

**Area C Special Service District
Summit County, Utah
County Council Work Session
March 7, 2012**

Introduction

The Area C Special Service District (“**Area C SSD**”) is proposed as a Special Service District formed to help provide services and improvements that will benefit local area property owners and the County. Located entirely within Summit County Utah, the Area C SSD would serve some 5,500 acres of land.

A petition was submitted on February 2, 2012, with the [concurrence] [recommendation] of County representatives and in accordance with the Special Service District Act, Title 17D, Chapter 1, of the Utah Code (the “**Act**”). The petitioners represent in excess of 10% of the taxable value of property within the proposed boundary of the Area C SSD (as required by the Act), and broad support for the initiative has been expressed by a large contingent of other property owners.

Purpose

Pursuant to the Act, the purpose of Area C SSD is to provide for the construction, operation, and provision of recreation, transportation, water, sewerage, drainage, and flood control facilities and other services within the area. The creation of the Area C Special Service District provides area property owners with a vehicle to provide future facilities and services that will benefit them and the region as a whole. The Act has been used for the development of public amenities that can include the following:

- | | | | |
|-------------------|----------------|--------------------------|----------------------|
| - Roads/Sidewalks | - Irrigation | - Parks | - Parking Facilities |
| - Highways | - Water Supply | - Trail Networks | - Fire Protection |
| - Sewers | - Illumination | - Recreational Amenities | - Libraries |
| - Solid Waste | - Signage | - Conference Facilities | - Hospitals |

Administrative Control Board

In accordance with the Act, the Petitioners support the creation of an Administrative Control Board, and suggest the following well qualified candidates:

- 1) Michael Goar, Managing Director, Canyons Resort (recommended as Chair)
- 2) Gordon Cummings, RVMA Board Member and President of the Grand Summit HOA
- 3) To be discussed
- 4) Douglas Ogilvy, Chief Development Officer, Talisker Mountain Incorporated
- 5) Christie Babalis, VP and General Counsel, Canyons Resort and President, Canyons Resort Village Management Association

Summit County Mosquito Abatement District Board of Trustees

Interview Schedule

Wednesday, March 7, 2012

Courthouse

3 vacancies; 5 interviews

4:10 PM Dorothy Staley

4:20 PM Nathan Brooks

4:30 PM Sue Pollard

4:40 PM Cody Staley - phone interview 435-640-3893 (has a class in Salt Lake)

4:50 PM Tal Adair

Auditor

Blake Frazier



March 02, 2012

County Council;

Please consider approving the 2011 BOE Stipulations. They will be prepared for your review by Travis Lewis. They are on the March 7th Agenda.

Thank You,

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

Kathryn Rockhill
BOE Clerk



2011 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
1910-PAOC-1	\$ 760,000.00	\$ 910,000.00	\$ (150,000.00)	\$ 760,000.00	\$ 910,000.00
1910-PAOC-2	\$ 800,000.00	\$ 970,000.00	\$ (170,000.00)	\$ 800,000.00	\$ 970,000.00
1910-PAOC-3	\$ 860,000.00	\$ 1,040,000.00	\$ (180,000.00)	\$ 860,000.00	\$ 1,040,000.00
1910-PAOC-CS-1	\$ 220,000.00	\$ 260,000.00	\$ (40,000.00)	\$ 220,000.00	\$ 260,000.00
1910-PAOC-CS-2	\$ 30,000.00	\$ 40,000.00	\$ (10,000.00)	\$ 30,000.00	\$ 40,000.00
37A/B-2	\$ 390,000.00	\$ 610,000.00	\$ (220,000.00)	\$ 390,000.00	\$ 610,000.00
37A/B-4	\$ 370,000.00	\$ 590,000.00	\$ (220,000.00)	\$ 370,000.00	\$ 590,000.00
HPCR-207-AM	\$ 600,000.00	\$ 830,000.00	\$ (230,000.00)	\$ 600,000.00	\$ 830,000.00
HPCR-301-AM	\$ 600,000.00	\$ 730,000.00	\$ (130,000.00)	\$ 600,000.00	\$ 730,000.00
KTS-633-B	\$ 730,442.00	\$ 570,855.00	\$ 159,587.00	\$ 730,442.00	\$ 570,855.00
PC-485-C	\$ 10,000.00	\$ 200,000.00	\$ (190,000.00)	\$ 10,000.00	\$ 200,000.00
PC-485-D	\$ 10,000.00	\$ 200,000.00	\$ (190,000.00)	\$ 10,000.00	\$ 200,000.00
PC-485-P	\$ 10,000.00	\$ 200,000.00	\$ (190,000.00)	\$ 10,000.00	\$ 200,000.00
PC-485-Q	\$ 10,000.00	\$ 200,000.00	\$ (190,000.00)	\$ 10,000.00	\$ 200,000.00
PKC-3	\$ 365,000.00	\$ 509,964.00	\$ (144,964.00)	\$ 365,000.00	\$ 509,964.00
PKC-4	\$ 365,000.00	\$ 520,013.00	\$ (155,013.00)	\$ 365,000.00	\$ 520,013.00
PP-81-H-1-A	\$ 7,100,000.00	\$ 9,380,000.00	\$ (2,280,000.00)	\$ 7,100,000.00	\$ 9,380,000.00
PSA-14-C	\$ 1,150,000.00	\$ 1,300,000.00	\$ (150,000.00)	\$ 1,150,000.00	\$ 1,300,000.00
PSA-16-B	\$ 1,470,000.00	\$ 1,759,968.00	\$ (289,968.00)	\$ 1,470,000.00	\$ 1,759,968.00
PSA-18-A-RE	\$ 1,170,000.00	\$ 1,320,000.00	\$ (150,000.00)	\$ 1,170,000.00	\$ 1,320,000.00
PSA-28-A	\$ 420,000.00	\$ 860,000.00	\$ (440,000.00)	\$ 420,000.00	\$ 860,000.00
PSA-2-RE-2B	\$ 580,000.00	\$ 920,000.00	\$ (340,000.00)	\$ 580,000.00	\$ 920,000.00
PSA-32B-RE-2	\$ 420,000.00	\$ 550,000.00	\$ (130,000.00)	\$ 420,000.00	\$ 550,000.00
WPL-15-AM	\$ 1,292,819.00	\$ 1,191,038.00	\$ 101,781.00	\$ 711,050.00	\$ 1,191,038.00
HRECRC-1001	\$ 4,689,000.00	\$ 5,210,000.00	\$ (521,000.00)	\$ 4,689,000.00	\$ 5,210,000.00
HRECRC-1002	\$ 4,059,000.00	\$ 4,510,000.00	\$ (451,000.00)	\$ 4,059,000.00	\$ 4,510,000.00
HRECRC-1003	\$ 3,609,000.00	\$ 4,010,000.00	\$ (401,000.00)	\$ 3,609,000.00	\$ 4,010,000.00
HRECRC-1004	\$ 3,969,000.00	\$ 4,410,000.00	\$ (441,000.00)	\$ 3,969,000.00	\$ 4,410,000.00
HRECRC-1005	\$ 3,969,000.00	\$ 4,410,000.00	\$ (441,000.00)	\$ 3,969,000.00	\$ 4,410,000.00
HRECRC-1020	\$ 2,889,000.00	\$ 3,210,000.00	\$ (321,000.00)	\$ 2,889,000.00	\$ 3,210,000.00
HRECRC-1021	\$ 2,889,000.00	\$ 3,210,000.00	\$ (321,000.00)	\$ 2,889,000.00	\$ 3,210,000.00
HRECRC-1031	\$ 3,789,000.00	\$ 4,210,000.00	\$ (421,000.00)	\$ 3,789,000.00	\$ 4,210,000.00
HRECRC-1032	\$ 3,609,000.00	\$ 4,010,000.00	\$ (401,000.00)	\$ 3,609,000.00	\$ 4,010,000.00
HRECRC-1034	\$ 3,609,000.00	\$ 4,010,000.00	\$ (401,000.00)	\$ 3,609,000.00	\$ 4,010,000.00
HRECRC-1040-1AM	\$ 2,349,000.00	\$ 2,610,000.00	\$ (261,000.00)	\$ 2,349,000.00	\$ 2,610,000.00

HRECR-1041-1AM	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-1042-1AM	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-1043-1AM	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-1050	\$	2,889,000.00	\$	3,210,000.00	\$	(321,000.00)	\$	2,889,000.00	\$	3,210,000.00
HRECR-1051	\$	2,889,000.00	\$	3,210,000.00	\$	(321,000.00)	\$	2,889,000.00	\$	3,210,000.00
HRECR-1052	\$	4,689,000.00	\$	5,210,000.00	\$	(521,000.00)	\$	4,689,000.00	\$	5,210,000.00
HRECR-1062	\$	4,059,000.00	\$	4,510,000.00	\$	(451,000.00)	\$	4,059,000.00	\$	4,510,000.00
HRECR-1063	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-1081	\$	4,419,000.00	\$	4,910,000.00	\$	(491,000.00)	\$	4,419,000.00	\$	4,910,000.00
HRECR-1083	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-1150	\$	2,889,000.00	\$	3,210,000.00	\$	(321,000.00)	\$	2,889,000.00	\$	3,210,000.00
HRECR-1152	\$	4,689,000.00	\$	5,210,000.00	\$	(521,000.00)	\$	4,689,000.00	\$	5,210,000.00
HRECR-1162	\$	5,049,000.00	\$	5,610,000.00	\$	(561,000.00)	\$	5,049,000.00	\$	5,610,000.00
HRECR-1182	\$	7,479,000.00	\$	8,310,000.00	\$	(831,000.00)	\$	7,479,000.00	\$	8,310,000.00
HRECR-1202	\$	1,989,000.00	\$	2,210,000.00	\$	(221,000.00)	\$	1,989,000.00	\$	2,210,000.00
HRECR-1250-1AM	\$	5,229,000.00	\$	5,810,000.00	\$	(581,000.00)	\$	5,229,000.00	\$	5,810,000.00
HRECR-1252-1AM	\$	5,859,000.00	\$	6,510,000.00	\$	(651,000.00)	\$	5,859,000.00	\$	6,510,000.00
HRECR-601	\$	729,000.00	\$	810,000.00	\$	(81,000.00)	\$	729,000.00	\$	810,000.00
HRECR-733	\$	1,809,000.00	\$	2,010,000.00	\$	(201,000.00)	\$	1,810,000.00	\$	2,010,000.00
HRECR-740-1AM	\$	2,889,000.00	\$	3,210,000.00	\$	(321,000.00)	\$	28,890,000.00	\$	3,210,000.00
HRECR-771	\$	2,439,000.00	\$	2,710,000.00	\$	(271,000.00)	\$	2,439,000.00	\$	2,710,000.00
HRECR-801	\$	2,979,000.00	\$	3,310,000.00	\$	(331,000.00)	\$	2,979,000.00	\$	3,310,000.00
HRECR-802	\$	2,619,000.00	\$	2,910,000.00	\$	(291,000.00)	\$	2,619,000.00	\$	2,910,000.00
HRECR-807	\$	2,439,000.00	\$	2,710,000.00	\$	(271,000.00)	\$	2,439,000.00	\$	2,710,000.00
HRECR-808	\$	2,439,000.00	\$	2,710,000.00	\$	(271,000.00)	\$	2,439,000.00	\$	2,710,000.00
HRECR-821	\$	2,979,000.00	\$	3,310,000.00	\$	(331,000.00)	\$	2,979,000.00	\$	3,310,000.00
HRECR-830	\$	3,609,000.00	\$	4,010,000.00	\$	(401,000.00)	\$	3,609,000.00	\$	4,010,000.00
HRECR-831	\$	2,709,000.00	\$	3,010,000.00	\$	(301,000.00)	\$	2,709,000.00	\$	3,010,000.00
HRECR-840	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-850	\$	1,989,000.00	\$	2,210,000.00	\$	(221,000.00)	\$	1,989,000.00	\$	2,210,000.00
HRECR-851	\$	1,989,000.00	\$	2,210,000.00	\$	(221,000.00)	\$	1,989,000.00	\$	2,210,000.00
HRECR-853	\$	2,619,000.00	\$	2,910,000.00	\$	(291,000.00)	\$	2,619,000.00	\$	2,910,000.00
HRECR-860	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECR-861	\$	1,269,000.00	\$	1,410,000.00	\$	(141,000.00)	\$	1,269,000.00	\$	1,410,000.00
HRECR-863	\$	2,439,000.00	\$	2,710,000.00	\$	(271,000.00)	\$	2,439,000.00	\$	2,710,000.00
HRECR-864	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-880	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECR-881	\$	1,269,000.00	\$	1,410,000.00	\$	(141,000.00)	\$	1,269,000.00	\$	1,410,000.00
HRECR-883	\$	2,439,000.00	\$	2,710,000.00	\$	(271,000.00)	\$	2,439,000.00	\$	2,710,000.00
HRECR-886	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00

HRECRC-902	\$	2,709,000.00	\$	3,010,000.00	\$	(301,000.00)	\$	2,709,000.00	\$	3,010,000.00
HRECRC-905	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECRC-906	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECRC-920	\$	2,979,000.00	\$	3,310,000.00	\$	(331,000.00)	\$	2,979,000.00	\$	3,310,000.00
HRECRC-921	\$	2,979,000.00	\$	3,310,000.00	\$	(331,000.00)	\$	2,979,000.00	\$	3,310,000.00
HRECRC-933	\$	2,709,000.00	\$	3,010,000.00	\$	(301,000.00)	\$	2,709,000.00	\$	3,010,000.00
HRECRC-940	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-941	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-944	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-945	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-950	\$	1,989,000.00	\$	2,210,000.00	\$	(221,000.00)	\$	1,989,000.00	\$	2,210,000.00
HRECRC-951	\$	1,989,000.00	\$	2,210,000.00	\$	(221,000.00)	\$	1,989,000.00	\$	2,210,000.00
HRECRC-953	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-960	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECRC-961	\$	2,079,000.00	\$	2,310,000.00	\$	(231,000.00)	\$	2,079,000.00	\$	2,310,000.00
HRECRC-962	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECRC-963	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-980	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-981	\$	3,339,000.00	\$	3,710,000.00	\$	(371,000.00)	\$	3,339,000.00	\$	3,710,000.00
HRECRC-983	\$	2,349,000.00	\$	2,610,000.00	\$	(261,000.00)	\$	2,349,000.00	\$	2,610,000.00
HRECRC-984	\$	2,259,000.00	\$	2,510,000.00	\$	(251,000.00)	\$	2,259,000.00	\$	2,510,000.00
HRECRC-PS1-1AM	\$	5,229,000.00	\$	5,810,000.00	\$	(581,000.00)	\$	5,229,000.00	\$	5,810,000.00
HRECRC-PS2-1AM	\$	5,769,000.00	\$	6,410,000.00	\$	(641,000.00)	\$	5,769,000.00	\$	6,410,000.00
RCLD-25	\$	3,050,000.00	\$	3,710,000.00	\$	(660,000.00)	\$	3,050,000.00	\$	3,710,000.00
IWDV-II-EHU	\$	136,000.00	\$	136,000.00	\$	-	\$	136,000.00	\$	136,000.00
Totals for 03/7/2012	\$	241,385,261.00	\$	272,247,838.00	\$	(30,862,577.00)	\$	266,805,492.00	\$	272,247,838.00
Totals for 2/8/2012	\$	33,211,366.00	\$	41,044,466.00	\$	(7,833,100.00)	\$	33,211,366.00	\$	17,332,593.23
Totals for 1/18/2012	\$	230,747,813.00	\$	244,764,244.00	\$	(14,016,431.00)	\$	329,944,614.23	\$	244,084,815.30
Totals for 1/11/2012	\$	77,590,904.00	\$	92,549,668.00	\$	(14,958,764.00)	\$	71,239,944.00	\$	92,549,668.00
Totals for 12/14/2011	\$	27,384,253.00	\$	31,143,110.00	\$	(3,758,857.00)	\$	27,032,050.00	\$	268,183.00
Totals for 12/7/2011	\$	46,165,733.00	\$	56,032,964.00	\$	(9,867,231.00)	\$	40,357,231.00	\$	56,032,964.00
Totals for 11/30/2011	\$	74,045,506.00	\$	113,265,689.00	\$	(39,220,183.00)	\$	65,334,025.00	\$	57,713,979.98
Totals for 11/16/2011	\$	28,200,432.00	\$	57,293,470.00	\$	(29,093,038.00)	\$	25,479,889.00	\$	57,293,470.00
Totals for 11/9/2011	\$	64,789,101.00	\$	68,855,543.00	\$	(4,066,442.00)	\$	59,073,582.00	\$	63,846,159.00
Totals for 11/2/2011	\$	22,659,413.00	\$	27,176,420.00	\$	(4,517,007.00)	\$	20,000,329.00	\$	27,176,420.00
Totals for 10/26/2011	\$	163,884,443.00	\$	229,949,534.00	\$	(66,065,091.00)	\$	155,706,959.00	\$	163,884,443.00
Totals for 10/12/2011	\$	102,565,931.00	\$	124,219,936.00	\$	(21,653,465.00)	\$	91,729,629.00	\$	1,072,192.35
Totals for 10/5/2011	\$	52,000,489.00	\$	59,929,053.00	\$	(7,928,564.00)	\$	50,875,257.00	\$	504,120.82
Totals for 9/21/2011	\$	164,340,877.00	\$	219,139,928.00	\$	(54,799,051.00)	\$	139,345,499.00	\$	219,139,928.00
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	\$	1,499,074,244.00	\$	1,859,365,466.00	\$	(351,431,010.00)	\$	1,513,166,917.23	\$	1,494,900,377.68

Annette,

So far this year(2011)the Market value decrease is (\$ 351,431,010) As of 03/7/2012

We have sent 2,128 appeals to the council for signature. That is 97% of the appeals.
 We have 2,178 appeals for 2011.



MEMORANDUM:

Date: March 7, 2012
To: Council Members
From: Annette Singleton
Re: Summit County Restaurant Tax Advisory Committee

Reappoint Brooke Hontz and Judith Schweikert to the Summit County Restaurant Tax Advisory Committee; both terms to expire July 31, 2014.

Appoint Jeff Ward to the Summit County Restaurant Tax Advisory Committee. (Jeff Ward is the member recommended by the Park City Area Restaurant Association.) Jeff Ward's term to expire July 31, 2014.



To: Summit County Council

From: Bob Jasper, County Manager

Date: Wednesday, March 7, 2012

Background: On Wednesday, February 8, 2012, the Council approved the 2011 RAP Tax Cultural Arts Committee recommendations as outlined. A second motion was approved to seek additional funds for the Park City Performing Arts Foundation.

Summary: Here are some funding opportunities the Council may consider:

- 1) The Park City/Summit County Chamber Bureau administers the Transient Room Tax (TRT) fund that support special events. From those funds, the amount of \$ 13,000 may be administered to the Park City Performing Arts;
- 2) Currently, the RAP collection period is August to July. The Council could extend that period to add additional funds;
- 3) The Council may award money from the Council contingency fund.

Recommendation: My recommendation is consideration number one, the council asks the Chamber Bureau for \$13,000 from the Special Event/TRT fund.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 8, 2012
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

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

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

- **Council Mail Review**

CLOSED SESSION

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

The Summit County Council met in closed session from 2:55 p.m. to 3:25 p.m. for the purpose of discussing property acquisition. Those in attendance were:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney
Rena Jordan, Snyderville Basin Recreation District
Bonnie Park, Snyderville Basin Recreation District
Senta Beyer, Snyderville Basin Recreation District
Jerry Kinghorn, Recreation District Legal Counsel

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

WORK SESSION

Chair Ure called the work session to order at 3:45 p.m.

- **Presentation by Utah Division of Wildlife of a payment in lieu of taxes; Justin Dolling; Northern Region Wildlife Supervisor**

Justin Dolling, Regional Supervisor from the State Division of Wildlife, presented a check to the Council representing payment in lieu of taxes for lands owned by the State Division of Wildlife located in Summit County. He reported that the Division owns approximately 12,000 acres of land in Summit County, and the payment represents 50 cents per acre, or approximately \$6,000. He noted that the revenue for the payment comes from the sale of hunting and fishing licenses.

- **Discussion regarding Village at Kimball Junction Rezone to Specially Planned Area and Development Agreement; Tiffanie Northrup-Robinson, Planner**

County Planner Tiffanie Northrup-Robinson presented the staff report and explained that the applicant and Staff have worked on this application for nearly three years. She reviewed the existing site and indicated the areas included in the SPA rezone. She presented the proposed site plan and indicated the location of the proposed Del Taco and 5,000 square feet of retail. Smith's is proposing an expansion to the front of their store and a fuel station. She indicated the location of a proposed financial institution, open space for a pocket park, and the detention area that would be rehabilitated and restructured for the affordable housing component of the project. The existing development includes about 153,000 square feet of commercial space, and the proposed SPA development contains approximately 51,000 square feet plus the affordable housing units. In previous SPA applications, Staff has used a Floor Area Ratio of 1,600 square feet to establish density. Using that ratio, the existing development is approximately 4.8 units per acre, with the additional square footage proposed in the SPA being 1.6 units per acre. She reviewed issues that were of concern and discussed by the Planning Commission as shown in the staff report. She reviewed alternatives considered for the affordable housing units to reduce impacts to neighboring properties and explained that Option 3 shown in the staff report was found by the applicant and the County Engineer to be the best location for the affordable housing. A major issue has been traffic impact mitigation, and the applicant has addressed how those concerns will be mitigated. They have been willing to come up with funding to help offset their impacts at what would otherwise be failing intersections. The Council of Governments has approved \$6,000 in funding to help with right-of-way acquisitions so the proposed roundabouts can be constructed. She noted that the roundabouts were already anticipated as part of the Snyderville Basin Master Transportation Plan. The applicant has agreed to pay the impact fees up front so construction can begin on the roundabouts.

Council Member Hanrahan asked how much roundabouts increase the ability to handle traffic. Kent Wilkerson with the County Engineer's Office replied that they would be looking at capacity issues on the roads within the next three to five years, and he anticipates the roundabouts will be a very long term solution, up to 2030 or 2040. He explained that, comparing a well designed signalized intersection with a well designed roundabout, there is a 90% reduction in fatalities with a roundabout.

Council Member Elliott recalled that the Public Art Advisory Committee has requested from the County for a long time that 1% of all projects to be given for display of public art. She believed the middle of the roundabout would be an ideal location for a large sculpture or public art that might relate to one of the companies in the proposed project. She stated that the Public Art Advisory Board would like the applicant to work with them to talk about beautifying the

roundabout. She stated that the applicant has used up everything in the intersection, and every square foot of land is allocated, so there is no place left besides the middle of the Smith's parking lot to put in a natural gas filling station. She believed they need to discuss how the applicant can provide a natural gas pump, because the County needs it, and they will need it even more in the future. Brett Wahlen, representing the applicant, replied that they looked at that. He indicated the location of the fuel center and stated that they did not believe they had adequate parking with the expansion to put the fuel center in the parking lot, but they have used up the room they have for the fuel center in its proposed location. Council Member Elliott stated that an MPD is a great place to erase property lines and do something creative, and the applicant has not erased a single property line. Mr. Wahlen explained that originally they only planned to expand the Smith's building by about 6,000 square feet and add a fuel center. They met with the County and asked what process they could use. Owners of several portions of this development were in lawsuits with each other, and the County told him that other property owners were also interested in developing, and the only way they could meet the SPA criteria would be to work together. They have worked on this for three years, and each owns their individual parcel. He indicated the parties involved and their properties and explained that tenants in some buildings have outstanding leases that require them to meet certain requirements. They have had to ask for concessions and have been able to get the parties to work with the redevelopment process. He explained that there is nothing more difficult than a redevelopment project, because they cannot just wipe the slate clean and bulldoze everything; they have to work with what they have in an economical way. He stated that the owners have come full circle and have become invested in creating a town center that is consistent with the elements at Redstone and Newpark. He explained that they have had hurdles they thought they could never get over and have finally been able to do so. He stated that it is a big challenge when they have existing leases and contracts and ownership issues. They would love to put in a natural gas station, but the compressor itself requires about a 40' x 60' area. Steve Sorenson with Smith's explained that they discussed a natural gas station with Questar, and Questar indicated that they needed about a 40' x 70' piece of property for the compressor, and it has to be above ground. He explained that they do not have any right to use the property adjacent to the proposed fuel center, and there was no room at the fuel center to include the compressor. He stated that he did not come up with those numbers; they came from Questar. Council Member Elliott stated that this is the only place in the highway corridor on I-80 where a natural gas pump can be located, and it is so important to her that, if they do not have a natural gas station it will be a deal killer for her. She suggested that the applicant get creative and find a way to figure it out. Mr. Sorenson stated that, if at some time there is more demand for compressed natural gas, he believed they would see natural gas fuel centers and perhaps eliminate gasoline fueling and figure out how to do natural gas. Questar continues to modify their equipment, but he does not have the space currently to provide the space they say they need. Perhaps that could change in the future, but due to economics, he could not eliminate the gasoline pumps and put in a natural gas station. He offered to get the name of the contact at Questar and let the County talk to them. Mr. Wahlen noted that there will be an electric car charging center in front of the store.

Planner Northrup-Robinson reviewed the pedestrian connectivity in the project. She recalled that a walkability study of Kimball Junction was done in 2008, and this was one area that had the greatest need for improvement. She indicated the pedestrian connections within the project and the connections to trails around the project. Mr. Wilkerson stated that when he did the 2008 connectivity study, he thought it would take at least 10 years before they could get this area connected for pedestrians, and this project has filled in a huge hole in that study.

Planner Northrup-Robinson addressed the issue of visibility and explained that the only portion of the project that will be visible from Highway 224 is the Del Taco. They have worked with the applicant to be sure the architecture is kept as low as possible to protect the view.

Council Member Hanrahan asked about snow removal. Mr. Wahlen replied that the shopping center as a whole will handle all peripheral sidewalks, and the individual parcels will deal with their own snow removal internally. He noted that the parking lot will be redeveloped in order to make the parking counts work for the tenants. It will be a major upgrade, including landscaping. Planner Northrup-Robinson noted that the Planning Commission was concerned about not wanting the detention basin filled with a huge mountain of snow. The applicants have agreed that the detention basin will be used for emergency snow storage only if there is a major event. Mr. Wahlen indicated the other areas on the site where snow can be stored.

Planner Northrup-Robinson explained that they have received input from the service providers a couple of times as they have gone through the process, and they have given their support for the project. Staff and the applicant are looking for feedback from the Council Members before holding a public hearing.

Council Member Hanrahan asked about the environmental enhancements provided by the applicant. Planner Northrup-Robinson indicated the proposed pocket park, car charging station at Smith's, green space, and improvements on the Uinta Way corridor. Mr. Wahlen stated that the roundabouts are probably the biggest element, and they have also added five outdoor plazas to the project. Another element they have included is the trailhead connection. He mentioned that Newpark and Redstone have created a lot of traffic congestion issues without adding capacity, which some applicants in this project found to be somewhat offensive. However, as they have worked through the process, they have found that it is important to have the roundabouts constructed, and they want them included in the development agreement. He commended Staff for continuing to work with the various entities involved and helping to keep them together. He noted that timing is critical, because they hope to start construction this summer. With the COG funding for the roundabouts, they will need to be ready for construction in June or July as well as projects within the development.

- **Notice of pending Annexation requests to Park City Municipal, Quinn's Junction Partners Parcel and Frank Richards parcel, 510 Payday Avenue; Kent Jones, Clerk; Don Sargent, Community Development Director**

County Clerk Kent Jones explained that when the County receives an annexation petition notice from a municipality, it needs to come to the Council so they know it is happening. If the County wants to protest it, they need to notify the municipality. No action is required unless they want to protest the annexation.

Mr. Jasper asked if the parcels annexed into the municipality would remain within the special service districts. Deputy County Attorney Dave Thomas replied that the parcels would remain within the service district unless the property owner requests to be de-annexed. If the properties complete their annexation into the municipality, they are annexed out of the County and into the city. However, the property owner must specifically annex out of any special districts of which they were a member, and they can only do that if there are no bonds outstanding.

- **Discussion regarding Eastern Summit County Planning Commission**

Chair Ure verified with the other Council Members that they will proceed as they have done in the past and continue to have seven members on the Eastern Summit County Planning Commission.

CONVENE AS THE BOARD OF EQUALIZATION

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

The meeting of the Summit County Board of Equalization convened at 4:52 p.m.

CONSIDERATION OF APPROVAL OF 2011 STIPULATIONS

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

DISMISS AS THE BOARD OF EQUALIZATION

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

The meeting of the Summit County Board of Equalization adjourned at 4:53 p.m.

REGULAR MEETING

Chair Ure called the regular meeting to order at 5:15 p.m.

- **Pledge of Allegiance**

APPROVAL OF COUNCIL MINUTES

JANUARY 18, 2012

Council Member Elliott made a motion to approve the minutes of the January 18, 2012, Summit County Council meeting with corrections. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0. Council Member Hanrahan was not present for the vote.

**ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO
FILL VACANCIES ON THE SUMMIT COUNTY FAIR ADVISORY BOARD**

Mr. Jasper requested the Council's consent to his reappointment of Farrah Spencer to the Summit County Fair Advisory Board, with her term to expire December 31, 2014, and to his appointment of Tassie Williams to serve the unexpired term of Jane Toly, with her term to expire December 31, 2013.

Council Member Elliott made a motion to consent to the appointments of Farrah Spencer and Tassie Williams to the Summit County Fair Advisory Board as recommended by the County Manager. The motion was seconded by Council Member McMullin and passed unanimously, 3 to 0. Council Member Hanrahan was not present for the vote.

**POSSIBLE ADOPTION OF RECOMMENDATIONS OF THE RAP TAX CULTURAL
COMMITTEE**

Chair Ure opened the floor to comments from the public.

Tom Fey, Chair of the RAP Tax Cultural Committee, commented that Council Member Elliott sent an e-mail about mathematically modeling the recommendations. He stated that he has an undergraduate degree in mathematics and a master's degree in finance, and he can work with numbers as well as anyone. However, the cultural committee's decisions are dramatically different from decisions the recreation committee makes. The recreation committee recommends capital projects, and the cultural committee recommends programming and overhead money. He noted that this is the tenth year of the RAP tax, and looking at what has happened in Summit County over that period, the landscape has changed dramatically. He reviewed a number of programs that did not exist 10 years ago and explained that they need to look at the various organizations, what they have done in the past, what they are trying to do in the future, and understand that there is a variety of organizations that require different types of decision making. It would not be easy to develop a mathematical decision rule, and the Council could try to put something like that together, but if that happens, it should start next year, so the organizations that write the grants understand what the decision rule will be. He explained that 2010 was a very different year for the RAP tax because the County got \$40,000 back from the Jazz Festival, and they chose to recommend that almost half of it go to Sundance because of its value to the County. Therefore, using 2010 as a base year for 2012 spending would not be an appropriate way to make the decision.

Council Member Hanrahan asked what the committee did with the other \$20,000 from the Jazz Foundation. Mr. Fey replied that it was spread across the other grant proposals.

Council Member McMullin asked if the committee divides up all the money or if they hold some back. Mr. Fey replied that, by law, they must divide up all the money and disburse it, and they cannot recommend to bond forward like the recreation committee. Council Member McMullin asked about categories of organizations that can apply for RAP funds. Mr. Fey replied that the State Code has five categories, such as music, dance, theater, and radio stations. The committee combines music, dance, and theater into one category of performing organizations when making its decisions.

Council Member Hanrahan asked if new organizations are requesting grants this year compared to last year. Mr. Fey replied that there were two new organizations this year, but neither of them qualified, because they were not 501(c)3 entities. Council Member Hanrahan apologized for not being in attendance last week when the recommendations were presented and stated that the concern he heard from that meeting was the decrease in funding for the Park City Performing Arts Foundation. He asked for the rationale behind that decrease. Mr. Fey replied that the issue raised by Council Member Elliott last week was about Sundance, not about the Park City Performing Arts Foundation. Council Member McMullin clarified that she raised concerns last week about KPCW receiving an additional \$20,000 and Park City Performing Arts Foundation being decreased by \$24,000. Mr. Fey explained that, in the case of KPCW, a couple of years ago the County granted money to the radio station for a variety of things, one of which was a research project. They started to do it and did not complete it. After consulting with County legal counsel, KPCW was asked to give the money back to the County, and they were penalized the following year because they did not spend the money for the purpose for which it was granted. This year the committee is trying to bring them closer to where they were in the past, because this year they are trying to focus on local programming. Their grant funding must go toward paying local people who do local programming, which must be documented with either a 1099 or a W-2 so it can be easily audited. The Performing Arts Foundation has gone over a transformation the last 10 years and has branched out into other programs, but those programs do not qualify for RAP tax funding. The committee felt that the best recommendation would be to pick something they do well, which is the outreach program to students, and that was their focus. They were also compared as a performing organization to Mountain Town Music, and they do 10% to 15% of what Mountain Town Music does in terms of concerts. They also compared them to the Utah Symphony and the number of performers who are involved in the Symphony. He stated that it gets down to something that is objective, and it is not an easy decision. It was the collective input from all the committee members that caused them to reach their conclusions.

Council Member Elliott stated that it is impossible to attach a bottom line return on investment to something that is emotional, and the decision has to be subjective. She did not know how they could do it mathematically.

Council Member Hanrahan asked if the comparison with Mountain Town Music and the Utah Symphony is based on the number of people the funding will impact. Mr. Fey replied that it is, plus the number of performers required to execute the programming, number of concerts, whether the concerts are free, and a series of other factors.

Teri Orr, Executive Director of the Park City Performing Arts Foundation, stated that the information from last week's meeting was confusing, because it appeared that her organization did not ask for as much money as they had last year and that they asked for something different this year than they asked for last year. Last year they asked for \$85,000 and were awarded \$64,000. This year, to better cover production costs, they asked for \$154,000 and were recommended for \$41,000. Prior to 2009, they received grants at about the \$75,000 level for five or six years. Ms. Orr stated that comparing organizations in the arts is a problem because they are all very different in what they present, which makes this a rich place to be and provides a great quality of life. Mountain Town Music's concerts are terrific and free and often local bands. The Performing Arts Foundation is the only entity in Summit County that brings in national touring performers year round in dance and theater. She noted that they did not ask for money for any of the programs that do not qualify, nor did they last year. She noted that their

compliance report shows that they serve thousands of students in Summit County from elementary to high school, but it was reported that their program only serves a handful of students at the high school level. She stated that they were always told, and it used to state on the application, that funds may not be used to subsidize tickets. They were also told that money could not be used to underwrite a specific performance, but those were used as arguments for why their request was not funded to a greater level than a different organization was. They also listed their benefits and talked about their ongoing outreach to the County in their compliance reports, and last year they donated \$120,000 worth of tickets to the underserved in Summit County. She stated that it appears from the public perception that they did not ask for the funds they needed so desperately this year, and nothing could be further from the truth.

Jenni Smith, a member of the Park City Performing Arts Foundation executive board, discussed the mission of the organization, part of which is to enlighten and illuminate, and that is the opportunity their student and community outreach gives to the community. She stated that last year political science students were able to sit down with Ed Asner and talk about how the political system works, which an experience that only a fraction of students in the country get to have. Other performing arts groups have gone into the classrooms, and those experiences broaden everyone's lives, because it enriches the students' lives and gives them a bigger world view. She wanted the Council to know what the student and community outreach program brings to the children and the underserved in the community.

Sarah West with the Sundance Institute explained that the Sundance Institute relies heavily on the RAP tax for their community outreach. She thanked the County for their continued support and for the current recommendation. She noted that she submitted a letter to the County Council last week asking them to consider sustaining their funding from 2010 to 2011 based on the increasing amount of impact the Sundance Film Festival had from 2010 to 2011 and the amount of sales tax the film festival generates in Summit County. Another reason for their request is the increased public programming Sundance offered to Summit County residents during those years. She acknowledged that a decrease in funding was recommended for the majority of applicants because of the overall decrease in RAP funding, but a few applicants received an increase in funding because they were able to provide additional outreach, and Sundance is providing additional outreach. With regard to Council Member Elliott's recommendation of a 2% cut for all recipients, she felt that would be fair and equitable. If the 2% is not put into effect, she would request that the committee grant \$77,000 to the Sundance Film Festival.

Larry Warren, General Manager of KPCW, commented that what makes this difficult is that these are all arts and cultural groups that are in a position of competing on friendly terms. However, because there are outliers, Council Member Elliott has proposed that they set aside the recommendations and use last year's recommendations. He did not believe that is the right precedent, because every year is different. Organizations need different funds because different things happen in different years. He stated that they made a case to the RAP committee, backed it up with documentation, and answered questions presented to them, and now they are at the end of the process. The proposal now is to set that process aside and apply last year's formula without considering what has happened to various arts organizations since last year. The formal name of the KPCW license is community licensee, but when he came in, the station was running a lot of national programming. Other stations can bring national programming to Park City, and KPCW has the need to be a community broadcaster. He returned the station to being a community broadcaster, which means they must staff everything they put on the air themselves,

except for the NPR programming they run mostly on weekends and the hourly news. He stated that they have expanded local programming by about 22 additional hours per week and had to hire people to fill those hours. Since they are trying to be local broadcasters and do what no one else can do for Summit County, they started broadcasting home and away basketball games for Park City High School. If the high school is in the playoffs, it will require expensive road trips to cover those games, which is an expense they have not previously incurred. Since 2010, the station has done more active outreach, such as the community forum. Since 2010 he has also assigned the program manager to revamp the music, which requires almost half the program director's time. They have also become a sponsor with the Egyptian Theater to bring live performances to the stage of the theater. Mr. Warren explained that they have also added live broadcasts partnering with Mountain Town Music of the free summer concerts at Deer Valley, which requires a high quality broadcast line and professional engineer whom they must hire at significant expense. They are also broadcasting the Utah Symphony concerts at Deer Valley. He explained that they submitted a grant application for telecommunications upgrades, because they still broadcast at 250 watts, which will not penetrate the wall of a building, and many people cannot get a signal in their homes. They also cannot broadcast in stereo because of the low wattage. However, these upgrades were taken out of the federal budget, and they will not be able to provide that upgrade. These are all additional things the station has been doing since the 2010 RAP tax recommendations. He stated that they touch people every day with local programming and are doing more things locally since the last appropriation of RAP funds. Going back to a previous formula would devalue all the work that has been done this year by people who have listened to them for quite some time and gone through the process and the documentation. The Council would essentially be saying that the process was fine in 2010, but the numbers changed in 2011 and the process did not work, so let's go back to last year. He hates to be pitted against other people who are his friends and provide a valuable service, but his job is to keep the station strong and make it stronger. Under Council Member Elliott's proposal, they would stand to lose at least \$18,000, which is money they absolutely need. They made their case to the RAP committee, and he is making an abbreviated case to the Council that they have changed considerably since the last RAP appropriations, which he believed should qualify them for more funding in the opinion of the RAP advisory committee.

Rory Murphy, representing the Sundance Advisory Board, stated that he has served on ranking committees, and it is hard work and takes a great deal of time. Any time they carve up a pie, someone feels like they did not get the slice they deserve. He explained that this year Sundance expanded their sponsor categories to the host state, which means that every piece of literature that went out listed every funding organization in the State of Utah. This is Sundance's recognition of the importance of the relationship they have with local funding organizations. He stated that the international market Sundance reaches is unparalleled, and it would be difficult to quantify the impact it has on the community. He commented that it is discouraging that they made the leap to be the host state this year and received less money. He acknowledged that there were fewer funds available, but the issue is that the cutbacks were not across the board, and when they go back to the people who make decisions regarding Sundance who are not in this community, they have to explain why their support is slipping and why it happened this year. He acknowledged that not a huge amount of money was cut, but the fact that it was cut and others were increased is significant. He addressed the perception that Sundance is a rich organization and stated that they certainly are not. All the money that comes in is spent, most of it on the two weeks of the festival, and the money that comes in from local organizations has a huge effect on their budget. He expressed appreciation for the RAP tax committee and the work that they do.

Dianne Walker, a member of the RAP Tax Cultural Committee for 10 years, commented that the Council has heard three presentations this evening, and the committee heard 17. They read all the applications and spent more than six weeks on the process. She pleaded with the County Council to not throw out all the work they did and go back to 2010 and apply a calculation to it. If that is the case, they do not need a committee, they just need a calculator. She stated that they have worked very hard to do this and to be responsible.

Council Member Hanrahan asked Mr. Fey to respond to the comments this evening by those who were unhappy with this process. Mr. Fey acknowledged that Sundance did get a reduction in their recommendation, but it was no greater than the total pool reduction. When the committee reviewed their grant application, they did not know they would do the additional outreach they did, and that should influence the committee next year as they make their decisions. He hoped they would have more money next year, which would make their job easier. This year they had grant requests for \$1.2 million and only had \$700,000 to recommend, which is very difficult. He acknowledged what the County Council went through in the budget process. He recalled that the reason they are having this meeting in February rather than in December is that the committee submitted its recommendation at the normal time, and the recommendations were published. Then the committee was asked to consider setting aside \$35,000 to help pay for the County Historian. He agreed to work with the Council on that budget concern, and the committee was asked to pull back its grant recommendations, which delayed the RAP process. Then the County found money for the Historian in the Transient Room Tax, and he learned that the RAP tax funding would stand at \$714,000. The next day he e-mailed the recommendations back to the County. With regard to the Park City Performing Arts Foundation, he stated that he re-read their grant request this afternoon, and they did ask for money to support two programs, but they were not as specific as some organizations have been in prioritizing their programs depending on how much money they may be granted. The committee chose the outreach program, because they felt it was valuable for the student population

Council Member Elliott stated that this is her seventh year of approving RAP committee recommendations, and she has never questioned them before. She stated that things seem to be out of kilter this year, and she was sorry that she caused so much confusion, but she was glad that everyone is thinking harder about it. She commented that it is painful to change and to question. She was not happy with the recommendations that were made to the Council, and she did not believe anyone was happy with her recommendation that they apportion the loss over all the applicants and go back to the 2010 recommendations. She did not believe there was a way to make everyone happy, and she was unsure what to do.

Council Member Hanrahan commented that all of these entities know each other and partner with each other, making this is a difficult situation. He believed the committee had done a good job, as they do every year, but there seem to be outliers this year that he has not seen in the last few years which make him uncomfortable with the allocations. He believed KPCW has done a phenomenal job, but that is not the point. Every organization has made changes in the last year and would do the same thing if they had additional funds to do it with. He stated that he does not know the answer.

Council Member McMullin asked if there is other money in the RAP Cultural Arts fund or any other money they could use. Mr. Jasper replied that they look at how much money is in the bank on July 31 for the RAP allocations. Money has come in since then, and if the Council were to use money that is in the bank now that has accrued since July 31, they run the risk of having less money next year. If they want to take money out of the bank now, perhaps they could approach next year's grants a little differently. He would like to move toward the concept of the County buying a service with RAP tax grants, and they have started to do that. He suggested that the Council discuss that and perhaps develop some criteria for what they would like to see done.

Council Member Elliott suggested that they pull \$13,000 from the TRT fund, because all of the organizations except Arts Kids have a tourism component. Mr. Jasper stated that he would prefer to take the money out of the RAP fund and work with the committee next year to make some adjustments.

Council Member McMullin stated that the dissatisfaction with the recommendation appears to be with the outliers. She did not believe decreasing the Park City Performing Arts Foundation by \$24,000 was justified, and she would like to see that number go up. Council Member Hanrahan agreed, stating that he would not want to take funding from KPCW or any other group, but he disagrees with the reduction in the Park City Performing Arts application.

Chair Ure questioned what he knows that would be sufficient to overturn the committee's recommendation. He has long fought for the process, and although there are losers, there are also winners. He believed taking additional money out of the fund would subvert the process. If this debate had occurred six months ago, he was not sure the vote to extend the RAP tax for another 10 years would have passed, because he believed the citizens would be upset to see them take money from next year's funds and short themselves for next year and to see that they have not disciplined themselves to live within their means. If the Council is not happy with the process this year, they should have the committee meet with them and change the process for next year. He stated that he does not know enough tonight to understand where to put the \$13,000 if they were take it out of next year's funds. He did not believe he had a choice other than to go with the committee's recommendation.

Council Member Elliott made a motion to apportion .98% to the 2010 funding and give an equal portion across the board on the 2010 funding, rejecting the 2011 recommendations, making the 2010 stand with .98% reduction because they have less money, and asking the committee to put together a matrix that provides a measurable way to quantify every application. The motion died for lack of a second.

Council Member Hanrahan stated that he wants to endorse the committee's work and the process for everything except the Park City Performing Arts Foundation. He stated that he has not heard a good rationalization for why that program was cut. The best compromise he could come up with would be to keep these recommendations, pull some money from the current RAP account, and put it toward the grant for the Park City Performing Arts Foundation. Council Member Elliott asked if he would be willing to restore the \$77,000 of funding to Sundance at the same time. Council Member Ure replied that he would not, because he believed they had heard a good rationale for why that funding was reduced, because they received \$20,000 last year from the \$40,000 that was returned by the Jazz Foundation, and he agrees with the rationale. Council Member Elliott claimed that the math is faulty. Council Member McMullin noted that she would

have to recuse herself from a decision regarding the funding for Sundance. Council Member Hanrahan suggested that they approve the recommendation of the RAP Cultural Arts Committee and determine as a Council at a later date to fund an additional amount for the Park City Performing Arts Foundation. Chair Ure stated that he would like to be able to vote to approve the committee's recommendation. However, he did not support the idea of taking money from next year's RAP funds. He suggested that Council Member Hanrahan split the motion so he could vote on at least the recommendation of the RAP committee.

Council Member Hanrahan made a motion to approve the RAP Tax Cultural Arts Committee recommendations as outlined. The motion was seconded by Council Member McMullin and passed by a vote of 3 to 1, with Council Members Hanrahan, McMullin, and Ure voting in favor of the motion and Council Member Elliott voting against the motion.

Council Member Hanrahan made a motion that the Council research and review finding and providing additional funds for the Park City Performing Arts Foundation program that was not funded in the RAP Tax Cultural Arts Committee's recommendation. The motion was seconded by Council Member McMullin and failed by a vote of 2 to 2, with Council Members Hanrahan and McMullin voting in favor of the motion and Council Members Elliott and Ure voting against the motion.

Council Member McMullin suggested that they do three motions, including one for the Performing Arts Foundation and one for Sundance. She stated that Council Member Elliott held the motion for the Performing Arts Foundation hostage because Council Member Hanrahan refused to include Sundance in the motion. Council Member Hanrahan stated that he does not operate that way. He makes motions that he thinks are right, and he does not hold out his vote for something else. Mr. Thomas clarified that Council Member Hanrahan has already made the motion regarding the Performing Arts Foundation, so he cannot make the same motion again.

Council Member McMullin made a motion to look for additional funding for the Park City Performing Arts Foundation. The motion was seconded by Council Member Elliott and passed by a vote of 3 to 1, with Council Members Elliott, Hanrahan, and McMullin voting in favor of the motion and Council Member Ure voting against the motion.

Council Member Elliott made a motion to give direction to the RAP Tax Cultural Arts Committee to take on volunteers from the community who have had experience working with other non-profits to help them come up with a question formula and a grant format that will allow them to create a more metrical and numerical quantification for their decisions. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.

Council Member McMullin suggested that the committee reconsider the percentage of operating budget they are willing to fund for applicants, noting that 35% seems quite high. She also suggested that they look at the degree to which an organization's survival rests on a grant, which may suggest that the organization might not be sustainable. She stated that grants are not something organizations should rely on in order to survive, because grant money could go away for any number of reasons. Mr. Fey requested that the Council give any relevant input to Assistant Manager Anita Lewis, and they will begin the process of reviewing their procedures.

Chair Ure requested that the Manager come back within the next 30 days and report on the second motion that was passed.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION #2012-3 APPOINTING THE DESIGNATED COUNTY PLANNING OFFICIAL FOR THE SUMMIT RESEARCH PARK

Chair Ure asked what would happen to the appeal process if the Manager is appointed as the designated official for the Summit Research Park. Council Member McMullin explained that, under the development agreement process, the Manager would never be the appeal body. She explained that this would cure the situation of people being unhappy that the Community Development Director is the designated planning official under the development agreement. Chair Ure stated that he has a hard time believing they should do this, because they have a Community Development Director, and he did not like the idea of blurring the lines. He stated that he would like to discuss this in a closed session to address personnel issues.

Chair Ure postponed this item until February 15, 2012.

MANAGER COMMENTS

Mr. Jasper reported that he met with the gentleman from Pinebrook Cottages who had concerns about damage done from pushing snow in the right-of-way and agreed to provide about \$2,000 to help repair the damages.

Mr. Jasper stated that he was surprised by the Talisker proposal, and he will have a work session on that issues and will not be bound by Talisker's schedule.

Mr. Jasper reported that the bookmobile vendor has agreed to trade in the bookmobile for a new model, and the one they will receive should not have the problems they have experienced with the current bookmobile.

Mr. Jasper reported that he had an extensive meeting with Service Area 3 and is suggesting that the service area give the County their revenues that are dedicated to roads, and the County will use that to fix the roads. If further help is needed, the service area may have to raise taxes or assessments. The County will assess the situation and set priorities and use the money generated by the service area more efficiently. The County will make sure that it is done right, but the Service Area will have to pay for it. He noted that one board member kept talking about horse trails, and he does not mind connecting them with the Recreation District, but the roads are in desperate need of help, and that is the first priority. Council Member Hanrahan explained that

they also need to discuss who will take care of the weeds on those roads and clarified that he is asking whose responsibility it is to spray for weeds on private roads.

Mr. Jasper suggested that, if the Council is going to look at property for a cemetery as an alternative to the PRI property, they should select a Realtor to help them. They will have to determine what kind of property they are looking for and how many acres. Council Member Elliott stated that she would like to look first at all the parcels available on the PRI open space. Mr. Jasper explained that he is just suggesting that they look at options, and in the meantime they will proceed with creating a cemetery district. Council Member Hanrahan asked if anyone on the Council is opposed to placing the cemetery on the PRI parcel, and if not, he believed they should just plan for it to be there. If they find out differently from the public at the public hearing, they could look at other land. The other Council Members concurred with Council Member Hanrahan.

Mr. Jasper stated that he wants to be sure he understands what changes the Council Members want to make to the County Charter. It was his understanding that the changes included lawsuits and disposal of real property. Council Member Elliott stated those are the two things she does not like about the Charter, and other things she does not like are mandated by State law, so there is nothing they can do about them. Mr. Jasper stated that he would like to have authority to settle disputes up to a certain amount, and he does not want to have to settle highly explosive land use disputes. Council Member Hanrahan commented that Mr. Jasper has done a good job of settling disputes so far, and five part-time Council Members without the expertise of a County Manager should not be settling those suits. He would agree to ask the Manager to do the negotiations and bring the issue to the Council for final approval. Council Member Elliott stated that she would agree with advice and consent for both areas. Chair Ure suggested that they watch Salt Lake County and see what is happening with regard to their budget process. Council Member Elliott suggested that they watch State law to see if they need to change their Charter. Council Member McMullin recalled that the changes to the Charter are a big issue for Council Member Robinson, and she believed they should discuss them when he can be part of the discussion.

COUNCIL COMMENTS

Council Member Hanrahan reported that the Health Board met and passed a resolution opposing HB 313, which they believe would countermand the existing State statute that tells health boards to provide public health for the counties. The bill would remove local control from the local health boards. He requested that this item be placed on the next agenda and that the Council also adopt a resolution opposing the bill.

Council Member Elliott reported that the Public Arts Advisory Board met and talked about the wonderful things they have done so far.

The County Council meeting adjourned at 7:10 p.m.

Council Chair, David Ure

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, FEBRUARY 15, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session from 1:30 p.m. to 2:10 p.m. to discuss personnel. Those in attendance were:

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

Robert Jasper, Manager
Dave Thomas, Deputy Attorney
Brian Bellamy, Personnel Director
Annette Singleton, Office Manager

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

WORK SESSION

- **Council Mail Review**
- **Interviews (11) for vacancies on the Snyderville Basin Planning Commission**

The Council Members interviewed the following candidates for three positions on the Snyderville Basin Planning Commission:

Colin Deford
Theron Miller
Chris Hague
Steve Dowling
Joel Fine
Greg Lawson
Brooks Robinson
Chuck Klingenstein
Don Jacobs
Mohan Poluvan
Martyn Kingston

Questions included time commitment, the biggest issues facing the Planning Commission, how they would respond if the County Council were to overrule a recommendation from the Planning Commission, what skills they would bring to the Planning Commission, and how they would work as a team player on the Planning Commission.

- **Discussion regarding the Stone Ridge CORE rezone. The proposal includes approximately 230 units on the 307.584-acre parcel and approximately 72 workforce housing units, 158 market units, and 244 acres of open space and trails; Amir Caus, Planner**

County Planner Amir Caus presented the staff report, indicated the location of the proposed project, and provided a background of the parcel, noting that a portion of the parcel was identified in 1998 General Plan land use plan as being appropriate for clustered development. Current base density for the property is between 8 and 11 units, minus the church parcel and existing residence. The applicant is proposing 230 units of residential development through the CORE program. A sketch plan application was received in the spring of 2009, and on January 12, 2012, the Snyderville Basin Planning Commission forwarded a positive recommendation to the County Council for the rezone and a positive recommendation to the County Manager for the major development.

Council Member McMullin asked at what point in the process an application is considered to be vested under a certain process. Deputy County Attorney Dave Thomas explained that State statute states that local government determines by its ordinances what it considers to be complete as far as a project moving forward. The County ordinance states that the decision is to be made by the Community Development Director once an applicant has provided enough information in good faith to determine whether the application complies with the County's rules. At that point the application is vested to go through the process. Community Development Director Don Sargent explained that the sketch plan was submitted in spring of 2009, and Staff continued to meet with the applicant and update the plans and application. The applicant reconsidered some aspects of the development proposal, and soon after, a new applicant's representative presented the same application, and the process continued to move forward. Soon after Staff received the sketch plan and went through the initial public process with the Planning Commission, the application was determined to be complete. The latest application is a continuation of that with some modification and is considered to be a continuation of the completed application submitted in 2009. Council Member Elliott verified with Mr. Sargent and Mr. Thomas that the application becomes vested, not the person or the entity involved.

Planner Caus reviewed the history of the units proposed from the time the plan was originally submitted to the current date. He explained that the applicant has applied for a CORE B Rezone, at a density of 1 unit per acre. CORE B has a 100-acre limit, but if more than 80% of the parcel is preserved as open space, the 100 acres can be exceeded, and the current proposal provides 81% open space.

Council Member McMullin asked if it is Staff's position that, once the applicant provides more than 80% open space, the number of acres is infinite. Planner Caus replied that it is based on how the language is written in the Code. Council Member McMullin asked if Staff believes the word "can" is the same as "shall." County Planner Kimber Gabryszak replied that it is not necessarily; however, the Planning Commission made the interpretation that the application complies with that possibility, and the applicant could move forward with all 300 acres. Council Member Elliott stated that she wanted to have a more lengthy discussion about that issue.

Planner Caus noted that at a ratio of 1 unit per acre, the potential maximum number of units would be 307, and the applicant is proposing 230 units. The methodology approved for calculating maximum density by the Summit County Council during a previous CORE project was accepted as a policy. The method is to identify neighborhoods surrounding the project, identify the densities, average them, and double that amount. He presented the density calculation for this project. He reviewed the process for processing this rezone and major development application and noted that the project must be specifically designed as approved. The ratio of workforce housing to market-rate housing is 1:1.5, which equates to 92 workforce unit equivalents (WUEs) to 138 market-rate units. With the larger sized workforce units proposed, there would be 72 physical units, for a total of 228 physical units, not including the existing church and single-family residence on the property. With regard to integration of workforce housing units, the majority of the density is on the eastern portion of the property, and Staff supports that design because that area is closer to transit and amenities. Planner Caus reported that the County Engineer and Fire Department require road access through the entire property. Neighbors to the north have expressed support, because it would relieve some of their traffic concerns, and neighbors to the west have expressed opposition to the access road. A traffic study was submitted and reviewed by the Engineering Department, which determined that the Level of Service (LOS) would not be reduced below LOS C, which is the County standard. Traffic calming measures have been recommended to mitigate some of the traffic impacts.

Council Member McMullin asked about the current LOS on the roads. Kent Wilkerson with the County Engineer's Office replied that the roads are currently at LOS A. Only one road near Silver Summit Parkway would drop by one LOS, and for the most part, traffic would remain at LOS A throughout the area. He noted that existing volumes on the roads are very low.

Council Member Hanrahan asked how the engineers were able to determine where traffic from this development would go. Mr. Wilkerson explained that the traffic report in the packet shows the percentage split going in various directions. About 80% would go to Highway 40, about 8% toward Highland Drive and Old Ranch Road, and about 5% down Old Ranch Road toward Highway 224. Council Member Hanrahan asked how those estimates are made. Mr. Wilkerson explained that estimates are done by the applicant's traffic engineer, and he reviews them and applies the County's travel demand model. He explained that they look at where the attraction is, where people are trying to go, and then pick the fastest route from the project to that point.

Planner Caus presented a site plan showing the proposed open space for the project and the 30% required open space. He also presented a visual analysis showing the visibility of the homes on the proposed lots. He explained that the Planning Commission reviewed potential road alignment for the Old Ranch Road access, and the County Engineer's Office recommended that the access be located at the southernmost portion of the development parcel. Staff and the applicant have worked with the trails team of the Snyderville Basin Special Recreation District to review the trails connections on the property. The applicant provided an updated wildlife study in 2011, and the Division of Wildlife Resources recommended additional mitigations and indicated that they would prefer that the elk population decrease because of the increase in traffic-related accidents on the freeway and because of disease in the herds due to their close proximity to each other. The Snyderville Basin Planning Commission determined that all 17 criteria have been met and forwarded a positive recommendation. Staff recommended that the County Council discuss the project and provide direction to the applicant regarding additional information needed or project revisions.

Council Member Elliott stated that she was on the Board of County Commissioners when CORE was approved, and she has asked several people if they ever envisioned that CORE B could be larger than 100 acres. She stated that no one ever imagined that it could be larger than 100 acres. She believed part of the problem with the project is the legal interpretation, because she did not believe this was ever the intent, and certainly it was not her intent. She believes workforce housing needs to be clustered near facilities and services, not spread out all over the hillside. From reading the packet and past history, she would be unwilling to grant more than 100 acres in one CORE Rezone. She did not believe the legal interpretation that it covers the entire property is a good interpretation and was not the intent when the legislation was passed. For that reason, she believed it was inappropriate to give CORE Rezone to the entire property and spread it across the hillside. She believed it would be appropriate to have a few additional houses on Old Ranch Road, but it was unacceptable to her to run a road over the top of an elk transportation route. She asked the applicant to choose a 100-acre CORE B near Silver Summit where it is closer to services and stick with that and apply the base density of 1 unit per 20 acres over the rest of the property. She noted that Old Ranch Road was not envisioned to ever have public transit, and it is inappropriate to put affordable housing in a CORE Rezone that was never envisioned across Old Ranch Road. She explained that her primary concern is with the choice of the type of CORE and running the road over the top.

Planner Gabryszak explained that there were discussions throughout adoption of the CORE process concerning the size of property that could apply. Much of the discussion had to do with the few large pieces of property in the Snyderville Basin, and the Planning Commission and County Commissioners were concerned that, by not providing an option for larger properties, those property owners would be excluded from consideration for a CORE application. She reviewed several other properties that well exceed 100 acres in size at the time CORE was adopted and could have been considered for the development of affordable housing. At the time, it was discussed that those property owners could apply for development under CORE on 100 acres, but the question was whether it would be considered if they could only apply for 100 acres. Language was included that would allow these larger parcels to apply for CORE but try to limit their impacts by increasing the open space requirement to 80% so development would not sprawl, and impacts of development would be limited to only 20% of the property. Therefore, they could master plan the entire larger parcel but limit the impacts to 20% of the developable area. She reiterated that these properties were discussed through the process.

Chair Ure verified with Planner Gabryszak that the 80% open space on the applicant's property was calculated on the entire property. Planner Gabryszak clarified that the 80% open space does not have to be 80% meaningful, contiguous open space. It can include parks and other internal open space and is calculated on the entire property. Council Member Elliott stated that she has no memory of discussions about large parcels. Council Member McMullin stated that she was on the Planning Commission, and her memory was that CORE was to be low density to high density, with CORE A at 75 units, CORE B at 100, CORE C at 100, CORE D at 150, and CORE E at 200, and they had no thoughts whatsoever of coming up with three times what they envisioned. She asked why they would have had a CORE B that would go to infinity when CORE A was limited to 150. She stated that there is no way when she did this in 2008 that she thought she was doing that.

Council Member Hanrahan commented that it almost does not matter, because it is within the purview of the County Council to determine whether this property is rezoned. Council Member McMullin noted that CORE presupposes the need for affordable housing. The County does not have evidence that there is an affordable housing backlog, which was the basis of CORE in the first place, and they have had evidence in the past month that there is no backlog and that the 2006 study was flawed. She believed the Council has the discretion 100% to use that as justification for making a decision.

Mr. Thomas explained that it is within the Council's discretion, but they need to have reasons for making their decision so that it is not arbitrary and capricious. The 2006 needs assessment is the basis for the CORE Rezone, and the numbers prepared by Staff show that, according to the 2006 needs assessment, there is still a deficit. The Council may disagree with that, but that is what the County has adopted, and at the time this application was vested, that needs assessment was in place. As a result, the County must adhere to that needs assessment for this project. For future projects, if the County comes up with a new needs assessment or a new affordable housing program, those projects will be subject to that needs assessment. In terms of this project, the 2006 needs assessment applies, and State law is very specific about the fact that the County must follow its own rules. If the County made that as the rule, they must follow that rule, even though they may now disagree with the conclusions of it. State statute says that, as part of its moderate income housing plan, the County must have a needs assessment and then implement it through an ordinance to satisfy it. In Summit County's case, that was CORE. The needs assessment can be updated, and then the affordable housing program can be updated. The County adopted the 2006 needs assessment, adopted CORE to satisfy it, and it has not been updated. This application came in under the CORE and the 2006 needs assessment, and once it was vested to go through the process, the County cannot change the rules on the applicant midway through the process.

Council Member McMullin asked why the Code says the Council retains the right to use its discretion to say no if that is considered to be arbitrary and capricious. Mr. Thomas replied that it is a balancing test. On a pure rezone, the Council has an enormous amount of discretion. In this case, they are penned in a little bit because the moderate income housing plan comes into play in addition to the rezone. Part of the moderate income housing plan is to use this rezone as a method to take up deficits in terms of affordable housing. When they adopted the CORE, the Council put some restrictions on themselves with regard to the rezone. They have discretion, but they have to have good reasons to not follow the CORE or the 2006 needs assessment, something more than just saying they do not like the 2006 needs assessment.

Council Member Elliott stated that she has been passionate about creating affordable since she was elected in 1989, and they have not solved the problem or built the housing they were required to build by the 2006 needs assessment. She believed there was still a good amount of validity in the needs assessment, and she wanted to see a CORE Rezone built in this location, because the intersection of Silver Summit Parkway, Highland Drive, and Highway 40 is an ideal place to put it. It has services and meets some of the criteria for CORE. She just believed the applicant was overdoing it. She did not agree with the applicant defining meaningful open space as lots that are owned by individuals. She stated that a meaningful wildlife corridor is not crossed by a road and needs to be contiguous, so if there is a road through the project, she would vote against it. She also would not agree with including three times the density that was envisioned for CORE B, but one pod of CORE B by the road would be fine. She stated that she loves townhomes, but there is a provision in the CORE language which says the houses must be similar in type and style, and she strongly disagreed with Deputy Attorney Jami Brackin's notion that they can put townhomes in a place where there is not a townhome within three miles.

Chair Ure stated that it was his understanding that the through road was required due to Fire District requirements. Council Member Elliott claimed it was because of the density that is scattered all over the parcel that is not valid to begin with. Chair Ure verified with Council Member Elliott that she was saying that the applicant should do away with the density so the through road is not required. Council Member Elliott stated that she did not believe the CORE Rezone ever envisioned being three miles from the nearest bus on Old Ranch Road, and that is nonsense. The interpretation that they could stretch one pod of CORE density out over 300 acres never entered her mind. As far as she could remember, it never entered her mind that this would be a possibility and that in a place with separate, single-family homes, they would cluster a dense pod of townhomes, which does not make sense to her in this location. She also did not believe the open space was meaningful.

Council Member Robinson stated that he views this as an opportunity to give Staff and the applicant feedback. His first question is whether there is a need for this. He requested that Mr. Thomas provide the specific Utah Code Annotated sections that relate to the needs assessment and how it became enthroned until it is dethroned by some act of the Council. He noted that this application has generated a lot of controversy among the public, almost universally negative, and if there is not a compelling need, he would not want to approve it. He recalled that they have had various accountings of how many units of workforce housing the Council has authorized, and the staff report differs somewhat from the accounting he has seen in terms of how the Silver Creek Village is accounted for. He commented that the notion of an affordability index and the needs assessment discussion of a projected trend of growth in the area have been derailed by the recession. He believed it was vague as to whether a need exists and the legal requirements for the County to meet an existent or non-existent need, as the case may be. Other questions include the effect of CORE on the General Plan, which controls the idea of a graduated CORE and whether any one of them could break out of that order and exceed the limits that have been discussed. With regard to the open space count, if they take the position that they can increase CORE B over 100 acres, he believed it is in the Council's discretion to determine what meaningful open space is, and open space on a parcel owned by an individual is in a different category of open space than what is being accounted for in order to reach an 80% threshold. He stated that he would like a more detailed accounting of the open space. He wanted to discuss the townhome versus single-family dwelling equivalency. He also recalled that there was to be no LOS reduction caused by the project on surrounding roadways, and he believed that also needs

further discussion. With respect to roadways, there appears to be an issue where the County Manager is requesting that the roads be public, and the applicant is requesting private roads.

Council Member Hanrahan commented that he believed the additional 50% of open space, above the 30% required meaningful open space, is considered to be a community benefit. Therefore, the applicant is allowed to have increased density. He asked if his understanding of that is accurate and whether a 5% increase in open space equates to 130 additional units. Council Member Robinson agreed that a community benefit is associated with increasing the open space to 80%, and he believed the Council needs to weigh whether that community benefit justifies the impact on the surrounding area.

Council Member Robinson commented that the connection between Silver Summit Parkway and Old Ranch Road is a two-edged sword. On one hand, the neighbors around Trailside, Mountain Ranch Estates, Highland Estates, and Silver Summit Parkway would welcome the relief that would come from that connection, but the Old Ranch Road neighborhood would not want that. The Engineering Staff has highly advocated for it, and it creates a situation where the path of least resistance would connect a lot of neighborhoods. He was not certain whether the traffic study adequately assesses the non-site-specific impacts. He felt there was a question as to whether the meaningful open space would be deeded to the County and whether the affordable housing is sufficiently integrated into the project. He recalled that on the Discovery CORE, the County Council came up with an averaging formula, and the compatibility language can create disparity when it is applied to neighborhoods that are vastly different.

Chair Ure stated that he understood the calculation used on the Discovery CORE was to be used only on that development and would go no further than that. Council Member Robinson agreed that was what they were told, and perhaps that was because it was assumed that the CORE B would be limited to the maximum of 1 unit per acre, and no amount of averaging would result in anything less than that. Council Member Hanrahan stated that it was his recollection that it would be precedent setting for the two existing applications, but it would not come into play on this project because it is a CORE B rezone and the maximum density is 1 unit per acre.

Council Member Hanrahan noted that Criterion 10 states that, if there is a reduction in Level of Service of roads, that reduction shall be mitigated by the project. He was not sure whether there are traffic mitigations for the decrease from LOS A to LOS C. Mr. Wilkerson clarified that the language states “no reduction in Level of Service.” His original review was that, as long as the LOS was above C, it would be fine. However, the CORE goes from the County standard of LOS C to no reduction in service. He interprets that in terms of more than just traffic, and he has to look at all services associated with the project. He agreed that there will be a reduction in LOS, but it would be minimal, and mitigations can be provided to offset the LOS, which the traffic study provides for through turn lanes off of Silver Summit Parkway, traffic calming, and accommodations for other users such as pedestrians and equestrians. He noted that it says mitigation, not that mitigation must be proportional to every little incidental element, and the applicant is providing mitigations for the LOS impacts.

Council Member Robinson stated for the record that he lives in the vicinity of the proposed project, and some people have suggested that he should not participate in these discussions. He stated that he has no direct financial interest in this project, and he believed he could be objective in reviewing it.

Council Member Hanrahan asked Mr. Thomas if the Council's options are to accept the application as it has been presented, deny the application, or negotiate a different application. Mr. Thomas clarified that the Council can approve, deny, or approve with conditions where they could change things, such as approving a certain number of units under certain conditions and for certain reasons that fit within the needs assessment and ordinances.

Greg Lawson, representing CAGE, explained that they are working on a presentation and wanted to have time to see what issues may be most important to the Council. He noted that another work session is scheduled for February 29 and a public hearing for March 21, and he wanted to confirm that they would be able to make a presentation at the public hearing. He requested a 15-minute block of time to make their formal presentation, even if it means individuals from the neighborhood have to give up their time. Chair Ure agreed to allow CAGE 15 minutes to make a formal presentation. He asked Mr. Lawson to inform the members of CAGE to not come up and repeat what has been said in the presentation and to respect the process.

Council Member Hanrahan noted that he would be out of town on March 21 and requested that the public hearing be held on a date when he could attend.

Mr. Lawson presented a preview of the residents' concerns for more than three years. He stated that, given the fact that there has not been any movement on the developer's part to make any alterations in the plan, they would like to make a thorough and complete presentation dealing with the General Plan and whether or not it is advisory or regulatory. There are opinions from other attorneys and the State Ombudsman's Office that the General Plan, particularly related to CORE, is regulatory. He stated that they have serious concerns about the CORE Rezone provisions being consistent with the General Plan and Development Code, particularly rezoning the project under the CORE requirements. He commented that there are also compliance issues with the CORE Zone, such as compatibility, appropriateness, traffic considerations, and the fact that the project spans two very different neighborhood planning areas with different goals, objectives, and characteristics. He stated that they want to make the case that this project is in two different neighborhoods with two different compatibility issues, two different appropriateness issues, and traffic is a major concern. He stated that the fact is that neither side of the development area wants the through road, but the need for it results from the number of units and the size of the project. He stated that the neighborhood plan spells out that no additional major road connections would be allowed onto Old Ranch Road. Mr. Lawson stated that they would like to take some time in their presentation to discuss the impacts of this project, which is being maxed out on 300 acres, and they barely meet the 80% requirement. He commented that 80 acres or more of the project is on 30% slopes or greater, and the meaningful open space definition in the General Plan only allows for 25% of critical lands, with 30% slopes being considered critical lands. He stated that roughly 100 acres is zoned Rural Residential, and the remainder is zoned Hillside Stewardship, which is comprised primarily of slopes 20% and greater. The fact that the applicant is treating this as though there are no physical constraints to development has been ignored by Staff, and CAGE would like to present their analysis of what road development on slopes 20% and greater means in terms of impacts. They are concerned about how the project would be phased and keep affordable housing going at the same time as the market rate units. They would like to know what remedies are in place in case this does not work and the applicant is unable to comply with the workforce housing requirements in the CORE Zone. They have discussed alternative concepts for development of this property, although not all of the residents in the neighborhoods would like to see the property developed, but the majority understand that it is entitled to be developed. They are not opposed to

development or affordable housing, but not to this extent or using every bit of land possible for development. Even though 80% open space sounds good, much of the land cannot be developed to begin with. He stated that they have been baffled by the County Attorney's insistence and interpretations of the Code, and they will deal with that in their presentation. They also want to make sure that the minutes of the Planning Commission meetings tell the story, which is more powerful than the story they have to tell. He told the Council Members that they should review the minutes of the January 26, 2010, Planning Commission meeting and noted that every Planning Commissioner expressed grave concerns about the project. He also noted that a positive recommendation was made on January 10, 2012, but the minutes reflect that not a single Planning Commissioner was comfortable with the project, and they were baffled at the direction from the County Attorney that the best way to make an impact would be to make a positive recommendation and state their concerns. They do not understand why the Planning Commission could not have made a negative recommendation and used their concerns as the basis for it.

Council Member McMullin stated that the January 10 recommendation reads to her like a recommendation to deny. Council Member Elliott agreed that was the way it came across to her. She stated that she has great respect for the landowner's property rights. The landowner deserves an economic return for those property rights, and she believed something creative and monetarily rewarding could be done. She believed something could be created that would have great community and neighborhood value for everyone. She asked if CAGE's presentation could be made on February 29 so the Council Members would have a chance to think about their concerns, get a clear direction, and make some progress when they have the public hearing. Mr. Lawson stated that they would be willing to make their presentation on February 29, but they would also like to have some time at the public hearing to restate what they think needs to be restated. He claimed that part of the reservation about moving it ahead of the public hearing is that when they raised concerns at the Planning Commission meetings, at the next meeting they were knocked down by either Staff or the County Attorney, and they had to start over again. Council Member McMullin stated that she did not understand why anyone would give advice that they thought the County Council would listen to Staff or the Planning Commission less with a recommendation for denial than with an approval.

Pete Gillwald, the applicant, stated that when he hears comments about not making any attempt to make changes and not trying to address issues, he wanted the Council to know that they have spent a lot of time reworking this plan and trying to address the issues, including visibility from Silver Summit Parkway, open space, increased wildlife corridors, locations on Old Ranch Road, and making improvements. They met with the Recreation District and the neighbors, and for someone to say they have made no attempt to address issues is unfair. He explained that they have taken all the comments and concerns into consideration and have read the Code and the ordinance, and they feel that they have met the conditions for meaningful open space. He believed the Planning Commission recommendation was based on the 17 criteria the applicant must address as part of the CORE Rezone, and they have addressed them. When the language states that if he provides 80% open space he can develop more than 100 acres, it seems very clear to him. He stated that he is following the Code and doing the best job he can, and he is willing to deal with the issues. With regard to the road through the project, he is not thrilled with it, and he would prefer to build private roads and build that as an access easement to reduce traffic, but the County Engineer and Fire District asked for it.

Council Member McMullin asked the Legal Department for the definition of the word “can,” and stated that she believes it is a possibility and does not equate to “shall.”

Chris Hague commented that he sent an e-mail to the Council and asked that it be added to the public record.

REGULAR MEETING

Chair Ure called the regular meeting to order at 6:10 p.m.

- **Pledge of Allegiance**

DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENTS TO THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE REGARDING LOTS OF RECORD, BY ADOPTION OF AN ORDINANCE

Chair Ure noted that the language is not yet in place to discuss this item.

Chair Ure re-opened the public hearing.

Kent Wilde, a land surveyor who lives in Hoytsville, stated that he retired from the Department of Transportation and has owned his own land surveying company since 1992 and has done a lot of surveying in the Coalville, Kamas, and Park City area. He reviewed his experience regarding how divisions of properties have occurred over the years. He recalled that from 1977 to 1992 parcels were surveyed and deeded over to individuals who then got building rights on those parcels of property. In 1992 the State passed the subdivision ordinance, and at that time there was a misunderstanding regarding the State law and how the County would handle it in the Development Code. He stated that from 1992 to 1996, he personally met with the Community Development Directors during that time to discuss how to handle the subdivision of properties. At that time, no one knew how they would proceed until the Code was adopted in 1996, and then there was still confusion about how to process a situation where someone who owned larger acreage wanted to give or sell a portion of their property to someone. It was his understanding under State law that the development right would go to the parcel that was subdivided off, and the remaining parcel would be under the subdivision act and be subdivided according to the County’s zoning policies in the Code. He explained that it was the practice in his office when someone wanted to have their property surveyed to tell them to come to the County and meet with the planners to find out exactly what steps needed to be taken to divide their property so they could build their homes. They would come back and tell him that they needed a survey. Until recently it seemed that, if there was one division on the deed of record, the survey was not required. His office told people to get a planner assigned, and they would walk each survey through the planner assigned to their project. If more than one house was going to be built on a deed of record, a subdivision was required, and they would survey the two to five lots under the minor subdivision Code requirements. He believed there was a misunderstanding and some hard feelings that surveyors have divided property that has been deeded, a building permit has been issued, and now the lots are illegal or nonconforming. He explained that the surveyors did not go out and create parcels, have them deeded, and have building permits issued without going through the Planning Department to have a planner assigned to the particular project. Some people think this is an isolated incident, that there are only two or three situations like this, and that some people were intimidated to get their building permits. He reported that today he

reviewed some of the individual deeds in his office that were created without going through the minor subdivision process and found 19 in the Wanship, Coalville, and Henefer area, and 10 in the Kamas Valley area. Mr. Wilde stated that 90% of the planners they have worked with from 1992 to the present are no longer with the Planning Department. He emphasized that his office has not created parcels that have not gone through the Planning Department or through a planner so they could get a building permit to put a home on a parcel of property. He clarified that State law allows division of property without a plat for up to 10 parcels. The County ordinance can dictate more stringent requirements, but when people say they have to do something because of State law, that is not the case.

Council Member Robinson stated that he believed the County's position has been that, if someone has a Lot of Record and carves off a piece to build a home on, it was an illegal division of property, or the resulting division is void, as if it did not exist. The State provision that allows for up to 10 lots must still comply with County procedure and is not something that can be done in a vacuum by a surveyor and a landowner. He asked if Planning Staff approved what took place every time Mr. Wilde's office divided off a parcel of property. Mr. Wilde replied that they did. He explained that they submit a preliminary plat when they apply for a building permit. Staff reviews the plat and either puts comments on it or other information they need before the building permit is issued. He explained that the preliminary plat goes through the Planning and Building Department process before the plat is recorded.

Mr. Jasper explained that the Recorder's Office will record what is presented to them, but that does not mean it went through an approval process. The Recorder's job is simply to record the items that are presented to them.

Council Member Robinson asked if the plats are recorded in the Recorder's Office or if they are just filed as a survey in the Recorder's Office acting as the County Surveyor. He believed there was a distinction between recording a plat with all the required signatures and filing it as a survey. Council Member Elliott explained that, if the recordation does not carry the entitlement with it, it does not make any difference. The County's planning law is specific about what size lot can receive an entitlement to build on, and it does not matter how many pieces are recorded, because they may not necessarily have an entitlement. That is what they are trying to ascertain with the Lot of Record determination, so they can give entitlements to parcels that have been surveyed and recorded that do not now necessarily have an entitlement when their owners thought that they did.

Chair Ure commented that the term "illegal lot" is probably not appropriate in their discussions, because people went through the proper procedures when their parcels were split off.

Council Member Robinson made a motion to continue the public hearing on this item to the next available meeting. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

PUBLIC HEARING AND POSSIBLE RECOMMENDATION FOR THE VILLAGE AT KIMBALL JUNCTION SPECIALLY PLANNED AREA (SPA) REZONE AND DEVELOPMENT AGREEMENT, THROUGH ADOPTION OF ORDINANCE #767; TIFFANIE NORTHRUP-ROBINSON, PLANNER

County Planner Tiffanie Northrup-Robinson presented the staff report and provided background of the project. She explained that the only way to get an entitlement in the Town Center Zone under the current Code is through the SPA process. She reviewed the mandatory principles and community benefit criteria required for a SPA and explained that the General Plan encourages this type of development in the Town Center. She indicated the seven lots included in the existing plat which was recorded in 1992 and reviewed the proposed new development. The existing development consists of approximately 153,000 square feet. The proposed development is about 51,000 square feet, or about 1.6 units per acre for the newly proposed square footage, using 1,600 square feet as a unit equivalent. She reviewed the issues discussed with the Planning Commission and County Council as outlined in the staff report. She explained how the Planning Commission's concerns about location of the workforce housing had been resolved, how the applicant had addressed traffic mitigation concerns, visibility of the Del Taco building, and pedestrian circulation and connectivity. With regard to a natural gas filling station, the applicant has indicated that, if they can obtain property from the adjacent land owner, they would be willing to locate a natural gas filling station in the fuel center. Planner Northrup-Robinson noted that this has been noticed for a public hearing, and Staff has not received any public comment. Staff recommended that the County Council take into consideration Staff's analysis and any public input and consider approving the SPA Rezone for The Village at Kimball Junction with the findings and conditions outlined in the staff report.

Council Member Hanrahan referred to the proposed conditions and asked what conditions were removed from those recommended by the Planning Commission. Planner Northrup-Robinson explained that the conditions which have been removed are those that have already been satisfied, which included consideration of an alternative location for the workforce housing and the applicant working with the Snyderville Basin Recreation District, which they have done.

Council Member Elliott apologized for her response to the project last week and stated that she appreciates what the applicant has done to look at possibly including a natural gas fueling station and their willingness to look at it again in two years. She recalled that what mattered most to her in 1992 when this development was originally proposed was that the corner would be gone. She stated that many wonderful things have happened since then, and things did not turn out as badly as she thought they would. The thing that bothers her about this project is the straight lines. She stated that she does not object to adding density to the project, but what the applicant has failed to do is to take the community into consideration. She stated that the community does not think in straight lines, and they have made huge efforts to get people out of their cars and recreate. She commented that nothing in this project would cause her to want to go there except to get milk at Smith's or to go there other than in her car. She proposed that the applicant look at the way people walk and what attracts people to places and put a point of interest in the middle of the project that would be unique to this place and break up the straight lines. She stated that the community likes local businesses, local restaurants, and does not like to send their money out of town, out of state, or out of the country to chain store businesses. They like to ride their bikes, they like circles, they like walking at angles, they do not like straight lines, and they are not all

about automobiles and would just as soon get rid of them. She asked the applicant to be responsive to what the community needs.

Chair Ure opened the public hearing.

Julie Hooker, a former Planning Commissioner, stated that she thinks there is more work available for this applicant to do. She believed there is a way for everyone to love this project, but it is currently not consistent with the goals, objectives, and policies outlined in the General Plan. When she sat on the Planning Commission, the applicant was advised of their tremendous opportunity to make this area walkable with something in the center to draw attention. Ms. Hooker stated that the purpose of SPA zoning is to provide an opportunity for adjacent landowners to combine their properties in order to master plan an overall concept. In this case, no one has given up their property lines or negotiated in the way The Canyons did. She stated that they cannot allow SPA zoning to be a catchall for what they do not understand or what does not fit in any other kind of zoning. She noted that these property owners have stuck firmly to their own property lines, and as a result, they have a misplaced fuel/truck stop in the center of the project, and she will not walk past it or ride her bike past it. She stated that everything is out of proportion and not walkable, there is no pedestrian connectivity, and it looks like a typical strip mall. She commented that Summit County's business is tourism. That is what they need, and they need to be sure that the entry corridors are attractive. They do not need to bring Murray up to the mountains, and what the applicant has proposed is Murray in the mountains. If the developers eliminated property lines, a totally different project could be built. As proposed, this project does not meet the mandatory land use principles, there is no pedestrian connectivity, and she is concerned about the drive-through banks and drive-through taco stands. She asked what would happen when the drive-through banks fail because people now do their banking on their cell phones. She stated that there are no community benefits. This project will lead to increased traffic, and it was her understanding that the County would be purchasing some of the land for the roundabouts from the applicants using State road easement funds. She questioned why they would purchase land from the applicant. She requested that the Council help the applicant make this a place that people will love. She reiterated that her primary complaints are that this is not walkable, there are no community benefits, and it does not conform with a SPA, and she requested that they celebrate the opportunity to do something fabulous with their entry corridor.

Mark Webber, a resident of Fox Point, explained that they have a problem getting out of their community because cars line up by Whole Foods and cannot get out to Newpark Boulevard and onto Highway 224. He asked what they would do about traffic and commented that, if there are more people, it will make traffic worse. He did not see how the roundabouts would fix that. Council Member Hanrahan explained that there will be medians on Newpark Boulevard, and people in Fox Point would no longer be able to turn left. They would turn right and around the proposed roundabout, which should facilitate their ability to get out of their neighborhood. Mr. Webber stated that he was not convinced that would improve traffic flow. He stated that has a hard time going anywhere, walking anywhere, or driving anywhere out of his own community.

Annette Velarde, a Snyderville Basin Planning Commissioner, stated that she was amazed to see that a condition the Planning Commission included in their recommendation to the County Council was removed by one letter from the Snyderville Basin Special Recreation District. She was not aware that would happen. She stated that she does not see walkability in this proposal, but she sees people having to cross on either side of the roundabout on foot to get to Whole Foods. The same is true on Ute Boulevard, and she did not understand how that could be

considered walkability. She noted that the bike trails do not get people to the park and community concerts. She commented that this is how this neighborhood functions; it wants to walk, and it wants to bike. The current proposal has people walking through parking spaces and bikes trying to maneuver very busy roads between Newpark Boulevard and Ute Boulevard. She assumed the applicant's intention is to bring more business to the area, but people cannot turn right or left on Newpark Boulevard now, and they have a hard time turning left onto Ute Boulevard. She did not understand how they are supposed to add pedestrian traffic to that. She stated that the Planning Commission's intention in sending that condition to the County Council was to ask that the applicant go back and be more creative in showing how someone can get from the trail on Highway 224 down past the Newpark Hotel, not just do the bare minimum. Council Member Robinson asked how Ms. Velarde would suggest that they get pedestrian traffic across Newpark and Ute Boulevards. Ms. Velarde asked why they would not have an overpass. They need a place where people with their children and bikes can walk safely, and if they are looking at an area where they plan to increase traffic significantly, they need to be more creative than painting lines in the parking lots and saying this is where people will walk. Mr. Wilkerson explained the pedestrian improvements associated with roundabouts and noted that, with the center median, pedestrians only have to cross half the street, and then they have a pedestrian refuge.

Chris Hague agreed that there is a walkability problem in this project. He stated that when he leaves the post office, he goes to Smith's, and he always drives. He asked why they could not make a pedestrian connection that would induce him to walk to Smith's rather than drive. Planner Northrup-Robinson explained that the area indicated by Mr. Hague for a pedestrian connection is not included in the development. Mr. Hague asked who will pay the \$600,000 for the roundabout easements and why the taxpayers should have to pay that and why the developer should not reimburse the County for it. Mr. Wilkerson explained that funds for purchasing the right-of-way come from a \$10 per vehicle license fee, and within three to five years, there will be capacity issues at the two roundabout intersections. Mr. Jasper explained that the developer will donate their own property on which the roundabouts will be located, and the County will purchase the right-of-way that is needed on property that is not owned by the developer. Mr. Hague claimed that the County could force the developer to purchase that property. Mr. Wilkerson explained that the County would have to spend \$1.5 million to build both roundabouts without the cooperation of any project. Using the corridor preservation funds to purchase the right-of-way, they can reduce the overall cost of the roundabouts, including transportation impact fees, to about \$250,000.

Jack Fenton discussed walkability and explained that he tries to avoid the busiest roads like the path along Highway 224 when he rides his bike or goes for a walk. He noted that the path is behind most of the stores and does not draw customers into the stores. He commented that the land along Highway 224 has been loaded with weeds and dead trees for the last 10 years, and this property owner has shown no pride of ownership in landscaping it. If the roundabouts are intended to help traffic flow through the area, there is no way for a pedestrian to cross if the traffic is flowing. He stated that they need to find a way to stop the traffic to let a pedestrian cross.

Henry Glasheen stated that he understood the corridor preservation funds were to be used by the County to buy easements adjacent to State roads, and this is not a State road. Council Member Elliott explained that Highway 224 is a State road, and this is adding an enhancement to an entrance to a State road. Mr. Glasheen maintained that the fund specifically says that the

easements need to be purchased adjacent to State roads. He understood that at a meeting of the Council of Governments, they do have the ability to adjust the fund to use it for this purpose and asked if that was done. Council Member Robinson explained that they went over this issue at length at the Council of Governments and reviewed the State Code, which is broader than Mr. Glasheen has described. The COG believes Ute Boulevard and Newpark Boulevard meet the test in the State Code, and COG supported it. Mr. Glasheen claimed that the COG meeting was not properly noticed on the State website and stated that he understood only three members of the County Council attended the meeting. Council Member Robinson stated that he could not speak to the meeting notice, but three members of the County Council sit on the COG, and the County Council has three votes. He verified that the mayors in attendance were Lewis Marchant, Randy Ovard, and Dana Williams.

Don Ballard, representing owners in the Silver Mountain building, stated that he lives in Sandy and misses seeing concentric circles and a bandstand or playground in the middle of a grocery store parking lot. He stated that he would like to see this area redeveloped and encouraged the developer to consider the comments made this evening. He considers this to be a somewhat blighted development and would like to see it move forward with some of the enhancements discussed. He stated that the biggest negative to acquiring the Silver Mountain building was the back end of the Smith's grocery store, and if it were developed today, it would not appear the way it does now. He encouraged the developer to make enhancements on the street view. He asked if the roundabout would affect the Silver Mountain building. Mr. Wilkerson explained that 216 square feet will be needed from the Silver Mountain property, and the only thing placed on that 216 square feet would be the sidewalk that goes around the roundabout. Mr. Ballard asked if the roundabout would inhibit the ability to get into the Silver Mountain building. Mr. Wilkerson explained that it should enhance their access. Mr. Ballard asked that the fuel station be specially designed because of its impacts on the Silver Mountain building and commented that he had thought it would be at the south end of the Smith's parking lot. He stated that he would like to see this project move forward on a responsible basis.

Council Member Hanrahan noted that the fuel station has been referred to as a truck stop and asked for clarification. Planner Northrup-Robinson clarified that this will be like other fuel stations associated with a Smith's store, and it will not be a truck stop.

Chair Ure closed the public hearing.

Council Member Robinson expressed concern about how this site will look from Highway 224, including the Del Taco building and the overhead power line along Highway 224. He stated that he would like to see the power lines buried. He agreed with the comment about the need for enhancements to the back of the Smith's store. He stated that he visited the Top Stop, and their natural gas fueling station is only about the size of a table, and it seemed odd to him that they can do it but it would take a 70' x 40' pad here to do the same thing. Bret Wahlen, representing the applicant, explained that they have done some additional research since the work session, and Quester has spoken with Steve Sorenson with Smith's Food and Drug extensively. The Top Stop currently does not have a drier in their system, which is now required by Questar. The natural gas component would be provided by Questar, not the applicant, and they would give Smith's a small commission to sell natural gas on their site. Questar requires a minimum of two pumps for natural gas based on their investment, and their design requires 35' wide by 65' long. The current compressor is electronic, which is quieter than the gas compressor at Top Stop, and can be located up to 700 feet away from the fuel center. Chair Ure noted that the further the

compressor is from the fuel dispenser, the less efficient it is at delivering the fuel, which causes additional problems. He also noted that the compressor would require safety walls or pillars to protect it. He believed if they are trying to promote natural gas, this is a poor place to put it. It needs to be somewhere that more trucks and cars can access it, because more people are using natural gas as a fuel source. Council Member Robinson commented that the applicant seems to be trying to squeeze in the fuel station on the parcel east of the Smith's building and asked if they had considered placing it south of the building. Mr. Wahlen replied that they have considered other options, but the CC&Rs on the shopping center and existing contracts with tenants require them to have 4 parking stalls per 1,000 square feet. They looked at placing a natural gas facility in the south parking lot, but that would violate their own CC&Rs with the tenants. Council Member Elliott stated that she believed the applicant could get the tenants to agree to 3.5 parking stalls rather than 4 parking stalls.

Mr. Wahlen explained that Smith's is only expanding the front of their building, and the fuel center is something they wanted to add as part of their rewards program. He explained that he started out being the agent for Smith's and was told to try to pull the other tenants together into an infill project to meet the SPA requirements. He discussed the other entities involved in the project and the concessions they have made, explaining that they have existing contracts with their tenants to maintain certain parking elements, and this design would violate those contracts without them agreeing to it. They have agreed in concept, which has been a major hurdle. Another challenge has been pedestrian connectivity, and he indicated the proposed sidewalks and landscaped islands proposed to assist with connectivity and explained that they have tied in everything they could. He noted that the roundabouts are a significant mitigation. He stated that all the development surrounding this parcel has come in without providing additional infrastructure, and his clients were frustrated to be saddled with the burden of the roundabouts, but they were able to overcome that hurdle. He indicated the outdoor plazas within the project, traffic calming measures, and other issues they have worked on with adjacent property owners for the past three or four years. He acknowledged that this is not exactly what the Council might like if they could start from scratch, but it will be a major improvement to the community. He was hopeful that another adjacent landowner would work with them and upgrade his property in due time.

Council Member Robinson asked what the workforce housing building would look like and how they could fit 34 units in slightly less than an acre. Mr. Wahlen explained that it will be a three-story building, and the units will be rentals. Council Member Robinson asked if they have heard anything from the Holiday Inn Express. Planner Northrup explained that Holiday Inn Express was provided notice of the public hearings, was contacted when the public hearing was scheduled in November, and Staff has not heard anything from them. An adjacent property owner also contacted them. Council Member Robinson verified with Scott Loomis with Mountainlands Community Housing Trust that the affordable housing will work. Mr. Loomis acknowledged that it is not the perfect location, but he believed it was desirable to have the housing located on the site rather than trying to find another alternative. Under the Code requirements, the developer would be required to provide the affordable housing up front, and their only alternative based on the Code provisions was to give the land to Mountainlands with the impact fees so it would not hold up the project. He stated that 17 studio units and 17 one-bedroom units are proposed, for a workforce housing equivalent of almost 20 units. He clarified that the money donated by the developer would cover the cost of the trail, sewer, and other impact fees, or approximately \$250,000 to \$300,000.

Council Member Robinson stated that he understands the Code states that a SPA application cannot exceed five units of density per acre unless certain other conditions are met. In this case, the overall density is 6.44 units per acre, but Staff is ignoring the fact that there is already density on the site and is looking only at the 1.6 units of density requested in the SPA application. Planner Northrup-Robinson explained that the determination was made by both the Community Development Department and the Attorneys that the County cannot require the applicant to offset or mitigate existing development under this new process. They are looking strictly at the density requested in this case, which is 51,000 square feet. The original development met the performance standards under the existing zoning at the time it was developed. Council Member Robinson asked what would have prevented the applicant from asking for the full 5 units of density in the SPA application. Planner Northrup-Robinson explained that nothing would have prevented them from doing that, but the County has the discretion to require them to meet all the criteria outlined in the Code to the maximum. Council Member Robinson discussed funding for the roundabouts and asked why the County is putting money into the roundabouts instead of requiring the developer to cover that expense. Mr. Wilkerson explained that the Council has the discretion to require the developer to pay 100% of the cost. The County has discussed in negotiations a 45%/65% split between the County and the developer, and that remains a Staff recommendation, but it has not been agreed to by the developer. Council Member Robinson commented that they should not pretend that corridor preservation funds are not the County's money, because there is an opportunity cost of not being able to do another project with that money. He believed those funds should be an adequate contribution from the County.

Council Member Elliott commented that new urban design for commercial spaces encourages people to meander and explore and discover. The straight shot between the two roundabouts is nothing but a straight shot and does not cause people to divert their eyes to see what businesses are there. She commented that any diversion from that straight shot would cause people who are tenants to make more money, because people will slow down as they go through and pay more attention to what is there. She stated that they have one last shot at this, and she hoped the other Council Members would join her in asking the developers to do a wonderful job and create some kind of wow in the entry corridor. She asked the developer to make this special.

Council Member Robinson felt it would be helpful for the developer to see if there is a way to change the linear aspect of the project. He also asked them to come back with a proposal to deal with how Highway 224 and the back side of Smith's look, including the power lines and landscaping, and for paying the full cost of the roundabouts beyond the \$600,000 from the corridor preservation fund.

Planner Northrup-Robinson asked for direction on the alternative fueling station. Chair Ure stated that he did not believe they could make it work in the present location, and it makes no sense to spend money on something that is not going to be in a location where it will work. He was not as concerned about the linearity of the project, but parking on the street and walking to Smith's is almost life endangering, and he would like to see something done to make it safer to cross the street. He agreed that they need to find a place in the County for a natural gas fueling station, but he did not believe this is the right location.

Council Member Hanrahan stated that he agreed with the comments made by Council Member Elliott and Council Member Robinson.

Mr. Wahlen noted that the SPA process requires 80% construction drawings, and when they met with the Planning Commission, it took them until November to recreate the drawings. He explained that they spend a lot of effort to create construction drawings on a concept that may not make sense from the Council's perspective. If the Code requires that level of detail, the information they are receiving now needs to come at the front of the process. He stated that timing is the problem. The window they have with the contracts with their tenants only allows construction to happen during certain periods of the year, and the County has funds approved and needs to proceed with construction of the roundabouts. Council Member Robinson stated that he was unaware that the applicant was required to provide 80% drawings and that he would be happy with simple schematics. Council Member Elliott agreed. Mr. Wahlen clarified that they have gone through the construction drawing process, and the frustration is that they are at the end of the process and feel like they are starting again. He commented that he has been involved in about 300 to 400 projects like this and has never been involved in a project where parking lots are not linear. They need to be linear to be efficient, and a meandering parking lot does not work for vehicles or pedestrians to cross over each other. If this were a new shopping center, they might be able to do some false images of that type of use, but in an existing development, it is a challenge. He recalled that a playground was discussed by the Planning Commission, and in the end they decided that was a bad idea, because they did not want children playing in an open parking lot. He recalled that both roundabouts were not considered a necessity when they started the process, and as they worked through the process with the County, they decided it would be in everyone's best interests to plan for the second roundabout so they would not have to redevelop again to put it in. His clients felt it was important to get the project as far along as they could, even if it was beyond what they were required to do. In their negotiations, they went as far as they felt they could economically to make the project feasible and move it forward, and Staff has been finding ways to assist them. There are opportunities to provide some economies for the roundabouts to come in under the County's original cost estimates. Council Member Robinson verified with Mr. Wahlen that he is proposing that the County pay the \$600,000 from the corridor preservation fund and the additional \$250,000 to complete the two roundabouts.

Ross Varner, one of the applicants, stated that they are also frustrated with the Highway 224 corridor. He explained that there are 50-foot easements on the side of the Highway that are State controlled. Those who have the easements can come in any time and do whatever they want in those easements, and they can cut their power lines or water lines.

Chair Ure stated that his biggest concern is the fuel station and commingling cars and pedestrians in the parking lots. It was his opinion that they need to have the back end of Smith's cleaned up and some of the other things done to make the visual corridor look better, but he did not believe it was realistic to put trails across the parking lots.

Council Member Elliott commented that, if they are not far enough advanced in their ability to be creative and think toward the future, they should probably not do anything rather than mess it up and not get another shot at it. Chair Ure commented that, if they do nothing, they will have blight. Council Member Elliott suggested that they do an RDA and help get something they really want.

Council Member Robinson suggested that they either postpone this until the next meeting in two weeks or have a vote this evening. He suggested that the applicant do their homework on the concerns they have discussed this evening and return in two weeks. Council Member Hanrahan commented that the applicant may return with a statement showing that they cannot meet some of the concerns, and they can vote based on the information they receive at that time.

Council Member Elliott made a motion to postpone a decision on the SPA Rezone for the Village at Kimball Junction to February 29, 2012. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

FINAL DISCUSSION REGARDING WASTE MANAGEMENT CONTRACT AND POSSIBLE APPROVAL OF RESIDENTIAL WASTE AND RECYCLING REQUEST FOR PROPOSAL (RFP); CLIFF BLONQUIST, SPECIAL PROJECTS ADMINISTRATOR

Mr. Jasper recalled that they have had a year's worth of committee work on this, proposed a system that encourages recycling, and the RFP has been sent out for comment from the Council, service providers, and the cities. Changes have been made to the proposal to capture the spirit of those comments, and he encouraged the Council to take action on this item so the RFP can be put out to bid as soon as possible.

Council Member Elliott made a motion approve the RFP with the amendments as proposed.

Council Member Robinson stated that he had some questions about the changes to the RFP.

Council Member Elliott withdrew her motion.

Council Member Robinson stated that he did not understand what it means in the option to extend the contract to extend it with modification. Special Projects Administrator Cliff Blonquist stated that they would remove that from the RFP. Council Member Robinson explained that they want the right to extend for up to five years on the terms of the initial contract, because they can always renegotiate the contract.

Sustainability Coordinator Ashley Koehler noted that Council Member Robinson had suggested that 100% of the sale of the recyclables should go back to the County, but it was determined that it would be best to have the proceeds of the sales of recyclables go to the contractor so there is a greater incentive for them to recycle more and be sure that all the customers participate in the program. Council Member Robinson clarified that he suggested that they split the proceeds. He believed the value of recyclables may increase over the next 10 years, and it seemed like a mistake for the County not to have a portion of that. Issa Hamud, Consultant, explained that they discussed that, and the challenge is the time required by the County to monitor it. He believed it would be easier procedurally to allow the contractor to keep the proceeds. Council Member Robinson explained that they are dealing on the assumption that these would be honorable people who will honor the contract and would be motivated to find a market for the recyclables, because they would retain 50% of the proceeds. He stated that he would not want the County to monitor it; he would just want the contractor to send the County a check for half the proceeds. Mr. Jasper suggested that they get the RFP approved, and he would commit to look at this issue and draft a contract to reflect it. He explained that he would want to do some monitoring to be

sure that recyclables are not taken to the landfill. Council Member Robinson explained that this is a fundamental issue related to the bid, and it would be a mistake to issue an RFP that says the service provider would get all the proceeds and then ask them to sign a contract that says the County will get 50%. He believed they need to make the decision now. Mr. Jasper stated that he is not comfortable with asking the bidder to only keep 50% of the sale of recyclables, because he believed it would drive up the bid, and he would like to keep the bid as low as possible.

Council Member Hanrahan noted that the RFP refers to tipping fees of \$25 per ton, which could cause confusion if tipping fees are increased in the future. Mr. Blonquist offered to change that to show that tipping fees are currently \$25 per ton.

Council Member Robinson asked what the value of recyclables might be on the tonnage the County collects. Insa Riepen with Recycle Utah stated that there should be monitoring and asked who would do that. If 100% of the proceeds go to the haulers, they should have an incentive to find the best rate because it benefits them, and it should be reflected in their bid. In a volatile market, there is no guarantee they will get anything. If they do a 50-50 split, they would have to do some monitoring, because sometimes the County might not get a check until three months or so after it has been sold. She asked if the hauler would have to prove who they sold the recyclables to and at what price. She believed there would have to be monitoring on the County's end if they wish to get the money. Council Member Robinson explained that the hauler would sell it and account for it, and if the County chose to audit it, they would have the prerogative to do so. The County would either get paid or they would not. He asked if recyclable materials will have significant value over the next 10 years. Ms. Riepen replied that she believed they would. Mr. Hamud reported that the County currently recycles approximately 5,000 tons per year. Ms. Riepen stated that there is value in that, and if the County can get 50% of that value, they would have more money than they had before, but she believed the County should audit it carefully. Ms. Koehler noted that the proposed contract requires that the hauler report the income from the sale of the recyclable material and the vendor to whom it was sold. She believed they could get five years of good data regarding what the hauler is getting for recyclable materials.

Council Member Hanrahan commented that he believed that question is unanswerable. They are trusting that there will be several bidders who will give the County their best bid, in part based on the money they may make from recyclables. He believed it would be the same, whether they trust that process or say that the County wants 50% of the recyclables, and the hauler adds that into their bid. He did not believe there was a way to know whether it would be effective to ask for 50% of the recyclables. Council Member Robinson stated that it goes against his principles to give away 100% of something when they do not know the value, especially when they are making up to a 10-year commitment. He suggested that they ask for a bid both ways, one where the hauler keeps 100% of the recyclables, and one where they keep 50% of the recyclables.

Council Member Elliott made a motion to approve the residential waste and recycling RFP with Council Member Robinson's suggestion that they ask for a bid where the hauler keeps 100% of the recyclables and a bid where the County keeps 50% of the recyclables and the other changes as discussed. The motion was seconded by Council Member Hanrahan.

Chair Ure stated that he was apprehensive about this, because there is a letter in the packet showing that the cost of picking up garbage could increase by \$25 to \$65 per month per residence. He believed they were imposing one of the biggest cost of living increases to the residents and businesses in the County that he has seen in a long time.

The motion passed unanimously, 5 to 0.

Mr. Jasper explained that they are trying to come up with a more efficient system so they can stay within a smaller budget, and he would be upset if costs go up, too. Chair Ure stated that he does not want the taxpayers to pay any more money. Mr. Jasper stated that, based on the adopted budget, taxpayers would pay less money.

Mr. Hamud explained that the goal is to release the RFP next week and to have bids in three or four weeks.

MANAGER’S COMMENTS

There were no Manager’s comments.

COUNCIL COMMENTS

Council Member Hanrahan reported that he sent the Council Members the County Health Board’s resolution regarding HB 313. He requested five minutes on the agenda at the next meeting to review that and to pass a similar resolution.

CLOSED SESSION

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

The County Council met in closed session from 8:35 p.m. to 9:15 p.m. to discuss personnel.

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

Robert Jasper, *Manager*
David Brickey, *Attorney*
Dave Thomas, *Deputy Attorney*

Council Member Elliott made a motion to dismiss from closed session and to adjourn as the Summit County Council. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

The County Council meeting adjourned at 9:15 p.m.

Council Chair, David Ure

County Clerk, Kent Jones



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STAFF REPORT

To: Summit County Council
Report Date: February 23, 2012
Meeting Date: March 7, 2012
From: Jennifer Strader, County Planner
Project Name & Type: Proposed Development Code Amendments Regarding Signs
Type of Item: Public Hearing / Possible Approval

Executive Summary

Staff is requesting that the SCC conduct a public hearing and vote to approve proposed amendments to the Snyderville Basin Development Code ("Code") regarding signs, through the adoption of an ordinance.

This staff report is the same report provided for the work session, with the exception of SCC discussion items which are highlighted in yellow.

A. Community Review

This item has been noticed as a public hearing. At the time of this report, no public comment has been received.

Numerous work sessions and public hearings were held with the Snyderville Basin Planning Commission (SBPC) beginning in early 2010. On December 20, 2011, the SBPC voted to forward a positive recommendation to the SCC for the amendments attached as *Exhibit A*. The SCC conducted a work session on February 1, 2012 and requested that Staff schedule a public hearing.

B. Background

Some sections of the current sign code are content based; the Code regulates some signs strictly by what they say. For example, a real estate sign and a campaign sign are separately identified and further limited based on their sign type. Because signs are a form of communication, they are protected under the First Amendment regarding freedom of speech.

In order to avoid legal action regarding the constitutionality of signs, the Code should be amended so that all signs are restricted by their size, number, location, and duration without distinguishing or favoring certain signs over others based on content.

The pros associated with a content-neutral sign code is that it sets clear expectations about what signs are allowed and what signs are prohibited for everyone. The cons are that all signs, no matter what they're advertising will be permitted if they comply with the size requirements.

When Staff first presented the amendments to the SBPC, the focus was on temporary signs only. However, amending the temporary sign requirements affects much of the remaining sign code; therefore, the proposed amendments include the entire sign code.

C. **Identification and Analysis of Issues**

Staff has researched numerous signs codes in various jurisdictions and found that most of them are content based, but those that are content neutral have been successful by separating signs into two categories, those allowed in residential zones vs. those allowed in commercial zones. This approach seems to make the most sense, but the hurdle we face is that we have numerous commercial businesses located in residential zone districts. For example, the Rasmussen Road corridor is zoned rural residential (RR), yet it contains mostly commercial uses.

Since separating signs into zone districts doesn't make sense in the Basin, Staff and the SBPC feel that we should separate signs into two categories, residential signs and non-residential signs. We would then remove all references to content based signs.

The content based signs that Staff deleted from the Code include: construction site signs, development leasing; sales; rental signs, real estate signs, open house off premise signs, rummage or garage sale signs, and campaign signs.

The following pictures are examples of content based signs:

Construction Site Sign & Development Leasing; Sales; Rental Sign



Development Leasing; Sales; Rental Sign

Open House Off-Premise Sign



Campaign Sign



The aforementioned signs are currently allowed in all zones and they each have their own size and setback limitations depending on the type of sign. Because these signs each contain their own size limitations based on content (i.e. real estate signs can't exceed 20 sq. ft., campaign signs can't exceed 3 sq. ft., and construction site signs can't exceed 20 sq. ft. and 6' in height), Staff and the SBPC had to come up with one (1) size that would accommodate each of these signs, while still maintaining the integrity and purpose of the sign code.

D. **Proposed Code Amendments**

RESIDENTIAL SIGNS

The simplest, content neutral approach to allowing real estate signs, campaign signs, and other types of signs typically located on residential properties, is to allow each lot a determined amount of square footage for whatever purpose the owner may choose. The abuse of such signs to advertise fast-food and gasoline operations can be avoided by simply prohibiting the use of such signs to advertise commercial operations.

Staff's proposal would allow each single family residential lot the ability to have six (6) square feet of sign area, with a maximum height of six feet (6'). The proposed language does not allow commercial advertising. Six (6) square feet of sign area would allow a property owner two (2) typical campaign signs and six feet (6') in height would allow construction site signs, real estate signs, etc.

The SCC commented that six (6) square feet of sign area may not be enough because many residents want more than two (2) campaign signs on their property. Staff is proposing to increase the maximum amount of square footage allowed for a residential lot to nine (9) square feet. This would allow residential property owners the ability to have three (3) campaign signs, each three (3) square feet in size (page 16 of Exhibit A).

Examples of types of signs that might be used on residential lots



SUBDIVISIONS, MULTI-FAMILY, AND CONDOMINIUM COMPLEX SIGNS

Staff receives numerous requests for monument signs that identify a particular subdivision and/or multi-family dwelling or condominium complex. The current sign regulations expressly state that signs are intended to identify the business located on the premises upon which the sign is located and signs shall only state the legal name of the business. According to the strict interpretation of this language, signs are only permitted for commercial operations and therefore wouldn't be allowed to identify residential areas.

Staff felt it would be appropriate to specifically add a section to the Code that addresses the aforementioned types of signs (page 15 of Exhibit A). Additionally, any of the signs permitted for single family residential lots would also be

permitted in these types of developments (i.e. if someone owns a condominium unit, they will be allowed to have campaigns signs or real estate signs).

Example of a sign identifying a specific neighborhood.



NON-RESIDENTIAL SIGNS

Non-Residential signs could be used by any non-residential entity such as churches, businesses, governmental agencies, and non-profit organizations. The types of signs allowed in this section are essentially the same signs that are allowed under the current regulations, such as freestanding signs, wall signs, projecting signs, and awning signs.

Freestanding Sign



Projecting Sign



Awning Sign



Wall Sign



Hanging Sign



In order to maintain content neutrality when regulating non-residential signs, the same types of signs that are allowed on residential lots should also be allowed on non-residential lots (businesses put up campaign signs, real estate signs, etc.). Based on this, Staff and the SBPC recommend that the square footage allowed for “residential signs” be allowed for non-residential uses as well (this will be addressed under the temporary sign regulations later in this report).

Currently, Section 10-8-2 (J) of the Code allows the use of comprehensive sign plans (sign plans) for businesses located in a single building or building complexes which are located on one lot. . The purpose is to provide some flexibility from the sign standards, when it is in the best interest of the community.

Most of the sign plans approved by the County provide flexibility with regard to wall signs by allowing each user a wall sign with a little more square footage than the Code allows and the use of temporary signs such as banners or A-frames. This becomes frustrating to business owners who are subject to the general Code requirements, but an adjacent business may be part of a development that has a sign plan that provides more flexibility.

Staff and the SBPC feel that everyone should be afforded the same rights and therefore recommends that the sign plan provisions be removed from the Code, but more flexibility be provided in the size and number of permanent signs allowed. A summary of the amendments is as follows:

Freestanding Signs

- * **Increased the size allowance from 27 square feet to 30 square feet for a single user, and up to 45 square feet for a multiple use development area.**

Single Use: Any lot, building, or other structure or tract of land that has been designated for one (1) non-residential use, through the approval of a development permit. (Example: McDonald’s)

Multiple Uses: Any lot, building, or other structure or tract of land that has been designated for multiple non-residential uses, through the approval of a development permit. (Example: Kimball Plaza, which includes Loco Lizard, Szechwan, and other commercial uses.)

Wall Signs

- * **Increased the number of allowed wall signs to one (1) primary wall sign and one (1) secondary wall sign per user and increased the allowable size. The existing Code allows one (1) wall sign per building, but the square footage can be split between multiple users.**

The purpose of the primary wall sign is to identify the use at its primary access point. The secondary wall sign would be limited to 1/2 the size of the primary sign, and could be used on a facade other than the primary entrance. For example, the building that houses Szechwan and Loco Lizard is allowed to have a wall sign at their front entrance and a smaller

sign above the door on the back of the building. This becomes useful for deliveries as well as uses that have more than one entrance.

- * **The current Code states that a wall sign may not exceed one (1) square foot of sign area for each four (4) lineal feet of building facade frontage, up to a maximum of thirty (30) square feet. In the case of multiple users in one building, the 30 square feet would be split between each user.**

Staff's proposal would allow each user the right to have a wall sign, based on one (1) square foot of sign area for each three (3) lineal feet of building facade frontage, up to a maximum of forty (40) square feet.

The decrease from measuring 4 lineal feet to 3 lineal feet allows smaller businesses a bit more signage, and increasing the maximum size to 40 square feet adds more flexibility and is in line with some comprehensive sign plans.

These changes also provide a user with a known outcome when determining what size sign they may have. If they're located in a building with multiple users, they don't have to worry about sharing the allowable square footage and determining who gets what.

Projecting Signs, Hanging Signs, and Awning Signs

- * **The current Code allows either one (1) wall sign, one (1) projecting sign, one (1) hanging sign, or one (1) awning sign. The proposed language allows each non-residential user the right to choose 3 out of the five (5) types of signs (including the secondary wall sign). In no case may two (2) or more of the same types of signs be used per each use. Freestanding signs are not included as one of the five (5) types of signs.**

Some comprehensive signs plans allow a user to have three (3) or four (4) different signs, such as the Tanger Outlets and the building located west of Smith's which houses Mountain America Credit Union and Lululemon. Staff and the SBPC think it's appropriate to allow the use of all of these signs, especially when promoting pedestrian friendly developments.

TEMPORARY SIGNS

Temporary signs are currently only allowed in conjunction with an approved Temporary Use Permit or Special Event Permit. The only types of temporary uses allowed in the Basin are seasonal plant and agricultural sales. The proposed amendments allow temporary signs without a Temporary Use Permit or Special Event Permit, and have been separated into three (3) categories.

The SCC requested that Staff clarify that temporary signs are only permitted on non-residential lots. The language is drafted in a manner that separates residential signs from non-residential signs; however, the same types of signs that are allowed on residential lots are also allowed on non-residential lots, with the exception that signs located on residential lots may not contain commercial advertising. Staff has clarified that temporary signs are specific to non-residential uses only (pages 18-19 of Exhibit A).

Class I Temporary Signs

- * **Class I signs would have the same restrictions as the residential signs described above (6 square feet, 6' in height). A permit would not be required for these signs.**

The purpose of allowing these signs is to ensure that all property owners maintain the right to have campaign signs, real estate signs, etc. Staff and the SBPC don't feel that it's efficient for Staff, including Code Enforcement, or the applicant to obtain a sign permit for these types of signs. It's probably not realistic to assume someone is going to obtain a permit for a campaign sign or real estate sign.

Examples of signs that could be used for non-residential uses



Class II Temporary Signs

- * **Class II signs would be any temporary sign that exceeds six (6) square feet in size, but may not be larger than twenty (20) square feet. One (1) sign would be allowed for each non-residential use and they would not be allowed for more than two (2), thirty (30) consecutive day periods. A permit would be required for these signs.**

This provision would allow the use of banners or other temporary signs that are typically used to advertise events throughout the year (i.e. grand opening, now hiring, seasonal sales, etc.).

Class III Temporary Signs

- * **Class III signs have the same size restrictions as Class II temporary signs; however, they would be allowed for a period not to exceed one (1) year and must be made of a rigid material so they appear to be more permanent.**

The SBPC requested a Class III temporary sign in order to accommodate for signs such as construction site signs or development leasing signs that typically require a longer time frame than thirty (30) days.

MISCELLANEOUS AMENDMENTS

- * **Changeable Copy Signs:** The SBPC is recommending that electronic changeable copy signs be prohibited, but signs that can be manually changed be allowed.

There was a discussion by both the SBPC and the SCC regarding the use of digital changeable copy signs in the future. The SBPC requested a condition that the sign plan be reviewed in one (1) year and at that time, the use of digital signs can be discussed (**see condition of approval**).

- * **Neon Signs:** Neon signs are currently prohibited; the SBPC is recommending that 1 neon sign be allowed for each non-residential use. It must be located on the inside of a window and may not exceed two (2) square feet. It may not be animated or flashing in any manner.

There was a question as to whether or not a neon sign is considered a window sign and thus limited to ten percent (10%) of the window in which it is placed. Staff is of the opinion that a neon sign placed in a window should comply with the window sign allowance. The proposed language has been clarified (**page 22 of Exhibit A**).

- * **Non-Conforming Signs:** The existing language doesn't allow a business with non-conforming signs to be expanded or enlarged unless they bring their signage into compliance.

The SBPC is recommending that the language be amended so that if a conforming business applies for a development permit, they may proceed as long as they're not increasing the size of or proposing to add further non-conforming signs.

The Code currently states if a non-conforming sign is valued at less than \$100.00, it shall be removed. The SCC suggested that Staff amend that language to state that if the *replacement* cost of the sign is valued at less than \$100.00 it shall be removed. Adding the word "replacement" wouldn't make sense as non-conforming signs cannot be removed and replaced.

The purpose of the existing language is to ensure that dilapidated signs are removed.

- * **Flags:** The current language states, "Up to three (3) flags, including one Federal, State, or County Flag". This language is confusing. Does it mean you can only have these three (3) types of flags or that you can have three (3) flags, but only one of them has to be a State, Federal, or County flag?

The SBPC is recommending that the language be changed to the state, "No more than three (3) flag poles may be erected at any time. Flag poles are restricted to only flying one (1) flag per pole. The maximum size of any one (1) flag shall be twenty-four (24) square feet. Flag poles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Uplighting of all flags, except the flag of the United States of America, is prohibited".

- * **Comprehensive Sign Plans:** Numerous developments are subject to comprehensive sign plans which are recorded documents that provide flexibility from the sign code when there are multiples businesses located in one (1) building or on one (1) lot. Because the proposed sign amendments are less stringent and offer more options than what currently exists, Staff is proposing to remove the comprehensive sign plan provision from the Code; however, Staff has added language clarifying that those businesses subject to a comprehensive sign plan must either choose to use their existing comprehensive sign plan or the proposed sign code, but not both (**page 13 of Exhibit A**).
- * **Sign Illumination:** Since the previous work session with the SCC, Staff further reviewed the illumination standards for signs and felt that section should be clarified in an effort to be more user friendly (**pages 19-20 of Exhibit A**).
- * **Sign Materials:** The SCC suggested that the use of plastic be prohibited for all signs. The Code states that lexan (which is essentially a tough, more rigid plastic) and plastic are allowed in conjunction with a wood or metal background. Staff feels that lexan and/or plastic should be allowed for individual letters only. Staff amended the language to this effect, but does not agree that it should be prohibited everywhere, especially given the mountain climate (**see pages 14-17 of Exhibit A**).

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

Staff recommends that the SCC conduct a public hearing and vote to approve the amendments to Section 10-8-2 of the Code based upon the following findings with the following condition, by the adoption of an Ordinance.

FINDINGS

1. The amendments are consistent with the goals, objectives, and policies of the General Plan.
2. The amendments do not permit the use of land that is not consistent with the use of properties nearby.
3. The amendments will not permit suitability of the properties affected by the proposed amendments for uses to which they have been restricted.
4. The amendments will not permit the removal of existing restrictions which will unduly affect nearby property.
5. The amendments will not grant special favors or circumstances solely for one property owner or developer.
6. The amendments will promote the public health, safety, and welfare better than the existing regulations for which the amendments are intended to change.

CONDITION

1. The SBPC shall review Section 10-8-2: Sign Regulations, one (1) year from the date of the adoption of the ordinance that amends the sign code. The purpose of the review is for Staff to provide an update as to what elements of

the sign code appear to be working in the best interest of the community and what elements of the sign code appear to warrant further consideration for future amendments.

ATTACHMENTS

Exhibit A: Proposed Sign Code Amendments (**amendments inserted after the SCC work session are show in color**)

10-8-2: SIGN REGULATIONS:

- A. Purpose: The purpose of this Section is to promote and protect the public health, safety and welfare of the general public by implementing outdoor advertising regulations to protect property values, create an attractive economic and business climate and enhance the aesthetic appearance of the community, and ensure that the constitutionally guaranteed right of free expression is protected. It is further intended to reduce signs or advertising distractions and obstructions that may contribute to clutter or traffic accidents.

- B. Permit Requirements:
 - 1. It is unlawful for any person to erect, construct, alter or relocate any sign, other than such signs specifically described in Subsection G of this Section (exempted signs), without first obtaining a permit. Routine maintenance or repairing existing like parts shall not be considered an alteration; provided, that such change does not alter the surface dimensions, height, message, or otherwise make the sign non-conforming.

 - 2. Application for the permit shall be made to the CDD or designated planning staff member and shall include the following:
 - a. The name, address and telephone number of the applicant, owner and occupant of the property.

 - b. Location of the structure or parcel of property on which the sign will be attached or erected.

 - c. Position of the sign in relation to nearby buildings, structures, property lines, rights of way and roads.

 - d. A copy of plans and specifications showing material and method of construction, illumination, electrical wiring, location and support.

 - e. Sketch showing sign faces, exposed surfaces and proposed message, accurately represented in scale as to size, area, proportions and color.

 - f. The name of the person erecting the sign.

 - g. Written consent of the owner of the building, structure or land on which the sign is to be erected.

 - h. On any application for a temporary sign, the applicant shall list the earliest date on which the sign may be established and the date on which the sign shall be removed.

 - 3. Before granting a permit under this Subsection, every applicant shall pay the required permit fee to the County for each sign.

EXHIBIT A

C. Sign Design: It is recognized that it is desirable to have some diversity of sign design within the Snyderville Basin. However, it is also desirable to ensure that materials and color schemes used on signs shall be compatible with the image of the Snyderville Basin community and mountain environment.

D. [Comprehensive Sign Plans: Uses that are subject to the provisions of a previously approved comprehensive sign plan may choose to continue the use of that sign plan, or if all parties to the comprehensive sign plan agree in writing to no longer utilize the comprehensive sign plan, they may comply with the provisions of this Section. In no case may a combination of a comprehensive sign plan and the provisions of this Section be used together.](#)

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E. Permitted Signs

1. Non-Residential Signs: The following types of signs are allowed for permanent, non-residential uses. Signs permitted under this regulation are intended to identify the use located on the premises upon which the sign is located.
2. For the purposes of this Section, the following definitions will be used:
 - A. **Single Use:** Any lot, building, or other structure or tract of land that has been designated for one (1) non-residential use, through the approval of a development permit.
 - B. **Multiple Uses:** Any lot, building, or other structure or tract of land that has been designated for multiple non-residential uses, through the approval of a development permit.
3. Types of Signs:
 - A. Freestanding Sign: Each development area that contains a single use may have one (1) freestanding sign. Each development area that contains multiple uses may have one (1) freestanding sign.
 - B. Primary Wall Sign, Secondary Wall Sign, Projecting Sign, Suspended Sign, and Awning Sign: Each non-residential use may choose to utilize three (3) out of these five (5) types of signs. In no case may two (2) or more of the same types of signs be used per each use.
 - C. Freestanding Signs: Freestanding signs are supported by poles, braces, or uprights extending from the ground or an object on the ground and are not attached to any part of a building. All freestanding signs shall comply with the following:
 - i. Location: Freestanding signs shall be located adjacent to the primary vehicular access to the parcel. The primary vehicular access is that access located adjacent to the primary parking area.

- ii. Monument Base: All freestanding, on premises signs shall be constructed with a monument base. A base of stone or wood is preferable.
 - iii. Display Area Size: The display area of all freestanding, on premises signs for a single use shall not exceed thirty (30) square feet in size. The display area of all freestanding, on premises signs for a parcel containing multiple uses shall not exceed forty five (45) square feet. The display area of a sign, which may be double sided, shall include any architectural embellishments or background materials that are an integral part of the display and intended to help attract attention to the sign.
 - iv. Height: In no case shall the highest point of a freestanding, on premises sign be more than six feet (6') above the grade elevation at the base of the sign.
 - v. Materials: Freestanding signs shall be constructed of wood, stone or other natural materials. Plastic, lexan or similar materials ~~will not be permitted~~ are allowed for individual letters only, except where used for lettering in conjunction with a wood or metal background to shield an internal light source.
 - vi. Landscaped Area: All freestanding, on premises signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative material, and landscape boulders where appropriate, shall be designed in a manner that minimizes the visual impact of the sign, without blocking the view of the sign from the specific area from which it is intended to be seen, or adversely affecting pedestrian and vehicular sight distance. Designs that integrate the sign into the land form should be considered.
 - vii. Setbacks: In no case shall a freestanding, on premises sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner so as to interfere with vehicular sight distance. These signs shall be setback at least fifteen feet (15') from the edge of the right-of-way.
- b. Wall Mounted Signs: Wall mounted signs are those signs that are attached to or painted on the wall of a building, the display surface of the sign being parallel to the wall of the building on which the sign is placed.
- i. Primary Wall Sign: A wall sign that is located on the facade of the building that contains the primary access to the particular use. A primary wall mounted sign shall not exceed one square foot of sign area for each three (3) lineal feet of

building facade frontage, up to a maximum of forty (40) square feet. In the case of multiple users in one (1) building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located. In no case shall the primary wall sign be less than ten (10) square feet in size.

- ii. Secondary Wall Sign: A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located. A secondary wall sign shall not exceed a maximum of one half the size of the permitted primary wall sign.
 - iii. Display Area: The area of all wall mounted business signs shall be the extreme limits of the display surface. The display surface includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - iv. Wall mounted signs shall not project out more than six inches (6") from the wall on which it is mounted.
 - v. Materials: Wall mounted signs shall be wood, metal, or painted on the side of the building. Plastic, ~~and/or lexan, or similar~~ materials are ~~not permitted except where used for lettering in conjunction with wood or metal background to shield an internal light source.~~ allowed for individual letters only.
- c. Projecting Signs: Projecting signs are supported by a building or other structure and project out from the building or structure over the sidewalks, lawns, or similar areas in a manner that the display area is generally perpendicular to the face of the building or structure.
- i. Size: Projecting signs shall not exceed six (6) square feet.
 - ii. Display Area: The area of a projecting sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - iii. Height: Signs which project over a pedestrian walkway shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the ground. Hanging signs may be illuminated; provided, that only indirect lighting is utilized, and that the light source does not interfere with pedestrian or vehicular traffic.

- iv. Materials: Projecting signs shall be constructed of wood, metal or similar material. Plastic, lexan or ~~other~~-similar ~~surface~~ materials are ~~not permitted~~ allowed for individual letters only.
 - d. Suspended Sign: A sign that is suspended parallel or perpendicular from a building roof, façade, porch, or other structural element by brackets, hooks, or chains.
 - i. Size: Suspended signs shall not exceed six (6) square feet.
 - ii. Display Area: The area of a suspended sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - iii. Height: Suspended signs shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the ground. Suspended signs may be illuminated; provided, that only indirect lighting is utilized, and that the light source does not interfere with pedestrian or vehicular traffic.
 - iv. Materials: Suspended signs shall be constructed of wood, metal or similar material. Plastic, lexan or ~~other~~-similar ~~surface~~ materials are ~~not permitted~~ allowed for individual letters only.
 - e. Awning Signs: Awning signs are comprised of letters and logos that are placed on the valance of the awning.
 - i. The lettering and logos on any awning sign shall not exceed seven feet (7') in length.
 - ii. The words and logos on any awning sign shall not exceed seven inches (7") in height.
 - iii. Back lighted awnings are prohibited.
- 4. Residential Signs: Residential properties are permitted ~~six (6)~~ nine (9) square feet of sign area, not to exceed six feet (6') in height. The sign square footage may be split between two (2) or more signs, but the total sign area may not exceed ~~six (6)~~ nine (9) square feet. These signs may not be used to advertise a commercial use, unless such use has been appropriately permitted by Summit County on the particular lot. Residential signs may be erected without a Low Impact Permit, but they must be located on the property requesting the sign and out of the right-of-way.
- 5. Subdivisions, Multi-Family Dwellings, and Residential Condominium Complex Signs. These signs are intended to state the name of a

subdivision, multi-family development, or residential condominium complex.

- a. Any signs permitted for parcels containing single family residences are also allowed in multi-family dwelling developments and residential condominium complexes.
- b. Freestanding Signs: One (1) freestanding sign shall be permitted for each separate access to a subdivision, multi-family dwelling development, or residential condominium complex. All freestanding signs shall comply with the following:
 - i. Monument Base: All freestanding, on premises signs shall be constructed with a monument base. A base of stone or wood is preferable.
 - ii. Display Area Size: The display area of all freestanding, on premises signs shall not exceed thirty (30) square feet in size. The display area of a sign, which may be double sided, shall include any architectural embellishments or background materials that are an integral part of the display and intended to help attract attention to the sign (see Illustration I).
 - iii. Height: In no case shall the highest point of a freestanding, on premises sign be more than six feet (6') above the grade elevation at the base of the sign.
 - iv. Materials: Freestanding signs shall be constructed of wood, stone or other natural materials. Plastic, lexan or similar materials ~~will not be permitted, except where used for lettering in conjunction with a wood or metal background to shield an internal light source.~~ are allowed for individual letters only.
 - v. Landscaped Area: All freestanding, on premises signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative material, and landscape boulders where appropriate, shall be designed in a manner that minimizes the visual impact of the sign, without blocking the view of the sign from the specific area from which it is intended to be seen, or adversely affecting pedestrian and vehicular sight distance. Designs that integrate the sign into the land form should be considered.
 - vi. Setbacks: In no case shall a freestanding, on premises sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner so as to interfere with vehicular sight distance. These signs shall be set back at least fifteen feet (15') from the edge of the right-of-way.

6. Non-Residential Temporary Signs: Signs intended to be displayed for a limited time period and not permanently affixed to a building or the ground.

a. Non-Residential Class I Temporary Sign:

1. Size: These sign may not exceed six (6) square feet of sign area.
2. Height: Freestanding signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.
3. Number of Signs: The sign square footage may be split between two (2) or more signs, but the total sign area may not exceed six (6) square feet.
4. Location: These signs may not encroach into the right-of-way, nor impede pedestrian traffic.
5. Sign Permit: A Low Impact Permit is not required for Class I Temporary Signs.
6. Illumination of these signs is prohibited.
7. Maintenance: Class I temporary signs must be properly maintained at all times. Any faded, torn, ripped, detached, defaced or otherwise damaged sign must be promptly repaired, replaced, or removed.

b. Non-Residential Class II Temporary Sign:

1. Size: Class II Temporary Signs are those signs that exceed six (6) square feet in size, but may not exceed a maximum of twenty (20) square feet.
2. Height: Freestanding signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.
3. Number of Signs: One (1) Class II Temporary Sign is allowed for each non-residential use.
4. Location: These signs must be located on the parcel on which the entity requesting the sign is located and may not encroach into the right-of-way, nor impede pedestrian traffic.

5. Time Limit: Class II Temporary Signs may be displayed for two (2), thirty (30) consecutive day periods per calendar year.
6. Sign Permit: A Low Impact Permit is required prior to erection of a Class II Temporary Sign.
7. Illumination of these signs is prohibited.
8. Maintenance: Class II temporary signs must be properly maintained at all times. Any faded, torn, ripped, detached, defaced or otherwise damaged sign must be promptly repaired, replaced, or removed.

b. Non-Residential Class III Temporary Sign:

1. Size: Class III Temporary Signs are those signs that exceed six (6) square feet in size, but may not exceed a maximum of twenty (20) square feet.
2. Type: Class III temporary signs may only be freestanding and must be made of a rigid material. Banners or other similar signs applied to cloth, paper, flexible plastic, or fabric of any kind are not considered Class III temporary signs.
3. Height: These signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below.
4. Number of Signs: One (1) Class III Temporary Sign is allowed for each non-residential use.
5. Location: These signs must be located on the parcel on which the entity requesting the sign is located and may not encroach into the right-of-way, nor impede pedestrian traffic.
6. Time Limit: Class III Temporary Signs may be displayed for a period not to exceed one (1) year.
7. Sign Permit: A Low Impact Permit is required prior to erection of a Class III Temporary Sign.
8. Illumination of these signs is prohibited.
9. Maintenance: Class III temporary signs must be properly maintained at all times. Any faded, torn, ripped, detached, defaced or otherwise damaged sign must be promptly repaired, replaced, or removed.

E. Sign Illumination (see examples in Section L of this Chapter):

1. Exposed neon tubing and/or individual light bulbs forming the sign copy shall not be permitted on any sign, unless otherwise allowed in this Section.
2. Back lit full sign face illuminated signs are prohibited.
3. Light may be cast directly onto the face of the sign by an external light source. In such instances, the light must be focused on the sign face only, provided that such illumination does not adversely affect pedestrian and/or vehicular traffic.
4. Back lighting through individual routed letters/copy or through the material that comprises the letters/copy in the sign face is permitted as long as the light source is screened from public view.;
5. No interior light source shall be visible to the exterior.

~~Sign illumination may be cast directly onto the face of the sign; provided that such illumination does not adversely affect pedestrian and/or vehicular traffic. Whenever a sign face is illuminated by an external source, light shall be concentrated on the sign face. The amount of light cast to the areas other than the sign shall be reduced to the extent possible. All external illumination sources shall be shielded from public view. On all internally illuminated freestanding, wall mounted and projecting signs, light shall be transmitted only through the material that comprise the letters located within the display area. No interior light source shall be visible to the exterior. No sign shall contain copy which consists of illuminated bulbs or individual lights or light sources.~~

2. ~~Lighting for all exterior signs, whether lettering is internally back lighted or light is cast onto the face of the sign, shall comply with the lighting standards established herein.~~

F. Prohibited Signs and Devices: The following signs shall be prohibited in the Snyderville Basin:

1. Changeable copy signs: A sign whose informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments, unless required by Federal law.
2. Flashing signs.
3. Roof mounted signs.
4. Moving signs.
5. Strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering or inflated devices and search lights.

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6. Signs imitating official traffic signs in any manner which are visible from public areas.
 7. Portable signs not permanently affixed to the ground, except as otherwise provided in this Section.
 8. Mobile signs. Signs attached to stationary vehicles, equipment, trailers and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle or device.
 9. Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the CDD or designated planning staff member or the County Sheriff.
 10. Any sign or sign structure which constitutes a hazard to public health or safety, as determined by the CDD or designated planning staff member or the County Sheriff.
 11. Signs on trees, utility poles, and on public property, other than public information signs.
 12. Off premises directional signs may be approved as a temporary sign when an event or activity is situated in such a manner that its location is obstructed from public view, so long as that sign is compatible with all other regulations herein.
 13. Any sign for which the sign message face has been removed or destroyed, leaving only the supporting frame or other components, and said condition exists for more than thirty (30) days is prohibited and shall be removed.
- G. Exempted Signs: These signs are exempt from obtaining a Low Impact Permit; however, they must still comply with the following guidelines:
1. Informational Signs: Signs which are not more than six (6) square feet and no more than four feet (4') height and which are used to direct vehicular and pedestrian traffic or to direct parking and traffic circulation on private property. Advertising is not permitted on these signs. Informational signs shall contain no advertising material or message. These signs shall not be permitted in a right-of-way or required setback area.
 2. Public Signs: Legal notices, identification, informational or directional signs erected or required by governmental bodies, or authorized by the County for public purposes which meet the requirements of these guidelines, except provisions prohibiting said signs in the rights of way.
 3. Public Regulatory Signs: All public regulatory signs located in the County which meet all the State requirements. (Ord. 323, 3-9-1998)

4. Interior Signs: Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings and which cannot readily be seen from the exterior of the building, which signs are designed and located to be viewed exclusively by the patron of such use or uses.
5. Utility Signs: Signs of public utility or cable television companies which show the locations of underground facilities.
6. Street Address and Identifications Signs: Signs whose content includes only the name or professional title of the occupant and address of the premises. Such signs shall not exceed two (2) square feet. The sign shall be limited to flush mounted or window type signs and one per premises. These signs shall not be permitted in a right-of-way.
7. Customer Information Signs: Customer information signs located on or in close proximity to the building and outside of required setback areas may display such items as "credit cards accepted", prices and menus, and each sign shall not exceed two (2) square feet in area.
8. Flags: No more than three (3) freestanding flag poles may be erected at any time. Flag poles are restricted to only flying one (1) flag per pole. The maximum size of any one (1) flag shall be twenty-four (24) square feet. Flag poles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Uplighting of all flags, except the flag of the United States of America, is prohibited.
9. Window Signs: Window signs shall not exceed ten percent (10%) of the areas of the window in which it is placed. The area of a window sign shall be the extreme limits of the display, which is comprised of all letters, logos or other graphic information. Window signs may not be combined in order to gain a larger sign for one (1) particular window.
10. Neon Signs, where the light source is on the external face of the sign: One (1) neon sign is allowed for each non-residential use to be located on the inside of any window. These signs may not exceed two (2) square feet and may not flash or be animated in any manner. [Neon signs are considered window signs and may not exceed ten percent \(10%\) of the area of the window in which they are placed.](#)

H. Non-conforming Signs: Within the zone districts established in this Title, there may be existing signs which were lawfully established before the adoption of this Title, but which are now prohibited, regulated, or restricted. It is the intent of this section to allow these signs to remain until such time as they are removed or otherwise brought into conformance with this Title.

1. The property owner bears the burden of establishing that any non-conforming sign lawfully exists.
2. Enlargement of Non-Conforming Signs: A non-conforming sign may not be enlarged in any way unless it conforms to the provisions contained in this Title.

3. Signs conforming to the provisions of this Section may be erected on a parcel that contains a non-conforming sign(s); however, the new sign(s) must be a different type than the existing non-conforming sign(s) (i.e. if the non-conforming sign is a freestanding sign, a conforming freestanding sign may not be erected).
4. A non-conforming sign may be altered to decrease its non-conformity.
5. Maintenance and Repair of Non-conforming Signs: Nothing in this Section shall be construed to relieve the owner of use of a non-conforming sign, or owner of the property on which such non-conforming sign is located, from maintaining the sign in a state of good repair; provided, however, than any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming. Routine maintenance or changing like parts shall not be considered an alteration; provided, that such change does not alter the surface dimension, height, message, or otherwise make the sign non-conforming.
56. Removal of Non-Conforming Signs: If a non-conforming sign is demolished or removed at the will of the property owner, any subsequent sign shall thereafter be required to conform to the regulations specified in this Title for the zone district in which it is located.
67. If a non-conforming sign is destroyed by fire or other natural cause, it may be replaced. If the sign is not repaired or replaced within one year from the date of loss, it shall not be reconstructed or replaced except in conformance with the provisions of this Title.
78. If the cost of the non-conforming sign is valued at less than one hundred dollars (\$100.00), the sign shall be removed. Sign value shall be determined based on an actual sales receipt for the sign or a cost estimate for the replacement cost provided by a qualified professional.
89. Nothing in this Section shall be deemed to prohibit the County from removing a billboard without providing just compensation in accordance with the procedures set forth in this Subsection, if the County Manager provides reasonable notice of the proceedings and, following a public hearing, finds:
 - a. The applicant made as a false or misleading statement in any application to the County necessary to establish or change the billboard;
 - b. The billboard is unsafe or presents a hazard to persons or property;
 - c. The billboard is in a state of disrepair; or
 - d. The billboard has been abandoned for at least twelve (12) months.

I. Enforcement:

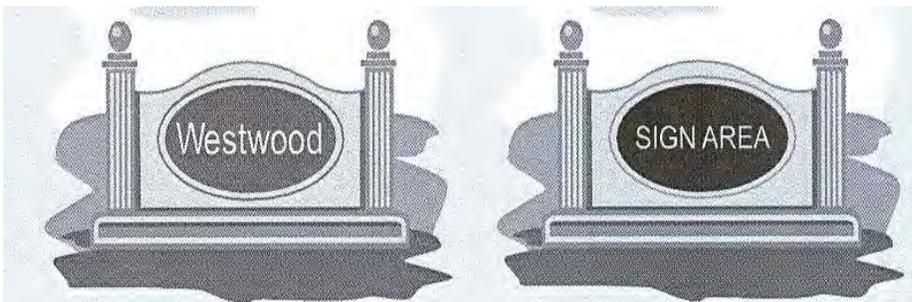
1. The CDD or designated planning staff member shall be responsible for enforcing the provisions of the sign regulations established herein.
2. Violation of the sign provisions established herein shall result in punishment in accordance with the provisions of this Title and State law. (Ord. 323, 3-9-1998)
3. If signs not conforming to the requirements of this Title are located within a public right-of-way, County personnel may remove and impound those signs if notice to remove the signs has been sent to the property owner and they have failed to comply with that notice.

J. Measuring Sign Area:

Freestanding Sign

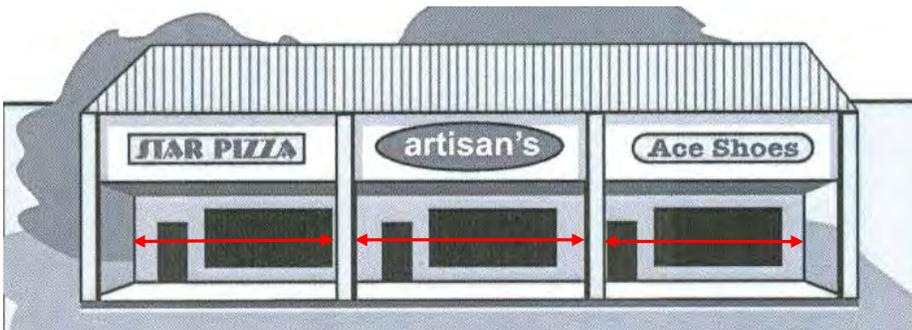


Calculate sign area by size of imaginary panel drawn around copy. Do not calculate embellishment or monument background



Calculate sign area by size of actual oval panel surrounding copy. Do not calculate embellishment or monument background.

Building Facade Frontage



Building Facade Frontage: The length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

Wall Mounted Sign



Calculate sign area by size of actual background panel surrounding the sign copy.



Calculate sign area by size of imaginary panel drawn around copy.

Mixed Case Lettering



Draw imaginary panel around either upper case or lower case letters, but not both.

| K: Types of Signs

Freestanding Sign



Wall Mounted Sign



Projecting Sign



Awning Sign



Hanging Sign



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L: Examples of Sign Illumination:

Exposed Neon Tubing Sign: NOT ALLOWED



Back Lit Full Sign Face Illumination: NOT ALLOWED



External Light Source Directed Towards the Face of the Sign: ALLOWED



Back Lit Channel Letters: ALLOWED

