

MANAGER'S REPORT

May 17, 2013

To: Council Members

From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<p><u>Submitted by Robert Jasper, County Manager:</u></p> <p>Documents and transactions are listed on the Manager Approval list dated 5/16/13, posted on the website at: http://www.summitcounty.org/manager/index.php</p> <p>County Manager Executive Order 2013-01 regarding standards and requirements for Special Events within Summit County. The Executive Order simplifies, and better coordinates, the fee collection for Special Event Permits</p>
Auditor	<p><u>Submitted by JaNae Blonquist, Chief Deputy Auditor:</u></p>
Assessor	<p><u>Submitted by Steve Martin, Assessor:</u></p>
Attorney	
Clerk	
Community Development	<p><u>Submitted by Pat Putt, Community Development Director:</u></p> <p>Snyderville Basin</p> <ul style="list-style-type: none">• On May 14, 2013, the Synderville Basin Planning Commission to take public input on the following neighborhood plans:<ul style="list-style-type: none">○ Bitner Road○ Rasmussen Road○ Silver Creek○ Kimball Junction <p>The meeting produced the largest public turnout to date with substantive comment. The last group of neighborhoods to be discussed includes Highland Estates, Old Ranch Road, East Basin, and Quinns Junction. The public hearings for these neighborhood planning areas is scheduled for May 28, 2013. Phase 1 of the General Plan remains on schedule for a Council review and possible action by the end of June.</p> <ul style="list-style-type: none">• Staff has submitted its draft of the Greater Park City Area Compact Planning Principles to the City Staff. We will be meeting with City Staff next week to begin drafting the final report. The goal of completing the final document for Planning Commission review and comment in June is still on schedule.• The Community Development Department issued a building permit for the new Wyndam hotel at the Canyons on May 10, 2013. The 160, 000 sq. ft., four story structures is one of first hotels to be constructed in the area in several years. <p>Eastern Summit County</p> <ul style="list-style-type: none">• The Eastern Summit County Planning Commission will hold a work session discussion on a Development Code Amendment request by the Blue Sky Ranch. The proposed amendments are intended to create a definition for the distillery use and conditional use permit review process requirement.

<u>Department</u>	<u>Description of Updates</u>																																	
	<ul style="list-style-type: none"> The Eastern Summit County General Plan subcommittee continues to meet weekly. The project remains on schedule. The department received 21 new building applications and 11 new planning applications this past week as follows: <p style="text-align: center;">New Building Applications Submitted May 8 - May 14, 2013</p> <table border="1" data-bbox="490 459 1404 1816"> <thead> <tr> <th data-bbox="490 459 618 552">Project #</th> <th data-bbox="618 459 1211 552">Project Name</th> <th data-bbox="1211 459 1404 552">Submittal Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 552 618 678">13-996</td> <td data-bbox="618 552 1211 678">Donny Donnolly Electrical Service Upgrade 4225 W Kilby Rd. Park City, UT</td> <td data-bbox="1211 552 1404 678">May 09, 13</td> </tr> <tr> <td data-bbox="490 678 618 804">13-997</td> <td data-bbox="618 678 1211 804">Eagle Eye Construction Bathroom Remodel 6066 N Fairview Dr., Park City, UT</td> <td data-bbox="1211 678 1404 804">May 09,13</td> </tr> <tr> <td data-bbox="490 804 618 930">13-998</td> <td data-bbox="618 804 1211 930">Utah 7000 Cabins Single Family Dwelling 8038 Western Sky, Promontory, Park City, UT</td> <td data-bbox="1211 804 1404 930">May 09,13</td> </tr> <tr> <td data-bbox="490 930 618 1056">13-999</td> <td data-bbox="618 930 1211 1056">Premiere Builders Single Family Dwelling 9416 N Kimball Canyon Rd., Park City, UT</td> <td data-bbox="1211 930 1404 1056">May 09,13</td> </tr> <tr> <td data-bbox="490 1056 618 1182">13-1001</td> <td data-bbox="618 1056 1211 1182">Charles Lind Single Family Dwelling 8433 N Cottonwood Trail., Park City, UT</td> <td data-bbox="1211 1056 1404 1182">May 10, 13</td> </tr> <tr> <td data-bbox="490 1182 618 1308">13-1002</td> <td data-bbox="618 1182 1211 1308">David A Thompkins Single Family Dwelling 6796 Mileral Loop., Park City, UT</td> <td data-bbox="1211 1182 1404 1308">May 10,13</td> </tr> <tr> <td data-bbox="490 1308 618 1434">13-1004</td> <td data-bbox="618 1308 1211 1434">Brian Bolender Kitchen Remodel 2097 Mahre Dr., Park City, UT</td> <td data-bbox="1211 1308 1404 1434">May 13, 13</td> </tr> <tr> <td data-bbox="490 1434 618 1560">13-1005</td> <td data-bbox="618 1434 1211 1560">Icon Homes Addition 8777 N Cove Dr., Park City, UT</td> <td data-bbox="1211 1434 1404 1560">May 13, 13</td> </tr> <tr> <td data-bbox="490 1560 618 1686">13-1006</td> <td data-bbox="618 1560 1211 1686">Andreas Polloczek Single Family Dwelling 1044 Wilde Hollow Rd., Park City, UT</td> <td data-bbox="1211 1560 1404 1686">May 13, 13</td> </tr> <tr> <td data-bbox="490 1686 618 1816">13-1007</td> <td data-bbox="618 1686 1211 1816">Colonial Builders Kitchen Remodel 1739 Walker Court., Park City, UT</td> <td data-bbox="1211 1686 1404 1816">May 13, 13</td> </tr> </tbody> </table> 	Project #	Project Name	Submittal Date	13-996	Donny Donnolly Electrical Service Upgrade 4225 W Kilby Rd. Park City, UT	May 09, 13	13-997	Eagle Eye Construction Bathroom Remodel 6066 N Fairview Dr., Park City, UT	May 09,13	13-998	Utah 7000 Cabins Single Family Dwelling 8038 Western Sky, Promontory, Park City, UT	May 09,13	13-999	Premiere Builders Single Family Dwelling 9416 N Kimball Canyon Rd., Park City, UT	May 09,13	13-1001	Charles Lind Single Family Dwelling 8433 N Cottonwood Trail., Park City, UT	May 10, 13	13-1002	David A Thompkins Single Family Dwelling 6796 Mileral Loop., Park City, UT	May 10,13	13-1004	Brian Bolender Kitchen Remodel 2097 Mahre Dr., Park City, UT	May 13, 13	13-1005	Icon Homes Addition 8777 N Cove Dr., Park City, UT	May 13, 13	13-1006	Andreas Polloczek Single Family Dwelling 1044 Wilde Hollow Rd., Park City, UT	May 13, 13	13-1007	Colonial Builders Kitchen Remodel 1739 Walker Court., Park City, UT	May 13, 13
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	13-1009	Teeger Development Duplex 8077 Courtyard Loop #7, Park City, UT	May 14, 13
	13-1011	Teeger Development Duplex 8089 Courtyard Loop #2, Park City, UT	May 14, 13
	13-1012	Teegar Development 4 Plex 8089 Courtyard Loop #6., Park City, UT	May 14, 13
	13-1013	Gregory Pack Kitchen / Bath Remodel Silver Creek Est., Park City, UT	May 14, 13
	13-1014	Utah Solar Solar Panels 940 E Mountain Willow Ln., Park City, UT	May 14, 13
	13-1016	Leroy Kollman Fireplace Replacement 7065 N 2000 W #2-S., Park City, UT	May 15, 13
Eastern Summit County			
	13-1000	Blue Sky Well House 27649 Old Lincoln Hwy., Wanship, UT	May 10, 13
	13-1003	Mark Robert Smith Cabin Remodel Alpine Acres Lot 65, Kamas, UT	May 13, 13
	13-1004	Brian Bolender Kitchen Remodel 2097 Mahre Dr., Park City, UT	May 13, 13
	13-1008	Timberline Log Homes Single Family Dwelling Pine Mountain Lot 701, Kamas, UT	May 14, 13
	13-1015	High Country Siding Exterior Siding / Re-Roof Pine Mountain Lot 611, Kamas, UT	May 14, 13

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	Snyderville Basin New Planning Applications Submitted May 8 - May 14, 2013		
	Snyderville Basin		
	Project #	Project Name	Submittal Date
	13-584	Ross Plat Amendment Ted Mason Plat Amendment HE-B-284-A 6545 Highland Drive	May 08, 13
	13-585	Canyon Corners DA Amendment David E. Gee Dev. Agreement Amendment CANCOR-1 I-80 & Landmark Dr.	May 10, 13
	13-586	Colony Phase 4A at White Pine Canyon Spencer White Plat Amendment CWPC-4A-154 154 White Pine Canyon Rd	May 09, 13
	13-587	Share The Road Race Scott Dudevoir Special Event Snyderville Basin	May 10, 13
	13-588	Preserve Pfisterer LIP John Pfisterer Low Impact Permit SS-13-2 712 Moose Hill Road	May 10, 13
	13-590	Triple Crown World Series Softball 2013 Bob Kollar Special Event Fields in Snyderville Basin and Eastern	May 13, 13
	13-591	Park City Towing LIP Brandon Ruiz Low Impact Permit	May 14, 13
	13-593	Geneva Rock TUP Phil Nordquist/Geneva Rock Temporary Use SS-65- A-7 3890 North Old Hwy 40	May 14, 13
	Eastern Summit County		
	13-589	Alston Lot Line Adjustment Karen Alston Lot Line Adjustment 1687 W. S.R. 32 Peoa CD223	May 13, 13
	13-592	Fowers LOR John W. Hansen Lot of Record CD-662-B Weber Mountain Ranch	May 14, 13
	13-594	Monsen Barn Ag Exempt Mark Monsen Ag Exempt KE-A-18 1780 N. Redwing Lane	May 14, 13

<u>Department</u>	<u>Description of Updates</u>
Engineering	<p data-bbox="321 138 740 170"><u>Submitted by Derrick Radke, Engineer:</u></p> <ul style="list-style-type: none"> <li data-bbox="370 174 808 201">● 2 -Subdivision/Site Plan Plat reviews <li data-bbox="370 207 889 331">● Micro traffic simulation <ul style="list-style-type: none"> <li data-bbox="467 239 878 266">○ Existing traffic data review / input <li data-bbox="467 270 889 298">○ Training set – Tulare CA May 21-22 <li data-bbox="467 302 885 329">○ Trial Highway Capacity model runs <li data-bbox="370 336 1235 363">● Snyderville Basin Transportation Master Plan trails concepts /w Rec. District <li data-bbox="370 367 1240 394">● Eastern Summit County Transportation Master Plan – Council Work Sessions <li data-bbox="370 399 927 426">● Woods of Parleys Lane – revise final project list <li data-bbox="370 430 885 457">● Impact Fees – Summit Center, Kilby Center, <li data-bbox="370 462 943 630">● Village at Kimball Junction <ul style="list-style-type: none"> <li data-bbox="467 493 667 520">○ Start Pads A-F <li data-bbox="467 525 656 552">○ Site clean-up <li data-bbox="467 556 643 583">○ Bond status <li data-bbox="467 588 943 615">○ Site Damage – by Utilities, UDOT review <li data-bbox="467 619 683 646">○ Site Inspections <li data-bbox="370 651 1084 756">● Wasatch Canyons Master Plan – Salt Lake Co. <ul style="list-style-type: none"> <li data-bbox="467 682 1084 709">○ Research including Access Wasatch/Wasatch Summit <li data-bbox="467 714 1062 741">○ Evening Meeting in Holiday – Technical Committee <li data-bbox="370 760 634 787">● Follow-up reporting <li data-bbox="370 791 656 819">● Special Event Reviews <li data-bbox="370 823 1029 850">● Park City Business Center – Building 27-28 – Bond review <li data-bbox="370 854 834 882">● Winter Sports Charter School concepts <li data-bbox="370 886 1105 913">● Landmark Drive – Taco Bell old Right-of-way Contract, clear title <li data-bbox="370 917 959 945">● Newpark Round-About Pre-Construction Activities <li data-bbox="370 949 878 976">● Overlay Project Pre-Construction Activities <li data-bbox="370 980 894 1008">● Seal Coat Project Pre-Construction Activities <li data-bbox="370 1012 927 1039">● Summit Park Design Pre-Construction Activities <li data-bbox="370 1043 764 1071">● Lower Village Road Bid Opening <li data-bbox="370 1075 834 1102">● Quinn’s Solar Project, Misc. Assistance <li data-bbox="370 1106 1468 1134">● Chalk Creek Road/Richins Slide & West Hoytsville Road Slide, Plan and Specification Development <li data-bbox="370 1138 672 1165">● Transit, Misc. Meetings <li data-bbox="370 1169 889 1197">● Solid Waste, Misc. Meeting on State Permit <li data-bbox="370 1201 1143 1228">● Service Area #6 Annexations, Plat Review & Documentation Review <li data-bbox="370 1232 1398 1260">● Quarry Mountain Access Road, Construction Observation & Meeting with Property Owners <li data-bbox="370 1264 841 1522">● Residential Permit Activity <ul style="list-style-type: none"> <li data-bbox="467 1295 727 1323">○ 10 over the counter <li data-bbox="467 1327 711 1354">○ 22 plans reviewed <li data-bbox="467 1358 776 1386">○ 14 driveway inspections <li data-bbox="467 1390 841 1417">○ 16 erosion control inspections <li data-bbox="467 1421 732 1449">○ 2 code enforcement <li data-bbox="467 1453 808 1480">○ 6 Bond Release Inspections <li data-bbox="370 1526 732 1617">● Right-of-Way Permit Activity <ul style="list-style-type: none"> <li data-bbox="467 1537 732 1564">○ 16 new applications <li data-bbox="467 1568 688 1596">○ 6 site inspection <li data-bbox="370 1621 857 1711">● Development Site Inspections <ul style="list-style-type: none"> <li data-bbox="467 1652 857 1680">○ 9 Development Site Inspections <li data-bbox="467 1684 808 1711">○ Various routine inspections <li data-bbox="370 1715 704 1785">● Complaints <ul style="list-style-type: none"> <li data-bbox="467 1726 704 1753">○ 8 Site Inspections

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Facilities	<p><u>Submitted by Mike Crystal, Facilities Manager:</u></p> <p>Parks guys have been turning on and repairing sprinklers. Also we completed the tee upgrade and eagle project at the Marion park with assistance from public works. We have been cleaning up everywhere from winter. Started cleaning. All bldg. carpets Have cleaned all exterior windows. Helping all new hires get in offices.</p>
Health Department	<p><u>Submitted by Rich Bullough, Health Department Director:</u></p> <p>Disease Prevention The Immunization Program received a special grant in the form of Tdap (Tetanus, Diphtheria, and acellular Pertussis) vaccines. Pertussis is on the rise in most states and a vaccine is a great way to stop the spread of the disease. Pertussis, or whooping cough, is highly contagious and causes serious illness and death in the very young and the very old. Immunizing is the best method of stopping the spread of this illness. The Health Department has organized campaigns to vaccinate anyone coming in contact with a newborn, especially the parents, siblings, grandparents and others who are involved in the care of the infant. This is a “cocooning” effort to protect the infant.</p> <p>Further efforts are currently in place to immunize anyone coming into the Health Department who has not previously had the vaccine. The vaccine is given free of charge to ensure anyone can participate. Since the start of the first Tdap project the Health Department has given more than 450 doses of Tdap, free of charge.</p> <p>Food Safety Program This year brought a wonderful partnership with Park City Municipal. Together we now share vital information between business licensing, code enforcement and the Park City Building Department.</p> <p>The Board of Health passed a new Mobile, Temporary & Seasonal Food Ordinance on April 3, 2012. This ordinance gives additional guidance to the FDA food code in areas where the code is not clear.</p> <p>2012 saw an increase of 26% in temporary food permits. The Health Department started a Three Strike Policy. If a vendor has the same violation three times, they are shut down. This helped bring temporary vendors into compliance and reduce the risk of food borne illness, and no businesses were closed.</p> <p>We have seen a 9% increase in issued food handler cards. This has been the trend for several years. The number of food workers completing the class online has increased from 27% in 2011 to 36% in 2012. The ease of completing the course may be why the numbers are increasing. This results in better compliance in establishments and lessens the risk of foodborne illness.</p>
I.T.	<p><u>Submitted by Ron Boyer, Director of IT:</u></p> <p>The pay service for Recorder documents went live on May 15th. The system was modeled after the Tooele County pay service. Ownership of parcels and Treasurer data will still be available for no charge on the site. We continue to look at modernizing the county phone system. Advantages of moving systems would be accommodating our mobile workforce, which is most likely more than half of the employees. The county could also see a cost savings on long distance and phone line charges. We have issued a PO for Compunet for wireless access points at the fairgrounds. The system is scheduled to be up and running by July 1, 2013. The intent was to provide better access for ticket takers at the fairgrounds. It also provides another amenity for users of the grounds throughout the year. Public access is going to be limited or more likely won’t be available at all this year. An RFP for aerial photography of the East Side of the county has been distributed to entities in Utah that capable of this work. Our plan is to be able to have this done as close to the Summer Solstice as possible to limit the number of shadows in the photographs. I recently attended Interop in Las Vegas to keep on current technology trends and new products. This year there was a particular focus on BYOD (Bring your own device) and some of the problems that it introduces in the business environment. We hosted representatives from Midvale City to demonstrate how Summit County uses our financial system (Caselle). The Clerk, Auditor, and IT explained how we have also integrated some of our other systems to allow</p>

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	<p>transactions to flow through the organization.</p> <p>We met with the emergency management managers, Brian Bellamy, Katie Mullaly, and Kevin Callahan to go over some options for improving an EOC setup of whatever technology needs. IT wants to focus on VDI (Virtual Desktop Infrastructure) to respond quicker and with fewer resources.</p> <p>Support incidents in May 1 – May 15, 141 tickets opened and 141 resolved, and 143 still open.</p>
Justice Court	<p><u>Submitted by Shauna Kerr, Justice Court Judge:</u></p> <p><u>New Processes and procedures.</u> Several new provisions of state law have been implemented and others take effect on July 1, 2013 so we are in the process of updating some of our forms and processes to comply. Specifically, the law requires that all citations are electronically filed as of July 1, 2013 which means that the court clerks are no longer permitted to enter the citations from a person’s hard copy of the ticket to file the case in our court. All citations must be entered electronically by law enforcement within 5 days to be an effective filing. The result of this change will be that if the citation is not properly filed by law enforcement within the 5 days then the prosecutor’s office will need to file a formal Information to file the charge in the appropriate courts. This may result in an increase in workload for the County Attorney’s Office and a shift in workload for our court clerks from data entry to data confirmation, tracking and more time consuming entry of Informations. The states court’s computer system along with systems used by law enforcement and the prosecutor’s offices are being upgrades to coordinate this change in filing requirements. This is another step towards the courts becoming a paperless filing system. The District Courts have already transferred to a paperless system this year – we anticipate that the Justice Courts will be converting within the next few years.</p> <p><u>Mental Health and Substance Abuse Update.</u> We are continuing to work with Valley Mental Health, the Summit County Jail, the County Attorney’s Office and Health Department to better serve the needs of the mentally ill who find their way into our courts and our jail. We continue to see many folks with mental health and substance abuse issues, often interrelated, that cause them to be in the criminal justice system. Valley Mental Health has continued to improve their services and coordination with the Court which has been very helpful as we work to address this community issue.</p> <p><u>Seasonal Case Filings Update.</u> We are beginning to see the citations from outdoor activities in the mountain, streams and reservoir areas within our county. These tickets are OHV and watercraft registration and regulations, hunting and fishing violations, alcohol and fireworks importation and other alcohol violations. It is also the time of year where we begin to see an increase of solicitation activities in our county with door to door sales people. This issue may need some discussion and attention from the counsel and staff in the near future to address any policy or ordinance changes.</p>
Library	<p><u>Submitted by Dan Compton, Library Director:</u></p> <p>We had 275 people attend the C.J. Box presentation at North Summit High School last Tuesday May 7th and it was very well received. 99 of the attendees were North Summit High School students. I couldn’t be happier with how things turned out and will work hard to offer more programs like this in the future.</p> <p>Our updated online catalog is up and running and I am very happy with the new look so far. It is better suited for tablet and mobile users and I am currently working to provide seamless access to eBooks and eAudiobooks through OverDrive.</p> <p>The Friends of the Library Annual Used Book sale is coming up Memorial Day Weekend. The proceeds of this sale help the Library to fund collections and programs. The C.J. Box presentation was funded by the Friends of the Library.</p> <p>We will be conducting interviews soon for a vacant part-time library clerk position at the Kimball Junction Branch. We received 59 applications from the Personnel Department yesterday.</p>

<u>Department</u>	<u>Description of Updates</u>
Mountain Regional Water	<u>Submitted by Andy Armstrong:</u>
Park City Fire Service District	<p><u>Submitted by Paul Hewitt, Park City Fire Chief:</u></p> <p>Fire Summary All personnel were tasked with making their way through the new SCBA confidence course. The course is set up in the “bonus room” area on the second floor of the training tower. It is extremely challenging and consists of a series of interconnected tunnels. Each tunnel presents a unique obstacle. The challenges are designed to build confidence in each firefighter’s use of the SCBA in a safe, controlled environment. This increases the probability for a peak performance when real emergency scene conditions put our firefighters in serious danger.</p> <p>Crews also participated in a “large fire, large hose” exercise. Each station deployed a 2 ½” hose line to the 3rd floor of the training tower, out the door, and across the flat roof in a timed event. 2 ½” hose is very heavy and difficult to maneuver, especially for a 2-3 person team. Teamwork, forward thinking, physical fitness, communication, and the ability to anticipate and overcome obstacles were emphasized.</p> <p>EMS Summary Paramedic Meinhold presented this month’s CME on diabetic emergencies. Recognition of the signs and symptoms and the physiology of diabetes were reviewed. The crews discussed complications of diabetes, details of intra-venous Dextrose administration, and our protocols.</p> <p>As promised, this month's Medical Control Meeting addressed emerging evidence that suggests limiting EMS use of spinal immobilization techniques in the field. This is due to the fact that studies have shown that traditional spinal immobilization techniques have not resulted in measurable improved patient outcomes.</p> <p>The National Association of EMS Physicians have reached a consensus based on research and their own collective experiences that what we are doing in the pre-hospital setting relative to immobilizing patients with suspected spinal injuries is not resulting in improved outcomes and may, in many cases, be doing more harm than good. A lot more information, training, and feedback is expected to come on this significant change.</p> <p>Nineteen PCFD AEMT’s and Paramedics and 9 North Summit AEMT’s completed the Recertification Practical. Several Deer Valley Ski Patrollers and a Loss Prevention Manager for Marriott also participated.</p> <p>Special Operations During April, Drager Technicians from L.N. Curtis performed mandatory flow testing and bench testing of all frontline SCBA assemblies and masks. This testing will be performed annually in the future as it is required per NIOSH standards.</p> <p>A new vehicle/machinery extrication SOG was developed and approved. This SOG is designed to provide better guidance for both initial emergency response units and specialty extrication teams from 33, 36, and 38.</p> <p>Additional Training Chiefs Evans, Zwirn, and Zanetti participated in the statewide earth quake exercise. Chief Zwirn and Evans participated in the Counties EOC and Chief Zanetti responded to Park Cities EOC and completed a walk through drill.</p>
Personnel	<p><u>Submitted by Brian Bellamy, Personnel Director:</u></p> <p>Personnel</p> <ol style="list-style-type: none"> 1. Jobs Advertised <ol style="list-style-type: none"> a. Contract Attorney – Closed May 10, 2013 b. Records Imaging Tech – Closed May 3, 2013 c. Part-time Library Clerk – Closed May 10, 2013 d. Animal Shelter Attendant – Closes May 31, 2013 e. Deputy Sheriff – Open until filled 2. Applications Received <ol style="list-style-type: none"> a. Contract Attorney – 71 b. Records Imaging Tech – 42

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	<p>c. Part-time Library Clerk – 67 d. Animal Shelter Attendant - 7 e. Deputy Sheriff – 92</p> <p>3. Job Offers Made a. Temp Deputy Treasurer - 1 b. Community and Public Affairs Specialist - 1 c. Contract Attorney – 1 d. Summer Seasonals - 6</p> <p>4. Filed one new Worker’s Comp claim 5. 1 employee out on Worker’s Comp 6. 4 employees on short term disability 7. 8 pre-hire drug tests 8. 1 post accident drug test 9. Two new hire orientations 10. On-going emergency management meetings 11. Multiple verifications of employment 12. Met with multiple department heads and employees regarding employee issues 13. Continue to answer public inquiries regarding county employment 14. Mitzie attended ADA Summit Conference at Utah Local Government Trust 15. Met with Jami Brackin, Blake Frazier, JaNae Blonquist and Justin Martinez to discuss Sheriff Deputies extra duty pay 16. Met with Jami Brackin, Blake Frazier and JaNae Blonquist to discuss potential changes to Summit County sick leave policy 17. Attended Utah Retirement Systems education seminar 18. Ongoing employee evaluations 19. Serve county employee’s needs 20. Started distribution of County Officers and Employees Disclosure notices 21. Work with John Campbell regarding Bob Jasper’s evaluation</p> <p>Animal Control</p> <p>1. 9 dogs are in the shelter along with 10 cats a. 35 new animals were received by Animal Control b. 10 dogs were transferred c. 1 cats was transferred d. 3 dogs adopted e. 0 cats adopted f. 11 dogs claimed by owner g. 1 cat claimed by owner</p> <p>2. Officers ran 81 details. 3. Working with Basin Rec to issue citations to individuals walking dogs off leash 4. Continue to work with IT on new computer program 5. Met with Helen Strachan regarding Animal Control leash laws and other issues 6. Held Animal Control Officer Interviews to fill vacant officer position 7. Working with Sharon Mardula, Mountain Ranch Estates HOA President regarding private kennel permit.</p>
Public Works	<p><u>Submitted by Kevin Callahan, Public Works</u></p> <p>Road Division</p> <ul style="list-style-type: none"> • Potholing around the county and beginning of sidewalk and curb and gutter repair. <p>Landfill Division</p> <ul style="list-style-type: none"> • Met with Issa Hamud, Brett Mickelson and Jaren Scott on revisions to draft Three Mile landfill permit. • Received notice from State DEQ that Summit County had been granted a new permit for the operations of Three Mile landfill.

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	<ul style="list-style-type: none"> • Worked with Jaren and Bryce Boyer to complete vegetative debris burn for last pile at Three Mile Canyon landfill. <p>Transit program</p> <ul style="list-style-type: none"> • Met with Joint transit Advisory Board to review UTA service to Salt lake City, to review process for considering including CNG buses in county fleet and discussion of \$2 million TOGER grant which park City transit is applying for to assist Summit County in funding Kimball Transit Hub construction. <p>Emergency Management</p> <ul style="list-style-type: none"> • Attended Governor’s Safety Summit for classes in utility emergency planning, disaster recovery centers, and WEB EOC training • Attended all day workshop on Resource Inventory management for Rural Communities • Attended all day workshop on Risk Assessment for Rural Communities <p>Sustainability</p> <ul style="list-style-type: none"> • Met with County Manager to assess progress on implementing CNG program in county fleet operations.
Recorder	<p><u>Submitted by Mary Ann Trussell, Chief Deputy Recorder</u></p> <ul style="list-style-type: none"> • Today May 15th we are implementing the internet subscription program. • The recording volume has been increasing. • Continuing to scan documents and plats in the sire program for retrieval.
Treasurer	
Sheriff	<p><u>Submitted by Justin Martinez, Bureau Chief:</u></p>
Snyderville Basin Recreation	<p><u>Submitted by Rena Jordan, SBRD Manager:</u></p> <ul style="list-style-type: none"> • Planning meeting and matrix review with Park City Recreation and Landmark Group for our joint strategic action plan sessions. • Hosted all day open house input sessions for the strategic action plan process • Broke ground on the addition of two new tennis courts at Trailside Park to be completed by June 20th • Met with Community Church to determine possibility of easement to complete the connection of the millennium trail behind the Church property vs. out within the County easement. Discussion need to continue and a survey has been ordered to determine exact locations of our easement without any concessions from the Community Church. • Initial discussions with UDOT regarding a potential Highway 224 overpass at Silver Springs area (funding for this from the 2010 Trails Bond Proceeds) • Karate Tournament held at the Fieldhouse April 27th with over 200 spectators. • Fieldhouse expansion approved by County Council, therefore now working with architect to get more firm cost estimates before creating bid packages. • Participated in the Access Wasatch meeting • Finalized 2012 Audit • Highway 40 underpass project update meeting held. Funding has been increased by the UDOT. They need an additional \$200,000 commitment from other sources before the project can be sent to bid. • Participated in the Bike Utah session in SLC • Involved meeting with Silver Creek Development planner to work through potential Park land dedication and trail connection plans • All three parks fully open and busy (Trailside Park, Matt Knoop Memorial Park, Willow Creek Park • Brought onto staff 26 summer seasonal employees. That number will increase by an additional 20 when our summer camp programs begin. • Continued participation in the General Plan update and neighborhood meetings. • Gilmour property close with the City! • Working on getting survey for Highland Drive trail improvements in order to satisfy auditors requirement to record the \$1,900,000 asset improvement (currently because the trail is built in the

<u>Department</u>	<u>Description of Updates</u>
	<p>County right of way, it is not allowed to be recorded as an asset on our books.</p> <ul style="list-style-type: none"> • Finalizing plans for Willow Creek Dog Park to send out to bid. • Open Space Violation letters sent from legal counsel to Willow Creek homeowners that have not responded to earlier warning letters. • Summer FUN starting including: <ul style="list-style-type: none"> ○ Bike to School Day May 31st ○ National Trails Day June 1st ○ Family fun Run and Kids Karnival June 29th
USU Extension	<p><u>Submitted by Sterling Banks, Agricultural/ 4-H Youth Agent:</u></p> <ul style="list-style-type: none"> - 180 county fair hogs were tagged for the county fair involving 103 4-H & FFA Summit County youth. The tagging was done by the USU Extension Agent and FFA Advisors. - USU Extension held their monthly cooking class with 20 homemakers in attendance. - USU Extension/Summit County 4-H completed their spring 4-H in school recruitment program at the North Summit and South Summit elementary schools involving 200 youth. - The North Summit and South Summit 5th grade farm field days (2) were held involving 180 Summit County youth. Both field days were sponsored by the Summit/Kamas Soil Conservation Districts and USU/Summit County Extension.

Memo

Date: May 22, 2013
To: County Council
From: Kevin Callahan, Public Works Director
Subject: Transit Program Update

UTA Service Summit County-Salt Lake City

The Utah Transit Authority (UTA) , Summit County and Park City have been operating an interregional transit service from Park City to Salt Lake since October, 2011. The service began at the impetus of UTA and with the active cooperation of our local ski resorts. We have learned many lessons during the first year and a half of operation regarding increased efficiency and market that have greatly expanded average riders per bus. The major highlights for the first 18 months of operation include the following;

- An expansion of the average daily winter ridership by 45-48% between 2012-2013;
- The simplification of the fare process with new cards that allow easy daily use;
- The commitment of local resorts to provide pass cards to all of their employees;
- The reduction in one way fares from \$5.50/ride to \$4.25/ride in 2013;
- The integration of the PC-SLC run into the general UTA system allowing riders a two hour free transfer on arriving in the Salt Lake Valley;
- Signed agreements with Intermountain Healthcare and the LDS Church for use of the pass by their employees;
- Active negotiations with the University of Utah to include their 1,000 local students, staff and faculty to access this system in conjunction with their current pass.

Under the current agreement with UTA , Summit County and Park City will each continue to provide an annual operating subsidy of \$235,000. Last year UTA's subsidy obligation was \$180,000, but they actually funded about \$270,000 in fare subsidies. Over time we expect the expansion of daily riders to substantially reduce the need for a major subsidy although some underwriting is likely to always be required.

Integration of CNG Buses into County Transit Fleet

Park City Transit has been extremely helpful in assisting Summit County in defining the steps we would need to take to bring CNG buses into the county portion of the transit fleet. The County is due to replace two of our current buses in 2016. In order to include CNG buses in the fleet, Park City has identified a set of milestones and decision points we will need to pursue. The initial action to include specifications for CNG buses in the bus procurement document Park City is currently underway with distribution this November. A second decision point will require the completion of an engineering assessment of the of the current Ironhorse Transit facility to allow the safe storage of CNG buses. The cost of that study is estimated at about \$10,000 and could be shared with Park City. Based on the results of that study, both agencies would determine if a conversion is cost effective and feasible or if we would pursue other

options to store the buses. Those building modifications could then be made and new buses ordered. Buses take about 18 months from ordering to delivery or by May, 2016.

TIGER Grant for Kimball Transit Hub

Park City is working on a rapid turnaround of a TIGER transit grant that could provide \$2 million in federal funding to allow for the construction of the Kimball Transit Hub. If successful, we would know about that funding by October of this year. For construction to occur, the final engineering and design of the facility must be completed. That work is estimated to cost about \$200,000. That cost is planned to be budgeted for in the 2014 transit budget unless we are successful in finding federal money this year.

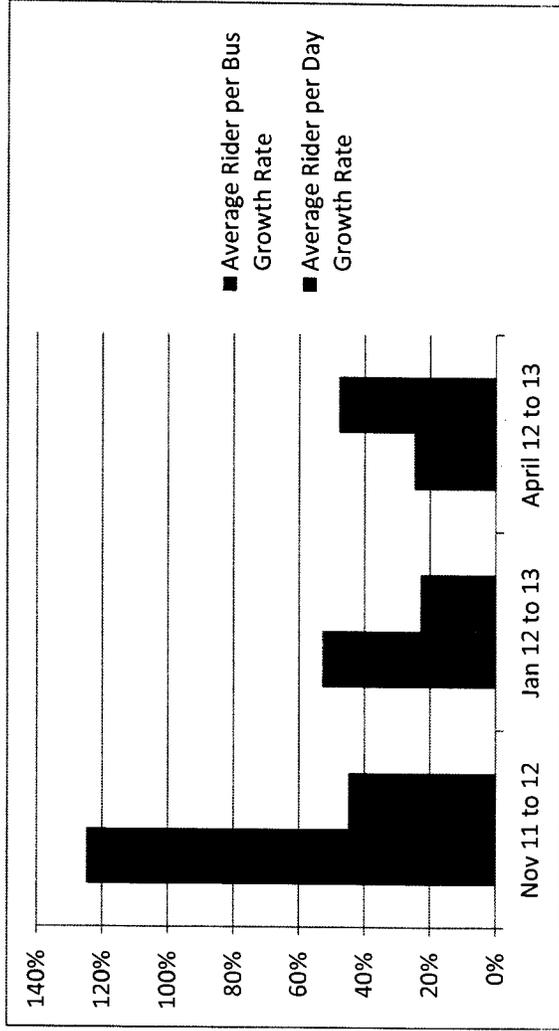
County staff has requested the administrative extension of the current Conditional Use Permit for the Kimball Transit Hub which is due to expire in June 2013. The six month administrative extension would last until November 2013. In the fall, staff will request a further extension of the CUP from the County Council in order to allow the beginning of the hub's construction in June, 2014.

The Kimball Transit Hub is the key to consolidating and expanding transit service both within and beyond the Snyderville Basin. The 2011 Short Range Transit plan estimates that with the transit hub in place additional transit service could boost annual ridership on the county portion of the system from its current 600,000 to over 1,000,000 riders per year.

Attachments:

Average Riders per Bus Graph
PC-SLC Connect Spring-Fall Schedule
CNG Key Milestones

Average Riders Per Bus & Day



	Nov 11	Nov 12	Jan 12	Jan 13	April 12	April 13
Average Rider Per Bus	4	9	15	23	8	10
Average Rider Per Day	49	71	189	233	54	80
Average Rider per Bus Growth Rate		125%		53%		25%
Average Rider per Day Growth Rate		45%		23%		48%

Weekdays

To Park City

From	To	From	To	From	To	From	To
8:20a	8:37a	8:36a	8:53a	9:04a	9:21a	9:29a	9:46a
9:20a	9:37a	9:44a	10:01a	10:09a	10:26a	10:34a	10:51a
11:20a	11:37a	11:44a	12:01p	12:09p	12:26p	12:34p	12:51p
2:20p	2:37p	2:44p	3:01p	3:09p	3:26p	3:34p	3:51p
4:20p	4:37p	4:44p	5:01p	5:09p	5:26p	5:34p	5:51p
6:20p	6:37p	6:44p	7:01p	7:09p	7:26p	7:34p	7:51p

To Salt Lake City

From	To	From	To	From	To	From	To
8:12a	8:16a	8:24a	8:28a	8:36a	8:40a	8:48a	8:52a
9:12a	9:16a	9:24a	9:28a	9:36a	9:40a	9:48a	9:52a
11:12a	11:16a	11:24a	11:28a	11:36a	11:40a	11:48a	11:52a
1:12p	1:16p	1:24p	1:28p	1:36p	1:40p	1:48p	1:52p
3:12p	3:16p	3:24p	3:28p	3:36p	3:40p	3:48p	3:52p
5:12p	5:16p	5:24p	5:28p	5:36p	5:40p	5:48p	5:52p

Times may change. Please check the schedule on www.rideuta.com for the most current times. Information about schedule and routing changes can be automatically received by registering with UTA My Way.

No service Saturday or Sunday

How To Use This Schedule

Determine your timepoint based on when you want to leave or when you want to arrive. Read across for your destination and down for your time and direction of travel. A route map is provided to help you relate to the timepoints shown.

UTA Service Directory

General Information, Schedules, Trip Planning and Customer Feedback call801-RIDE-UTA (801-743-3882)
 Outside Salt Lake County..888-RIDE-UTA (888-743-3882)
 For 24 hour automated service for next bus available use option 4. Have stop number and 902 for this route.
 Pass By Mail Information801-262-5626, rideuta.com/passes

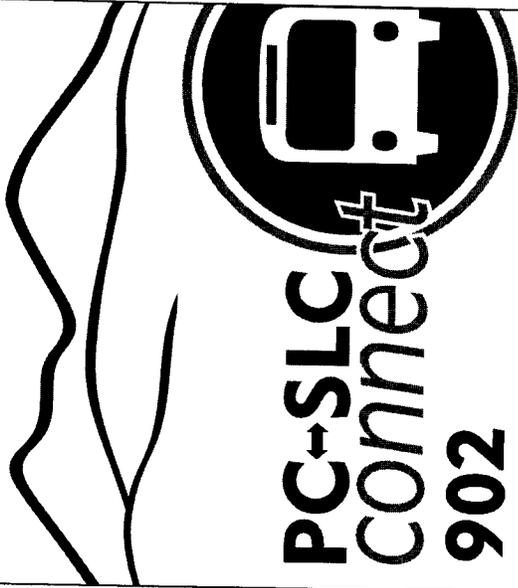
For Employment information please visit rideuta.com/careers/

Lost and Found

Salt Lake County.....801-287-4664
 Park City.....435-615-5301

Fares

Exact Fare is required. Fares are subject to change. The cost to ride is \$4.50 for a one-way trip.



Serving
 Salt Lake Central Station
 200 South State St
 100 S & N Campus Dr.
 Medical Center TRAX Station
 Foothill & Wakara
 1954 S & 2100 E Park & Ride
 Wilshire Drive & Parley's Way
 Jeremy Ranch Park & Ride (select trips only)
 Newpark Center
 Park Ave Condos/Fresh Market
 Canyons Transit Hub
 Park City Old Town Transit Center



Effective April 14, 2013



CNG- Key Milestones & Decision Points

November 2013	Bus Procurement will include option for CNG, Hybrid-Electric and clean diesel power plants
August 2013	Decision on funding Ironhorse Facility Assessment (\$10K approx.)
March 2014	Facility Assessment completed review findings.
May 2014	Complete and present bus CNG cost\benefit analysis to JTAB Decision to pursue retrofit and financing options.
November 2014	1 35' and 1 24' County Buses due for replacement decision on power plant required. Delivery approx. May 2016.
May 2016	1 st County CNG buses in service – Facility retrofits completed.

SUMMIT COUNTY RESTAURANT TAX ADVISORY COMMITTEE

2013 Grant Request Recommendations With Rationale & Restrictions

The Restaurant Tax Committee, in its 22nd year, developed an online combined application for 2013 with the Recreation, Arts & Parks Tax Advisory Committee and the Park City Chamber's Special Events Committee. Our Committee refined the work we began in 2012 to give applicants the chance to include specific information on the anticipated tourism impact and ROI to Summit County from their application. After extensive review of the applications, including a presentation and Q&A with each applicant, the Committee ranked the applications based on five criteria: tourism components, the ability to leverage, potential to increase the 1% restaurant tax, whether the application is promotion or an asset and whether the application is a new or developing program.

There are varying degrees of tourism components included in these applications. The Committee continued to concentrate this year on the applicant's ability to augment the Restaurant Tax Fund by attracting day and overnight visitors, particularly from outside of Summit County. Some of the applications are for promotion with the sole purpose of bringing visitors to the County. In other cases, the application is for an event, service or facility that will enhance the experience of guests who are planning to visit the area. The Committee recognizes and agrees that some local events and facilities, while not directly driving overnight visitation, provide opportunities for guests to enjoy their stay in Summit County and enhance the perception of the County as a desirable vacation destination.

The Committee has made specific recommendations and restrictions for use of the \$1,805,000 available funds in 2013. Specific restrictions for use of the funding are noted after each application's rationale. The Committee has endeavored to weigh and take into consideration all relevant information at its disposal in the formation of the recommendations. Due to the increased funding available in 2013 and the stable level of applications over the last few years, in 2013 the Committee was able to recommend higher levels of funding for several repeat applications than were available in the past. The Committee would like applicants and the Council to recognize that recommended funding is determined based upon the merit of the application pool each year. Funding is not based upon past funding levels and should not be considered guaranteed on-going funding.

The County Manager's office provides very helpful follow-up on required documentation for grants from previous years. In an effort to encourage better compliance with the reporting requirement for past grants, language was added to the application and contract in 2012 outlining possible ramifications for non-compliance. The Committee determined that four applicants in 2012 did not comply with reporting on previous grants, and their recommended funding was decreased by 5% in each case.

The following are the Committee's detailed recommendations. The applications are listed in alphabetical order.

Committee Application #	Original Request	Recommended Amount
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1301 Adopt a Native Elder--Promotions	\$ 5,000	\$ 3,000
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2013 RATIONALE: This is truly an unique event that the Summit County Restaurant Tax Committee has funded for several years. This will be the 24th annual Adopt A Native Elder Deer Valley Rug Show and Sale. The event will be held at the Snow Park Lodge in Deer Valley, November 8-10, 2013. This request will be used to fund advertising outside of Summit County. The sales at this show help 80 weaving families earn income to sustain themselves in remote areas of the Navajo reservation in Utah and Arizona. They also provide educational workshops for 500 local school children. This event takes place the first part of November when, typically, there are few competing events. They report that over 3,000 people have attended this show, and 75% are estimated to be from outside of Summit County. This is considered the premier rug show in the west. They estimate the event generates 217 overnight visitors.

2013 RESTRICTIONS: Funding shall only be used for advertising in national magazines, Wasatch Front radio, and/or out of Summit County newspapers. Materials and information shall continue to have "Park City" labeled prominently on them. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed material to include but not limited to posters, brochures and programs.

PREVIOUS FUNDING: 2007: \$3,000; 2008: \$3,000; 2009: \$3,000; 2010: \$3,000; 2011: \$3,000; 2012: \$3,000

1302 Alf Engen Ski Museum Foundation	\$ 25,000	\$20,000
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[note that 2012 application included the Utah Athletic Foundation on behalf of Utah Olympic Park and the Alf Engen Museum) see application 1343

2013 RATIONALE: The Alf Engen Ski Museum located at the Utah Olympic Park is a unique attraction and a tourist draw for the county. The museum has made strides over the years to update technology to ensure the attractiveness of the site. This year, the museum has begun the process of updating some 11 year old exhibits using a grant from the Adobe Foundation. The application requests assistance with marketing the new exhibits outside of Summit County. Their research shows that 78% of the 250,000 visitors last year were from outside of Summit County.

2013 RESTRICTIONS: Funding shall be applied to the design and distribution of new brochures along the I-15 and I-80 corridors outside of Summit County, production and mailing of the bi-annual newsletter, co-op marketing/advertising with Park City Chamber and advertising in cultural/travel magazines as listed in the application. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and its logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$50,000; 2008: \$50,000; 2009: \$50,000; 2010: \$ 50,000; 2011: \$60,000; 2012: \$73,000 (combined with UOP)

1303 City of Coalville – BBQ Bash	\$50,000	\$35,000
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2013 RATIONALE: This is the second year for this event. Coalville City will continue to partner with the Kansas City BBQ association and the event has been made a qualifier for future competitions like the Jack Daniels competition. They estimated 4,000 visitors in 2012 and predict attendance to grow in 2013. They state that few locals attended, but the event pulled people from Salt Lake, Layton and Ogden. There will be up to 50 competitors, their families, and judges. Competitors stay in the community for four days. Half the entry fee goes back to the event. This event will be held at Camper World, open to the public for a full day of entertainment featuring a free concert. There will also be vendors offering food and beverage. Coalville City will be the primary vendor at this event enabling them to generate revenue supporting the event. The Committee commends Coalville City for looking to the future and planning to be self-funded as the event grows.

2013 RESTRICTIONS: Funding shall be used for prize money, advertising outside Summit County, and event entertainment / bands. Vendors shall be responsible to collect and pay sales tax. Please ensure

that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$2,000; 2008: \$3,000 as the Mountain Spirit Festival; 2009: \$4,000; 2010: \$8,000; no funding in 2011; 2012: \$50,000

1304 Community Wireless/KCPW – promotion **\$ 15,000** **\$12,000**

2013 RATIONALE: This is the second year for a community cycling festival sponsored by KPCW. The festival will feature all genres of biking and will offer rides for all ages and abilities, educational clinics, a bike film festival, vendor area, bands and entertainment, and a bike parade. They would like to bring visitors into Park City to showcase the many attractive biking options in the Summit County. This will be a three day event held at Park City Mountain Resort in late June. The event will be promoted outside of Summit County via print media, web ads, event calendars, email blasts, and posters.

2013 RESTRICTIONS: The Committee was encouraged by the first year's success at drawing some out-of-county visitors and wants to grant money this year to further encourage outside visitors. This grant is seed money in hopes that the event will continue to grow and will draw visitors from outside Summit County. The funding is specifically for out of county advertising. Funds are to be used for marketing in Cycling Utah, Utah Cycling Association Calendar, Utah Outdoors, Utah Adventure Journal, Sports Guide, the National publications, and outdoor enthusiast publications and shall only be used for advertising outside Summit County. Funding may not be used for advertising in The Park Record, posters or publications within Summit County, to pay for a race or event organizer, or for attending other cycling events for research purposes. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on the website and printed material to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2012: \$3,500

Comments: The cycling festival will need to demonstrate a significant increase in outside county visitation to score well in the Committee's reviewing process. Due to more funding availability this year the Committee is thrilled to be able to support a new promotion marketing Summit County. The Restaurant Tax should not be considered a revenue line item for ongoing support to maintain the Cycling Festival.

1305 Historic Park City Alliance - promotion **\$ 40,500** ***\$38,000**

2013 RATIONALE: The Historic Park City Alliance represents all of the businesses in the Main Street Historic District of Park City. One of their primary functions is to promote economic development and increased tourism interest in the shopping, dining and galleries available on Main Street. This application is requesting funding for four areas: (1) Retainer of a public relations firm to promote media exposure; (2) Printing and distribution of 75,000 brochures at high traffic visitor information centers on I-15 and I-80 in Utah, Idaho and Wyoming; (3) A radio and television campaign targeting summer, fall and Christmas periods to provide information on shopping and dining within the district as well as highlight completed infrastructure improvements funded by PCMC. (4) Website enhancements including updated blogs, calendar of events, special business offers and use of social media.

2013 RESTRICTIONS: Funds shall be used for: (1) Retainer of a public relations firm to promote media exposure; (2) Printing and distribution of brochures at high traffic visitor information centers on I-15 and I-80 in Utah, Idaho and Wyoming; (3) Radio and television campaign in the Salt Lake region; and, (4) Website and social media enhancements. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on the website and printed material to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2009: \$5,000; 2010: \$20,500; 2011: \$35,000; 2012: \$35,000

***COMMENTS:** Due to the inability of the applicant to provide adequate accounting backup by the required due date on a previous grant, the recommended 2013 grant was reduced by 5% per the terms of the contract with the County.

1306 Intermountain Freestyle Junior Nationals **\$15,000** **\$4,000**

2013 RATIONALE: Park City Freestyle, FLY Freestyle and USSA will host the invitation only Junior Nationals March 3-9, 2014. The event will be held at Park City Mountain Resort and the Utah Olympic

Park. This event brings together the top junior competitors from each division across the country to compete in six events: moguls, dual moguls, aerials, halfpipe, slopestyle and big air. 2012 numbers totaled 268 athletes representing 36 teams. For 2013, approximately 600 athletes, coaches, and family members are expected to attend the event. Past host cities have found that including planned events and activities as part of the week-long event increases family attendance and overnight visitation. They are requesting funds for marketing through enhanced social events and event merchandise.

2013 RESTRICTIONS: The Summit County Restaurant Tax Funds shall be used only for logo T-shirts and water bottles to be distributed to attendees and for sale and/or for awards. Merchandise shall feature Park City. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1307 Kamas Valley Lions Club – Five Stand Target Range \$9,600 \$7,500

2013 RATIONALE: This proposal requests funding to construct a Five Stand Target Range to promote sporting clays, trap and skeet shooting. The gun range has made several improvements over the last few years and has seen growth in the use of their facility by meeting and convention groups staying in Summit County. They continue to promote to out of county groups, tournaments and individuals. Club members donate labor and use of construction equipment to offset the cost of improvements.

2013 RESTRICTIONS: Funds shall be used to purchase materials to construct a tower stand and house for one target thrower and seven ground stations with houses. The committee encourages the Kamas Valley Lions Club to continue to promote the gun range to area hotels, update their Facebook page and get listed on all free state-wide shooting websites.

PREVIOUS FUNDING: 2008: \$5,000; 2010:\$7,000; 2011 5,000; no request in 2012

1308 Kimball Art Center - Promotion \$ 50,000 \$50,000

2013 RATIONALE: The Park City Art Festival is one of the largest events of the summer, celebrating its 43rd year. In 2013, this event is expected to bring nearly 60,000 visitors to Park City. The KAC is working to be one of the top 3 art festivals in the Country. Returning programs include three stages programmed by Mountain Town Music, the Taste of Art program with restaurants offering Arts Festival specials, Kids' Art Center, art themed films by Sundance Institute, Chalk Art and Artisan Tasting. They continue to work with lodging partners to make it more of an overnight event. They continue to be supported by CocaCola with bottleneck hangers. Research indicates a \$14 million economic impact for this event.

2013 RESTRICTIONS: Funding shall only be used for public relations and media campaigns outside Summit County as outlined in the application. Continued monitoring of event attendees is supported by the committee as it helps demonstrate a positive ROI for grant monies provided. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$20,000; 2008: \$20,000; 2009: \$30,000; 2010: \$30,000; 2011: \$38,500; 2012: \$40,000

1309 Mountain Town Music - Promotion \$57,000 *\$19,000

2013 RATIONALE: This is the 13th year of funding for the group that is programming music in Park City, Peoa, Coalville, Deer Valley and Canyons. The committee feels that these free events are a good amenity for tourists and locals alike and helps promote tourism to Summit County. This program has continued to expand and the Committee would like to see continued growth in concerts in northern and eastern Summit County. Their survey suggests that over 40% of their guests are from outside of Summit County. Several organizations that apply for funds from this committee hire Mountain Town Music to provide entertainment at their events.

2013 RESTRICTIONS: Funding shall only be used for marketing of the Sun, Scenery & Sound portion of the application, EXCLUDING the Promontory performances. Funding is to be utilized for advertising in City Weekly, KRCL, Media One and/or radio advertising outside of Summit County. Receipts for this funding should reflect these purchases only. These funds shall not be used to promote performances inside specific restaurants, gated communities, or private homes. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on your website and printed materials, including but not limited to posters, brochures and programs.

PREVIOUS FUNDING: 2007:\$15,000; 2008:\$20,000; 2009:\$20,000; 2010:\$25,000; 2011:\$25,000; 2012:\$19,000.

***COMMENTS:** Due to the inability of the applicant to return the receipts for 2011 funding by the required due date, the recommended 2013 grant amount has been reduced by 5% per the terms of the contract with the County.

1310 Mountain Trails - Promotion

\$15,000

\$10,000

2013 RATIONALE: This application is for the support of four specific special events that take place on the trails system. The quality of the Summit County trails system has garnered international press. Use and popularity of the trails is increasing every year. These events bring an estimated 5,284 incremental visitors to Summit County. The revenue that is generated by these events is used by the foundation for trail building, maintenance, and advocacy. Mountain Trails markets to participants of similar events and has established partnerships with other regional events to cross market to an estimated 29,800 participants. Their print, radio and online marketing targets the Wasatch Front and surrounding counties.

2013 RESTRICTIONS: This funding shall be used for website updates and enhancements, calendar listings, social media advertising, radio, printing of flyers & posters, and print marketing outside of Summit County only. Funding may not be used for event manager. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on your website and printed materials, including but not limited to posters, brochures and programs.

PREVIOUS FUNDING: 2007: \$18,000; 2008: \$15,000; 2009: \$3,000; 2010: \$15,000; 2011: \$10,000; 2012 application withdrawn.

1311 National Ability Center – Promotion

\$15,100

\$ 10,900

2013 RATIONALE: This is the 28th anniversary for the NAC. Over the last several years they have developed successful partnerships with the Wounded Warrior program and the Paralympics to grow their existing programs. Last year they estimated 18,000 participants experienced their programs; the majority come from outside the state of Utah. This application is asking for funding to enhance the awareness of their summer and winter programs to out of state participants who frequently bring several family members and stay an average of 3.5 days in Park City. They have also developed a program to provide training and education to healthcare and therapeutic organizations and request funds to market the NAC as a location for conferences and seminars. The Committee requests that statistics on participant's lodging and catering/restaurant purchases that generate tax revenue be included in future applications.

2013 RESTRICTIONS: Funds shall only be used for marketing to potential visitors from outside Summit County using the following programs in the application: (1) National Partnership Referral Program - development, printing and distribution of direct marketing materials, (2) Onsite Training and Education programs - development, printing and distribution of program outreach and marketing materials and (3) National and State Advertisements as outlined in the application. Granted funding shall not be used for fund-raising, guild materials or events. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and its logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$10,000; 2008: \$10,000; 2009: \$7,000; 2010: \$10,000; 2011: \$8,000; 2012: no application

1312 North Summit “100 YEARS OF BRAVE SPIRIT” festivities

\$12,500

\$1,000

2013 RATIONALE: In conjunction with The North Summit School District, this newly formed committee is hopeful to reconnect with every graduate and their families to join in the multi-day centennial celebrations of the North Summit High School. Their hope is to encourage attendees to be a part of all the planned events and in turn boost the economic activity in the North Summit area.

2013 RESTRICTIONS: Funding shall only be used for advertising and mailings outside of Summit County. This fund may not be used for advertising within Summit County, including publications, radio, TV or banners. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1313 North Summit Recreation Special Service District

\$150,000

\$ 62,400

2013 RATIONALE: Coalville and the northern portion of Summit County do not have baseball and soccer facilities other than the limited fields associated with the North Summit School District. Without recreation facilities, North Summit is incapable of hosting events or drawing visitors from outside the county for recreational activities. The proposed multipurpose fields (baseball and soccer) will become community assets that could form a basis to draw out of county visitors for tournaments.

2013 RESTRICTIONS: The Restaurant Tax Funds shall only be utilized to construct field fencing, backstops, dugouts and bases as outlined in the application. Receipts and invoices demonstrating solely these costs are required. Please ensure that the reporting is clear as to what the funding was spent on and that invoices/bills paid with Restaurant Tax funds are not also attributed to other sources of payment. Before the funds shall be released by the County, NSSRD shall demonstrate written approval from Coalville City to build and improve the fields. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and its logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2012: \$150,000 contingent on passing of bond initiative and land purchase. Bond did not pass and no money was granted.

COMMENTS - Potential Issues and things to consider:

- 1) Continuous upkeep and maintenance funding will be required to sustain the physical asset. The lack of any incoming revenue from the citizens through a bonding or taxing mechanism is a concern to the Committee. Restaurant Tax funds shall not be considered applicable for maintenance of the fields/facility unless a considerable tourism component is demonstrated.
- 2) Scheduling of the facility to allow out of county (or tourist) use will need to be determined upfront in order to clearly communicate with the community how the facility is intended to be used. The scheduling is also important at the initiation of the facility to help focus the efforts of the management of the NSSRD.
- 3) For future applications NSRSSD will need to quantify how many people come to all of your events with specific verifiable data. We would look for visitor statistics: zip code, why they come, dates, and if possible, if they ate out at restaurants, if they spent the night with written documentation.

1314 Oakley City – Car Show

\$ 5,000

\$2,000

2013 RATIONALE: 2013 will mark the eighth year of the show. Last year they had over 300 cars and approximately 1,000 visitors attend. This show is in early September. They are requesting funding for rock trophies, out of county media advertising, posters and t-shirts. Flyers and sample trophies are used as marketing and advertising at Car Shows that they attend throughout the summer prior to the event. They work with lodging properties for special offers for attendees. The money raised from this show is donated to various non-profit organizations. In 2012, an \$8,000 donation was split between the Justice Center and the Peace House.

2013 RESTRICTIONS: Funding shall only be used for advertising outside of Summit County, awards, tee shirts, posters or show flyers to be used for promotion at other car shows. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs

PREVIOUS FUNDING: 2010: \$2,000; 2011: \$2,500; 2012: \$2,000

1315 Oakley City- 4th of July Rodeo - Advertising

\$ 12,000

\$12,000

2013 RATIONALE: This request is to help fund the marketing of the Oakley 4th of July celebration. This is a four day event and continues to draw people from all over the Wasatch Front as well as out of state visitors. This application is with Comcast Spotlight through Xfinity Cable Television and their Xfinity web page. Both the TV spots and the online advertisements will direct viewers to OakleyCity.com where they can learn more about the event and purchase/print tickets from home. Total cost is valued by Comcast Spotlight at \$46,000. Oakley Rodeo has negotiated part of this to be paid through trade and event sponsorship leaving \$12,000 to be paid in cash. The Rodeo is also sponsored by Coca Cola with bus wraps and neck hangars. ROI is estimated at \$295. The professionalism of the Oakley Rodeo marketing and the increased prize money brings in the top competitors. It is now ranked number four in prize money among PCRA rodeos. They are exploring a Stay and Play program with the Park City resorts.

2013 RESTRICTIONS: Funding shall only be used for a Comcast TV buy and other marketing outside of Summit County. In future applications the Committee would like to see written documentation for the rodeo attendees which would include where visitors are from by tracking zip codes that could be captured from credit card sales. Please ensure that the Summit County Restaurant Tax Fund is credited as a

sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs. We would like the SCRT Logo to join your Sponsor page on-line and in print.
PREVIOUS FUNDING: 2008: \$2,500; 2009: \$5,000; 2010: \$4,000; 2011: \$4,000; 2012: \$10,000

1316 Park City Area Lodging Association- International FAM \$ 35,460 *\$33,687

2013 RATIONALE: This is the seventh year of funding for this application. In conjunction with the PC Chamber, the Lodging Association will bring international wholesalers to Park City to showcase the winter product and to demonstrate the accessibility from the Salt Lake City Airport to Park City. International business and overseas visitation to Park City is growing. This program will give top international wholesalers the opportunity to experience Park City and offer them first-hand knowledge that they can share with their clients, which will then translate into increased international business. International visits to Park City continue to increase this year by 30% over 2011.

2013 RESTRICTIONS: Funding shall be used for entertainment expenses, welcome gifts and transportation for the FAM attendees as outlined in the application. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2008: \$39,000 (they used \$13,000 of the \$39,000 granted and returned the balance); 2009: \$26,000; 2010: \$33,960; 2011: \$40,000; 2012: \$27,000

***COMMENTS:** Due to the inability of the applicant to provide adequate accounting backup by the required due date on a previous grant, the recommended 2013 grant was reduced by 5% per the terms of the contract with the County.

1317 Park City Area Lodging Association- Biking Promotion \$169,193 \$169,000

2013 RATIONALE: This application is for the second year of a program to marketing biking in Park City to destination visitors. Park City received the first ever Gold Level designation by the International Mountain Biking Association (IMBA) in 2011. The second year includes 3 FAM tours to journalists and writers for biking magazines to experience our mountain trails and all aspects of a Park City/Summit County vacation. The Association has developed an all-area mountain bike pass in conjunction with the three resorts to assist with their promotion. The second year also includes follow-up to consumers with brochures, targeted mailings and email blasts plus print ads in select magazines to promote Park City, Utah as a world class mountain biking vacation choice. These funds will be used for summer of 2013.

2013 RESTRICTIONS: Funding shall be used for FAM tours and marketing outside Summit County as outlined in the application. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2012: \$145,000

1318 Park City Restaurant Association - marketing \$237,427 \$200,000

2013 RATIONALE: This is the 14th year of funding for the Restaurant Association marketing campaign. The Association continues to have a very successful program to generate additional restaurant business. Their goal is to create broader marketing efforts, selling both Park City as a destination and the events in Park City. They will focus on social media and e-mail for their advertising campaigns. They are requesting funding to hire a public relations firm for assistance with an on-line press kit, a social media campaign and a mobile site. Their advertising is specifically targeted to the Wasatch Front via radio, bus tail advertisements, Salt Lake Airport advertising and print advertising. They are planning to track all of their marketing efforts.

2013 RESTRICTIONS: Funding shall only be used for marketing and advertising outside Summit County as outlined in the application. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on their website and printed material including but not limited to posters, newspaper and magazine advertising.

PREVIOUS FUNDING: 2007: \$120,000; 2008: \$180,000; 2009: \$180,000; 2010: \$180,000; 2011: \$180,000; 2012: \$185,000

1319 Park City Restaurant Association-Savor the Summit \$ 20,000 \$15,000

2013 RATIONALE: This is the 6th year for Savor the Summit. The event has continued to grow and generate significant public relations exposure for Park City restaurants. The event will be held June 22,

2013. Last year, 31 restaurants served 2,003 people at the Grand Table on Main Street. An additional 1,500 people visited Main Street that evening for the spirit garden, live music and dining inside restaurants. This one-day event has been expanded to work with lodging partners promoting packages to make a weekend in Park City. Music is programmed over the length of Main Street starting at 4 p.m. and is provided by Mountain Town Music. The Savor the Summit event will be advertised in major Wasatch Front sources including: Salt Lake Magazine, City Weekly, Q Salt Lake, Radio Stations, and digital media.

2013 RESTRICTIONS: Funding shall be used for public relations, advertising and marketing outside of Summit County as outlined in the application. Funding shall not be used for KPCW radio or Park Record print advertising or any advertising within Summit County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2009: \$25,000; 2010: \$20,000; 2011: \$18,000; 2012: \$16,000

1320 PC Chamber/Bureau - Promotional TV Show \$27,500 \$27,500

2013 RATIONALE: This funding is for a 30 minute PBS television show entitled *Getting Away Together* which features three couples enjoying a summer vacation and activities in Park City. The show will be included in the second season of the series which features destination resort settings such as Hilton Head, SC and Mt. Hood, OR. The couples stay in a condo in Park City and visit the three resorts, the Utah Olympic Park, Historic Main Street, the Park Silly Sunday Market and experience a variety of outdoor activities and dining. Filming and production were completed in August 2012 and the show is ready to air in summer 2013. The show will air once per week on PBS channels in 26 states including major summer target markets of Salt Lake City, Los Angeles, New York and Dallas. PBS viewers travel more than twice as often as those who watch cable shows, are more affluent and have higher education than other network viewers. 43% of PBS viewers are likely to spend \$2,000+ on a domestic vacation. Prospects may think of Park City as a winter destination and lack understanding of the variety of activities available during the summer.

2013 RESTRICTIONS: Funds shall only be used to make final payment on the contract for the *Getting Away Together* television program.

PREVIOUS FUNDING: First time application

1321 PC Chamber Music Society – Promotion \$ 30,000 \$15,000

2013 RATIONALE: This application is for marketing the 29th season of the newly rebranded Beethoven Festival Park City and the 10th Park City Film Music Festival. The Beethoven Festival will offer 16 performances during the summer throughout the Park City area. The Park City Film Music Festival draws visitors and participants from throughout Utah and around the world to attend the 10 day event. It will show over 200 films this year. Continuing to search for the optimal time to attract attendance, the Music Film festival has moved from May to new dates in October. This Society would also like to hire a marketing PR firm to help with the promotion of these events.

2013 RESTRICTIONS: The Committee supports the hiring of a professional firm to assist with marketing effort for the two festivals. Funding shall be used for the cost of hiring a marketing firm to design and implement the marketing campaigns for the Film Festival and the Beethoven Festival. The Committee commends that your website incorporates links to and from the PC Chamber (visitparkcity.com) and PC Summit County Arts Council (pcscarts.org) websites to cross promote and unify marketing efforts. Please implement a way to monitor attendance at all performances and track website hits. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007:\$ 6,000 for four separate applications. 2008: no application; 2009: \$5,000; 2010: \$15,000; 2011: \$7,500; 2012: \$9,500

1322 PC Chamber/Bureau – Tour of Utah \$ 25,000 \$25,000

2013 RATIONALE: Tour of Utah is a six day professional biking stage race held at the beginning of August. Events are scheduled for several locations in the state, with Park City showcasing a portion of Saturday's event and hosting the final event on Sunday. This event includes internationally renowned cycling teams, team support crews, media and spectators. Organizers anticipate 15,000-20,000 spectators based upon previous year's attendance. The start line for Saturday's stage is at Snowbasin Resort in Weber County and will end at Snowbird Resort in Salt Lake County with a portion of the race

travelling through Summit County on its way to the finish. The final stage on Sunday begins on Historic Main Street, and travels through eastern Summit County ending on the lower portion of Park City's Historic Main Street. Fox Network will broadcast two hours of live coverage of each stage, and there will be adjunct national coverage. Attendance and energy of activities for the event on Main Street was excellent in 2012. We recommend signage and volunteers providing direction to finding to the finish area at the conclusion of the race.

2013 RESTRICTIONS: Funding shall be used for purchase of cable TV and radio advertising outside of Summit County, social media, online ads, targeted paid searches, and pre-roll placements as outlined in the application. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2011: \$25,000; 2012: \$25,000

1323 PC Chamber/Bureau – Triple Crown World Series \$ 17,500 \$17,500

2013 RATIONALE: Triple Crown Fast Pitch World Series consists of two weeks of championship tournament play with approximately 160 softball and baseball teams attending from across the United States. The tournament games are played on fields throughout Summit County. By providing information and marketing materials highlighting Park City/Summit County's amenities and facilities, the Chamber and Triple Crown have a proven track record of marketing this event not just as a tournament, but as a destination vacation for the whole family. The Committee strongly encourages that the event continue to use fields throughout the County when possible.

2013 RESTRICTIONS: Funding shall be used for marketing to teams outside of Summit County. Funding may not be used to reimburse travel expenses. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$49,375; 2008: \$50,626; 2009: \$37,500; 2010: \$37,000; 2011: \$37,000; 2012: \$17,500

1324 PC Chamber of Commerce – Targeted TV Promotion \$ 250,000 \$250,000

2013 RATIONALE: This is the largest campaign that the PC Chamber does; it is in its eleventh year. The goal of this program is to heighten awareness of Park City and to develop more incremental, first-time overnight visitations. The Chamber is focusing on Los Angeles and Orange County during the entire month of January, 2014, emphasizing that Park City/Summit County is the most accessible ski destination in North America. Southern California is a big market with five airports and 28 flights per day into SLC, reaching 453,000 potential customers. PC Chamber has proven very effective in negotiating and leveraging this TV buy. This entire grant goes directly into advertising Park City. The Chamber has also requested funding from the Utah Travel Council and Salt Lake Airport Authority for this promotion. If they receive more funds from Utah Tourism, they will go into a third market.

2013 RESTRICTIONS: Funding shall only be used for television marketing as outlined in the application in conjunction with other funding sources. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$230,000; 2008: \$250,000; 2009: \$250,000; 2010: \$250,000; 2011: \$250,000; 2012: \$250,000

1325 Park City Film Series - Promotion \$ 20,000 \$20,000

2013 RATIONALE: The primary focus of the Park City Film Council is the screening of independent feature, documentary and foreign films. In 2012 PCFS screened approximately 120 films. PCFS is seeking matching grant funds for equipment to convert to digital projection by the mandatory conversion date of January 2014. Films will no longer be available in 35mm prints after this date. In the future, grant applications should specifically detail information pertinent to the situation as PCFS does not own its space nor its equipment and the application did not provide these important elements.

The original grant request was revised from marketing funds to asset purchase per the request of the RAP-Cultural committee. This revision was approved by the County attorney. The Film Series must continue to promote their films to out of county visitors in order to qualify for future Restaurant Tax grants.

2013 RESTRICTIONS: The Committee proposes \$20,000 as a matching grant toward the new projector costs. The total cost of this equipment is estimated at \$100,000. The Committee requires that the

monies granted be used as leverage to get matching funds toward the total purchase price. The \$20,000 matching Grant portion shall only be released by the County if: 1) The matching funds needed to purchase the projector are met by the PCFS; 2) The County receives documentation from Park City Municipal approving PCFS's renewed lease of the Jim Santy Auditorium; and 3) the County receives clarification from Park City Municipal as to ownership of the equipment. No funds are to be used for advertising this cycle; if the projector requires less than the \$20,000, the funds shall be returned to the County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$2,000; 2008: \$3,000; 2009: \$7,000; 2010: \$10,500; 2011: \$12,000; 2012: \$20,000

1326 PC Gallery Association

\$ 6,000 \$3,180

2013 RATIONALE: This application requests funding to promote the Friday night gallery stroll on Park City Main Street which is held on the last Friday of each month. The attendance at this event has been 75% from outside Summit County. The PCGA is dedicated to promoting the visual arts in Park City and to expanding the reputations of Park City and Summit County as an art/cultural destination city in Utah.

2013 RESTRICTIONS: Funding shall only be used for advertisements in the SLC *Tribune*, for brochure production and distribution outside of Summit County. The Committee recommends that your website incorporate links to and from the PC Chamber (visitparkcity.com) and PC Summit County Arts Council (pcscarts.org) websites to cross promote and unify marketing efforts. The Committee requests developing a tracking/survey system to provide data on Gallery Stroll attendees, home zip codes, number in the party, and restaurant patronage. Results of the survey should be submitted with any further funding requests. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2009: \$5,000; 2010: \$5,000; 2011: \$5,000; 2012: \$5,000

1327 PC Historical Society & Museum

\$32,800 \$32,000

2013 RATIONALE: In 2013 The Park City Museum ranked # 2 on Trip Advisor's ranking of things to do in Park City. This application is for co-op and digital marketing with the Park City Chamber and Arts Council in SLC Tribune, social media updates and public relations initiatives. This marketing strategy is for the creation of a landing page for the Museum which can be updated with Museum events and offerings throughout the summer. It is also for the purchase of online banner ads for entertainment and destination travel sites with content that is relevant to Park City, mountain travel and cultural events. Print media includes brochures with a 2 for 1 coupon that will be distributed to the Wasatch Front, I-80 and I-15 corridors to attract drive by traffic and to create awareness before arrival.

2013 RESTRICTIONS: Funding is to be used for the banner ads, paid search, digital media, social media and print advertising outside of Summit County as outlined in the application. Please ensure that the Summit County Restaurant Tax Fund is credited on the website and printed materials including but not limited to posters, brochures, print advertising in newspapers and magazines.

PREVIOUS FUNDING: 2007: \$215,100; 2008: \$150,000; 2009: \$80,000; 2010: \$25,000; 2011: \$20,000; 2012: \$20,000

1328 Egyptian Theatre - Promotion

\$ 90,000 \$90,000

2013 RATIONALE: The Egyptian is requesting funding to support marketing and promotion for their major shows, national touring acts, and performances appealing to destination visitors. Over the last two years, the Egyptian has increased the number of patrons by 41%. It now produces shows most weekends which adds to the vitality of Main Street. In the past year, the Egyptian had over 160 days of programming and their patrons numbered 47,500 of which 55% were from outside Summit County. Through creative marketing efforts, the Egyptian is able to get 2.5 times the marketing exposure for each dollar spent on marketing. The Egyptian plans to use print media, broadcast advertising, and web marketing in their marketing campaign.

2013 RESTRICTIONS: Funding shall be used for print marketing outside Summit County with Media One, City Weekly, Q Salt Lake, and IAMA Magazine; broadcast advertising outside of Summit County with Cumulous Radio, KRCL; website updates and web based marketing efforts. Funds shall not be used for the *Park City Magazine* or Summit County advertising. The Committee recommends that your website

incorporate links to and from the PC Chamber (visitparkcity.com) and PC Summit County Arts Council (pcscarts.org) websites to cross promote and unify marketing efforts. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$20,000; 2008: \$25,000; 2009: \$40,000; 2010: \$50,000; 2011: \$60,000; 2012: \$65,000

1329 Park City Performing Arts Foundation

\$143,152

\$65,000

2013 RATIONALE: This application is for the marketing and advertising of the upcoming summer and winter concert seasons outside of Summit County. The PC Performing Arts Foundation has received marketing funding from this tax since the Center's inception. The concert series adds to the Park City event calendar and enhances the tourism product. The Foundation offers excellent workshops and arts outreach programs for students throughout the County.

2013 RESTRICTIONS: Funding shall only be used for radio, print, newspaper and targeted mailings outside of Summit County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$50,000; 2008: \$50,000; 2009: \$60,000; 2010: \$50,000; 2011: \$50,000; 2012: \$45,000

1330 Park Silly Sunday Market

\$ 45,000

***\$6,800**

2013 RATIONALE: This is the sixth year of funding this weekly summer event. It is held every Sunday during the summer months from June to September on Main Street in Park City. This event is well established and well attended. Organizers estimate that 70% of attendees are from outside of Summit County.

2013 RESTRICTIONS: Funding shall only be used for advertising outside of Summit County as listed in the application. Funding shall not be used for in-kind marketing or for staff salaries. The Committee requests that PSSM give preference to in-County food vendors and ensure all vendors pay the appropriate sales taxes. With future applications Committee requests evidence that Restaurant Tax is paid on Beer Garden revenues. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$4,000; 2008: \$5,000; 2009: \$5,000; 2010: \$5,000; 2011: \$4,500; 2012: \$4,500

***COMMENTS:** Due to the inability of the applicant to provide adequate accounting backup by the required due date on a previous grant, the recommended 2012 grant was reduced by 5% per the terms of the contract with the County.

1331 Park City Soccer Club - Promotion

\$ 15,000

\$10,000

2013 RATIONALE: This is the 10th year for this event. Last year the organizers tried to add Sunday competition in order to attract additional out-of-state teams but had to rethink this strategy after only 65 teams (310 teams are typical) had signed up 10 days before the tournament began. The event cancelled Sunday play and then successfully occurred with 256 teams. The event is held the first weekend in August, which is the same weekend as the PC Arts Festival in order to enhance the activities available for families attending the event. This year, they expect 310 teams and will not offer Sunday play. Organizers estimate that this tournament attracts about 20,000 visitors for 3-4 night stay. Their emphasis is on growing the destination teams and enhancing the quality of the competition at all levels of play. They have hired an entity to work with lodging partners in Park City to help generate room nights. The net revenue this tournament raises goes toward scholarships for youth in need within the soccer club.

2013 RESTRICTIONS: Funding shall only be used for marketing to out-of-state teams as outlined in the application including Got Soccer website and Varsity Communication. Funding shall not be used on Telemarketing or Webmaster. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on the Park City Extreme Cup Website and printed materials to include but not limited to posters, the tournament brochure and programs.

PREVIOUS FUNDING: 2008: \$8,000; 2009: \$7,000; 2010: \$10,000; 2011: \$10,000; 2012: \$7,000

1332 Park City/Summit County Arts Council - Promotion \$ 27,000 \$15,000

2013 RATIONALE: This application is for promotion of Summit County as a cultural and art destination throughout the summer. Their marketing efforts will target the western United States and the surrounding drive markets. The plan includes placement of internet ads/on line media and paid search ads. They work with the PC Lodging and PC Restaurant Associations to create packages that can be tracked back to the on-line advertising. They coop with PC Chamber and UOT advertising programs specifically targeted to arts/culture message.

2013 RESTRICTIONS: Funding shall only be used for banner ads and online advertising to drive guests to their website that will be promoting ALL cultural and art events throughout Summit County. The Committee asks that this organization reach out to all art and cultural programs to insure that all of these programs are included on their website/calendar of events. As we did last year, the Committee again recommends that your website incorporate links with the PC Chamber (visitparkcity.com) website to cross promote and unify marketing efforts. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2009: \$29,450; 2010: \$10,000; 2011: \$12,000; 2012: \$12,000

1333 Park City/Summit County Arts Council – Oakley Market \$4,600 \$3,000

2013 RATIONALE: This is a pilot grant for the new L'Oakley Grown Community Market, an open air market featuring artists & crafters, jewelers, music, gourmet foods, and fresh produce. The primary focus of the market is to give local farmers, artists, crafters, and musicians a venue to enhance economic development and tourism in eastern Summit County. It will be held seven Saturdays from June 29 – August 10, 10am – 3pm. They plan on printing discount coupons for local area restaurants in their promotional materials to increase restaurant exposure and growth of the restaurant tax fund. This would also help track ROI of such publications and give tractable results back to the restaurants. This will be a draw for summer residents of Weber Canyon. We have been assured that they are working closely with Oakley City and have enthusiastic community support.

2013 RESTRICTIONS: Funding shall be used for print advertising outside of Summit County as outlined in application in Re-Direct Guide, Deseret News, City Weekly, Salt Lake Tribune, Salt Lake Magazine, and Outdoor Utah. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and its logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1334 Peoa Special Services District – Facility \$ 8,000 \$2,000

2013 RATIONALE: The Peoa Recreation Special District is requesting funding for promotion of the Peoa Stampede which includes a Ranch Rodeo, Kids Rodeo and a Mounted Shooting Event.

2013 RESTRICTIONS: Funding shall be only be used for advertising the Peoa Stampede outside of Summit County. For future funding possibilities the Committee needs to see growth in participants and spectators from outside Summit County. It is requested that organizers develop a tracking system to document statistics including home zip codes, number in party, lodging and restaurant patronage from all event attendees to include with in future applications. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2008: \$1,000, 2009: \$1,000, 2010: \$3,000, 2011: \$7,800; 2012: \$3,200

COMMENTS - Potential Issues and things to consider:

Continuous upkeep and maintenance funding is required to maintain the arena. The lack of any incoming revenue from the citizens through a bonding or taxing mechanism is a concern. The Restaurant Tax should not be considered applicable for ongoing maintenance of the facility unless a considerable tourism component is demonstrated.

1335 South Summit Rodeo Club \$10,100 \$5,500

2013 RATIONALE: South Summit and North Summit High School Rodeo Clubs are working together to put on two High School Rodeos for all high schools in Utah in August, 2013. Each high school rodeo club in the State of Utah has the opportunity to sponsor a rodeo in their home town. Most members of the Utah High School rodeo association attend the rodeos which are each Friday and Saturday during the season. This event attracts many competitors since it is near the end of the season and one of the final

qualifying events for the state competition. It would be an economic benefit for the community and would also benefit the kids. They expect an estimated 450 competitors and their families to come to Oakley for two days of rodeo.

2013 RESTRICTIONS: Funding is to be used for belt buckles or similar awards for 1st -3rd prizes for all events. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor in printed materials including posters, brochures and programs.

PREVIOUS FUNDING: 2010: \$5,000 for electric timing equipment and computers for scoring.

1336 Summit County Fair-Barrel Racing **\$5,000** **\$1,500**

2013 RATIONALE: This is the fifth year of barrel racing at the Summit County Fair. This is a three day event that last year brought over 235 participants from the Wasatch Front and surrounding states. The request is for money to enrich the prizes including saddles and silver buckles as a means of attracting competitors. Their goal is to be a premier event in barrel racing. The enriched prizes will be advertised on association websites and through extended local media. This sport is a very well attended, tourism driver for many communities in Utah.

2013 RESTRICTIONS: Fund shall be used toward the purchase of awards to attract quality contestants. It also may be used to advertise the event on barrel racing websites: Utah Barrel Racing Association, North West Barrel Association (Wyoming, Montana and Idaho), Sageland Barrel Racing Association (Idaho), BRN4D (Idaho), NBHA (Idaho), Mile Hi Barrel Horse Association (Denver) and the Colorado Barrel Racing Association. Please ensure that the Summit County Restaurant Tax Fund is credited on the website and printed materials including but not limited to posters, brochures, and print advertising in newspapers and magazines.

PREVIOUS FUNDING: 2011: \$2,000; \$2012: \$500

1337: Summit County Fair – Demolition Derby **\$2,000** **\$2,000**

2013 RATIONALE: The Demolition Derby is the anchor event to start the Summit County Fair, the 2013 event will be held Aug. 3rd. Participation and spectators have declined in the past few years due to competition from similar events in other counties. Organizers will publicize the enhanced prize money offered for participants and expect to attract additional competitors to preserve the quality of the event.

2013 RESTRICTIONS: Funds are to be used for prize money to attract participation from outside the County and State. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1338 Summit County Fair – PCRA Rodeo **\$10,000** **\$10,000**

2013 RATIONALE: The fair board is requesting funds to rent three big screens for use during the PCRA rodeo. The rodeo is the last two nights of the fair and is the finale event. Big screen displays at sporting events keep the crowd more involved in the action by offering instant replays and also offer enhanced sponsorship/advertising possibilities. The fair added one big screen to this event last year and requested three screens for 2013 to ensure that the 2800 attendees each night have good viewing.

2013 RESTRICTIONS: Funds to be used for rental and installation of three big screen displays during the rodeo associated with the Summit County Fair. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2012: \$6,500

1339 Summit County Fair-Wild & Wooly Sheep Dog Trials **\$ 10,000** **\$ 5,000**

2013 RATIONALE: This is the fourth year for an application to hold a sheep dog trial in conjunction with the County Fair in Coalville. Organizers expect approximately 100 dog teams from all over the Western United States. The amount of prize money attracts higher quality handlers and potentially more spectators. The event is currently run by volunteers. There is potential to grow this event with paid staff to develop vendors and attendee activities associated with the dog trial.

2013 RESTRICTIONS: Funding shall only be used for awards/prizes and towards advertising outside of Summit County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor

and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2010: \$7,000; 2011: \$10,000; 2012: \$8,000

1340 Summit County Historical Society – Magazine \$ 32,164 \$15,000

2013 RATIONALE: This application is to create an 84-104 page bound *Summit County Photo Book* with Drivers Guide, featuring exemplary photography and scenic driving tours that journey through Summit County's rural towns and Park City. The driving tours will promote historic and cultural tourism to the county, thereby increasing length of stay, overnight visitation and restaurant patronage. Proposed distribution outlets to sell the book will include the new PC Chamber Visitor's Center, Salt Lake Airport, Salt Palace Convention Center, Utah Travel Council Hall, and possibly local book stores. The book will cost \$7.75 per unit to produce and is estimated to sell for between \$15- \$20.

2013 RESTRICTIONS: Funding shall be used for printing and production of the book as outlined in the application. The Committee supports the requirement to charge for the book with sales revenue used to reprint the book as needed. The Committee provides the following input: review the driving routes to have people terminate in Summit County (rather than in another County or State), and have the QR code land on a specifically developed tourism page and possibly also the PC Chamber's website. The Committee will be interested to receive follow-up information on the lifespan of the 8,000 copies printed for this attractive book and how many are sold/where. The Summit County Restaurant Tax Fund shall be credited as a sponsor by placing its logo in a prominent location within the book.

PREVIOUS FUNDING: 2008: \$10,000; 2009: \$6,000; 2010: No request; 2011: \$7,400; 2012: \$25,000

COMMENT: The Committee expected that last year's funding would be sufficient to complete this project as presented in last year's application. We support the creation of the book and recommend that this is the final funding for this project. If the number of pages of the book is reduced, the Committee suggests that all of the driving routes are included and other pages/sections are eliminated. The Committee supports the sale of the book as proposed this year, and does not support this sophisticated product be provided gratis to visitor centers as suggested last year.

1341 Sundance Film Fest – Promotion \$200,000 \$150,000

2013 RATIONALE: This is the fourteenth year of funding for this applicant. In 2014 the festival will be celebrating its 30th year. The Sundance Film Festival continues to be the largest and most economically significant single event of the year, generating an estimated \$80 million in economic impact to Utah. An estimated 73% of nonresidents who attended the festival stayed in the Park City Area. Final 2013 numbers are not yet available, but the 2012 festival generated \$17.8 million in food and beverage sales. The 2013 Worldwide Media value generated by the festival is estimated to be in excess of \$52.4 million. This media exposure has enhanced Park City's name recognition and reputation as a desirable destination. Funds from the grant are being requested for various national and international advertising and marketing programs. The committee would like to encourage the applicant to continue to work with the local community to find mutually beneficial solutions to the community's concerns that arise when the dates of the Sundance Film Festival overlap with the Martin Luther King holiday. The committee believes that there is an overall economic benefit to the community and ultimately the Restaurant Tax Fund when these two important events don't overlap. The Committee would also like to encourage the continued exposure of Park City as a tourism destination in collateral materials and trailers as has been done in previous years.

2013 RESTRICTIONS: Funding shall only be used for national/international print advertising, electronic advertising, on-line advertising, radio advertising, billboard advertising, and press programs. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used where applicable, such as film intros, program guide, mobile app, etc.

PREVIOUS FUNDING: 2007: \$110,000; 2008: \$120,000; 2009: \$120,000; 2010: \$120,000; 2011: \$100,000; 2012: \$120,000

1342 People's Health Clinic – Farm to Barn dinner \$5,000 \$1,000

2013 RATIONALE: *Farm to Barn* is a pilot event to be held in conjunction with the *Park City Food & Wine Classic*. It will be a gourmet crafted dinner for up to 150 participants to be held at Blue Sky Ranch and Resort using Summit County produce, meat and cheese from local farms and food producers. It has the potential to add an additional day to the opening of the *Park City Food & Wine Classic*. Ticket sale promotion will focus on non-locals with 85% expected to be from outside of Summit County. The funding

would be used to increase the net amount directed to the People's Health Clinic which serves the under-insured members of our community. The event is administered by a "for profit" company and the financials for this event showed an \$1850 profit to be distributed to People's Health from an event costing \$27,400. The Committee applauds the community contribution provided by People's Health but is concerned about the tourism ROI of this application.

2013 RESTRICTIONS: Funding shall be used for advertising outside of Summit County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1343 Utah Athletic Foundation – Utah Olympic Park **\$84,200** **\$84,200**

2013 RATIONALE: The Utah Athletic Foundation / Utah Olympic Park is a unique venue and provides opportunities that are only available in one other U.S. destination. Three programs have been designed to increase programs by attracting visitors from outside Summit County. All three programs include partnerships with tourism focused entities, facility supporters and media advertising partners in order to leverage grant dollars.

2013 RESTRICTIONS: The Grant funding shall be applied to the FIT advertising plan with Media Partners, the Meeting/Convention/Group Business advertising and sales plan, and the Visitors Center advertising and incentive program as outlined in the application. The Committee would encourage the Athletic Foundation to work on providing more frequent bus service to the Olympic Park. In addition, all vendors who provide food and beverage must pay Summit County Restaurant Tax. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$50,000; 2008: \$50,000; 2009: \$50,000; 2010: \$50,000; 2011: \$60,000; 2012: \$73,000 (combined with Alf Engen Museum)

1344 USSA – Lighting for Grand Prix Half Pipe **\$75,000** **\$75,000**

2013 RATIONALE: The US Ski and Snowboard Association is the national governing body of Olympic skiing and snowboarding. In conjunction with the USSA, Park City Mountain Resort will host the 2014 U.S. Grand Prix half pipe events on January 13-19, 2014. Four competitions in ski slopestyle and ski halfpipe disciplines will be the final competitions in the U.S. Olympic Team selection process. All events will be followed by an official ceremony to name the first ever Olympic Team for these two disciplines. The request is for rental of temporary halfpipe lighting to allow live television coverage of night halfpipe competitions. The night event not only is a greater draw for spectators, but more significantly will allow USSA to secure live broadcast windows on NBC Sports Network that will greatly improve the TV audience for the event.

2013 RESTRICTIONS: Funding to be used for rental of TV quality lighting for the live broadcast of this onetime event. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: First time application

1345 USSA – Freestyle World Cup **\$105,000** **\$105,000**

2013 RESTRICTIONS: This event is a Freestyle World Cup competition at Deer Valley in January 2014. This request is for 50% of the time buy for television coverage on NBC and international networks. This plan includes integrating sport with entertainment at the World Cup competitions to maximize the value of the time buy as research has proven that sport/entertainment events not only attract large spectator groups, but also provide more dynamic TV programming, which increases viewership. The TV coverage will showcase Park City and the Freestyle skiing event and promote Deer Valley as a world class resort. In 2013 this event attracted approximately 20,000 spectators attending the fully scheduled four day event.

2013 RESTRICTIONS: Funding shall be used for the television coverage as outlined in the application. The Committee would like to encourage inclusion of vignettes of Park City as a tourism destination during the television network coverage. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on the website and in printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2008: \$110,000; 2009: \$150,000; 2010: \$100,000; 2011: \$100,000; 2012: \$95,000 (reduced 5%)

1346 Utah Symphony and Opera - Promotion \$ 120,000 \$80,000

2013 RATIONALE: The 2013 Festival will be the 10th annual Deer Valley Music Festival and will feature ten Classical and Pops concerts and five chamber music concerts. The Symphony/Opera continues to increase their presence in Summit County through partnerships with the Park City Chamber, local businesses and the lodging community. They promote Park City as a place to visit and stay, not just come for the performance. The Deer Valley Music Festival estimates that it generated approximately \$3.4 million of economic activity in Summit County last year. This funding request is for marketing using print media, direct mail & brochures, outdoor advertising, radio/TV, hot deals/lodging packages and online advertising/email.

2013 RESTRICTIONS: Funding shall be used for marketing outside of Summit County to include outdoor advertising, online marketing, direct mail, television and radio as outlined in the application. Funds shall not be used for KPCW radio, the Street Team, banners placed in Summit County, Park Record print advertising or any ads within Summit County. Please ensure that the Summit County Restaurant Tax Fund is credited as a sponsor and the logo is used on website and in printed materials to include but not limited to posters, brochures, and programs.

PREVIOUS FUNDING: 2007: \$50,000; 2008: \$50,000; 2009: \$60,000; 2010: \$70,000; 2011: \$70,000; 2012: \$70,000

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, APRIL 17, 2013
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Jami Brackin, *Deputy Attorney*
Helen Strachan, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

CLOSED SESSION

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

The Summit County Council met in closed session from 12:50 p.m. to 1:50 p.m. for the purpose of discussing personnel. Those in attendance were:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*

Robert Jasper, *Manager*
Brian Bellamy, *Personnel Director*
John Campbell

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

WORK SESSION

Chair McMullin called the work session to order at 1:50 p.m.

- **Discussion regarding leash laws**

Council Member Armstrong commented that there has been chatter in the community about this issue and negative interactions between trail users and people with dogs. Based on the input he has received, he believed the County should evaluate the situation and decide whether to enforce leash laws or get rid of them. He expressed concern that something of a severe nature might

happen, and the County would be in a position of having seen these interactions progressing and not addressing them.

Brian Bellamy explained that the County has tried to educate people about keeping dogs on a leash, but they have not cited many people. There is an upswing in dog activity, and not only is there the issue of dogs being off leash, but there is also a cleanup issue, and often people leave bags of dog excrement on the trails. The law is that dogs must be on a leash at all times unless they are in a recognized off-leash dog park. Deputy County Attorney Helen Strachan clarified that dogs are allowed to be off leash within the owner's real property boundaries. If they go off the property, they are considered to be at large. She recalled that some changes to the animal control ordinance are being proposed, including circumstances under which dogs are considered to be at large, and those are scheduled to be discussed with the Council on May 15.

Chair McMullin stated that she understood they would discuss today what the leash law is, whether the County still wants a leash law, and whether they want to enforce a leash law. She asked if the Council Members want to continue to have a leash law. Council Member Ure replied that he believes they have to, because that is the only way they can enforce what happens with dogs in the County. Council Member Carson stated that this is an obvious health, safety, and welfare issue, and she would support continuing with the leash law. Council Member Robinson stated that the leash law may be important, but he believed there may be larger areas where they might want to permit unleashed dogs. Council Member Armstrong felt that, from a public safety standpoint, they need to have leash laws. Even with the best laws there is an element of unpredictability, and until they come up with alternatives, dogs need to be under the controls that exist. Mr. Bellamy and Sheriff Dave Edmunds agreed with the Council Members.

Chair McMullin asked if the Sheriff's deputies have enforced the leash laws. Sheriff Edmunds replied that they have on occasion, but not routinely. He explained that he currently does not have the capacity to enforce leash laws with the loss in personnel the last few years. They would like to enforce them, but realistically they cannot.

Chair McMullin asked why the municipalities do not have animal control ordinances they can enforce. County Manager Bob Jasper replied that they could. Chair McMullin noted that a number of issues occur within the Park City boundaries. Deputy County Attorney Dave Thomas explained that counties deal with animal control differently. In Davis County the municipalities pay the County for animal control services. In other counties, cities have their own ordinances, and the County laws do not apply in the municipalities. Summit County's animal control law applies in the cities, because the cities have adopted it. Ms. Strachan explained that the County has a Memorandum of Understanding (MOU) to provide services in the cities. She explained that she keeps in touch with Park City regarding changes in the animal control ordinance.

Council Member Robinson suggested that the County could decide to provide a certain standard of enforcement in the unincorporated areas and fund it, and if the cities want the County to enforce within their boundaries, they would pay the County for those resources. Ms. Strachan explained that the MOU currently says that the County will not charge the cities for animal control services.

Chair McMullin summarized that it appears the Council wants to keep the leash law and to have it enforced. She believed there needs to be a broader discussion of the amendments to the animal control ordinance. Because there are so many issues, she thought it might make sense to get a group of stakeholders together to propose options. She asked if other communities have days that dogs can be off leash or on trails on certain days. Mr. Bellamy stated that he was not aware of days that dogs can be off leash. Chair McMullin asked if they could hear from someone as they review the ordinance who knows something about animal behavior and whether an electronic leash is a level of control that should be included in the law.

Council Member Armstrong asked if Utah has a negligence per se statute whereby, if a person has a dog off leash and the dog causes damage, it amounts to negligence per se. Mr. Thomas replied that he was not certain whether there is a negligence per se statute, but for purposes of enforcement, there are provisions that, no matter what the intent, if the dog is off leash, the owner is liable. Ms. Strachan explained that if the situation were egregious, they could bypass the ALJ system. The ALJ is just one tool the County has for enforcement, and they could always take a case straight to court.

Mr. Jasper hoped they could promote getting dogs licensed and noted that they are close to being able to do that online. He would like to see a PR push when that system is online to see if they can get most dogs licensed.

Mr. Thomas confirmed that there is not a negligence per se statute in Utah, but they could use violation of the ordinance to try to show negligence.

Council Member Ure stated that he believed licensing and rabies vaccinations would take care of themselves if the County were to enforce the leash law. He believed enforcing the law would take care of a good share of the problems that currently exist.

Animal Control Officer Deloris Ovard explained that when a dog is off leash and bites someone, the owner is cited for an attack, running at large. Then they check to see if the dog has rabies vaccination and a license, and if not, they are cited for no license and no rabies. The dog is taken to the shelter for quarantine for 10 days. If it is the first bite and the owner shows they have a place to keep the dog away from other animals, under special circumstances such as the dog needing medication, the dog could be quarantined at home. When dogs leave the shelter, they must be licensed, which includes showing proof of rabies. If they do not have the rabies shot, the owner has 72 hours to get it done before they can get a license. If they do not get the rabies shot, they are cited. Chair McMullin asked what happens if an off-leash dog attacks a dog. Ms. Ovard replied that it would be handled the same way. Chair McMullin explained that citizens can sign a complaint if someone else's dog attacks their dog on their property. Ms. Ovard explained that they will cite if a dog bites anyone, even in their house, and people are responsible for their dog's actions at any time. Council Member Robinson asked if animal control could issue a citation based on a person saying they saw a dog misbehave or if the officer must witness the behavior before they can cite. Ms. Ovard replied that she can cite on a person's hearsay, and they will deal with that in court. Council Member Robinson asked what it would cost if someone were cited for all the things Ms. Ovard described. Ms. Ovard replied that the attack fine is \$375, running at large is \$75, and the charge for no rabies and no license is \$50 each. Mr. Bellamy explained that if the dog is housed at the animal control facility, the owner is charged a kennel fee of \$85.

Chair McMullin stated that, when looking at amendments to the ordinance, she would like to understand what other communities do.

Chair McMullin invited limited comment from the public.

Bob Berubi, a resident of Fox Point, stated that he has been the subject of articles in the Park Record having to do with confrontation with dogs off leash. He explained that he has back problems, and last Mother's Day he was on his bicycle and approached a family coming in his direction on bicycles with two off-leash dogs. When he sees off-leash dogs he always slows down, and he was going less than 5 mph when the dog to his right crashed into the front wheel of his bike and he went over the handlebars. He explained that the dog was not aggressive, but if it is not under leash control, it is not under control.

Chuck Klingenstein stated that he owns a dog and noted that the enabling legislation covers the topic well. He stated that things have already happened, and there have been enough severe attacks and litigation that they know this is an issue. He registered his dog, had rabies shots, and never heard anything else from the County. He asked if he is supposed to do that annually and whether it is incumbent on the owner to register their dog every year or if it is incumbent on the County to send notice that the dog needs to be re-registered. Mr. Bellamy explained that with the new online program, dog owners should get a reminder every year. Mr. Klingenstein commented that the County is not recovering the costs to cover enforcement. He stated that Boulder, Colorado, is a good place to get information about dogs, and studies show a swath of land over 600 feet on trails is devoid of most wildlife because of wandering dogs. He believed the stakeholders need to discuss that and educate the public about it.

Kim Klopp agreed that something needs to be done and that there needs to be some control. She spent a lot of time training her dogs and getting them ready to be trail worthy, and she receives compliments about her dogs. She stated that her dogs need to run, and taking that privilege away would be difficult for her. She sees a lot of owners on the trail who are not responsible and have not trained their dogs, and she would like to see some larger space for people like her who train their animals to be able to do this.

Bonnie Brown agreed that dogs need to be under control. She advocated for electronic leashes, because when dogs are trained with them and an owner knows how to use them, they work very well.

Other information the Council Members requested was a demonstration of how well electronic leashes work and how many complaints come from inside the municipalities compared to those that come from the unincorporated area of the County. Council Member Armstrong emphasized that the County has a leash law in effect, and they are enforcing it, and that enforcement should be active and ongoing notwithstanding any pending modifications to the ordinance.

- **Discussion regarding Service Area #6**

Mr. Jasper reported that the County Commission adopted an ordinance in 1977 with the intent that all new subdivisions would become part of Service Area 6. However, in more recent years, that has not been the case, even though it is the law. Since it is the law, he plans to start implementing it again in the County. He summarized that the ordinance says when someone subdivides property and develops it for year-round residences, the subdivision must join Service

Area 6, and the roads must meet County standards. If a subdivision is currently not in Service Area 6 and they want to annex in, the roads must be brought up to standards acceptable to the County. He clarified that this applies only to roads within subdivisions, not arterial roads that lead to subdivisions.

Council Member Armstrong asked how developers have been opting out of Service Area 6 and asked if it would increase the burden on Service Area 6 if they continue to add roads and are unable to increase taxes. Mr. Jasper replied that there is a checkered history in the County, and Staff got in the habit of encouraging developers to build private roads. He believed the intent of Service Area 6 is to pay for its own road maintenance and snow removal, and if that is the intent, the government should set a rate that will reasonably do that. He believed the proposed tax rate would cover the costs of providing services in Service Area 6, but the current tax rate does not cover the costs. He believed most people in Service Area 6 are happy with the services they receive and are willing to pay more. Council Member Armstrong stated that he understands new subdivisions in Service Area 6 would result in new revenue, but it would not be immediate new revenue, and if work is still going on in other subdivisions, they may still be behind.

Council Member Carson asked if the majority of the subdivisions in Service Area 6 were added as they were created and approved. County Engineer Derrick Radke replied that they were, and historically about a half dozen subdivisions a year were added to the Service Area. Then the County developed private road standards, which were narrower and steeper than public road standards. Staff did not push for public roads, and at the time they did not want more public roads. Council Member Carson stated that she believes approving private roads is a public health and safety issue, because sometimes they are not up to standards and create some issues within subdivisions.

- **Discussion regarding South Summit Ambulance; Brian Bellamy, Personnel Director**

Mr. Jasper reviewed the history of the ambulance service in the County. He explained that even though South Summit Ambulance is a separate, non-profit organization that makes its own hiring and firing decisions, the employees are treated like County employees with the County taking care of their payroll and unemployment insurance. With the new Obamacare requirements, the County may end up having to provide health insurance for them. He would prefer to contract with the South Summit Ambulance Association like the County does with Park City and have them take care of their own payroll under their own organization.

Council Member Robinson asked if Mr. Jasper consulted with South Summit and if they know this is happening and are comfortable with the change. Mr. Jasper replied he has not, but he would let them speak for themselves, although he believes they would like to be County employees.

Julie Black with South Summit Ambulance stated that she was made aware of this recommendation on Friday, April 12. She stated that they would like to continue to run as they are and have the County pay the payroll. She has been with South Summit for 17 years and has received a check and W-2 from the County for all those years, so she assumed they were County employees. She stated that they are drug tested based on the County's protocol. She explained that they are not in a position to take on payroll and worker's compensation, because it would cost them a substantial amount of money. She noted that they have run smoothly for 25 or 30 years with no issues. They have 18 EMTs, which include 4 paramedics, and 4 of the EMTs are

in paramedic school and 2 EMTs going to nursing school. She stated that they are progressive in their education and deliver proper treatment to the public. She stated that their budget is very tight, and she did not know how they could make it any leaner.

Council Member Robinson asked if there is some qualifier that would disqualify South Summit Ambulance from the County having to provide health insurance for them. Mr. Bellamy explained that they are not counted as County employees, because the County does not recruit for them. Council Member Robinson verified with Matt Leavitt from the Auditor's Office that the payroll for South Summit Ambulance comes from the same kinds of funds and with the same withholdings as other County employees. Mr. Jasper stated that they could make them a County department and choose a department head for the ambulance service. Currently, the County holds a lot of liability and accountability without any ability to influence what happens with them. Council Member Robinson explained that the County is paying these people like other County employees. There is no distinction between how they are paid and how other County employees are paid, other than the fact that the County does not hire them. Mr. Jasper explained that the County does not supervise or manage these people. Council Member Robinson asked if South Summit Ambulance has a separate checking account. Ms. Black replied that everything is done through the County.

Andrea McNeil with South Summit Ambulance explained that there are two different entities, South Summit Ambulance and the South Summit EMT Association. She explained that the Association has a checking account, and they teach classes and buy their own materials. Everything in the EMT Association budget is generated from things the EMTs do, but they are not mixed with County funds. She explained that they prepare a County budget each year and go through the budget hearing process, and that is what the ambulance service runs on. She recalled that at one time they were not paid and were entirely volunteer. Over time the County decided to pay them to be on call and to go on calls through the County budget. When they feel they do not have enough people, they accept applications and hire more EMTs. When they have people they would like to hire, they present that information to the Personnel Director. She explained that technically the County could fire them, and they were told when they were hired that they would be subject to random drug tests.

Council Member Ure confirmed with Ms. Black and Ms. McNeil that they are part-time employees and stated that he did not believe they would have to provide insurance for part-time employees under Obamacare. Mr. Bellamy explained that goes into effect in 2014, and the County would be required to count on-call time toward time worked in terms of paying for health insurance. Ms. McNeil explained that there are two rates, one for being on call, and a higher rate for actual service time.

Mr. Jasper stated that the question is whether they are County employees or not. If the Council believes they should be County employees, that will become part of the budget process. If they are brought in as County employees, they would be subject to all the rules and conditions of County employees, whereas they are currently quite independent.

Chair McMullin explained that they are being treated like County employees now, even though the County does not hire or fire them. She believed the question is whether they are County employees or whether the County should have a contract with them.

Council Member Carson asked how the other ambulance services are dealt with. Mr. Jasper explained that this association is unique, because it is not associated with the South Summit Fire District. He explained that Park City and North Summit started as fire departments with an ambulance component, but Park City does that for both North Summit and Park City now. The County gives them a certain amount of money, and they handle their own payroll. He explained that ambulance services are not free, and payment for those services flows through the County for all three ambulance services.

Mr. Thomas read the Federal definition of an employee.

Council Member Robinson explained that the EMT Association is an outlying organization and has nothing to do with providing ambulance services. The fact is that the EMTs are employees, and if the County is breaking the law by not affording them the same benefits as other employees, they need to correct that. The County is withholding taxes and giving them a W-2, not a 1099, and treating them as employees, not independent contractors. He believed the County has two choices. If they are employees and the County wants to compensate them as employees, they need to treat them as they do other employees, which means the County may need to exercise more control and afford them whatever benefits other County employees receive.

Council Member Armstrong asked if the County would be liable as an employer if an EMT were to injure someone. Mr. Thomas replied that would probably be a tough lawsuit, because on one side the County would say they are not really employees because the County does not control them, but someone could bring up the fact that the County pays them like they are employees. Council Member Armstrong explained that the County owns the ambulance they work on, they pay them like they are employees, and the County could be subject to a lawsuit if they were to injure someone, so he did not understand the distinction about their not being employees. He asked if there is a revenue impact in treating them one way or the other. Mr. Bellamy explained that they are not listed as employees when the County contracts for worker's compensation insurance, so the cost of worker's compensation insurance may go up, because they have not been counted in the past.

Chair McMullin stated that most of the Council Members seem to agree that the solution is to make the South Summit Ambulance EMTs employees in every legal way. Council Member Carson believed they would need more information before they can make a decision. She asked for more information on the EMT Association and what the EMTs want. If they will lose control, they may not want to be employees. If the County were to take them on, it may not preclude including them in the Park City Fire District and how they manage their EMTs. She questioned why that is not being done now.

Scott Anderson, Chief of the South Summit Fire Department, explained that the EMTs are supervised by the County, because the same doctor that supervises the Park City and North Summit Fire Departments also deals with South Summit Ambulance, and he works through the County. He reviews their calls, goes over any problems, and offers solutions and makes changes in policy. Eric Hale, who also works with the other fire districts, sets protocols for communications for South Summit as part of the whole Summit County EMS system. He maintained that the County does supervise or have control to some degree over what happens in the ambulance service.

Mr. Jasper expressed concern that, if the EMTs are truly County employees, someone will need to supervise them.

Council Member Armstrong suggested that they look at all the possible options, including the possibility that South Summit Ambulance and the EMTs may end up falling under the Fire District. He also asked Staff to provide the cost implications for each option, and if there is anything the EMTs object to, he would like to know that.

Council Member Ure asked if the ambulance service has ever been sued. Ms. McNeil replied that, to her knowledge, any legal complaints are referred to the County Attorney, because that is what they have been told to do. She explained that, when they have felt they needed more people, they have told the Personnel Director, and he has had them accept applications, do the interviews, and give Personnel a name. To her knowledge they have never been sued, but in the 27 years she has been involved, anytime there has been a question, it has always been referred back to the County, because the County gives them their budget and owns the ambulances and licenses on the ambulances. Mr. Thomas confirmed that, in the 17 years he has been with the County, there has never been a legal complaint.

Mr. Bellamy clarified that Summit County owns all the ambulances in all the districts except two. Mr. Leavitt explained that they rotate the ambulances through the different areas to equalize the miles on them before they are turned back.

Ms. McNeil explained that some of their fear and apprehension came from some of the information they received that they would suddenly have to set up their own payroll process and were concerned about the time frame in which they might have to do that. She stated that they are not opposed to anything the County wants, but there needs to be more discussion about how it needs to be done and where they would get the money to do it. Chair McMullin explained that has been stopped for now.

Council Member Robinson stated that his main concern is that these employees are adequately covered for worker's compensation, and he asked that Staff correct that immediately. His second concern is whether the County is breaking some employee discrimination law by treating South Summit Ambulance separately. Other than that they can take whatever time they need to address the other issues.

REGULAR MEETING

Chair McMullin called the regular meeting to order at 3:35 p.m.

- **Pledge of Allegiance**

COUNCIL COMMENTS

Chair McMullin stated that she needs to clear up a misperception in the community about how the County Council perceived the tax issue. She stated that the Council first heard about the sales tax issue two weeks ago tomorrow, and they learned of it because she, Council Member Robinson, and Mr. Jasper were invited by Park City to a meeting with Utah State Tax Commissioners. At that meeting they were informed that there was a sales tax issue and that the County may have the opportunity to capture back 90 days from the time the sales tax issue was

brought to light. The issue is that Park City was receiving sales tax from businesses in the Snyderville Basin, and that issue was brought to light because a taxpayer noticed that they were paying City tax rates in the Snyderville Basin. The City investigated, got the Utah State Tax Commission involved, and they performed an investigation. They solved the problem but did not quantify it at that time. She stated that the County does not take this lightly, and they are thankful to the taxpayer who brought it up and to the City for resolving it. Now they are alert to the problem and recognize that it could happen again in the future, and she would like to see a way to compare businesses licenses to revenues in the future. She stated that they will ask for the 90-day lookback, which amounts to approximately \$118,000.

Council Member Robinson noted that the State Tax Commission has some new tools that allow the Clerk, who issues business licenses, to interface with who pays sales tax, and he suggested that Staff acquire and use those tools. Chair McMullin suggested that they also work with Park City to try to identify these types of situations in the future.

Council Member Carson noted that some of the Council Members did not know about this until a week ago, and it falls under the purview of the County Manager and Auditor's Office to request the \$118,000. It is not a Council decision, but they all agree they should request it.

Council Member Carson reported that she attended the Farm Bureau meeting, and they provided an update on legislative issues that affect them. One issue raised was the scheduling of major bicycle events that affect the other municipalities, and they explained that bikers cause some issues for rural communities. Mr. Jasper explained that he is working with Staff to try to resolve those issues and be sure that those who are affected know what is happening. Council Member Ure noted that this was also discussed at Monday's COG meeting, and the mayors would like Staff to meet with them so they can understand better how the process works. Chair McMullin requested that the race organizers be involved in the meeting with the municipalities.

Council Member Ure congratulated Council Members Armstrong and Carson for being peacemakers at the COG meeting. He also reported that he received a telephone call reporting that the slide at the park in Coalville has sharp edges on it, the swing is broken, and a tree is falling down. Mr. Jasper stated that he would have that taken care of.

Chair McMullin asked if the County could pass an ordinance to outlaw texting while driving. She explained that she saw a close encounter between a tow truck driver and a biker, and the tow truck driver was texting while driving. Mr. Thomas offered to look into whether State preemption applies.

MANAGER COMMENTS

Mr. Jasper reported on the Great American Shakeout exercise. He explained that the County has more to do, but they are getting better. He noted that the County did have an incident command in place for this drill. He also stated that he would bring an ordinance making some changes in emergency management for the County.

APPROVAL OF COUNCIL MINUTES

MARCH 20, 2013

Council Member Ure made a motion to approve the minutes of the March 20, 2013, County Council meeting as written. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO FILL VACANCIES ON THE SNYDERVILLE BASIN OPEN SPACE ADVISORY COMMITTEE (BOSAC)

Council Member Robinson made a motion to consent to the County Manager's recommendation to reappoint Thomas Brennan and Mindy Wheeler to serve on BOSAC with terms of service to expire March 2, 2017, and to appoint Chris Retzer, Ramon Gomez, Jr., and Scott McClelland to serve on BOSAC, with their terms to expire March 3, 2016, and to appoint Tyler Dustman to serve on BOSAC, with his term to expire March 2, 2017. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF PAYMENT PLAN FOR MAY TAX SALE, PARCEL WS-74; KATHRYN ROCKHILL, AUDITOR CLERK

Council Member Armstrong made a motion to approve the payment plan for Parcel WS-74 and to take the property off of the 2013 tax sale as proposed. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

DISCUSSION AND MERIT DETERMINATION REGARDING RIDGE AT RED HAWK VESTED RIGHTS APPLICATION; KIMBER GABRYSZAK, COUNTY PLANNER

County Planner Kimber Gabryszak presented the staff report and indicated the location of the Ridge at Red Hawk development on an area map and the access to the subdivision and proposed gate location. She explained that this application is complex and has a long history. She reviewed the history of the Ridge at Red Hawk development as outlined in the staff report. She reported that the applicants obtained a building permit in 2001 for a guard house, and no gates were included in that application. The permit expired, a new permit was issued in 2003, and the guard house was constructed in 2004. She explained that the gates were installed at a later date without permits, and there has been ongoing enforcement, most recently in 2011 and 2012. As a result of the enforcement, the subdivision applied for a Conditional Use Permit (CUP) in the spring of 2012. Currently, gates are only allowed in the Snyderville Basin through a CUP process with specific conditions required for gates, and all of those conditions must be met before a CUP can be granted. The CUP was denied by the Snyderville Basin Planning Commission on June 26, 2012. An appeal was submitted by the applicants as well as an opinion from the State Ombudsman's Office which revolved around whether conditions precedent were possible for a CUP. An opinion was issued September 20, 2012, verifying that the conditions precedent were acceptable, and Staff scheduled the appeal before the Council. However, the applicants changed their legal counsel, requested extensions of time, and submitted a vested rights application in November 2012. She explained that the County Council will review the application for merit. If it is determined that the application has merit, a public hearing will be scheduled with the Planning Commission, which will review the vested rights application and forward a recommendation to the County Council. The County Council will be the final decision

maker for the vested rights determination. She noted that a history of gate determinations has been included in the staff report. She explained that Staff's concerns about allowing the vehicle control gate to remain and become operational through a claim of a vested right to the gate include the expiration of the consent agreement in April 2002 and the specific language in the consent agreement concerning gates.

Council Member Ure asked if there are gates in Red Hawk today that comply with the Development Code. Planner Gabryszak replied that there are, but the language referred to regarding gates is not in the Development Code but in the Ridge at Red Hawk consent agreement. Chair McMullin clarified that the gates in Red Hawk are across driveways, not across the main road, and it is Staff's position that the definition in the consent agreement could not be met because of the right-of-way issue.

Planner Gabryszak stated that Staff recommends that the Council review the application and determine whether it has merit. Based on that determination, Staff will either schedule a public hearing with the Snyderville Basin Planning Commission or request direction to prepare official findings of fact and conclusions of law if the Council determines there is no merit.

Chair McMullin asked how merit is defined. Mr. Thomas explained that the Council would not make the determination at this time but would keep the matter open if they believe there is a colorable claim and send it through the process. At the end of that process, they might make the final determination that the vested right claim is not valid. In the end, they will either approve a consent agreement or have findings of fact and conclusions of law determining that there is not a vested right. Chair McMullin asked if there is a process that would bypass the Snyderville Basin Planning Commission and move to a public hearing on the determination of the vested rights claim. Mr. Thomas explained that, if the Council finds there is merit to the vested rights claim, there is a structured process that must be followed. If they determine there is no merit, the applicant could waive a hearing before the Planning Commission and request findings of fact and conclusions of law from the Council.

Joe Tesch, representing the applicant, referred to the staff report and stated that the standard is for the County Council to determine whether the application warrants further consideration and refer the application along with instructions related to the merits of the application to the Planning Commission. He stated that they do not intend to talk about the CUP today, because this is a vested rights claim. He provided a map showing the proposed gate location and stated that there are 11 other gates above this location, and every other development in the area has a gate. He believes it is a good idea to have a gate to try to preserve animals, and the less traffic they have through the area, the more pristine they can keep it. He stated that this is a matter of interpreting a contract, which is the consent agreement. He claimed that the provision regarding gates is ambiguous and unclear. It refers to gates on private driveways and roads, and they would have to delete the word "roads" from the contract in order to interpret it the way the County interprets it. He noted that it states that gates must be located at least 15 feet from the right-of-way, but the right-of-way is the road, so it can only mean gates on private property. Council Member Robinson noted that some of the driveway gates could serve more than one residence and also be on a right-of-way, and this language could prohibit even gates on driveways.

Mr. Thomas explained that the 1994 Code, which existed at the time of the consent agreement, includes a definition of both road and right-of-way, and the consent agreement states that, if it is in conflict, it would default back to the Code. The Code defines right-of-way as a public right-of-way, not private, owned by a governmental entity, and a road can be either public or private. Council Member Robinson stated that these are private roads, and therefore, that definition would not apply.

Mr. Tesch stated that the language is ambiguous and unclear, and they have to look to the intent of the parties. He referred to an affidavit from Doug Dotson, former Community Development Director, who negotiated the agreement, and noted that Mr. Dotson indicates there was no doubt that the intention of all of the parties was to allow gates. In fact, the County Commission and Planning Commission went and looked at the location shown on the map, and the clear intention of the County and the developers was to allow gates on the road. He referred to an affidavit from Max Greenhalgh, who was chair of the Planning Commission at the time, and his recall was identical to Mr. Dotson's. Mr. Tesch stated that he has two other affidavits that are consistent with that position, one from Mike Nielsen, a developer, and one from John Gasgill, another developer who was there when the Planning Commission visited and was with Mr. Dotson when the agreement was negotiated. He noted that they all recall that the intent was to allow gates. With regard to consent agreements, he argued that they were intended to lapse if the developer did not do anything, but if the developer took substantial steps toward development, the development could continue. He noted that Mr. Dotson and Mr. Greenhalgh also stated that was their understanding of the intent of consent agreements.

Council Member Robinson noted that Mr. Tesch has not made the case that the language regarding the sunset of the consent agreement is ambiguous, and that language is clear and unambiguous. Now Mr. Tesch is introducing intent and referencing other external things, but he has not made the case that the language is ambiguous. He asked what survives the stated termination of a consent agreement.

Mr. Tesch referred to page 24 of the staff report, which talks about what vests and does not lapse. It states that the consent agreement vests with respect to the project's use, density, and configuration, and the question is whether the gate is a use. It is his interpretation that a gate is a use, because a CUP is required to construct a gate, and the use is vested. Council Member Robinson asked what does lapse. Mr. Tesch replied that he believes the only interpretation that can be made is that once development has started, nothing can lapse. If it does lapse, then there would be no design criteria or other criteria or zoning. He believed allowing a consent agreement to lapse once serious development has occurred would create a hodge-podge. If the County says the agreement has terminated, it means it has also terminated with regard to the County's benefits. Council Member Robinson asked what benefits the County has not yet received and explained that the open space and trail preservation would already be on the plat, and he could see no reason for the ongoing covenant in the consent agreement. He asked what benefits in this consent agreement the County has not secured if this document has expired. Mr. Tesch replied that he did not anticipate that question, but they would lose the zones, because they would lapse. They would lose the design criteria and limitation on uses in the agreement.

Mr. Thomas stated that, since he was one of the drafters of the consent agreement, he would like to give his perspective. He explained that vested rights in a consent agreement are conditioned on the provisions in the agreement. One of those provisions is the duration, the five-year cut-off. The five years had to do with reasonable diligence and fulfilling the requirements. The idea was

to have a cut-off by which, if there were processes that needed to occur, application for them would have to be made before the cut-off date. If not, the developer would lose what remained that had not been applied for. He explained that a process is laid out in development agreements and consent agreements, and if the developer follows the process and gets the subdivision plat approved, that plat vests the development in perpetuity. He stated that five years was an important term for vesting, and the County would not lose its benefits, because the agreements always include a clause regarding survival of the developer's obligations. If the five years pass without the development occurring, the County still gets all the benefits. If the Council does not view the five-year cut-off as it was intended, then it does not mean anything.

Deputy County Attorney Jami Brackin explained that the Snyderville Basin Development Code does define "use" as the purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended. She disagreed with Mr. Tesch's representation that a gate is a use, as it does not meet the definition. She believed a gate is an amenity, which is not necessarily vested under the provisions in the consent agreement. She confirmed that the uses are vested under the conditions of the consent agreement, and that is why the agreement is written as it is. She noted that the consent agreement says that nothing in the agreement shall limit the future exercise of police powers and change of the laws. It specifically states that the County can change the laws as they may apply to the agreement and especially after the expiration of the agreement, that would allow the County to use its police powers to make the rules over gates and say whether they are allowed or not, which is not in conflict with vesting. She noted that gates were not allowed, except by specific provision, until 2006.

Council Member Robinson stated that he believes the issue is whether the agreement is in force, and if it were in force, he believed the consent agreement would trump the future change for health, safety, and welfare. He believed the question of whether the agreement is still in force is an important topic that transcends the gate issue. He recalled that there have been meetings where applicants have said they had vested rights before a consent agreement existed, and he did not believe those could be terminated. Mr. Thomas explained that is an argument that an applicant somehow reserved for themselves a previous vested right claim, notwithstanding the fact that they have entered into a consent agreement. He explained that one express provision in consent agreements is that the other party gives up their vested rights claim and agrees to the terms of the consent agreement, which supersedes the vested rights claim. A consent agreement becomes what the parties have agreed to. He recalled that there was a time in the Snyderville Basin where consent agreements never seemed to end, and there was an emphasis on the duration being a fixed date. The County allowed for renewals of consent agreements, but it was usually up to the developer to make the request, and the idea was for the developer to move forward and get the project done. Council Member Robinson asked what a developer is vested for once they record the subdivision plat. Mr. Thomas replied that what is on the plat is vested; i.e., density in terms of lots and types of density, such as commercial or residential. The plat vests the things that are on the plat. If the developer wants to add something that was not on the subdivision plat, the County would have to ask what permit would be required, if any, in order to allow for that which is not included on the plat. In this case, if a building permit was required, he would ask if application was made before the expiration of the consent agreement. If the application had been made, and the developer continued with due diligence to consummate the permit, he would still be able to finish it if the consent agreement expired in the meantime.

Council Member Armstrong asked whether the gate would be vested if a marking for the gate had been included on the plat. Mr. Thomas replied that it would be if it were shown on the plat.

Mr. Tesch disagreed and stated that the Supreme Court came down with a decision this year that they do not interpret the plat separate from the consent agreement. They have to be read together to come up with the intent. Council Member Robinson asked how they could read the consent agreement with the plat if the agreement has expired. Mr. Tesch replied that the agreement states that uses were vested, and the consent agreement was extended in 2002 for another five years, which is within the time limit when they made application for the gate. Ms. Brackin explained that the original 1997 consent agreement included the entire development. There was litigation between the two parts of the development, and the court partitioned the two parcels. After that court partition, they were treated separately. In 2002 the Preserve half requested an extension for five years, and the Preserve half was amended three times. Those amendments were very specific, referenced the court partition and that only the Preserve half was being amended, and those were very specific provisions after the court partition.

Council Member Robinson asked if they were to assume that the consent agreement was extended for the Ridge at Red Hawk, what took place prior to April 21, 2007, would vest their right to a gate. Chair McMullin explained that the application was for a guard house and did not say anything about a gate. Mr. Tesch explained that the developer asked for a permit for the guard house before 2007 and claims that he was told he did not need a permit for a gate. Chair McMullin explained that the only thing the Council has are two permits for a guard house, and there is no mention in either permit of a gate.

Mr. Tesch stated that he disagrees with Mr. Thomas about the intent to put a final date on the consent agreement. That may be what the Legal Department thought was happening and what they intended, but according to Mr. Dotson's and Mr. Greenhalgh's affidavits, that is not what they understood or what they thought they were doing. Council Member Robinson stated that he did not recall language in the affidavits saying they did not intend the duration period in the agreement to affect the gate. Mr. Tesch stated that is included in Paragraph 9 of the affidavits. Council Member Robinson felt it was essential to know whether the consent agreement can lapse, because if not, it could go on forever, and that could apply to many things in the County. Mr. Thomas explained that is why the duration date is intended to mean something. If it does not mean anything, a developer would only have to build Phase I of any project and be vested forever, no matter when the other phases are developed. Mr. Tesch disagreed, using the Newpark development agreement as an example. Council Member Robinson explained that there were special circumstances in Newpark that are not applicable to this consent agreement. Mr. Tesch stated that he hoped the Council would find that this matter deserves further consideration and asked that they consider the issues after they have been thoroughly hashed out by the Planning Commission.

Council Member Carson requested copies of the subdivision plat and guard house building permit and application. Planner Gabryszak presented a copy of the subdivision plat and guard house application and permit. She noted that the gate was proposed on Lot 6A, which is not a lot of record and was split off from Lot 6. She explained that the County had an issue with issuing a CUP for a gate that was not on a lot of record, because it would impact the owner of Lot 6 and their ability to construct a home.

Mr. Tesch referred to Paragraph 5.8 of the consent agreement and stated that the applicant has asked in writing for the consent agreement to be extended. Council Member Robinson noted that the applicant asked today for the agreement be extended but did not ask prior to the expiration date, and if the agreement is not still in force, that provision would not be in force. Mr. Tesch

argued that was a right they could have exercised, and they are now exercising it. He believed that, based on some of the issues that have been raised, the Council could look at that, determine what the County would lose or not lose, and give direction to Staff and the Planning Commission to do further analysis as to whether the consent agreement has lapsed.

Council Member Armstrong noted that even the consent agreement puts limits on gates and does not entitle the developer to put gates in a specific place. It is not a use that is approved, but the agreement contemplates there might at some point be a gate, and if an application for a gate came in, it would have to satisfy certain criteria. There is a lack of specificity, combined with the lack of markers on the plat. He did not see anything that extends the consent agreement, and he believed it has terminated. He did not find merit to the vested rights application.

Council Member Carson did not agree with Mr. Tesch regarding the definition of uses and did not believe it applies to individual aspects such as a gate. She believed the consent agreement expired before a request for the gate, and she did not see any evidence of a gate on the original plat or the 2001 building permit or 2003 permit. She did not believe there is merit for the vested rights application.

Council Member Ure asked what precedent would be set and what it would harm to send this to the Planning Commission. Mr. Thomas replied that it would not set a precedent. If the Council finds this does not have merit, it will still go back to the Planning Commission unless the applicant waives that process. Mr. Tesch requested that the Council give instruction to the Planning Commission to examine the statement that the gate would have to be shown on the plat, because he did not believe that is the case.

Council Member Robinson stated that he would be willing to give the applicant the benefit of the doubt and let this go to the Planning Commission, but he does not find anything today that would cause him to differ in his analysis.

Council Member Robinson made a motion to allow this item to go to the Planning Commission for further consideration and to instruct them that currently a majority of the Council Members think the consent agreement has expired. The motion was seconded by Council Member Carson and passed by a vote of 4 to 1, with Council Members Armstrong, Carson, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion.

CONTINUED CONSIDERATION OF APPEAL OF ROCKPORT ROCKS CONDITIONAL USE PERMIT; SEAN LEWIS, COUNTY PLANNER

County Planner Sean Lewis recalled that the Council had asked Staff to address how construction on 30% slopes has been applied in Eastern Summit County. Based on a computer modeling of 30% slopes, in the past 15 years Staff has been consistent in applying the idea that roads and at-grade construction were allowed on 30% slopes, but nothing vertical. Everything he found where vertical construction occurred on 30% slopes or greater was in subdivisions platted prior to 1977, before there was zoning in Eastern Summit County.

Ted Barnes, representing the applicant, agreed with Staff's analysis and argued that development on 30% slopes has referred to vertical structures, but cuts, fills, and excavation have been allowed across 30% slopes.

Council Member Robinson recalled that one question the Council asked was whether other rock quarries have been developed on slopes of 30% or greater. Planner Lewis replied that his review showed that the equipment is not on 30% slopes, but there may be portions of the quarry that are on 30% slopes. He explained that nothing in the record shows whether the quarries started out on slopes of 30% or greater. Mr. Barnes explained that the quarries he cited at the last meeting were all issued permits from 2004 forward, and he has not researched each of them, but he was confident that they started into a hillside, not on flat ground. He noted that the Blue Sky road is on slopes greater than 30%, and Castle Valley Stone shows a slope greater than 30%. Council Member Robinson noted that was after construction. Jodi Hoffman, representing the appellants, noted that there is a difference between access to a development and the development itself. She did not know of an instance in which any development occurs on a slope greater than 30%. She recalled that she did a GRAMA request from the Community Development Department that distinguished between horizontal and vertical development, and there was nothing. Council Member Robinson stated that the 30% slope issue is not as black and white as he had hoped it would be.

Council Member Ure asked what difference it makes if, after one day of excavation, the slopes are greater than 30% anyway. Ms. Hoffman replied that the Code says no one can develop on a natural grade in excess of 30%. It does not mean that they cannot create a hole that is greater than 30%. Mr. Barnes argued that, if that is the standard, all the access roads on slopes greater than 30% are all illegal, and he did not believe that was the intent or practice in Summit County.

Council Member Robinson stated that he believes based on the evidence in today's staff report, that the County has consistently determined and defined development as vertical construction. He did not believe they have any choice but to stick to that.

Chair McMullin asked Mr. Barnes to address the roadway and berm. Mr. Barnes replied that they have provided a plan showing an altered road alignment, with access to the County road closer to the Siddoway residence and farther from the protestant. The curve has a wider radius, and the berm, which would be approximately 10 feet high, would be tapered as it gets close to the road to prevent a blind spot as trucks enter the road.

Council Member Robinson asked if there is a reason why the applicant did not attempt to get a consent that could be recorded against the adjacent parcels. Mr. Barnes explained that the ability to record something against a property must be voluntary on the property owner's part, and he has submitted what he was able to get from the adjacent property owner. He could ask if they might be willing to submit that in writing, but he has not been able to accomplish that at this time. Council Member Robinson asked if the County can waive the 60 dB standard if the neighbor does not care. Mr. Thomas replied that he was not aware that the Code allows for a waiver. He would feel better if the document were recordable, because the property could be sold to someone else who might buy it without notice. He noted that the standard is not just 60 dB at the property line but also materially adverse impacts.

Council Member Armstrong expressed concern that the letter states that the adjacent property owner states he presently does not have a problem, but once the operation starts, he believed the property owner might have a problem. He was comfortable that the second part of the 60 dB analysis is all right, and he was not sure there are substantial impacts. However, that could change if the adjacent neighbor chooses to build something close enough to the property line.

Council Member Ure noted that just across the property line there is a significant grade, and it would not be possible to build close to the property line. Council Member Robinson commented that they could condition a CUP, if they issue one, asking the applicant to get an instrument recorded against the adjacent property. Mr. Barnes expressed concern that the statute says they are to weigh the material impacts at present. The neighbor has indicated consent to a quarry operation, which indicates that they recognize there is no material impact. Conditioning this on the action of some form of agreement that someone else would have to agree to would not be a reasonable requirement, since the applicant has already received the adjacent property owner's consent to this proposal. He explained that future owners will be on notice of a quarry, because it will be there and apparent upon the land.

Council Member Carson asked if there could be a condition that the permit would be revoked if a new neighbor moved in and complained or if the current neighbor decides the impact is too high. Mr. Barnes explained that would put a lot of risk on the applicant. Once the CUP is approved, the applicant has certain rights, and that would be a very difficult standard to place on him. He believed the best response is that the applicant has written consent, and a house on the adjacent property would have to be off of 30% slopes and would not be close to the quarry. He believed they have met the Code requirements.

Council Member Armstrong stated that he believes they need to keep this within the Code requirements, which is 60 dB at the property line or no material impacts, and that is what they should focus on. He asked how the CUP would be treated if a new neighbor comes in and complains. Mr. Thomas replied that the conditions of the CUP are not for just today but throughout the term of the CUP, which runs with the land. If someone were to come in later, the materiality requirement would have to be met, and someone could say that the applicant is not meeting the noise conditions. Ms. Hoffman noted that the Planning Commission left the condition so the neighbors were absolutely without recourse unless there was noise that violated the noise ordinance, which only applies after 10:00 p.m. She suggested several conditions that come close to what the Council is discussing. Mr. Barnes stated that the Planning Commission found no materially adverse effect, and the Council has more information than the Planning Commission had. Right now the impacts are not reasonably adverse and do not violate the ordinance. Because of that, and because the proposed mitigation is appropriate, he believed they are entitled to a permit.

Chair McMullin asked the applicant to address the question of size and location of the quarry. Mr. Barnes explained that trying to move the site in any direction would only make it more visible, and nothing they considered would do anything but make the impacts worse.

With regard to number of truckloads, Council Member Robinson noted that the applicant has stipulated to 140 truckloads a month. He confirmed with the applicant that they would not have a problem if the Council stipulates that the trucks must be 10-wheelers. Mr. Barnes explained that 10-wheeler is not a very accurate description and suggested that they say a load that would be highway legal on 10 wheels without a pup or auxiliary wheels behind it, and UDOT would define the weight that would be allowed. He explained that would be different than large side-dump trucks. Council Member Robinson asked if a gross vehicle weight could be used. Wesley Siddoway, the CUP applicant, replied that it could, and he would have to get that information to the Council. With regard to the number of truck trips, Mr. Barnes stated that the most practical limitation the applicant could suggest was 140 truckloads per month. He noted that the transit is 6 minutes per load, and transit would only be a fraction of the working day. Council Member

Robinson asked if they could put a limit on the number of truck loads per day. Mr. Barnes explained that the practical limitations are the staging area, and he was not able to calculate how much could be staged and loaded in a day. The best they could come up with was the monthly limit, and the applicant would have to operate prudently within that limit. Council Member Carson suggested that the maximum per day should be a consideration of what would be appropriate for the entire area, not just what the applicant's maximum output per day could be. Mr. Barnes commented that the County Engineer has passed off on 140 trips per month, and Mr. Barnes was not aware of any other quarry that has a trip limitation. Council Member Carson asked if any of them transport through a neighborhood. Mr. Barnes replied that the ones in Peoa do, but in this case, it is the Siddoway property they would transit. Ms. Hoffman stated that every other pit has an acceleration and deceleration lane, but this one does not because it accesses onto a County road before it accesses onto the State road, and she believed that is the dilemma. She argued that, at 6-minute intervals, the applicant could run 70 trucks in a day, which would be a ridiculous impact on the neighborhood. She stated that UDOT would regulate this at 10 left turns a day and 20 right turns a day without an acceleration and deceleration lane, and 10 to 15 truckloads a day would keep them under the UDOT threshold and give them the possibility of a viable operation. Mr. Barnes explained that the conversation with UDOT was on an average of 3 to 6, and UDOT indicated there was no problem with that, which was the basis for the 140-trip-a-month cap.

Council Member Ure stated that he would like to protect the citizens from having to listen to a crusher for most of the month. He asked what limits the applicant would be willing to place on use of a crusher. Mr. Siddoway stated that he could live with three weeks out of the month and four months out of the year. Ms. Hoffman noted that the noise study did not look into the noise of a rock crusher, and the thought of having a rock crusher going three-fourths of the time is beyond what anyone has imagined. Mr. Barnes stated that Mr. Siddoway would be willing to limit it to no more than two weeks a month for a 4-month period.

Ms. Hoffman provided proposed draft conditions. She recalled that not all the things the Council asked for in the previous meeting were discussed. She recalled that a sound study on the Keller property line was requested, and she wanted to be present when that study is conducted. She reviewed other items the Council requested that were not addressed in the staff report or at this meeting. She stated that the applicants have responded to only four things, with two of the responses being "no" and the other two accommodating. She believed it is important for the conditions to address all the things that were requested. With regard to the 30% slope, she stated that excavation on the 30% portion of the slope will be highly visible to the neighborhood and inappropriate for the location. She questioned whether the access road is proposed in the best location and whether it has been approved by the County Engineer and the school district and fire department. She stated that the water issue is not about filling up water trucks and watering the ground; it is about the health and safety and sanitation of 10 full-time employees in an industrial use, and there is no provision to accommodate them. She stated that what is proposed will have a huge impact on the neighborhood, and once a 2-acre quarry is approved, she asked what the legal basis would be for not approving the next two acres and the next two acres. She stated that all the quarries started out small, and if they say this quarry meets the County's current standards, those will be the standards in the future and the next time they request an expansion. She did not believe anyone wants to do that.

Mr. Barnes stated that the suggestion that the applicant has brushed off the Council's concerns is unfair. He noted that this is the tenth time this application has been before either the Planning Commission or the County Council. The applicant has employed engineers and sound people and done everything he was requested to do. He did not believe there were any circumstances the opposition would not argue against on this application. He explained that port-a-potties and wash stations are brought in all the time when a work force is on site, and they meet OSHA requirements. There is no need for a permanent structure. He noted that the Planning Commission recommended 11 explicit conditions, and he believed they fully address the requirements of the Code. If they mitigate the impacts, then the County shall approve the CUP. He stated that they have no problem with the additional conditions discussed today. He encouraged the Council to make a decision tonight or as soon as possible, because this has been a serious imposition on the applicant.

Chair McMullin explained that the Council will deliberate in closed session in two weeks. They will issue findings of fact and conclusions of law and make a decision in open session. They will vote and give everyone a signed document after they have deliberated and reached a decision.

DECISION REGARDING SILVER MOOSE BED AND BREAKFAST

Council Member Robinson made a motion to grant the appeal and issue a Conditional Use Permit to SMR for a Bed and Breakfast Inn with the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

- 1. 320 Snows Lane, Park City, Utah (Parcel No. PP-25-D) is an improved 12.72-acre parcel of property with an existing two-story, six-bedroom, 7,542-square-foot residence and outbuildings (the "Property"). It is located in the Mountain Remote Zone District ("MR zone district) and West Mountain Neighborhood Planning Area within the Snyderville Basin Planning District.**
- 2. Legal title to the Property is in the name of William R. Kelley, Jr. Mr. Kelley has claimed the Property as his primary residence in Utah. Notwithstanding such, Mr. Kelley has not resided at the Property for at least the past 16 months. Mr. Kelley is currently residing in Hull, Massachusetts.**
- 3. On October 7, 2011, Mr. Kelley and Brian and Tamara Mooring formed a limited liability company, Silver Moose Ranch, LLC. Thereafter, on October 13, 2011, the same parties entered into an agreement setting forth the purposes and management of the limited liability company (the "Management Agreement"). The Management Agreement sets forth a business arrangement wherein: (a) SMR operates the residence as a "Bed & Breakfast Inn," (b) the residence remains the primary residence of Mr. Kelley, (c) the Moorings manage the "Bed & Breakfast Inn" on behalf of SMR, (d) the Moorings pay \$700 per month in rent for the caretaker apartment, and (e) profits are split evenly between Mr. Kelley and the Moorings. Of note, the Management Agreement states that Mr. Kelley "maintains one hundred percent ownership of the property."**
- 4. A "Nightly Rental" is defined as "[a]ny premises where any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) consecutive days, including condominium project, single-family residence, time-share project, or condotel." Code §3-1D-1. A nightly Rental requires a business license. Code §3-1D-2(A). A "Nightly Rental" does not require a development permit.**

5. A “Bed & Breakfast Inn” is defined as “[a]n owner occupied residence in which up to eight (8) rooms are rented for overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.” Code §10-11-1. A “Bed & Breakfast Inn” is a conditional use within the MR zone district. Code §10-2-10. A “Bed & Breakfast Inn” does require a “nightly rental” business license. Code §3-1D-2(A).
6. “Owner” is defined as “[a] person who holds legal and/or equitable title to the nightly rental or condotel.” Code §3-1D-1.
7. “Owner occupied residence” is an undefined term in Title 10 of the Code.
8. Code §10-8-4 provides for two classes of Home Based Businesses: a Class 1 business, wherein a commercial use is carried out at the residence but where no customers or patrons are allowed to visit the residence, and a Class 2 business, wherein a commercial use is carried out at the residence and customers or patrons are allowed to visit the residence. While a Class 1 business is an allowed use in the MR zone district, a Class 2 business is not. Code §10-2-10. To the extent that a residence is utilized as a for-hire venue for parties, receptions, weddings, entertainment activities, meetings, etc., (an “Events Venue”), it would best be characterized as a Home Based Business, Class 2.
9. An accessory use is defined as “a minor use, or structure, or on premises sign which is clearly subordinate to a principal use or structure which has been issued a permit under this title.” Code §10-11-1.
10. By deed dated May 6, 1988 (the “1988 Deed”), First Security Mortgage Company conveyed the Property to William R. Kelley, Jr., “together with a right-of-way for ingress to and egress from Parcel No. 1 and Parcel No. 2 over a roadway which is approximately three rods wide . . . ,” recorded as Entry No. 290223 in the Office of the County Recorder, Summit County, Utah, in Book 477, beginning at Page 253 (“Snows Lane”). The history of the Property shows that the identical easement language appears as far back as 1959 with respect to granting access to the Property. The residence was built in 1974. Snows Lane is an approximately 1,100-foot private thoroughfare, which is partly paved with asphalt.
11. A Certificate of Beneficial Use was issued by the Utah State Engineer for Water Right No. 35-8439 on February 17, 2006, and its place of use is on the Property (the “Certificate”). According to the Certificate, the Property is approved for irrigating 1.87 acres (5.61 AF), stock watering equivalent to 10 stock units (.28 AF), domestic indoor use of the residence (.45 AF), and water for the pond (.16 AF).
12. On March 6, 2001, the Honorable Robert K. Hilder issued Findings of Fact and Conclusions of Law in Civil Case No. 977060097CV in which he ruled that a portion of the original water right for irrigating the 12.72-acre Property was forfeited by non-use (the “Judicial Order”). Judge Hilder restricted the original water right to irrigation of an “extensive lawn area” and the “supply to one decorative pond.”
13. By affidavit of Jeffrey D. Salberg, an attorney who has represented Mr. Kelley, evidence was provided that the Certificate accurately reflects the Judicial Order. Such was also conceded by the attorney representing the Armstrong family, who were the plaintiffs in the civil case from which the Judicial Order was issued.
14. On October 5, 2010, Mr. Kelley applied for and received a business license for “Nightly Rentals” on the Property.
15. On October 14, 2011, SMR applied for a business license for a “Bed & Breakfast Inn.” On October 18, 2011, Summit County Community Development mistakenly

- signed off on the license. Thereafter, a business license was issued to SMR for “Nightly Rentals.”
16. While SMR was in the process of renewing its business license for 2012, Summit County Community Development discovered its error in approval of the 2011 business license. Since the use was as a “Bed & Breakfast Inn” and not simply “Nightly Rentals,” SMR was required to get a conditional use permit. They were so notified by Dan Child, Code Enforcement Officer, on February 1, 2012.
 17. During the ensuing time period until June 27, 2012, the County was notified by Mel Armstrong, Park City Municipal Corporation (“Park City”), and Utah Open Lands Conservation Association (“Utah Open Lands”) that a Deed of Conservation Easement, dated September 29, 2009, between the Herbert Armstrong Family Trust, William M. Armstrong, and Utah Open Lands, recorded as Entry No. 00883436 in the Office of the County Recorder, Summit County, Utah, in Book 2003, Beginning at Page 1870 (the “Conservation Easement”) encumbered Snows Lane, which (a) prohibited improvement of Snows Lane beyond its existing condition, and (b) limited traffic to the existing residential uses in accordance with any recorded easement for Snows Lane.
 18. SMR filed an application with Summit County for a conditional use permit on June 27, 2012, for use of the Property as a “Bed & Breakfast Inn.”
 19. Thereafter, SMR filed for a Temporary Restraining Order against Summit County on June 28, 2012, seeking to prevent the County from prohibiting the operation of the “Bed & Breakfast Inn” during the pendency of the conditional use permit process. The Court granted a Temporary Restraining Order on June 29, 2012.
 20. The Planning Commission considered the conditional use permit application of SMR and on November 13, 2012, voted to deny issuance of such. Thereafter, SMR filed this appeal to the Council.
 21. The County Engineer has opined that Snows Lane is a private “rural minor” road. Additionally, the County Engineer has opined that with regard to traffic generation, the number of average daily trips with a “Bed & Breakfast Inn” is “slightly higher than [for] a single family dwelling,” but intuitively would have “fewer trips than a Nightly Rental.”
 22. During the March 27, 2013, hearing before the Council, SMR stated that as part of its business, it intends to rent out the “Bed and Breakfast Inn” as an Events Venue for wedding and entertainment with up to 100 patrons. The evidence demonstrates that while a “Bed & Breakfast Inn” of five rooms has only a slight impact on traffic generation, an Events Venue would have considerable impacts. This is especially the case where these events have an increasingly important role in SMR’s business, as indicated by the increase in events from three (3) in 2012 to eight (8) already planned for 2013. Snows Lane is a small country road within a rural residential setting. Events which attract a large number of patrons and vehicles are inconsistent with the rural character of the neighborhood.
 23. There is conflicting evidence as to the adequacy of Water Right 35-8439 to service the “Bed & Breakfast Inn.” According to one report issued by Loughlin Water Associates, LLC, dated February 1, 2013, the Water Right for domestic use of 0.45 AF is more than sufficient to service the “Bed & Breakfast Inn,” while another report issued by Hansen, Allen & Luce, Inc. (“HAL”), dated March 13, 2013, states that the Water Right for domestic use of 0.45 AF is insufficient. Each report uses different methods to ascertain a standard of usage for a “Bed & Breakfast Inn.” Notwithstanding the conflicting reports, if necessary or required, there are more

than five (5) AF of water rights that could be changed from an irrigation use to a domestic use to satisfy the HAL report.

24. While there was substantial evidence presented during the March 27, 2013, hearing about whether or not a “Bed & Breakfast Inn” is a commercial use and thus incompatible with the neighborhood, we find that such labeling is not helpful to this inquiry. A “Bed & Breakfast Inn” by definition is placed within residential neighborhoods. The inquiry is whether the intensity of use contemplated is incompatible with the existing neighborhood character and surrounding land uses. The existing neighborhood and surrounding land uses reflect a rural neighborhood with access through a small country lane. The historical uses are large-lot, single-family residences, as well as low-intensity ranching and farming activities. The Conservation Easement was put into place to protect these land values.

Conclusions of Law:

1. UCA §17-27a-703 provides that any person adversely affected may appeal the decision of a land use authority. The burden of proof to show that the land use authority erred is upon the appellant. UCA §17-27a-705. The standard of review is “de novo,” meaning that the appeal authority shall determine the correctness of the decision in its interpretation and application of a land use ordinance. UCA §17-27a-707.
2. UCA §17-27a-506(2) reads as follows:
 - (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. See Uintah Mountain RTC, LLC v. Duchesne County, 127 P.3d 1270 (Utah App. 2005).
3. SMR filed their appeal of the denial of the CUP in a timely manner.
4. Code §10-3-5(B) provides the requirements for issuance of a Conditional Use Permit within the Snyderville Basin Planning District. At issue there are three of the five criteria; namely, that the use must conform to Title 10 of the Code, Chapter 4 (Standards for Approval of Development Permits), that the use is not detrimental to public health, safety and welfare, and that the use be compatible with the “existing neighborhood character” and not adversely affect “surrounding land uses.” These three criteria can be boiled down into four areas of inquiry; access, adequacy of water rights, traffic and compatibility with the neighborhood.
5. As a precursor to any discussion, however, we must decide whether SMR qualifies to even apply for a conditional use permit for a “Bed & Breakfast Inn” because the Code’s definition limits such operations to “owner occupied residences.” Code §10-11-1. The term is undefined in the Code. Hence, it is incumbent upon the Council to interpret the language of our own Code. See Carrier v. Salt Lake County, 104 P.3d 1208, 1215-16 (Utah 2004) (nonbinding deference given to local government in the interpretation of its own land use ordinances). We center our attention on what it means to be an “owner” within the context of a “Bed & Breakfast Inn.” Our Code, as it pertains to business licensing of “Nightly Rentals,” provides some guidance, and although not in the land use title of the Code, it does speak to the type

- of use contemplated here, as a “Bed & Breakfast Inn” is a “Nightly Rental” which requires a business license. There, “Owner” is defined as one who holds “legal or equitable” title to the subject property. This interpretation is in keeping with a central characteristic of a “Bed & Breakfast Inn”; namely, that of residential owners managing a business which is necessarily located in a residential area.
6. Fee Simple Absolute is the estate in land that is presumed in any conveyance of real property within the State of Utah. UCA §57-1-3; Thomas & Backman, Utah Real Property Law, §2.02(a)(2) (Matthew Bender & Company, Inc., Charlottesville, VA 2008). By virtue of the 1988 Deed, Mr. Kelley holds a fee simple interest and hence has “legal title” to the Property. In fact, the Management Agreement expressly provides that he “maintains one hundred percent ownership of [the] [P]roperty.” Consequently, neither the Moorings nor SMR has “legal title” to the Property. Generally speaking, “equitable title” denotes either (a) the title that a purchaser receives prior to closing on real estate, Hall v. Fitzgerald, 671 P.2d 224, 227 (Utah 1983), or (b) the title used in trusts where the title is split between the trustee who holds legal title and the beneficiaries who hold equitable title. In Re Malualani B. Hoopiaina Trusts, 118 P.3d 861, 865 (Utah 2005). Neither of these examples fit the current case.
 7. SMR has asserted that a leasehold interest through the Management Agreement amounts to “equitable title” in the Property. While a leasehold was viewed as a conveyance at common law, Utah has sided with a majority of jurisdictions in moving away from viewing leaseholds as estates and in favor of considering them to be contracts, governed by principles of contract law, not property law. Richard Barton Enterprises v. Tsern, 928 P.2d 368, 372-78 (Utah 1996); Thomas, Utah Real Property Law at §5.01(a), footnote 2 (“At common law a lease was almost always viewed as a conveyance. However, in modern legal thought the relationship is considered to be contractual in nature.”) Consequently, we reject the notion that a leasehold interest grants the lessee “equitable title.” Further, we conclude that the Management Agreement did not grant a leasehold interest to SMR at all, but was merely a license to operate the Property as a “Bed & Breakfast Inn.” Keller v. Southwood North Medical Pavilion, Inc., 959 P.2d 102, 107 (Utah 1998). Mr. Kelley expressly reserves to himself, not the SMR business, “one hundred percent ownership” of the Property. SMR does not currently meet the definition of “owner occupied” for purposes of the Code. For SMR to qualify, Mr. Kelley needs to convey to SMR title to the Property, together with the rights to the access right-of-way granted by the 1988 Deed and Water Right No. 35-8439, in the form of fee simple, fee simple determinable, tenancy in common, or other legal or equitable title. Having dealt with the issues of “owner occupied,” we now turn our attention to the four areas of inquiry above.
 8. Access. Code §10-4-10 requires a showing of legal access for the use contemplated, as well as appropriate rural minor road design and adequate road base. With respect to the latter, Snows Lane is required to have a minimum road width of 18 feet and compacted road base, covered with either concrete or asphalt material. At issues are (a) the ability of patrons of the “Bed & Breakfast Inn” to access the Property using Snows Lane, and (b) the ability of Mr. Kelley to improve Snows Lane in order to comply with the rural road design standards. As a general rule, a servient estate (Park City and Utah Open Lands) may not unreasonably interfere with the rights vested in the dominant estate (William R. Kelley, Jr.). McBride v. McBride, 581 P.2d 996, 997 (Utah 1978). If the 1988 Deed granted to Mr. Kelley an

unrestricted access right, then the subsequent Conservation Easement cannot impose limitations on that access right. Currently, the scope of the access right on Snows Lane is being litigated in the case of Silver Moose Ranch, LLC, et. al. v. Summit County, et. al., Civil No. 120500429. From our perspective, the access right granted in the 1988 Deed appears to be unambiguous on its face and unrestricted in use. Gillmor v. Macy, 121 P.3d 57, 67 (Ut App. 2005) (“Where an easement is created by a written instrument, like an agreement, a grant, or a deed, the rights found on such an instrument are ‘limited to the uses and extent fixed by the instrument.’ Labrum v. Rickenbach, 711 P.2d 225, 227 (Utah 1985). Thus ‘[w]here the language of the grant leaves no doubt as to its meaning,’ the terms of the easement cannot be expanded beyond what is contained in the instrument.’ Id.”) Hence, until and unless a court adjudicates otherwise, we presume that Mr. Kelley has adequate legal access for the use of the Property as a “Bed & Breakfast Inn.” Since we presume that Mr. Kelley currently has legal access, we also presume that SMR will have the right to improve Snows Lane upon the grant to SMR from Mr. Kelley of the rights to the access right-of-way granted by the 1988 Deed.

9. **Water.** Code §10-4-5(E)(2) requires a certificate from the State Engineer which certifies the legal right to utilize a specific water source for the proposed use. The State Standard is 0.45 AF for domestic use within a single-family residence. R309-510-7(2). We conclude that Water Right 35-8439 and the Certificate are adequate evidence of the adequacy of water. We do not believe that there is a substantial difference in water usage between a family occupying the residence or periodic patrons staying at the residence. Notwithstanding, the State Engineer is charged with the responsibility for determining the adequacy of the water right and requiring a change application should the circumstances warrant. We further conclude that if more than 0.45 AF of water are needed for domestic use within the “Bed & Breakfast Inn,” upon the grant to SMR of the Water Right No. 35-8439 from Mr. Kelley, SMR will have more than adequate irrigation use water that could be converted to domestic use by the approval of a change application by the State Engineer.
10. **Traffic.** Code §10-3-5(B)(3) requires that the use is not “detrimental to public health, safety and welfare.” As noted within the Access paragraph above, Snows Lane needs to be improved to comport with the County’s rural minor road design standards. Absent such improvements, the road will simply not take the increase in traffic from the “Bed & Breakfast Inn,” thus becoming a hazard to those who utilize the road. This hazard would be enhanced if the Property were to be used as an Events Venue. In either case, keeping the speed limit to 10 mph is an appropriate mitigation to ensure the safety of adjoining properties from increased traffic on the roadway.
11. **Compatibility.** Code §10-3-5(B)(5) requires compatibility with the “existing neighborhood character” so as not to adversely affect the “surrounding land uses.” The existing home has been there for nearly forty years. The residence stands off Snows Lane by over two football fields. SMR does not propose any changes to the residence. This Property is located within the West Mountain Neighborhood Planning Area, which is distinguished by its rural mountain character and low density development. Snyderville Basin General Plan, pp. 87-92. The historical uses within the area covered by Snows Lane are limited to large-lot, single-family residences, as well as low-intensity farming and ranching activities. As determined in the Findings, the purpose of the Conservation Easement, which was conveyed in

2009, was to protect these land values. The increased traffic of a “Bed & Breakfast Inn,” as noted by the County Engineer, is minimal and fits within these historical uses. The same cannot be said of the use of the Property as an Events Venue with crowds of up to 100 patrons. While a “Bed & Breakfast Inn” is a fairly non-intrusive use, with a maximum capacity under the County’s Code of eight rooms (16 patrons), and thus a conditional use within the MR zone district, an Events Venue is something entirely different. It is more akin to a Home Based Business, Class 2, under the Code, a use which is not allowed in the MR zone district. Code §10-8-4. While it might be argued that weddings and the like are accessory uses to the “Bed & Breakfast Inn” use, our Code defines an accessory use as a “minor use.” The traffic impacts of an Events Venue on a small rural lane do not lend themselves to being a “minor use.” Further, the use of the Property as an Events Venue is simply inconsistent with the rural nature and character of the neighborhood. While we conclude that a “Bed & Breakfast Inn” with up to five rooms for nightly rental is consistent with the existing neighborhood character, an Events Venue as an accessory use is not.

Conditions of Approval:

- a. SMR must have a deeded ownership interest in the Property, including in the access right-of-way granted pursuant to the 1988 Deed and in Water Right 35-8439, which cannot be simply a leasehold interest. SMR has sixty (60) days from the date hereof to satisfy this condition by producing evidence of such to the County Attorney. SMR may not operate the “Bed & Breakfast Inn” until this condition has been satisfied. If SMR is unable to satisfy this condition within the time period prescribed, this CUP shall be null and void.
- b. Should a Court Order, after the exhaustion of all applicable appeals or appeal periods have run, limit access in such a manner as to either (i) prevent patrons from traveling to and from the Property or (ii) prevent the improvement of Snows Lane to a level of service consistent with a private rural minor road, this CUP shall be revoked.
- c. Caretaker quarters shall be limited to the owners and staff of the “Bed & Breakfast Inn.”
- d. SMR shall obtain and maintain in force at all times all necessary health permits for the service of food on site and shall comply with all other applicable state and local laws.
- e. While the Certificate provides adequate evidence of water right and source for purposes of the issuance of this permit, should the State Engineer require additional water right for domestic use with regard to the “Bed & Breakfast Inn,” SMR shall obtain such additional domestic use water right through conversion of water used for irrigation or otherwise and provide proof of such to the County.
- f. The Property shall not be used as an Events Venue. The use is expressly limited to a “Bed & Breakfast Inn” in strict accordance with the Code (i.e., limited to up to eight (8) rooms that are rented for overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.) For clarification, the term “guests” is intended to mean the lodging guests only.
- g. SMR shall comply with all rural road design standards pertaining to Snows Lane as required by the County Engineer.
- h. Any expansion of the approved “Bed & Breakfast Inn” shall require an amendment to this CUP in compliance with the Code in effect at that time.

- i. **SMR shall, if required by the County Engineer, pay the costs to pave the remaining portions of Snows Lane.**
- j. **SMR shall pay its proportionate share of the maintenance and operation expenses pertaining to Snows Lane.**
- k. **SMR shall ensure that its patrons respect the property boundaries of the Conservation Easement and not trespass thereon.**
- l. **SMR shall erect directional signs to the Property in accordance with Code §10-8-2(H)(1) so as to inform the public as to the location of the “Bed & Breakfast Inn.”**
- m. **SMR shall erect a speed limit sign approved by the County Engineer which restricts the speed on Snows Lane to 10 mph.**
- n. **SMR shall give notice to guests in online and other materials that clearly informs them of the quiet nature of the residential and conservation area and reminds them of strict speed limits, allowances for pedestrian, horse and bicycle traffic, wildlife concerns, noise limitations, and respect for the property rights of all surrounding neighbors (i.e., no trespassing).**

The motion was seconded by Council Member Ure and passed by a vote of 4 to 1, with Council Members Carson, McMullin, Robinson, and Ure voting in favor of the motion and Council Member Armstrong voting against the motion.

Council Member Armstrong stated that he is in opposition and would have voted to deny the CUP because it is a threshold matter. The owner occupied standard for the bed and breakfast under the County Code is a threshold issue, and ownership by SMR of any interest in the facility or the property would be a disqualification. His vote would be to deny the application.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member Carson made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization was called to order at 6:15 p.m.

CONSIDERATION OF APPROVAL OF 2012 STIPULATIONS

Board Member Carson made a motion to approve the stipulation as presented. The motion was seconded by Board Member Ure and passed unanimously, 5 to 0.

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

Board Member Robinson 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 Armstrong and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization adjourned at 6:16 p.m.

PUBLIC INPUT

Chair McMullin opened the public input.

There was no public input.

Chair McMullin closed the public input.

PUBLIC HEARING AND POSSIBLE DECISION REGARDING SILVER CREEK UNIT I, REZONE TO COMMUNITY COMMERCIAL, EASTERN PORTION OF PLAT; KIMBER GABRYSZAK, COUNTY PLANNER

County Planner Kimber Gabryszak noted that the agenda only mentions a rezone to Community Commercial (CC), and the Council Members discussed both a CC and Neighborhood Commercial (NC) rezone at a previous meeting. She explained that, if the Council wishes to move forward with a NC rezone, it should be continued to the next meeting so it will appear appropriately on the agenda. She recalled that this is a public hearing on a proposal to rezone a portion of Silver Creek Unit I. She provided background information regarding Silver Creek Unit I and indicated the location on an aerial map. She presented the original plat, which included a list of potential uses for blocks within Plat I and described the development that has already occurred in Unit I. She reviewed the history of how the uses shown on the plat were used for development approvals in the past and an opinion from the State Property Rights Ombudsman's Office which states that the County should apply the underlying zoning rather than the uses shown on the plat.

Chair McMullin asked about the legal effect of the Ombudsman's opinion. Mr. Thomas replied that it is an advisory opinion. However, if the County does not comply with the Ombudsman's decision and a property owner files a suit and prevails based on the Ombudsman's reasoning, the County would be liable for all attorney's fees. He clarified that it is the Ombudsman's opinion that the uses on the plat are not vested by the plat, although he disagrees with that opinion. Chair McMullin asked about the equitable argument that the County has interpreted the plat as vesting the uses for 20 years. Mr. Thomas explained that the Ombudsman said that if people came in on a case-by-case basis, they could make an argument for zoning estoppel based on the claim that they relied upon the County's previous determinations that the use was vested, that permits had been issued to the property owner, and that they had prepared the property for development and incurred substantial costs as a result. He explained that the County currently has applications from property owners in Unit I asking for vested rights determinations. Planner Gabryszak explained that Staff is not moving forward with those vested rights applications at the property owners' request until they learn the outcome of the rezone.

Planner Gabryszak explained that property owners east of Silver Creek Road have moved forward with justified reliance on the plat, whereas for the most part, property owners on the west side of Silver Creek Road have not moved forward with those vested rights. She noted that some parcels on the east side of Silver Creek Road have moved forward with commercial development, and some have done nothing with their parcels and would not be vested for commercial development. This has resulted in some leapfrog development. Two applications were submitted for community commercial development on the eastern portion of the plat, and Staff felt it would be better to rezone the entire area rather than dealing with each parcel's vested rights or rezone applications on a case-by-case basis.

Council Member Robinson asked how many existing businesses on the east side of Silver Creek Road would be nonconforming if the area were zoned NC. Planner Gabryszak explained that the automotive repair and radiator businesses would be nonconforming under NC zoning. There is also a restaurant that would be nonconforming, and any buildings greater than 5,000 square feet would be nonconforming. Council Member Armstrong confirmed with Planner Gabryszak that, as existing uses, those businesses could continue to operate, but they could not expand the use. Planner Gabryszak explained that currently the Snyderville Basin Development Code does not allow any nonconforming buildings to expand. Council Member Carson asked if they could put an exception in the ordinance to allow expansion of nonconforming uses and buildings in this area. Planner Gabryszak replied that could not be done under the rezone ordinance and would have to be done through a special ordinance or development agreement.

Planner Gabryszak presented a list of the uses shown on the plat and the uses in the CC and NC zones and noted that all the uses on the plat are existing uses in the CC Zone. She explained that there are a number of infrastructure issues in the Silver Creek Unit I area, especially west of Silver Creek Road. The Planning Commission and Staff originally looked at rezoning all of Unit I, but after looking at a number of issues, the Planning Commission wanted to hold off on rezoning the western portion until infrastructure issues could be addressed. She noted that one landowner owns most of the property on the west side of Unit I, and they are working with service providers to get some of the infrastructure issues resolved. The Planning Commission decided to only look at rezoning the eastern portion of Unit I until the issues on the western portion can be resolved. The proposal is to apply current Rural Residential (RR) to most of the development, and pending a master plan of the western portion of Unit I, move forward with a rezone of the lots on the east side of Unit I. She explained that there was a split vote at the Planning Commission, 3 to 3, based on whether the rezone should be to CC or NC, and minutes from the Planning Commission meetings have been provided. Staff recommended a rezone on the eastern portion of Unit I to CC due to compatibility with the existing uses and the desire of some property owners to move forward with that type of use. She stated that Staff finds the rezone to be compatible with the General Plan and Development Code. She explained that any new development would be required to comply with the Development Code, and by bringing the uses into compliance with the Code, Staff finds that public health, safety, and welfare would be positively affected. She reviewed the options for action this evening and requested that official findings of fact and conclusions of law be drafted for whichever option the Council chooses.

Chair McMullin opened the public hearing.

Nora Pincus with the law firm of Snell and Wilmer stated that they represent Hughes Development HJ Silvercreek, which has submitted a vested rights application. She stated that they have a letter dated May 16, 2012, from Jennifer Strader confirming the Ombudsman's advisory opinion of April 30, 2012, and that the proposed rezone does not have any effect on the lots owned by HJ Silvercreek. Mr. Thomas clarified that HJ Silvercreek received a second Ombudsman's opinion specific to their lots on the issue of equitable estoppel. Ms. Pincus explained that would give them the zoning that was in effect at the time on the plat. Chair McMullin asked if Ms. Pincus would object to the rezone to CC. Ms. Pincus replied that, to the extent that CC is more restrictive than the commercial uses allowed on the plat, they would object.

Fred Allsop, a resident of Silver Creek, expressed concern that a couple of homes have paved their yards and made them parking lots. He asked what kind of control the Council would have over that. He believed a number of the buildings are nice looking and add to the community, but if the area is rezoned, he wanted to know what kind of protection there would be to preserve the neighborhood. Council Member Robinson explained that, if the area is zoned CC, a broader scope of uses could go in than if it were rezoned NC. Mr. Allsop confirmed with the Council that they would restrict the rezone to the area that is already commercial. Planner Gabryszak explained that uses in this area have previously been reviewed as LIP with the uses in the CC&Rs, which means that some Code requirements for commercial development have not been applied. Under the rezone, NC has a 60% open space requirement, and CC has a 25% open space requirement, and approvals would be subject to landscaping, lighting, and architectural requirements as applied throughout the Snyderville Basin Development Code.

John Graber stated that most of the area north of Parkway is filled with residential homes, and Mr. Conway has built some nice buildings. He stated that the two homes Mr. Allsop referred to were originally residential homes that went into bankruptcy and sat empty until some businesses came in and turned them into businesses. He stated that Silver Creek is now inundated with home businesses, and they made a big parking lot across the street from him. He expressed concern about what would happen and what they would have to look at in Silver Creek, like the big steel structure being built as a garage. He felt like they are fighting a losing battle and that it will be commercial, no matter what, but they would like the buildings to be kept under control.

Council Member Armstrong asked if rezoning this area would give the County greater control than it would have if things come in under the Ombudsman's opinion. Planner Gabryszak replied that is correct to some extent. Council Member Armstrong asked what impact this rezone would have on the vested rights applications. Mr. Thomas replied that people can still request a vested rights determination. The question is whether they would want to do that if their property is already zoned commercial. They would probably compare the uses under the plat and CC&Rs to whatever zone this becomes and decide whether they can live with that commercial zoning or not. Under the Ombudsman's opinion, the property owner would have to show they have done something other than just buy the property, and he believed for the most part, people would just have to accept the new commercial zoning.

LuAnn Lukenbach stated that she and her husband own the radiator shop, the bakery, and the empty lot to the east of it and that they applied for a rezone. She commented that Silver Creek needs some help in how it is developing, and she believed a decision regarding what type of commercial zoning would be applied is a bit irrelevant. Whichever type of commercial zoning goes in, they should see that it is appropriate and looks nice and that the buildings are appropriate for the area. She expressed concern that the existing businesses and the intent of the owners who purchased the property in Silver Creek Unit I was to be able to have commercial businesses. If this becomes NC, which would make most existing businesses be out of compliance, she would hate to see them have to go through a lot of rules and Codes and exceptions to make changes in their businesses to comply with what the intent was to begin with. She explained that this is a commercial area, and it could be developed very nicely. She noted that the lots are very small, and there is not a lot of room to build anything big. She commented that the goal of any business is to expand and grow and flourish, and she felt it would be unfair after all these years to make people who purchased their property and developed to be out of compliance and not be able to develop their property commercially.

George Mount stated that he owns property in Unit I, and while the County decides what to do with Unit I, he believed they should consider the land as commercial since, it was zoned as such in 1965, and County records confirmed it. He stated that he was told by Summit County attorneys on several occasions that his land is zoned commercial. He questioned where they are if they cannot rely on the County Attorney's words. He stated that he would not have purchased land and paid property taxes for 20 years if the lots were not commercial. He believed the County should have known that the zoning change in 1977 was not in accordance with Utah Real Estate Law, and they left it uncorrected for the next 35 years. He believed Summit County was grossly negligent and had caused major financial damages to him and other owners. He believed that, if this were to advance to the courts, he would be awarded damages and court costs that would be paid by the County and that punitive damages would be awarded. He stated that his key witnesses would be Summit County attorneys. He stated that his land is near a truck stop at a major freeway intersection and has almost no value with RR zoning. He believed it could easily be considered a taking in the court system where the balancing test for a taking considers the economic impact on the property owner and the extent to which the regulation interferes with investment-backed expectations. Because this problem was a direct result of Summit County's negligence, would not accept any zoning change that would decrease the value of his land. He stated that the problem should have been resolved by now, and it continues delay of the County's decision, only increasing their negligence and the damage to property owners in Unit I. He stated that the zoning of Unit I in its entirety should be Community Commercial.

Chair McMullin closed the public hearing.

Mr. Thomas explained that the County has been up front about the fact that it has taken the position that the plat was vested. That was the County's position until Mr. Mount went to the Ombudsman, who Ombudsman changed that. He does not necessarily agree with the Ombudsman's opinion, but it has been issued, and there will be consequences if it is not followed. He explained that the Ombudsman's opinion is not appealable, and it has put Staff in an awkward position. They could ignore the opinion, but he believed that is why Staff has proposed a rezone of Unit I. He reiterated that a vested right zoning estoppel claim would have to show substantial reliance by doing something more than just purchasing the property, which would prevent many individuals from making that claim. As for this being a taking, a lot of provisions have to be dealt with in takings law, and a taking is a very rare occasion in Utah. He explained that the County's position has been changed by the Ombudsman's opinion, and they have to live with it and do the best they can under the circumstances.

Council Member Carson expressed concern about what could happen on some existing undeveloped lots if Unit I were zoned CC. She asked if 40,000-60,000 square feet of development could fit on any of the parcels, because that would not fit in with the neighborhood. Planner Gabryszak explained that there are special permitting requirements for buildings over 20,000 square feet, and with the 25% required open space, a building larger than that would not fit on any of the lots. If some parcels were combined, it might be possible to build some larger buildings. She noted that some of the larger parcels were identified as a shopping center on the original plat. Under the CC Zone, it would be more difficult to develop larger buildings, and retail is limited to only 20,000 square feet per use. She believed it was unlikely that they could have a larger building. It is possible, but it would be very difficult as the properties are currently laid out. Even if lots were combined, there would be so many requirements for open space, parking, and landscaping that it would be very difficult. Council Member Carson verified with Staff that the roads are within Service Area 3 and expressed concern about requirements for

upgrading the roads if the area is zoned commercial, noting that it would fall on the entire neighborhood to fund a substantial upgrade. On the other hand, the roads need to be upgraded if this is to become a viable commercial center. She asked about the possibility of taking this commercial area out of Service Area 3. Mr. Thomas explained that the main road is a County road, and the County has an interlocal agreement with Service Area 3 to maintain that road. The best thing to do would be to set up an impact fee for new development to be used to upgrade the roads. He noted that Service Area 3 has consistently voted against upgrading the roads. Council Member Carson explained that Service Area 3 is beginning to upgrade certain portions of the roads on an ad hoc basis. Mr. Thomas explained that, in order to remove this area from Service Area 3, they would have to de-annex from the Service Area. Chair McMullin asked if there would be a way to get the developers to pay for upgrading the roads if this is rezoned to CC. Mr. Thomas replied that they might be able to charge a fee in lieu for part of it, but not for the entire cost of upgrading the roads. New development could only be charged for the impacts it would cause to the road by the intensity of use of the development. Council Member Carson stated that she would not want to make a decision that would negatively impact the roads without a plan in place.

Council Member Armstrong commented that the area is almost entirely de facto commercial, and it does not look like a huge amount of expansion is available. He asked if either CC or NC would comport with the existing infrastructure better than the other. Planner Gabryszak replied that a rezone to NC would be more compatible with the infrastructure, but if it is rezoned to CC, many potential uses could not get through the approval process without addressing the impacts on the infrastructure and meeting all the requirements unless they improve the infrastructure. Mr. Thomas noted that they cannot place the burden on one developer to fix the entire problem. They will have to do their share to improve the infrastructure, but will not have to do all of it for those that currently exist.

Council Member Robinson stated that he struggles with Staff's opinion that CC is compatible with the General Plan. Because the infrastructure is not in place, and because someone could combine parcels to develop a large commercial use, he would prefer that it be rezoned NC, even if they have to postpone a decision so it can be properly noticed. There will still be those who will assert their rights to vested rights and estoppel, and he likes the restriction of NC.

Council Member Ure stated that he would prefer to rezone to CC. Looking at the number of lots Snell & Wilmer represent, there are only about a half dozen lots left, most of which are scattered, so they could not put lots together and make a large commercial development. Council Member Robinson explained that someone could buy existing uses and tear them down. Council Member Ure explained that a number of people will always be out of compliance if the area is zoned NC, and they will not be able to expand and do what they need to do in order to be successful. He believed that is a bigger issue than anything else they have discussed regarding the rezone.

Chair McMullin stated that she is in favor of a rezone to CC because it more closely resembles how the plat has been interpreted for 25 years. She would hate to see the NC business owners have to try to get a CC rezone because they want to expand based on the argument that for 25 years that is what they thought it was anyway.

Council Member Carson stated that she believes they also need to address ingress and egress for this area and some other right-of-way that could be opened in the case of an emergency. Planner Gabryszak explained that has been discussed as part of the potential master planning for the remainder of the plat, but they are not yet ready to address that.

Council Member Armstrong stated that he is not wild about nonconforming uses, and there is some limitation based on the infrastructure. He believed once Silver Creek Village is developed, it would change the whole character of this area, and it will beg for more development. He stated that he leans more toward zoning the area CC than NC.

Council Member Carson stated that she does not like the possibility of large buildings with CC zoning, but if someone wanted to achieve that, they could probably get around it through the vested rights or estoppel argument. She believed it would happen anyway, so she would vote to support CC zoning.

Council Member Ure made a motion to approve the rezone of Silver Creek Unit I east of Silver Creek Road subject to the drafting and approval of Findings of Fact, Conclusions of Law, Ordinance, and Conditions based on the direction of the Summit County Council. The motion was seconded by Council Member Armstrong and passed by a vote of 4 to 1, with Council Members Armstrong, Carson, McMullin, and Ure voting in favor of the motion and Council Member Robinson voting against the motion.

PUBLIC HEARING AND POSSIBLE DECISION REGARDING FINAL SITE PLAN FOR SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT FIELDHOUSE EXPANSION; KIMBER GABRYSZAK, COUNTY PLANNER

Planner Gabryszak provided background information regarding the Newpark Development Agreement and the Recreation District Fieldhouse as provided in the staff report. She indicated the location of the proposed expansion areas and explained that the proposed expansion is 7,640 square feet and includes additional classrooms, gym space, storage space, and relocation of the entrance. She presented the building elevations and renderings. She stated that the service providers reviewed the final site plan and did not have any concerns. She explained that Staff found that this complies with the General Plan and development agreement criteria. She reported that the Snyderville Basin Planning Commission voted to forward a positive recommendation to the County Council after a public hearing. Staff recommended that the Planning Commission conduct a public hearing and approve the field house expansion with the findings of fact, conclusions of law, and conditions outlined in the staff report. Alternatives would be to continue this item to another date or to deny the final site plan with specific findings of fact and conclusions of law. Planner Gabryszak explained that most of the uses within the Newpark Development Agreement have recorded a plat showing the approved density for the parcel. There was an approval of the plat at the time of final site plan approval, but the plat was not recorded. During the development agreement extension there was discussion of whether a plat should be required for this site or whether the site plan was sufficient. With the reactivation of the development agreement, the plat is not necessarily required, but it was discussed by the Council at that time. She stated that a plat could be required and recorded if necessary.

Council Member Robinson recalled that, when they discussed the extension of the development agreement, he understood that a master plat was recorded that created Parcel S, and the only reason to do a plat now would be to memorialize the fact that there is 64,000 square feet of development remaining for the field house in the event the development agreement were to expire. He would be willing to leave that up to the applicant.

Council Member Armstrong asked if something else is needed in Finding 6. Planner Gabryszak suggested that they could change the wording to reviewed and recommended.

Chair McMullin opened the public hearing.

There was no public comment.

Chair McMullin closed the public hearing.

Council Member Armstrong made a motion to approve the fieldhouse expansion Final Site Plan, with the following findings of fact, conclusions of law, and conditions of approval as shown in the staff report:

Findings of Fact:

- 1. The Snyderville Basin General Plan contemplates higher density mixed-use development within the Town Center, with social and community components.**
- 2. In accordance with the Snyderville Basin General Plan, the Redstone Parkside/Newpark Development Agreement was approved October 2001 and contemplated a recreational component. 112,000 square feet of density was allocated in the Development Agreement for this use.**
- 3. The Snyderville Basin Special Recreation District obtained approval from the County for the Fieldhouse in June 2003 using ~40,000 square feet of the allocated density, leaving ~72,000 square feet for potential future expansion(s).**
- 4. The SCC approved a Special Exception extending the Development Agreement until October 2016.**
- 5. The Phase II expansion proposal consists of 7,640 square feet, which fits within the allocated density.**
- 6. The location, layout, parking, and architecture have been reviewed and recommended by the Newpark Design Review Committee and Snyderville Basin Planning Commission for consistency with the Development Agreement standards.**
- 7. Service providers have reviewed the expansion and outlined their conditions to ensure that service is available and impacts mitigated.**
- 8. A parking study has been provided to verify parking needs for the expansion.**
- 9. The County Engineer and Planning Staff have reviewed the expansion for potential impacts to the Swaner Nature Preserve. The applicant stipulates to the submittal of appropriate Stormwater Pollution Prevention Plans and information for review and action by the Summit County Engineer.**
- 10. The Summit County Engineer has reviewed the expansion, and no negative impacts to traffic have been identified.**

Conclusions of Law:

- 1. The expansion complies with the standards and density in the Redstone Parkside/Newpark Development Agreement.**
- 2. There will be no negative impacts to the public health, safety, and welfare.**
- 3. The expansion is consistent with the Snyderville Basin General Plan.**

4. The expansion complies with applicable sections of the Snyderville Basin Development Code.

Conditions of Approval:

1. All Service Provider requirements shall be met prior to plan recordation.
2. The Final Site Plan shall include landscaping plans and lighting plans which shall be reviewed for compliance with Development Code standards.
3. All applicable Development Code requirements shall be met.
4. Any other conditions as stated by the SCC.

The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

CLOSED SESSION

Council Member Robinson made a motion to convene in closed session for the purpose of deliberating findings of fact for Rockport Rocks. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 7:40 p.m. to 8:15 p.m. for deliberation of a quasi-judicial matter. Those in attendance were:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*

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

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

The County Council meeting adjourned at 8:15 p.m.

Council Chair, Claudia McMullin

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
TUESDAY, APRIL 30, 2013
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*

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

Chair McMullin called the Council to order at 8:30 a.m.

JOINT MEETING WITH THE PARK CITY COUNCIL

The County Council met in a joint session with the Park City Council, Mayor, City Manager, and supporting staff to discuss common interests and future visioning for the County. Also present, were members of the Planning Commission, support staff from the County, and members of the Planning Department.

Carl Neu, a consultant who worked with the Council in February, helped facilitate the discussion. Everyone present felt it was helpful to share ideas, goals, and direction for the future of the County.

No formal action was taken. The Council dismissed at 4:00 p.m.

Council Chair, Claudia McMullin

County Clerk, Kent Jones



Summit County Democratic Party



May 16, 2013

To: Claudia McMullin, Chair Summit County Council

The Summit County Democratic Party has elected Mary Ann Trussell to fill the position of Summit County Recorder and requests the Summit County Council to appoint her to this position.

Sincerely

Glenn J Wright, Chair, Summit County Democratic Party



COUNCIL SUBMITTAL FORM

- Agenda items must be scheduled by Tuesday at 12:00 p.m. one week prior to being placed on the agenda
- Staff reports and information must be submitted by 12:00 p.m. the Thursday before the Council meeting

Agenda date: May 22, 2013

Time allotment: 10 min

Requestor and contact information: Kathryn Rockhill

Item type: *public hearing work session discussion approval
*Email notice published in paper

Submit language for agenda (public hearing - email notice published in paper)

Request to purchase a 2012 Tax Sale property, ECR-205-A.

Has the Attorney's Office reviewed and signed off? Yes No

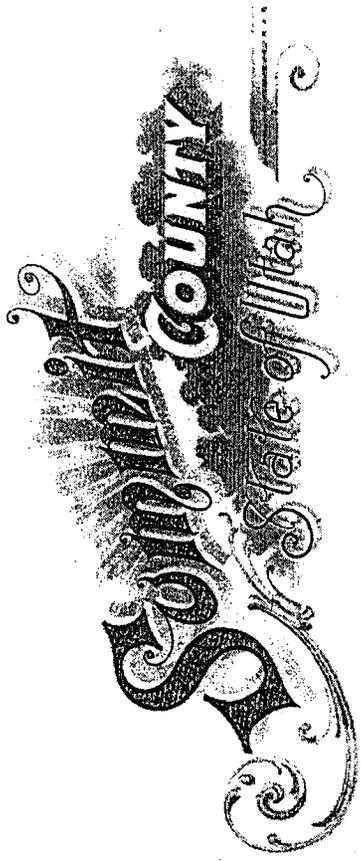
Attorney name: _____

Is this an Ordinance or a Resolution? Ordinance Resolution

PLEASE PROVIDE 4 ORIGINAL HARDCOPIES AND EMAIL INFORMATION TO asingleton@summitcounty.org by 12:00 p.m. the Thursday before Council meeting (must include staff report) or the item will be removed from the agenda.

Auditor

Blake Frazier



May 13, 2013

County Council;

RE; Parcel ECR-205-A

This parcel is owned by Summit County. It was in the 2012 Delinquent Tax Sale. There were no bidders so Summit County became the owner.

Mr & Mrs Albert Fitzgerald have contacted me wishing to purchase this parcel. They own parcel ECR-90 (19.16 acres). If you look at the attached plat map, you'll notice it would probably be more useful to them than anyone else. Mr. Fitzgerald indicated in his attached letter that when he purchased Parcel ECR-90 he thought it included ECR-205-A.

The purchase of this additional .87 acres would give him the amount of land necessary to make his lot a buildable property. The Fitzgerald's offered to purchase the property for the amount of taxes, penalties and interest owing. As of May 31, 2013 the amount owing will be \$1,876.58.

It is the recommendation of the Auditor that Mr. & Mrs Fitzgerald be given your permission to purchase parcel #ECR-205-A.

Thanks for your consideration in this matter.

Sincerely,

Kathryn
Kathryn Rockhill
Deputy Auditor

Account # 0076483

Parcel # ECR-90

Owner: Fitzgerald, Albert and Alice

#-801-546-2212

c 801-682-6270

To: Summit County Council

I am writing you regarding Cabin Lot ECR-90, when I purchased my lot many years ago, the real estate agent informed me that a sliver of my lot was traded to Lot #205. They in return traded a sliver of land back. I was told that it was all completed.

Apparently, this last piece of land was not attached back to lot ECR-90. Unfortunately, that piece of land was turned into its own small lot. The name of the lot owners is Mr. and Mrs. Paul Collingswood. Mr. Collingswood is the person who I purchased my cabin lot ECR-90 from.

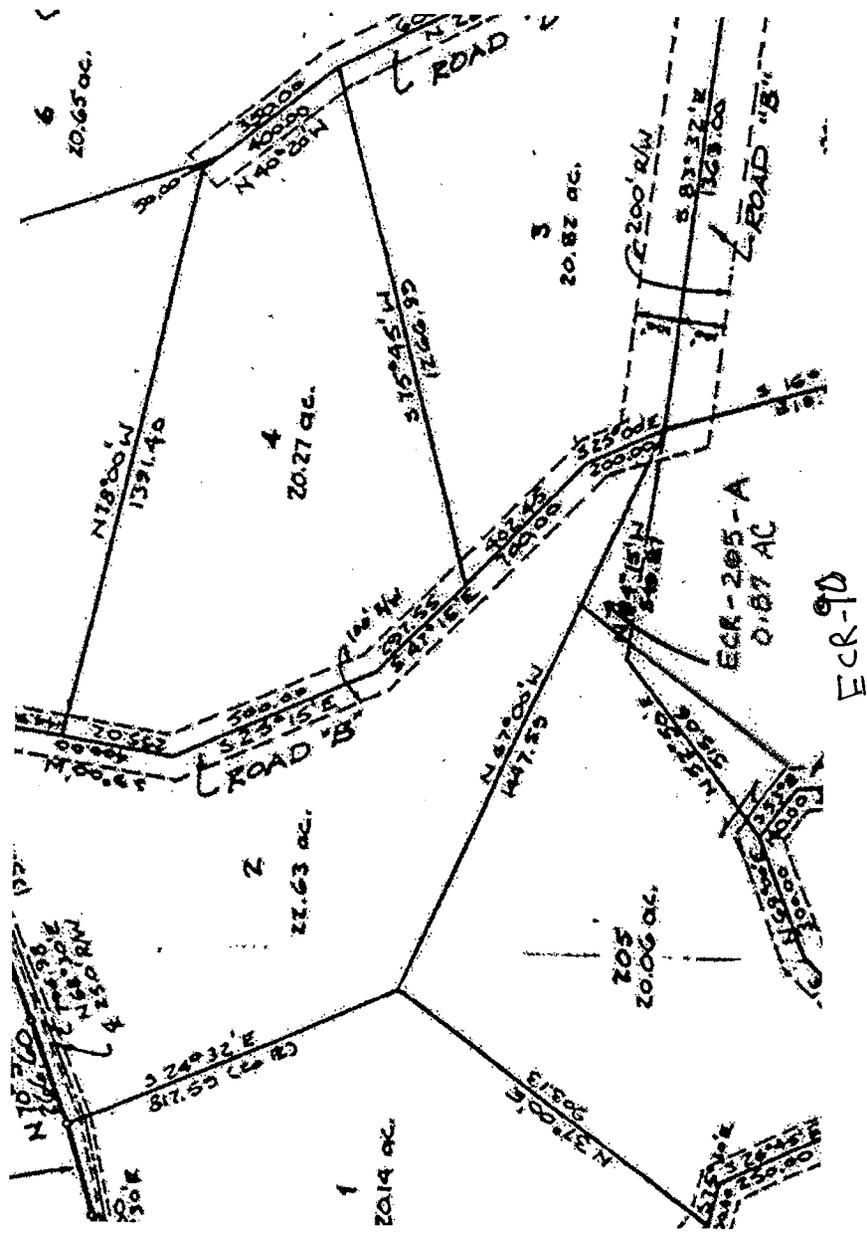
Notices regarding that piece of land have never been mailed to me, but to the Collingswood's instead. I was not aware for many years that there were any problems regarding that piece of land.

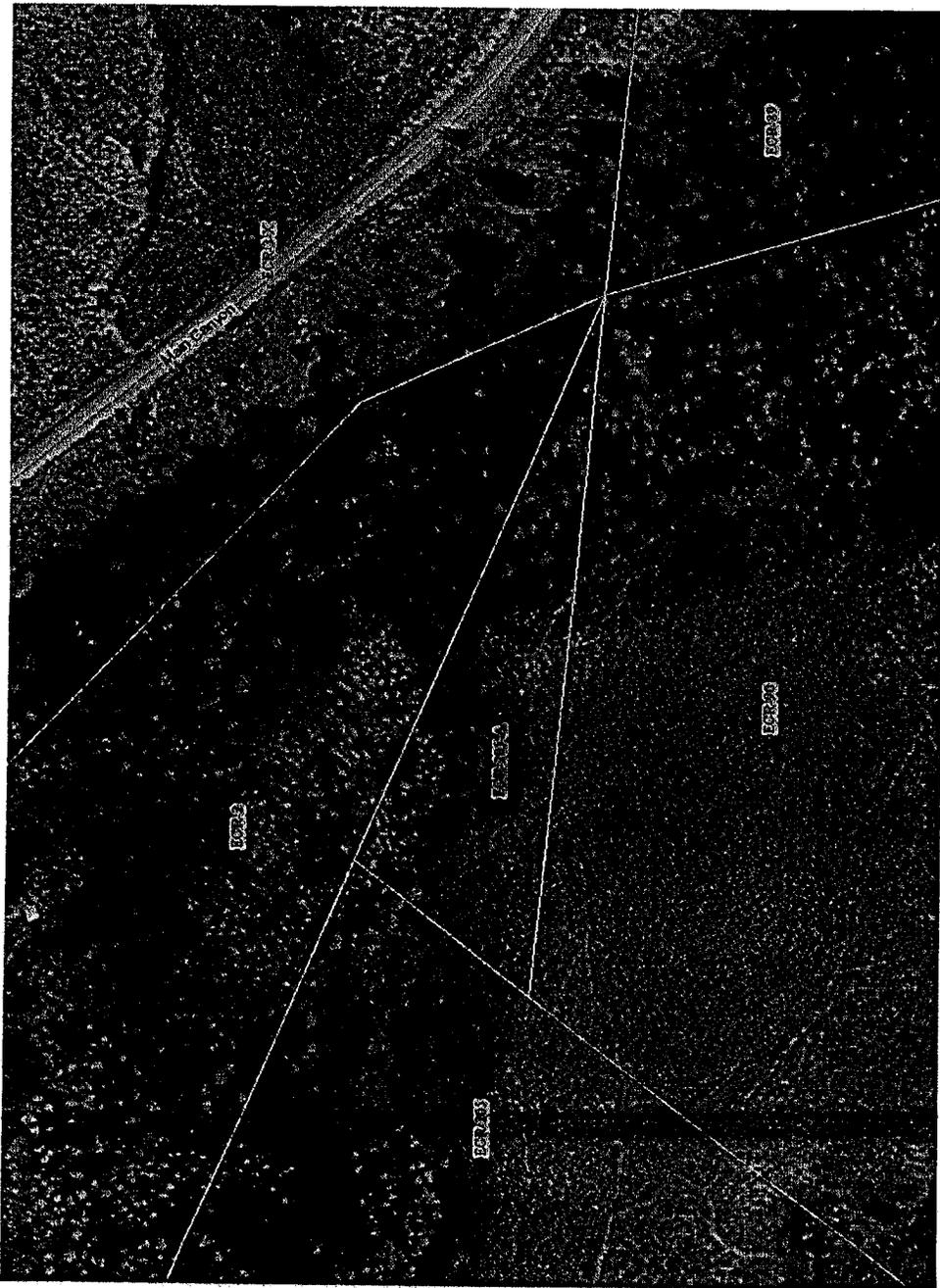
Now that I am ready to pay the remaining balance off for my lot ECR-90, it has been brought to my attention that this little lot (ECR-205-A), has been taken back by the county for unpaid back taxes.

I would like to find a way that I can reattach lot ECR-205-A back to my property Lot ECR- 90 where it was supposed to be placed years ago. Without this piece of land added to Lot 90, it will put me less than 20 acres, which then will cause problems for me in the future.

Thanks for your time and consideration,







Evidence and materials were presented by way of testimony, statements, documents and memorandum for consideration by the Council. Having considered the evidence presented by all interested parties and the entire record relating to the Unit I East Rezone, the Council rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on April 17, 2013, adopting a motion to APPROVE the Unit I East Rezone with that decision to become final following the adoption of these findings and conclusions. The voting of the Council on this matter was 4-1. In support of that decision, the Council adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Silver Creek Estates is a large-scale development located north of the junction of Interstate 80 and US Highway 40 within the Snyderville Basin, Summit County, Utah. The development was approved through a series of subdivision plats that were recorded prior to the establishment of zoning regulations within Summit County (the “County”). As there was no zoning at the time, the plats were legally recorded and the parcels created thereby are considered to be legal lots, each with a right to develop.
2. The subdivision plat for Silver Creek Estates, Unit I, was approved and recorded on March 3, 1965 as Entry No. 100552 in the Office of the Summit County Recorder (“Unit I”). Unit I provides for a mix of multi-family residential, commercial and industrial uses. Since these uses were specifically referenced in a note on the subdivision plat, it was the historical practice of the County for many years to recognize these uses on the plat as “vested” even though Silver Creek Estates is located within the RR Zone.

3. While the uses were identified on the Unit I subdivision plat, the “use table” was located within the Declaration of Reservations and Protective Covenants, Silver Creek Estates Unit “I”, which were recorded as Entry No. 100553 in the Office of the Summit County Recorder on February 25, 1965 (the “CC&R”).
4. Unit I is divided into two portions by Silver Creek Road. For ease in identifying these distinct areas, those legal lots located east of Silver Creek Road will be referred to as “Unit I East,” while those legal lots located west of Silver Creek Road will be referred to as “Unit I West.”
5. Many of the legal lots within Unit I East have been developed as commercial. The legal lots within Unit I West have not been developed.
6. On December 6, 2011 and subsequently on April 30, 2012, the Utah Property Rights Ombudsman issued two advisory opinions that stated in part that (a) the County is not bound by the CC&R “use table,” and (b) the uses designated on a subdivision plat do not “vest” the platted lots with that particular use (the “Advisory Opinions”). *See Mount Advisory Opinion, issued December 6, 2011* (The Office of the Property Rights Ombudsman); *HJ Silver Advisory Opinion, issued April 30, 2012* (The Office of the Property Rights Ombudsman). These Advisory Opinions went on to state that the County may be nonetheless obligated to recognize the uses within the CC&R “use table” and on the plat note under the doctrine of zoning estoppel.
7. As a result of these Advisory Opinions many of the owners of legal lots within Unit I have filed with the County applications for vested rights determinations pursuant to Code

§10-9-16, which determinations can be utilized to evaluate zoning estoppel claims on a case-by-case basis (the “Vested Rights Applications”).

8. In the midst of these Vested Rights Applications, the County received an application concerning two legal lots within Unit I East for a rezone from the RR Zone to the CC Zone (the “Property Owner Rezone Application”).
9. In the process of evaluating the Vested Rights Applications together with the Property Owner Rezone Application, the DCC decided that instead of a piecemeal approach to the Unit I plat issue, it would be better to proactively rezone the area to ensure that owners had stable zoning which comports with the historical uses. To that end, the DCC made application to comprehensively rezone Unit I to the CC Zone (the “Comprehensive Rezone Application”).
10. The Snyderville Basin Planning Commission (the “Planning Commission”) reviewed the Comprehensive Rezone Application in two work sessions (August 12, 2012 and September 11, 2012), held a public hearing on October 9, 2012, and then forwarded the Comprehensive Rezone Application to the Council on December 18, 2012 without a recommendation because the Planning Commission deadlocked 3-3 over whether Unit I East should be rezoned to the CC Zone or the Neighborhood Commercial Zone District (“NC Zone”). Due to concerns over the adequacy of infrastructure within Unit I West, the Planning Commission did not believe that a rezone of that area should be considered at this time.

11. The Council held a work session on February 20, 2013 and a public hearing on April 17, 2013 on the Comprehensive Rezone Application.
12. The DCC presented the following reasons for approval of the Comprehensive Rezone Application:
 - a. The Unit I subdivision plat has been treated as commercial for most of its history.
 - b. Many legal lots within Unit I East have been developed as commercial so that the area is commercial in nature.
 - c. For long-range planning, the location may be appropriate for commercial development more than residential development based on access, freeway noise, interchange capacity, topography, and existing commercial uses.
 - d. The continuing applications for vested rights determinations and Ombudsman advisory opinions may result in a haphazard and leapfrog pattern of development, making the application of the RR Zone to all other legal lots within Unit I East impractical.
 - e. Business owners should have stable and reliable zoning.
13. The Summit County Health Department has raised concerns over the development of legal lots within Unit I West due to the high water table and an inability to use conventional septic tanks. The Snyderville Basin Water Reclamation District does not presently service Silver Creek Estates. The nearest sewer trunk line is two thousand (2,000) feet away and would need to be extended to serve Unit I West.

14. County Service Area #3, which provides water and road maintenance services to the residents of Silver Creek Estates, expressed concerns over the development of legal lots within Unit I West due to inadequate road infrastructure.

BASED on the totality of facts and circumstances presented by the evidence and the entire record considered as part of the decision, the Council renders the following Conclusions of Law:

CONCLUSIONS OF LAW

1. UCA §17-27a-503 provides that the Council may amend the zoning map after the Comprehensive Rezone Application has been submitted to the Planning Commission for a recommendation. UCA §17-27a-502 requires the Planning Commission hold a public hearing with appropriate notice. We conclude that the Planning Commission held such a hearing on October 9, 2012 with appropriate notice. The Planning Commission deadlocked as to a recommendation and sent the Comprehensive Rezone Application forward to the Council for action. It is within the discretion of the Council to adopt, reject or make revisions that it deems appropriate to the Comprehensive Rezone Application. UCA §17-27a-502(2).
2. Due to issues over sewer/septic and road infrastructure, the Council concludes that it is premature to consider a rezone for Unit I West. The Council concludes that a rezone from the RR Zone to the CC Zone for Unit I East is ripe and will proceed with its conclusions as they relate to the Unit I East Rezone.

3. Code §10-7-4(C)(2) requires that when an amendment to the Zoning Map is proposed by the County Manager (which in this case is through the DCC), the provisions of Code §10-7-4(C)(1)(c) apply. Those provisions impose four requirements for approval of a Zoning Map amendment:
 - A. The amendment complies with the goals, objectives and policies of the general plan, the neighborhood planning area plan and the land use plan maps.
 - B. The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community.
 - C. The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapters 3 and 4 of this title.
 - D. The amendment does not adversely affect the public health, safety and general welfare.

4. General Plan Compliance. Unit I East is located within the North Mountain Neighborhood Planning Area. One of the goals of that planning area includes the provision of “appropriately-sized neighborhood commercial area[s].” Snyderville Basin General Plan at pp. 73. There are currently no designated commercial areas within the North Mountain Neighborhood Planning Area. We conclude that rezoning Unit I East from the RR Zone to the CC Zone satisfies this requirement by (a) providing an appropriately-sized commercial node to the North Mountain Neighborhood Planning Area, (b) bringing nonconforming commercial uses into compliance with Title 10 of the Summit County Code, and (c) ensuring appropriately-sized uses through uniform

regulatory oversight.

5. Compatibility. Unit I East has historically developed as commercial. Reflecting that area character through a rezone to the CC Zone will assist in making the entire Unit I East uniform and internally consistent. The few remaining undeveloped lots in Unit I East will not be overly burdensome on the local community or County Service Area #3.
6. Development Plan Compliance. We conclude that there is no specific development plan, as the Unit I East Rezone is proposed by the DCC. Any new development will be subject to review for compliance with the standards contained in Title 10 of the Code.
7. Health, Safety and General Welfare. We conclude that bringing the historical uses within Unit I East into compliance with Title 10 of the Code will positively impact health, safety and general welfare by (a) zoning the area for the most appropriate use given the access, freeway noise, interchange capacity, topography and existing commercial uses, and (b) avoiding haphazard and leapfrog development patterns that make the application of the existing zone impractical.

Based upon the preceding analysis, it is the decision of the Council to APPROVE the Unit I East Rezone from the RR Zone to the CC Zone.

DATED this ____ day of _____, 2013.

COUNTY COUNCIL
OF SUMMIT COUNTY

BY: _____
Claudia McMullin
Chair

ATTEST:

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

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

AMENDING THE SNYDERVILLE BASIN ZONE MAP

WHEREAS, the Silver Creek Unit I plat was recorded in 1965, and

WHEREAS, the Silver Creek Unit I plat contained a list of allowed uses for certain blocks in the plat, designating some blocks for commercial uses; and

WHEREAS, the Silver Creek Unit I plat was zoned Rural Residential and Neighborhood Commercial; and

WHEREAS, it was the historical practice of the County for many years to recognize these uses on the plat as “vested”, therefore many lots in the commercially designated portion of the plat developed as commercial over time; and

WHEREAS, most of the commercially-designated lots to the east of Silver Creek Road developed for commercial use while most other portions of the plat developed as residential or remained undeveloped; and

WHEREAS, the commercial uses were considered nonconforming under the Rural Residential zone; and

WHEREAS, the County desired to rezone the commercially developed lots to a commercial zone to more appropriately reflect the use of the land and resolve nonconforming issues; and

WHEREAS, after work sessions the Snyderville Basin Planning Commission held a public hearing on December 18, 2012, and voted 3:3 on the rezone, forwarding no recommendation to the Summit County Council; and

WHEREAS, after a work session the Summit County Council held a public hearing for the potential rezone on April 17, 2013; and

WHEREAS, the Summit County Council found that the existing uses were more compatible with uses allowed under the Community Commercial Zone; and

WHEREAS, on April 17, 2013 the Summit County Council voted to rezone the plat-designated commercial lots to the east of Silver Creek Drive to the Community Commercial Zone.

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

Section 1. SNYDERVILLE BASIN ZONE MAP

The Snyderville Basin Zone Map is hereby modified to reflect the Community Commercial Zone for the parcels identified in Exhibit A.

Section 2. Effective Date

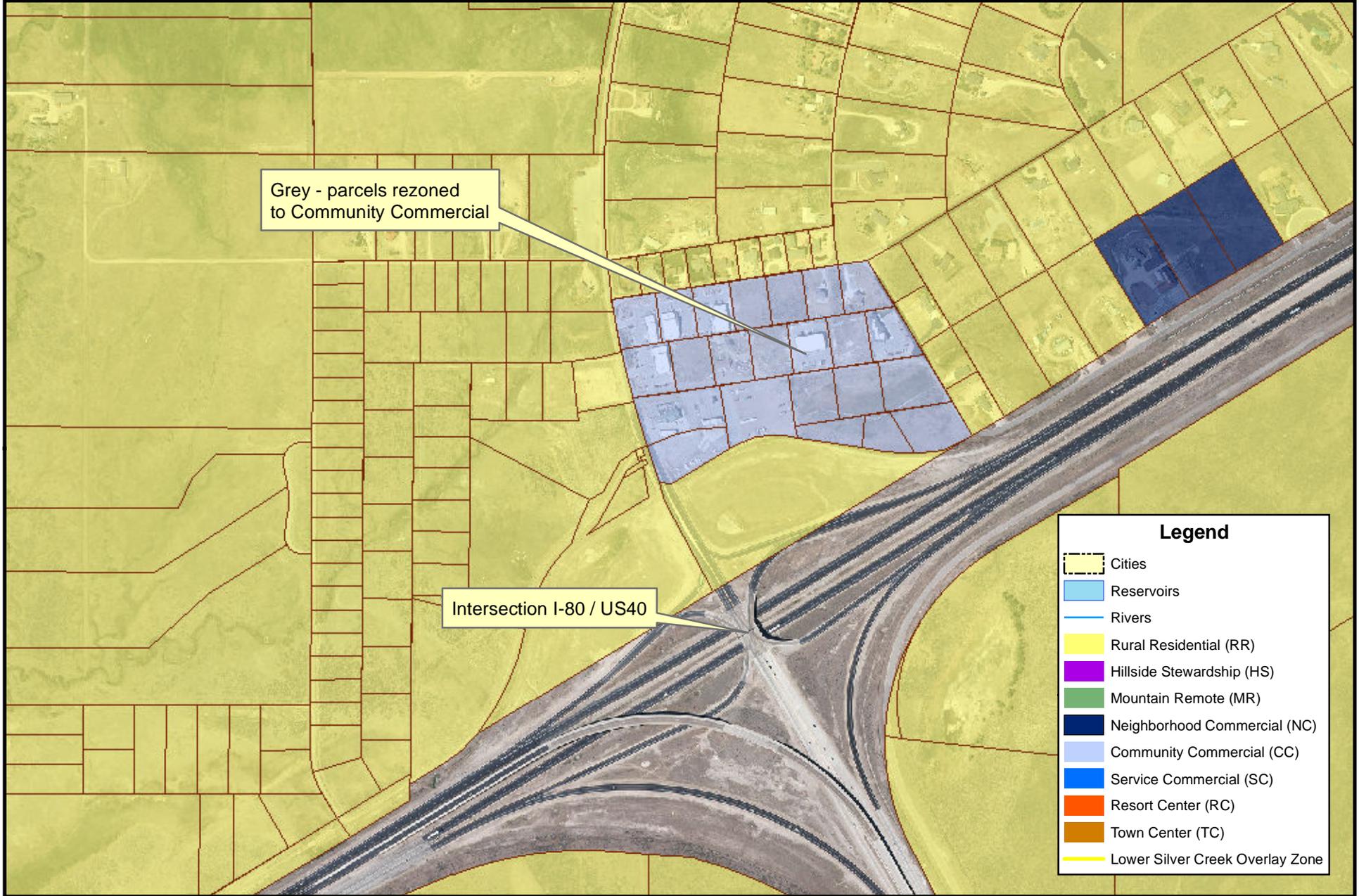
This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVE, ADOPTED, AND PASSED and ordered published by the Summit County Council,
this ____ day of _____, 2013.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
Claudia McMullin, Chair

Councilor McMullin voted	<u> yea </u>
Councilor Ure voted	<u> yea </u>
Councilor Robinson voted	<u> nay </u>
Councilor Carson voted	<u> yea </u>
Councilor Armstrong voted	<u> nay </u>



Grey - parcels rezoned to Community Commercial

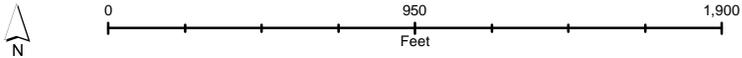
Intersection I-80 / US40

- Legend**
- Cities
 - Reservoirs
 - Rivers
 - Rural Residential (RR)
 - Hillside Stewardship (HS)
 - Mountain Remote (MR)
 - Neighborhood Commercial (NC)
 - Community Commercial (CC)
 - Service Commercial (SC)
 - Resort Center (RC)
 - Town Center (TC)
 - Lower Silver Creek Overlay Zone



Summit County, Utah
Vicinity Map

Prepared by Summit County
Community Development Department



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

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Criminal Division

JOY NATALE
Prosecuting Attorney

MATTHEW D. BATES
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELENE E. STRACHAN
Deputy County Attorney

To: Summit County Council
From: Helen Strachan, Deputy County Attorney & 
Brian Bellamy, HR Director and Director of Animal Control
Date: May 22, 2013
Re: *Work Session to discuss possible changes to the leash law*

This report is a follow-up to the work session discussion we had last month on our leash laws. The Council asked staff to look into what other jurisdictions have done to combat the myriad issues surrounding the leashing (or lack thereof) of dogs and to provide the Council with the proposed language coming out of the Animal Control department. Staff seeks direction from the Council and shall present the requested changes to the leash law, among other amendments to the Animal Control code, sometime in June at the earliest.

Current Code and Proposed Amendment to the Animal Control Code: As it exists now, the leash laws in Summit County are as follows: A dog must not be “at large”, but must be under the control of its owner or person having charge, care, custody or control of the animal. A dog is considered to be under control of the owner when on a leash or lead (defined as a chain, rope, or device used to restrain the dog), confined within a vehicle, or within the real property limits of the owner. The code further states that an animal is deemed “at large” unless personally controlled by a lead or lead in condo common areas, public parks, parking lots open to the public, ski areas, golf courses, and shopping centers.

As written now, dog parks are not allowed. As written now, electronic dog collars are allowed. If a dog is found to be “at large,” the owner or person caring for the dog is considered strictly liable regardless of the precautions taken to prevent the escape of the dog and regardless of whether the person knows that the dog is running at large.

The Animal Control Department is proposing changes to the Animal Control Ordinance as it relates to our leash law. Animal Control has had a number of problems with the use of electronic dog collars. While such collars work in some instances and are quite successful, in other instances the use of these types of collars are ineffective. It seems that such collars do not work 100% of the time for all dogs and some dog owners mistakenly rely on these collars to keep their dogs under control. Animal Control has issued a number of citations to dog owners whose electronic leashes have failed and attacked other animals or persons. Animal Control is therefore proposing that dog leashes must be a physical material attached to the neck or head of the dog for restrain or control and may not be an

electronic leash.

Animal Control would like to expand the definition of a dog that is under the control of its owner to include those dogs within the real property limits of another person with the express permission of the property owner. In addition, we would like to include language that allows for dog parks where dogs may be without a leash. Some of you may recall that such language was discussed with the Council awhile back. We are proposing that a dog is under control if “within the boundaries of a dog park formally approved or adopted by ordinance by the County, a municipality, or a special service district within the jurisdiction of the Division of Animal Control.”

Leash Laws in Other Jurisdictions:

The “Yellow Dog Project”: This is not actually a “leash law” but rather a community awareness program. It was created to bring awareness to the public about dogs who need space while training, recovering from surgery, or being rehabilitated. Essentially if a dog is wearing a yellow ribbon or something yellow on its collar, it needs space and you should not approach the dog with your dog and should give this person and his/her dog time to move out of your way. It is not a regulated/government-involved program but is meant to be a community-based mechanism to decrease incidences on the trails. This project was presented recently to the Park City Council who adopted unanimous support for the program. I believe Park City will be moving towards creating signage to post at trailheads about the program.

Salt Lake County: Unincorporated Salt Lake County has laws quite similar to our own. Dogs are required to be on leash at Salt Lake County parks, except for a select few which either have separate off leash areas or allow dogs to run freely off leash. The County has an agreement with the U.S. Forest Service’s Mill Creek Canyon. Dogs are allowed up this canyon every day provided they are on a leash which is controlled by the owner. On odd-numbered days, dogs may be off-leash on the canyon trails. I’ve spoken with the Salt Lake County risk manager, Rick Graham, who has said that off-leash areas in public places in Salt Lake County have operated well and with little incident.

Boise, ID: Boise City Code requires that dogs be on a leash at all city parks & facilities, unless otherwise indicated. The City of Boise offers a variety of opportunities for dogs and their owners to roam freely, including four dog off-leash parks, six dog-off leash areas, and a number of trails in the Boise Foothills. The four dog off-leash parks and designated foothills trails are available every day from sunrise to sunset. The six dog off-leash areas are available for off-leash use during designated hours. Outside of Boise City limits, there are a number of controlled off leash trails, which means that dog owners must have a leash with them at all times, and their dogs must be under voice command and no further than 30 feet away. This ensures that dogs will not harass wildlife, trample sensitive plant species or become tangled with other trail users.

Pitkin County, CO (home to Aspen): The City of Aspen and Pitkin County have leash laws similar to our own. Open space and trails in Pitkin County allow dogs, but they must be leashed at all times on a leash extended no greater than 6 feet in length. A single person may walk no more than three dogs at a time. Trails may be closed to dogs by action of the County Commission.

Boulder, CO: All dogs in the City of Boulder must be kept on leashes at all times unless they are confined to their owners' property. Exceptions include one of the four designated off-leash dog parks or

registration through the Open Space & Mountain Parks department in the Voice and Sight Tag program, or "TAG." The city of Boulder has implemented TAG on its open space and mountain parks owned by the city. If you only walk your dog on a leash, you are not required to register. A dog may be managed off leash if the guardian exercises "voice and sight control," defined as control of the behavior of a dog which is not leashed or otherwise physically restrained by its guardian or keeper sufficient that the dog does not, without regard to circumstances or distractions: (1) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing; (2) Charge, chase, or otherwise display aggression toward any dog; (3) Chase, harass, or disturb wildlife or livestock; or (4) Fail to come to and stay with the guardian or keeper immediately upon command by such person; and voice control does not exist unless the guardian or keeper exercises this command authority at all times to keep the dog within the requirements of this definition.

Dogs may only be managed off leash if the dog is in an area where voice and sight control is allowed, when accompanied by its guardian or keeper and within view and voice control of such person, when the guardian is carrying a leash, and when the guardian has no more than two dogs simultaneously unleashed or unrestrained.

Under the TAG program, participants must watch an educational video about the program, register online and agree to the terms and conditions of the program, purchase voice and sights tags and display such tags on the dogs.

Boulder's program was launched in 2006 and in 2011, it issued a monitoring report on the program's success. By the end of the summer of 2010, over 25,000 participants had registered in the program and most (86%) off-leash dogs on the managed lands had the program's green tag visibly displayed. The program noted an initial decrease in dog-related conflict following implementation of the TAG program, however dog-related conflict rates had returned to pre-program levels by 2010.

Brookhaven, New York: No person owning, harboring or having the control or custody of a dog shall permit such dog, whether licensed or not:

■ To run at large in the unincorporated areas of the Town of Brookhaven elsewhere than on the premises of such person or on the premises of another person with the consent of such other person, unless such person is engaged in hunting wild birds or animals with the aid of such dog during open seasons or unless such person shall take such dog afield for training in hunting

■ To be at any time on any sidewalk, street, highway, park or other public place in the unincorporated areas of the Town of Brookhaven unless fully controlled by the owner or some other person by means of a rope, leash, or other similar device.

All dogs in the Town of Brookhaven must also have a New York State dog license. In order to purchase the license, the owner must produce proof of a current rabies vaccination. Residents can contact the Adoption Center concerning stray dogs.

LA County, California: It is not permissible to let your dog run at large day or night, with or without a license. No person who owns or has charge of a dog may allow the animal to run at large. Dogs must be kept on a leash at all times when out of their yards. Violation may result in a citation, court appearance and a fine of up to \$250.

Adams County, Colorado: No dog is allowed to run at large, which means that the dog is off of the property of the owner and not under control of a human being. "Control" is defined as "physical control of a dog by a human being by means of a leash, cord or chain held by the human being except when a dog is actually working livestock, locating or retrieving wild game in season for a licensed hunter or assisting law enforcement officers, or are actually being trained for any specifically enumerated pursuits, or when the dog is within the confines of the real property of its owner, and means the prevention by a dog owner of barking and/or howling by the dog."

Miami-Dade, Florida: Dogs are not permitted to roam free off of private property. When your dog is off your property, it must be leashed at all times. The fine for running at large is a \$150 fine for an unsterilized dog and a \$50.00 fine for a sterilized dog (plus a \$10.00 surcharge). An interesting tidbit on the number of dogs allowed in this county: four dogs are allowed to live on residential property that is less than one acre, six dogs on residential property that is 1 to 2 acres, and eight dogs on 2 acres or more. Keeping more than those numbers of dogs on residential property requires a Kennel license.

Moving Forward: Staff seeks the direction of the County Council with respect to our leash laws. As mentioned above, we plan to present global amendments to the Animal Control Ordinance sometime this summer.