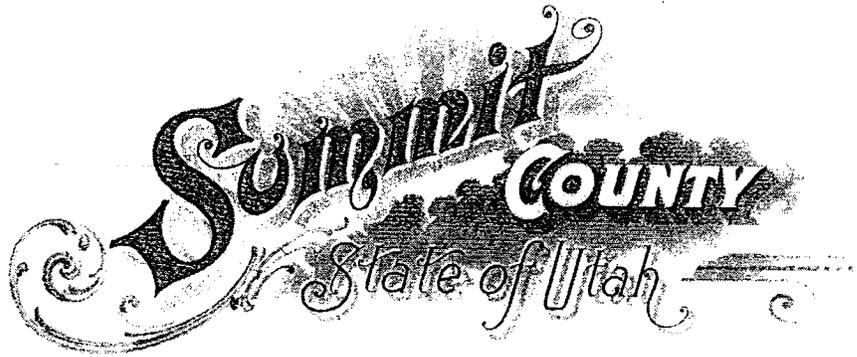


Auditor

Blake Frazier



October 02, 2012

County Council;

Please consider approving the BOE Stipulations on October 10th. They will be prepared for your review by Travis Lewis prior to that date.

Thank You,

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

Kathryn Rockhill

2012 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
AA-C-53-A-AM	\$ 123,745.00	\$ 147,384.00	\$ (23,639.00)	\$ 123,745.00	\$ 147,384.00
AA-C-53-AM	\$ 31,255.00	\$ 36,800.00	\$ (5,545.00)	\$ 31,255.00	\$ 36,800.00
AF-84	\$ 2,050,000.00	\$ 2,198,222.00	\$ (148,222.00)	\$ 2,050,000.00	\$ 2,198,222.00
AP-117	\$ 80,000.00	\$ 116,173.00	\$ (36,173.00)	\$ 80,000.00	\$ 116,173.00
AP-118	\$ 30,000.00	\$ 35,200.00	\$ (5,200.00)	\$ 30,000.00	\$ 35,200.00
BHVS-35-3AM	\$ 520,000.00	\$ 670,000.00	\$ (150,000.00)	\$ 520,000.00	\$ 670,000.00
BHVS-66	\$ 465,000.00	\$ 560,000.00	\$ (95,000.00)	\$ 255,750.00	\$ 560,000.00
BMDV-12	\$ 2,750,000.00	\$ 3,200,000.00	\$ (450,000.00)	\$ 2,750,000.00	\$ 3,200,000.00
BN-B-3-76	\$ 165,000.00	\$ 274,088.00	\$ (109,088.00)	\$ 165,000.00	\$ 274,088.00
CCR-8	\$ 760,290.00	\$ 760,290.00	\$ -	\$ 418,159.00	\$ 760,290.00
CEM-1-50	\$ 560,000.00	\$ 600,000.00	\$ (40,000.00)	\$ 560,000.00	\$ 600,000.00
CHC-119	\$ 97,110.00	\$ 110,010.00	\$ (12,900.00)	\$ 97,110.00	\$ 110,010.00
CHC-313	\$ 83,010.00	\$ 83,010.00	\$ -	\$ 45,655.00	\$ 83,010.00
CHC-226	\$ 83,010.00	\$ 110,010.00	\$ (27,000.00)	\$ 83,010.00	\$ 110,010.00
CLJR-1-14	\$ 405,000.00	\$ 475,000.00	\$ (70,000.00)	\$ 405,000.00	\$ 475,000.00
CLJR-1-26	\$ 405,000.00	\$ 475,000.00	\$ (70,000.00)	\$ 405,000.00	\$ 475,000.00
CLJR-1-43	\$ 405,000.00	\$ 475,000.00	\$ (70,000.00)	\$ 405,000.00	\$ 475,000.00
CLJR-1-49	\$ 355,000.00	\$ 475,000.00	\$ (120,000.00)	\$ 355,000.00	\$ 475,000.00
CR-12-A-2AM	\$ 540,000.00	\$ 630,000.00	\$ (90,000.00)	\$ 540,000.00	\$ 630,000.00
CSLC-A202-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$ (492,000.00)	\$ 100,800.00	\$ 1,500,000.00
CSLC-A232-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$ (492,000.00)	\$ 100,800.00	\$ 1,500,000.00
CSLC-A238-AM	\$ 812,000.00	\$ 1,100,000.00	\$ (288,000.00)	\$ 812,000.00	\$ 1,100,000.00
CSLC-A301-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$ (492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00
CSLC-A309-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$ (492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00
CSLC-A310-AM	\$ 1,008,000.00	\$ 1,100,000.00	\$ (92,000.00)	\$ 1,008,000.00	\$ 1,100,000.00
CSLC-A332-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$ (492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00
CSLC-A338-AM	\$ 812,000.00	\$ 1,100,000.00	\$ (288,000.00)	\$ 812,000.00	\$ 1,100,000.00
CSLC-A432-AM	\$ 1,088,000.00	\$ 1,500,000.00	\$ (412,000.00)	\$ 1,088,000.00	\$ 1,500,000.00
CSLC-B-B298-AM	\$ 1,008,000.00	\$ 1,100,000.00	\$ (92,000.00)	\$ 1,008,000.00	\$ 1,100,000.00
CSLC-B-B398-AM	\$ 1,008,000.00	\$ 1,846,000.00	\$ (838,000.00)	\$ 1,008,000.00	\$ 1,846,000.00
CSLC-B-B498-AM	\$ 1,008,000.00	\$ 1,846,000.00	\$ (838,000.00)	\$ 1,008,000.00	\$ 1,846,000.00
CT-288-1	\$ 333,892.00	\$ 333,892.00	\$ -	\$ 200,313.00	\$ 333,892.00
CWPC-3B-115	\$ 3,536,000.00	\$ 4,317,826.00	\$ (781,826.00)	\$ 1,959,640.00	\$ 4,317,826.00
CWPC-3C-137-1AM	\$ 5,567,000.00	\$ 5,951,856.00	\$ (384,856.00)	\$ 3,067,270.00	\$ 5,951,856.00
CWPC-4B-213	\$ 3,234,337.00	\$ 3,234,337.00	\$ -	\$ 3,234,337.00	\$ 3,234,337.00

CWPC-II-55-AM	\$	2,983,100.00	\$	3,311,859.00	\$	(328,759.00)	\$	2,983,100.00	\$	3,311,859.00
CWPC-II-63	\$	3,785,915.00	\$	4,648,372.00	\$	(862,457.00)	\$	3,785,915.00	\$	4,648,372.00
DC-36	\$	1,882,305.00	\$	2,272,776.00	\$	(390,471.00)	\$	1,882,305.00	\$	2,272,776.00
DC-74	\$	2,216,984.00	\$	2,503,110.00	\$	(286,126.00)	\$	1,220,151.00	\$	2,503,110.00
EH-S-4	\$	180,000.00	\$	180,000.00	\$	-	\$	99,000.00	\$	180,000.00
EM-13-AM	\$	461,930.00	\$	952,480.00	\$	(490,550.00)	\$	354,274.00	\$	952,480.00
EM-14-AM	\$	138,070.00	\$	185,900.00	\$	(47,830.00)	\$	687.00	\$	185,900.00
FGC-5	\$	500,000.00	\$	590,000.00	\$	(90,000.00)	\$	500,000.00	\$	590,000.00
FPRV-14-B	\$	240,000.00	\$	240,000.00	\$	-	\$	132,000.00	\$	240,000.00
FTHLE-II-1	\$	122,090.00	\$	156,300.00	\$	(34,210.00)	\$	122,090.00	\$	156,300.00
FVL-2-66	\$	685,000.00	\$	750,000.00	\$	(65,000.00)	\$	685,000.00	\$	750,000.00
GCC-8	\$	920,027.00	\$	1,150,787.00	\$	(230,760.00)	\$	920,027.00	\$	1,150,787.00
GCS-D-69	\$	40,000.00	\$	60,000.00	\$	(20,000.00)	\$	40,000.00	\$	60,000.00
GLDG-PH5	\$	2,875,000.00	\$	3,300,000.00	\$	(425,000.00)	\$	2,875,000.00	\$	3,300,000.00
GWE-1-AM	\$	265,000.00	\$	350,000.00	\$	(85,000.00)	\$	265,000.00	\$	350,000.00
GWE-2-AM	\$	265,000.00	\$	300,000.00	\$	(35,000.00)	\$	265,000.00	\$	300,000.00
GWLD-29	\$	1,668,663.00	\$	1,668,663.00	\$	-	\$	918,889.00	\$	1,668,663.00
HC-1-67	\$	580,000.00	\$	657,292.00	\$	(77,292.00)	\$	321,193.00	\$	657,292.00
HPCR-412-SP	\$	390,000.00	\$	390,000.00	\$	-	\$	390,000.00	\$	390,000.00
HPCR-461-SP	\$	390,000.00	\$	390,000.00	\$	-	\$	390,000.00	\$	390,000.00
JIC-11	\$	305,000.00	\$	375,000.00	\$	(70,000.00)	\$	305,000.00	\$	375,000.00
JR-4-4064	\$	553,769.00	\$	612,212.00	\$	(58,443.00)	\$	304,572.00	\$	612,212.00
JR-4-4137	\$	410,350.00	\$	518,949.00	\$	(108,599.00)	\$	410,350.00	\$	518,949.00
KE-A-76-A	\$	20,000.00	\$	59,500.00	\$	(39,500.00)	\$	20,000.00	\$	59,500.00
KRD-2	\$	485,500.00	\$	625,000.00	\$	(139,500.00)	\$	266,750.00	\$	625,000.00
KT-226	\$	175,000.00	\$	194,702.00	\$	(19,702.00)	\$	96,250.00	\$	194,702.00
LDVC-1-C-302	\$	630,000.00	\$	730,000.00	\$	(100,000.00)	\$	630,000.00	\$	730,000.00
LLC-II-101	\$	180,000.00	\$	230,000.00	\$	(50,000.00)	\$	180,000.00	\$	230,000.00
LVC-18	\$	395,000.00	\$	430,000.00	\$	(35,000.00)	\$	217,250.00	\$	430,000.00
MH-32	\$	540,000.00	\$	781,327.00	\$	(241,327.00)	\$	297,000.00	\$	781,327.00
MRE-42	\$	1,305,847.00	\$	1,305,847.00	\$	-	\$	718,216.00	\$	1,305,847.00
NC-106	\$	97,000.00	\$	100,000.00	\$	(3,000.00)	\$	97,000.00	\$	100,000.00
NS-255-B	\$	22,670.00	\$	118,763.00	\$	(96,093.00)	\$	22,670.00	\$	118,763.00
NS-32-A-1	\$	60,260.00	\$	300,690.00	\$	(240,430.00)	\$	60,260.00	\$	300,690.00
NS-32-A-2	\$	36,030.00	\$	207,633.00	\$	(171,603.00)	\$	36,030.00	\$	207,633.00
PBP-B-Q-24	\$	210,000.00	\$	210,000.00	\$	-	\$	115,500.00	\$	210,000.00
PB-PR-53	\$	1,206,876.00	\$	1,206,876.00	\$	-	\$	663,781.00	\$	1,206,876.00
PKVW-1	\$	190,000.00	\$	257,615.00	\$	(67,615.00)	\$	110,125.00	\$	257,615.00
PM-1-82	\$	424,457.00	\$	492,069.00	\$	(67,612.00)	\$	424,457.00	\$	492,069.00
PM-1-83	\$	30,000.00	\$	41,400.00	\$	(11,400.00)	\$	30,000.00	\$	41,400.00

PROMR-1-45	\$	1,041,756.00	\$	1,041,756.00	\$	-	\$	575,165.00	\$	1,041,756.00
PSC-116	\$	28,000.00	\$	42,500.00	\$	(14,500.00)	\$	28,000.00	\$	42,500.00
PSC-139	\$	33,300.00	\$	42,500.00	\$	(9,200.00)	\$	18,315.00	\$	42,500.00
PSC-915	\$	50,000.00	\$	52,500.00	\$	(2,500.00)	\$	50,000.00	\$	52,500.00
PT-38-A	\$	360,000.00	\$	360,000.00	\$	-	\$	360,000.00	\$	360,000.00
PWL-1-S-9-R	\$	112,500.00	\$	112,500.00	\$	-	\$	61,875.00	\$	112,500.00
PWL-3-T	\$	92,000.00	\$	92,500.00	\$	(500.00)	\$	50,600.00	\$	92,500.00
PWV-B-21-AM	\$	270,000.00	\$	325,000.00	\$	(55,000.00)	\$	270,000.00	\$	325,000.00
QMR-34-AM	\$	934,700.00	\$	934,700.00	\$	-	\$	934,700.00	\$	934,700.00
RC-2-157	\$	270,000.00	\$	270,000.00	\$	-	\$	148,500.00	\$	270,000.00
RCC-1B-B-316	\$	532,300.00	\$	570,000.00	\$	(37,700.00)	\$	532,300.00	\$	570,000.00
RCC-1B-B-317	\$	532,300.00	\$	570,000.00	\$	(37,700.00)	\$	532,300.00	\$	570,000.00
RHC-20	\$	180,000.00	\$	180,000.00	\$	-	\$	99,000.00	\$	180,000.00
RR-A-52	\$	34,250.00	\$	69,375.00	\$	(35,125.00)	\$	34,250.00	\$	69,375.00
RR-A-66	\$	37,420.00	\$	74,130.00	\$	(36,710.00)	\$	37,420.00	\$	74,130.00
RR-A-AA	\$	2,445.00	\$	10,146.00	\$	(7,701.00)	\$	2,445.00	\$	10,146.00
SA-88-A	\$	405,000.00	\$	454,093.00	\$	(49,093.00)	\$	222,750.00	\$	454,093.00
SCT-303-AM	\$	155,000.00	\$	155,000.00	\$	-	\$	85,250.00	\$	155,000.00
SK-23	\$	22,000.00	\$	37,376.00	\$	(15,376.00)	\$	22,000.00	\$	37,376.00
SK-24	\$	17,000.00	\$	34,000.00	\$	(17,000.00)	\$	17,000.00	\$	34,000.00
SLDV-14-AM	\$	1,700,000.00	\$	1,700,000.00	\$	-	\$	1,700,000.00	\$	1,700,000.00
SLK-316	\$	161,600.00	\$	275,000.00	\$	(113,400.00)	\$	161,600.00	\$	275,000.00
SLK-317	\$	161,600.00	\$	275,000.00	\$	(113,400.00)	\$	161,600.00	\$	275,000.00
SOL-3	\$	500,000.00	\$	570,000.00	\$	(70,000.00)	\$	500,000.00	\$	570,000.00
SPIRO-E-104	\$	1,170,000.00	\$	1,170,000.00	\$	-	\$	1,170,000.00	\$	1,170,000.00
SS-8-B-2	\$	1,200,000.00	\$	2,090,880.00	\$	(890,880.00)	\$	1,200,000.00	\$	2,090,880.00
SU-B-37	\$	57,500.00	\$	81,000.00	\$	(23,500.00)	\$	57,500.00	\$	81,000.00
TCR-1B-9	\$	675,324.00	\$	817,398.00	\$	(142,074.00)	\$	371,428.00	\$	817,398.00
TL-3-A-307A-AM	\$	487,008.00	\$	565,410.00	\$	(78,402.00)	\$	273,467.00	\$	565,410.00
TM-A-1	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-10	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-14	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-15	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-16	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-18	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-20	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-22	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-25	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-26	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-27	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00

TM-A-28	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-29	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-30	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-31	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-6	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-A-8	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-C-32	\$	230,000.00	\$	300,000.00	\$	(70,000.00)	\$	230,000.00	\$	300,000.00
TM-C-48	\$	295,000.00	\$	320,000.00	\$	(25,000.00)	\$	295,000.00	\$	320,000.00
TM-C-56	\$	295,000.00	\$	320,000.00	\$	(25,000.00)	\$	295,000.00	\$	320,000.00
VIC-43	\$	156,000.00	\$	156,000.00	\$	-	\$	85,800.00	\$	156,000.00
WCAN-I-12-AM	\$	1,473,333.00	\$	1,612,278.00	\$	(138,945.00)	\$	1,473,333.00	\$	1,612,278.00
WHLS-22	\$	1,867,269.00	\$	1,867,269.00	\$	-	\$	1,026,997.00	\$	1,867,269.00
WHLS-29	\$	2,020,943.00	\$	2,425,008.00	\$	(404,065.00)	\$	1,111,527.00	\$	2,425,008.00
WLD-202	\$	245,000.00	\$	295,000.00	\$	(50,000.00)	\$	245,000.00	\$	295,000.00
WS-A2-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A3-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A4-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A5-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A6-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A7-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A8-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WS-A9-AM	\$	70,000.00	\$	70,000.00	\$	-	\$	70,000.00	\$	70,000.00
WV-17	\$	992,344.00	\$	1,090,711.00	\$	(98,367.00)	\$	992,344.00	\$	1,090,711.00
AM-48	\$	238,622.00	\$	238,622.00	\$	-	\$	131,242.00	\$	238,622.00
NPTKH-2-42	\$	305,000.00	\$	305,000.00	\$	-	\$	167,750.00	\$	305,000.00
Totals for 10/10/2012	\$	86,042,006.00	\$	102,778,872.00	\$	(16,736,866.00)	\$	71,107,144.00	\$	102,778,872.00
Totals for 10-3-2012	\$	38,591,363.00	\$	47,578,853.00	\$	(8,987,490.00)	\$	28,377,158.00	\$	47,578,853.00
Totals for 9-26-2012	\$	59,278,729.00	\$	69,288,965.00	\$	(10,010,236.00)	\$	42,301,770.00	\$	69,288,965.00
Totals for 9/19/2012	\$	61,834,634.00	\$	58,697,816.00	\$	3,136,818.00	\$	52,024,580.00	\$	58,697,816.00
Totals For 9/12/2012	\$	85,543,866.00	\$	91,568,057.00	\$	(6,024,171.00)	\$	66,650,057.00	\$	91,568,057.00
Totals For 8/29/2012	\$	46,659,094.00	\$	48,620,199.00	\$	(1,961,105.00)	\$	37,170,923.00	\$	48,620,199.00
RunningTotal	\$	377,949,692.00	\$	418,532,762.00	\$	(40,583,050.00)	\$	297,631,632.00	\$	418,532,762.00

Annette,

So far this year(2012)the Market value decrease is (\$ 40,583,050) As of 10/10/2012

The total number of Appeals for 2012 is 1,841 we have sent 647 of those for your approval as of October 10, 2012. This is 35% of the Appeals.



MEMORANDUM:

Date: October 10, 2012

To: Council Members

From: Robert Jasper

Re: Recommendation to appoint member to the Summit County Library Board of Directors

Advice and consent of County Manager's recommendation to appoint Jennie Haufe to the Summit County Library Board of Directors. Jennie Haufe to fill the expired term of Rebecca Felton; term of service to expire February 28, 2013.



Community Development Department
60 North Main Coalville, UT 84017
(435) 336-3124 Fax (435) 336-3046

MEMORANDUM

To: Summit County Council (SCC)
Report Date: Thursday, October 4, 2012
Meeting Date: Wednesday, October 10, 2012
Author: Kimber Gabryszak, AICP
Title: Amendments to Snyderville Basin Development Code Chapter 10-5
Type of Meeting: Continued discussion, possible decision

The SCC held a work session on amendments to clean up, clarify, and update the affordable housing chapter (10-5) of the Snyderville Basin Development Code (Code) on September 12, 2012, and held a noticed public hearing on October 3, 2012.

At the October 3, 2012 meeting, the SCC had several minor suggested changes, and also held a discussion about whether or not to decrease the commercial requirement from 20% of employee generation to 15%. The SCC directed Staff to make the minor changes changes, postponed the discussion on the commercial requirement, closed the public hearing, and continued their decision to October 10, 2012.

Staff has made the changes suggested by the SCC, and left the 15% drafted commercial requirement in place pending a final decision by the SCC. The updated draft is attached, and the sections highlighted in yellow are those that have been updated since the October 3, 2012 meeting. The text of the October 3, 2012 Staff report is attached for reference.

Staff recommends that the SCC vote to approve the amendments through adoption of an ordinance, with the findings and conditions on page 6 outlined below:

Findings:

1. The amendments comply with the Snyderville Basin General Plan as outlined in Section E of the Staff report dated October 3, 2012.
2. The amendments comply with Section 10-7-3(C) of the Snyderville Basin Development Code, as outlined in Section F of the Staff report dated October 3, 2012.

Conditions:

1. The language shall be edited as directed by the SCC.
2. The language shall be edited for formatting and typos.
3. Any other conditions as articulated by the SCC.

Exhibit(s)

- A. Text of Staff report dated October 3, 2012 (pages 2-7)
- B. Section 10-5 with updated proposed changes, clean (pages 8-23)
- C. Section 10-5 with updated proposed changes, working (pages 24-39)
- D. Draft ordinance (page 40)



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STAFF REPORT

To: Summit County Council (SCC)
Report Date: Thursday, September 27, 2012
Meeting Date: Wednesday, October 3, 2012
Author: Kimber Gabryszak, AICP
Title: Amendments to Snyderville Basin Development Code Chapter 10-5

EXECUTIVE SUMMARY: The Snyderville Basin Planning Commission (SBPC) and Staff have been working on amendments to clean up, clarify, and update the affordable housing chapter of the Snyderville Basin Development Code (Code), Chapter 10-5. The SBPC forwarded a positive recommendation to the SCC after a public hearing on August 28, 2012.

Staff recommends that the SCC review the proposed amendments, conduct a public hearing, and vote to approve the amendments.

A. Project Description

- **Project Name:** Code Section 10-5, general amendments
- **Type of process:** Legislative
- **Type of Action:** Public Hearing
- **Future Routing:** None - final decision by SCC

B. Background

In December 2007, Summit County adopted the inclusionary housing language now contained in Section 10-5 of the Snyderville Basin Development Code: Workforce Housing. This portion requires all new development in the Snyderville Basin to provide some affordable housing. In July 2008, the incentive portion, Section 10-5-16 (aka CORE) was adopted.

In June of 2011, the SCC placed the CORE program under moratorium; the SBPC held a public hearing on November 15, 2011, and voted to forward a positive recommendation to the SCC on amendments to Chapter 10-5 repealing the CORE program.

After three (3) years of applying the mandatory requirements to various developments, several other amendments were proposed to clean up and clarify various sections of the mandatory language. These amendments were discussed at the November 15, 2011 hearing, and the SBPC voted to continue the decision pending further edits recommended

to Staff. The SBPC discussed the amendments again at their February 28, 2012 meeting, and suggested several other minor changes. They again discussed the amendments at a meeting on March 13, 2012. Following that meeting, Staff placed the amendments on hold pending the 2012 Affordable Housing Needs Assessment and Model, which was recently reviewed and recommended by the SBPC.

The 2012 Needs Assessment was recently recommended to the SCC, who is scheduled to review the 2012 Needs Assessment on September 6, 2012 and potentially make a decision concerning its adoption later in September. Some of the proposed amendments to the Code are intended to incorporate the information in the 2012 Needs Assessment.

After the Needs Assessment recommendation, the SBPC held a work session on the code amendments on August 14, 2012 and a public hearing on August 28, 2012. The SBPC voted unanimously to forward a positive recommendation on the amendments to the SCC, with several suggested changes.

In short, the SBPC discussed these amendments:

- in public hearing on November 15, 2011
- in continued discussion on February 28, 2012
- in continued discussion on March 13, 2012
- in work session July 31, 2012
- in work session on August 14, 2012
- in public hearing on August 28, 2012, at which time they made a positive recommendation

The SCC held a work session on November 12, 2012 and reviewed the amendments.

C. **Community Review**

This item has been noticed in the Park Record and online as public hearing. As of the date of this report, no public comment beyond that provided to the SBPC has been received.

D. **Identification and Analysis of Issues**

The proposed amendments include the following:

- Change “workforce” to “affordable” per SBPC discussion
- Edit the Affordable Unit Equivalent (AUE) formulas to help people work backward and forward, and changing the format from a table to a list
- Edit the AUE formulas to lessen the incentive for building all larger units, and encourage smaller units (the total square footage requirement gets less as smaller units are proposed)

- Increase the reductions in requirements that are available to developers when they target lower income households to incentivize the development of housing targeting incomes of less than 50% of the Area Median Income
- Modify the fee-in-lieu and how it is calculated
- Remove the income percentages and replace them with the HUD definitions of Low Income, Very Low Income, and Extremely Low Income
- Add seniors to the target population
- Remove the maximum number of AUEs for commercial and residential projects to qualify for fees-in-lieu
- Provide more options for off-site housing for both residential and commercial developments
- Exempt the first 5,000 square feet of commercial from the housing requirement
- Make off-site housing more feasible, and make it easier for developers to work with housing non-profits
- Change the allowable sales and rental price calculations to be more in line with Federal standards (30% annual income rather than 35%).
- Add needs assessment timeline
- Other minor changes

Mandatory percentage

At the July 31, 2012 and August 14, 2012 work sessions, the SBPC discussed whether or not to reduce the mandatory requirement from 20% to 15%. At the August 28, 2012 hearing, the SBPC voted to reduce the requirement to 15% for commercial development, and keep the residential requirement at 20%.

At the SBPC request, Staff provided Park City Municipal Corporation's housing ordinance as Exhibit C. PCMC requires 15% of residential development to be affordable, and for commercial developers to provide housing for 20% of their predicted employee generation.

Staff has been working with various commercial developers, which has indicated that one of the most difficult components for project approvals has been the provision of affordable housing.

For reference, Staff has done the calculation on an example 20,000 square foot development of general office, both with and without the proposed exemption for the first 5,000 s.f.. The results are outlined in tables 1 and 2 below.

Table 1: Impacts without exempting the first 5,000 s.f. from the obligation:

Proposal	20,000 s.f medium office	20,000 s.f medium office	20,000 s.f medium office
Est. employees per 1000 s.f.	3.7	3.7	3.7
Estimated total employees	$20 \times 3.7 = 74$	$20 \times 3.7 = 74$	$20 \times 3.7 = 74$
Obligation rate	20% of employees	15% of employees	10% of employees
Employees to house	$74 \times .20 = 14.8$	$74 \times .15 = 11.1$	$74 \times 0.10 = 7.4$
1.5 workers per household & 1.2 jobs per worker	$14.8 \div 1.5 \div 1.2$ = 8.22	$11.1 \div 1.5 \div 1.2$ = 6.17	$7.4 \div 1.5 \div 1.2$ = 4.11
# of AUEs	8.22	6.17	4.11
AUE approx. s.f.	$8.22 \times 900 = 7395$	$6.17 \times 900 = 5553$	$4.11 \times 900 = 3699$
% of development square footage	36.99%	27.7%	18.5%
~ cost to build	\$100/s.f. = \$739,500 \$125/s.f. = \$934,375	\$100/s.f. = \$555,300 \$125/s.f. = \$694,125	\$100/s.f. = \$369,900 \$125/s.f. = \$462,375
~fee in lieu, current (~\$86,600 per AUE)	\$711,852	\$534,322	\$355,926
~fee in lieu, future (~120,000 per AUE)	\$986,400	\$740,400	\$493,200

Table 2: Impacts after exempting the first 5,000 s.f. from the obligation:

Proposal	20,000 s.f medium office	20,000 s.f medium office	20,000 s.f medium office
Obligation after exempt 5,000 s.f.	15,000 s.f.	15,000 s.f.	15,000 s.f.
Est. employees per 1000 s.f.	3.7	3.7	3.7
Estimated total employees	$15 \times 3.7 = 55.5$	$15 \times 3.7 = 55.5$	$15 \times 3.7 = 55.5$
Obligation rate	20% of employees	15% of employees	10% of employees
Employees to house	$55.5 \times .20 = 11.1$	$55.5 \times .15 = 8.32$	$55.5 \times 0.10 = 5.55$
1.5 workers per household & 1.2 jobs per worker	$11.1 \div 1.5 \div 1.2$ = 6.17	$8.32 \div 1.5 \div 1.2$ = 4.62	$5.55 \div 1.5 \div 1.2$ = 3.08
# of AUEs	6.17	4.62	3.08
AUE approx. s.f.	$6.17 \times 900 = 5553$	$4.62 \times 900 = 4158$	$3.08 \times 900 = 2772$
% of development square footage	27.7%	20.79%	13.86%
~ cost to build	\$100/s.f. = \$555,300 \$125/s.f. = \$694,125	\$100/s.f. = \$415,800 \$125/s.f. = \$519,750	\$100/s.f. = \$277,200 \$125/s.f. = \$346,500
~fee in lieu, current (~\$86,600 per AUE)	\$534,322	\$400,092	\$266,728
~fee in lieu, future (~120,000 per AUE)	\$740,400	\$554,400	\$369,600

In the interest of economic opportunities in the Snyderville Basin, Staff recommended that the first 5,000 s.f. of new and expanded commercial development be exempt from the requirements, and that the obligation for commercial development be reduced to 15% from the current 20% of employees generated. Staff also recommended that the exemption be limited to a one-time opportunity. **The SBPC agreed and made it a part of their recommendation to the SCC. The SCC gave positive feedback on the recommendation at their work session on September 12, 2012.**

Other amendments

Staff also made several additional changes to the Code based on the direction of the SBPC, including:

- Adding a one-time limit to the 5,000 s.f. exemption for commercial development to prohibit use of this exemption to skirt the housing requirement entirely
- Allow off-site housing for residential development where it would improve walkability and transportation
- Add a marketing component
- Add language requiring energy efficiency
- Allowing fees-in-lieu for any housing obligation
- Allow units in a single building to all be the same size and / or style and / or income level
- Clarify that multifamily housing is subject to the permitting requirements of the Code (i.e. in many zones a multifamily dwelling is a conditional use permit)

E. General Plan

The Affordable Housing element of the General Plan is in the process of being edited, but the Affordable Housing Element still in effect includes goals for ensuring that affordable housing is provided within the community. The amendments are in line with this element and these goals, as well as with both the existing 2006 Needs Assessment, which is an appendix to the General Plan, and the 2012 Needs Assessment, which is pending a decision by the SCC.

F. Findings/ Code Criteria and Discussion

Before an amendment to the Development Code can be approved, it must be reviewed in compliance with Section 10-7-3-C and meet the following criteria:

1. The amendment shall be consistent with the goals, objectives, and policies of the General Plan.
The proposed amendments are consistent with the goals, objectives, and policies of the housing element of the General Plan. The proposed amendments promote provision of affordable housing in the community.
2. The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.
The proposed amendments will not permit uses that are inconsistent with existing neighborhood uses, through such requirements as ensuring that

affordable units be designed similarly to market units.

3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
The amendments will not allow development of housing on properties where it is otherwise prohibited.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
Projects proposed which contain affordable units will still be required to meet all other Code requirements and standards.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
The amendments are being proposed for the entire Basin.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.
The amendments will better serve the public in clarifying requirements and increasing compatibility.

G. Recommendation(s)/Alternatives

Staff recommends that the SCC review the proposed amendments, conduct a public hearing, and take public comment. Unless public comment identifies issues that would change Staff's findings in this report, Staff further recommends that the SCC vote to approve the amendments, through adoption of an ordinance and with the findings and conditions below:

Findings:

1. The amendments comply with the Snyderville Basin General Plan as outlined in Section E of this report.
2. The amendments comply with Section 10-7-3(C) of the Snyderville Basin Development Code, as outlined in Section F of this report.

Conditions:

1. The language shall be edited as directed by the SCC.
2. The language shall be edited for formatting and typos.
3. Any other conditions articulated by the SCC.

CHAPTER 5

Exhibit B
Draft - clean

AFFORDABLE HOUSING

SECTION:

- 10-5-1: Intent
- 10-5-2: Methodology and Applicability
- 10-5-3: Affordable Housing Development Requirements
- 10-5-4: Affordable Unit Equivalentents (AUEs)
- 10-5-5: Residential Base Requirement
- 10-5-6: Commercial Base Requirement
- 10-5-7: Commercial Alternatives
- 10-5-8: Mixed-Use Requirement
- 10-5-9: Off-Site Affordable Housing
- 10-5-10: Fees-In-Lieu
- 10-5-11: Accessory Dwelling Units (ADUs)
- 10-5-12: Fee Waivers
- 10-5-13: Allowable Prices
- 10-5-14: Enforcement/Management
- 10-5-15: Approval Process

10-5-1: INTENT

A. The purposes of this ordinance are to:

1. Provide requirements, guidelines, and incentives for the construction of housing affordable to Extremely Low-Income, Very Low Income, and Low Income households in the Snyderville Basin;
2. Implement the affordable housing goals, policies, and objectives contained in the Snyderville Basin General Plan;
3. Ensure a wide variety of affordable housing options and opportunities for residents, seniors, workers, and special needs individuals in the Snyderville Basin;
4. Maintain a balanced community that provides housing for people of all income levels; and,
5. Implement planning for affordable housing as required by State Code.

10-5-2: METHODOLOGY AND APPLICABILITY

A. Affordable Housing Needs: The County shall adopt a needs assessment model to determine the need for affordable housing, types of housing, special needs, and specific incomes to be targeted in the Snyderville Basin. The model shall be utilized to update the needs assessment no less than once every five (5) years, unless requested sooner by the Planning Commission or County Council.

- B. Base Requirement: There shall be a base requirement to provide affordable housing throughout all zones of the Snyderville Basin. The base requirement shall apply to all new residential, commercial, and mixed use development, and shall be calculated using Affordable Unit Equivalents (AUEs).

- C. Exemptions: The following developments shall not be required to provide additional affordable housing:
 - 1. The construction of Accessory Dwelling Units in single-family residences.
 - 2. The construction of a single-family residence on an existing Lot of Record.
 - 3. The expansion of an existing residence.
 - 4. The construction of schools, churches, public facilities, and other institutional uses.
 - 5. A change or expansion of an existing commercial use which is less than a 15% increase in the existing structure gross square footage or total project square footage, but no greater than 5,000 square feet; this is a one-time exemption.
 - 6. The first 5,000 square feet of a new commercial use; this is a one-time exemption.
 - 7. A change or expansion of an existing commercial use which is less than a 15% increase of the existing total acreage but no greater than 2 acres, if the use is primarily outdoors; this is a one-time exemption.
 - 8. A change in use which does not increase the employee generation by more than 2 employees per 1000 sq. ft..

- D. Definitions:
 - 1. **Area Median Income (AMI):** the amount of income which divides the income distribution of the area into two equal groups, half having income above that amount, and half having income below that amount as determined by the U.S. Department of Housing and Urban Development for Summit County from time to time.
 - 2. **Median lot size:** half of all lots in the development are larger, and half are smaller.

10-5-3: AFFORDABLE HOUSING REQUIREMENTS

- A. All developments containing affordable units shall enter into a Housing Agreement with Summit County. The Housing Agreement shall be recorded against all parcels and units in the development identified as affordable, and shall include the following:

1. Identification of the units to be deed restricted as affordable housing, including but not limited to unit ID number and / or address, square footage, location, and style of unit.
2. A specification of allowed starting sales and / or rental price(s), price increase methodology, and target household size and income range for each unit.
3. Management plan for the affordable units, including the process for buyer qualification to ensure that employees working and living in Summit County are given priority. The management plan shall conform to a template to be provided by Summit County.
4. A copy of the approved deed restriction or document to assure affordability to be recorded against the individual affordable units.
5. Good faith marketing plan for the units. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer prior to the initial sale or lease of the units.

B. Affordable units shall meet all of the following criteria:

1. The specific unit type and design shall be consistent with the character of the surrounding neighborhood and / or development. If the development contains both market rate and affordable units, the exterior design, look and feel, and finishes of affordable units shall match the exterior design, look and feel and finishes of market rate units in the development. Interior finishes may differ between affordable and market rate units.
2. Affordable housing units shall comply with all the development standards outlined in Chapter 4 of this Title, and shall comply with the requirements of the underlying zone, with the exceptions outlined in this Chapter.
3. The minimum size of an affordable housing unit shall be based on the category of unit, as outlined in Section 10-5-4 of this Chapter: "Affordable Unit Equivalents."
4. The affordable housing component in a development shall be constructed concurrently with the rest of the development. Each phase of a project must contain a proportionate amount of the required affordable housing. This applies to both on-site and off-site housing.
5. The affordable housing component of a development shall be constructed within the development site, except as outlined in this Chapter.
6. Residential parking shall be provided at a minimum rate of one (1) space per SRO, studio, or one-bedroom unit, and two (2) spaces per unit for multiple-

bedroom units. Visitor parking will also be provided throughout the project at a rate of 0.25 spaces per unit.

7. The affordable units shall be provided in a variety of prices so that multiple income levels, as outlined in Section 10-5-13 of the Chapter, are targeted. No one target income level may make up more than 75% of the affordable units, except in cases where the total number of affordable units provided is ten (10) or fewer, or where the Land Use Authority determines that a different unit mix is compatible with the proposed development, or where all units are approved to be located in a single structure.
8. The affordable units shall be provided in a variety of sizes and styles, as outlined in Table 1 in Section 10-5-4 of this Chapter. No one size or style of unit may make up more than 75% of the affordable units, except in cases where the total number of affordable units provided is ten (10) or fewer, or where the Land Use Authority determines that a different unit mix is compatible with the proposed development, or where all units are approved to be located in a single structure.
9. To allow for the structures to be compatible with market homes within the subdivision and the existing neighborhoods, the homes constructed can be multifamily to avoid having smaller homes within a larger home community. Such multifamily structures shall contain no more than three (3) units, and shall be designed in such a manner that they appear to be one detached single family home consistent with the adjacent larger homes. Multifamily structures shall be subject to the permitting requirements in Chapter 2 of this title.
10. The minimum length of time for a unit to be deed restricted as an affordable unit shall be sixty (60) years as measured from issuance of Certificate of Occupancy, which may be renewable for an additional term.
11. All deed-restricted rental units shall be rented for a minimum period of 90 consecutive days. Nightly and weekly rentals shall be prohibited.
 - a. Exception: Special needs emergency/transitional/athlete/employee housing shall be exempt from the 90 day limitation, but shall be rented for a sufficient period to prevent nightly and weekly rentals. To qualify for the exemption, there must be a quantified, demonstrated need for the emergency/transitional housing within the Summit County boundaries, and the housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all other requirements of this Chapter.
12. The maximum initial sales price or rent of an affordable unit shall be limited to a price that is affordable either to an "Extremely Low Income", "Very Low Income", or "Low Income" household as defined by the Department of Housing and Urban Development (HUD) for the Area Median Income (AMI) for Summit County each year, and annual appreciation shall be limited through a deed restriction to ensure that the unit remains affordable over time. Notwithstanding this

provision, the deed restrictions may provide for sales or rental to higher income households in the event the unit is not sold or rented within a reasonable time.

13. In addition to the net income limit, qualifying households are limited to a net worth of four (4) times the AMI.
14. Master Leases: A qualified non-profit organization, or employer desiring to provide qualifying employees with affordable housing, may purchase or lease existing affordable units when a master-lease program is approved, whereby the non-profit organization or employer will rent or lease the units to qualifying employee households. A management plan shall be approved by Summit County and recorded against the affordable units as part of, or an amendment to, a Housing Agreement.
15. In an effort to ensure that the affordable housing is available for qualified individuals:
 - a. All renters of affordable units will be required to certify annually to the County, or its designee, that they still qualify for the targeted percentage of AMI. If a renter no longer qualifies for the housing, their lease will not be renewed and the property will then be made available to a qualifying renter.
 - b. If a for-sale unit owner's household's income increases to an amount above the targeted percentage of AMI while occupying a affordable unit, the household shall not be required to sell the unit. Upon vacating the premises naturally, a for-sale unit shall be sold pursuant to the terms of the deed restriction.
16. Households currently living or working in Summit County shall have priority in obtaining affordable units, through a selection process determined by the Legislative Body of Summit County, subject to compliance with Federal and State Fair Housing requirements
17. A deed restriction shall be approved by the County and recorded on all affordable dwelling units. A template restriction approved by the Legislative body of Summit County shall be used for all new affordable units, unless substitute restrictions setting forth substantially the same information are provided by a community oriented housing non-profit group for units they develop, and if the substitute restriction is approved by the legislative body of Summit County. Such substitute restrictions may include the use of a Community Land Trust or management by a local housing nonprofit to ensure long-term control and stewardship. The deed restriction templates shall be reviewed annually, and shall at a minimum outline the following:
 - a. income and net-worth qualification
 - b. term of applicability
 - c. assignable County right of first refusal
 - d. allowable capital improvements

- e. maintenance
 - f. occupancy requirements
 - g. rental and sales policies
 - h. starting sales and rental prices
 - l. allowable annual price increase
 - j. reporting and monitoring structures
 - k. management
 - l. enforcement provisions
18. These restrictions may be modified to satisfy State and / or Federal requirements, if a project receives State and / or Federal Funding that requires modifications.
19. All for sale and rental affordable units shall be certified by an independent qualified evaluator, at a minimum, Energy Star or its equivalent energy efficient certification.

10-5-4: AFFORDABLE UNIT EQUIVALENTS (AUEs)

- A. Affordable Unit Equivalents (AUEs): All new development shall be required to provide a certain number of Affordable Unit Equivalents (AUEs), as outlined in this Chapter.
- B. AUE is defined as a “two-bedroom unit with 900 square feet of net livable space, measured exterior wall to exterior wall.” Multiple smaller units together may constitute one AUE, or fewer larger units, according to the conversion in Section C below.
- C. AUE conversions:
- 1. Dormitory Unit:
 - a. Minimum size = 150 square feet per bed
 - b. 1 AUE = 5 beds (1 bed = 0.2 AUE)
 - c. Example: 8 AUEs = 40 beds
 - i. $8 \times 5 = 40$, or
 - ii. $8 \div 0.2 = 40$
 - 2. Single Room Occupancy (SRO) Unit:
 - a. Minimum unit size = 275 square feet
 - b. 1 AUE = 2.75 units (1 unit = 0.3636 AUE)
 - c. Example: 8 AUEs = 22 units
 - i. $8 \times 2.75 = 22$, or
 - ii. $8 \div 0.36 = 22$
 - 3. Studio Unit
 - a. Minimum unit size = 400 square feet
 - b. 1 AUE = 2.0 units (1 unit = 0.5 AUE)
 - c. Example: 8 AUEs = 16 units
 - i. $8 \times 2.0 = 16$, or
 - ii. $8 \div 0.5 = 16$

4. One Bedroom Unit
 - a. Minimum unit size = 650 square feet
 - b. 1 AUE = 1.25 unit (1 unit = 0.8 AUE)
 - c. Example: 8 AUEs = 10 units
 - i. $8 \times 1.25 = 10$, or
 - ii. $8 \div 0.36 = 10$

5. Two Bedroom Unit
 - a. Minimum unit size = 900 square feet
 - b. 1 AUE = 1 unit
 - c. Example: 8 AUEs = 8 units
 - i. $8 \times 1 = 8$, or
 - ii. $8 \div 1 = 8$

6. Three Bedroom Unit
 - a. Minimum unit size = 1150 square feet
 - b. 1 AUE = 0.80 unit (1 unit = 1.25 AUEs)
 - c. Example: 8 AUEs = 6.4 units
 - i. $8 \times 0.80 = 6.4$, or
 - ii. $8 \div 1.25 = 6.4$

7. Four Bedroom Unit
 - a. Minimum unit size = 1400 square feet
 - b. 1 AUE = 0.70 unit (1 unit = 1.43 AUEs)
 - c. Example: 8 AUEs = 5.6 units
 - i. $8 \times 2.75 = 5.6$, or
 - ii. $8 \div 1.43 = 5.6$

D. AUE Application:

1. Dormitory and SRO Units shall only be permitted to meet the requirement for commercial and resort uses, and shall not be permitted in single-family residential neighborhoods.
2. If units are provided that are larger than the minimum size outlined in Table 1, the number of units per AUE may be reduced, but:
 - a. in no case may the reduction exceed a total of 10% of the obligated AUES for a development, and
 - b. in no case may the credit per unit exceed 150 sq. ft. per Dormitory unit, SRO, Studio, or one bedroom unit, and
 - c. for multiple bedroom units, in no case may the additional square footage credited towards the AUEs exceed 150 sq. ft. multiplied by the number of bedrooms.

- E. Fractional Obligation: if the total number of required AUEs contains a decimal, and the units provided do not account for the entire decimal, then the developer shall pay a fee in lieu for the remaining fractional obligation only. In no case shall the number of AUEs provided be less than the whole number portion of the obligation.

1. Example: If a developer has an obligation of 13.4 AUEs, and 13.2 AUEs are provided, a fee in lieu shall be paid for the 0.2 remainder, as outlined in Section 10-5-11. In this case the number of AUEs provided may not be less than 13, the whole number portion of the obligation.

F. Reductions in requirement: **developers may be granted the option of only one (1) of the following reductions:**

1. If a developer provides all the required affordable housing up front, (prior to the first certificate of occupancy for the market portion of the development), the number of required AUEs may be reduced by up to 25% at the discretion of the Land Use Authority.
2. If a developer provides the required affordable housing in such a manner that the average household income targeted does not exceed 50% of the Area Median Income, the number of required AUEs **shall** be reduced by up to 25%.
3. If a developer provides the required affordable housing in such a manner that the average household income targeted does not exceed 40% of the Area Median Income, the number of required AUEs **shall** be reduced by up to 40%.
4. If a developer provides the required affordable housing in such a manner that the average household income targeted does not exceed 30% of the Area Median Income, the number of required AUEs **shall** be reduced by up to 50%.

10-5-5: RESIDENTIAL BASE REQUIREMENT

A. Obligation rate: All new residential development shall be required to develop or ensure the development of affordable housing at a rate of 20 percent (20%) of the units in a development. The affordable housing obligation shall be met concurrently with the construction of market rate units.

1. Calculation of Required AUEs: The total number of allowed market rate units shall be multiplied by twenty percent (20%). The resulting number shall represent the total number of AUEs required of the project, shall be provided in addition to the allowed market rate units in the project, and shall not count against the allowed density of the project.
2. Expansion: When existing development applies for additional units, the obligation rates shall be calculated on the net unit increase only.

B. Example Calculation for Residential Development Requirement:

Number of Allowed Market Units in Example Development = 23
Obligation Rate = $23 \times 20\% = 4.6$
Total AUEs Required = 4.6
Total units permitted: 23 market + 4.6 workforce = 27.6 units
Result: 27 units, fee-in-lieu for 0.6

- C. In projects developing for-sale lots, where the developer does not construct units on the lots but requires the purchaser to do so, the developer shall be required to create lots for the development of affordable housing at a rate of 20% of the total approved market-rate lots in the development.
 - 1. The affordable lots may be donated to an approved housing non-profit organization for the development of affordable housing on the lots. Utilities, curb and gutter, water shares and / or rights, and other necessary improvements shall be completed and provided by the developer so that an approved housing non-profit organization receives a construction-ready lot free and clear of all encumbrances. All required fees, such as special service fees, water shares and/or rights, impact fees but excepting Building and Planning fees, shall be paid by the developer of the project prior to the donation of the lots, unless otherwise agreed to in writing by the non-profit organization.
 - 2. The smallest affordable lot shall be no smaller 50% the size of the median market rate lot in the development.
 - 3. The affordable lots and units shall be integrated into the development. The Land Use Authority shall have the discretion to modify this provision if they find that the development of affordable housing and the overall project will be enhanced by the non-integration of the affordable units based upon the design of the project, the type and size of the affordable housing provided and the character of the surrounding neighborhood.

10-5-6: COMMERCIAL BASE REQUIREMENT

- A. **Obligation Rate:** For new commercial development, or expansion of existing commercial development, an applicant shall be required to develop or ensure the development of affordable housing to meet fifteen percent (15%) of the employee housing demand generated by the new development.
- B. **Employee Generation:** Average employee generation, defined as Full Time Equivalents (FTEs, 2080 hours) per 1000 net leasable square feet, is established as outlined in the Table 2 below:

Table 2: Employee Generation by Type of Use:

Types of Use	FTEs
Restaurant/Bar	6.5
High intensity, including but not limited to call centers, real estate / property management offices, recreation/amusements	5.6
Lodging / Hotel	0.6/room
Medium intensity offices, including but not limited to banking and professional services.	3.7
Commercial / Retail	3.3
Low intensity, including but not limited to utilities, education, medical offices, light industry, research parks.	2.62
Overall/General*	4.4

* The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

- C. Independent Calculation: an applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table, subject to the following requirements:
1. The County shall create a pool of approved entities, persons, or groups to conduct independent calculations. The pool shall be chosen from on a strictly rotational basis; each subsequent application requesting an independent calculation shall be assigned to the next entity, person, or group on the approved list.
 2. The Land Use Authority shall make the final determination of whether or not the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 2: Employee Generation by Type of Use.
 3. Should the independent calculation not be accepted, then the applicable generation factor from the Employee Generation Table shall be applied to the proposed development.
 4. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable, and be memorialized in the Housing Agreement for the property, which shall be executed prior to the issuance of any building or development permits.
- D. Calculation of Required AUE(s): Required AUEs for commercial development shall be calculated using the following formula:

Formula:

$$\begin{aligned} &(\text{Employee Generation} \times \text{Square Footage}) \div 1000 = \text{Employees Generated} \\ &(\text{Employees Generated} \times \text{Obligation Rate of } 15\%) = \# \text{ of employees to Mitigate} \\ &(\text{Employees to Mitigate} \div 1.5 \text{ workers per household} \div 1.2 \text{ jobs per employee}) = \text{AUE obligation} \end{aligned}$$

- E. Example Calculation for Commercial Development Requirement:

EXAMPLE: Commercial Development application for a 15,000 sq. ft. project:

First 5,000 sq. ft. are exempt; calculation done on 10,000 sq. ft.

Employee Generation, general category:
 $(4.4 \times 10,000) \div 1000 = 44$ employees generated

Mitigation:

44 employees multiplied by .15 (mitigation rate)	= 6.6 employees
6.6 divided by 1.5 (workers per household)	= 4.4 employees
4.4 divided by 1.2 (jobs per worker)	= 3.67 AUEs

- F. Winter Seasonal Units: an applicant for a commercial development may choose to satisfy employee housing requirements by provision of dormitory units designed for occupancy by seasonal employees. The dormitory units must meet the requirements of this chapter, as well as the following minimum standards:
1. Occupancy of each dormitory unit shall be limited to no more than six (6) persons.
 2. There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
 3. At least one (1) bathroom shall be provided for shared use by no more than four (4) persons. The bathroom shall contain at least one (1) toilet, one (1) wash basin, and one (1) shower.
 4. A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
 5. Use of a minimum of 20 net usable square feet per person of enclosed storage area located within, or adjacent to, the unit.
 6. Seasonal dormitories may be required to house qualified employees of the community at large; if the development or ongoing expense of the development are substantially subsidized by an employer, and if federal funds do not require otherwise, that employer may be permitted to first offer the units to its employees.

10-5-7: ALTERNATIVES TO ON-SITE HOUSING

- A. Development may meet their AUE obligation in one of the following ways:
1. Construct on-site affordable units.
 2. Construct off site affordable units as outlined below:
 - a. Prior to obtaining approval for the market site, a suitable alternate site for affordable housing, along with a conceptual site plan and unit layout for the alternate site, shall be presented by the applicant and approved by the County.
 - b. Prior to commencement of improvements of the market site, a draw-down bond with a minimum two-year term shall be posted in the amount equal to the fee-in-lieu of the required AUEs.
 - i. In the event the required unit equivalents are not completed with a certificate of occupancy, or if substantial progress satisfactory to the

County Legislative Body has not occurred within two years, the bond shall be drafted and all funds deposited shall be forfeited by the developer to the County.

- c. Prior to receiving a Certificate of Occupancy for any portion of the market site, a development plan, site plan, final plat if required, elevations, deed restriction, housing agreement, and timeline of construction for the affordable units shall be approved, and recorded where required, by the County.
 - d. The off-site housing shall be constructed within two (2) years of the market development.
3. Pay a fee-in-lieu as outlined in this Chapter.
 4. Purchase existing unit(s) at market rate, record a County approved deed restriction on the unit(s), and sell the unit(s) to qualifying household(s) at an affordable price. The existing units shall be subject to the size and income requirements of this Chapter.
 5. Donate land of sufficient size to accommodate the number of required AUEs to the County or its designee.
 - a. Examples of County designees may include qualifying community-based housing non-profits such as Habitat for Humanity, Mountainlands Community Housing Trust, religious organizations, and Peace House. The recipient shall provide written acceptance setting forth the terms and conditions of the acceptance of the proposed donation to the County.
 - b. Utilities, curb and gutter, water shares and / or rights, and other necessary improvements shall be completed and provided by the developer so that an approved housing non-profit organization receives a construction-ready lot free and clear of all encumbrances. All required fees, such as special service fees, water shares and/or rights, impact fees but excepting Building and Planning fees, shall be paid by the developer of the project prior to the donation of the lots, unless otherwise agreed to in writing by the non-profit organization.

10-5-8: MIXED-USE BASE REQUIREMENT

- A. **Mixed-Use Development Requirements:** The obligation rate for the residential portion of the development shall be determined using the Residential Development Requirements, and the obligation rate for the commercial portion of the development shall be determined using the Commercial Development Requirements. The total required AUEs shall be the sum of the residential obligation and the commercial obligation.

10-5-9: FEES-IN-LIEU

- A. Applicability: fees-in-lieu shall be available for any AUE obligation.
- B. Fee Amount: The in-lieu fee shall be defined as the difference between the amount of the Allowable Price as set forth in Section 10-5-13 for a Low Income household for a family of four (4) and the median assessed square footage value of a 2-bedroom home in the Snyderville Basin, multiplied by 900 square feet. A per-unit fee-in-lieu amount shall be adopted by the Legislative Body of Summit County, and shall be, at a minimum, reviewed and updated biennially.
- C. Payment of Fees: All fees-in-lieu shall be placed in a separate County account designated for affordable housing purposes only; fees may instead be paid directly to an approved housing nonprofit upon approval by the appropriate Land Use Authority.
- D. Use of Fees: Use of the funds shall be approved on a case-by-case basis by the Chief Executive of Summit County. Some examples of permitted uses may include, but shall not be limited to, the following:
 - 1. To provide down payment and mortgage assistance to qualifying households.
 - 2. To provide fee assistance for special district impact fees, for example the Snyderville Basin Special Recreation District and Snyderville Basin Water Reclamation District, specifically for Affordable Housing units.
 - 3. To buy down the price of affordable units that have naturally appreciated so as to become unaffordable to a qualifying household.
 - 4. To assist qualifying community based housing non-profit organizations in their affordable housing endeavors.
 - 5. To assist in the construction of affordable housing on County owned property.
 - 6. To purchase and/or rehabilitate existing properties in the Snyderville Basin that are available at below-market-rate prices.
 - 7. To preserve existing affordable units by purchasing mortgages or units to protect them from foreclosure.
 - 8. To provide funds to take advantage of potential opportunities that will enhance the objectives of this chapter.

10-5-10: ACCESSORY DWELLING UNITS (ADUs)

- A. Purpose: ADUs may provide a good source of seasonal affordable housing, as well as year-round affordable rental units. Requirements for ADUs are found in Section 10-8-5 of this Title. Unless deed restricted, made available to rent on a permanent basis, and placed under the management of the County or its designee, ADUs will not count toward the AUE obligation as they are considered part of a single-family dwelling.

10-5-11: FEE WAIVERS

- A. Applicability: Affordable units may be eligible for waivers of Building Department and Planning Department application and permit fees. The waivers shall apply only to affordable units and/or lots, and shall not apply to market-rate units and/or lots in a development containing affordable units.
- B. Schedule: Affordable units may be granted waivers as outlined below, up to the full amount of fees actually applied:
 - 1. A waiver of up to 50% of the fees for each unit targeting Low Income households.
 - 2. A waiver of up to 75% of the fees for each unit targeting Very Low Income households.
 - 3. A waiver of up to 100% of the fees for each unit targeting Extremely Low Income households.
- C. Process: Prior to construction an applicant shall submit an application to the appropriate County department, containing the following:
 - 1. A site plan showing the total number of units in the development, and identifying the affordable units.
 - 2. A summary outlining the sales and / or rental prices of each individual affordable unit.
 - 3. Non-profit developers shall be granted a waiver of any waived fees up front.
 - 4. For-profit developers shall post a bond for all required fees; any waived amount shall be released to the developer upon project completion, and unwaived fees paid to the appropriate department.
 - 5. The final decision concerning the approval of fee-waiver applications shall be made by the Chief Executive of Summit County.

10-5-12: ALLOWABLE PRICES

- A. Prices: The rent and sales prices of affordable units shall be based upon the size of the unit. Units that are the minimum allowed size shall be priced at the low end of the allowed range, and units that exceed the minimum allowed size may be allowed to be priced in the middle or upper end of the allowed range. The allowed price ranges shall be set as follows:
 - 1. Dorm units, SRO, and studio units shall be priced for Extremely Low Income

households, adjusted for household size.

- a. Dorm units and Single Room Occupancy (SRO) units shall have an assumed household size of 0.75 persons per 150 sq. ft., and Studio units shall have an assumed household size of 1 person.
2. One-bedroom units shall be priced for Very Low Income households, adjusted for household size. One bedroom units shall have an assumed household size of two (2) persons.
3. Two-bedroom units shall be priced for Low Income households, and have an assumed household size of three (3) persons.
4. Three bedroom or more units and larger shall be priced for Low Income households, and shall have an assumed household size of four (4) persons.
5. The allowable price shall be calculated based upon the monthly income (as defined by federal standards) of qualifying households.
 1. For Sale Units: The allowable sales price shall be calculated so that the sum of the monthly mortgage payment, plus mortgage insurance, property taxes, and HOA dues not exceed 30% of a household's gross monthly income, and based upon the following assumptions:
 - a. An available fixed-rate 30-year mortgage, consistent with the First Time Homebuyer Rate offered by the Utah Housing Corporation, plus 50 basis points. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed-rate, 30-year mortgage at this lower rate for all of the inclusionary units.
 - b. A down payment of no more than five percent (5%) of the purchase price.
 - c. A calculation of property taxes, and
 - d. A calculation of homeowner insurance and/or homeowner association fees.
 1. Homeowner Association (HOA) fees shall be no more than the HOA fee for market rate units and shall be the lesser of the actual HOA fee or an annual amount equal to 1% of the allowable price as adjusted annually based upon the permitted increases in the allowable price as set forth in the deed restrictions. This limitation of HOA fees shall be set forth in the recorded deed restrictions
 2. For Rent Units: The allowable rental price shall be calculated so that the monthly rent, plus utilities, does not exceed 30% of a household's gross monthly income.

10-5-13: ENFORCEMENT / MANAGEMENT

- A. The County or its designee shall have the authority and responsibility to enforce

compliance with the requirements outlined in this Chapter. The provisions of this Chapter shall apply to all agents, successors, and assigns of an applicant. No building permit or Certificate of Occupancy shall be issued, nor development approval be granted, which does not meet the requirements of this Chapter. In the event it is determined that rents or sales prices in excess of those allowed by this Chapter have been charged to a renter or buyer of an affordable unit, the County or its designee shall take appropriate legal action to correct the situation.

10-5-14: APPROVAL PROCESS

- A. Each project shall comply with the applicable Development Application Procedure and Approval Processes outlined in Chapter 3 of this Title.

CHAPTER 5

AFFORDABLE HOUSING

Exhibit C
Draft, working

SECTION:

- 10-5-1: Intent
- 10-5-2: Methodology [and Applicability](#)
- 10-5-3: [Affordable](#) Housing Development Requirements
- 10-5-4: [Affordable](#) Unit Equivalents ([AUEs](#))
- 10-5-5: Residential Base Requirement
- 10-5-6: Commercial Base Requirement
- 10-5-7: Commercial Alternatives
- 10-5-8: Mixed-Use Requirement
- 10-5-9: Off-Site [Affordable](#) Housing
- 10-5-10: Fees-In-Lieu
- 10-5-11: Accessory Dwelling Units (ADUs)
- 10-5-12: Fee Waivers
- 10-5-13: Allowable Prices
- 10-5-14: Enforcement/Management
- 10-5-15: Approval Process

10-5-1: INTENT

A. The purposes of this ordinance are to:

1. Provide requirements, guidelines, and incentives for the construction ~~of~~ [housing affordable to Extremely Low Income, Very Low Income, and Low Income](#) households in the Snyderville Basin;
2. Implement the [affordable](#) housing goals, policies, and objectives contained in the Snyderville Basin General Plan;
3. Ensure [a wide variety of affordable housing options and opportunities for residents, seniors, workers, and special needs individuals](#) in the Snyderville Basin;
4. Maintain a balanced community that provides housing for people of all income levels; and,
5. Implement planning for [affordable](#) housing as required by ~~State Code,~~

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10-5-2: [METHODOLOGY AND APPLICABILITY](#)

A. [Affordable Housing Needs; The County shall adopt a needs assessment model to determine the need for affordable housing, types of housing, special needs, and specific incomes to be targeted in the Snyderville Basin. The model shall be utilized to update the needs assessment, no less than once every five \(5\) years, unless requested sooner by the Planning Commission or County Council.](#)

B. Base Requirement: There shall be a base requirement to provide **affordable** housing throughout all zones of the Snyderville Basin. The base requirement shall apply to all new residential, commercial, and mixed use development, and shall be calculated using **Affordable** Unit Equivalents (AUEs).

C. Exemptions: The following developments shall not be required to provide additional **affordable** housing:

1. The construction of Accessory Dwelling Units in single-family residences.
2. The construction of a single-family residence on an existing Lot of Record.
3. The expansion of an existing residence.
4. The construction of schools, churches, public facilities, and other institutional uses.
5. A change or expansion of an existing commercial use which is less than a 15% increase in the existing structure gross square footage or total project square footage, but no greater than 5,000 square feet; this is a one-time exemption.
6. The first 5,000 square feet of a new commercial use; this is a one-time exemption.
7. A change or expansion of an existing commercial use which is less than a 15% increase of the existing total acreage but no greater than 2 acres, if the use is primarily outdoors; this is a one-time exemption.
8. A change in use which does not increase the employee generation by more than 2 employees per 1000 sq. ft..

D. Definitions:

1. **Area Median Income (AMI):** the amount of income which divides the income distribution of the area into two equal groups, half having income above that amount, and half having income below that amount as determined by the U.S. Department of Housing and Urban Development for Summit County from time to time.
2. **Median lot size:** half of all lots in the development are larger, and half are smaller.

10-5-3: **AFFORDABLE HOUSING REQUIREMENTS**

A. All developments containing **affordable** units shall enter into a Housing Agreement with Summit County. The Housing Agreement shall be recorded against all **parcels and** units in the development **identified as affordable**, and shall include the following:

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1. Identification of the units to be deed restricted as affordable housing, including but not limited to unit ID number and / or address, square footage, location, and style of unit.
2. A specification of allowed starting sales and / or rental price(s), price increase methodology, and target household size and income range for each unit.
3. Management plan for the affordable units, including the process for buyer qualification to ensure that employees working and living in Summit County are given priority. The management plan shall conform to a template to be provided by Summit County.
4. A copy of the approved deed restriction or document to assure affordability to be recorded against the individual affordable units.
5. Good faith marketing plan for the units. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer prior to the initial sale or lease of the units.

B. Affordable units shall meet all of the following criteria:

1. The specific unit type and design shall be consistent with the character of the surrounding neighborhood and / or development. If the development contains both market rate and affordable units, the exterior design, look and feel, and finishes of affordable units shall match the exterior design, look and feel and finishes of market rate units in the development. Interior finishes may differ between affordable and market rate units.
2. Affordable housing units shall comply with all the development standards outlined in Chapter 4 of this Title, and shall comply with the requirements of the underlying zone, with the exceptions outlined in this Chapter.
3. The minimum size of an affordable housing unit shall be based on the category of unit, as outlined in Section 10-5-4 of this Chapter: "Affordable Unit Equivalents."
4. The affordable housing component in a development shall be constructed concurrently with the rest of the development. Each phase of a project must contain a proportionate amount of the required affordable housing. This applies to both on-site and off-site housing.
5. The affordable housing component of a development shall be constructed within the development site, except as outlined in this Chapter.
6. Residential parking shall be provided at a minimum rate of one (1) space per SRO, studio, or one-bedroom unit, and two (2) spaces per unit for multiple-

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bedroom units. Visitor parking will also be provided throughout the project at a rate of 0.25 spaces per unit.

7. The affordable units shall be provided in a variety of prices so that multiple income levels, as outlined in Section 10-5-13 of the Chapter, are targeted. No one target income level may make up more than 75% of the affordable units, except in cases where the total number of affordable units provided is ten (10) or fewer, or where the Land Use Authority determines that a different unit mix is compatible with the proposed development, or where all units are approved to be located in a single structure.

8. The affordable units shall be provided in a variety of sizes and styles, as outlined in Table 1 in Section 10-5-4 of this Chapter. No one size or style of unit may make up more than 75% of the affordable units, except in cases where the total number of affordable units provided is ten (10) or fewer, or where the Land Use Authority determines that a different unit mix is compatible with the proposed development, or where all units are approved to be located in a single structure.

9. To allow for the structures to be compatible with market homes within the subdivision and the existing neighborhoods, the homes constructed can be multifamily to avoid having smaller homes within a larger home community. As an example, if the surrounding homes average 5000 square feet, it may be preferable to have a three-unit home of 4500 square feet rather than three 1500 square foot homes. Such multifamily structures shall contain no more than three (3) units, and shall be designed in such a manner that they appear to be one detached single family home consistent with the adjacent larger homes. Multifamily structures shall be subject to the permitting requirements in Chapter 2 of this title.

10. The minimum length of time for a unit to be deed restricted as an affordable unit shall be sixty (60) years as measured from issuance of Certificate of Occupancy, which may be renewable for an additional term.

11. All deed-restricted rental units shall be rented for a minimum period of 90 consecutive days. Nightly and weekly rentals shall be prohibited.

a. Exception: Special needs emergency/transitional/athlete/employee housing shall be exempt from the 90 day limitation, but shall be rented for a sufficient period to prevent nightly and weekly rentals. To qualify for the exemption, there must be a quantified, demonstrated need for the emergency/transitional housing within the Summit County boundaries, and the housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all other requirements of this Chapter.

12. The maximum initial sales price or rent of an affordable unit shall be limited to a price that is affordable either to an "Extremely Low Income", "Very Low Income", or "Low Income" household as defined by the Department of Housing and Urban

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Development (HUD) for the Area Median Income (AMI) for Summit County each year, and annual appreciation shall be limited through a deed restriction to ensure that the unit remains affordable over time. Notwithstanding this provision, the deed restrictions may provide for sales or rental to higher income households in the event the unit is not sold or rented within a reasonable time.

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13. In addition to the net income limit, qualifying households are limited to a net worth of four (4) times the AMI.

14. Master Leases: A qualified non-profit organization, or employer desiring to provide qualifying employees with affordable housing, may purchase or lease existing affordable units when a master-lease program is approved, whereby the non-profit organization or employer will rent or lease the units to qualifying employee households. A management plan shall be approved by Summit County and recorded against the affordable units as part of, or an amendment to, a Housing Agreement.

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15. In an effort to ensure that the affordable housing is available for qualified individuals:

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a. All renters of affordable units will be required to certify annually to the County, or its designee, that they still qualify for the targeted percentage of AMI. If a renter no longer qualifies for the housing, their lease will not be renewed and the property will then be made available to a qualifying renter.

b. If a for-sale unit owner's household's income increases to an amount above the targeted percentage of AMI while occupying a affordable unit, the household shall not be required to sell the unit. Upon vacating the premises naturally, a for-sale unit shall be sold pursuant to the terms of the deed restriction.

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16. Households currently living or working in Summit County shall have priority in obtaining affordable units, through a selection process determined by the Legislative Body of Summit County, subject to compliance with Federal and State Fair Housing requirements

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17. A deed restriction shall be approved by the County and recorded on all affordable dwelling units. A template restriction approved by the Legislative body of Summit County shall be used for all new affordable units, unless substitute restrictions setting forth substantially the same information are provided by a community oriented housing non-profit group for units they develop, and if the substitute restriction is approved by the legislative body of Summit County. Such substitute restrictions may include the use of a Community Land Trust or management by a local housing nonprofit to ensure long-term control and stewardship. The deed restriction templates shall be reviewed annually, and shall at a minimum outline the following:

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a. income and net-worth qualification

- b. term of applicability
- c. assignable County right of first refusal
- d. allowable capital improvements
- e. maintenance
- f. occupancy requirements
- g. rental and sales policies
- h. starting sales and rental prices
- l. allowable annual price increase
- j. reporting and monitoring structures
- k. management
- l. enforcement provisions

18. These restrictions may be modified to satisfy State and / or Federal requirements, if a project receives State and / or Federal Funding that requires modifications.

19. All for sale and rental affordable units shall be certified by an independent qualified evaluator, at a minimum, Energy Star or its equivalent energy efficient certification.

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10-5-4: AFFORDABLE UNIT EQUIVALENTS (AUEs)

A. Affordable Unit Equivalents (AUEs): All new development shall be required to provide a certain number of Affordable Unit Equivalents (AUEs), as outlined in this Chapter.

B. AUE is defined as a “two-bedroom unit with 900 square feet of net livable space, measured exterior wall to exterior wall.” Multiple smaller units together may constitute one AUE, or fewer larger units, according to the conversion in Section C below.

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C. AUE conversions:

1. Dormitory Unit:

- a. Minimum size = 150 square feet per bed
- b. 1 AUE = 5 beds (1 bed = 0.2 AUE)
- c. Example: 8 AUEs = 40 beds
 - i. 8 x 5 = 40, or
 - ii. 8 ÷ 0.2 = 40

2. Single Room Occupancy (SRO) Unit:

- a. Minimum unit size = 275 square feet
- b. 1 AUE = 2.75 units (1 unit = 0.3636 AUE)
- c. Example: 8 AUEs = 22 units
 - i. 8 x 2.75 = 22, or
 - ii. 8 ÷ 0.36 = 22

3. Studio Unit

- a. Minimum unit size = 400 square feet
- b. 1 AUE = 2.0 units (1 unit = 0.5 AUE)
- c. Example: 8 AUEs = 16 units

- i. $8 \times 2.0 = 16$, or
- ii. $8 \div 0.5 = 16$

4. One Bedroom Unit

- a. Minimum unit size = 650 square feet
- b. 1 AUE = 1.25 unit (1 unit = 0.8 AUE)
- c. Example: 8 AUEs = 10 units
 - i. $8 \times 1.25 = 10$, or
 - ii. $8 \div 0.36 = 10$

5. Two Bedroom Unit

- a. Minimum unit size = 900 square feet
- b. 1 AUE = 1 unit
- c. Example: 8 AUEs = 8 units
 - i. $8 \times 1 = 8$, or
 - ii. $8 \div 1 = 8$

6. Three Bedroom Unit

- a. Minimum unit size = 1150 square feet
- b. 1 AUE = 0.80 unit (1 unit = 1.25 AUEs)
- c. Example: 8 AUEs = 6.4 units
 - i. $8 \times 0.80 = 6.4$, or
 - ii. $8 \div 1.25 = 6.4$

7. Four Bedroom Unit

- a. Minimum unit size = 1400 square feet
- b. 1 AUE = 0.70 unit (1 unit = 1.43 AUEs)
- c. Example: 8 AUEs = 5.6 units
 - i. $8 \times 2.75 = 5.6$, or
 - ii. $8 \div 1.43 = 5.6$

D. AUE Application:

1. Dormitory and SRO Units shall only be permitted to meet the requirement for commercial and resort uses, and shall not be permitted in single-family residential neighborhoods.
2. If units are provided that are larger than the minimum size outlined in Table 1, the number of units per AUE may be reduced, but:
 - a. in no case may the reduction exceed a total of 10% of the obligated AUES for a development, and
 - b. in no case may the credit per unit exceed 150 sq. ft. per Dormitory unit, SRO, Studio, or one bedroom unit, and
 - c. for multiple bedroom units, in no case may the additional square footage credited towards the AUEs exceed 150 sq. ft. multiplied by the number of bedrooms.

E. Fractional Obligation: if the total number of required AUEs contains a decimal, and the units provided do not account for the entire decimal, then the developer shall pay a fee

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in lieu for the remaining fractional obligation only. In no case shall the number of **AUEs** provided be less than the whole number portion of the obligation.

1. Example: If a developer has an obligation of 13.4 **AUEs**, and 13.2 **AUEs** are provided, a fee in lieu shall be paid for the 0.2 remainder, as outlined in Section 10-5-11. In this case the number of **AUEs** provided may not be less than 13, the whole number portion of the obligation.

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F. Reductions in requirement: **developers may be granted the option of only one (1) of the following reductions:**

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1. If a developer provides all the required **affordable** housing up front, (prior to the first certificate of occupancy for the market portion of the development), the number of required **AUEs** may be reduced by up to 25% at the discretion of the Land Use Authority.
2. If a developer provides the required **affordable** housing in such a manner that the average household income targeted does not exceed 50% of the Area Median Income, the number of required **AUEs** shall be reduced by up to 25%.
3. If a developer provides the required **affordable** housing in such a manner that the average household income targeted does not exceed 40% of the Area Median Income, the number of required **AUEs** shall be reduced by up to 40%.
4. If a developer provides the required **affordable** housing in such a manner that the average household income targeted does not exceed 30% of the Area Median Income, the number of required **AUEs** shall be reduced by up to 50%.

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10-5-5: RESIDENTIAL BASE REQUIREMENT

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A. Obligation rate: All new residential development shall be required to develop or ensure the development of **affordable** housing at a rate of 20 percent (20%) of the units in a development. The **affordable** housing obligation shall be met concurrently with the construction of market rate units.

1. Calculation of Required **AUEs**: The total number of allowed market rate units shall be multiplied by **twenty** percent (20%). The resulting number shall represent the total number of **AUEs** required of the project, shall be provided in addition to the allowed market rate units in the project, and shall not count against the allowed density of the project.
2. Expansion: When existing development applies for additional units, the obligation rates shall be calculated on the net unit increase only.

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B. Example Calculation for Residential Development Requirement:

Number of Allowed Market Units in Example Development = 23,
 Obligation Rate = 23 x 20% = 4.6,
 Total **AUEs** Required = 4.6,
 Total units permitted: 23 market + 4.6 workforce = 27.6 units,
 Result: 27 units, fee-in-lieu for 0.6

C. In projects developing for-sale lots, where the developer does not construct units on the lots but requires the purchaser to do so, the developer shall be required to create lots for the development of affordable housing at a rate of 20% of the total approved market-rate lots in the development.

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1. The affordable lots may be donated to an approved housing non-profit organization for the development of affordable housing on the lots. Utilities, curb and gutter, water shares and / or rights, and other necessary improvements shall be completed and provided by the developer so that an approved housing non-profit organization receives a construction-ready lot free and clear of all encumbrances. All required fees, such as special service fees, water shares and/or rights, impact fees but excepting Building and Planning fees, shall be paid by the developer of the project prior to the donation of the lots, unless otherwise agreed to in writing by the non-profit organization.

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2. The smallest affordable lot shall be no smaller 50% the size of the median market rate lot in the development.

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3. The affordable lots and units shall be integrated into the development. The Land Use Authority shall have the discretion to modify this provision if they find that the development of affordable housing and the overall project will be enhanced by the non-integration of the affordable units based upon the design of the project, the type and size of the affordable housing provided and the character of the surrounding neighborhood.

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10-5-6: COMMERCIAL BASE REQUIREMENT

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A. **Obligation Rate:** For new commercial development, or expansion of existing commercial development, an applicant shall be required to develop or ensure the development of affordable housing to meet fifteen percent (15%) of the employee housing demand generated by the new development.

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B. **Employee Generation:** Average employee generation, defined as Full Time Equivalents (FTEs, 2080 hours) per 1000 net leasable square feet, is established as outlined in the Table 2 below:

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Table 2: Employee Generation by Type of Use:

Types of Use	FTEs
Restaurant/Bar	6.5
High intensity, including but not limited to call centers, real estate / property management offices, recreation/amusements	5.6
Lodging / Hotel	0.6/room
Medium intensity offices, including but not limited to banking and professional services.	3.7

Commercial / Retail	3.3
Low intensity, including but not limited to utilities, education, medical offices, <u>light industry</u> , research parks.	2.62
Overall/General*	4.4

* The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

C. Independent Calculation: an applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table, subject to the following requirements:

1. The County shall create a pool of approved entities, persons, or groups to conduct independent calculations. The pool shall be chosen from on a strictly rotational basis; each subsequent application requesting an independent calculation shall be assigned to the next entity, person, or group on the approved list.
2. ~~The Land Use Authority shall make the final determination of whether or not the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 2: Employee Generation by Type of Use.~~
3. Should the independent calculation not be accepted, then the applicable generation factor from the Employee Generation Table shall be applied to the proposed development.
4. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable, and be memorialized in the Housing Agreement for the property, which shall be executed prior to the issuance of any building or development permits.

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D. Calculation of Required AUE(s): Required AUEs for commercial development shall be calculated using the following formula:

Formula:

$$\frac{(\text{Employee Generation} \times \text{Square Footage}) \div 1000 = \text{Employees Generated}}{(\text{Employees Generated} \times \text{Obligation Rate of } 15\%) = \# \text{ of employees to Mitigate}}$$

$$(\text{Employees to Mitigate} \div 1.5 \text{ workers per household} \div 1.2 \text{ jobs per employee}) = \text{AUE obligation}$$

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E. Example Calculation for Commercial Development Requirement:

EXAMPLE: Commercial Development application for a 15,000 sq. ft. project:

First 5,000 sq. ft. are exempt; calculation done on 10,000 sq. ft.

Employee Generation, general category:

$$(4.4 \times 10,000) \div 1000 = 44 \text{ employees generated}$$

Mitigation:

$$44 \text{ employees multiplied by } .15 \text{ (mitigation rate)} = 6.6 \text{ employees}$$

$$6.6 \text{ divided by } 1.5 \text{ (workers per household)} = 4.4 \text{ employees}$$

$$4.4 \text{ divided by } 1.2 \text{ (jobs per worker)} = 3.67 \text{ AUEs}$$

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F. Winter Seasonal Units: an applicant for a commercial development may choose to satisfy employee housing requirements by provision of dormitory units designed for occupancy by seasonal employees. The dormitory units must meet the requirements of this chapter, as well as the following minimum standards:

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1. Occupancy of each dormitory unit shall be limited to no more than six (6) persons.
2. There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
3. At least one (1) bathroom shall be provided for shared use by no more than four (4) persons. The bathroom shall contain at least one (1) toilet, one (1) wash basin, and one (1) shower.
4. A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
5. Use of a minimum of 20 net usable square feet per person of enclosed storage area located within, or adjacent to, the unit.

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6. Seasonal dormitories may be required to house qualified employees of the community at large; if the development or ongoing expense of the development are substantially subsidized by an employer, and if federal funds do not require otherwise, that employer may be permitted to first offer the units to its employees.

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10-5-7: ALTERNATIVES TO ON-SITE HOUSING

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A. Development may meet their AUE obligation in one of the following ways:

1. Construct on-site affordable units.
2. Construct off site affordable units as outlined below:
 - a. Prior to obtaining approval for the market site, a suitable alternate site for affordable housing, along with a conceptual site plan and unit layout for the alternate site, shall be presented by the applicant and approved by the County.
 - b. Prior to commencement of improvements of the market site, a draw-down bond with a minimum two-year term shall be posted in the amount equal to the fee-in-lieu of the required AUEs.
 - i. In the event the required unit equivalents are not completed with a certificate of occupancy, or if substantial progress satisfactory to the County Legislative Body has not occurred within two years, the bond shall be drafted and all funds deposited shall be forfeited by the developer to the County.
 - c. Prior to receiving a Certificate of Occupancy for any portion of the market site, a development plan, site plan, final plat if required, elevations, deed restriction, housing agreement, and timeline of construction for the affordable units shall be approved, and recorded where required, by the County.
 - d. The off-site housing shall be constructed within two (2) years of the market development.
3. Pay a fee-in-lieu as outlined in this Chapter.
4. Purchase existing unit(s) at market rate, record a County approved deed restriction on the unit(s), and sell the unit(s) to qualifying household(s) at an affordable price. The existing units shall be subject to the size and income requirements of this Chapter.
5. Donate land of sufficient size to accommodate the number of required AUEs to the County or its designee.
 - a. Examples of County designees may include qualifying community-based housing non-profits such as Habitat for Humanity, Mountainlands Community Housing Trust, religious organizations, and Peace House. The recipient shall provide written acceptance setting forth the terms and conditions of the acceptance of the proposed donation to the County.
 - b. Utilities, curb and gutter, water shares and / or rights, and other necessary improvements shall be completed and provided by the developer so that an approved housing non-profit organization receives a construction-ready lot free and clear of all encumbrances. All required fees, such as special service fees, water shares and/or rights, impact

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fees but excepting Building and Planning fees, shall be paid by the developer of the project prior to the donation of the lots, unless otherwise agreed to in writing by the non-profit organization.

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10-5-8: MIXED-USE BASE REQUIREMENT

A. Mixed-Use Development Requirements: The obligation rate for the residential portion of the development shall be determined using the Residential Development Requirements, and the obligation rate for the commercial portion of the development shall be determined using the Commercial Development Requirements. The total required AUEs shall be the sum of the residential obligation and the commercial obligation.

10-5-9: FEES-IN-LIEU

A. Applicability: fees-in-lieu shall be available for any AUE obligation.

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B. Fee Amount: The in-lieu fee shall be defined as the difference between the amount of the Allowable Price as set forth in Section 10-5-13 for a Low Income household for a family of four (4) and the median assessed square footage value of a 2-bedroom home in the Snyderville Basin, multiplied by 900 square feet. A per-unit fee-in-lieu amount shall be adopted by the Legislative Body of Summit County, and shall be, at a minimum, reviewed and updated biennially.

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C. Payment of Fees: All fees-in-lieu shall be placed in a separate County account designated for affordable housing purposes only; fees may instead be paid directly to an approved housing nonprofit upon approval by the appropriate Land Use Authority.

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D. Use of Fees: Use of the funds shall be approved on a case-by-case basis by the Chief Executive of Summit County. Some examples of permitted uses may include, but shall not be limited to, the following:

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1. To provide down payment and mortgage assistance to qualifying households.
2. To provide fee assistance for special district impact fees, for example the Snyderville Basin Special Recreation District and Snyderville Basin Water Reclamation District, specifically for Affordable Housing units.
3. To buy down the price of affordable units that have naturally appreciated so as to become unaffordable to a qualifying household.
4. To assist qualifying community based housing non-profit organizations in their affordable housing endeavors.
5. To assist in the construction of affordable housing on County owned property.
6. To purchase and/or rehabilitate existing properties in the Snyderville Basin that are available at below-market-rate prices.

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- 7. To preserve existing affordable units by purchasing mortgages or units to protect them from foreclosure.
- 8. To provide funds to take advantage of potential opportunities that will enhance the objectives of this chapter.

10-5-10: ACCESSORY DWELLING UNITS (ADUs)

A. Purpose: ADUs may provide a good source of seasonal affordable housing, as well as year-round affordable rental units. Requirements for ADUs are found in Section 10-8-5 of this Title. Unless deed restricted, made available to rent on a permanent basis, and placed under the management of the County or its designee, ADUs will not count toward the AUE obligation as they are considered part of a single-family dwelling.

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10-5-11: FEE WAIVERS

A. Applicability: Affordable units may be eligible for waivers of Building Department and Planning Department application and permit fees. The waivers shall apply only to affordable units and/or lots, and shall not apply to market-rate units and/or lots in a development containing affordable units.

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B. Schedule: Affordable units may be granted waivers as outlined below, up to the full amount of fees actually applied:

- 1. A waiver of up to 50% of the fees for each unit targeting Low Income households.
- 2. A waiver of up to 75% of the fees for each unit targeting Very Low Income households.
- 3. A waiver of up to 100% of the fees for each unit targeting Extremely Low Income households.

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C. Process: Prior to construction an applicant shall submit an application to the appropriate County department, containing the following:

- 1. A site plan showing the total number of units in the development, and identifying the affordable units.
- 2. A summary outlining the sales and / or rental prices of each individual affordable unit.
- 3. Non-profit developers shall be granted a waiver of any waived fees up front.
- 4. For-profit developers shall post a bond for all required fees; any waived amount shall be released to the developer upon project completion, and unwaived fees

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paid to the appropriate department.

5. The final decision concerning the approval of fee-waiver applications shall be made by the Chief Executive of Summit County.

10-5-12: ALLOWABLE PRICES

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A. Prices: The rent and sales prices of affordable units shall be based upon the size of the unit. Units that are the minimum allowed size shall be priced at the low end of the allowed range, and units that exceed the minimum allowed size may be allowed to be priced in the middle or upper end of the allowed range. The allowed price ranges shall be set as follows:

1. Dorm units, SRO, and studio units shall be priced for Extremely Low Income households, adjusted for household size.
 - a. Dorm units and Single Room Occupancy (SRO) units shall have an assumed household size of 0.75 persons per 150 sq. ft., and Studio units shall have an assumed household size of 1 person.
2. One-bedroom units shall be priced for Very Low Income households, adjusted for household size. One bedroom units shall have an assumed household size of two (2) persons.
3. Two-bedroom units shall be priced for Low Income households, and have an assumed household size of three (3) persons.
4. Three bedroom or more units and larger shall be priced for Low Income households, and shall have an assumed household size of four (4) persons.
5. The allowable price shall be calculated based upon the monthly income (as defined by federal standards) of qualifying households.

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1. For Sale Units: The allowable sales price shall be calculated so that the sum of the monthly mortgage payment, plus mortgage insurance, property taxes, and HOA dues not exceed 30% of a household's gross monthly income, and based upon the following assumptions:
 - a. An available fixed-rate 30-year mortgage, consistent with the First Time Homebuyer Rate offered by the Utah Housing Corporation, plus 50 basis points. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed-rate, 30-year mortgage at this lower rate for all of the inclusionary units.
 - b. A down payment of no more than five percent (5%) of the purchase price.
 - c. A calculation of property taxes, and
 - d. A calculation of homeowner insurance and/or homeowner association fees.
 1. Homeowner Association (HOA) fees shall be no more than

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the HOA fee for market rate units and shall be the lesser of the actual HOA fee or an annual amount equal to 1% of the allowable price as adjusted annually based upon the permitted increases in the allowable price as set forth in the deed restrictions. This limitation of HOA fees shall be set forth in the recorded deed restrictions

2. For Rent Units: The allowable rental price shall be calculated so that the monthly rent, plus utilities, does not exceed 30% of a household's gross monthly income.

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10-5-13: ENFORCEMENT / MANAGEMENT

- A. The County or its designee shall have the authority and responsibility to enforce compliance with the requirements outlined in this Chapter. The provisions of this Chapter shall apply to all agents, successors, and assigns of an applicant. No building permit or Certificate of Occupancy shall be issued, nor development approval be granted, which does not meet the requirements of this Chapter. In the event it is determined that rents or sales prices in excess of those allowed by this Chapter have been charged to a renter or buyer of an **affordable** unit, the County or its designee shall take appropriate legal action to correct the situation.

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10-5-14: APPROVAL PROCESS

- A. Each project shall comply with the applicable Development Application Procedure and Approval Processes outlined in Chapter 3 of this Title.

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**SUMMIT COUNTY, UTAH
ORDINANCE NO. 783**

AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE, CHAPTER 5

WHEREAS, the Snyderville Basin Development Code (Code) was adopted in 2004, and

WHEREAS, Chapter 5 of the Code was adopted in December 2007 to create an inclusionary housing program, and

WHEREAS, the County desires to amend Chapter 5 to update and clarify the inclusionary program, incentivize units affordable to lower incomes, and meet the needs identified in the 2012 Housing Needs Assessment, and

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on August 28, 2012 and voted to forward a positive recommendation to the Summit County Council on the amendment, and

WHEREAS, the Summit County Council held a public hearing on October 3, 2012; and

WHEREAS, the Summit County Council continued their decision to October 10, 2012; and

WHEREAS, the Summit County Council voted to approve the amendments on October 3, 2012.

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

Section 1. SNYDERVILLE BASIN DEVELOPMENT CODE CHAPTER 5

Section 10-5 of the Code is hereby amended as illustrated in Exhibit A.

Section 2. Effective Date

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

APPROVE, ADOPTED, AND PASSED and ordered published by the Summit County Council, this _____ day of _____, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
Dave Ure, Chair

Councilor Robinson voted _____
Councilor Hanrahan voted _____
Councilor McMullin voted _____
Councilor Elliott voted _____
Councilor Ure voted _____

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL/SNYDERVILLE BASIN PLANNING COMMISSION

JOINT MEETING

THURSDAY, AUGUST 23, 2012

SHELDON RICHINS BUILDING

PARK CITY, UTAH

PRESENT:

David Ure, *Council Chair*
Sally Elliott, *Council Member*
Chris Robinson, *Council Member*
Bob Jasper, *County Manager*

Bruce Taylor, *Planning Commission Chair*
Colin DeFord, *Planning Commission Vice Chair*
Chuck Klingenstein, *Planning Commissioner*
Greg Lawson, *Planning Commissioner*
Annette Velarde, *Planning Commissioner*
Karen McLaws, *Secretary*

Chair Ure called the joint meeting of the Summit County Council and Snyderville Basin Planning Commission to order at 6:15 p.m.

GENERAL PLAN PROGRESS UPDATE AND SCHEDULE

Snyderville Basin Planning Commission Chair Bruce Taylor reported that the Planning Commission has come up with a three-sentence mission statement and would like to get that approved so that, as they review the General Plan, they can relate everything to the mission statement. The next step will be to gather everything they have already reviewed, relate it to the mission statement, and forward it to the County Council by the end of the year. The remainder would be reviewed next year with the possibility of asking for the assistance of an outside consultant.

Community Development Director Don Sargent explained that the first phase would include all of the land use elements except future land use, growth management, and economic development. Those three elements will be addressed in 2013 in cooperation with a consultant.

The Council Members and Planning Commissioners held a general discussion regarding the affordable housing needs assessment as it relates to the General Plan review.

REGIONAL PLANNING DISCUSSION

Director Sargent noted that the County Council has moved regional planning to one of its immediate priorities in their strategic plan. He introduced Christie Oostema with Envision Utah, who provided a review of some of the work Envision Utah has recently completed.

The Council Members and Planning Commissioners discussed the need for regional planning with Ms. Oostema. They reviewed some of the issues related to regional planning and how they would like to proceed.

Chair Ure encouraged the Planning Commission to move forward with Phase I of the General Plan review and amendments. The Council Members supported working with Envision Utah to prepare a proposal for how to move forward with Phase II of the General Plan update. The Council Members indicated that they would be interested in attending the joint meeting with the Snyderville Basin Planning Commission and Park City Planning Commission scheduled for September 24 to allow all of the entities involved to provide input on the proposal to work with Envision Utah.

The joint meeting of the Summit County Council and Snyderville Basin Planning Commission adjourned at 7:50 p.m.

Council Chair, David Ure

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, AUGUST 29, 2012
COUNCIL CHAMBERS
COALVILLE, 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
Anita Lewis, Assistant Manager
Jami Brackin, Deputy Attorney
Kent Jones, Clerk
Annette Singleton, Office Manager
Karen McLaws, Secretary

CLOSED SESSION

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

The Summit County Council met in closed session from 1:40 p.m. to 2:20 p.m. to discuss property acquisition. 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
Anita Lewis, Assistant Manager
Jami Brackin, Deputy Attorney
Don Sargent, Community Development Director
Kimber Gabryszak, County Planner

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

The Summit County Council met in closed session from 2:20 p.m. to 2:35 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
Anita Lewis, Assistant Manager

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, 5 to 0.

WORK SESSION

Chair Ure called the work session to order at 2:40 p.m.

- **Review of Council mail and calendar items**

Administration Office Manager Annette Singleton reported that the tourism summit is scheduled for September 21 from 8:00 a.m. to 1:30 p.m. She explained that the UAC fall conference is scheduled for September 12, which is the same date as the next County Council meeting. She announced that IHC has requested a public hearing on September 26 for their hospital revenue bond and hopes to give money to the Park City Medical Center.

- **Interview applicant for vacancy on the Timberline Special Service District**

The Council Members interviewed Todd Hoover for a position on the Timberline Special Service District Board.

- **Update on carbon footprint and Sustainability Plan; Ashley Koehler and Stephanie Dolmat-Connell, Sustainability**

Sustainability Coordinator Ashley Koehler reported that this is the annual update to the County Council regarding the County's sustainability plan and carbon footprint. She recalled that the Council adopted the plan in November 2011, which includes 20 goals with a set of specific actions and timelines for implementation. She introduced Stephanie Dolmat-Connell, the Energy Programs Specialist from her office.

Ms. Dolmat-Connell reported that the County has had almost a 9% reduction in overall electricity use from 2010 to 2011 due to a number of energy efficiency projects which have been implemented, which saved the County \$16,000. The County has achieved that goal and been recognized by ICLEI for having achieved two of their five milestones. The next steps will be to present the community-wide greenhouse gas emissions study, set goals for that footprint, and develop a community-wide climate action plan. She presented a graph showing 25% growth in the carbon footprint from 2005 to 2011 and noted that the landfill dominates the carbon footprint. Staff recommended that the County focus on the 13% reduction goal excluding the landfill. Without the landfill, the County's buildings are the greatest contributor to the carbon footprint, with the vehicle fleet being second. From 2010 to 2011, the County's carbon footprint decreased by 3%. Ms. Dolmat-Connell noted that the justice center is the biggest contributor to the County's carbon footprint, with the second biggest contributor being the courthouse.

Council Member Hanrahan asked if there are options for reducing the carbon footprint for the landfill. Ms. Dolmat-Connell explained that they recommend that the County pursue a waste diversion goal rather than a carbon reduction goal. She commented that the methane numbers are likely overstated for the County and noted that emissions from the landfill are actually a

community-wide item, not just a County item. However, the landfill is included in the protocol because the County owns it.

Ms. Dolmat-Connell explained that there will be an update on the County's vehicle fleet in September, and they want to focus on the fuel use in the fleet. She presented a graph showing that the County has exceeded the carbon emissions goal of 13% below business as usual for 2011, but they need to continue to work on that goal for 2012. To achieve that, they need to focus on where to get the biggest bang for their buck, which will be the justice center and the courthouse.

Council Member Hanrahan stated that what helps him most is to be able to see the return on investment for the energy efficiency improvements they make.

Ms. Dolmat-Connell reported that Staff has applied for a Blue Sky grant to install 40 kw of solar panels on the health center, and they may want to consider putting solar on additional buildings if that grant comes through. She reviewed what is being considered in terms of changes in the fleet vehicles. Ms. Koehler explained that Public Works Director Kevin Callahan has put together a fleet committee, and they are already starting to implement some changes.

Ms. Dolmat-Connell summarized that Staff's recommendations include funding for the carbon reduction goals, funding for future energy efficiency and renewable energy projects, and adding 100 kw of solar by 2014 by implementing a community group purchasing solar program and backing loans for homeowners who install solar.

Council Member Robinson asked how members of the Sheriff's Office on the fleet committee are responding to the idea of natural gas. Mr. Callahan explained that newer vehicles are able to use a flex fuel system, and he believed the Sheriff's Office is interested in that and how they might implement a program for those kinds of vehicles in the Sheriff's Department fleet. Mr. Jasper reported that the County has contacted Questar to explain that they are committed to adding natural gas vehicles to their fleet. If the Council is interested, he will include money in the budget for next year to do a bulk solar program.

- **2012 Summit County Fair Council Art Awards; Kassidy Jones and Zoe Spriggs, artists**

The Council Members recognized the Summit County Fair Council art award recipients for 2012, Kassidy Jones and Zoe Spriggs, and presented their awards.

- **Discussion regarding Transit Program Options for the 2013-2014 budgets; Kevin Callahan, Public Works Director**

Mr. Callahan presented the staff report and reviewed a history of the transit program in Summit County as shown in the staff report. He described the three transit system routes. He noted that more than half of the \$2.5 million transit budget comes from sales tax, and they share in the operating funds from Federal transit, contract with the Canyons for service, assess businesses in the Basin, and receive some miscellaneous revenues. He explained that the ridership numbers have remained about the same the last few years because of the downturn in the economy, but he anticipated a considerable increase in ridership when they revise the routes. He reviewed the current budget and how the money is spent. He recalled that the County adopted a short-range

transit plan in 2011 with a five- to seven-year time horizon. In order to expand and build better efficiency into the services, they need to build the transit hub in Kimball Junction. Then they could reconfigure the routes and provide more express service on Highway 224, using the hub for the transitions.

Chair Ure asked about the cost of the transit hub. Mr. Callahan replied that it would cost about \$2.1 million to build. Chair Ure asked how it would be financed. Mr. Callahan replied that they applied for Federal money and were not successful this year, but they intend to continue to pursue that.

Mr. Callahan reviewed some changes in service proposed in the short-range plan.

Mr. Jasper asked if it is anticipated that the service between the Snyderville Basin and Salt Lake would continue. Mr. Callahan replied that is the current agreement, and that service will be included in the 2013 budget. If the Council chooses not to continue that service, they would need to provide notification to UTA. Mr. Jasper verified with Mr. Callahan that they have looked at running bus service to Kamas and Heber City. Mr. Callahan explained that service would be limited at first, and they would charge for that service.

Council Member Elliott stated that she did not believe they could establish long-term ridership without a guarantee of continuity. She believed they should be in the UTA program several years before trying to decide if it is a success or failure.

Council Member Robinson verified with Mr. Callahan that Summit County has expended its share of the funds for the Salt Lake service. Mr. Callahan explained that a challenge with the UTA program is that the majority of the ridership is workers commuting to Park City, and they have not been successful in getting people involved who live in Summit County and want to commute to Salt Lake. He noted that the UTA service is stand alone and does not integrate with any of their other fares and services. Council Member Robinson verified with Kent Cashel, Park City Public Works Director, that the City is still committed to the UTA service. Mr. Cashel described steps being taken in Park City to enhance the program. Council Member McMullin asked what could be done to reduce the costs. Mr. Cashel replied that the ski resorts have been good about subsidizing it, but they need other businesses to help subsidize it. The Council Members discussed funding of the UTA program with Mr. Cashel and Mr. Callahan. Mr. Cashel explained that the ultimate goal of the UTA program is for the fares paid by the riders to cover the cost of the service.

Mr. Jasper suggested that the County and the City research what kind of usage there might be if they were to expand service to Heber and Kamas and then start to discuss those two markets.

Council Member Hanrahan stated that he believed the most important thing to pursue right now is the transit hub and how and when to get that in service. Mr. Callahan reported that he received a Conditional Use Permit (CUP) from the Planning Commission for the transit facility, and they would have to start construction on the hub by June 2014 or reapply for it. He explained that they applied for a \$2 million Federal grant, and the only Federal funding received in Utah was for buses, not structures. He stated that he will put \$200,000 in the 2013 budget to complete the final engineering and design for the CUP and continue to apply for Federal money. Another option might be for the County to pay for some of the transit hub on their own, and Mr. Callahan

reviewed potential sources for funding it. He recommended that the County increase the assessment to local businesses between now and 2015 by 100% to help fund the Kimball Junction hub and circulator service.

Council Member Elliott stated that she has attended the Wasatch Alternative Transportation meetings and believes there might be some alternative transportation interconnection possibilities in the next few years that are more comprehensive than ski link.

- **Discussion and updates regarding Echo Sewer; Bob Swensen, Health Department; Lane Peirce, Sunrise Engineering**

Lane Peirce explained that the purpose of this discussion is to review the Sunrise Engineering contract for approval. He recalled that they have been working on this process with Echo Sewer for close to two years. He stated that the overall costs have been reviewed with the State, the special district has been approved, and a subcommittee was formed with Bob Swensen and Andy Armstrong, who have also reviewed and approved the costs. The costs have also been reviewed and found to be fair by the Division of Water Quality. He explained that the project costs have been reviewed by many entities and appear to be fair.

Bob Swensen explained that they are in the process of transferring the assets from the Echo Sewer Company to the special service district, and that process is going well. He explained that they are basically transferring easements and rights-of-way. He reported that they need a contract with Sunrise to be able to proceed with the engineering and design of the system and put the bid package together.

Council Member Robinson asked where the funds will come from for the project. Mr. Peirce explained that \$150,000 will come from the CDBG grant, and the remaining funding will come from the State Division of Water Quality through a 50% grant and 50% loan with 0% interest. Approximately two-thirds of the project costs will be covered by grants and about one-third by a loan.

Chair Ure asked about the payment per month per home. Mr. Peirce explained that the Division of Water Quality will require payment of \$46 per month for sewer, starting in September, and those who will participate know that.

Mr. Armstrong reported that he personally reviewed the contract, and he thought the inspection costs might be a little high. He believed they might be able to reduce the cost somewhat by using some of the County's services to help with the inspections. Chair Ure asked if the contract would allow them to do that. Mr. Peirce replied that the contract is a lump-sum fee, but if they would like to change the inspection fee, he could amend the contract. He noted that the County will take on some liability if they have a County employee do the inspections. Mr. Armstrong explained that they are talking about a professional with 30 years' experience in the industry, and he believed Mr. Swensen would know how to write an inspection report that can be reviewed by a professional engineer and certify to the State that it has been installed correctly. That would save the County a considerable amount, especially in drive time. Mr. Swensen agreed that the inspections should not be difficult, and he could schedule them so he could probably be completed in an hour. He stated that he would like to save Echo as much money as possible. Mr. Peirce agreed to amend the contract accordingly.

CLOSED SESSION

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

The Summit County Council met in closed session from 4:40 p.m. to 4:55 p.m. to discuss personnel. Those in attendance were:

David Ure, *Council Chair*

Robert Jasper, *Manager*

Claudia McMullin, *Council Vice Chair*

Sally Elliott, *Council Member*

John Hanrahan, *Council Member*

Chris Robinson, *Council Member*

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

REGULAR MEETING

Chair Ure called the regular meeting to order at 4:55 p.m.

- **Pledge of Allegiance**

COVENE AS THE BOARD OF EQUALIZATION

Council Member McMullin 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 Robinson and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

The meeting of the Summit County Board of Equalization was called to order at 4:55 p.m.

CONSIDERATION OF APPROVAL OF 2012 STIPULATIONS

Board Member Robinson made a motion to approve the 2012 stipulations as recommended. The motion was seconded by Board Member Elliott and passed unanimously, 4 to 0. Board Member Hanrahan was not present for the vote.

DISMISS AS THE BOARD OF EQUALIZATION AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member McMullin made a motion to dismiss as the Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member Hanrahan and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization adjourned at 4:46 p.m.

DISCUSSION AND POSSIBLE DECISION ON AN APPEAL OF AN ADMINISTRATIVE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR REGARDING THE HEIGHT AND LOCATION OF A HOME ON PARCEL SS-59-7-A-1 LOCATED AT 374 MOUNTAIN TOP DRIVE, SUMMIT COUNTY, APPELLANTS RANA TAHTININ & ROGER GOLDMAN; MOLLY ORGILL, ASSISTANT PLANNER

Assistant Planner Molly Orgill presented that staff report, described the parcel, and indicated the location of the parcel on a location map. She explained that in July 2004, the owners of the parcel at that time petitioned to annex the property into Park City Municipal, but it was not annexed, and in 2005 they applied for a Low Impact Permit (LIP) to build on the parcel because it is located on a ridgeline. Michael Upwall designed the home and helped the previous owner work with the County and Park City to locate the residence on the least steep and most sensible location on the parcel and determine an appropriate height. In December 2005 the parcel changed ownership to the appellants, and Mr. Upwall continued to work with them. The new owners agreed with the location but not the height and wanted to build a home at 32 feet rather than at 22 feet with an additional 5 feet for the roof as agreed upon with Park City. In May 2006, the appellants appealed Staff's decision on the height limitation to the Board of Adjustment, and the Board of Adjustment overturned Staff's decision on height because the Code did not address a reduced height for structures on ridgelines at that time. In June 2006 the LIP was approved with conditions. In October 2006 the annexation declaration information was added to the Code as well as regulations for ridgeline development. In January 2008 the appellants applied for a new LIP to move the structure to a different location on the parcel. At that time Staff denied the application because of a problem with the access, and the file was closed based on a letter from the applicants saying they did not want to move forward. In December 2011 the owners submitted a new LIP application to move the structure to a new location. The previous LIPs had expired, as well as the variance, because the owners did not proceed with construction under those permits. When the 2011 application was submitted, Staff applied the regulations currently in the Code regarding ridgeline development and the annexation declaration area. Planner Orgill reported that the home will be a little over 10,000 square feet in size, including the garage, and the applicant is proposing that it be 32 feet in height with an additional 2,000 square feet of decks. She reviewed the General Plan policies and Code Criteria as they relate to this proposal. She provided an aerial view of the property showing where the proposed home would be located and indicating the slopes on the property. She reviewed the previous and current site plans and access to the site. She indicated the portions of the structure that would be 32 feet high. She provided a visual analysis using a 32-foot pole on the pre-approved location and the location requested by the appellants from Highway 224 and the Old Ranch Road area. She also provided a visual analysis provided by the applicant showing both locations on the site. Since the site is in the Park City Annexation Declaration Area, the information was sent to Park City, and they would prefer that the structure be built in the previously approved location with a height of 26 feet. Staff recommended that the County Council discuss the information in the staff report and information submitted at this meeting and vote to deny the appeal to build in the proposed location and the height of the structure with the findings that the location and height do not meet the intent of the Snyderville Basin General Plan or the criteria in the Snyderville Basin Development Code.

Chair Ure asked if there are other homes in this area that exceed the height limit in the Code. Planner Orgill replied that there are, but they were built prior to adoption of the Code requirements.

Rana Tahtinen, the applicant, expressed concern that the Council Members might not understand where the ridgeline is on the property and provided a map showing the ridgeline. She stated that information is misstated in the executive summary and that they were granted permission for the house higher up on the property as shown in Exhibit H. After they were granted a building permit, they went to the Fire Department, and they were opposed to the house being so low because they did not believe they could get emergency equipment to the home, so they advised them to move it up the hill. They then approached the Planning Department, and she has the file regarding that. She explained that they put a driveway high up on the property to reach the house, and they were rushed and concerned about complying with the Fire Department.

Roger Goldman, the applicant, stated that the issue was access. The Planning Department decided in March that moving the house up the hill was all right. In February 2008 they said they wanted to move it up the hill and applied to do that, but it was turned down because the Planning Department did not believe this was the most suitable location. He explained that they emphasized that this was the Fire Department's decision, and the Planning Department agreed that they could move the house essentially to where it is proposed now but required that they get access easements. They were not able to do that, so they stopped building. He claimed that in 2008 the proposed location was determined to be the most suitable location.

Council Member Robinson reviewed the access shown in 2008 compared to the access proposed today and asked why the Fire District was concerned about the location lower on the property. Ms. Tahtinen replied that their concern was being able to get close enough to the structure and the water. She stated that she did not believe safety was considered in the Planning Department's decision, and she believed it would be less disruptive if they were to have a better road and space for water runoff and soil erosion. She stated that they were also trying to be consistent with the character of the neighborhood. She referred to Staff's analysis of the Code criteria on page 4 of the staff report regarding locating a structure outside of critical slopes or ridgelines and making every effort to locate the structure on the least visible, most accessible portion of the site and stated that is not what the Code actually says. She quoted from the Code that an analysis will be done to locate the construction in the most suitable location on the site. She also stated that it appears they should not be subject to the Code criterion regarding development on ridgelines and hilltops as viewed from a designated roadway since this is a lot of record. The Council Members clarified the lot of record language for Ms. Tahtinen. They discussed the provision regarding being 100 vertical feet from the ridgeline, and Deputy County Attorney Jami Brackin explained that the reason for the 100 vertical feet is so that a house will not skylight, which is the critical issue and the purpose for that provision.

Council Member Hanrahan asked if the underlying assumption is that there are no buildable areas that do not skylight. Planner Orgill replied that is not the case on this property. Council Member McMullin noted that the issue is the height, because the appellant wants 32 feet, and the Code states 26 feet.

Michael Upwall, the appellants' architect, explained that, based on the view from which he did the models, either location for the home will skylight. He explained that his visual analysis shows the home at 32 feet in height at both locations, and he believed the proposed new location would skylight much less than the existing location. Council Member McMullin asked if the house would skylight if the height were 26 feet. Mr. Upwall suggested a compromise of reducing the height to 26 feet and building in the new location. He stated that he could work with earth-tone colors so the house would not stand out.

Council Member McMullin stated that the purpose of the ordinance is to be able to most suitably locate a home so it has the least amount of impact on the ridgeline. She believed it is a judgment call as to which location for the home is most suitable. The question is which location the Council agrees with and what height the structure should be.

Council Member Hanrahan observed that the pictures taken using the pole seem to show the opposite impacts that the appellants' pictures show.

Council Member McMullin asked if the Code allowed a 32-foot height in 2006. Mr. Goldman explained that Park City had a 22-foot height limit, and the County wanted them to adhere to that. They went to the Board of Adjustment, and since there was no regulation in the County Code, they gave them a variance to allow a 32-foot height. Council Member McMullin confirmed that since then the ridgeline ordinance and 26-foot height limit were adopted, and the appellants want to rely on the 32-foot height from the Board of Adjustment. Mr. Goldman stated that all the other houses in that neighborhood are at the 32-foot level. Council Member Hanrahan stated that Mr. Goldman's logic would lead the County to say that because something already exists, they should allow it throughout the neighborhood, and that is not the way zoning works. Mr. Goldman stated that this is the last house that will be built in the neighborhood, and he believed it was a matter of equity and should be taken into account.

Council Member Robinson stated that he believed they could remain within the rule of law if the height were reduced to 26 feet, and they could still build on the upper location.

Chair Ure asked if the appellants could build a road at a lower grade to the upper location and asked if they would need a variance for that road. Ms. Tahtinen explained that they went to a road engineer to make the best possible grade given the topography. Ms. Brackin explained that this is an appeal, and the standard for a decision is to determine whether or not the Planning Staff erred in their determination that the proposed location is not suitable and whether or not they erred in applying the 26-foot height limit. Any other variance or process should not be a part of this appeal.

Council Member Hanrahan stated that it is difficult for him to override the experts on two planning staffs from Park City and Summit County. He would like to hear Staff's view about the two visual analyses. Community Development Director Don Sargent explained that there were two aspects to the determination. One was to look at the ridgeline, and the other was to look at the policies in the Code. He explained that they do pole tests to verify visual simulations. Someone can do the best they can with a visual simulation, but pole tests verify the actuality of the height. They keep records of both and find that in most cases the pole tests are more accurate than visual simulations. He stated that visual simulations are great to show massing and scale and general context, but for actual height, pole tests are more accurate.

Mr. Upwall argued that it depends on where you put the pole on the property. If it is on the front of the property, it will appear much taller than further back on the property. He admitted that the visual analysis might not be 100% correct, but he believed it was very close.

Council Member Robinson asked if the pole test was at 32 feet. Planner Orgill replied that the pole was 32 feet high and was placed on the location where the applicant would like to build at existing grade. Council Member Robinson stated that he has no way of knowing how much of the pole extends above the ridgeline. Mr. Upwall explained that the home will be tucked into the hillside, so the finished grade would actually be lower than the existing grade where the pole is shown.

Council Member Robinson asked if County Engineer Derrick Radke was here to give input. Mr. Radke replied that he was available to answer questions on the driveway. He explained that the appellants would have to go to the Board of Adjustment due to the steep grade on the proposed driveway, but the trade would be easier. He explained that the people who have leases on the County's site have to park in the cul-de-sac in the winter. If this access is paved, it would allow them to go up the hill and park off the street, so there would be some benefit to having this road.

Council Member McMullin stated that she would support allowing the appellant to move the house to the proposed location and limiting the height to 26 feet as required by the Code.

Council Member Robinson made a motion to overrule Planning Staff on the location of the structure and grant the appellants' appeal with respect to the location as shown on the proposed site plan as being the most suitable location. The motion was seconded by Council Member McMullin.

Council Member Hanrahan expressed concern that the Council does not have enough information to make that determination. He encouraged the Council to wait and get an accurate comparison rather than a visual simulation from the appellant and a pole study from Staff that is difficult to visualize. He requested that they get a series of balloons on the site exactly where the house will be located so the Council Members can clearly see the difference between the two sites and get a better visualization before making a decision.

Council Member Elliott stated that she believes any time there is an opportunity to have less ridgeline intrusion in any location, that is what they should do. She stated that she would vote to uphold the Community Development Director's decision and deny the appeal.

Council Member Robinson stated that the Planning Commission thought this location was suitable, and the new location is further north on the same contour. He believed that being further from the ridgeline, the new location would not have a greater visual impact.

Council Member Robinson withdrew his motion.

Council Member Hanrahan made a motion to continue this appeal until the Council has an opportunity to visit the site and get a visual impression of the site. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

DISMISS AS THE SUMMIT COUNTY COUNCIL AND CONVENE AS THE GOVERNING BOARD OF THE ECHO SEWER SPECIAL SERVICE DISTRICT

Council Member Elliott made a motion to dismiss as the Summit County Council and to convene as the Governing Board of the Echo Sewer Special Service District. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Echo Sewer Special Service District was called to order at 6:15 p.m.

CONSIDERATION OF APPROVAL OF SUNRISE ENGINEERING, INC'S, PROPOSAL/AGREEMENT TO PROVIDE PROFESSIONAL ENGINEERING SERVICES; BOB SWENSEN, HEALTH DEPARTMENT

Chair Ure reported that the amount of the contract with Sunrise Engineering will be in the amount of \$128,200.

Board Member Robinson made a motion to approve the revised Sunrise Engineering proposal/agreement to provide professional engineering services for the Echo Sewer Special Service District in the amount of \$128,200. The motion was seconded by Board Member Elliott and passed by a vote of 4 to 1, with Board Members Elliott, McMullin, Robinson, and Ure voting in favor of the motion and Board Member Hanrahan voting against the motion.

Board Member Hanrahan stated that he voted against the motion because this is a contract preliminary to a \$700,000 construction project, and he knows nothing about the \$700,000 project and has concerns about the project for the new sewer district.

DISMISS AS THE GOVERNING BOARD OF THE ECHO SEWER SPECIAL SERVICE DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Elliott made a motion to dismiss as the Governing Board of the Echo Sewer Special Service District and to reconvene as the Summit County Council. The motion was seconded by Board Member Robinson and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Echo Sewer Special Service District adjourned at 6:20 p.m.

APPOINTMENT OF TWO MEMBERS TO FILL VACANCIES ON THE SUMMIT COUNTY RESTAURANT TAX ADVISORY COMMITTEE

Council Member McMullin made a motion to reappoint Jodie Coleman and to appoint Peggy Marty to the Summit County Restaurant Tax Advisory Committee, with both terms to expire July 31, 2015. The motion was seconded by Council Member Elliott and passed unanimously 4 to 0. Council Member Hanrahan abstained from the vote, as he was not involved in selecting the candidates.

Council Member McMullin made a motion to reappoint Jeanne Lehan to the Summit County Restaurant Tax Advisory Committee with her term to expire July 31, 2015. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

APPROVAL OF COUNCIL MINUTES

JULY 18, 2012

Council Member McMullin made a motion to approve the minutes of the July 18, 2012, Summit County Council meeting as corrected. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0. Council Member Hanrahan abstained from the vote, as he did not attend the July 18 meeting.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

WORK SESSION – (Continued)

- **Discussion regarding extension of current Lower Park Avenue RDA; Bret Howser and Jonathan Weidenhamer, Park City Municipal**

Dick Peek reported that the Park City Council has been discussing for many months the opportunities to extend the Lower Park Avenue Redevelopment Authority.

Jonathan Weidenhamer with Park City Municipal Corporation indicated the area involved in the Lower Park Avenue RDA and clarified that they are not talking about expansion of the area, just an extension of the RDA.

Bret Howser with Park City Municipal Corporation explained that a redevelopment agency is used to encourage community or economic development in areas that could be suffering from economic stagnation or blight. He stated that RDAs have been quite effective throughout the State, and the idea is to use a tax increment to reinvest in and improve the area. He explained that this is seen as both an expense and an investment. The tax increment is used to achieve a public benefit, but it is also an investment tool, because it creates additional property tax revenues to flow into the general fund. He explained that in 1990 a base value was set, and anything above that base value is an increment. That increment is split between the RDA to reinvest into the area and Summit County. They can calculate the revenue stream that comes back into the County's general fund during the pay back years, and it is estimated that the pay back for Summit County would be about seven years. Mr. Howser reviewed a list of projects the RDA has completed during the 25 years of the RDA.

Council Member Robinson observed that most of the projects shown on the list of RDA projects are public projects, which would not bring in additional tax revenues, and commented that other things must be bringing in the additional tax revenues. Mr. Howser explained that they want to

create projects that will have public benefits, but they also want the projects to spur positive growth, and that is how they get the best of both worlds.

Council Member Hanrahan asked whether the projects would have been built anyway without RDA funds. The question is whether those projects should have been built by Park City taxpayers or everyone else. Mr. Weidenhamer explained that with the Main Street RDA they built a lot of small things that make Park City and Old Town great. Then they had a choice whether to let that go away or take it to another level, and he believed everyone thinks they made the right decision. He reviewed the accomplishments that have been made through the Lower Park Avenue RDA.

Mr. Howser reported that three years ago the City Council asked staff to put together a master plan for the Lower Park Avenue RDA. They put together a plan that covered three areas— parking lot redevelopment, transit traffic circulation and walkability, and community and neighborhood redevelopment—and looked at return on investment and feasibility. Mr. Weidenhamer reported that they decided to focus on community and neighborhood redevelopment and described the projects they wanted to implement. They have also talked about doing a project with Park City Mountain Resort with a transit and parking hub.

Council Member Elliott stated that she is supportive of what is proposed because she understands what has happened in the past, even though the County is the loser in the short term but they are all winners overall. She asked if they are doing footings and foundations for development parcels in Park City's parking lots. Mr. Weidenhamer replied that they are not and do not intend to be in an oversight situation. Council Member Elliott clarified that she was asking if the parking structure proposed for Park City Mountain Resort would be the footing and foundation for a development parcel to rise on top of the parking lot. Mr. Weidenhamer replied that it will be a stand-alone structure with a transit center.

Mr. Howser discussed the public benefit to the regional collaboration on transit, transportation, senior housing, etc., and explained that the RDA is also an investment. Looking at the next 15 years, the County would put in about \$6.4 million in the form of a tax increment, and there would be a revenue stream of about \$400,000 per year once the RDA is finished. Council Member Hanrahan asked how that figure takes into account that buildout might take 10 years. Mr. Howser explained that the payback would begin from the end of the 15-year period.

Mr. Jasper stated that the County will not lose anything and will gain in the long term as the assessed value grows in this area. Because of the increment, the taxpayers will pay a little more. Mr. Howser explained that they have to start with the assumption that assessed values will grow at a higher rate within the RDA.

Council Member Robinson asked how much additional tax revenue would be collected in 2015 when the RDA expires if they were to do nothing. Mr. Howser replied that it would be about 60%, or approximately \$300,000. Council Member Robinson asked if the tax rate would be lower because of all the new assessed valuation if they allow the RDA to expire and there is no longer a cap on it. He believed the other taxpayers are paying for this, and if they allow the RDA to expire and treat what is in the RDA as new growth, it would bring in new money to the County of about \$300,000. Mr. Jasper replied that he would have to check into how that would work. Council Member Robinson further discussed the financial figures provided by Park City

Municipal with Mr. Howser and commented that he did not believe they were getting accurate information and would give up the right to get the other 60% of the tax revenues for the County.

Mr. Howser reported that there will be a taxing entity meeting on September 18 at 5:30, and he would be happy to provide further details. If the taxing entities decide to extend the RDA, they will extend the Park City School District obligation agreement, revise the redevelopment plan, and work toward finalizing an agreement with Park City Mountain Resort. Council Member Robinson requested that Mr. Howser e-mail a copy of his presentation to the Council Members.

- **Discussion of amendments to Chapter 5 of the Snyderville Basin Development Code involving affordable housing standards and requirements as recommended by the Snyderville Basin Planning Commission; Kimber Gabryszak, County Planner**

This item was incorrectly noticed on the agenda and was postponed to a future meeting.

MANAGER COMMENTS

There were no Manager comments.

COUNCIL COMMENTS

Council Member McMullin noted that the Council will be holding a work session regarding the Boyer development agreement, and they want to invite the Snyderville Basin Planning Commission and the public to educate them on what the agreement says, the process, and the uses. Chair Ure reported that is tentatively scheduled for the third week in September.

Mr. Jasper explained that he is trying to get a meeting scheduled for the Canyons annual review.

Chair Ure stated that he has had a report from Weber Basin on water, and if history holds true, they probably will have some tough times with drought for the next year or two.

The Council Members discussed the voter information pamphlet for the change in the optional form of government. Council Member Elliott stated that she has written language in favor of the change, and Council Member Robinson has improved upon it. She has issued a press release asking for alternate opinions, and if they get other credible opinions, they should be included. With regard to voter information for the proposed cemetery district, Council Member Hanrahan suggested that they send a request for alternate opinions to the people who came to the public hearing and spoke in opposition to the cemetery district.

The County Council meeting adjourned at 7:25 p.m.

Council Chair, David Ure

County Clerk, Kent Jones