

**SUMMIT COUNTY PUBLIC ART PROGRAM  
Strategic Plan – Oct 2009**

GOALS OF STRATEGIC PLAN:

- Develop a strategic and cohesive plan for public art projects and processes, short- and long-term
- Establish criteria and guidelines for public art projects which directly support the County’s vision and goals
- Define processes for public art conceptual development, planning and implementation
- Identify top priorities for public art sites
- Identify top priorities for public art projects
- Develop a plan for funding of public art
- Develop an effective plan to communicate about the public art program and projects

VISION:

- SCPAAB: To unite and celebrate Summit County through public art.
- County:
  - State/County relationships
  - Fiscal stewardship
  - Open and accessible government
  - Transit goals
  - Sustainability
  - Capital facilities plan/efficient & sustainable infrastructure
  - Bolster economic development
  - SC brand for locally-produced products
  - Green energy, ag, open space
  - Effective growth strategies
  - Maintain ongoing legacy of heritage and cultural assets

- Housing and jobs for diverse residents

STEPS TO DEVELOP STRATEGIC PLAN:

Criteria and guidelines

Public art should [be]:

- Excellence/high quality
- Unique to Summit County
- Be relevant to site while advancing overall vision
- Have a purpose to each project, such as:
  - Advance the vision, goals and branding of the County
  - Provide strong sense of place (history, stories)
  - Maintain our ongoing legacy of heritage and cultural assets
  - Unify County
  - Serve as an educational tool
- Be embraced by County residents; have broad appeal
- Engaging; thought-provoking
- Durable and appropriate to the outdoor elements and our climate
- Safe to the public
- Use a variety of art forms and mediums (visual, performance, etc; temporary & permanent; include mosaics, landscape features, etc.)

Processes

- Define process for involving artists early on in conceptualizing, planning and development

- Once project is identified, conduct research on similar projects to get ideas, determine approximate costs and artists’ wages, clarify goals and parameters
- Reflect on site – who goes there, why, how often, history/story/purpose of site, relevance to SC/what do we hope to accomplish through art/how to tie into site/message to deliver, what makes it unique?
- Review other public art pieces; what makes them good? (quality, sense of place, accessible, memorable, unique)
- Consider every element of site – landscape, surrounding area, buildings and structures, etc. – and how artwork will fit in with and impact the overall site
- Develop lists of artists with experience/capabilities for public art projects; Pay artists to develop comprehensive concepts for each site; select winner
- Solicit appropriate technical support before issuing RFP to determine specifics regarding parameters of project, desired art mediums, guidelines for quality implementation of artwork (design, production files, size of original, submission requirements from artists, installation, lighting, etc.)
- Encourage participation of artists by paying fair wage for projects and creating opportunities at various levels of projects for artists’ participation
- Conduct annual review of artwork projects and recommend appropriate maintenance requirements
- Work with CDO and Planning Commission to create incentives for developers to include art in their projects and for CDO to place value on art as part of the evaluation of new projects; encourage consistent County message

#### Top priorities for potential public art sites

- High visibility; most populated
- Identify public properties suitable for public art based on established criteria and guidelines (e.g., if goal is to promote SC economy, identify sites suitable for public art – visual and performing)
- Identify high traffic areas within County
- Identify existing and upcoming capital projects which lend themselves to public art
- Identify sites which provide opportunities for partnerships
- Identify sites which provide opportunity to advance community goals/messaging
- Prioritize sites from lists developed above

#### Top priorities for public art projects

- Develop projects based on criteria, guidelines, and prioritized sites
- Define priorities for telling our story, advancing community goals, expressing our unique character, etc.

#### Funding

- Define funds currently available
- Identify upcoming capital projects and related 1% funding for next five years
- Determine possibilities for partnerships
- Research funding for public art in other communities

#### Communication

- Define process and guidelines to encourage community input and involvement on overall public art plan and specific projects

- Enhance RFP distribution process – in general and for specific projects
- Develop plans for how to publicize public art projects, program (website page, earned media, social media networking, collateral pieces, etc.)
- Make regular updates to County Manager/Council on the progress of the public art program



## STAFF REPORT

**To:** Summit County Council  
**Report Date:** Thursday, May 10, 2012  
**Meeting Date:** Wednesday, May 16, 2012  
**Author:** Sean Lewis, County Planner  
**Project Name & Type:** Snyderville Basin Development Code Amendments Regarding Group Homes / Assisted Living Centers  
**Type of Item:** Work Session  
**Future Routing:** Snyderville Basin Planning Commission Work Session & Public Hearing; SCC Work Session & Public Hearing

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**EXECUTIVE SUMMARY:** The Summit County Council (SCC) instructed Planning Staff to work with the Summit County Attorney's office to prepare possible revisions to the Snyderville Basin Development Code (Code) to clarify the application process used for assisted living center applications. Staff will present preliminary findings of the review and also present possible Code revision suggestions.

A. **Project Description**

- **Type of Action:** Legislative
- **Project Name:** Snyderville Basin Development Code Amendments
- **Zone District:** All Zones

B. **Community Review**

This item has been placed on the agenda as a work session, and as such no other public notice is required. Pursuant to section 10-7-3 of the Code, before any revision to the code can be made, the Snyderville Basin Planning Commission (SBPC) must conduct a public hearing and deliver a recommendation to the SCC. Applicable public notice will be provided prior to any public hearing on this matter.

C. **Background**

In July of 2011, the SCC heard an appeal of a Conditional Use Permit (CUP) application that had been previously approved by the SBPC for an assisted living center. As part of the discussion of the appeal, Staff was asked by the SCC what use in the Use Table had been identified by Staff as a basis to process the application. Staff replied that the application was being processed as a nursing home as that was the use closest in definition to what the applicants had proposed. The SCC requested that Staff look into a

possible Code text amendment to clarify the Use Table in terms of how applications for group homes, assisted living centers, and nursing homes are processed by Staff.

**D. Identification and Analysis of Issues**

*Current Use Table:*

Below is a selection of various residential and quasi-residential uses found in the current Use Table, section 10-2-10 of the Code. Staff has highlighted uses that could be considered as similar to the then proposed assisted living facility.

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Bed and Breakfast Inn	C	C	C	*	*	*	
Dwelling Unit, Accessory	A	A	A	A	A	A	Section 10-8-5
Dwelling Unit in the Ridgeline Overlay Zone	L	L	L	L	L	L	Section 10-2-13
Dwelling Unit, Agricultural Employee	L	L	L	*	*	L	Section 10-8-5
<b>Dwelling Unit, Multi-Family</b>	<b>C</b>	<b>*</b>	<b>*</b>	<b>C</b>	<b>*</b>	<b>C</b>	
Dwelling Unit, Single-Family Attached	A	L	L	C	*	C	
Dwelling Unit, Single Family Detached on a lot of record within a platted or recorded subdivision	A	A	L	*	*	A	
Dwelling Unit, Single-Family Detached on a lot of record outside of a platted or recorded subdivision	L	L	L	*	*	L	
Dwelling Unit, Two-family or Duplex	C	C	*	C	*	C	
<b>Group Home</b>	<b>C</b>	<b>*</b>	<b>*</b>	<b>L</b>	<b>*</b>	<b>C</b>	
<b>Health Care Facilities</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>L</b>	<b>*</b>	<b>C</b>	
<b>Hospitals</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>C</b>	<b>*</b>	<b>*</b>	
Hotel, Motel or Inn with fewer than 16 rooms	*	*	C	C	*	C	
Hotel, Motel or Inn with 16 or more rooms	*	*	*	C	*	*	
<b>Nursing Home</b>	<b>C</b>	<b>*</b>	<b>*</b>	<b>C</b>	<b>*</b>	<b>C</b>	
<b>Residential Treatment Facility</b>	<b>C</b>	<b>*</b>	<b>*</b>	<b>L</b>	<b>*</b>	<b>C</b>	

*Definitions:*

The Code also has identified definitions relating to specific uses. These definitions, found in Chapter 11 of the Code, often will further refine what uses are allowed within the general terms listed in the Use Table. Definitions for the uses highlighted in the Use Table above are provided below:

10-11-1.106 **Dwelling Unit, Multi-Family:** A dwelling unit in a structure containing three or more dwelling units sharing common horizontal floors/ceilings, but not including hotels and lodges.

10-11-1.133 **Group Home:** A dwelling shared by four or more persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible. As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; 2) a record of having such impairment; or 3) being regarded as having such an impairment. The term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include residential facilities for the handicapped, residential facilities for the elderly, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

10-11-1.134 **Health Care Facility:** Home health agencies, hospices, nursing care facilities, residential health care facilities, birthing centers, ambulatory surgical facilities, small health care facilities, facilities owned or operated by health maintenance organizations, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act, Utah Code § 26-1-2. Health care facility does not include the offices of private physicians or dentists, whether for individual or group practice.

10-11-1.144 **Hospital:** An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, out-patient facilities, training facilities, medical offices, or staff residences.

10-11-1.206 **Nursing Home:** An establishment described also as a "rest home," or "convalescent home," other than a hospital, in which persons are lodged and furnished with care rather than diagnoses and treatment.

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10-11-1.254 **Residential Treatment Facility:** A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, development, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

*Staff Concerns:*

Staff is concerned that as written, the Code does not provide clear and consistent direction regarding how to classify uses such as group homes, assisted living facilities, or nursing homes. For instance, a nursing home could be classified as a Health Care Facility which requires proof of licensure from the state of Utah, or as a nursing home that has no licensure requirement. The distinction between a Health Care Facility and a Nursing Home may determine where in the Snyderville Basin a particular facility could be located. The definitions of Group Home and Residential Treatment Facility also share characteristics that could cause similar confusion. Additionally, these inconsistencies could be a violation of both State and Federal Fair Housing Acts.

Both the County Attorney's office and outside counsel Jody Burnett, as part of the recent Planning Commission training, have emphasized to Staff and the SBPC, that recent case law has determined that under the Fair Housing Acts, building/planning requirements for housing of any group that may be classified as protected, cannot be more restrictive than any other housing in the same zone. This means that Code requirements for group homes may not be more onerous than those for traditional single family or multi-family dwellings. It appears that the Code may have been written with the intent that group homes are more similar to single family residences as opposed to multi-family. Currently, Single Family Dwellings are allowed uses in the RR, HS, and MR zones, whereas multi-family and duplexes are considered Conditional Uses or are prohibited in the same zones. Staff would like the SCC and SBPC to provide clear direction on how group homes should be treated within these constraints. The County Attorney's Office recommends that group homes should be considered as an allowed use in the RR, HS, and MR zones. Staff would also like the SCC and SBPC to discuss the merits of processing applications as CUP's or as allowed uses.

*Possible Resolutions:*

Staff proposes the following amendments be made to the Code.

- 1) Remove Nursing Home from the Use table and Definitions of the Code. Nursing facilities should be processed as Health Care Facilities, and Staff sees no justifiable reason to have separate categories for essentially the same use.
  - 2) Remove Residential Treatment Facility from the Use Table and Definitions of the Code. Similar to Nursing Homes Above, Residential Treatment Facilities and Group Homes are similar uses that should not require separate use designations and separate definitions in the Code.
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- 3) Make the following amendments to the Group Home definition to make the definition more inclusive and in line with item 2 above:

10-11-1.133 **Group Home:** A dwelling shared by four or more persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible. ~~As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; 2) a record of having such impairment; or 3) being regarded as having such an impairment. The term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include residential facilities for the handicapped, residential facilities for the elderly, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.~~

- 4) Amend the Use Table to reflect the following (changes identified in red):

USE	RR	HS	MR	CC	SC	NC	Additional Reference
Group Home	C	C	C	L	L	L	
Health Care Facilities	C	C	C	L	L	C	
Hospitals	*	*	*	C	*	*	
<del>Nursing Home</del>	<del>C</del>	<del>*</del>	<del>*</del>	<del>C</del>	<del>*</del>	<del>C</del>	
<del>Residential Treatment Facility</del>	<del>C</del>	<del>*</del>	<del>*</del>	<del>L</del>	<del>*</del>	<del>C</del>	

E. **Consistency with the General Plan**

As part of the goal to *“Ensure an adequate supply of housing to meet the needs of all income groups in the Snyderville Basin”*, Chapter 7 (Housing Element) of the General Plan recommends the following policy and accompanying strategies:

**Policy 1.5: Support the development of Single Room Occupancy (SRO) housing, group homes and supported living facilities for the elderly and persons with special housing needs.**

1. Encourage housing that incorporates facilities and services to meet the health care, transit or social service needs of households with special needs, including seniors and persons with disabilities.
2. Assist local agencies and nonprofit organizations in the construction or rehabilitation of new facilities for this population.
3. Encourage housing near public transportation, shopping, medical and other essential support services and facilities for the elderly and others with special needs.
4. Support the integration of persons with special needs into private housing development as much as possible.
5. Support the maintenance of an informational resource of housing developments in the County which have units reserved for persons with special needs.

This policy emphasizes the need for this type of housing within the Snyderville Basin. Amending the Code to clarify requirements for these various types of housing is consistent with the goals and objectives of the Snyderville Basin General Plan. The remainder of the General Plan is silent regarding uses such as group homes, hospitals, nursing homes, etc.

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

As mentioned in Section B of this report, Section 10-7-3 of the Code lists the procedure for amending the Code. The procedures are listed below for reference.

C. Amendment Procedures:

1. Amendment to Text of [the Code]: Whenever there is initiated an amendment to the text of [the Code], such amendments shall be accomplished in the following manner:
    - a. A copy of the proposed amendment shall be delivered to the Commission (SBPC) for its review and recommendation. Prior to making a recommendation, the Commission shall hold a public hearing regarding the proposed amendment.
    - b. The Commission's recommendation shall be delivered to the County Council. The County Council, after holding a public hearing, shall either approve, approve with modifications or deny the amendment.
    - c. Criteria for approving an amendment to the text of this Title:
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- (1) The amendment shall be consistent with the goals, objectives, and policies of the General Plan.
- (2) The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.
- (3) The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
- (4) The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
- (5) The amendment will not grant special favors or circumstances solely for one property owner or developer.
- (6) The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

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

Staff recommends that the SCC review the information contained in this report and conduct a work session with Staff to provide clear direction regarding the issues addressed below:

- 1) Provide direction regarding whether Staff should treat group homes as similar to single family or multi-family dwellings.
- 2) Provide direction regarding the merits of processing group home applications as Conditional or Allowed uses.
- 3) Provide comment on the Code changes addressed above.

Staff further recommends that if the SCC chooses to explore the proposed changes further, then the SCC should direct the SBPC to review the proposed changes, conduct a public hearing, and deliver a recommendation to the SCC as required by section 10-7-3 of the Code.



Ashley Koehler  
Sustainability Coordinator

## Staff Report

**To:** Summit County Council (SCC)  
**Report Date:** Thursday, May 10, 2012  
**Meeting Date:** Wednesday, May 16, 2012  
**Authors:** Ashley Koehler, Sustainability Coordinator  
**Title:** PRI Open Space – conservation easement  
**Type of Item:** Work Session II  
**Future Routing:** SBSRD Board, Park City Council, and County Manager

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**EXECUTIVE SUMMARY:** Staff is preparing to finalize the conservation easement on the PRI open space and requests final comments from the County Council prior to review and approval by the County Manager, Snyderville Basin Special Recreation District (SBSRD) Board, and Park City Municipal. The conservation values and existing restrictions on the property were reviewed by the Council in May of 2011 and feedback has been included into the draft conservation easement attached in this packet for comment. Since that time, recommendations on specific uses from the Basin Open Space Advisory Committee (BOSAC) have been made and are included in this report for the Council to consider.

### **BACKGROUND:**

In December of 2007 Summit County and Park City Municipal partnered to purchase approximately 316 acres from Property Reserve Inc, known as PRI, for the purpose of acquiring it as open space (Exhibit A). Summit County and Park City Municipal (PCMC) are tenants in common with Summit County having a 75% interest in the ownership and Park City 25%. At the time of sale multiple documents were signed and recorded calling out specific allowances and prohibited uses on the property based on the funding sources and purchase agreement (EXHIBIT B). \$12.5 Million was contributed by Summit County, of which \$6.6 million was from the 2008 General Obligation open space bond fund held by the SBSRD, and \$3.5 million from Park City Municipal, for a total of \$16 Million.

In August of 2010 Utah Open Lands (UOL) completed a baseline documentation report evaluating the conservation values on the property, which formed the basis for discussions regarding potential uses on the property. Potential uses, identified in numerous agreements created as part of the purchase, along with existing encumbrances on the property, have been evaluated through a facilitated sub-committee of BOSAC members by Utah Open Lands. As a result of that process, BOSAC outlined some conflicts between uses that were identified for the property and presented those to Council in May of 2011.

County Council reviewed the issues at the May 25, 2011 meeting and provided comment as documented in the attached meeting minutes (EXHIBIT C). Staff and Wendy Fisher from UOL presented the conservation values to be considered: wildlife, agriculture, recreation, view shed, vegetation, scenic, culture, and education. An analysis on each value was discussed and the fact presented that conservation easements are stronger when a multitude of values are being protected. It was acknowledged that not all values can be protected, as the application of some will degrade others, and the County needs to know that that is okay. It was further commented that if all potential uses are permitted, it would no longer be open space. Comments received from council member Robinson supported recreation and human needs

for the property, while council member Elliott supported the cemetery on this site. It was stated that the County should honor the existing encumbrances on the property.

## **ANALYSIS OF ISSUES**

Due to the many encumbrances and competing values, Staff has summarized the following permitted uses and those that need further direction from Council.

### **Cemetery**

At the time of purchase, the County reserved the right to use a portion of this land for a cemetery and documented such in the Notice of Use Restrictions recorded on the property. To further permit this, the County provided funds in addition to open space bond funds that are less restrictive. Following acquisition, BOSAC was tasked with considering the scope of the cemetery and how the use could be compatible with the conservation values. BOSAC's subcommittee felt that there were so many unknowns as to the type, size, and demand that it would be difficult to assess, however ultimately decided to honor the Notice of Use Restrictions. The committee voted to recommend that a cemetery be an allowed use in the conservation easement, but limited to a maximum of twelve acres and located adjacent to Bear Hollow and the substation. There had been significant discussion at the subcommittee level to require the cemetery to use Green Burial Council<sup>SM</sup> provisions, which prohibit metal caskets, concrete burial vaults, and formaldehyde-based embalming. The committee also felt strongly about blending the cemetery with the open space by prohibiting raised headstones and irrigated turf. These comments were not included in the motion, but Staff recommends that these provisions be included.

The language addressing the cemetery in the current conservation easement draft is as follows:

- A. Cemetery. An area consisting of no more than 10 acres of the property may be used as a cemetery for Snyderville Basin Residents provided there is fulfillment of the following conditions:
  - a. Summit County shall first commission a study of the need for a cemetery for Basin Residents.
  - b. Summit County shall actively pursue the purchase of other lands suitable for use as a cemetery
  - c. A cemetery district to administer the management of the cemetery shall be established with a portion of the proceeds from the cemetery to be used to acquire additional open space.
  - d. The location of the Cemetery shall be limited to the location identified in Attachment 3.
  - e. A one-time right of subdivision of the property provided a survey of the boundaries of the Cemetery is done, shall be allowed for emplacement of this portion of the property under a cemetery district.
  - f. The cemetery shall utilize green burial practices whereby all materials are biodegradable and no monuments or burial structures shall be allowed that are visible above 6 inches from the natural topography.
  - g. The paths through the cemetery shall be part of a broader trail connection on the property.
  - h. The right to use a portion of the property as a cemetery shall expire within five (5) years of the signing of this document, failure to find a suitable alternative location or commissioning of a study shall not be cause to request an extension of this five-year period. Grantee may choose to extend the period defined herein if reasonable cause to do so is established.

### **Olympic Staging Area**

During the 2002 Winter Olympic Games, the meadow portion of this property was used for event spectator parking, shuttle drop-off, and related security for a total of 86 acres impacted and approximately 7,000 parking spaces. The area was graded and compacted road base placed for the parking, culverts and fencing installed for the wetlands, and a device connected to the substation to power the security screening equipment. Post-Olympics the area was reclaimed and re-vegetated. However, the re-vegetation was not properly carried out and silt fencing and road base still exist on the property.

This area is now being requested by Utah Olympic Park (UOP) to be a permitted use in the conservation easement. Colin Hilton, representing UOP, has indicated that UOP would like to reserve the right in the easement to use the entire meadow area, but would be supportive of conditions to reduce the impacted area to 40-50% from the 2002 Games, avoid wetland areas, and re-vegetate according to an approved seed mix and specifications from the landowner and easement holder. Colin has indicated that through his role in the Olympic Exploratory Committee for the 2022 Winter Olympic Games, it is important for UOP to have adequate room for staging and security near the entrance to UOP. The International Olympic Committee has mandated that future Olympics must be carbon neutral, therefore using mass transit will be imperative and less accommodation for individual vehicles made. UOP's revised request is not just for spectator parking, but for a staging area, potential shuttle stop, and security checkpoint. If this allowance was granted, but limited to a specific area, UOP would like flexibility to accommodate powering devices and security fencing.

At the on-set of the BOSAC discussions in March of 2010 the idea for parking was presented by UOP. The proposal was not considered appropriate for open space and the topic was dismissed, so it was never discussed at the sub-committee level. Later in November 2011, Colin Hilton returned to BOSAC and presented again the request that the committee consider Olympic parking as an allowable use in the conservation easement. At that time some the committee members on the board were open to the allowance if restricted and impacts reduced. Since that time, a vote was requested by the County Manager on the specific allowance for the Olympic parking. In March 2012 the committee voted 4-3 to prohibit any use that is not already included in the Notice of Use Restrictions and other documents governing the property, which excludes vehicles and therefore parking.

#### **Olympic Staging Area: Staff Analysis**

Staff has reviewed the Notice of Use Restrictions and found that the existing encumbrances on the property do not allow for parking, but staging and security is not addressed. Section 1 lists the prohibited uses and activities on the property with subsection (h) explicitly prohibiting "*[t]he use of vehicles, including snowmobiles and other recreational vehicles, except the use of vehicles is permitted to the extent necessary to maintain the Property, and to maintain and construct utility lines running through the Property.*" Further, the board of Utah Open Lands will not accept an easement that includes parking to the extent it was previously used, as that is a use in direct conflict with the conservation values. Based on these statements, Staff supports BOSAC's recommendation to not permit spectator event parking for the Olympics on this parcel.

However, it should be noted that the current Notice of Use Restrictions is the superior document, but Staff would like to replace this document and the existing road easements by recording a conservation easement, which is a more enforceable and lasting document. The conservation easement would honor the intent of the Notice of Use Restrictions and take its place as the primary document and not be subordinate to any other document on the property. Because this notion allows for the modification of the current restrictions, Staff feels it necessary to present to Council options due to UOP's need for security and staging, but not parking for a future Olympics. If the Council chooses to pursue this, Staff recommends that the Council consider the following conditions:

- The area may only be used for staging, security, and potential shuttle drop-off; no spectator parking.
- The area may only be considered after all other locations and means for alternative transportation, staging, and security have been exhausted.
- Only the lower meadow adjacent to Hwy 224 (~25 acres), exclusive of any wetlands or restoration work, be considered for Olympic staging and security
- The area may only be used for official Olympic Winter Games and no other major World Cup or variation of the Olympic Games (Paralympics, Junior Olympics, etc.).
- The area must be re-vegetated according to an approved re-vegetation plan by the landowners and land trust.
- That UOP work with the landowner and land trust to develop a review process for the purpose of planning these needs which would allow sufficient time for input from all parties as to the best way to reduce and mitigate potential impacts.

### **Trails**

The SBSRD has completed the installation of a paved pedestrian transportation trail along the eastern border on the property where it crosses under Hwy 224 and a Nordic loop trail in the upper Aspen forest. It is proposed that the Nordic trail will connect via a single-track trail towards the north and a northern boundary trail be installed in coordination with Park City Tech Center. These trails along with the proposed future trails are shown in EXHIBIT D.

### **Road**

Based on existing recorded documents (EXHIBIT B), multiple access road easements are currently recorded on this property. However, Staff has proposed that this be more narrowly defined and limited to a connector road parallel to Hwy 224 from Olympic Park Blvd to Bear Cub Drive (Bear Hollow north access road) and be an allowance in the conservation easement. This road would serve future needs to alleviate traffic congestion in the Kimball Junction area and is included in the Snyderville Basin Transportation Master Plan (Ordinance 650-A). This road could reduce congestion currently and provide additional capacity needed for the Utah Olympic Park's Specially Planned Area request and others. The Engineering Department has requested that this allowance be included in the conservation easement for a maximum road width of 100' feet and located in the area marked as option A or B on the attached map in EXHIBIT D.

### **Agriculture**

Minimal grazing is included as an appropriate and allowable use on the property as BOSAC feels that it supports the scenic view shed as an entry corridor and also serves as a land management tool. New fencing was constructed as part of the Millennium Trail and this lower meadow is the only area completely fenced on the property that is suitable for grazing. Committee members felt crop agricultural use in the future for food security purposes should be permissible in emergency situations, but not as a permitted use to be formerly pursued at this time. The following reflects the current draft of the Conservation Easement:

- A. Food Security. A portion of the property may be used for cultivation purposes if it is determined that available tillable land is necessary for food production as determined by competent governmental agencies in times of emergency food production. This provision is intended to apply only to emergency issues of Food Security needs and could include a temporary hoop house to extend the growing season, or a walipini allowing for the alteration of topography. Grantee would be notified and provided with appropriate documentation for this use and shall comply with section IV.
- B. Grazing. As a visual aesthetic value the limited grazing of horses, sheep, cattle and or goats representing the rural character of the Snyderville Basin and its historic cultural tie to a ranching lifestyle is permitted on the front portion of the property. Grazing is permitted on the property

only in the area between Highway 224 and the eventual extension of Landmark Drive. Regardless of the construction of the extension of Landmark Drive any livestock grazing on the property must be fenced in a manner to confine livestock to the location defined herein.

### **Restoration & Management**

Sustainability Staff in coordination with a County Property Management Staff team are supportive of management plans on all major County properties in an effort to be better stewards of the land and stay noxious weed growth. An outline for a management and restoration plan has been drafted to address ways the riparian areas can be restored and enhanced with the anticipated storm water from the Park City Tech Center. With the aid of Utah Open Lands, the County will also monitor the habitat for sensitive species including the Smooth Green Snake, Ferruginous Hawk, Aspen vegetation, neo-tropical song birds, broad tailed humming bird, and ground nesting birds. This ongoing monitoring will include any impacts from the trails to see if they need to be adjusted.

### **UTAH OPEN LANDS' RECOMMENDATION:**

Utah Open Lands stands by the information provided to Council previously with respect to the multiple conservation values found on the property. Utah Open Lands always recommends that to the extent that conservation values can remain in balance to further enhance and conserve the individual values so as to enhance and benefit the entire conservation purpose of the property that efforts be made in the protection of the property to do so. Utah Open Lands recognizes that among the public benefit values this property conveys for open space, habitat for sensitive species, appropriate passive recreation and trails, scenic aesthetic values, and restoration are paramount to the property's conservation value.

### **STAFF RECOMMENDATION:**

It is Staff's recommendation that the Council consider the information provided in the Staff report and specifically comment on the allowance for an Olympic staging/security area and the cemetery in the conservation easement.

### **Attachment(s):**

**EXHIBIT A:** Map of Property

**EXHIBIT B:** Summary of existing recorded restrictions and/or easements

**EXHIBIT C:** SCC Meeting minutes 5-25-11

**EXHIBIT D:** Map of potential uses on PRI open space

**EXHIBIT E:** Draft conservation easement (*to be submitted*)

# PRI Open Space: Vicinity Map

Park City Tech Center

Olympic Park Blvd

224

80

Utah Olympic Park

**Legend**

-  PRI Open Space
-  Open Space
-  Proposed\_Paved\_Trail
-  PRI\_Paved\_Trail
-  Pacificorp
-  CPB Parcel
-  Summit County/PCMC
-  Utah Olympic Park

N



Exhibit A

### **Declaration & Notice of Use Restriction:**

This recorded document codifies much of what was outlined in the purchase and sale agreement and the Summit County and PCMC Letter of Intent. It is an agreement by and between Summit County and PCMC as Declarant identifying uses and restrictions which encumber the PRI parcel in relation to the Boyer Company property as referred to in this document as the “Benefitted Property”. Since this document has already been recorded, it would take precedent over a future conservation easement recorded on the property. In that regard, discussions are underway with Boyer to make their interests subordinate to the conservation easement.

### **Interlocal Cooperation Agreement between Summit County & SBSRD for use of bond funds:**

This agreement outlines the intent of the use of open space bond funds for the PRI property which is referred to in this agreement as “the Boyer Open Space.” The agreement specifies that District funds for recreational open space acquisition are invested in the Properties and used with the intent to allow public trail access and to educate users on recreational land use, in addition to preserving environmentally sensitive areas and view corridors. It further permits that the Recreation *“District may extend its trail system through the property by amending its Trails Master Plan to define Community trail corridors proposed through the property.”*

### **Summit County & PCMC Letter of Intent: PRI/Boyer Joint Property Acquisition**

This document clarifies the understanding between Summit County and PCMC regarding cooperation and joint acquisition of the Round Valley and Kimball Junction Parcels outlining certain anticipated uses and restrictions for the properties as well as identifying ownership considerations such as ‘tenants in common’ on the PRI parcel.

### **Declaration of Easement (Entry # 00861938)- Road easement**

This easement granted by the original owner of the PRI parcel Suburban Land Reserve Inc (SLR) in favor of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints (CPB) as owners of an adjacent property (the church camp property) to provide for primary access to the CPB parcel through the PRI parcel sufficient to meet any future county standards for that property and any current or future uses of the property. The primary road easement granted provides for a 100’ width of the road with access off of S.R. 224. The easement also provides for a secondary road easement. The locations of these road alignments are not specified. However, provisions are provided mandating lateral support easements for the roads and perpetual easements for water runoff and storm water drainage. In particular, the easement’s purpose is to provide *“access to the CPB Parcel as the owner of the CPB Parcel deems necessary, and to maximize the present and future value and use of the CPB parcel by ensuring that limited access will never be a reason for denying or limiting any entitlement that the CPB parcel might otherwise receive, while to a lesser extent attempting to minimize the impact on the SLR Parcel.”* Additionally, the County Engineering Department has included a road parallel to 224 in their long range plan that would extend from the Olympic Park Blvd round-a-bout to the Bear Hollow Village development.

### **Reservation of Lease and Easement (Entry 00861938) – Radio Tower Lease**

This document reserves to PRI its interest as the Landlord of the “Radio Tower Property.” It provides PRI with rights of access to the Radio Tower Property and the ability to enhance, construct or enlarge the access and the facilities of that property to provide continued *“viability as a telecommunications site.”*

### **Waterline & Reservoir Easement Agreement (Entry 00861933)**

This document permits a waterline easement for Summit Water to access and maintain their waterlines in the property. It also permits a Winter Sports Park water reservoir on up to 2 acres of the open space.

**MINUTES**

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

**PRESENT:**

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

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

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

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

**CLOSED SESSION**

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

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

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

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

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

**WORK SESSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

- **2011 Budget Update**

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

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

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

# PRI Open Space Map

Park City Tech Center

224

80

Olympic Park Blvd

A

B

Cemetery (12 acres)

Nordic Trail

Combine CPB access rd with Bear Hollow secondary access rd

Emergency access for CPB Parcel

### Legend

- - - PRI\_Proposed\_Paved\_Trail
- PRI\_Paved\_Trail
- Potential Road Locations
- Open Space
- PRI Open Space
- Pacificorp
- Utah Olympic Park
- Summit County/PCMC
- CPB Parcel



Exhibit D

## **Memo**

**Date:** May 16, 2012  
**To:** County Council  
**From:** Kevin Callahan, Public Works Director  
**Subject:** Acceptance of Private Roads within Silver Springs

### **Background:**

On September 28, 2011, staff held a workshop with the County Council regarding a review of the County's policies regarding private roads. As a result of that workshop we were directed to require all new roads developed in subdivisions to be dedicated county roads. The Council also affirmed that existing private roads wishing to be accepted as County roads would need to meet certain minimum criteria. As a part of that discussion, the Council also agreed that the cost of upgrading deficient private roads would be borne by the property owners fronting on those roads and not the general public.

Over the last year, staff has had conversations with several homeowners associations about accepting their private roads into the County road system. The discussion which has proceeded the furthest is with homeowner associations along West Quail Meadows Road, Ptarmigan Loop and Ptarmigan Court in the Silver Springs neighborhood. These condominium developments were approved in the 1970's with narrow private drives (17-18') to serve the condominiums. Some of the properties were included into Service Area 6 (West Quail Meadows) and some were not (Ptarmigan Loop and Court). Over time the residents in these areas have become increasingly unhappy with the condition of their roads.

In June 2011, staff was contacted by a representative of the West Quail Meadows Condominium homeowners asking what the process would be to become a county road. That contact initiated the policy review that led to our workshop in September of last year. Public Works staff has worked with the County Attorney's office, the County Clerk and the County Treasurer to develop the process for undertaking a series of interrelated actions. These actions are as follows:

- Consideration of accepting a private road into the county road network (This is done by a petition of the residents of all of the subdivisions);
- Inclusion of properties which were not initially annexed in to Service Area 6 (Ptarmigan Loop and Court) but now want to be considered as county roads (This is also done by a petition of the affected residents of those two condominium associations); and
- Adoption of an assessment district to fund improvements to the private roads to bring them closer to acceptable county standards (adopted by action of Council).

All three of these actions are complementary and interrelated but on differing approval tracks. The County does not want to accept the roads unless the residents agree to fund the improvements that will bring them close to an acceptable county standard. The residents are reluctant to commit to funding the improvements to the roads without a guarantee that the Council will accept them as county roads. For those areas coming into Service Area 6, they will have to pay for the road improvement assessment cost (spread over a 7 year term) and their annual Service Area 6 maintenance assessment.

The process is further complicated by legally mandated procedures for each of these actions which do not easily coincide. The timeline for these actions is included as an addendum to this report. In essence, the petition for annexation to Service Area 6 along with the petition to be accepted as county roads will proceed for Council action before the designation of a special assessment district. The establishment of the assessment district like the other two actions is subject to a protest threshold. In the case of the assessment district, if 50% of the affected property owners were to protest the district, then it cannot be formed. If this were to occur, the County would have accepted deficient private roads as county roads without the ability to charge the affected homeowners for the cost of upgrading these roads. The Council would then be faced with the decision to take one of the following options:

- Vacate the roads as county roads but leave the properties in Service Area # 6, or
- Accept the roads as county roads but leave them in a deteriorated condition, or
- Accept the roads as county roads and try to make improvements as funding is available which spreads the improvement cost to all properties in SA # 6.

We have already initiated some of these processes with the Quail Meadows and Ptarmigan neighborhoods. The petition for acceptance of their roads as county roads is in the process of being circulated and some of these petitions have been submitted to the County Clerk for verification. The petition to request annexation into Service Area 6 has been refined and is ready to be given to the property owners in the Ptarmigan condominiums following this meeting. However, in order to ease the concerns of these property owners, we wanted a full discussion among them and the Council on the processes we are undertaking. If the parties are not in agreement about how to proceed, then we could terminate these actions.

Staff is prepared to continue to process these requests for acceptance into the County system, go out to bid on the creation of a road dedication plat for these roads, and prepare plans to upgrade the roads (probably in 2013). The purpose of this meeting is to fully explain these processes to all participants so that we all have a common understanding. Obviously, for the project to be successful, all parties must understand their specific costs and obligations

### **Specific Projects and Project Costs**

In conjunction with the acceptance of these roads as county roads, the area residents will be asked to participate in an assessment district to fund improvements to bring these roads up to acceptable county standards. The required improvements and associated costs vary by subdivision and specific road. One road, North Quail Meadows Road is jointly owned by two homeowner's associations. In addition, the associations as a whole will need to fund the cost of a road dedication plat as a part of their requirements to be considered for acceptance as county roads. Finally, one area (Ptarmigan subdivisions) are not currently within service area 6 and would need to be included as a part of these actions.

As a result of these interrelated actions, the cost for acceptance of these roads as public roads will vary by specific subdivision. The following is an analysis of the estimated annual cost for each subdivision during the first seven years and then thereafter.

**West Quail Meadow Homeowners (21 Units)**

Cost of Road Dedication Plat (Years 1-7), (included in cost noted below)	\$ 2000		
Road Imp. Cost & Annual Assessment West Quail Meadows (Years 1-7)	\$23,211	&	\$ 169
Road Imp. Cost & Annual Assessment Half of North Quail Meadows Loop (Years 1-7)	\$ 6,905	&	\$ 50
Average Service Area 6 (SA-6) Assessment (on-going) [Estimated Tax Rate of 0.000645]			
Average Non-Primary Residence Market Value \$317,500	SA-6 Tax		\$205
Average Primary Residence Market Value \$187,178	SA-6 Tax		\$121
<b>Total Annual Cost to Each West Quail Meadow Homeowner (Years 1-7)</b>			
Non-Primary Residence Market Value (\$219 + \$205)			\$424
Primary Residence Market Value (\$219 + \$121)			\$340
<b>Total Annual Cost After Year 7</b>			
Non-Primary Residence Market Value			\$206
Primary Residence Market Value			\$123

**Ptarmigan Homeowners (13 Units)**

Cost of Road Dedication Plat (Years 1-7), (included in cost noted below)	\$ 2000		
Road Imp. Cost & Annual Assessment Ptarmigan Loop (Years 1-7)	\$9,625	&	\$130
Road Imp. Cost & Annual Assessment Half of North Quail Meadows Loop (Years 1-7)	\$3,971	&	\$ 54
Average Service Area 6 (SA-6) Assessment (on-going) [Estimated Tax Rate of 0.000645]			
Average Non-Primary Residence Market Value \$460,000	SA-6 Tax		\$297
Average Primary Residence Market Value \$253,000	SA-6 Tax		\$163
<b>Total Annual Cost to Each West Quail Meadow Homeowner (Years 1-7)</b>			
Non-Primary Residence Market Value (\$184 + \$297)			\$481
Primary Residence Market Value (\$184 + \$163)			\$347
<b>Total Annual Cost After Year 7</b>			
Non-Primary Residence Market Value			\$297
Primary Residence Market Value			\$163

## **Major Actions Needed for Annexation and Road Acceptance**

The area homeowners and the County Council have a series of procedures to go through before these roads can become part of the County road network. In outline these steps are noted as:

- Homeowners submit petition to have their road be accepted as a county road;
- Homeowners submit petition (if applicable) to have their property joined to Service Area # 6;
- County Clerk certifies validates homeowner signatures/ Council publishes Notice of Annexation;
- 20 day wait period on Notice of Annexation;
- If no protests on Notice then Council adopts resolution annexing area to Service Area # 6;
- Council accepts Road dedication plat accepting area as a county road;
- Within 30 days of road dedication, Council files notice of impending boundary action with the Lt Governor's office;
- Lt Governor's office sends a certificate verifying acceptance of the boundary action;
- Council sets date for a public hearing within 30 days of verification for assessment area designation for a public hearing;
- Notice of public hearing on assessment area published for four consecutive weeks in local paper; and Notice of hearing mailed to each affected property owner;
- Council holds assessment district hearing and delays action during 10 day protest period;
- If the protest threshold of 50% is not met; Council adopts Resolution designating assessment area at next meeting;
- New assessment area is sent to County Treasurer for inclusion in annual assessment list;
- Council appoints 3 Council members to assessment Board of Equalization and sets dates for protest hearings if needed;
- Resolution for assessment area sent to County recorder for recording.

## **Conclusion**

As the Council can see bringing a private road into the County road network is a complicated process with significant demands on both property owners and the County. The intention of the process is to make sure that if the County accepts a formerly private road into our system that the costs for improving that road will be borne by the beneficiaries, that is the adjacent property owners.

## **Attachments:**

Timeline Quail Meadows Annexation  
Summit County Public Road Acceptance Program

## TIMELINE: QUAIL MEADOWS ANNEXATION

- Clerk receives Petition for Annexation from 75% of registered voters in the Quail Meadows Subdivision (UCA 17B-1-403 & 404)
- Clerk has 30 days to certify the Petition for Annexation (UCA 17B-1-405)
- Within 30 days of the certification, the Board of Trustees publishes the **Notice of Annexation** (w/o public hearing)
  - Post at Courthouse and one place in the area to be annexed
  - Publish once in Park Record
  - Post on the Utah Public Notice Website
- Wait 20 days after **Notice of Annexation**, if no requests for a public hearing are filed, then Board of Trustees adopts **Resolution annexing Quail Meadows to CSA #6**.
- Board of Trustees accepts the Road Dedication Plat for Quail Meadows Subdivision
- Within 30 days of adoption of the **Resolution annexing Quail Meadows**, file with the Lt Governor, a **Notice of Impending Boundary Action** (UCA 67-1a-3) and a **Final Local Entity Plat** of the boundary action signed by the county surveyor (UCA 17-23-20)
- Lt Governor sends a certificate verifying the boundary action
- Set date for Assessment Area designation public hearing in 30 days
- Publish **Notice of Public Hearing regarding the Designation of Assessment Area**
  - Once a week for 4 consecutive weeks in Park Record with the last appearing between 5-20 days before the protest period ends (which is 10 days after the public hearing)
  - For 4 weeks before the protest period ends in the Utah Public Notice Website
  - Mail Notice to each property owner within 10 days of the first publication in either the Park Record or Utah Public Notice Website
- Hold public hearing and wait 10 days for protest period to end
- Board of Trustees adopts **Resolution Designating the Quail Meadows Assessment Area**
- Complete the Assessment List (Parcel ID, Tax ID, Full Assessment amount, 2012 Assessment Installment amount)
- Appoint a SCA #6 Board of Equalization (3 members of the County Council) and set three successive dates 40 days from the date of adoption of **Resolution Designating the Quail Meadows Assessment Area** for the Board of Equalization Hearings of at least one hour each.
- Within 15 days of adoption of **Resolution Designating the Quail Meadows Assessment Area**, record with the County Recorder (a) the **Resolution** and (b) the Assessment List.

- Publish **Notice of Levy** between 20 – 35 days before the Board of Equalization Hearing dates.
  - Publish once in Park Record
  - Publish for 35 days on the Utah Public Notice Website
  - Mail Notice to each property owner within 10 days of the first publication in either the Park Record or Utah Public Notice Website
- The Board of Equalization makes its final report to the Board of Trustees of the equalization hearings
- Thereafter, the Board of Trustees adopts the **Resolution levying the Assessment**
  - Publish in the Park Record
  - Publish on the Utah Public Notice Website for 21 days
- After 25 days, file **Notice of Assessment Interest** on each property that has not paid in full the assessment. This places the lien on all properties until the 20 year assessment is paid.

**SUMMIT COUNTY  
PUBLIC ROAD ACCEPTANCE PROGRAM**

**SUMMIT COUNTY DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**

# SUMMIT COUNTY PUBLIC ROAD ACCEPTANCE PROGRAM

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## SUMMIT COUNTY PUBLIC ROAD ACCEPTANCE PROGRAM

### Introduction

In response to County Council direction about requests for a coherent policy for the consideration of acceptance of private roads into the County road system, staff has prepared this program. Over the last few years, the County has approved a number of residential subdivisions containing private roads. This practice was based on an expectation that roads within residential subdivision that did not provide through access for the general public did not need to be dedicated public roads. This practice was determined by Council to be inconsistent with the adopted policy of ensuring that new subdivisions participated in the Service Area 6 assessment program. Summit County wants to be able to consider the conversion of these private road networks to County roads.

However, many of these private roads were developed to lower design standards than those which were required for public roads. In addition, as private roads, their maintenance was the responsibility of property owners through homeowners associations or other coordinating mechanisms. If those associations did not adequately maintain the roads, they may deteriorate to poor conditions. In its discussions, the County Council made it clear that the responsibility for bringing private roads up to acceptable standards would be on the property owners along those roads. They determined not burden general taxpayers or those currently within Service Area 6 subdivisions with the additional cost of bringing private roads back up to an acceptable standard. In addition, some private roads may have been designed, built and maintained well below a standard that would qualify it for consideration as a county road. As a result, not all roads requesting consideration for acceptance as County roads will be able to meet basic standards.

Based on this direction, staff developed the attached program to address the process by which private road areas can request to be considered for inclusion in the County road system. This program places the initial burden for initiating the request and documenting the justification on the private property owners who will benefit from inclusion in the County road system.

## Qualifications for Public Road Acceptance

Not all existing private roads may qualify for acceptance as public roads. Roads which were developed under lesser design standards, those which have deteriorated to very poor conditions or those which do not meet any public purpose may not qualify for consideration. The County will review road petition proposals for their conformance with the following criteria:

- The private road proposed for acceptance must be adjacent to and receive access from an existing public road. Private roads within the interior of a private subdivision that do not have access to a public road will not be considered for acceptance.
- Contiguous private roads which form a loop system connecting to a public road need to be considered as a system and will not be considered as separate roads.
- Paved private roads must meet or be able to be improved to meet the following conditions in order to be able to be considered for inclusion in the County road system:
  - A minimum paved roadway width of 20' excluding gutters or shoulders
  - A minimum dedicated right-of-way of 44' within which utility and snow storage easements would be allowed.
  - A maximum road grade in any section of not more than 10%
  - A minimum remaining road service life of 10 years
- Check drainage, clear zones, guard-rails, retaining walls - in good condition  
Unpaved private roads proposed for acceptance as a public road must meet the following conditions:
  - A minimum roadway width of 20' excluding shoulders.
  - Good drainage swales having side slopes of 6:1 or flatter.
  - A minimum dedicated right-of-way of 40' within which utility and snow storage easements are included. Additional snow storage may be required based on area conditions.
  - A maximum road grade in any section of not more than 10% over distances less than 500' over a continual distance of 1,000'. Intersection grades of 4% or less.
  - Intersecting roadways shall be within 10 degrees of perpendicular to a through street.
  - Devoid of hazardous conditions that are not practically correctable.

## **Public Road Application Process**

Residents who wish to have their private road considered for acceptance into the County's public road system must undertake the following steps to be considered:

- The residents along a particular road segment must submit a petition to the County Engineer signed by 51% of the property owners along the road segment requesting consideration of their road segment for annexation.
- The residents must also submit documentation as to what annual road budgeting and maintenance they have provided to the road segment for the last decade.
- The applicants must sign off on an application form that indicates that if the road is found to be deficient to County standards but correctable, they will be subject to a differential Service Area 6 assessment to recover the road rehabilitation costs.
- 
- If the road is currently not within Service Area 6, the residents must also submit a separate petition requesting acceptance into Service Area 6.

### **Staff Review Process**

- Once the application is received, the Engineering department will conduct a comprehensive evaluation of the road annexation request for conformance with the criteria noted previously.
- Roads which are found to be seriously deficient and unable to meet these criteria for acceptance will be recommended for rejection to the County Council.
- Roads which are found to be deficient but able to meet the criteria will be assessed for needed improvements and a road repair cost estimate will be generated by the County Engineer. This repair cost will be developed into a road repair budget which will then be proposed to the requesting property owners. In order for the road acceptance process to be continued, an affirmative vote by a super-majority of the property owners (whatever it takes to overcome a protest vote) is needed in order for the process to continue.
- If the area is not able to achieve a super majority affirmative vote, the County will cease to work on the application.
- If a super majority vote is achieved, the County Engineer will forward a positive recommendation for a preliminary decision on the annexation to the County Council.
- If the County Council affirms the staff's recommendation the County Engineer will direct the applicants to prepare a road dedication plat for Council adoption.
- Upon acceptance of the road plat, the road segment will be annexed to the Service Area 6 assessment district. This may involve a differential assessment to bring the road up to county standards.

## **Road Improvement Financing**

Road annexation requests that involve the need to bring a proposed private road up to acceptable county standards will require the area's residents to pay for those improvements.

The County may offer several alternative ways that these improvements could be financed.

- Road improvement bond
- Differential assessment with funds banked until road improvement can occur
- Special assessment district

Other methods as approved.

Petition Cover Letter

SUMMIT COUNTY PUBLIC WORKS  
DIVISION OF ENGINEERING  
P.O. BOX 128  
COALVILLE, UTAH 84017

PETITION FOR PRIVATE ROAD ACCEPTANCE

We, the undersigned, all being property owners of the Subdivision legally titled " \_\_\_\_\_ " do hereby petition through our subdivision for consideration for the acceptance of \_\_\_\_\_ a private road or roads to be included in the County public road network. We certify that the undersigned represent a minimum of 51% of the property owners abutting this private road or roads.

We understand that once validated, this request for road acceptance will be reviewed by the Summit County Engineering Division for conformance with adopted county road standards. If a road is found to be deficient and unable to meet county road standards, the Engineering Division will not continue to process the application. If the road is found to be deficient but correctable the Engineering Division will prepare a cost estimate for bringing the road up to minimum county road standards. That information will be provided to the petitioners and they will be asked to affirm their willingness to finance the road improvements as a condition of the County acceptance of the road. That affirmation will be in the form of an affirmative vote by a minimum of 67% of the affected property owners.

STATE OF UTAH ) :ss.

County of Summit

On the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, Personally appeared before me, a Notary Public, the undersigned affiant, who says an oath that \_\_\_\_\_ is one of the subscribing witness to the within instrument; that each of said witnesses saw the execution and delivery of the same by each grantor therein for the purpose set forth; that each of said witnesses signed the same as purported.

Sworn and Subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Subscribing Witness

\_\_\_\_\_  
Notary Public residing at \_\_\_\_\_

Petition Cover Letter

SUMMIT COUNTY CLERK  
P.O. BOX 128  
COALVILLE, UTAH 84017

PETITION FOR ANNEXATION TO COUNTY SERVICE AREA #6

We, the undersigned, all being property owners and registered voters of the property proposed to be annexed hereby petition pursuant to UCA 17B-1-403 for consideration of annexation of our properties adjoining N Quail Meadows Road, Ptarmigan Loop and Ptarmigan Court to County Service Area #6, a local district for road maintenance within Summit County. We certify that the undersigned represent a minimum of 75% of the property owners and registered voters within the affected subdivisions that that are proposed for annexation and are not currently within County Service Area #6.

We understand that once validated, this request for annexation into County Service Area #6 will be reviewed by the County Clerk's office for certification and will be considered along with other requests as a part of a public hearing process for acceptance of these roads as county roads. This petition affirms our willingness to pay an annual assessment for road maintenance service provided by Summit County and /or its contractor.

**Date:** May 16, 2012  
**To:** County Council  
**From:** Kevin Callahan, Public Works Director  
**Subject:** Resolution Declaring National Public Works Week

**Background**

Over the past decade, Summit County has celebrated National Public Works Week in a variety of ways. One way is that we have alternated with park City on hosting a public works employee appreciation barbeque each year. This year Summit County is the host and will be providing a barbeque for about 100 public works employees from Summit County, area cities, Mountain Regional Water, Snyderville Basin Water Reclamation and UDOT . The Council is invited to the event which will be held at the Public Works yard on Thursday, May 24 from 11-1. This is an opportunity for you to express your appreciation of your staff for the great job they do for the community all year.

A second way of recognizing the event is the adoption of a Council resolution acknowledging the event. A resolution declaring that week as National Public Works Week is attached and we would appreciate your adoption of it at your May 16<sup>th</sup> meeting.

**RESOLUTION NO. 2012-**

**A RESOLUTION OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH  
DECLARING THE WEEK OF MAY 20-26, 2012 AS "NATIONAL PUBLIC WORKS WEEK".**

**WHEREAS**, public works services provided in our county are an integral part of our citizens' everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of the public works systems and programs such as water, sewers, streets, public buildings and solid waste; and

**WHEREAS**, the health, safety and comfort of our community greatly depends on the efficient provision of these services; and

**WHEREAS**, the quality and effectiveness of our public facilities, as well as their planning, design and construction are vitally dependent upon the efforts and skill of our public works officials and workers; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff our public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

**Now**, therefore, we do hereby proclaim the week of May 20-26, 2012 as "National Public Works Week" in Summit County, Utah and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials and staff make every day to our health, safety and quality of life.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2012

SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH

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

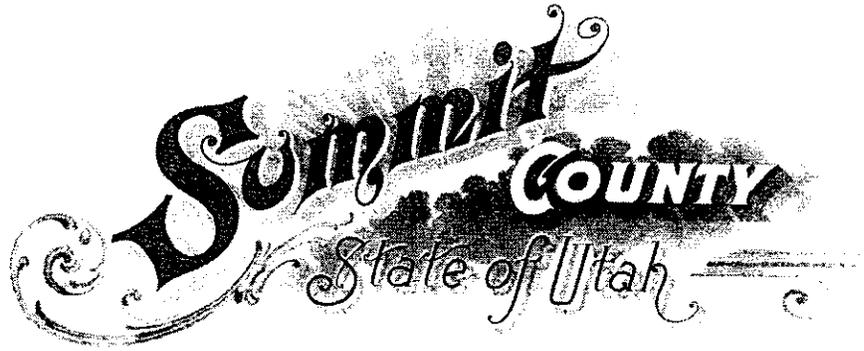
\_\_\_\_\_  
David Ure, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David Thomas, Chief Civil Attorney

Auditor

Blake Frazier



May 8, 2012

County Council

**RE: Parcel PKM-3-36**

Mr. Greg Griffith called today wanting to arrange a payment plan for his delinquent property taxes. I spoke with him back in March about this issue and he never followed up on it until now.

I have sent him certified mail that has come back unclaimed. We **do** have his correct mailing address. This is a Primary Residence.

Greg owes \$27,819.70 for the 5 years delinquent taxes. He's proposing making monthly payments and paying it off in full by November 1, 2012 .

Thanks for your consideration in this matter.

Sincerely,

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

Kathryn Rockhill  
Deputy Auditor

## **Kathryn Rockhill**

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**From:** griffithggd@aol.com  
**Sent:** Tuesday, May 08, 2012 2:47 PM  
**To:** Kathryn Rockhill  
**Subject:** May 16 Summit County Council agenda re : Payment plan PKM-3-36

Kathryn,

Per our conversation, I am requesting to be placed on the May 16th Summit County Council Agenda re: Payment Plan for Parcel Number PKM 3-36

The mortgage company has not complied with sending escrow money and therefore has left me owing back taxes

I will pay 2011 taxes immediately and begin paying monthly installments and have the entire balance paid off by Nov 1, 2012 or sooner.

I appreciate your consideration and willingness to work with me,

Sincerely,

Gregory Griffith  
850- 830 9898



OLYMPIC  
DAY 2012

## Olympic Day Proclamation June 23, 2012

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

**Now, Therefore,** the Summit County Council in the State of Utah, does hereby proclaim with much appreciation and admiration, June 23, 2012 as

### Olympic Day

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

**In Witness Whereof,** I have hereunto set my hand and caused the Great Seal of the Summit County, Utah to be affixed this 16th day of May 2012.

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Mr. Dave Ure, Chair  
County Council, Summit County, Utah





**MEMORANDUM:**

Date: May 16, 2012  
To: Council Members  
From: Robert Jasper  
Re: Disbursement of Insurance Settlement Funds

**Recommendation:** I recommend that the council revise its approval of insurance settlement money related to the settlement with Summit Water by reducing the amount to the County Municipal Fund and Mountain Regional Water by \$9,235 each, for a total of \$18,470.

**Background:** Attached for the Council's review, is an excerpt of the December 19, 2011, Minutes which allocates \$600,000 of settlement funds between Mountain Regional Water, the County Municipal Fund, and seed money for the new County Insurance Pool. Since this approval by the Council, the County received additional bills from outside attorneys totaling \$18,470. I believe it appropriate that those legal fees be split between Mountain Regional Water and the County Municipal Fund. The County has already distributed money to Mountain Regional. Approval of this action would result in a request that Mountain Regional reimburse the County for \$9,235.

c: Matt Leavitt, County Auditor's Office  
Andy Armstrong, Mountain Regional Water

12/19/11

**APPROVAL OF INSURANCE FUND EXPENDITURES**

The County Manager requested a motion to approve disbursement of the insurance funds.

**Council Member Elliott made a motion to approve the request by the County Manager for distribution of the trust insurance funds as follows: \$200,000 to Mountain Regional Water Special Service District for legal fees, \$200,000 to the County Municipal Fund, and \$200,000 to the County Insurance Pool as seed monies for the self insured program. Council Member Hanrahan seconded the motion which passed unanimously, 5-0.**

**APPROVAL OF CHART OF POSITIONS**

Brian Bellamy, Human Resources Director, requested that the Council have a discussion the first meeting in January regarding implementation of the employee merit increases built into the 2012 Budget. This would include Elected Officials also. In addition, he asked that the Chart of Positions be formally adopted.

**Council Member Ure made a motion to adopt the following Chart of Positions for Summit County. Council Member Elliott seconded the motion which passed with a vote of 5-0.**