

Mr. Langvardt addressed the dedication and preservation of viewshed and environmental features and explained that the project would provide at least a 600-foot buffer from the highways. He noted that the development would be located behind a knoll, which also provides a near-view buffer. He indicated the wetlands that would be preserved, the proposed open space preservation areas, and trail linkages. He clarified that open space areas between units, such as courtyards, are called out in the Code as being acceptable for inclusion in the open space calculations. He indicated the neighborhood recreational facilities and parks throughout the development and that there would be over 6,000 feet

of sidewalks. He indicated the contribution to community parks and trails that would connect to adjacent properties through adjacent highway underpasses and stated that the Snyderville Basin Special Recreation District believes these will be substantial community benefits. He believed this project would provide community benefits that other projects have not been able to provide because of its unique location.

Chair Smith opened the public hearing.

Richard Thomas stated that he lives west of this project and that he likes the project. His main concern is traffic, and he commented that there is a problem in the community with east-west transit. He noted that not everyone uses I-80 to go east and west, and some people use Old Ranch Road and Highland Drive. Other than Highway 248 and I-80, east-west traffic is constrained. He estimated there would be 2700 cars in the development and expressed concern about how traffic would be dispersed from the roundabouts. He appealed to the applicant to conduct a traffic study and determine how the traffic from this development would be handled.

Chris Hague stated that he owns property in Silver Summit and would like to know if there has been a traffic study and a wildlife study. He asked about the height of the three-story buildings. Planner Strader explained that, with a SPA, there is no specified height restriction, and it is up to the Planning Commission and County Council to determine appropriate heights. Mr. Hague asked if there would be any garages or if all the parking would be open and would look like a massive parking lot. Staff clarified for Mr. Hague the location of the underpass under Highway 40, and Mr. Hague verified with Staff that there is no intention of making that a vehicular route.

Mark Vernon, a resident of Silver Summit, stated that he likes the meaningful open space around the property and the parks throughout the property. He noted that only the market rate units were included in the density calculations, and if all the units were included, the density would be 5.5 units per acre. He asked why only the market rate units were included. He questioned the affordable units in the 80%-140% of AMI range, stating that he did not believe there was a pressing need for housing in that range and that he did not consider that to be affordable housing. The applicant is proposing only 8.2% of the total units in the less than 80% of AMI range, and if the applicant were to provide 20% of the units in that range, it would equate to 168 affordable units. It seemed to him that the applicant would be creating a deficit in that range. He calculated that this development would accommodate 3,986 people, which is about half the population of Park City within about one-fourth the space of Park City, which would be 13 times as dense as Park City. He claimed that he had calculated the density of the 12 most populated cities in the United States, and this would have a higher density than most major cities and would be more dense than any other city in Utah.

Rich Sonntag with Promontory verified with the applicant that there would not be a supermarket in the village center and noted that everyone would have to go to Kimball Junction to shop. He asked how the applicant planned to solve the effluent water rights

ownership issue and asked if all the parties involved had agreed to relinquish their rights to that water. He stated that he has been trying to deal with that for years.

Bonnie Park with the Snyderville Basin Special Recreation District discussed the importance of distinguishing between the neighborhood recreation component and the community park component. She explained that this is one of the few opportunities the Recreation District will have to acquire a significant land mass for a new community park development. She clarified the trail connections and how the Highway 40 undercrossing was expanded and lit as part of the Olympic transportation improvement project, explaining that the Recreation District worked closely with UDOT on that as part of the trail master plan. She stated that the I-80 underpass was completed with the Recreation District's 2001 bond. She noted that this development would be well connected to adjacent neighborhoods. She stated that the Recreation District is also working on a greater trails effort to provide accommodations for bicyclists and pedestrians, which is also significant to the Recreation District.

Michael Kovacs, Assistant City Manager for Park City Municipal Corporation, stated that the City has no position on this development, but they support the County Planning Department and the Snyderville Basin Planning Commission. He stated that they look forward to more interaction between Park City and the Snyderville Basin. Park City is updating its General Plan and will try to integrate some regional concepts with the Snyderville Basin.

Chuck Zoercher stated that he is a Realtor involved with other property in the area. He did not believe it makes sense for this project to be included in the South Summit School District and believed something should be worked out with the County so this area would not be included in the South Summit School District. Chair Smith explained that is not something the Planning Commission can take into consideration.

Kip Bigelow, Business Administrator of the South Summit School District, explained that the three school districts got together some years ago and reached an agreement that this area would be in the South Summit School District, and the District is committed to educating the students who are there. He asked about the size of the civic areas available for schools and whether they would be adequate for school buildings. Mr. Langvardt replied that the civic site is approximately 9 acres, and it was anticipated that there would be a shared-use agreement with the adjacent 7-acre neighborhood park. He noted that LEED gives additional points for reducing school size and having a school fit within the neighborhood. Mr. Bigelow stated that for a very small elementary school they would need a minimum of 8 acres.

Jesse Beacom, a resident of Highland Estates, commented that density is a big issue for him, but he recognized that the way development is going it will be necessary to concentrate people into tighter spaces. He believed LEED and the other standards proposed were a good start and that all development in this neighborhood should be held to those standards. He believed everything could be done to a much higher standard of

energy efficiency and did not see this neighborhood being much different from any other neighborhood. He believed a project of this scale should be built for the long term, and the developers should develop the best zero energy houses they can build. He did not believe any more houses should be built that use so many resources to run.

Chair Smith closed the public hearing.

Commissioner Kinsman stated that she likes this project but believed some issues still need to be addressed. She asked what 80% to 140% of AMI is currently. Mr. Graham replied that it ranges between \$75,000 and \$130,000 total family income. Commissioner Kinsman confirmed with Mr. Graham that Mr. Loomis has indicated that is a need in the community. Mr. Graham emphasized that this would be affordable housing that would be rent restricted and deed restricted. Commissioner Kinsman asked if the developer and Mr. Loomis had taken into account the additional workforce housing need generated by the retail and commercial development in the project. Mr. Graham replied that the calculation was based on the 1,100-unit density. He explained that factor was not taken into account on other SPA projects in which the number of affordable units was determined based on 10% of the number of market units. He stated that they were trying to meet the policy at the time of the 1998 Development Code and went above that to meet current Code requirements, actually exceeding the current 20% Code requirement. Commissioner Kinsman requested that the calculation be done based on the current Code, noting that the Planning Commission took a lot of time to develop calculations based on retail and commercial development. She noted that the Highway 40 underpass is paved but is quite narrow and floods when it snows or rains. She asked what steps the applicant has taken to upgrade the underpass. Mr. Graham replied that they will repair the underpass and add drainage. They have spoken with the Recreation District, but there has been no conclusion yet about continuation of that trail. Commissioner Kinsman stated that would need to be addressed, and Mr. Graham offered to look into it. Commissioner Kinsman stated that she would want to understand the proposal for snow storage, traffic issues, particularly the Home Depot and Chevron intersection with Highway 40, and open space calculation. She did not believe the open space calculation should include the green space between residences, which she believed would be used for snow storage and would cut down on the open space. Mr. Graham noted that the Development Code does define what open space is, and that is considered to be open space. Commissioner Kinsman stated that the landscaping contains too much grass and would not be consistent with LEED. Mr. Langvardt explained that the concept is to provide grass in larger areas for everyone's use and limit grass in individual yards. He believed the percentage of grass would be small. Commissioner Kinsman suggested that the developer re-think the town green concept, stating there are not greens in the Snyderville Basin, and there should be more xeriscaping in the community gathering area. She stated that she was struggling with the density numbers. She was pleased to know that South Summit was interested and willing to take on a school on the site, but she reminded the public that the Planning Commission has no ability to address school impacts, as the State Legislature passed a law last year that does not allow the Planning Commission to consider the impact of development on the school system.

Commissioner Washington explained that the criteria being evaluated are community benefit criteria, and it is expected that the community will receive a benefit from this development. He believed the Energy Star and environmental enhancements are achievable and requested that the developer prohibit woodburning fireplaces. He did not believe that losing ground or just maintaining what is required for affordable housing is a benefit, and there should be a gain in the amount of affordable housing. He believed there were issues with the open space and commented that he had no idea how the developer would address the tax-based economic incentives. He stated that the intersection needs to be dealt with, and the applicant needs a very good plan, not just an attitude of making the level of service work. He stated that he would struggle with the matrix requirement for unique public facilities and amenities, as he did not consider a church or school to be a unique public facility. With what the developer is currently proposing, he believed they might get to 3 units per acre, and he suggested that they come back with something a little less dense. Mr. Graham asked how Commissioner Washington was calculating density. Commissioner Washington explained that, when an applicant meets the mandatory criteria, they are eligible for 1 unit per 20 acres. Getting to 5 units per acre is 100 times that amount of density. There are 7 criteria that need to be met, and 100 divided by 7 is 14, and that is how he calculated the density. He reiterated that he wants to see a net benefit to the community, not a breakeven.

Commissioner Bogardus commented that the environmental enhancements should be for the enjoyment of all the residents, such as enhancing existing wildlife habitat, rehabilitating wetlands, excessive landscaping, etc., and she did not believe the LEED requirements would do much for the rest of the community. She expressed concern about the restricted affordable housing and felt they should focus more on people earning less than \$75,000 to \$130,000. She could see someone needing some additional support at \$75,000, but not at \$130,000. She expressed concern about the ability of the community to absorb the units. She asked if the fact that the application is being processed under the prior matrix system would influence whether they are able to consider the impact on schools. Deputy County Attorney Jami Brackin explained that they used to be able to consider school impacts and the donation of land for schools as a unique community benefit. Even though they are operating under the old Code, State law has superseded that, and they cannot consider the impact on schools. If the developer wants to offer a school site, the Planning Commission can determine whether that is a community benefit, but they cannot require it or consider any impacts on the schools.

Commissioner Washington confirmed with Ms. Brackin that they can at least consider that the school district has indicated that it would be interested in the school site the developer is proposing. Ms. Brackin explained that the Planning Commission cannot require the school site in order for the applicant to get their requested density. If they want to offer a school site, they can, but the Planning Commission cannot analyze whether it meets the school's needs. Commissioner Washington asked how the LEED requirements would be addressed. Ms. Brackin replied that the development agreement could require the developer to meet the LEED criteria. Commissioner Washington

confirmed with Ms. Brackin that, as the LEED criteria change over time, the applicant would have to continue to comply.

Commissioner Salem commented that he likes this project, the location, and the fact that it is hidden from most viewsheds. He liked the design on a macro level, and it seemed like it would be a nice place to be. He appreciated Ms. Park explaining the benefit to the community and Recreation District. He stated that it is hard for him to support a lot of density and questioned whether the developer would receive double credit if the community park is counted as both a community benefit and open space. Mr. Langvardt explained that the Code specifies that they can count setbacks in the open space, and they followed the Code when they came up with their open space numbers. He noted that other projects count ski slopes and substantial wetlands as open space, and other projects have also counted sensitive lands as open space, which they are not doing. They are only counting developable land. Commissioner Salem expressed concern about the workforce housing units not being included in the density calculation. He stated that traffic is also a big concern for which he sees no solution.

Commissioner Hooker stated that she has always liked this project and its greenness. She stated that she would like to see a wildlife study. She commented that she is trying to determine how to gauge the environmental enhancements with regard to LEED and the other standards. She was uncomfortable with how the restricted affordable housing had been split up and believed it would result in a deficit. She thanked Ms. Park for her support of the community trails and parks. She believed 67.5% open space was not a sufficient gain and that more open space was needed. She did not understand how this project would enhance the tax base and the economy. She stated that there does not seem to be enough space to build even a small school on the site and did not know how that could be considered a community benefit, if it could be considered at all. She had no feedback for Staff on calculation of density for the commercial space in the development.

Commissioner Decker commented that some of the new information he had heard this evening included improvements needed for the Highland access and his impression that the South Summit School District met the applicant for the first time this evening. He agreed with Commissioner Kinsman's comment about looking at affordable housing as it relates to the current Code and CORE. He expressed concern that the Highland access, which is proposed as a benefit for the development, may have easement, agreement, third-party, and capital improvement issues that might not be resolved. He would hate to move forward with a project under the assumption that something would happen and later learn that there might not be a mechanism to allow that access to happen as it was presented. He agreed with the need for a traffic study and asked if the intersection to Highway 40 is a failed intersection. Ms. Brackin replied that it has not failed yet. Commissioner Decker felt it would be good to tie this project to the County's transportation plan for Exit 2. He asked if the measurement of open space is at the Planning Commission's discretion under the matrix system. Ms. Brackin explained that measurement of open space is defined in the Code, which allows setbacks, interior parking strips, and parks to be included in the open space calculation and provides for

how it is to be calculated. Whether that is sufficient for the developer to get the amount of density they want is the discretionary part of the decision. Commissioner Decker stated that the information about use of reclaimed water was new to him this evening, and he would be concerned about proceeding with the development under the assumption that the water could be used and later discover that there may not be clear rights to use that water. He wanted to be certain that the comments heard this evening about water rights would allow the applicant to proceed with the intended use. Mr. Graham stated that it was his understanding that it does not become a downstream water right for other users until it hits the stream or hits ground. The water would come directly from the pipeline before it goes into the ground and would be treated before it goes into the project. He offered to get more information about that use. Commissioner Decker asked if tonight is the first time the applicant has met with the South Summit School District. Mr. Graham replied that the developer met with the School District two years ago and will have further discussions with them. Commissioner Decker asked if the Planning Commission has the latitude to ask an applicant for a definition of "civic." Ms. Brackin explained that the applicant is trying to convince the Planning Commission that they have earned this amount of density, and the burden is on the applicant to show that what they are offering as a benefit to the community worth the density they are requesting. Whatever information the Planning Commission needs in order to make that determination is up to the applicant to provide. Unfortunately, State law does not allow the Planning Commission to delve further into the suitability of a school site. She clarified that civic sites generally mean institutional uses of some sort. Commissioner Decker stated that he agreed with the other Commissioners about the calculation of AMI as it relates to the restricted workforce housing. He wanted to have a better perspective of how they interpret the matrix Code and stated that he is likely to ask a lot of questions, because he does not have the base of knowledge to process an application under this process.

Commissioner Kinsman confirmed with Ms. Brackin that the County still has a concurrency ordinance that requires an applicant to provide proof of wet water before they can get a building permit.

Commissioner Bogardus referred to the requirement that the project accommodate the unique seasonal employee needs of the development project and commented that she did not see how that would apply to this project.

Chair Smith expressed concern about giving a density bonus for non-affordable housing. He believed the applicant would have to come up with an average for affordability around 60% of AMI, with some units lower than that. He stated that the applicant would have to drive the percentage of AMI down to get his support for their position that they are providing a benefit. He stated that traffic is a huge issue for him. He suggested that the applicant provide a chart showing the specific criteria and unique benefits over and above normal to help the Planning Commission create value on each specific item. He also requested that the developer break down their open space calculations so the Planning Commission could understand how it is calculated and whether they are actually getting meaningful open space out of this project.

Commissioner Decker stated that he had heard comments tonight relating to the location of this project and not having adjoining neighbors that were disturbing to him. He stated that he does not look at that, and he believed it was unfair to consider whether there are adjoining neighbors on any project, because each project should stand on its own merits and creation of benefits. He recommended that they not look at this project as being influenced by its current isolated location.

Chair Smith commented that this project needs some height variation and stated that he would like to see a cross section to see how the heights go together.

Mr. Graham stated that he believed everyone wants this type of project and that it has a lot of merit. He believed many of the questions would be answered as they go through an educational process and further define the details of the project. He explained that the matrix process splits things into individual items. They are trying to come up with a project that provides a lot of community benefits, but when they split them up and put them into slots, it takes up one slot and could also fit in another slot. He believed there needs to be some flexibility in looking at how all of the items fit together as a whole.

Mark Hooley, representing the property owner, explained that they will return with answers to the Planning Commissioners' questions. He responded to the idea that they are elevating the range of AMI for affordable housing and explained that they started with the range in the current ordinance and received input from Staff, the Planning Commission, and Mr. Loomis and are not trying to push up the unit price level. He explained that those units do not factor into the market rate units at all. They have been relying on input from Mr. Loomis and trying to create the best plan possible, and they are open to suggestions.

Commissioner Kinsman explained that she is not arguing that there may not be a need for that price point in this area, but she was concerned about losing perspective on the need that is created by this development and its associated commercial development. She reiterated that they do not want to end up with an affordable housing deficit because of this development.

3. **Approval of minutes: December 22, 2009, Regular Meeting and Work Session; January 12, 2010, Regular Meeting**

**Commissioner Hooker made a motion to approve the regular meeting minutes for the December 22, 2009, Snyderville Basin Planning Commission meeting as written. The motion was seconded by Commissioner Decker and passed unanimously, 4 to 0. Commissioners Bogardus, Kinsman, and Salem abstained from the vote as they did not attend the December 22 meeting.**

**Commissioner Hooker made a motion to approve the work session notes of December 22, 2009, as written. The motion was seconded by Commissioner**

**Decker and passed unanimously, 4 to 0. Commissioners Bogardus, Kinsman, and Salem abstained from the vote as they did not attend the December 22 meeting.**

**Commissioner Hooker made a motion to approve the regular meeting minutes of the December 22, 2009, Snyderville Basin Planning Commission meeting as written. The motion was seconded by Commissioner Decker and passed unanimously, 7 to 0.**

### **COMMISSION COMMENTS**

Commissioner Bogardus asked about the e-mail containing public comment related to tonight's public hearing. Planner Strader replied that it was forwarded through e-mail, and the originator was not identified. Chair Smith proposed that they ignore the anonymous comments.

Commissioner Kinsman asked about the construction work on the parcel of land just east of Bell's in Silver Creek. She commented that it looks like they are trying to dig ditches and put in pipe to drain the wetlands. Community Development Director Don Sargent explained that the County Engineer reviewed the application and found that it met the criteria for a grading permit only, but there is no approval or plans for building on the site.

### **STAFF ITEMS**

Planner Gabryszak reported that the applicants for the SPA plan for the Olympic Park would like to propose a site visit before the next meeting on February 23. She explained that Staff is also working on scheduling the annual retreat, probably in May, as the General Plan subcommittee has tentatively planned for public input on the General Plan amendments in April.

The regular meeting of the Snyderville Basin Planning Commission adjourned at 9:20 p.m.

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Minutes Approved

did not see how they could enhance the environment when it is all pavement. He would want the applicant to have a contract with someone to build the affordable housing before he would be willing to allow the 20% discount. He believed there was potential for this development, but he did not believe the applicant had achieved that potential yet. He asked to see an overall plan stated that he believed traffic issues would be a struggle.

Commissioner Salem agreed with the other Commissioners and with comments about this being an opportunity to enhance and update the architecture in the area. He expressed concern that this plan could complicate traffic. He commended the applicants for coming together as a group, because he believed that would be the only way to develop a master plan and have it make sense. He stated that the area looks bad now, and he would like to see it redeveloped and get better. He encouraged the applicants to continue to work on this and make it better. He wanted to better understand the rights the property owners are entitled to and how the SPA agreement process works.

Commissioner Bogardus expressed concern about traffic and pedestrian connectivity. With the Del Taco and additional banks, this project would likely not only generate normal traffic but also be a traffic magnet. She believed the fuel center would be a traffic magnet and does not fit with the concept. She did not believe it would be a great enhancement to put the sidewalks where they are proposed. She stated that she would like a connection across Sagewood to the coffee shop and dry cleaner. She noted that people currently drive from store to store, and this does not seem like an inviting or safe place to walk, especially with a child. She stated that she would like to see the look and feel of the more modern shopping centers with connection between the stores. She expressed concern about the crossings at Newpark and Ute and commented that they are very dangerous places to cross. She agreed with the comments about workforce housing and wanting to get a better feel for how Del Taco would look.

Chair Kinsman stated that she did not like the Del Taco location in the entry corridor, and she did not want it to be the focal point for people coming off the highway. She believed that was the antithesis of what the General Plan calls for. She agreed with the other Commissioners' comments.

Commissioner Decker asked if the fuel center is a necessity or something that would be nice to have. Mr. Wahlen replied that the fuel program is an essential component of the project, and if Smith's is unable to put a fuel center on site, they usually try to place one off site, which defeats the one-stop shopping concept that would minimize trips going elsewhere.

Commissioner Washington stated that he would like the applicant to address snow storage and maintenance vehicles for snow removal.

2. **Work Session/Continued Discussion on the Silver Creek Village Center, located on the southeast corner of I-80 and Hwy 40: Jeff Graham, Applicant – Jennifer Strader, County Planner**

Director Sargent provided an overview and history of the proposed project and explained that the development area is designated as a Village Center on the Land Use Maps, falls under the 1997 Development Code and Matrix, and has been in process since that time. He reviewed the proposed changes to the proposal since the last work session in February 2010. He reviewed the previously proposed density of 4.7 units per acre and the currently proposed density of 3.8 units per acre, excluding workforce housing. He reminded the Planning Commissioners that the applicant has the burden of convincing them that they have earned the amount of density proposed under the matrix system based on the amount of proposed community benefits. Director Sargent explained that the applicant has provided a comparison of the proposed project with other projects in the Snyderville Basin and the community benefits provided by those projects to achieve their density. Staff recommended that the applicants be allowed to make their presentation and the Planning Commission discuss whether the proposed benefits justify the proposed density.

Jeff Graham, the applicant, explained that they have met with numerous agencies, County employees, and consultants since the February meeting to address the questions raised at the February meeting. He reviewed the list of parties with whom they have been working and the outcome of their discussions. He reported that the applicant is setting a goal of reaching a LEED ND Gold certification. They hope to discuss and resolve some of the issues and reach a point where they can receive direction from the Planning Commission and Staff regarding their master plan and its associated densities and develop a pathway to guide them in their next steps.

Eric Langvardt, project planner, reviewed the master plan changes since the February meeting, which includes a reduction in overall density. The reduction in density also includes a reduction of about 32,000 square feet of commercial space. They propose to incorporate a new civic use into the project and to move the civic site to the project entry. Mr. Langvardt commented that they have spoken with the South Summit School District about the importance of limiting the size of the school site by having shared parking and shared uses. He discussed the use of reclaimed water from the water treatment plant for a secondary irrigation system and indicated the location of a storage pond for the reclaimed water. Another addition would be a petrified wood park to be built by the Rotary Club, which would be an interesting historical element due to the amount of petrified wood in this area.

Commissioner Washington recalled that Staff had some statistics about projected growth in the community during the General Plan workshops and asked about the size of this project compared to existing neighborhoods. Planner Gabryszak replied that the number of units proposed for this project would be about the same as the city of Coalville, although the area would be somewhat smaller than Coalville. Mr. Graham stated that the closest comparable in the Snyderville Basin would be Silver Springs, although it is on a larger area.

James Brew provided a brief history of the Rocky Mountain Institute, which is a research and design consultant company that focuses on sustainability. He explained that they are very holistic in their design processes and that they focus on buildings, transportation, and electricity. He reviewed the requirements for LEED Neighborhood Developments and explained that it is a

holistic approach to green development. He stated that he likes to define community in terms of livability, health and safety, walkability, neighborliness, planned open space, mixed use, reduction of single vehicle transit use or offering choices, and higher density. Higher density with well-planned open space can help reduce costs and travel time, reduce crime rates, increase safety, not have the impact of larger footprints, reduce runoff, lower emissions, and lower costs for land, energy, and infrastructure. He discussed the spectrum from standard practices to regenerative practices. He also reviewed the Energy Star standards and stated that he would like to see this development be at least 50% better than Code for Energy Star. He commented that this project would add value to the Snyderville Basin and Summit County and would become a model to the community and to the nation of how to go beyond green.

Mr. Graham explained that Mr. Brew is a consultant to the developer in developing a sustainable community. They have committed to meeting some LEED goals and are committed to implementing some elements that are much stronger than will be found in any other development in the Snyderville Basin. Mr. Brew will drive the developer to do that, and they have involved a financial person, their builder, and an architect on their team to help build a community that Mr. Brew would like to see them build and that they can be proud of. He suggested that they address affordable housing and traffic this evening.

Commissioner Decker asked if there have been any developments that are attached to a LEED certification goal. Director Sargent replied that Newpark is the only one in the Snyderville Basin, and that was done on a voluntary basis.

Commissioner Salem asked if LEED factors into any of the considerations for this approval. Commissioner Washington stated that they are trying to use it as part of the environmental enhancements. Mr. Langvardt explained that LEED ND goes into hundreds of environmental enhancement elements and becomes an environmental improvement for both the development and the community as a whole. He noted that they are reducing the number of trips off the site by having a school site, walkable neighborhood commercial, parks, and trail systems, which is an environmental benefit to the Snyderville Basin as a whole. Commissioner Salem stated that he would like to see how the eight matrix criteria are being addressed. He also wanted to see what aspects of LEED would help environmental enhancement.

Mr. Graham addressed affordable housing and explained that they are targeting 80% of AMI. They know there is a market for housing at that level, and it meets the Code requirements. He explained that the applicant is proposing 100 units at 20%-80% of AMI, 70 units at 80%-100% of AMI, and 35 units at 120% to 140% of AMI. This would exceed the matrix Code and exceed the requirements of the current Development Code, and it is the only development with the ability to try to provide housing above what the current Code and State law require at 80% or less.

The Commissioners discussed price points for the affordable housing and market rates with Scott Loomis with Mountainland Community Housing Trust and Mr. Graham. Chair Kinsman commented that she liked the fact that the developer will be offering a wide range of affordable

housing. Mr. Loomis noted that a decision needs to be made about whether they are looking at 205 actual units or 250 WUEs for this project. He also suggested that they not try to identify where the workforce housing units will be placed at this time. The units will have to be incorporated into every phase of the project, and it is too early to tell what the mix will be and where it will be.

Mr. Graham explained that the developer has been working with their traffic engineers, and the current status is that the first phase of the development would make it through the current design. However, the County Engineer has stated that this development will not move forward without improvements to the intersection. With the traffic generated by this project, a two-lane roundabout will be required upon completion of the project at the intersection of Silver Creek Drive and the frontage road, and another one at the off/on-ramp on the east side of Highway 40. A two-lane roundabout will have to occur with the first phase of development. Mr. Graham stated that, if MIDA were to develop in the Silver Creek area, MIDA would put out a request for proposal to create another interchange between Silver Creek and Quinn's Junction for their project, which would include 1.5 million square feet of commercial. Mr. Graham stated that the two-lane roundabout would handle about 60% of the traffic without the new interchange. If a new interchange were not built, the roundabout would have to be three lanes. He noted that MIDA is not the responsibility of this developer, but they did take into consideration that these intersections might have to handle a portion of MIDA's development.

Commissioner Washington asked about the one-lane stoplight at the intersection of Highway 40 and Interstate 80 headed toward Salt Lake. County Engineer Derrick Radke explained that they started to look at the Silver Summit interchange some time ago in relationship to projects proposed by another developer. They looked at a two-phase approach, and based on the data, they determined a system that would work. When they started looking at alternatives, they came up with the roundabout option. He explained that the County provided the background traffic information, and he was confident that the developer's proposal could handle the traffic. He offered to address the concern about the intersection referred to by Commissioner Washington.

Chair Kinsman asked about the WUE issue. County Planner Kimber Gabryszak explained that the requirement is for WUEs, not units, and that is how the Planning Commission should be looking at this. Mr. Graham stated that they would probably commit to 205 units, but he would have to take a look at it.

Mr. Langvardt addressed the unique public facilities and amenities and noted that the elementary school site cannot be required and is not tied to density, but the applicant feels it is a project amenity, and they will include it. They also believe the shared use agreement is the right thing to do. They believe the community splash plaza is a unique feature within the village green that trail users will use. The community amphitheater and stage would be a vital component of the community center that would draw from the surrounding community. He also believed the petrified wood interpretive center would be an asset to the community. He noted that the pedestrian tunnel connecting to Highland Estates fills up with water, and they have talked with the Recreation District about the developer providing some revised grading and drainage. He

explained that, as part of LEED ND, they will provide community gardens, which are proposed to provide a 10x10-foot plot for every residence in the development and an additional 100 10x10-foot lots for use by employees of the adjacent development in the Silver Creek Commerce Center and Silver Creek Business Park. Mr. Langvardt reviewed the trail connections and explained that they are working with the Recreation District to get a trail easement along the back side of Highland Estates to connect through the tunnel to their project. In speaking with Staff, it appears that the plat amendment the Recreation District was planning to use to obtain the trail easement would not be approved, so they are now pursuing a connection along the Rocky Mountain Power easement.

Mr. Langvardt addressed open space and explained that the project currently has 67.5% open space, and of that, four out of every five acres is significant and meaningful. The other 20% is within development parcel open spaces, such as small green courtyards, trail connections, and setbacks and landscaping. He noted that the development fits within the Village Center bubble.

Commissioner Decker commented that the community garden is an innovative idea, and the petrified wood center is something that people who are interested in petrified wood would be very enthusiastic about. He noted that there are winds in the area that would need to be considered when deciding where to place the gardens.

Commissioner Bogardus commented that she also likes the community gardens and suggested that they be tied into an environmental enhancement in terms of not just vegetable gardening but something like native plants and tying into a reforestation or new forestation concept.

Commissioner Washington asked if the developer believes 50,000 square feet of commercial is adequate for the development. Mr. Graham explained that they are trying to meet the needs of the community, and the Code requires a neighborhood commercial development. He believed 50,000 square feet of commercial should serve the immediate needs of the development. Commissioner Washington noted that would result in trips to other places to take care of other community needs, and he believed the developer should take that into consideration. He noted that the environmental enhancements do not need to be done on site and could be done elsewhere in the community if there is an opportunity to do that. He asked if the County is in favor of private roads. Mr. Radke explained that the previous County Commission was not in favor of accepting any more publicly maintained roads than absolutely necessary. The current Manager has a different philosophy and is in favor of more public roads and fewer private roads. However, County government has resisted that. Public Works would probably not mind taking on the extra workload if they can get the resources to take care of them, but those resources are currently at their limit, and the County does not have the ability to take care of any more roads than it already has. Mr. Graham explained that the developer would not be able to create the type of environment and walkable community they are able to do with the current design if they were subject to the current public road design standards. Commissioner Washington stated that he would hate to get to the end of the approval process and have the County decide they want the roads to be public. Mr. Langvardt explained that the mass transit loop would need to be a public road, but anything beyond that is currently proposed to be private.

Chair Kinsman commented that she is not particularly excited about the splash pad, but the community could use a community pool. Mr. Langvardt stated that he believed the splash pad would be more for the local community. With regard to a pool, he noted that the 54-acre park dedication comes up to the neighborhood center, and perhaps a pool could be explored as a use within that center.

Director Sargent suggested using a scorecard to start analyzing the public benefits and considering them more objectively. Commissioner Washington noted that the scorecard should be from 0 to 10 rather than 1 to 10, because if the developer does not do anything, they should not get any credit. Chair Kinsman also requested that they resolve the WUE issue.

Commissioner Washington addressed environmental enhancements and asked if the Planning Commissioners are going to let the applicant use LEED as their environmental enhancement. Commissioner Bogardus stated that she feels better about LEED than she did previously. However, she would like to see more than that. Chair Kinsman believed LEED is obviously an environmental enhancement. Mr. Langvardt explained that, whether they use LEED or not, the gray water re-use alone is substantial, but they are going well beyond that. Chair Kinsman confirmed with Mr. Graham that State law would allow for the re-use of gray water.

Mike Brodsky with Hamlet Homes, representing the applicants, explained that a couple of standards are being applied to the development and the residential construction. The LEED ND designation addresses all the community enhancements and is an objective evaluation of community enhancements. He stated that the National Association of Homebuilders has recently come out with a National Green Building Standard that deals specifically with the residential development in terms of water quality, air quality, effective and efficient use of energy sources, and that is a very objective evaluation of the criteria in the homes. He emphasized that LEED and the National Green Building Standards are very objective evaluations of environmental enhancements. Commissioner Bogardus explained that the Planning Commission would have their own subjective approach, because they are applying their subjectivity to the issues at hand. In looking at the term environmental enhancement, many of the things accomplished by LEED may not have a negative impact on the environment, but she would be looking for additional environmental enhancements beyond the point that there is not a negative impact.

Commissioner Salem commented that mitigating an impact is different from enhancing, and he was trying to consider whether introducing 1,000 cars into the environment, even if their carbon footprint were cut in half, would still be introducing 500 cars worth of footprint. He would be hard pressed to say that enhances the environment when it would still be impacted negatively. He referred to the section of the Code that states environmental enhancements must be for the enjoyment of all residents of the Snyderville Basin and not largely for residents of the development. He questioned whether LEED falls under that interpretation or whether it is more of a mitigation. Mr. Brodsky explained that the developer is a leap beyond what is required by the Code. Chair Kinsman explained that the applicant needs to educate the Planning Commission on how LEED qualification will provide environmental enhancements, not just

mitigation. Commissioner Bogardus suggested that the applicant not look at LEED qualification as their total environmental enhancement but look at doing things like putting native plants in the community gardens, enhancing the wetlands, and other types of environmental enhancements.

Commissioner Decker commented that there is a huge traffic issue with the right-hand turn onto I-80. He estimated that a certain number of residents, probably 50% or more, would turn right onto I-80 for commuting purposes, and he asked for an in-depth analysis of that issue. He would like to see the impacts of the various phases of the project on the intersections and, if certain things were included in the development, at what point the intersections would fail. He believed all of that should be available from the traffic study. He stated that, for him, traffic is of equal concern with density.

Mr. Graham commented that he did not believe it was the intent of the matrix that all eight criteria for evaluating the project would be equal. He encouraged the Planning Commissioners to allow some flexibility in looking at what is proposed as a whole, not just item by item.

3. **Work session – Weilenmann/Discovery CORE Rezone – Kimber Gabryszak, County Planner**

As it was after 10:00 p.m. the Planning Commissioners and Staff discussed whether to address this item. Planner Gabryszak noted that members of the public have been waiting to make comment on this item. Chair Kinsman explained that the purpose of this work session was for the Planning Commission to decide how to calculate density, not to take input about this application. She stated that, if members of the public would like to give specific comment about how to apply the language of the Code to determine density, she would be willing to take public input, but she did not want to take comment in general terms about the application.

Commissioner Decker commented that the applicant has been before the Planning Commission a number of times, and he would hate to not have the quality time to discuss this in a meaningful way. He was concerned about the late hour given the subject matter and did not believe the Commissioners would be at their best.

Commissioner Salem suggested that they hear the input from the public and discuss the density calculation at a later date.

**Commissioner Washington made a motion to continue with the meeting to allow public input on the density calculation question and nothing else. The motion was seconded by Commissioner Bogardus and passed unanimously, 6 to 0.**

Planner Gabryszak reviewed the options for calculating density which Staff and the Planning Commission have discussed based on the language in the Code. She explained that the Code requires that the average density within 1,000 feet of the rezone area be used to calculate the density for the rezone property, emphasizing that the Code talks about the average density of a neighborhood, not a platted subdivision, lot of record, or commercial use. The question is

## MINUTES

### SNYDERVILLE BASIN PLANNING COMMISSION

#### REGULAR MEETING

TUESDAY, JULY 27, 2010

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, July 27, 2010, at 7:05 p.m.

**PRESENT:** Kathy Kinsman—Chair, Julie Hooker—Vice Chair, Sibyl Bogardus, Jeff Smith, Mike Washington

**STAFF:** Kimber Gabryszak—County Planner, Jennifer Strader—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

#### REGULAR MEETING

Planner Gabryszak noted that the item regarding the Summit Business Park had been removed from the agenda.

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

Chair Kinsman opened the public input.

Bonnie Park, Snyderville Basin Special Recreation District Project Manager, explained that the Recreation District has decided to put the trailhead parking process on hold until Planner Caus returns in September. The Recreation District determined that, by the time they were able to get through the process, it would be the end of the summer, so they will continue to keep the one trailhead in question closed and continue through the process when Planner Caus returns.

Chair Kinsman closed the public input.

##### 2. Public Hearing and Possible Recommendation on a proposed Specially Planned Area, Silver Creek Village Center, Southeast Quadrant of Hwy. 40 and I-80; Jeff Graham, applicant – Jennifer Strader, County Planner

County Planner Jennifer Strader presented the staff report and provided an orientation to the site location. She presented background information regarding the application and explained that an original application was submitted in 1995. There were revisions to the application, but it did not move beyond work session. In 2002 when amendments were

being made in the General Plan and Development Code, the applicant was sent a letter stating that they would be subject to those amendments. The applicant disagreed with that interpretation, and in 2005 the Community Development Director at the time determined that the application was vested under the 1997 Development Code and General Plan. Work sessions were held on the application in May and October 2008, December 2009, and June 2010. The first public hearing was held February 9, 2010. Base zoning under the Code would be 12 units, and under the 1997 Code, the applicant has the ability to apply for a Specially Planned Area (SPA). Planner Strader noted that the General Plan designates this area as a Village Center. The applicant is proposing 900 market-rate units, 205 workforce unit equivalents, and 50,000 square feet of commercial, resulting in a density of 3.8 units per acre, not including the workforce housing. Including the workforce housing, the density is 4.6 units per acre.

Planner Strader explained that 1997 Code allows for the applicant to request additional density based on providing community benefits, and the burden is on the applicant to convince the Planning Commission that they have earned the amount of density they have requested. The Planning Commission has the discretion to determine whether the benefits are sufficient for the requested density. Planner Strader reviewed the criteria and explained that, if the applicant were to meet the three mandatory criteria, they would qualify for 1 unit per 5 acres, or 48 units. The Planning Commission looks at the benefits provided under the remaining criteria to determine whether they yield the density that is proposed. At the last work session, the Planning Commission requested additional information regarding traffic and workforce housing. The applicant has submitted an addendum to the traffic study that indicates that the Level of Service (LOS) at the I-80/Highway 40 interchange would remain at LOS C. The County Engineering Department reviewed the addendum and was comfortable with those conclusions. The Planning Commission asked for the number of Workforce Unit Equivalents (WUEs) rather than actual number of workforce units, and the applicant has indicated that there would be 205 WUE's. Planner Strader noted that the current Code requires that 20% of the units in any development be affordable, and the applicant is proposing 22%. The current Code requires that, at the time of construction, one WUE will be required for every five market-rate units that are built.

Planner Strader reviewed the process for a SPA application. The first step is the SPA rezone, which is currently before the Planning Commission. After that would be the SPA Plan, which is known as a Development Agreement between the developer and the County laying out all the requirements, conditions, and findings for the specific development. The Planning Commission is required to hold public hearings on both the SPA Rezone and the SPA Plan with a recommendation to the County Council. The County Council would conduct further public hearings on both the Rezone and the Development Agreement and make the final approval. Staff recommended that the Planning Commission conduct a public hearing on the proposed Village Center and choose one of the three options shown in the staff report.

Commissioner Washington expressed concern that he has not seen the original traffic

report. He stated that the Planning Commission has also not seen the economic analysis, both of which are very important components to this decision.

Eric Langvardt, representing the applicant, reviewed the site plan and explained that the project consists of a traditional neighborhood design. He indicated the village center, which would be the core of the project, and explained that densities would decrease moving toward the edge of the project. He noted that there would be a mix of residential types and commercial uses. He indicated the clustering and substantial amount of open space, noting that 80% of the open space falls under the Code definition of substantial and meaningful open space, with the other 20% occurring within development parcels. A significant community benefit is a 54-acre community park dedication to the Recreation District in an ideal location adjacent to connections to adjacent properties and subdivisions. He discussed the neighborhood parks that are geared toward residents of the project, the village center park, and small residential parks throughout the project. He explained that they have worked with South Summit School District and are proposing a 5-acre school site near the entry next to a neighborhood park. They also propose a community splash pad, community amphitheater and stage, and a site dedicated to telling the story of the petrified wood historically located on this site in conjunction with the Sunrise Rotary Club.

Commissioner Washington stated that he is on the Board of the Sunrise Rotary Club, and the interpretive park has not been discussed with the Club. Jeff Graham, the applicant, clarified that the park has been offered to a couple of the board members and has not been accepted by the Club. Mr. Langvardt explained that the applicant would like to offer the site to the Rotary Club, as they think it is important to Summit County's history.

Mr. Langvardt described the community gardens proposed for the homesites and surrounding developments. It is proposed that 90% of the streets would be planted with trees on both sides of the street and that a maximum of 20% of all development lots could be planted in turf. The applicant proposes to reclaim and enhance the 5.69 acres of wetlands on the property and to create an additional 3.5 acres of wetlands through innovative stormwater management. A system has been discussed with the Snyderville Basin Water Reclamation District to use reclaimed water for irrigation within the project, particularly for common areas. Mr. Langvardt stated they estimate a reduction in traffic impacts of almost 800 trips per day due to the internal trips and bus stop locations. He explained that the applicant has committed to build a Passivhaus, which pushes 100% net energy efficiency above standard code. This could be used as a model and an education center for the Snyderville Basin, hopefully resulting in the growth of that concept within the community and the Snyderville Basin in general. Mr. Langvardt stated that all of the homes would have conduit for solar panels and plugs for hybrid cars.

Mr. Graham stated that he was approached by a member of the Sunrise Rotary Club asking if he would be willing to include a park somewhere. He also explained that the July 2008 application included the original traffic study and fiscal impact analysis, and he was aware that Staff and the Engineering Department had reviewed those documents.

Commissioner Washington stated that he would like to see those studies. He noted that the addendum projects 1,400 trips per day for a community of 3,000 people, which seems too low.

John Dougherty with Horrocks Engineers noted that they have submitted various documents since 2008 and explained that a roundabout expert from the East Coast came in to review their design. He explained that the 1,400 trips per day is the additional traffic from the travel demand model from the County Traffic Engineer indicating that they were short 1,400 trips from other developments that are entitled but were not shown in the applicant's traffic analysis. He explained that they start with current traffic counts, add what is entitled on undeveloped land that has not yet been built on but is entitled to build, and the impacts of the development. The 1,400 count was the number of trips the County indicated would apply to the entitled but unbuilt properties. The proposed project would add about 8,000 trips per day. In addition, they have projected 2.2% growth for the next 20 years based on the County Engineer's recommendation. Mr. Dougherty reviewed the double roundabout plan. He explained that the intersections are currently at LOS B and C, and with the Silver Creek Village Center, the intersections would fail due their close proximity. Based on their analysis, with a 2.5% growth rate for the next 20 years and the double roundabout, the intersections would remain at a LOS A or B. He explained that, if the County agrees to the roundabout setup, they would still have to get approval from the federal government and the State.

Commissioner Washington asked how bicycle and pedestrian traffic would be handled through the intersections. Mr. Dougherty replied that they could incorporate whatever they need to into the roundabouts and described potential solutions for accommodating pedestrians and bicycle traffic. He explained that one nice thing about roundabouts is that they are low speed, which minimizes accidents. He summarized that the roundabout system could accommodate almost double the traffic anticipated by this development.

Commissioner Washington asked about the MIDA development that is scheduled for this area and asked if it is included in the traffic analysis. Mr. Dougherty stated that they have looked at various options with MIDA and ran 60% of the MIDA traffic through the roundabout system with the finding that the roundabout could take that amount of traffic. They anticipated that the other 40% would go south. He noted that anyone entering the freeway at the existing on-ramp would be unable to use the flyover and would have to go to the Silver Creek intersection, which would cause that intersection to fail. It has been recommended that another interchange be built to allow traffic to utilize the flyover. He summarized that the applicant can build the roundabouts that will accommodate the traffic from their project, additional traffic projected 20 years into the future, and 60% of the MIDA traffic, but MIDA will eventually have to provide mitigation. He explained that they are not asking for design exceptions or LOS D or E or to bend any of the traffic rules. He offered to provide the traffic studies for the Commissioners.

Chair Kinsman asked what would happen if the applicant were unable to get the State and Federal governments to agree to the second roundabout. Deputy County Attorney Jami

Brackin explained that, if the Development Agreement contains a condition that the intersection must be completed with the roundabouts and other traffic mitigation measures prior to full buildout, and that does not happen, the applicant would not get full buildout. Chair Kinsman suggested that the condition state that they would have to improve the intersection before any construction occurs.

Mr. Graham explained that the County has revised its traffic master plan to show the two roundabouts in this location. Before they were able to do that, they had conversations with UDOT, and UDOT agreed to the roundabouts in concept, but it will come down to specific design. The County Engineer has also told the applicant that they cannot receive any building permits until the roundabouts are completed. Chair Kinsman verified with Mr. Graham that they would pay for the roundabouts up front. Mr. Graham explained that the County would reimburse them at the time the roundabouts come up on the County's master plan for construction.

Commissioner Bogardus asked if there is enough space for the traffic circle next to Burt Brothers. Mr. Dougherty indicated the property lines of the adjacent properties and explained that they would have to negotiate with the owners of those properties to purchase the portion of the property needed for the roundabouts. The objective is to not take out parking space and buildings. Commissioner Bogardus expressed concern that everyone who lives in this development will have to go to the supermarket, because there is no market in the proposed development. She felt it would be important to have some kind of market where people could get milk, eggs, and bread. Otherwise, people would have to leave the development every day to shop for groceries. She noted that the landfill is getting close to capacity, and she felt it would help if there were trash compactors in the homes. Mr. Langvardt noted that they would also provide recycling stations and periodic hazardous waste disposal.

Chair Kinsman opened the public hearing.

Richard Thomas commented that the rule of thumb in other subdivisions has been 2+ vehicles per dwelling, and with 1,100 units, they would be looking at more than 2,000 cars plus school traffic, park traffic, and industrial park traffic. He questioned how that could all be accommodated on the little road by Burt Brothers. Even with the roundabouts, the cars have to go somewhere, and they will be going to Smith's and Redstone. He did not believe people would want to go on Highway 40 to 248 and through that entry into Park City. He believed some would try to get onto I-80, but many of them would go onto Highland Drive, Trailside, and Old Ranch Road. He did not believe the basic traffic problem had been addressed by the roundabout. It might keep cars moving, but once they are dispersed, the question is where they will go from there. He believed that should be taken into consideration.

Jerry Wohlford stated that, at full buildout, he believed there should be somewhere else to go other than the roundabout. If there were a major accident, it would block all the traffic. He believed an outlet is needed to I-80 on the north side, because all the traffic,

including Promontory, would go through the roundabout. He was confused because Staff said the applicant was vested from the 1997 Code, but they are talking about workforce housing requirement in today's Code. The applicant is talking about affordable housing at 100% of AMI, but the current Code specifies a maximum of 80% of AMI. He asked about sidewalks in the development and stated that he liked the idea of trying to address bicycles.

Eileen Glucine asked about the impact this development would have on the decision to develop on the opposite side of the I-80/Highway 40 intersection. Chair Kinsman verified with Ms. Glucine that she was referring to Silver Creek and explained that this development is not related in any way to Silver Creek. She explained that the Silver Creek subdivision was platted in 1964, and this project will have no impact on what happens in the Silver Creek subdivision.

Mark Vernon, a resident of Silver Summit, stated that he likes many of the things that are proposed. He stated that he has a problem with the density and recalled that this development was compared with the density in Coalville. He stated that this development would have more than double the number of units that are in Coalville, and Coalville has almost nine times the area. Assuming that there would be 2.97 people per housing unit, which is the average in the south Snyderville Basin, and 1,105 units total, the density would be 18 times the density of Coalville, 11 times the density of Park City or Kamas, and would be the highest density in Utah. This community would have about the same density as the city of Los Angeles, and he believed that density was too high for this area. With regard to affordable housing, it would require 180 units priced at 80% of AMI and below in order to meet the current workforce housing requirements. If the applicant is proposing 100 units at 80% of AMI or less, that would add a deficit of 80 units. He noted that the income levels proposed for the affordable housing in this project go up to \$530,000 per year, and he did not believe restricted housing is needed for someone making that kind of income. He believed the applicant should provide 180 units at 80% of AMI, and if they want to build more at higher levels, that would be fine. Mr. Vernon noted that the trail under the underpass does not go anywhere once it reaches the other side, and there are no sidewalks along Highland Drive. There is no way for people to use that underpass, so he believed it was a false claim to say that it would benefit residents of Highland Estates and Silver Summit.

Chair Kinsman clarified that the restricted affordable housing proposed in this development is not required to comply with the current workforce housing Code requirements but is under the matrix requirements. The applicant is proposing units higher than 80% of AMI based on a recommendation by the County's consultant for affordable housing indicating a need and demand for housing units in the Snyderville Basin at that AMI rate. Commissioner Washington stated that he believed Mr. Vernon's comments were appropriate in that the Planning Commission's analysis determined that 20% was needed just to meet the needs of the subdivision, and that is something the Planning Commission should consider.

Tina Smith commented that this will be a huge project and would be like another city. She believed they have an opportunity to build a new green community. She asked if they are thinking of requiring the houses to be self sustaining to lower the impact on the rest of the community and create a green village. Chair Kinsman commented that the staff report indicates that the applicant is building to the LEED standard. Mr. Langvardt explained that they have committed to building to the LEED Neighborhood Development standards, which goes beyond the homes. For every home they have committed to a minimum of Energy Star 2011, which is 15% more efficient than the current code, and they have set a goal of being 50% more efficient than current code. He explained that will be part of the Development Agreement, and they believe it is the right thing to do.

Annette Velarde stated that she was confused about who is requiring the workforce housing. She asked if it is to meet a need for affordable housing, one of Summit County's ideas that they have to provide for everyone, or if a higher power is requiring them to act on it. Chair Kinsman explained that State statute requires the County to do a needs assessment and provide housing to meet those needs. She noted that the County is awaiting an updated needs assessment. The Commission also felt a moral need to provide housing for a number of the people who work in the community. Ms. Velarde stated that, in watching a number of applicants come forward, she has not seen a plan that has been this considerate of the community as far as being green, offering open space, and trying to take care of traffic. She stated that she lives across I-80 from the proposed development and is anxious to have this near her home. She wanted to express her support for it.

Ms. Brackin explained that the affordable housing component in the current Code was meant to replace the former matrix Code. The requirement to have an affordable housing plan has existed for a long time. Under the matrix system, the County's plan was to get affordable housing through the matrix, which was actually approved by the federal courts. When the matrix plan was removed, the new Code addressed it through the mandatory and CORE portions of the Code. What is required under the current Code replaces the former version of the affordable housing plan.

Rich Sonntag, the developer of Promontory, commented that this is a difficult site, and the applicant has done everything they can to make it work. One thing that stands in the way of it being sustainable is the lack of community services such as shopping without impacting surrounding neighborhoods. He explained that there is a difficult mix of traffic at the intersections where the roundabouts are proposed. He believed what might make this work would be if the Planning Commission were to approve a supermarket and a Costco for the industrial park, or if there were a way to change the pedestrian underpass to a vehicular underpass and attach it to Highland Drive it would provide more direct access to Kimball Junction without having to mix with the freeway traffic. He noted that this will not be a second home community, and people who live here will be going to work every day. He believed it would help if they could get the people who are going shopping and the people who work in Kimball Junction and Park City onto the frontage roads and off the freeway interchange.

David Allen stated that he was on the Planning Commission when the Village Center concept was created. The goal was for the applicant to come in and knock their socks off with their plan. In reading the staff reports, he acknowledged that all the issues have been addressed. He referred to the open space, traffic improvements, and affordable housing components and the other community benefits proposed by the developer and asked if they are something the Planning Commission can get excited about. He noted that the applicant has not provided any TDRs and suggested that they get together with adjacent property owners to shed the density on other parcels. He explained that this is a very discretionary process, and the Planning Commission has made a lot of comments about why the things the developer has proposed are not exciting to them. He encouraged the Planning Commission to be sure that the developer has met all the criteria before approving the project.

Mark Vernon responded to the idea of putting a road under the underpass and noted that Highland Drive is a 35 mph road with no sidewalks. The idea of adding traffic from the proposed development onto Highland Drive through the residential streets would have a terrible effect on the safety of the people in that neighborhood. He believed the goal should be to funnel traffic to the main arteries as soon as possible and keep it off residential streets.

Bonnie Park thanked Mr. Allen for his comments and for setting a context for community benefits. She explained that the minimum park acreage under the old Code for a community park was 20 acres, and this applicant is proposing 54 acres. She noted that the conceptual plan for the park is only conceptual, and it would have to go through a Conditional Use Permit process. The Recreation District would have to review their needs assessments to determine the high priority facilities for the community. She stated that they have been working with the developer on improvements to the trail undercrossing and are working on pedestrian connectivity in the Highland Drive area. Those projects will be part of the bond proposal on the November 2 ballot.

Chair Kinsman suggested that they continue the public hearing in the event the Planning Commission does not vote to forward a positive recommendation.

Commissioner Washington stated that he is not prepared to forward a positive recommendation on the plan as currently presented. He stated that his assessment of the community benefits shows that the applicant is far short of getting 3.8 units per acre. His calculation would indicate something in the range of 360 units, not including the affordable housing. He stated that the environmental enhancements are weak, and he would give them 2 points on a scale of 1 to 10. He was not impressed with what the developer has proposed. He explained that the County is expecting any developer now to provide 20% affordable housing, and the applicant is providing 1% above that, which is very weak. He ranked that a 1. He believed the community trails and parks are good, and he would rank them at 7. He stated that open space is weak, and he would give it a ranking of 2.5. 10% of what is required is not exciting to him. He did not believe the tax

base and economic incentives would knock their socks off, either, but he has not seen the studies and does not know. He would give a ranking of 8 in terms of compatibility with a Village Center, with the land bank at 0, and unique facilities ranked as 1. The overall average was 3, and he did not know how they could forward a recommendation for that.

Commissioner Bogardus stated that she would rank the proposal a little higher than Commissioner Washington. She believed they were seeing a lot of mitigation but not environmental enhancements and what the applicant is proposing should be significantly better for the community as a whole. She did not believe restricted affordable housing was as high as it should be, and she did not like seeing affordable housing for higher earners up to 130% of AMI. She believed many people would qualify at that level who would not necessarily need it, and that would not justify all the impacts that would be placed on the community to provide housing for people at those income levels. She believed they would attract a lot of people who would choose to live in Park City and commute to Salt Lake. She would probably rank the development higher than Commissioner Washington with regard to community trails and parks, but the open space does not blow her away. She agreed with him about the economic report. She stated that she likes the Village Center concept and design, but traffic is a huge issue for her. She stated that she likes the fact that they have clustered everything into one location and that the development is not sprawled out. She agreed that she was not prepared to take action on this item this evening.

Commissioner Smith stated that he agreed with Commissioners Bogardus and Washington and suggested that the applicant propose where they think they stand on a scale of 1 to 10 for each of the criteria and then try to convince the Planning Commission of their position. He suggested that they provide a summary of the traffic study to convince them that it makes sense. He believed there was a serious problem with this property being landlocked, and no matter how they try to address it, there is only one access onto Highway 40. He felt that the applicant needs to convince the Planning Commission of what the adjacent 20-acre parcel will look like and find a way to protect that piece of ground. If someone were to develop that parcel, it could destroy this project and would probably be blamed on the Village Center. For now, he could not be convinced to do anything other than move the conversation forward and give the developer an opportunity to defend it. He believed they should have another public hearing so the public has an opportunity to provide comment as they continue to adapt the proposal.

Commissioner Hooker stated that there is a lot she has liked about this project from the beginning. She commented that the environmental enhancements are great ideas that need to be fleshed out more. She liked Commissioner Smith's suggestion that the applicant break down for the Commission what they believe the value of each of the criteria would be. She believed items like environmental enhancements and unique public facilities need to be fleshed out and focus on how they would benefit everyone in the community, not just the people in the development.

Chair Kinsman commented that the Planning Commission has been excited about this project from the beginning. They like the location, the concept, the green, the affordable housing, but they have continued to explain that density is an issue and traffic is a major issue. She recalled that she has not heard how the applicant plans to resolve the access under Highway 40. She believed they would have to do more with the environmental enhancements, affordable housing, and open space. She commented that the Planning Commission has not been addressing the transfer of development rights, and perhaps the developer needs to get creative and look at where they could shed density from elsewhere in the Basin that would benefit the entire community. She believed the developer is on the right track, but she did not believe they were ready to move forward.

Mr. Graham stated that he believed they had moved in the direction of doing what Commissioner Smith has asked them to do by addressing each matrix item and by comparing this project with other projects. He recalled that the open space on the east side of Highway 224 related to Bear Hollow Village was used to meet its TDR, open space, and environmental enhancement requirements. Silver Creek Village Center is not duplicating requirements, and Staff told the applicant that they could not use anything for multiple criteria within the matrix. If they could do what Bear Hollow did, it would change the proposal. If they could compare with benefits provided by other projects, they could meet the criteria. He believed they were trying to meet the criteria as intended in the matrix but were being limited as to how the criteria apply compared to other projects. He stated that they need direction about whether they can use the standards used by other projects or continue as they have been, not being able to duplicate any of the criteria.

Chair Kinsman asked County Planner Kimber Gabryszak to clarify Staff's direction that the applicant cannot duplicate the matrix criteria. Planner Gabryszak replied that Staff recommended that they not duplicate criteria. In this instance, it seems to be more of a stretch to meet the criteria, and in a project like Bear Hollow, there was a huge expanse of open space. In that case, it was not a stretch for the developer to meet all the other criteria. If an applicant meets only the minimum criteria, Staff did not believe they should be able to count for more than one thing. Chair Kinsman commented that she believed the Planning Commission had indicated that they were not impressed with the way the criteria have been met. If the applicant is barely exceeding the minimum requirements, duplication should not be allowed.

Mr. Graham asked the Planning Commission to look at what this project would do as a whole for the community compared to other projects being processed under the current Code. He believed this project should knock their socks off in comparison to those projects.

Commissioner Smith stated that he believed the applicant should have an opportunity to do whatever they need to do to sell this project in an honest way, and duplication does not bother him. He just wants to know how it goes together in a package and how it relates to the matrix so the community can get excited and say it is a good idea. He did not believe what has been presented has left the Planning Commission with that impression.

Chair Kinsman commented that the Planning Commission has told the developer this is a good idea, but they are not there yet. She recalled that Mr. Graham was the one person who said he liked the matrix system. This is a different Commission and a different time, and circumstances are different now than when other matrix projects were approved. She believed traffic was one of the greatest concerns, and she did not believe the roundabouts have addressed those concerns. She suggested that the applicant consider discussing a different access onto I-80 with UDOT. She stated that the applicant chose to apply under the matrix, and he needs to meet the matrix requirements based on current day situations.

Commissioner Bogardus suggested that the applicant think deeper when sitting down with the matrix to analyze it. It is a matter of being more creative and asking themselves what more they can do. She explained that the Planning Commission has heard what the developer has said each time, and much of it has been the same; they just need to make it better. She noted that the Planning Commission likes many things about the project, but the developer needs to consider what else he can do. It would not necessarily have to be expensive, just creative. She noted that getting the additional units is an exception to the normal Code requirements, which means they have to sell it even more.

Commissioner Washington commented that the environmental enhancements proposed by the developer are mitigation, not benefits to the community. He asked the developer to step up the restricted affordable housing. He noted that open space is only 7% over the minimum requirement, which is not a community benefit. He believed the tax base would be a net negative to the County and stated that he did not see any unique public facilities and amenities. Those are the hurdles he believed the applicant would have to address.

**Commissioner Hooker made a motion to continue the public hearing and possible recommendation to the August 10 meeting of the Snyderville Basin Planning Commission based on the comments from the Commission and public input at this meeting. The motion was seconded by Commissioner Bogardus and passed unanimously, 5 to 0.**

3. **Public Hearing and Possible Approvals of final subdivision plats for the Park City Tech Center and Kimball Junction Subdivisions, under the Summit Research Park Development Agreement; Brandon Burbidge, Boyer Company, applicant – Kimber Gabryszak, County Planner**

County Planner Kimber Gabryszak presented the staff report and explained that the two subdivision plats are for the Kimball Junction Final Subdivision and the Park City Tech Center Final Subdivision. She presented the background of the land known as the PRI parcel and explained that 310 acres have been preserved as open space, with smaller parcels reserved for the Utah Olympic Park, Rocky Mountain Power, and 89 acres for a research park and an associated Development Agreement for the research park approved in 2008. Amenities associated with the Summit Research Park Development Agreement

2. **Continued Discussion and Possible Recommendation on proposed Specially Planned Area Silver Creek Village Center, Southeast Quadrant of Hwy. 40 and I-80 – Jennifer Strader, County Planner**

County Planner Jennifer Strader turned the time over the applicant to continue with their presentation. She recalled that the public hearing was closed at the last Planning Commission meeting.

Jeff Graham, the applicant, recalled that there was a question at the last meeting about affordable housing, and they were asked to talk to Scott Loomis at Mountainlands Affordable Housing Trust to determine whether to keep the affordable housing at 80% of AMI. Mr. Loomis has indicated that this development would provide a great opportunity to go above 80% of AMI, and it has been demonstrated that there is a need. Mr. Loomis has indicated that he would be comfortable with putting a waterfall provision in the development agreement and deed restriction that would allow a qualified buyer or renter to purchase an affordable unit after 90 days if no one can be found who qualifies at 80% of AMI or less. Another option would be to allow up to 120% of AMI for a certain percentage of the affordable units.

Chair Kinsman asked if they might be able to do some kind of hybrid that would incorporate both the waterfall and a maximum percent of AMI. She asked if the issue comes up more with two-income families. Mr. Loomis replied that there are also situations with single-income families, because the restriction is based on family size. He stated that there is nothing available in the market for people who make between 80% and 120% of AMI. Chair Kinsman asked what the price point would be between 80% and 120%. Mr. Loomis explained that the pricing would be under 80%, but the income qualifying would be over 80%. He explained that a family of two making \$50,000 a year, which is more than 80% of AMI, could probably qualify for a \$150,000-\$180,000 home. There is very little short of a multi-family stacked condo for under \$200,000 in the Snyderville Basin. The current Code requires that affordable housing must be 80% of AMI or below, and there is no provision for anything above that. Chair Kinsman asked if they could set a maximum of 120% of AMI and use the waterfall if there are no qualified buyers at 80% or under. Mr. Loomis stated that most restrictions are written that way anyway. He felt it would be good to let the developer have the option of targeting income between 80% and 120% on a certain number of units initially, because the developer might not want to build a certain number of units and then have to wait six or nine months before they could get buyers for those units. Chair Kinsman confirmed with Mr. Graham that there will be affordable rental units in the project.

Commissioner Washington recalled that an individual spoke at the public hearing who felt it was very important for all the affordable housing to be at 80% of AMI or less. Commissioner Washington believed it was good to have flexibility as long as they do not forget their original goals. He would have no problem with creating a waterfall and believed it would probably result in a better product.

Mr. Loomis discussed the possibility of setting aside some units in the resale pool for buyers who do not qualify at 80% of AMI or less and noted that it does not mean those units could not be sold to qualified buyers at under 80%. It would simply open up that opportunity for families that have no alternative.

Commissioner Salem thought they would build a better community with a diversified mix of affordable housing rather than having all the affordable housing targeted at 80% of AMI. Mr. Loomis stated that he believed the Code changes the income targets for different-sized units, with smaller units at lower AMI requirements. This would allow for a broader mix of units and types of families they could get into the units, and that flexibility is not available under the CORE Code. Commissioner Salem asked if they should dictate now what percentage of the units should be within the 80% to 120% range and what percentage should be in the 60% to 80% range. Mr. Loomis cautioned against doing that at this point, because this will be a long-term project, and there will be a diverse spread of affordable products for different incomes as the project develops.

Commissioner Bogardus stated that she likes the 80% of AMI restriction with the waterfall provision. She asked if Mr. Loomis believes waterfalls work and stated that she believes 90 days would be reasonable. Mr. Loomis stated that it would be good to have that from the developer's standpoint. He commented that probably half the affordable units in Redstone were sold above the income limits, and it does work. He was unsure whether all the affordable units would be built at once in this project or whether there would be a few units in each phase of the development, and he believed they would have all the flexibility they need with the waterfall provision.

Chair Kinsman noted that one goal is to phase in the affordable housing units with the timing of the project and asked how they would count that percentage cap. She asked if it should be 10% for every phase. Mr. Loomis stated that would probably not work, because there may be public funds for certain phases of the project that would restrict the units in that phase to a certain income level. He suggested setting a certain percentage and saying that the percentage of AMI could be up to that amount in the overall mix.

Eric Langvardt, representing the applicant, discussed community trails and parks. He reviewed the criteria in the Development Code and noted that these facilities are above and beyond the specific neighborhood's needs. He explained that the community park donation has increased from 54 acres to 74 acres. The Recreation District was excited to have the 20 acres added to the project to allow them more flexibility for programming and access. The Recreation District has also indicated that the park area has the potential to meet several needs of the Recreation District and its constituents. In addition to the community park, the project includes 2.7 miles of community trails that connect adjacent properties and link to the rail trail and other communities adjacent to this project. The Recreation District has indicated that they are also very pleased with the trails dedication. They believe the trails are in appropriate locations, provide connection to other communities, and tie multiple developments together. The developer believes a score of 10 would be appropriate for these amenities. Mr. Langvardt stated that part of the

significance of the park location is accessibility to the adjacent neighborhoods, getting trail users off of Highland Drive, and tying to the trail use through the UDOT right-of-way and into this project. He stressed that the items shown on the plan are conceptual, but 74 acres should provide sufficient space for playing fields, outdoor theaters, playgrounds, and an opportunity for a variety of uses.

Commissioner Hooker expressed concern about access to the area and how people would get to the park to use the facilities. She stated that she was having difficulty calculating a number for this benefit, because it was difficult to believe the entire community would go to this location to use the park. Mr. Langvardt explained that the opportunity for people to get to the park without using their cars is one of the benefits. He noted that people from the east neighborhoods and Promontory currently go to Willow Creek Park on Old Ranch Road in their cars. This park would benefit the general public as part of the overall park master plan, and trail users can get there without having to use their cars, which would keep cars off the roads that lead to other parks. He stated that the location expands the community benefit beyond the two or three projects that surround this development. Mr. Graham emphasized that they are providing an opportunity for people to get to the park without using their cars. He was confident that they could provide trail access to Highland Estates and Highland Drive, which would open up the opportunity for the entire Old Ranch Road community to get to this area and avoid the roundabouts. He explained that the development would meet the internal needs of the residents in the development with seven neighborhood parks in addition to the 74 acres.

Commissioner Hooker asked how to determine density for the project and whether the access points to other communities would be part of the development agreement. She asked if the density would change if that were not to happen. Planner Strader explained that the density will be determined based on the community benefits, which would be included in the development agreement. The development agreement would have triggers to insure that all the benefits occur. Chair Kinsman asked if the density would go away if the community benefits are not provided. Planner Strader explained that the developer would not receive more building permits until the benefits have been provided. Deputy County Attorney Jami Brackin explained that Staff would look to the Planning Commission to provide that kind of input in their recommendation. They can request that certain benefits be completed before any building permits are issued. The Planning Commissioners can determine the triggers for the benefits that must be provided at each stage of the development before building permits can be issued for that phase. Mr. Langvardt noted that most of the trail connections already exist, and the park donation would occur immediately once the development is approved. The only thing that needs to be resolved is the connection to Highland Estates, and the developer is confident that can be accomplished.

Commissioner Bogardus asked Mr. Langvardt to explain what he envisions for the Highland Estates connection. Mr. Langvardt used the site plan to indicate the UDOT right-of-way and utility corridor behind the Highland Estates lots. The power company has given verbal approval, and an application has been made for the UDOT

encroachment. He explained that the Recreation District has had good success working with UDOT; the process with UDOT is all that is holding them up.

Commissioner Hooker quoted from the matrix that facilities required to meet specific neighborhood or project needs will not be considered a contribution to the community-wide system. She stated that she was struggling with the park and that it would be fantastic if she were living in the development, but she was not certain it would benefit everyone else. Mr. Langvardt responded that he believed the definition means that the developer cannot dedicate the park property and expect the Recreation District to build it for their community. If they dedicate it and the Recreation District decides to never develop the park, the developer has still provided seven neighborhood parks with the project that serve the needs of the project. The community park is above and beyond what is needed to serve the residents of the development. Mr. Graham explained that this donation is important for a community park because it is in a centralized location. The Recreation District has been trying to find a parcel to put a park in Silver Creek Estates but has been unable to find one. Trailside Park does not meet the needs for Promontory and Highland Estates, so this is a focal hub for a community park for a large part of the community. Commissioner Bogardus commented that, in addition to relieving the pressure of people going to other parks, this park would provide field space for teams looking for practice space.

Commissioner Salem stated that he believed 10 would be a fair score for these amenities. He wished it were easier to get to, but he did not see another choice for a community park, and it makes sense to put it in this development. He asked whether it is typical for donation of raw land to suffice, or if development of that land is required in order to meet the criteria. He liked the fact that 74 of 245 acres is being donated to the Recreation District and asked if there is a precedent for counting the 74 acres both as open space and a park donation. Mr. Langvardt stated that, based on discussions with the Recreation District and historically, the contribution is seen as a big positive, and they recognize that there are very few parcels that the Recreation District can obtain. They cannot purchase land, so the dedication is a substantial benefit. In addition, the developer will pay the Recreation District's impact fees. Willow Creek was not a SPA approval, but the land was donated, and then the Recreation District built the park. Planner Strader explained that there have also been other instances where SPA developments donated raw land. She read from the Code regarding the open space calculation that open space may include setback areas, easements within which no above-ground structures are located, open space conservation easements, and other such areas. Open space shall not include any portion of a parcel on which any structure, parking lot, or other such feature is located on or above the surface of the ground, and parking space landscaping cannot be included in the required open space calculation. She believed other developments had counted their open space as an open space benefit and potentially a benefit falling under this criterion as well. She stated that it would be up to the Planning Commission to determine whether the criteria have been met. Mr. Graham explained that The Woods at Parley's Lane used the community park as a benefit for community parks and included it in their open space calculation. Mr. Langvardt recalled that Redstone, Newpark, and Bear Hollow

contributed trails as their community trail and park dedication, and they were also counted as open space. Commissioner Salem asked Planner Strader to confirm that the precedent has been set in other SPA projects for counting parks as open space. He stated that he was having a difficult time seeing how the open space calculation works. Mr. Langvardt explained that certain internal open space within development areas is allowed by the Code and General Plan. Commissioner Salem stated that it is counterintuitive to allow property that is privately owned and not developed to be considered as open space. Mr. Langvardt explained that 80% of the entire open space is significant and meaningful, and 20% is within the development parcels. Commissioner Salem stated that he would agree with that if there is a precedent for it. Commissioner Washington suggested that they consider the definition of meaningful open space in the General Plan.

Commissioner Decker asked if the Neighborhood Commercial in the development had decreased. Mr. Langvardt replied that it was reduced from 82,500 square feet to 50,000 square feet.

Commissioner Washington stated that he likes the contribution and that it meets the intent of the matrix. He believed the developer was close to meeting that requirement.

Chair Kinsman agreed that they are close. She referred to the policy in the General Plan regarding open space within the development and the definition of meaningful open space. She this criterion would be a 10 and that it would be a great opportunity for Silver Creek and Highland Estates.

Commissioner Decker commented that he hoped the developer is aware of the equestrian usage in the area and that the trails would be designed to incorporate existing equestrian usage. Mr. Graham explained that would come under the regulation of the Recreation District's master plan.

Mr. Langvardt reviewed the criteria for open space and stated that the developer is providing 70% open space in the project. He offered to provide an exhibit showing where the open space is located and noted that 80% of the open space is in the outer buffer of the project and equates to 136 acres. He stated that the open space for Redstone and Newpark's entire development, including both developed areas and wetlands, is approximately 138 acres. He noted that the development will have visual access to the mountains, and the development plan is clustered into the natural terrain. He stated that the developer believes this should be a score of 8 when compared with other projects. He noted that almost all of the open space is usable, compared with Newpark and Redstone where nearly all of the open space is wetlands. He believed 70% was a good amount of open space for a project of this size.

Commissioner Washington questioned whether the dedication and preservation of viewshed had been met because of the Fireman's Fund parcel. He believed development would be forced onto the Fireman's Fund parcel because of this development, and the Fireman's Fund parcel is right in the viewshed. He believed it would be logical to trade

out that parcel to get TDRs for the project and push the open space numbers over the top. He noted that viewshed is one of the three primary criteria that must be met before moving on to the criteria being considered this evening, and he believed the developer could purchase the Fireman's Fund parcel to meet the criteria. Mr. Graham explained that the County has the opportunity to protect the Fireman's Fund parcel, since any development on that parcel would have to come to the County for approval. Currently, only one unit can be built on that parcel, and the County has the ability through the planning process to protect that. He explained that they have approached the owners several times, and they will not speak to the developer or give them a purchase price. He noted that the Fireman's Fund parcel does not have the opportunity for a matrix development, so he believed the County has a lot of protection when it comes to that parcel.

Commissioner Salem stated that he was still struggling with the open space. It seemed that, if this were taken to the extreme, it would be possible to have a development where all the land could be deeded to other people and have no meaningful open space as he would describe it but still meet the open space requirements. That did not seem rational to him. Mr. Langvardt explained that is where the General Plan comes in, as a portion of the open space must be significant and meaningful. He believed there were exhibits in the General Plan that illustrate what is meant by significant and meaningful open space, and he believed this plan meets that definition of significant and meaningful open space.

Commissioner Washington stated that there is a threshold that needs to be met for the open space requirement, and he was not certain that the developer was there. Chair Kinsman explained that the threshold is that they need to exceed the required open space, and they have done that. Mr. Langvardt explained that the requirement for this project is 60% for residential, and civic and commercial sites only require 25% open space.

Commissioner Bogardus stated that she had done the math, and the required open space would be 55% for this project. She stated that she likes the open space and the way it fits on the property in terms of location and the connectivity it provides. She stated that she would give more weight to it because she likes the design.

Chair Kinsman stated that the Fireman's Fund parcel has bothered her from the beginning, because it seemed to be the perfect answer to the TDR requirement. However, it appears that there is nothing they can do about it. She did not like the fact that people's backyards can count as open space, but that has been done before, and if the Planning Commission does not like it, they should revisit the open space requirements. She liked the fact that the significant open space surrounds the project and that the development is placed so it is low and hidden. She believed this rank as an 8.

Commissioner Washington noted that the matrix specifies Policy 3.3 and 3.4 of the General Plan for the criteria used in determining meaningful open space. It does not relate to the Code, it relates to the Plan, and it does not give a specific threshold at all.

Commissioner Salem commented that he feels like they are taking a tape measure to a cloud.

Mr. Langvardt reviewed the matrix definitions for tax base and economic enhancements. He explained that the developer is proposing 50,000 square feet of neighborhood commercial and office space that equates to about 200 jobs for the local labor market and an elementary school that would create 70 full- and part-time jobs. The park will also require additional workforce. There are substantial rental housing options within the workforce housing portion of the project. The project will be phased to insure that tax revenues precede the services required by the County. He referred to the Triple Crown softball tournament and noted that the County has seen the fiscal impact of those recreational opportunities beyond seasonal opportunities for the resorts. The park and other recreational opportunities in this development should add to that enhancement. He referred to the valuation increases and seasonal housing needs of the project. Being a traditional neighborhood design, the Urban Land Institute has calculated that this type of project provides a 15% increase in assessed valuation as opposed to a standard development. Mr. Langvardt noted that 75% of the roads in the development will be private and would incur no Summit County maintenance costs. The only road that will be County maintained is the exterior road used by mass transit, which is required to be a public road. The developer has projected that 25% of the homes will be second homes, which create lower impacts and a higher property tax base.

Lauren Knowles, the developer's economist, noted that the figures for the analysis have been updated to 2008, which are the most recent figures available. She explained the equation for sales tax generation, which is approximately \$78 per new housing unit and is based on sales tax revenue generated by any other typical housing unit within the community. Commissioner Washington asked how the tourist portion of sales tax revenue is taken into account. He commented that a new project in Silver Creek is not likely to bring in more tourists and increase sales tax paid by tourists. Ms. Knowles explained that tourist-based taxes are not included in the municipal or General Fund budget. She explained that the majority of the local option is levied within the municipality and would not apply in the County. Commissioner Washington noted that sales tax from the factory stores and other commercial development in Snyderville Basin is a huge factor in the County, and that would not change because of this development. He believed Ms. Knowles' figures assume that it would. He maintained that the developer's analysis gives credit for an increased tax base that includes the tourist portion of sales tax revenues. Another item in the analysis that would not increase because housing has been added in the Snyderville Basin is interest earned on County funds. He suggested that someone from the County review the analysis and report on whether it makes sense. Looking at the 2008 numbers, this project would create a negative impact, not a positive fiscal contribution, and he believed the assumptions were optimistic.

Ms. Knowles explained that they are trying to create an apples-to-apples comparison by spreading the proportionate share of all the housing units in the Snyderville Basin. She stated that she has been working with the County Auditor's Office and County Assessor's

Office, and the analysis is based on each housing unit that is developed creating a fair and proportionate share based on current income or expense to the County per housing unit. She explained that she created a base number for the commercial development and every housing unit based on a fair and proportionate share. She noted that the County had a large capital outlay in 2008 to purchase open space, which added almost \$300 per household to the bottom line and pushed the figures into the negative. Without that, the figures would have been closer to a break even or positive number. Regarding community benefits, she explained that each new housing unit in this project will help carry the costs, and everyone's basis in the tax levy will go down, because there will be more units to carry the financial burden and bring everyone's taxes down proportionately. Ms. Knowles stated that the County has not yet published the figures for 2009, and she is working from the most current numbers available. She noted that, based on a three-year average, this development would create less of an impact than all the other housing units collectively, with a large portion of the product being affordable housing.

Mr. Graham explained that the numbers contained in the analysis came from the County. When the County experiences a deficit, it affects the developer's projections, because they apply those numbers to their community.

Commissioner Washington expressed concern about the basic assumptions used in preparing the economic analysis. He did not believe they could say that adding more housing units would necessarily raise sales and use tax by a proportional amount. He believed there was probably someone at the County who could easily determine how to apportion the sales tax. Commissioner Salem noted that the applicant is also creating new places for people to shop and to come and spend money, so they could be increasing the tourist activity portion of the sales tax base proportionately. Ms. Knowles explained that there is no way to factor out those who come from out of town and those who are residents. The County does not have that information, and there is no way to create that analysis. The County can tell how much tax revenue was generated but not whether it came from someone who lives here full time. They have to start with a base assumption, and the starting point is whether this development would create more or less cost to the community than any other housing unit creates. They isolate out the tax base, which is one of the largest line items in the budget.

Commissioner Salem commented that they are trying to justify excess density and why the project is valuable to the community. In order to give the developer credit for a community benefit, the revenue impact per household for this community needs to be higher than the average revenue or impact of existing communities, or the costs need to be lower. The developer should be able to show a significantly positive impact per household and that this development will produce a net positive economically.

Mr. Langvardt noted that this is a village center and is not intended to be a commercial center, which would logically be a fiscal generator. This project provides a substantial affordable housing component and is primarily residential with a small commercial component. That is what the General Plan has asked it to be, and he believed close to

break even would be a good target for this type of development. Additional factors to be considered are that some of the homes will be second homes, the roads will be private, and there will be an increase in property valuation and efficiencies in infrastructure. Unless the project is tourist or commercial in nature, it is difficult to go above and beyond the standard.

Commissioner Salem asked Ms. Knowles to review the net impact of the project. Ms. Knowles explained that, based on 2006 figures, this project would create a \$57 net benefit per housing unit. The 2008 figures show that this project would create a positive of \$36.

Commissioner Washington noted that the analysis shows 62% of the market rate units as being secondary units. Mr. Graham explained that they realized that was inaccurate and currently show 25% of the market rate units as being second homes. Ms. Knowles commented that 50% of the units in the County are second homes. They are being conservative in their estimates, and it is possible that more than 25% of the market rate units will be taxed at 100%. She commented that about 30,000 unit equivalents in the Snyderville Basin, including commercial and residential, carry the fiscal impact of an inventory of about 500 affordable housing units. One reason why this project is not a huge benefit financially is that 850 units will carry about 220 affordable housing units, which skews the analysis significantly.

Commissioner Salem commented that, when looking at the criteria, he felt this development would be a net positive, because the impact of the commercial aspect would justify the increase in sales tax revenue. It would bring in a new base of potential buyers and taxpayers, which he believed would be incremental. From an assessed value perspective, he believed it would be easy to justify that this land would be significantly more valuable to the County once it is developed than it would be as raw land. He was uncertain how to make that quantifiable, but that was his gut feeling.

Commissioner Bogardus stated that she would be interested in seeing a review of the methodology. She acknowledged that part of what goes into this type of financial analysis is how the County is currently operating, and there are some things the developer cannot control. With regard to the affordable housing component, there are people who currently earn money in the County and do not live here, so the money goes elsewhere. If they live here, they will spend more money in the County. She was comfortable with the overall financial benefit, although she did not necessarily believe she would rate it a 6.

Commissioner Hooker agreed that this is not a 0 and is not a 6. She asked who at the County could analyze the fiscal impact analysis and bring back a report to the Planning Commission. Community Development Director Don Sargent stated that they could ask the County Auditor's Office to look at their numbers and be sure they are consistent with what Lauren has portrayed. However, they would have no way of determining the methodology used by the developer. The Auditor's Office could only confirm that the

County's numbers are consistent with what is shown in the developer's analysis.

Commissioner Washington expressed concern about the 2007 and 2008 figures, which show a breakeven with optimistic assumptions as opposed to conservative assumptions, and they are looking at big negative numbers. He commented that it has always been said that residential development does not pay its way, and he believed that. He was not willing to give the developer credit for development that would have a negative impact on the County. Director Sargent explained that there are other sub-factors besides the fiscal analysis that can be considered with regard to the economic and fiscal criteria. Ms. Knowles explained that, even though the County may have had a loss in 2008, this project would create less of a loss, which is actually a fiscal benefit overall for the existing community.

Commissioner Decker asked how close they are to seeing 2009 numbers. Ms. Knowles replied that she could not speak for the County. Commissioner Decker asked Ms. Knowles to consider providing an analysis based on the 2009 figures when they are available.

Chair Kinsman explained that the matrix criteria include job generation on the local level, enhancements to the resort economy, significant assessed valuation increases, and/or significant increases in sales tax revenues to the County. She suggested that they not get lost in the sales tax revenue analysis.

Mr. Langvardt reviewed the compatibility criteria outlined in the General Plan and why this location was designated as a village center in the General Plan. He reviewed the design principles for village centers as shown in the General Plan and how the proposed project complies with those design principles. He stated that this plan meets each of the criteria, and the developer believes a score of 10 would be appropriate for these criteria.

Commissioner Salem agreed with the developer's analysis of the compatibility criteria.

Commissioner Decker stated that he believed the developer was proud of meeting these criteria, but he did not believe it was a 10. He stated that he struggles with the density looking like sprawl or a typical suburban development, and he was not certain there is a solution to that. Mr. Graham commented that, based on the criteria for a village center, they have met every aspect of the criteria.

Commissioner Bogardus stated that she like the compatibility criteria, and she thought this was a slam dunk.

Chair Kinsman agreed with a score of 10.

With regard to the transfer of density rights, Mr. Graham stated that they have talked with three different property owners, and it is difficult to find anyone who is willing to work with them. He admitted that they score 0 on this criterion.

Mr. Langvardt addressed unique public facilities and amenities and the definitions in the General Plan. He listed the unique public facilities and amenities proposed by the developer, including the community splash plaza, which they believe will be a draw for people from outside the development. Other amenities include the amphitheater and stage in the village green, the petrified wood center and park, the Passivhaus model home, community gardens, Highland Estates pedestrian tunnel improvements, Highland Estates trail connection, alternative transportation options with four bus stops, and shared parking standards and reduced parking, which reduces the amount of impervious pavement. The developer believes the amenities are substantial and that a score of 8 would be conservative compared to other projects.

Commissioner Decker asked about the shared parking standards. Mr. Langvardt explained that the neighborhood commercial would use the parking during the day, and the multi-family units could use the parking in the evening. He explained that the parking lot is designed for every day use and shared parking. A mixed-use development also provides for on-street parking, which provides some flexibility. They have reduced the parking requirement to 1.5 stalls per multi-family unit, and every single-family unit would have off-street garage parking.

Commissioner Bogardus asked if the Passivhaus model home would be retained as a display. Mr. Langvardt explained that at some point it may be turned into an actual home, but it would be retained as a model home for maybe 12 or 15 years until the technology changes.

Commissioner Salem stated that a score of 8 would be reasonable. He thanked the developer for providing this information in a very digestible format.

Chair Kinsman asked how to proceed from here. Ms. Brackin explained that the most beneficial thing for the applicant would be to get a feel from the Planning Commission about where they stand in terms of incentive density based on the community benefits and analysis. She explained that the scoring was simply a way to give the Planning Commission guided discretion in their analysis. The scoring system is not something they have to follow but was meant to give the Planning Commission a framework to compare apples to apples in determining the overall density.

Mark Hooley asked that the Planning Commission take into account the matrix system as a whole. He explained that they have tried to bring more benefits each time they have appeared before the Planning Commission, and they believe this community will be different from a standard subdivision. Those differences have costs associated with them, and everything they have added to the community has to be paid for. They are asking for the proposed density because the community would not work at a lower density due to the cost of building the community benefits. He requested that the Planning Commission consider the nature of the village center, and if the developer is unable to get the proposed density, it will not make sense economically to build this development. At the

end of the day the developer has to come out with a net positive, or the development cannot be built. He asked the Planning Commissioners to take that into consideration, noting that the matrix system was designed to be flexible.

Commissioner Bogardus asked if it is possible to weight certain categories more heavily with the flexibility of the matrix system. Ms. Brackin explained that the matrix system is designed to consider the priorities that are especially important on a project-by-project basis.

Commissioner Washington commented that each Planning Commissioner should analyze this project in whatever way they feel comfortable and come up with their own analysis. Now that they have looked at everything in detail, they should determine what the density should be, and they do not have to justify it.

Commissioner Salem expressed concern about whether workforce housing should be included in the density calculation. He asked about base density. Ms. Brackin replied that base density is 12 units total for the acreage, and if the applicant complies with the first three criteria, the density would be 48 units.

Commissioner Washington stated that he was not certain whether they set a precedent on The Woods at Parley's Lane, but he recalled that they did not include affordable housing in the density calculation. They did not believe it was fair to give density for affordable housing and then take it away because it was used for affordable housing. Mr. Langvardt explained that they are proposing more affordable housing. It would be better if the affordable housing were not included in the calculation, because they would lose seven units even if density were calculated at the maximum density of 5 units per acre. Ms. Brackin stated that she believed the affordable housing in Newpark was included in the density calculation, but in The Woods at Parley's Lane it was not. She stated that it is up to the discretion of the Planning Commission to determine whether to include affordable housing in the density calculation.

Commissioner Decker commented that the total score proposed by the developer was 80, or approximately 75% of the criteria.

Commissioner Bogardus stated that she likes the project, because it prevents sprawl. She thanked Mr. Graham for digging deeper. She came up with a total score of 57, but if she were to weight certain criteria, she would come up with a score of 71 on the low end. She believed the developer had satisfactorily met the criteria and stated that she likes the project overall.

Chair Kinsman agreed that the developer had met the criteria. She rated the applicant higher on some categories and lower on others. She stated that she has liked this project from the beginning, but she still has serious concerns about traffic. She stated that she checked on the ability to put another interchange on I-80, and the one-mile mark is at the overpass for the Pace property. She believed it would be possible for UDOT to build an

exit there, and she asked the developer to get creative in working with UDOT. She asked if anything could be put in the development agreement that would require the applicant to contribute with other future developers in the area to a possible exit from I-80 if traffic becomes too big a problem. Ms. Brackin explained that they could structure the agreement so that, if the Silver Summit interchange drops below a certain Level of Service, no further building permits would be allowed until the developer works with UDOT or contributes to an additional interchange on I-80. The problem is that the County does not control UDOT, but they could hold a contribution until an interchange is warranted. However, that may not guarantee that UDOT will build an interchange. Chair Kinsman stated that she likes everything about this project but the traffic. She believed the developer had been creative, and it is a great location. Mr. Graham stated that he would have to depend on the traffic engineer's analysis, but judging by the Deer Valley roundabout on a Saturday afternoon, it is slow, but it works. He stated that putting the burden on this developer if the traffic falls below a certain Level of Service is dangerous. He believed an I-80 interchange should be included on the County roads master plan so that it is considered as a County-wide issue rather than a Silver Creek development issue. Chair Kinsman noted that the applicant's traffic engineer indicated that, if MIDA goes into that area, that intersection will fail. She did not believe the County could require MIDA to do anything about traffic mitigation. If they know the intersection will fail if MIDA goes in, they need to look to the future and deal with that, and Silver Creek will be part of the problem. She believed that should be looked at and addressed in the development agreement, because it is a major health, safety, and welfare concern.

Commissioner Decker agreed with Chair Kinsman. He acknowledged that each of the new amenities has added to the costs of the project. He believed from the beginning the concern has been the traffic issue. Adding MIDA almost loses ground on the perspective of the project because of the unknown it adds to the equation. He stated that he came up with an overall score of 50-55 and that his biggest concern is the traffic.

Commissioner Hooker thanked the developer for helping the Planning Commission understand the matrix system. She agreed that the major concern is traffic and acknowledged that the developer is doing the best they can to address that issue. She stated that she was pleased about the waterfall provision for the affordable housing and that she weighted the criteria and came up with a score of 66.5.

Commissioner Salem stated that he believed this project is a 6 on the low end and an 8 on the high end. He believed 3.5 units per acre is appropriate, which is exactly what the applicant is asking for. As a citizen, other than the traffic impact, he would consider this project to be a 10 out of 10. It is well designed and well thought out, and he believed it would be a great addition to the community. He did not know what other option there is for traffic other than another access point off of I-80. He did not believe this developer should bear the entire burden of an additional access point, but they should bear a substantial part of the burden due to the traffic generated by this development.

Commissioner Washington agreed with the other Commissioners. He believed the

project was marginal at 3.5 units per acre, and he would be very comfortable with 3.2. Since there seems to be a consensus that the applicant has met the requirements for what he has proposed, he would agree with it.

Planner Strader explained that the Planning Commission would make a recommendation to the County Council for the rezone for this project. After that, the development agreement would be negotiated, and it would come to the Planning Commission for another public hearing and another recommendation to the County Council.

Ms. Brackin explained the impact fee process for a potential future I-80 exit. Commissioner Salem stated that traffic is the one issue about which all the Commissioners have express concern, and he hoped they could find a fair way to address that in the development agreement. Ms. Brackin explained that the State has total control over any decision about an I-80 interchange.

**Commissioner Hooker made a motion to forward a positive recommendation to the Summit County Council on the application for the Silver Creek Village Center based upon compliance with the required findings identified in Section H of the staff report dated July 21, 2010, with the following conditions of approval:**

**Conditions:**

1. **The applicant shall submit a Development Agreement to be reviewed and recorded prior to building permit issuance. The Development Agreement shall contain all terms and conditions agreed to by the applicant and County. The Agreement shall describe all limitations, restrictions, and parameters associated with the development of the subject property. The Agreement shall describe all processes and procedures for obtaining final approval and building permits.**
2. **Language shall be included in the development agreement regarding contribution to an additional access from I-80 in the event that the roundabout and/or intersection of I-80 and US 40 fall below the Level of Service C.**

**The motion was seconded by Commissioner Bogardus and passed unanimously, 6 to 0.**

**As it was after 10:00 p.m., Commissioner Washington made a motion to address the remaining items on the agenda. The motion was seconded by Commissioner Bogardus and passed unanimously, 6 to 0.**

3. **Public Hearing and Possible Recommendation of proposed amendment changes to the Snyderville Basin Development Code concerning the approval process for a private kennel – Jennifer Strader, County Planner**

Planner Strader explained that the County Council requested that the Planning Commission consider this item. It was noticed for a public hearing, and Staff has

# 2.3.F(3) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

## Major Development Within a Village Center

### *Land Use Planning Principles* Mandatory

### *Community Benefit Criteria* Incentives

Planning Area	Base Density in Designated Center <sup>1</sup>	Dedication and Preservation of Views/Environment Features of the Area <sup>2</sup>	Consistency with Desired Neighborhood Character <sup>2</sup>	Neighborhood Recreation Facilities <sup>4</sup>	Environmental Enhancements <sup>1</sup>	Restricted Affordable Housing <sup>1</sup>	Contribution to Community Trails and Parks <sup>1</sup>	Exceeds Open Space Requirements for Project <sup>1</sup>	Tax Base and Economic Enhancements <sup>1</sup>	Compatibility with Town, Resort, Village Design <sup>1</sup>	Land Bank <sup>1</sup> Transfer of Rights <sup>1</sup>	Unique Public Facilities and Amenities Exceeding Project Requirements <sup>1</sup>	Maximum Density in Designated Center <sup>1</sup>
East Basin	1 Unit/40 Acres 1 Unit/20 Acres	N/A Mandatory	N/A Mandatory	N/A Mandatory	N/A High	N/A High	N/A High	N/A High	N/A High	N/A Mandatory	N/A High	N/A High	1 Unit/40 Acres 5.0 Units/1 Acres
West Mountain	1 Unit/40 Acres 1 Unit/20 Acres	N/A Mandatory	N/A Mandatory	N/A Mandatory	N/A High	N/A High	N/A High	N/A High	N/A High	N/A Mandatory	N/A High	N/A High	1 Unit/40 Acres 5.0 Units/1 Acres
Kimball's Junction	1 Unit/40 Acres	N/A Mandatory	N/A Mandatory	N/A Mandatory	N/A High	N/A High	N/A High	N/A High	N/A High	N/A Mandatory	N/A High	N/A High	1 Unit/40 Acres 5.0 Units/1 Acres
The Summit	1 Unit/40 Acres 1 Unit/20 Acres	N/A Mandatory	N/A Mandatory	N/A Mandatory	N/A High	N/A High	N/A High	N/A High	N/A High	N/A Mandatory	N/A High	N/A High	1 Unit/40 Acres 5.0 Units/1 Acres

These densities shall be not exceed those indicated and shall be consistent with Policy 1.3 of the General Plan. Development projects that comply with "best density" limits require compliance only with sound project planning principles and fundamental objectives of the Snyderville Basin General Plan and Code. All development must be placed in the least environmentally and visually sensitive areas within the parcel. Development on slopes of thirty (30) percent or greater, in jurisdictional wetlands, and within 100 year flood plains is not allowed except where "specifically" permitted in the Development Code and when consistent with the General Plan. Reference shall be made to the applicable Neighborhood Land Use Plan Map, the Visual Sensitivity Guidelines of the Snyderville Basin General Plan, and field observation for assessing the visual impacts of the project. Driveways and roads also shall be placed in the least sensitive parts of the site. All development must be compatible with appropriate and applicable resort, rural, and mountain design principles.

Preservation of views/sheds shall, when possible, include the retention of all or major portions of all meadow and hillside views/sheds all ridge lines, and significant environmental features such as all waterways and non-jurisdictional wetlands, wildlife habitat, wildlife hazard areas, historic and cultural artifacts, and geologic features. This is to be accomplished by, among other things, minimizing the removal of vegetation from the site and the amount of over-hot grading required to fit the project into the natural landscape. These important features of the pre-development landscape shall be as identified on the applicable land use plan map or by field inspection at the time of a development application.

Development shall be compatible with the desired neighborhood development patterns and policies identified in the Snyderville Basin General Plan and both the applicable Neighborhood Planning Area Plan and Land Use Plan Map. Minor development that exceeds base densities shall ensure economy of service delivery not only for the Summit County and special services districts, but also to residents of the development. At least sixty (60) percent of the total development parcel(s) that exceed base density shall be maintained as open space in a manner that is consistent with the goals and objectives of the Snyderville Basin Development Code. In certain instances, development, at the option of Summit County and when requested in writing by the developer, may make a cash-in-lieu of open space contribution to the Summit County for the purposes of acquiring open spaces and open use recreation facilities at another location.

Development shall provide appropriate neighborhood recreation and trail facilities, in terms of location, type, and variety, that meet the specific neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trail facilities provided shall be adequate to satisfy the neighborhood demand. While consideration shall be given to standards established in the Code, the unique characteristics of the neighborhood shall be taken into consideration in determining specific requirements. The long-term care of these facilities shall be the responsibility of the developer or subsequent residents of the project. In certain instances, development with minimal units, at the option of Summit County and when requested in writing by the developer, may make a cash-in-lieu of facility contribution to the Snyderville Basin Special Recreation District to fulfill required neighborhood requirements. Written agreement approving the contribution and use of the funds shall require the consent of the Snyderville Basin Special Recreation District.

Environmental enhancements shall include, but are not limited to, programs and improvements that will enhance existing wildlife habitat, rehabilitating wetlands disturbed by various land use practices, measures to protect air quality, establishing fisheries in local streams, landscaping beyond code requirements, and other such features. Such enhancements must be compatible with the Snyderville Basin General Plan and the applicable neighborhood plan. Environmental enhancements must produce benefits for the enjoyment of all residents of the Snyderville Basin. Improvements that are provided largely for the enjoyment of residents of the development and which produce only minor benefits for the general population may receive some density credit, but only to the extent that the general public benefits from the improvement.

Higher densities will be permitted when restricted affordable housing is provided within the project. Restricted housing must be of a type that is compatible with the neighborhood within which it is proposed. Restrictions by deed or other desired mechanism shall include appropriate sales and rental restrictions, rental rates restrictions, and other appropriate measures. The restrictions shall ensure that the dwelling units are oriented toward persons employed within Summit County and remain affordable to those employed in Summit County in perpetuity, including sales beyond the original owner. Affordable housing types and size, together with the percentage of such units provided must be compatible with and deemed appropriate by Summit County for the neighborhood in which it is proposed and meet the housing needs of the community. Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated. It is not the intent of Summit County to create neighborhoods comprised of restricted affordable housing only.

Contributions for community parks and trails shall be made according to the Snyderville Basin Recreation and Trails Master Plan. Facilities "required" to meet specific neighborhood or project needs will not be considered as contributions to the community-wide system. Improvements and/or contributions must be considered appropriate and desirable by the Snyderville Basin Special Recreation District. The level of density incentive will relate to the value of the community benefit received from the contribution.

# SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

## Major Development Within a Village Center

<sup>10</sup>Density incentives will be granted by Summit County when a development project provides significant and meaningful open space consistent with the requirements established in Policy 2.3 and 2.4 of the General Plan, and when the amount of open space provided exceeds the required open space for the site as established in the Development Code.

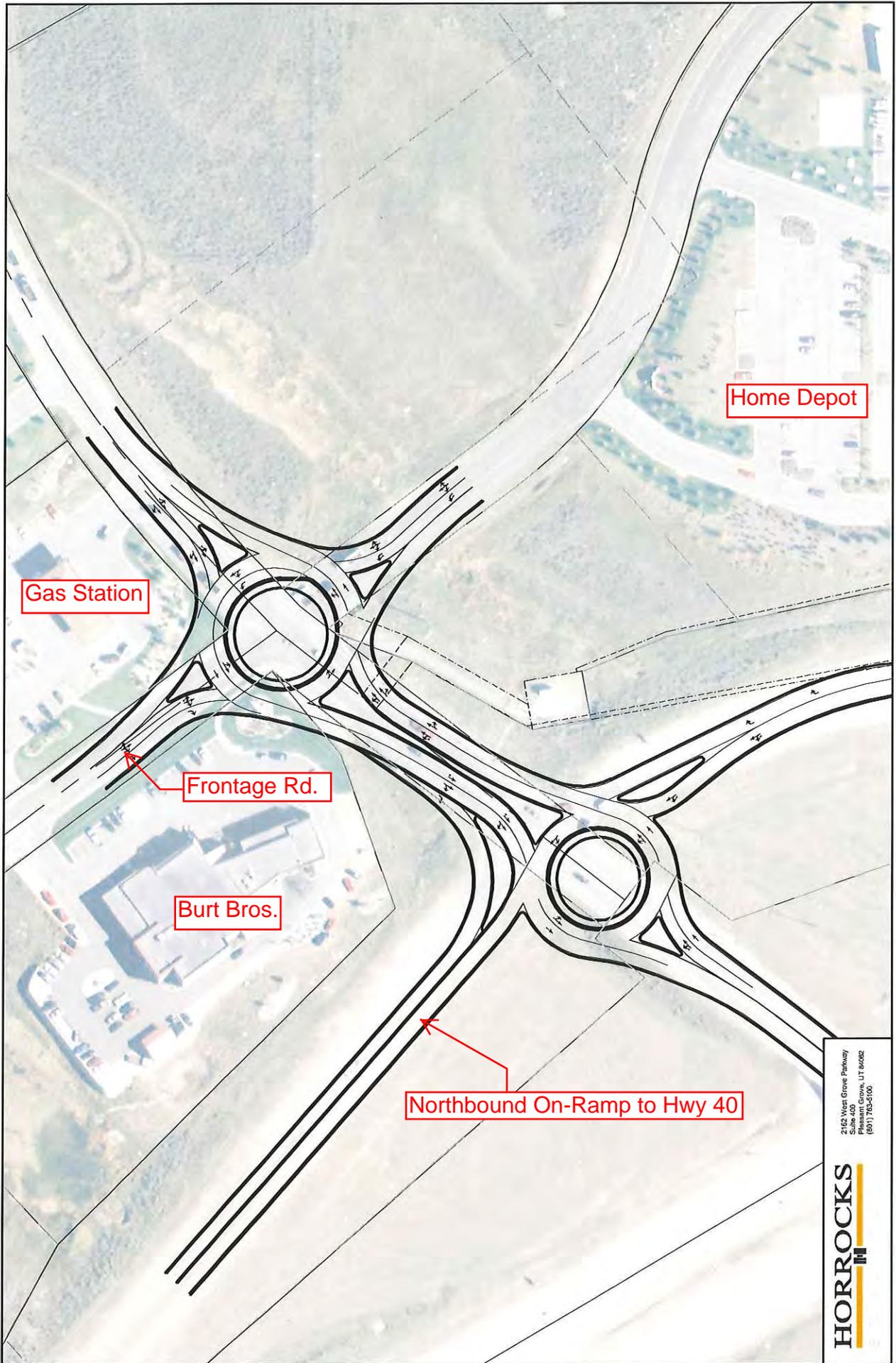
<sup>11</sup>The potential density incentive will be partially a function of tax base and economic enhancements desired by Summit County, which may include, but are not limited to, job generation for the local labor supply; enhancements to the resort economy which may include appropriate short-term accommodations and recreation amenities; significant assessed valuation increases that benefit County and special service districts; and/or significant increases in sales tax revenues to the County. Such projects shall be required to accommodate the unique seasonal employee housing needs of the development project in order to qualify for this measure. The development project shall be phased in a manner that ensures that tax revenues are available to County and Special Service Districts before those aspects of the project that may produce a fiscal burden on service providers are constructed. A fiscal, economic, and seasonal housing needs assessment of the project, based on assumptions approved by Summit County, will be required to demonstrate the level of enhancement generated by the project.

<sup>12</sup>Higher densities may be permitted within those areas designated Village Center on the applicable Neighborhood Land Use Plan Map. However, to qualify for density increases under this provision, all development must comply with the appropriate design principles identified in Policy 2.2 of the Snyderville Basin General Plan. Furthermore, development shall be clustered at a minimum rate of approximately five (5) units per one (1) acre so as to create an appropriate critical mass within the developed area.

<sup>13</sup>Summit County will use density incentives to encourage the transfer of development rights from a less desirable location within the Snyderville Basin to a more desirable location within the Snyderville Basin or suitable contributions of land for land bank purposes to Summit County. The incentive shall be related to the public benefit received from the transfer, but it is recognized that significant density increases may be considered to achieve density transfers. It also is recognized that sending areas vary in degree of significance to the community. The more significant the sending area the greater the incentive that will be considered. To qualify, development rights must be transferred from one parcel to another, not within the same parcel. Before a density incentive is granted, it must be demonstrated that the proposed density is appropriate in the receiving area and that a reduction of density in the sending area is appropriate and in the public interest.

<sup>14</sup>Unique community facilities and amenities shall be considered only when it is demonstrated that the improvements or land contribution exceed the specific and identifiable impacts and/or needs of the project. The density shall be directly related to the value of the community benefit. Before a density incentive is granted, however, it also must be demonstrated that there is a need for the proposed improvements; that the improvements or land are needed or desired at the proposed location; that the land is appropriate to accommodate the intended use; and the improvement is compatible with the surrounding neighborhood. Such benefits may include structured parking when it will result in the preservation of additional and desirable open space, school sites, trail underpass/overpass, public buildings, the provision of alternative transportation systems and facilities, or other such improvements that are determined to be desirable under the General Plan.

<sup>15</sup>The maximum density possible in a Village Center shall be five (5) units per one (1) acre. To achieve five (5) units per one (1) acre, Summit County will grant density increases when a development provides significant community benefits generally described in this Development Potential Matrix. Areas designated as Village Centers, the location and size of which is shown on the Land Use Plan Map, are not guaranteed such higher densities. Higher densities can only be achieved through the accomplishment of the community objectives established in this matrix. Maximum densities can only be achieved through significant accomplishment of the community objectives listed on this matrix and criteria 2 through 12 shall be mandatory. Summit County shall make a determination as to whether a developer has reasonably complied with these criteria. Moreover, the designation of a Village Center on a Land Use Plan Map is not intended to serve as a density windfall for an individual property owner, but require cooperation with surrounding land owners. Density will be affected by how well adjacent property owners work together to accomplish the goals of the General Plan.



Gas Station

Home Depot

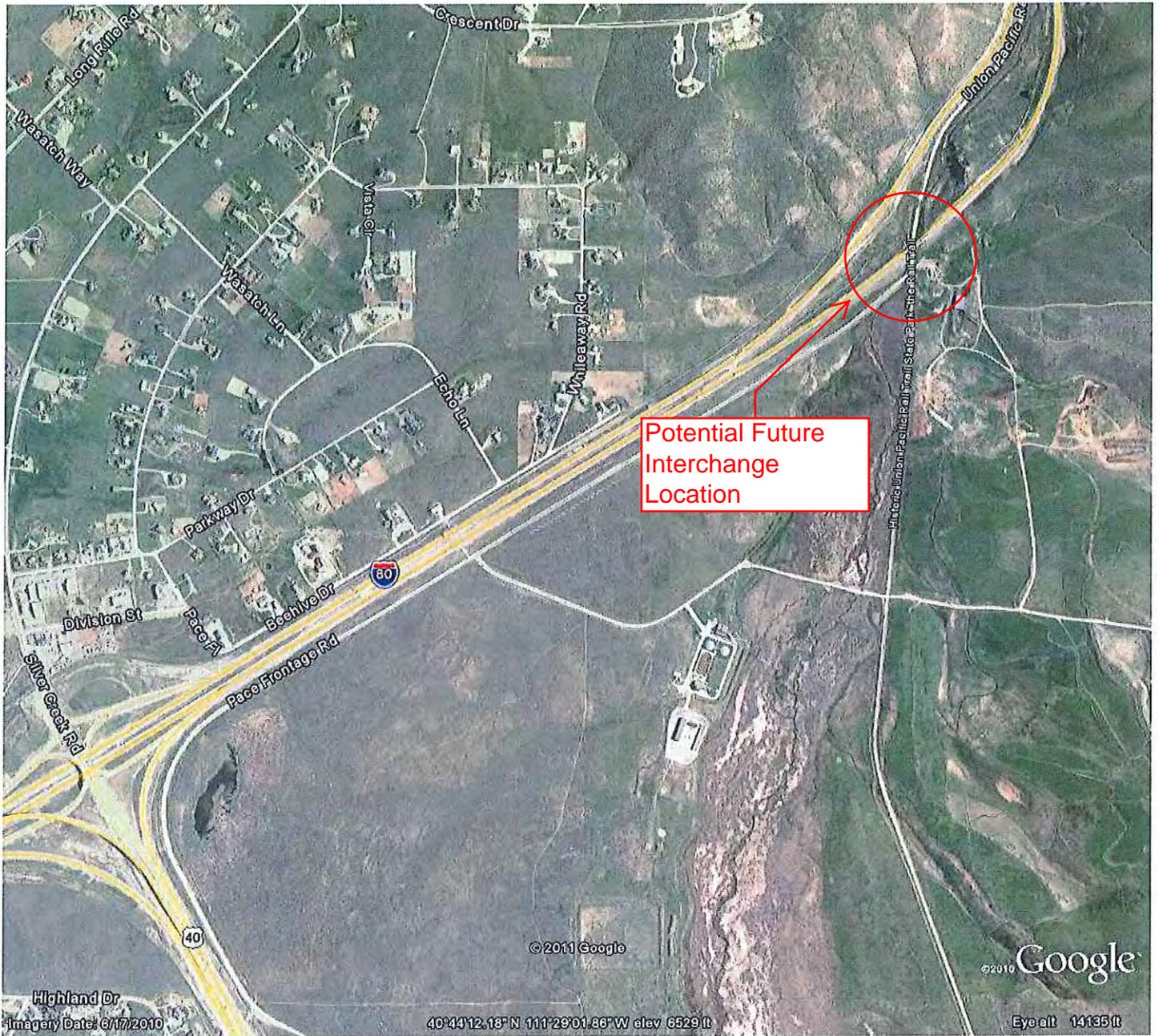
Frontage Rd.

Burt Bros.

Northbound On-Ramp to Hwy 40

2102 West Grove Parkway  
Suite 400  
Farmington, UT 84202  
(801) 785-5106

**HORROCKS**  
**MI**



EVALUATION CHART FOR MATRIX COMPLIANCE  
Silver Creek Village Center

Beginning Density: 244.33 acres (238.64 developable and 5.69 sensitive) = 12 units or 1 unit per 20.36 acres

Dedication & Preservation of Viewshed/Environment	Y/N
Consistency with Desired Neighborhood Character	Y/N
Neighborhood Recreation Facilities	Y/N

If you answer "yes" on the 1<sup>st</sup> three criteria, the density may increase to 48 units or 1 unit per 5 acres (.19 units per acre)

On a scale from 1-10, rank the next criteria (except the mandatory which is Y/N). If the application sufficiently meets 8 out of 8 criteria, the maximum density is 1221 units total\* or 5 units per acre. One way of looking at density is by a ratio equation. For example, if the application is missing one of the 8 criteria, the ratio is 7/8 (criteria) = 4.375/5 (units per acre). Based on this equation, the maximum density would be 1068 units total\*. If the application is missing two criteria, the ratio is 6/8 (criteria) = 3.75/5 (units per acre) or 916 units total\*. Depending on how the application is scored, you can see where you think the density ought to be based on the benefits provided.

Environmental Enhancements	
Restricted Affordable Housing	
Contribution to Community Trails & Parks	
Exceeds Open Space Requirement	
Tax Base & Economic Enhancement	
Compatibility with Town, Resort, Village Design	Y/N
Land Bank & TDR's	
Unique Public Facilities & Amenities	

\* The SBPC needs to determine whether or not the workforce housing units should be included in the overall density calculation. The current Snyderville Basin Development Code does not require workforce housing to be included in the overall density.

The Snyderville Basin Development Code does not contain a unit equivalent; however, Staff's research concluded that other projects (i.e. Newpark) have used a unit equivalent of 1600 square feet. Staff has used 1600 square feet as a unit equivalent for the commercial square footage.



**Energy Star 2011** – All homes will be built to Energy Star 2011 Standards. Energy Star 2011 focuses on the following key elements:

- Thermal bypass (reduced thermal bridging, and increased duct insulation)
  - Quality framing (proper installation of insulation, requirement for sealing sheetrock at top plates)
  - HVAC quality (high-efficiency heating, cooling)
  - Indoor air quality (whole-house mechanical ventilation)
  - Water managed construction (water-managed roofs, walls and foundations)
  - Mandatory Energy Star qualified lighting
  - Mandatory Energy Star qualified products
  - Energy Star 2011 also includes a size adjustment factor for large houses.
- The Energy Star 2011 guidelines will go into effect on January 1, 2011.

**LEED Neighborhood Development (LEED ND)** - The LEED for Neighborhood Development Rating System responds to land use and environmental considerations in the United States. It is designed to certify exemplary development projects that perform well in terms of smart growth, urbanism, and green building.

Silver Creek Village will submit for the LEED ND Certification and has set a goal to achieve a LEED ND Gold level of certification. Silver Creek Village will provide the following Neighborhood Sustainable Practices as part of this submittal:

**Smart Location and Linkage**

- Remediation of contaminated soils – At this point it is unknown if any contaminated soils exist within the boundaries of Silver Creek Village. We have made application to the State of Utah Division of Environmental Quality for their Voluntary Clean-up Program (VCP) if it is found that contaminated soils exist on the site. The testing program and criteria on soils to determine if they are contaminated are part of the VCP.
- Location to remove automobile dependence – The design of the Village allows for a true walkable community. The location of the Village will also reduce daily vehicle trips with a bus route with bus stops throughout, a possible transit hub and employee/business demands within walking distance of the residents in the community.
- Bicycle network and storage
- Steep slope protection – All development is located outside slopes of 30% or greater.
- Habitat, wetland and water body conservation – Programs will be initiated for conservation use.



- Long term conservation management of habitat or wetlands and water bodies
  - Creation and enhancements of wetlands

#### Neighborhood Pattern and Design

- Walkable streets – All streets have been designed with the ability to walk along the streets or on designated sidewalks and paths throughout the community.
- Compact development – The design of Silver Creek Village with 68% open space allows the clustering of development areas.
- Mixed use neighborhood center
- Mixed income community – Silver Creek Village is being designed as an affordable community for all of Summit County residents. Beyond the 22% of density meeting the workforce housing component which targets income levels of 40 – 150% of the AMI, the Village is setting real estate purchase prices allowing the entire residential community of Summit County to afford to live in its boundaries.
- Reduced parking footprint – Share use parking is designed into the community.
- Transit facilities and management – We have met with the officials of Park City and Summit County Transit. Discussions have occurred offering land and a site for a transit center in Silver Creek Village. In any account, we have designed into the project a bus route and bus stop locations which meet LEED requirements.
- Access to civic and public spaces
- Access to recreation facilities – Numerous parks have been designed into the Village allowing short walking distances to any one of them. These parks include a 54 acre Community Park donated to the Snyderville Basin Special Recreation District, a 7 acre neighborhood park, a 3 acre Village Green and numerous pocket parks throughout the development.
- Community gardens (local food production) – A minimum of 3 acres of community gardens are designed which meet LEED's recommended standards for a community this size. We will provide additional gardens if demand requires.
- Tree lined and shaded streets
- Neighborhood school – A elementary school site has been designed into Silver Creek Village meeting LEED standards for this community.

#### Green Infrastructure and Buildings

- Construction pollution prevention
- Water efficient landscaping – Water wise native plantings will be strongly encouraged over sod. To enforce this, we are going to limit turf areas as a



percentage to development and lot size. We will utilize LEED standards to determine the maximum sod areas.

- Historic Resource Preservation – Known on-site petrified wood preservation and education opportunities.
- Minimized site disturbance in design and construction
- Stormwater management – Programs and designed will be initiated that restrict large areas of impervious coverage of ground and allows storm water to absorb into the soils and reducing runoff causing erosion. Standard construction practices will be implemented for the capture and retention of storm water in area of wetlands which enhance the environmental importance and purpose of wetland areas.
- Solar orientation of buildings
- Explore onsite renewable energy solutions (solar and wind)
- Infrastructure energy efficiency (street lights)
- Wastewater management – Discussions with Mountain Regional Water and Snyderville Basin Water Reclamation District have occurred. With the Silver Creek water treatment plant being within 1000 feet from Silver Creek Village a great opportunity exists to use reclaimed water for irrigation purposes. Both entities are willing and able to assist in making this a reality. It is Silver Creek's priority to continue discussions and implement the use of reclaimed water for irrigation throughout the entire development project.
- Recycled infrastructure materials – We will pursue reuse materials for use in site construction.
- Recycling program – At this point in time, without meeting with County Curbside Recycling, we propose to locate a recycling and re-use station that is centrally located, provide for periodic hazardous waste collection, design a compost station, and require contractors to recycle or salvage 50% of non-hazardous construction and demolition debris.
- Light pollution reduction – Use of integrated fixture controls and verbiage in the CC&R's will promote down lighting and use of proper luminary specifications to reduce light pollution.

#### *Innovated and Regional Solutions*

- Establishment of neighborhood programs to promote sustainability and green living practices for residents to include workshops newsletters, community outreach, etc.
- Provide not air-conditioning option to buyers
- Install conduit and provide solar power ready option to all new homes



**National Green Building Standard** - The National Green Building Standard provides criteria for rating the environmental impact of design and construction practices to achieve conformance for green residential development.

Silver Creek Village will submit for the National Green Building Standard for Site Design and Development ratings and has set a goal to achieve a 4 Star level of performance (Out of 4 Stars). Silver Creek Village will provide the following Green Building Practices as part of this submittal.

- Remediation of contaminated Soils
  - As stated above under LEED design standards
- Establish a knowledgeable team with clear Mission Statement and Goals
  - Rocky Mountain Institute
  - Local home builders experienced with green building practices
- Conservation of natural resources
  - Protect and maintain priority area during construction
  - Development located to preserve high quality vegetation
- Solar orientation of buildings
- Minimize slope disturbance
  - Avoid all slopes >30%
  - Roads aligned with natural topography
- Minimize soil disturbance and erosion
- Storm water management
  - Natural water and drainage features are preserved
  - Incorporate permeable materials in hardscape areas
- Efficient landscape plan
  - Restore or enhance natural vegetation
  - Use native trees and shrubs
  - Limit turf areas
  - Provide shade tree plantings to reduce summer heat impacts
  - Smart irrigation controls
- Utilize recycled materials in new infrastructure
- Protect environmentally sensitive areas
- Promote higher overall densities
  - From 7 units to the acre and up
- Mixed use development
- On-site supervision and coordination to insure implementation of green development practices
- High importance trees and vegetation preservation
- On-site soil disturbance and erosion are minimized
  - SWPPP implementation
- Innovative practices



# Silver Creek Village

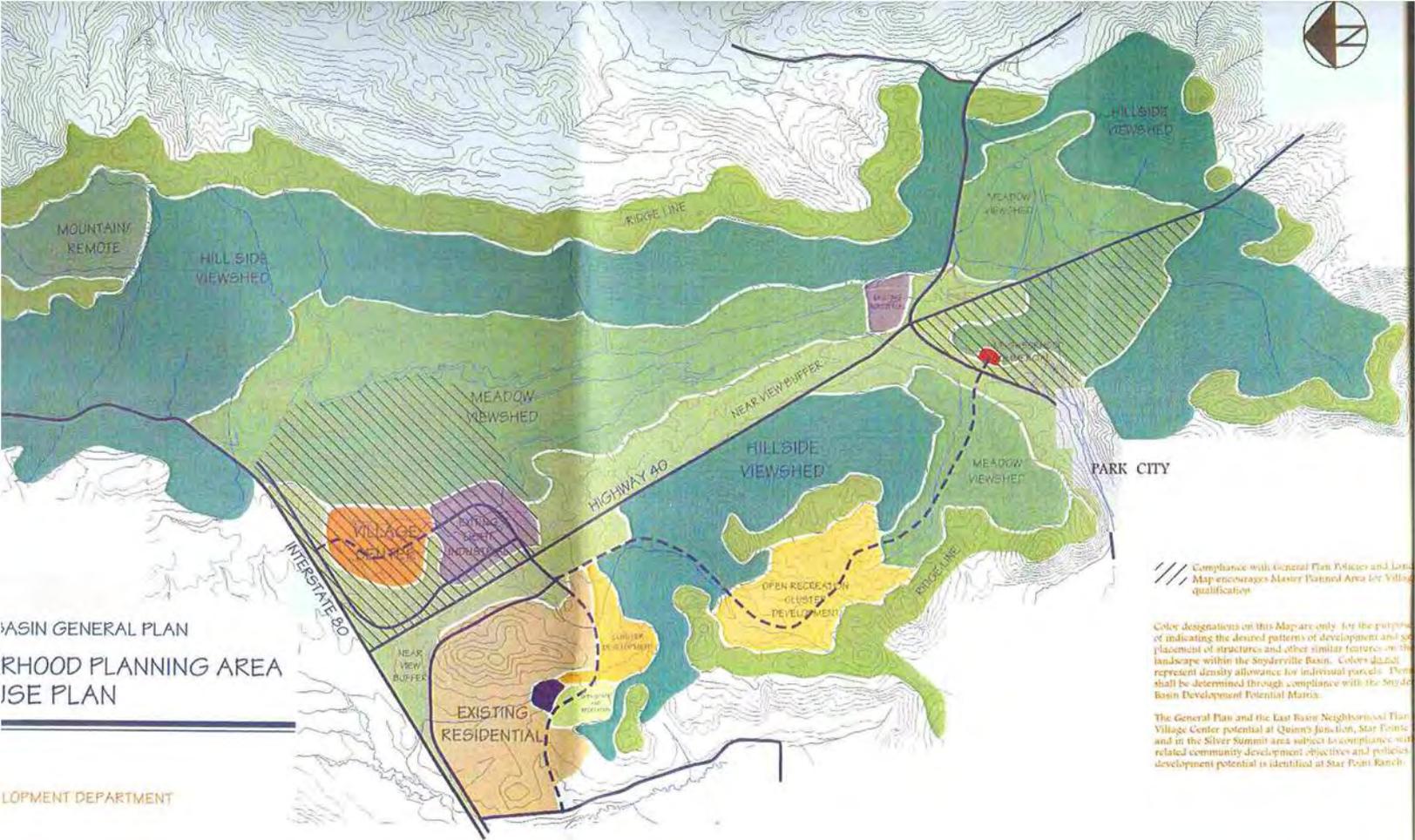
- Utilize reclaimed water from SBWRD facility for residential and common area irrigation.
- Shared drives and parking areas
- Minimized street widths
- Cluster development
  - 68% open space
- Innovative zoning
  - Specially Planned Area provides innovative design and opportunity for community and neighborhood based amenities.
- Constructed wetlands
  - Part of innovative wastewater treatment technologies
- Mass transit
  - Providing pedestrian access to mass transit system
  - Community promotes pedestrian activity

We are confident Silver Creek Village can attain the status of a sustainable and affordable community for Summit County employing state of the art green design and green building practices. Call with any questions you may have with the submitted information. When we get closer to the public hearing, we can coordinate the presentation between the two of us.

Sincerely,

*JEFF GRAHAM*

Jeff Graham



BASIN GENERAL PLAN  
 NEIGHBORHOOD PLANNING AREA  
 LAND USE PLAN

DEVELOPMENT DEPARTMENT

 Compliance with General Plan Policies and Land Use Designation  
 Map encourages Master Planned Area for Village Center Qualification

Color designations on this Map are only for the purpose of indicating the desired patterns of development and the placement of structures and other similar features on the landscape within the Silver Summit Basin. Colors do not represent density allowance for individual parcels. Densities shall be determined through compliance with the Silver Summit Development Potential Matrix.

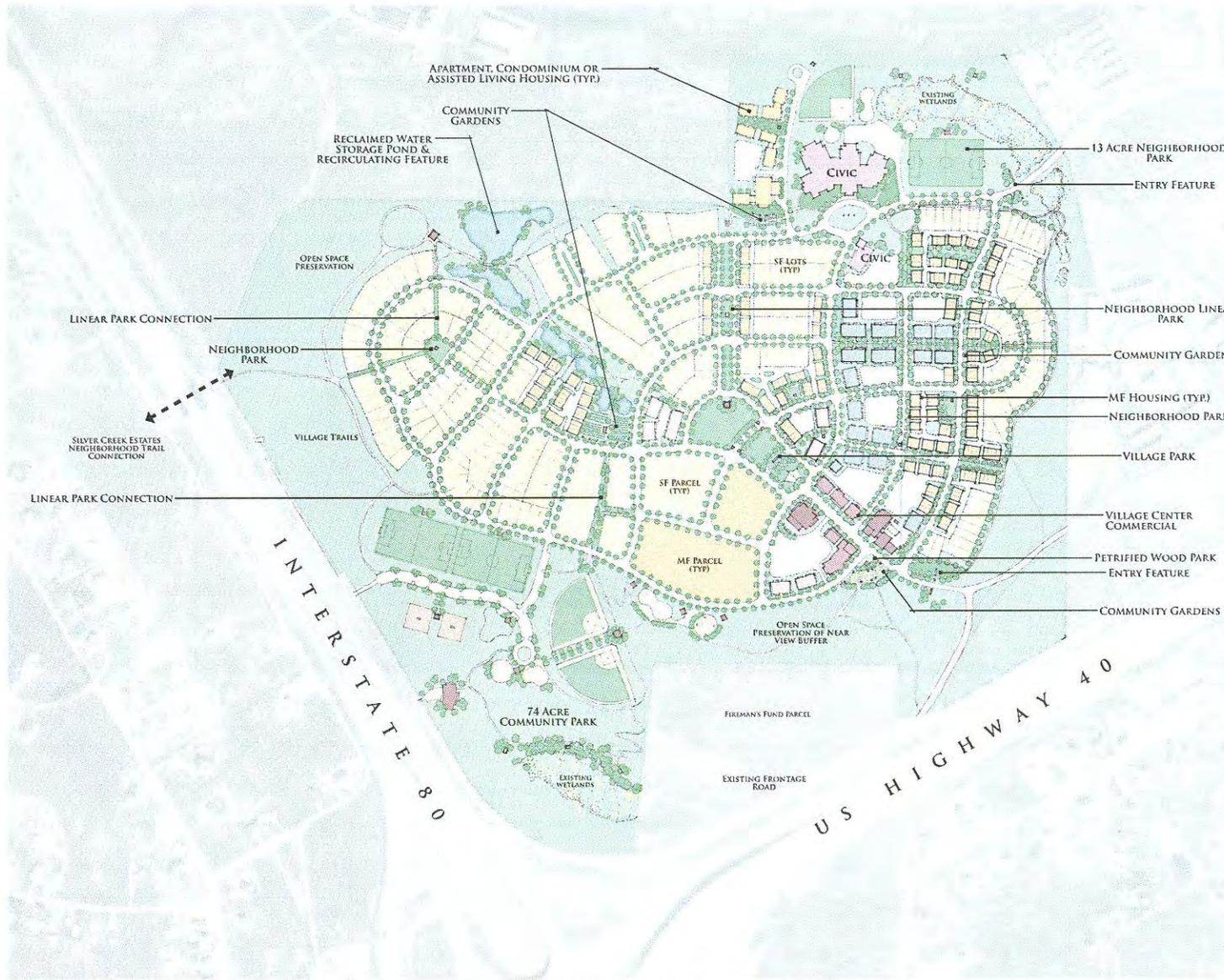
The General Plan and the East Basin Neighborhood Plan Village Center potential at Quince Junction, Star Point and in the Silver Summit area subject to compliance with related community development objectives and policies. Development potential is identified at Star Point Ranch.

# TOWN, RESORT AND VILLAGE DESIGN PRINCIPLES



# MASTER PLAN

AUGUST 30, 2011



## DEVELOPMENT DATA - OVERALL

TOTAL PROJECT AREA	±/- 244 ACRES
PROPOSED UNITS	960 MARKET UNITS 330 WORKFORCE UNIT EQUIVALENTS (W.U.E.'S) (34.4% OF MARKET RATE + COMMERCIAL REQ.) 50,000 SF COMMERCIAL
DENSITY	3.93 UNITS/AC - MARKET RATE
OPEN SPACE	154 ACRES (63.0%)

## UNIT BREAKDOWN

VILLAGE MIXED USE	115 UNITS
VC - VILLAGE CENTER RESIDENTIAL	366 UNITS
MF - MULTI-FAMILY RESIDENTIAL	379 UNITS
SF/MF - ASSISTED LIVING/CONDOS	94 UNITS
SF - VILLAGE SINGLE FAMILY	336 UNITS
<b>TOTAL</b>	<b>1,290 UNITS TOTAL</b>

## DEVELOPMENT DATA - LOWE

TOTAL PROJECT AREA	218.86 ACRES
PROPOSED UNITS	861 MARKET UNITS 296 WORKFORCE UNIT EQUIVALENTS (W.U.E.'S) 50,000 SF COMMERCIAL

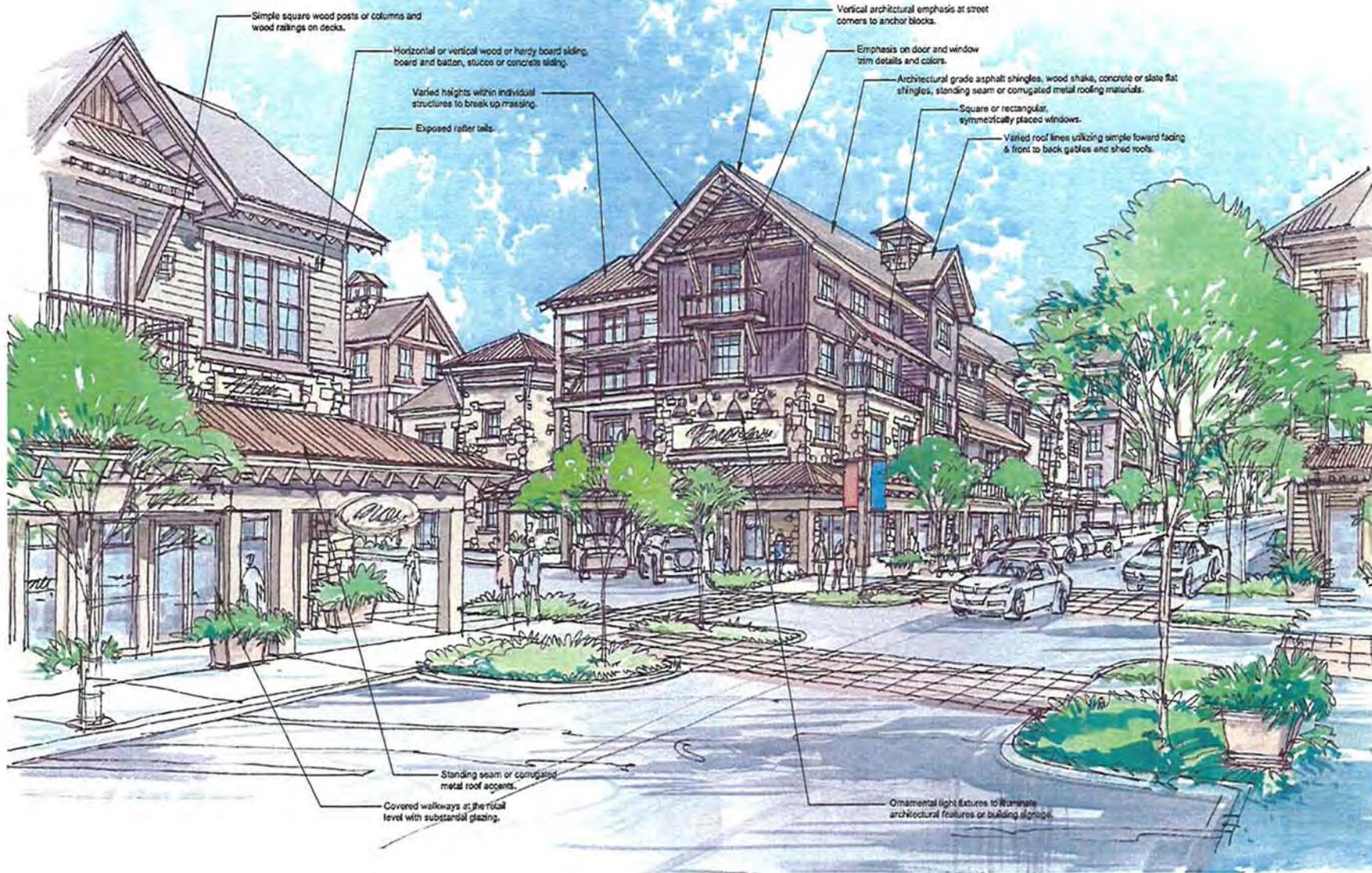
## DEVELOPMENT DATA - LARSEN

TOTAL PROJECT AREA	25.46 ACRES
PROPOSED UNITS	99 MARKET UNITS 34 WORKFORCE UNIT EQUIVALENTS (W.U.E.'S)



# SILVER CREEK VILLAGE

SUMMIT COUNTY, UTAH



VILLAGE CENTER





MULTI-FAMILY RESIDENTIAL

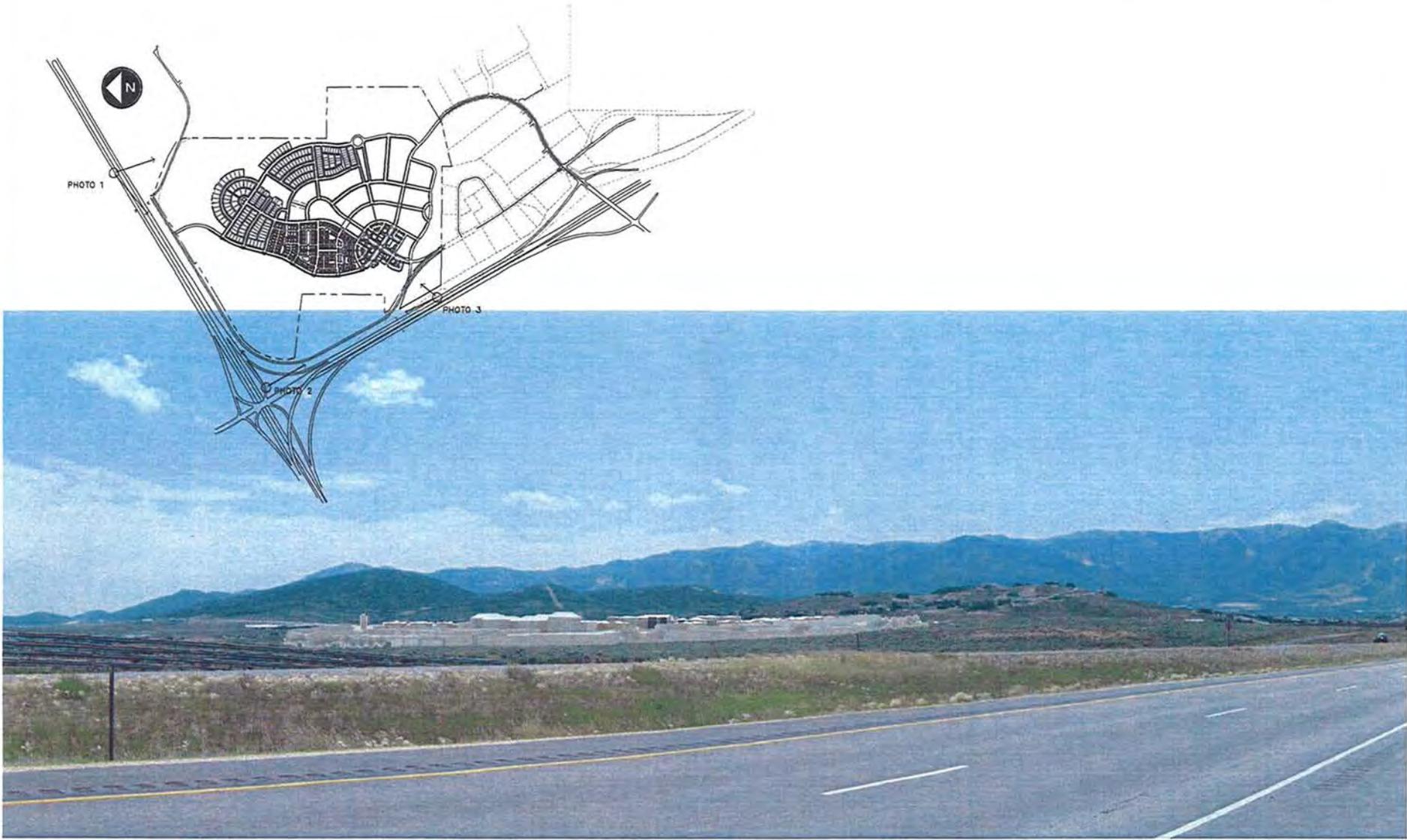


PHOTO 1 - VIEW LOOKING SOUTHWEST FROM WESTBOUND INTERSTATE 80

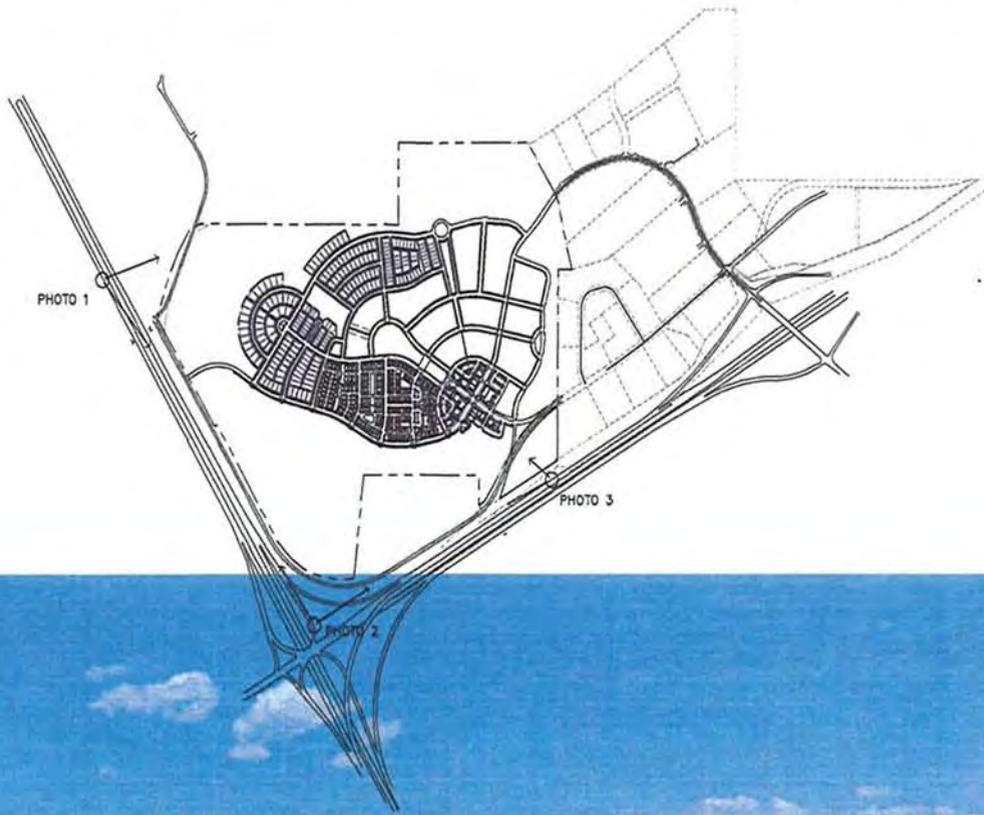


PHOTO 2 - VIEW LOOKING SOUTHEAST FROM SILVER CREEK INTERCHANGE

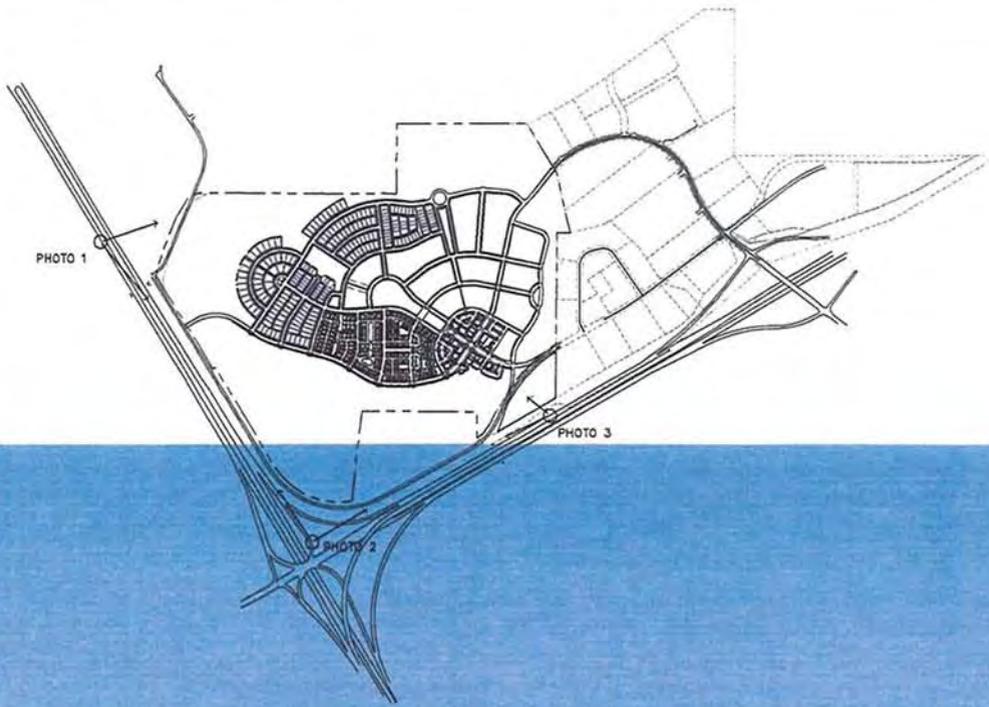


PHOTO 3 - VIEW LOOKING NORTHEAST FROM NORTHBOUND U.S. HIGHWAY 40



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

## STAFF REPORT

**To:** Summit County Council (SCC)  
**Report Date:** September 8, 2011  
**Meeting Date:** September 14, 2011  
**From:** Molly Orgill, Assistant Planner  
**Project Name & Type:** Development Code Amendments/Site Plan Requirements  
**Type of Item:** Public Hearing  
**Future Routing:** None

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### Executive Summary

Staff is presenting potential language on the Snyderville Basin and Eastern Summit County Development Codes regarding site plan requirements for building permit review.

*Staff recommends that the SCC conduct a public hearing, review, discuss and adopt the proposed code amendments.*

#### A. Community Review

This item has been noticed as a public hearing and as of date of this report, Staff has not received any public comment.

#### B. Background

This Code amendment received a positive recommendation to the SCC from the Snyderville Basin Planning Commission (SBPC) on March 22, 2011 (Exhibit A). The amendments were then taken before the ESCPC at a work session on April 6, 2011. The ESCPC decided at this meeting that they wanted this amendment to have two public hearings one in Kamas, and one in Coalville.

A public hearing was held in Kamas on May 4, 2011. At the Coalville public hearing on May 18, 2011 the ESCPC assembled a subcommittee to work on the amendment language, the site plan requirements. The subcommittee met twice, May 25, 2011 and June 2, 2011 and included the following commissioners: Chris Ure, Ken Henrie, and Sean Wharton. Staff representatives on this subcommittee included, Don Sargent, Community Development Director, Bill Vander Linden, Interim Building Official, Derrick Radke, County Engineer, and Molly Orgill, Assistant Planner. The subcommittee also included several members of the public, Surveyor Wade Wilde, Park City Home Builders Association Representative Garrett Strong, and General Contractor Cade Sargent (took the place of Todd Bowthorpe). There were several other members of the public that participated at both subcommittee meetings as well.

The ESCPC held two more work sessions and another public hearing. The last public hearing was on July 20, 2011 where the ESCPC voted 4 to 1 to forward the amendments to the SCC with a positive recommendation (Exhibit B).

Due to the changes that the ESCPC made and in trying to make both codes consistent as much as possible, Staff took the amended site plan requirements back to the SBPC at a public hearing on August 9, 2011. The SBPC now consisting of three new planning commissioners since the March 22, 2011 meeting which requested some changes to be made to the site plan requirements, therefore the amendments were continued to the August

23, 2011 meeting where the SBPC forwarded a positive recommendation to the SCC with a 7 to 0 vote (Exhibit C).

C. **Proposed Amendments**

In 2008, the Summit County Engineering, Planning and Building Department Staff met several times to create a document guideline that would help the public know what information each department needed in order to adequately review an application for issuing a building permit from Summit County.

The attached documents includes the site plan requirements, as amended by the ESCPC (Exhibit D) and the SBPC (Exhibit E), which the Summit County Engineering, Planning, and Building Departments have been using to process building permits since September 1, 2008. The portions of this document regarding the driveways, erosion control, and construction mitigation plan that are reviewed by the Engineering Department have been approved and adopted by the County Council/Commission through Ordinances 181D, 381A and 714.

As part of the review process for a building permit for proposed structures, it is important that a site plan include such items as property boundaries, topography, footprint of the proposed structure, roof plan with ridge elevations, access to the property, and the proposed erosion control measures. These items are to ensure that new structures meet all Code and Ordinance requirements as set forth for Engineering, Planning and Building standards such as driveway slopes, erosion control, setbacks and height.

The language is broken up into 2 sections, site plan requirements and certificate of survey/elevation requirements. The site plan requirements are to be met prior to a building permit being issued and the certificate of elevation and survey are to be submitted to Summit County during construction to ensure that the project is being constructed consistent with the approved site plan.

The attached site plan requirements has been a document that has been helpful to the public so they know what information needs to be provided to Summit County for the review of a building permit. The intent of this document is to include the requirements for three (3) different Departments in one location. Many of these requirements have been internal policy and some have already been codified. Staff has been trying to get all internal policies codified, which is why we are requesting that these site plan requirements be included in the Code.

By having these requirements in place, it is believed that more caution will be taken by contractors, builders and home owners with the placement and construction of proposed structures and driveways to ensure that code requirements are being met and construction is being conducted in accordance with approved plans.

D. **Identification and Analysis of Issues**

Staff has amended the site plan requirements as approved by the ESCPC with changes that were made by the SBPC.

There are two differences between the two site plan requirements approved by the ESCPC and the SBPC. The first one is in Section 2d(3) where it states how height is measured. Height is measured differently in the Eastern Summit County Development Code and the Snyderville Basin Development Code.

The second difference is in Section 4a and 4a(5) regarding the certification of height. The ESCPC would like the decision to be made by the contractor as to whether or not they want

to submit the elevations on the top of the foundation walls or the elevations of the roof ridges. The SBPC would like the certification on the roof ridge elevations.

In administering the site plan requirements, Staff would prefer the standard be the same for the entire County and requests that the SCC determine whether it is necessary to leave the second difference as recommended by the two planning commissions or make them both the same.

E. **Code Criteria**

The Snyderville Basin Development Code (SBDC) Section 10-7-3 requires that a public hearing shall be held for a Code amendment, followed by a recommendation from the SBPC to the SCC, with a final decision made by the SCC.

The SBDC also requires that amendments meet a list of criteria of which staff has evaluated as follows:

1. The amendment shall be consistent with the goals, objectives, and polices of the General Plan.'

*The proposed site plan requirement amendments support the implementations of the General Plan.*

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

*The proposed amendments will help to ensure consistency with permitted uses.*

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

*The proposed amendments will not affect existing property restrictions.*

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

*The proposed amendments will not result in the removal of any restriction.*

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

*The construction of all new structures requiring a building permit will be subject to the proposed amendments.*

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

*The proposed amendments will be beneficial to the existing regulations by ensuring that the requirements as outlined in the Code for public health, safety and welfare are met.*

The Eastern Summit County Development Code (ESCDC) (Section 11-5-3) requires that the ESCPC review the proposed amendments/language, conduct a public hearing and

forward a recommendation to the Summit County Council (SCC), with a final decision to be made by the SCC.

The recommendation from both the SBPC and the ESCPC shall be delivered to the SCC. The SCC shall hold a public hearing regarding the proposed amendment. Following the public hearing the SCC shall approve, approve with modifications or deny the amendment.

**F. Recommendation**

Staff recommends that the SCC conduct a public hearing, review and discuss the proposed amendment language and approve the site plan requirements as presented in Exhibits A & B based on the following findings and modification:

1. The proposed amendments meet the criteria of Section 10-7-3 of the SBDC and Section 11-5-3 of the ESCDC as outlined in section E of the staff report.
2. The proposed language will help ensure that code requirements are met with the construction of proposed structures and driveways.
3. The amendments will help ensure that the public health, safety, and general welfare are met.
4. Section 4a and 4a(5), the height certification, shall be the decision of the contractor as to whether it be submitted on the top of foundation wall elevations or the roof ridge elevations.

Or

The SCC could approve the site plan requirements as presented in Exhibits A & B based on the following findings:

1. The proposed amendments meet the criteria of Section 10-7-3 of the SBDC and Section 11-5-3 of the ESCDC as outlined in section E of the staff report.
2. The proposed language will help ensure that code requirements are met with the construction of proposed structures and driveways.
3. The amendments will help ensure that the public health, safety, and general welfare are met

- EXHIBIT A: Minutes from SBPC meeting March 22, 2011
- EXHIBIT B: Draft minutes from the ESCPC meeting July 20, 2011
- EXHIBIT C: Draft minutes from the SBPC meeting August 23, 2011
- EXHIBIT D: Proposed Language ESCDC
- EXHIBIT E: Proposed Language SBDC

Vice Chair Hooker opened the public hearing.

There was no public comment.

Vice Chair Hooker closed the public hearing.

**Commissioner Washington made a motion to forward a positive recommendation to the County Council for the amendments to the Snyderville Basin Development Code based on the findings listed in the staff report dated March 14, 2011, and with two minor changes regarding specificity in Paragraph C and B.2 and B.3 of the staff report. The motion was seconded by Commissioner Bogardus and passed unanimously, 5 to 0. Commissioner Kinsman was not present for the vote.**

3. **Public hearing and possible recommendation on proposed amendments to the Snyderville Basin Development Code regarding site plan requirements – Molly Orgill, Assistant County Planner**

Assistant Planner Molly Orgill presented the staff report and explained that Staff is recommending that these amendments be added to the Code. She explained that the amendments consist of policy Staff has been using since 2008 and has been applying since 2004, which is part of the building permit review process. The applicants are to submit and meet all site plan requirements prior to issuance of a building permit, and after the building permit is issued, the applicant is to provide a certificate of elevation and survey to insure that the Code requirements have been met. Having these requirements in place will result in more caution in placement and construction of the proposed structures and driveways to insure that Code requirements have been met. Planner Orgill provided a sample site plan showing what would be included on the site plan and how it would be reviewed to assure that it meets Code requirements. She explained that, after the staff report was published, changes were added to agricultural exempt buildings. Although they are not required to have a building permit, they are still required to meet zoning requirements. Staff also changed the elevation measurements from the top of foundation wall to a measurement from the roof ridge to ensure a more accurate height measurement. Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the Summit County Council with the findings contained in the staff report and adding the minor adjustments described this evening.

Commissioner Washington asked if using a manhole cover as a benchmark is sufficient, since they are often moved due to repaving. Planner Orgill explained that would only apply during construction, and the manhole cover would not likely be moved during that time.

Vice Chair Hooker opened the public hearing.

There was no public comment.

Vice Chair Hooker closed the public hearing.

**Commissioner Decker made a motion to forward a positive recommendation to the Summit County Council for the proposed amendments to the Snyderville Basin Development Code based on the findings contained in Section C of the staff report dated March 17, 2011, and incorporating the changes suggested by Staff at this meeting.**

**Findings:**

1. **The proposed amendments to the site plan requirements support the implementation of the General Plan.**
2. **The proposed amendments will help to ensure consistency with permitted uses.**
3. **The proposed amendments will not affect existing property restrictions.**
4. **The proposed amendments will not result in the removal of any restrictions.**
5. **The construction of all new structures will be affected by the proposed amendments.**
6. **The proposed amendments will be beneficial to the existing regulations by ensuring that the requirements as outlined in the Code for public health, safety, and welfare are met.**

**The motion was seconded by Commissioner Washington and passed unanimously, 5 to 0. Commissioner Kinsman was not present for the vote.**

4. **Public hearing, continued discussion, and possible recommendation of proposed 2010 Affordable Housing Needs Assessment, prepared by consultant Jim Wood from the University of Utah**

**Commissioner Bogardus made a motion to postpone the consideration and public hearing on the needs assessment until legal counsel is available to address the Planning Commission and the public regarding questions and concerns on April 12, 2011. The motion was seconded by Commissioner Washington and passed unanimously, 5 to 0. Commissioner Kinsman was not present for the vote.**

5. **Public hearing and possible approval of a Conditional Use Permit for Snyderville Basin Water Reclamation District, 2909 Sackett Drive, Park City, UT – Sean Lewis, County Planner**

County Planner Sean Lewis presented the staff report and indicated the location of the Reclamation District facilities on Sackett Drive. He explained that the applicant proposes adding 2,650 square feet to the building, which was constructed in 1994, for a total of 8,480 square feet. This proposal will be presented to the Summit County Council for a

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# MINUTES

## EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING  
WEDNESDAY JULY 20, 2011  
COUNCIL CHAMBERS  
SUMMIT COUNTY COURTHOUSE  
60 NORTH MAIN  
COALVILLE, UTAH

### COMMISSIONERS PRESENT:

Tom Clyde – *Vice-Chair*  
Diane Foster  
Ken Henrie

Chris Ure  
Sean Wharton

**Regrets:** Michael Brown, Tonja Hanson

### STAFF PRESENT:

Molly Orgill – *Assistant County Planner*  
Don Sargent – *Community Development Director*  
Adryan Slaght – *Principal Planner*

Helen Strader – *County Attorney*  
Kathy Lewis – *Recording Secretary*

Commission Vice-Chair Tom Clyde called the regular meeting of the Eastern Summit County Planning Commission to order at 6:00 PM.

### REGULAR ITEMS

1. **Pledge of Allegiance**

2. **General Public Input**

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

3. **Public Hearing and Possible Recommendation on proposed amendments to the Eastern Summit County Development Code regarding site plan requirements – Molly Orgill, Assistant County Planner**

Assistant Planner Orgill said that Staff is presenting potential language for the Eastern Summit County Development Code concerning site plan requirements for building permit reviews. She said this item has been properly noticed. There have been two previous public hearings conducted addressing site plan requirements.

Assistant Planner Orgill said in 2008, the Summit County Engineering, Planning, and Building Department Staff met several times to create a document that would assist the

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public and Staff to know the information that was needed in order to review an application. The document that was created was a result of these meetings and has been used in the processing of building permits from that time forward. Portions of the document were approved, adopted, and have been codified; however, some of the requirements have remained as internal procedures. In an effort to have all policies codified, Staff is requesting that these site plan requirements be included in the Development Code.

Assistant Planner Orgill explained that a submitted site plan should include the items that will determine that new structures meets the requirements of the Engineering, Planning, and Building Department standards before a building permit will be issued. After a building permit is issued, it is the responsibility of the applicant to provide (if it is required) a Certificate of Elevation and Survey to ensure that the structure meets the Code requirements. The items that should be demonstrated on the site plan are as follows:

- Property boundaries
- The footprint of the proposed structure
- Erosion control measures
- The roof plan with ridge elevations
- Access to the property
- Topography

Assistant Planner Orgill said that at the May 18, 2011 meeting held in Coalville, it was suggested that a subcommittee be formed to revise the proposed site plan requirements. The subcommittee consisted of three Planning Commissioners, four Staff members, and three members of the public. The subcommittee met two different times. There were several additional members of the public that participated at both subcommittee meetings.

At the subcommittee meetings, it was debated when a certified site plan should be required. Would this be required when a buildable area has a 5% slope or a 10% slope? Assistant Planner Orgill said that Staff has recommended that the requirement should be when the slope of the buildable area is 5% or more with an allowed structure height of no greater than 28 feet. Some committee members thought the slope should be 10% with an allowed structure height of no greater than 25 feet. The Planning Commission voted to change the requirement to a 10% slope. After further research of the slope requirement, Staff again recommended to the Planning Commission that the slope requirement be changed back to the 5% grade to avoid creating any unintended height violations. The Planning Commission voted 4 to 3 in favor of returning the requirement of the slope back to 5%.

Assistant Planner Orgill said at the previous meeting, Staff had given the height of School House Hill in Coalville as a reference to help the public and the Planning Commission visualize a 10% grade. At that meeting, she stated that Google Maps had the two roads that ascend to the schools at an approximate 10% grade. Because the accuracy of this was questioned, she asked the Engineering Department to determine the slopes of the two roads. One slope was determined to have an 11% grade, and the other, was just a little over a 10%.

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Another change that was discussed was regarding the redlining on site plans. After discussion, it was decided that redlined changes will be allowed if it is determined by Staff to be minor in nature. Elevation pages were also discussed. Some members of the subcommittee wanted to eliminate the requirement to list the existing and finished grade lines and elevation information, if the applicant had met the criteria regarding the 5% and 28 foot requirement. It was pointed out that the Planning and Building Departments would need this information to verify that the height and drainage requirements were being met. The Planning Commission decided to leave this as a requirement.

The requirement to have a certificate of elevation for the top of the roof ridges was also discussed. This requirement was amended to allow general contractors discretion to decide if they would prefer to submit the top-of-foundation wall elevations or top-of-roof-ridge elevations prior to receiving a shearwall or 4-way inspection. Assistant Planner Orgill said the contractor can choose either one; both are not required. She said that problems can be caught early with a foundation survey.

Other minor changes to the proposed document were discussed. Graphics were displayed which demonstrated what a site plan would be required to look like. The example given was a site plan with a 25% slope. Elevation pages were also displayed. These pages will assist Staff in determining the drainage of the lot and the elevation of the structure. It will help to know how much dirt will be against the foundation. An example of a Certificate of Elevation survey was shown. Assistant Planner Orgill ended by saying that it is Staff's recommendation that the Planning Commission send a positive recommendation to the Summit County Council on the proposed language.

*The public hearing was opened.* Assistant Planner Orgill said that she has received an e-mail for Gus Sherry who was unable to be in attendance. She distributed a copy of the e-mail to each of the Commissioners. Vice-Chair Clyde added that he had received a phone call from an excavator who is uncomfortable with some of the silt fence requirements. He requested that these concerns are passed onto the Engineering Department.

Garrett Strong said that he appreciates being asked to be a part of the process. He encouraged that the doors of communication be kept opened. He feels that the best time to have a certificate of elevation is at the foundation, when it can be more easily fixed.

Richard Jaffe said he feels very strongly that the elevation checking should be done at the foundation stages, rather than require someone to take a house down when the roof is on. If it is required at this stage, it will save somebody a lot of money. He said there are other things that can be done while waiting for this survey so that construction isn't being held up. A foundation survey will also determine if someone is building too close to a setback. Commissioner Henrie commented a contractor has that option, it hasn't been removed, not is it being required.

Vice-Chair Clyde thanked those who served on the subcommittee for their time involvement.

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Commissioner Henrie said he had questions about the requirement to show contour lines. Assistant Planner Orgill said that contour lines have to do with driveway grades and is a requirement of the Engineering Department. Community Development Director Don Sargent said it is the method to determine the slope of the driveway. Commissioner Henrie said this requirement is acceptable for small lots, but it might be a hardship for larger lots.

Commissioner Wharton asked if there is a more correct term for a contour line. He asked what the difference is between a grade break and a contour line. Director Sargent explained the difference between the two. He said that contour line is a standard term and is the right word to use in this situation.

Commissioner Ure said he is disappointed that the slope requirement has been changed back to 5%. He said this is only requiring a site plan, it doesn't prohibit building. He commented that the County is allowing houses to be built on slopes up to 30%.

Richard Jaffe asked a question about an existing platted subdivision. He asked if someone's right to build is being taken away if the driveway of a slope is too steep. Vice-Chair Clyde answered that if the driveway slope is too steep, the applicant would apply for a variance before the Board of Adjustment (BOA). He said that when he served on that Board, the right to build was never denied because of a steep driveway. In fact, he believes that these circumstances should be handled administratively.

Mr. Jaffe suggested that this procedure is defined in the Code so that an applicant knows they have the right to before the BOA. Director Sargent explained how an application is directed to the BOA. Assistant Planner Orgill said that a steep driveway cannot be a reason to deny an application on a platted lot. She said that an amendment was put into the Code to remove the need to go before the BOA under certain conditions.

*Vice-Chair Clyde closed the public hearing.*

***Commissioner Foster made a motion to forward a positive recommendation to the Summit County Council for the site plan requirements as presented in the Staff Report, with the grammatical corrections that have been suggested and with the following findings:***

- 1. The proposed language will help ensure that Code requirements are met with the construction of proposed structures and driveways.***
- 2. The amendments will help ensure that the public health, safety, and general welfare are met. Commissioner Henrie seconded the motion***

***All voted in favor, except Commissioner Ure who voted nay.***

- **MOTION CARRIED (4 – 1)**

**4. Approval of Minutes**

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He asked what height was approved for the Brownstones and stated that he is requesting the heights to get a better understanding of the massing of density on these parcels.

Commissioner Washington stated that he would be willing to entertain the possibility of rerouting Center Street, which could improve pedestrian connectivity and provide the northern exit from the development. Commissioner Taylor noted that the applicant might want to keep Center Street and the Brownstone lot in the conversation if they suggest rerouting Center Street. He asked if Commissioner Washington would still want to discuss rerouting Center Street if they only discuss Cottonwood III. Commissioner Washington replied that he could go either way. Commissioner Klingenstein noted that they might as well traffic model Center Street if they keep it in the discussion.

3. **Continued discussion and possible recommendation of amendments to the Snyderville Basin Development Code regarding Site Plan requirements – Molly Orgill, Assistant Planner**

Assistant Planner Molly Orgill presented the staff report and recalled that a public hearing was held on the site plan requirements on August 9, 2011, at which time the public hearing was closed, and the Planning Commission addressed their concerns and suggestions. She explained that the site plan requirements have been written policy since 2008, and Staff has been trying to codify policies in the Code and make the Eastern Summit County and Snyderville Basin Development Codes consistent. She reviewed the suggestions and concerns addressed at the August 9 meeting and modifications made to address those suggestions and concerns. Staff recommended that the Planning Commission review and discussed the proposed amendment language and forward a positive recommendation to the Summit County Council based on the finding shown in the staff report.

Commissioner Taylor asked for clarification of the language in G.2. about redlining to state that all corrections shall be approved by the person who “stamped” the site plan, not

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“prepared” the site plan as shown in the staff report. With regard to the County policing the contractor by requiring certification of the foundation or the ridge, he believed the contractor should be held liable for what is on the drawings, and if the County requires certification of the foundation or ridge, they are just helping the contractor do what he is required to do. He did not know how the foundation or ridge certification fits into the scheme of things or what to do with that requirement. He explained that the County is requiring verification of someone to do his job, but if he doesn’t do it right, he should be responsible for it. He did not understand why the County should be in the business of making the contractor check himself or why the County should be in the middle of it. He also did not understand why the site plan has to be certified if the elevation survey has already been established. Planner Orgill explained that it certifies that the structure the applicant wants to build meets all the Code requirements. It is necessary to have a survey on the property to verify the property boundaries and topography to be sure that the person is building on their lot and meeting setback and height requirements. She explained that the certifications could be submitted on two separate documents, with the architect certifying that he has designed the home and placed it on the property so it will meet the Code requirements. Commissioner Taylor asked why, as an architect who submits a set of plans with a site plan that adheres to all the Code requirements, he would have to certify that again later when he has no control over what the contractor built. He noted that an architect’s liability insurance would not allow him to do that. Planner Orgill clarified that the certification must be done prior to obtaining a building permit, not after the home is built. Then it is the contractor’s job to build the house according to the approved plans, and once the foundation is in, the County asks for certification that the foundation or ridgeline is where the designer said it would be. Commissioner Taylor requested clarification of the language to explain that stamping the site plan occurs before the foundation and ridge height certification.

Commissioner Velarde suggested that the language related to certification of the foundation or ridgeline state that the County recommends certification of the foundation but requires certification of the ridgeline. That way they would warn people to check the

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foundation before spending the money it would take to get the roof on the house. Commissioner Taylor noted that, if there is a 28-foot height limit, and someone builds a single-story home that is 17 feet high, it probably would not have to be certified. He asked at what point they should trigger the certification. Planner Orgill explained that, if the parcel is on a slope greater than 5% and/or over 28 feet in height, a certification is required. If the house is on a lot that has a slope of less than 5% and the proposed home is less than 28 feet in height, the certification would not be required. Commissioner Velarde commented that, given those parameters, if they recommend certification of the foundation and require certification of the ridgeline, it would take care of everyone—the County, the client, and the contractor.

**Commissioner Velarde made a motion to forward a positive recommendation to the Summit County Council on the proposed amendments to the Snyderville Basin Development Code regarding site plan requirements with, an amendment to the language in G(4)a5 to state that certification of the foundation is recommended, but certification of the height is required, and based on the following finding:**

**Finding:**

- 1. The proposed amendments meet the criteria of Section 10-7-3 of the Snyderville Basin Development Code as outlined in Section D of the staff report.**

**The motion was seconded by Commissioner Salem.**

Commissioner Klingenstein stated that he would feel better about giving the option to the owner or contractor to make the early warning system decision of certifying the foundation, and he liked the language the way Staff wrote it.

Commissioner Taylor stated that, if the ridge height is the concern that drives the certification, that should be verified. If the building inspectors miss the height, and it is certified by default, he believed the County could be liable. He requested that the motion

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include his request that Staff clarify the language in G(5) to show that certification of the site plan is to be done prior to building permit issuance. He also requested that the language in G(2) be corrected to state that all corrections shall be approved by the person who stamped the site plan.

- In response to concerns about the County's liability, Deputy County Attorney Jami Brackin stated that she is quite confident that, if the County misses something, someone will try to sue them. However, she has defenses available to address that.

**Commissioner Velarde amended the motion to include Commissioner Taylor's request that Staff clarify the language in G(5) to show that certification of the site plan is to be done prior to building permit issuance and to correct the language in G(2) to state that all corrections shall be approved by the person who stamped the site plan. Commissioner Salem accepted the amendment in his second, and the motion passed unanimously, 7 to 0.**

4. **Public hearing and possible recommendation of amendments to the Snyderville Basin Development Code Section 10-4, "Standards for Approval of Development Permits" – Jennifer Strader, County Planner**

County Planner Jennifer Strader presented the staff report and explained that the proposed amendments will place in the Development Code regulatory language found in the process of preparing the General Plan revision. She noted that there is also language in the current Development Code that needs to be moved to the General Plan. She explained that the Code currently contains a definition of Sensitive Lands and a definition of Critical Lands. Staff recommends that Sensitive Lands be changed to Critical Lands, with development to be prohibited on Critical Lands, and Sensitive Areas would be areas where development is discouraged. She noted that the minor development review process included compatibility with Resort, Rural, and Mountain Design Principles, but

## 11-6-16: ISSUANCE OF BUILDING PERMITS:

F. Site Plan Requirements: Three (3) ~~original~~ copies of a site plan, a minimum size of 11" x 17" (must be legible) and a maximum size of 36" x 48" shall be submitted with all building permit applications for all new construction, including additions, accessory buildings, and garages.

1. If any of the following criteria apply, the site plan shall be prepared by a licensed Surveyor, Architect, Landscape Architect, or Engineer, registered in the State of Utah:
  - a. Parcels/lots that contain a designated building pad identified on a subdivision plat.
  - b. Building Areas or Building Pads having an average grade steeper than 5% (some elevation information may be required to verify grade).
  - c. Proposed structure heights greater than twenty eight feet (28').
  - d. Proposed structure setbacks closer than three feet (3') to the required setback line, excluding decks, lean-tos, or other similar structures.
    1. Agricultural exempt buildings that comply with Section 58-56-4 of the Utah Code Annotated are excluded from these site plan requirements. However, agricultural exempt buildings closer than three feet (3') to the required setback line or are greater than twenty-eight feet (28') in height will require an inspection by the Community Development Department to ensure that setback and height requirements for the zone district in which they are located are being met.
  - e. Parcels/lots that do not have existing property corners set by a licensed Surveyor.
2. When the site plan is required to be prepared by a licensed Surveyor, Architect, Landscape Architect, or Engineer, each copy shall be wet stamped by each professional involved in its preparation. Red-line corrections/additions to the site plan or elevation page items may be accepted if determined by staff to be minor in nature. All corrections shall be approved by the person who stamped the site plan. The site plan shall contain the following information:
  - a. Scale.
  - b. North Arrow.
  - c. Information box showing the name of the applicant, subdivision and lot number or parcel number (tax i.d. #), address, Section, Township, and Range, acreage (or square footage) of the lot or parcel.
  - d. Map of the parcel. For parcels larger than 1 Acre, provide larger than 1 acre, provide large scale drawing of the entire parcel (ie. vicinity map, 1"=100'), with bearing and distance calls, and a smaller scale (1"=20'), detailed map of the area of the parcel being developed. The map shall contain the following minimum information:
    - (1) Property lines, designated building pad, platted setback lines, rights-of-ways and easements, all adjacent streets/roadways.
    - (2) Proposed setbacks of all new structures to the property lines.

- (3) A topographical map, prepared by a licensed Surveyor including both existing and proposed contours. Two (2) foot minimum contour intervals are required for all parcels/lots which have an average grade greater than 5% (some elevation information may be required to verify grade) and/or structure heights that exceed 28' (measure from the ridgeline to existing grade). Existing contours must be shown through the proposed structures.
  - (a) For lots/parcels one (1) acre or less in size, contours are required for the entire lot/parcel.
  - (b) For lots/parcels greater than one (1) acre in size, contours are required 100' on each side of all proposed structures and all other areas of disturbance proposed for the lot/parcel, such as the driveway, accessory structures and yard areas. The contour map must include the opposite side of any existing roadway adjacent to the property.
- (4) One (1) fixed point near the proposed construction labeled "Benchmark" showing the elevation. The point may be a manhole cover, fire hydrant, or survey pin set so that it cannot be removed. The elevation of the point must be identified on a stake placed at or near the point.
- (5) All elevations for the structure and driveway shall be referenced from the Benchmark.
- (6) All existing and proposed improvements including structures, driveways, and retaining walls. .
- (7) All drainage ways, ditches, streams, and wetlands within 200' of any proposed structure, area of disturbance and driveway, even if located on an adjoining parcel/lot.
- (8) The footprint of proposed structures. The footprint shall show roof ridge lines and their elevations.
- (9) The proposed driveway width.
- (10) Proposed elevations, including:
  - (a) Top of the foundation walls at four major corners.
  - (b) Roof ridge elevation(s) from existing grade.
  - (c) Garage floor elevations.
  - (d) Center of the driveway at the street, at 20' from the street, at each grade break and at the edge of the "flat" parking area outside the garage.
- (11) An Erosion Control Plan including:
  - (a) Perimeter controls (straw wattle, straw bales, silt fence) on the downhill side of all disturbed areas when required by Summit County Code.

- (b) Stabilized construction access.
  - (c) Protection measures of adjoining drainage features including storm drain, ditches, streams, etc.
- (12) Construction Mitigation Plan that identifies the location of dumpster(s), portable toilet(s), material storage, and parking. The following notes shall be on the plan:
- (a) Construction parking/traffic may not block the street without a permit.
  - (b) Mud tracked onto the street must be cleaned prior to the end of the workday.
  - (c) The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
  - (d) Roadside parking is not allowed from November 1<sup>st</sup> thru April 1<sup>st</sup>.

3. Site Plan Certification. When a site plan is prepared by a licensed Surveyor in conjunction with an Architect, Landscape Architect, and/or Engineer, the site plan must be certified by each of the professionals preparing the site plan for that portion of the plan that is their responsibility. The parcel/lot survey prepared and certified by the licensed Surveyor, including topography may be submitted on a separate sheet from the site plan prepared by the Architect, Landscape Architect, and/or Engineer; however, all survey information from the parcel/lot survey shall be included on the site plan.

a. A form of the following Certifications must appear on the parcel/lot survey and/or site plan.

Surveyor Certificate

I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that a survey of the land shown and described herein, and that the representation shown on the site plan is a correct representation of the land surveyed and has been prepared on conformity with the minimum standard and requirements of the Law.

Signature (over seal)

Date

Architect/Landscape Architect/Engineer Certificate

I, \_\_\_\_\_ do hereby certify that I am a licensed Architect/Landscape Architect/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I am fully responsible for the design of the structure(s), structure location(s), driveway, drainage, and other improvements/development to the land shown on the site plan.

Signature (over seal)

Date

4. Two (2) copies of the building elevations pages must be submitted with all building permit applications. Plans shall provide elevation views of all four (4) sides of the building. These views shall identify where the existing and proposed grade lines will strike the building wall line. Top of foundation, floor lines, eave lines, and ridge lines shall be shown and referenced to the known point on the site plan.

5. Certificate of Survey/Elevation. A Certificate of Survey/Elevation of the structure shall be submitted whenever a site plan is required to be prepared and certified by a licensed Surveyor under the criteria set forth above. The Certificate of Survey/Elevation must be prepared by a licensed Surveyor registered in the State of Utah. The Certificate must be submitted prior to receiving an inspection of the shear wall or the "4-Way".

a. The certificate must verify the elevations of the top of foundation walls/roof ridge elevations with respect to the existing grades and the structure location, with respect to setbacks and shall contain the following information.

- (1) All property lines and building envelope (if applicable) when the parcel is one (1) acre or less. When the parcel is larger than one (1) acre, the two (2) closest property lines and building envelope (if applicable).
- (2) Required setback lines.
- (3) Structure footprint.
- (4) Dimension lines from the structure to all shown property lines (see 4(a)(1) above).
- (5) "As-constructed" top of foundation wall elevations or top of roof ridge elevations.

b. An original wet-stamped copy of the Certificate of Survey/Elevation must be submitted to the Building Department and Engineering Department prior to requesting a sheer-wall inspection.

c. A form of the following Certification must appear on the Survey.

***Certificate of Survey/Elevation***

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I have reviewed the plans for Permit No. \_\_\_\_\_, located at (street address) \_\_\_\_\_ on Lot \_\_\_\_\_ of the \_\_\_\_\_ Subdivision and have surveyed the property to verify that the structure is situated on the lot as shown on this map. I further certify that the elevations of the foundation walls and roof ridges are as shown on this map.*

*Signature (over seal)*

*Date*

~~5. Site Plan Certification. When a site plan is prepared by a licensed Surveyor in conjunction with an Architect, Landscape Architect, and/or Engineer, the site plan must be certified by each of the professionals preparing the site plan for that portion of the plan that is their responsibility. The parcel/lot survey prepared and certified by the licensed Surveyor, including topography may be submitted on a separate sheet from the site plan prepared by the Architect, Landscape Architect, and/or Engineer; however, all survey information from the parcel/lot survey shall be included on the site plan.~~

~~a. A form of the following Certifications must appear on the parcel/lot survey and/or site plan:~~

~~\_\_\_\_\_ *Surveyor Certificate*~~

~~I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that a survey of the land shown and described herein, and that the representation shown on the site plan is a correct representation of the land surveyed and has been prepared on conformity with the minimum standard and requirements of the Law.~~

~~\_\_\_\_\_ Signature (over seal)~~

~~\_\_\_\_\_ Date~~

~~\_\_\_\_\_ *Architect/Landscape Architect/Engineer Certificate*~~

~~I, \_\_\_\_\_ do hereby certify that I am a licensed Architect/Landscape Architect/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I am fully responsible for the design of the structure(s), structure location(s), driveway, drainage, and other improvements/development to the land shown on the site plan.~~

~~\_\_\_\_\_ Signature (over seal)~~

~~\_\_\_\_\_ Date~~

**10-3-20: BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY:**

- G. Site Plan Requirements: Three (3) copies of a site plan, a minimum size of 11" x 17" (must be legible) and a maximum size of 36" x 48" shall be submitted with all building permit applications for all new construction, including additions, accessory buildings, and garages.
1. If any of the following criteria apply, the site plan shall be prepared by a licensed Surveyor, Architect, Landscape Architect, or Engineer, registered in the State of Utah:
    - a. Parcels/lots that contain a designated building pad identified on a subdivision plat.
    - b. Building Areas or Building Pads having an average grade steeper than 5% (some elevation information may be required to verify grade).
    - c. Proposed structure heights greater than twenty eight feet (28').
    - d. Proposed structure setbacks closer than three feet (3') to the required setback line, excluding decks, lean-tos, or other similar structures.
      1. Agricultural exempt buildings that comply with Section 58-56-4 of the Utah Code Annotated are excluded from these site plan requirements. However, agricultural exempt buildings closer than three feet (3') to the required setback line or are greater than twenty-eight feet (28') in height will require an inspection by the Community Development Department to ensure that setback and height requirements for the zone district in which they are located are being met.
    - e. Parcels/lots that do not have existing property corners set by a licensed Surveyor.
  2. When the site plan is required to be prepared by a licensed Surveyor, Architect, Landscape Architect, or Engineer, each copy shall be wet stamped by each professional involved in its preparation. Red-line corrections/additions to the site plan or elevation page items may be accepted if determined by staff to be minor in nature. All corrections shall be approved by the person who stamped the site plan. The site plan shall contain the following information:
    - a. Scale.
    - b. North Arrow.
    - c. Information box showing the name of the applicant, subdivision and lot number or parcel number (tax i.d. #), address, Section, Township, and Range, acreage (or square footage) of the lot or parcel.

- d. Map of the parcel. For parcels larger than 1 acre, provide large scale drawing of the entire parcel (i.e. vicinity map, 1"=100'), with bearing and distance calls, and a smaller scale (1"=20'), detailed map of the area of the parcel being developed. The map shall contain the following minimum information:
- (1) Property lines, designated building pad, platted setback lines, rights-of-ways and easements, all adjacent streets/roadways.
  - (2) Proposed setbacks of all new structures to the property lines.
  - (3) A topographical map, prepared by a licensed Surveyor, including both existing and proposed contours. Two (2) foot minimum contour intervals are required for all parcels/lots which have an average grade greater than 5% (some elevation information may be required to verify grade) and/or structure heights that exceed 28' (measure from the ridgeline to existing or finished grade, whichever is greater). Existing contours must be shown through the proposed structures.
    - (a) For lots/parcels one (1) acre or less in size, contours are required for the entire lot/parcel.
    - (b) For lots/parcels greater than one (1) acre in size, contours are required 100' on each side of all proposed structures and all other areas of disturbance proposed for the lot/parcel, such as the driveway, accessory structures and yard areas. The contour map must include the opposite side of any existing roadway adjacent to the property.
  - (4) One (1) fixed point near the proposed construction labeled "Benchmark" showing the elevation. The point may be a manhole cover, fire hydrant, or survey pin set so that it cannot be removed. The elevation of the point must be identified on a stake placed at or near the point.
  - (5) All elevations for the structure and driveway shall be referenced from the Benchmark.
  - (6) All existing and proposed improvements.
  - (7) All drainage ways, ditches, streams, and wetlands within 200' of any proposed structure, area of disturbance and driveway, even if located on an adjoining parcel/lot.
  - (8) The footprint of proposed structures. The footprint shall show roof ridge lines.
  - (9) The proposed driveway width.
  - (10) Proposed elevations, including:
    - (a) Top of the foundation walls at four (4) major corners.
-

- (b) Roof ridge elevation(s) from existing grade.
  - (c) Garage floor elevations.
  - (d) Center of the driveway at the street, at 20' from the street, at each grade break and at the edge of the "flat" parking area outside the garage.
- (11) An Erosion Control Plan including:
- (a) Perimeter controls (straw wattle, straw bales, silt fence) on the downhill side of all disturbed areas when required by Summit County Code.
  - (b) Stabilized construction access.
  - (c) Protection measures of adjoining drainage features including storm drain, ditches, streams, etc.
- (12) Construction Mitigation Plan that identifies the location of dumpster(s), portable toilet(s), material storage, and parking. The following notes shall be on the plan:
- (a) Construction parking/traffic may not block the street without a permit.
  - (b) Mud tracked onto the street must be cleaned prior to the end of the workday.
  - (c) The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
  - (d) Roadside parking is not allowed from November 1st thru April 1st
3. Site Plan Certification. When a site plan is prepared by a licensed Surveyor in conjunction with an Architect, Landscape Architect, and/or Engineer, the site plan must be certified by each of the professionals preparing the site plan for that portion of the plan that is their responsibility. The parcel/lot survey prepared and certified by the licensed Surveyor, including topography may be submitted on a separate sheet from the site plan prepared by the Architect, Landscape Architect, and/or Engineer; however, all survey information from the parcel/lot survey shall be included on the site plan.
- a. A form of the following Certifications must appear on the parcel/lot survey and/or site plan.

***Surveyor Certificate***

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor registered in the State of Utah, license no.*

\_\_\_\_\_, as prescribed under the laws of Utah. I further certify that a survey of the land shown and described herein, and that the representation shown on the site plan is a correct representation of the land surveyed and has been prepared on conformity with the minimum standard and requirements of the Law.

Signature (over seal)

Date

**Architect/Landscape Architect/Engineer Certificate**

I, \_\_\_\_\_ do hereby certify that I am a licensed Architect/Landscape Architect/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I am fully responsible for the design of the structure(s), structure location(s), driveway, drainage, and other improvements/development to the land shown on the site plan.

Signature (over seal)

Date

4. Two (2) copies of the building elevations pages must be submitted with all building permit applications. Plans shall provide elevation views of all four (4) sides of the building. These views shall identify where the existing and proposed grade lines will strike the building wall line. Top of foundation, floor lines, eave lines, and ridge lines shall be shown and referenced to the known point on the site plan.
5. Certificate of Survey/Elevation. A Certificate of Survey/Elevation of the structure shall be submitted whenever a site plan is required to be prepared and certified by a licensed Surveyor under the criteria set forth above. The Certificate of Survey/Elevation must be prepared by a licensed Surveyor registered in the State of Utah.
  - a. **The certificate must verify the top of roof ridge elevations** with respect to the existing grades (per the approved site plan) and the structure location, with respect to setbacks and shall contain the following information:
    - (1) All property lines and building envelope (if applicable) when the parcel is one (1) acre or less. When the parcel is larger than one (1) acre, the two (2) closest property lines and building envelope (if applicable).
    - (2) Required setback lines.
    - (3) Structure footprint.
    - (4) Dimension lines from the structure to all shown property lines (see 4(a)(1) above).
    - (5) **“As constructed” top of roof ridge elevations of the structure.**

- b. An original wet-stamped copy of the Certificate of Survey/Elevation must be submitted to the Building Department and Engineering Department prior to requesting a sheer-wall or the “4-way” inspection.
- c. A form of the following Certification must appear on the Survey:

**Certificate of Survey/Elevation**

*I, \_\_\_\_\_ do hereby certify that I am a licensed Professional Land Surveyor/Engineer registered in the State of Utah, license no. \_\_\_\_\_, as prescribed under the laws of Utah. I further certify that I have reviewed the approved plans for Permit No. \_\_\_\_\_, located at (street address) \_\_\_\_\_ on Lot \_\_\_\_\_ of the \_\_\_\_\_ Subdivision and have surveyed the property to verify that the structure is situated on the lot as shown on this map. I further certify that the elevations of the roof ridges are as shown on this map.*

*Signature (over seal)*

*Date*

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

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

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

**WHEREAS**, the County is amending the Eastern Summit County Development Code and the Snyderville Basin Development Code to add site plan requirements for building permits; and

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing on July 20, 2011, the Snyderville Basin Planning Commission held a public hearing on August 9, 2011 and both recommended approval of the amended sections of the Development Codes; and

**WHEREAS**, the Summit County Council held a public hearing on September 14, 2011 and voted to approve the amendments.

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

**Section 1. EASTERN SUMMIT COUNTY DEVELOPMENT CODE**

Section 11-6-16 of the Eastern Summit County Development Code is amended as depicted in Exhibit A.

**Section 2. SNYDERVILLE BASIN DEVELOPMENT CODE**

Section 10-3-20 of the Snyderville Basin Development Code is amended as depicted in Exhibit B.

**Section 3. Effective Date**

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

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 14<sup>th</sup> day of September, 2011.

**SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH**

**By:** \_\_\_\_\_  
**Council Chair**

<b>Councilor Hanrahan</b>	<b>voted</b>	_____
<b>Councilor McMullin</b>	<b>voted</b>	_____
<b>Councilor Elliott</b>	<b>voted</b>	_____
<b>Councilor Ure</b>	<b>voted</b>	_____
<b>Councilor Robinson</b>	<b>voted</b>	_____