



STAFF REPORT

To: Summit County Council
Report Date: May 28, 2013
Meeting Date: June 5, 2013
Author: Katie Mullaly
Project Name & Type: Thriving Lifestyles Program – Community Outreach and Education

EXECUTIVE SUMMARY:

The Summit County Health Department is launching their new Thriving Lifestyles Program. This program has been created to provide resources and actions that residents can take to create happy families, live healthy lives, have a cleaner environment, a stronger economy and thriving community.

This program has been developed to enable people to go beyond sustainable living to thriving. The Health Department will promote this new endeavor through community outreach, website and social media and other programs.

The issue of thriving is vital to public health because the ability to thrive impacts the health and well-being of our residents, our environment and our communities.

ATTACHMENTS:

- Thriving Lifestyles Introduction, June 2013, pdf



THRIVING LIFESTYLES PROGRAM

What is the Thriving Lifestyles Program?

- A new program created by the health department to promote healthy communities, a healthy environment and health lives through information, resources and community engagement.
- This program has been developed to enable people to go beyond sustainable living to thriving.
- This endeavor will be the first of its kind in the country – once again Summit County is ahead of the curve.

Goals of the Thriving Lifestyles Program:

- To provide resources and actions that residents can take to create happy families, live healthy lives, have a cleaner environment, a stronger economy and thriving community.
- To engage our communities in the discussion of what it means to thrive and how all of us can through sharing information, resources and ideas.

What it means to Thrive:

- We all take actions as individuals and families to better our lives and those around us.
- We work together as neighbors to address the needs of our communities.
- Our local environment is healthy and taken care of.
- We have a strong economic foundation.
- Our community is healthy and happy.
- We go beyond being sustainable – we are thriving.

Why Public Health:

- Public Health has a responsibility to deliver essential services that impact the health of our residents, guests and overall community.
- These services include informing empowering and educating people about health issues along with mobilizing community partnerships to identify and solve health problems.
- Public Health has a vested interest in the issues of thriving because they impact the health and well-being of our residents, our environment and our communities.

How the program will be promoted:

- Thriving Lifestyles website (www.thrivinglives.org):
 - Information, steps and resources for thriving.
 - Blog for ideas and feedback.
 - Monthly newsletters that people can sign up for.
 - Promotion of other community events and organizations.
- Thriving Lifestyles Guide:
 - A pdf or print version of the program.
 - Available for download on site.
 - Working on a condensed version – Thriving Lifestyles Handbook.
- Community outreach:
 - Events throughout the county – Farmers Markets, County Fair, other opportunities.
 - Media promotion – KPCW (weekly shows and PSAs), AllWest Channel 3, local newspapers.
 - Social Media – Twitter, Facebook
- Programs:
 - Thriving Classrooms – work with schools to get kids to take these ideas home and act on them.
 - iTHRIVE / weTHRIVE – recognition for doing the steps in the program or submitting other ideas.

Program Funding:

- Community resiliency is an important part of emergency preparedness and planning. This program is founded on community resiliency.
- The Public Health Emergency Preparedness program is funding this through Community Outreach.
- Additional grants may be available through organizations supporting community sustainability and community transformation.
- Will be seeking community sponsorships to fund the printing of the guides and handbooks.

2013 Recommendations

SUMMIT COUNTY CULTURAL RAP TAX RECOMMENDATIONS 2013				
ORGANIZATION	Rationale & Restrictions	2013 Request	2013 Recommendation	2011 Grant
Alf Engen Ski Museum Foundation	The Alf Engen Ski Museum Foundation operates the Alf Engen Ski Museum with its mission to preserve the history of skiing in the Intermountain region. In 2012, visitation increased to approximately 250,000 visitors up from 200,000 visitors in 2011. The museum hosted every Summit County Grade 4 student in 2012 (over 500 students, teachers and parents). RAP Tax grant funds will be used to assist with the installation of a new premier interactive exhibit in the form of a video-enhanced quad chairlift. Funds will also assist with replacing the virtual ski jump exhibit with a Wii-based exhibit. The museum's goal continues to be to educate and entertain all Grade 4 students from Summit County by attending the Educational Field Trip Program. Continuing to partner with other Summit County groups, the Museum is establishing relationships with the Park City Historical Society and Museum, Park City Chamber Bureau and the U.S. Ski and Snowboard Association, to name a few.	\$ 38,957.00	\$ 34,265.00	\$ 22,392.00
Arts-Kids	Arts Kids is a free after-school program utilizing the expressive arts and group techniques to serve Summit County's at-risk and model students. In 2011 Arts Kids implemented fifteen groups in nine schools. 267 volunteers, artists, facilitators and parents were evolved directly in the programs. RAP TAX grant funds will be used in 2013 to pay artists, facilitators and to purchase needed supplies.	\$ 46,000.00	\$ 33,871.00	\$ 30,285.00

2013 Recommendations

<p>Echo Community & Historical Organization</p>	<p>The Echo Community and Historical Organization (ECHO) aim is to maintain the historical significance and increase interest in the Echo area through the preservation of three historical buildings: Echo Church (built in 1876), Echo School (built in 1914) and the Echo Post Office (built in 1920). RAP Tax funds will be used for ECHO's operating budget, maintaining all three buildings and to keep the doors open for public enjoyment during the 2013 summer months. The summer employment must be publically advertised.</p>	<p>\$ 2,500.00</p>	<p>\$ 2,500.00</p>	<p>\$ 2,200.00</p>
<p>Egyptian Theater Company</p>	<p>The Egyptian Theater Company is dedicated to enriching lives through the performing arts. The theater is committed to serving as a community asset by providing a variety of artistic performances, education and outreach programs. In the past year the organization has experienced significant positive changes in the areas of finance and community support. RAP Tax funding will be used to underwrite productions, support You theater programs and fund operations.</p>	<p>\$ 110,000.00</p>	<p>\$ 85,500.00</p>	<p>\$ 69,864.00</p>
<p>Kimball Art Center</p>	<p>The Kimball Art Center is Summit County's community arts center, committed to engaging individuals of all ages in diverse and inspiring experiences through education, exhibitions and events. Their primary focus is visual art education through multiple platforms and exhibitions featuring various media for each show, an excellent school outreach program, art classes, art talks and their annual Arts Festival each August. Funding for 2013 is to support equally their Exhibition Program and their Education Program.</p>	<p>\$ 125,000.00</p>	<p>\$ 79,286.00</p>	<p>\$ 70,944.00</p>
<p>KPCW</p>	<p>In 2012 KPCW concentrated in the areas of local programming, community outreach and technical upgrades. Technical requirements present ongoing challenges for KPCW. KPCW will use the RAP tax funding to provide top quality programming and content that is relevant to the lifestyle and standards of Summit County residents. The funds will go directly towards generation of local news, civic reporting, county-wide interviews, public service announcements, cultural events, and well-liked music. This includes The "Local News" with Leslie Thatcher, daily news reporting, "The Local View" with Randy Barton and public affairs programming.</p>	<p>\$ 278,680.00</p>	<p>\$ 74,933.00</p>	<p>\$ 54,182.00</p>

2013 Recommendations

<p>Mountain Town Music</p>	<p>Mountain Town Music produces live music experiences throughout Summit County. More than 200 live musical performances were held within the last year. Local musicians as well as nationally known artists perform and have free admission or a very low fee required. The organization's Youth Program includes live performances by local youth bands at the Community Concert Series, "behind the scenes" mentoring on the technical side and partnering professional artists with young aspiring musicians in our community. RAP Tax grant funds will be used in 2013 to support general overhead and event expenses <u>ONLY</u>. No RAP funds are to be used in the purchase of any capital expenditures.</p>	<p>\$ 152,500.00</p>	<p>\$ 88,085.00</p>	<p>\$ 87,428.00</p>
<p>Park City Chamber Music Society</p>	<p>The PC Chamber Music Society founded and presented the 28th season of Utah's oldest classical music festivals. In the last year they expanded the number of concerts from 3 weeks to 5 weeks; collaborated with Mountain Town Stages to present 5 free Monday evening concerts in City Park; worked with the PCSD to present 1 week chamber music workshop; added a Holiday concert in December 2012; participated in LivePCGivePC campaign; have become a YouTube Channel partner; tripled the attendance to the Film Music Festival. Rap tax grant funds for 2013 will go directly into producing the 29th season of the Beethoven Festival of Park City and the 10th Park City Film Music Festival.</p>	<p>\$ 37,000.00</p>	<p>\$ 17,986.00</p>	<p>\$ 16,821.00</p>
<p>Park City Historical Society & Museum</p>	<p>The mission of the Park City Historical Society & Museum (PCHSM) is to professionally interpret Park City and regional western history through engaging exhibitions and lively educational events; actively research and record the history of Park City and its environs; promote and advocate for the preservation of Park City's important and historic sites. RAP Tax funds in 2013 will be used for Director of Education salary, supplies for Docent training, "History Speaks" lecture series fees and partially fund the fabrication of the "Park City Mountain Resort 50 Years!" exhibit.</p>	<p>\$ 69,500.00</p>	<p>\$ 53,613.00</p>	<p>\$ 42,894.00</p>

2013 Recommendations

<p>Park City Film Council</p>	<p>The Park City Film Council is a single screen, independent art house cinema (only 4% of theaters nationwide) is dedicated to serving the local community by providing the best of independent feature, documentary, world and local cinema; making film a vibrant part of the Park City, Summit County, and surrounding communities. RAP Tax grant will support funding for programming & production costs which include salaries, space rental, marketing/ advertising and miscellaneous operating costs. No funds can be used for capital expense items.</p>	<p>\$ 49,727.00</p>	<p>\$ 37,648.00</p>	<p>\$ 33,990.00</p>
<p>Park City Performing Arts Foundation</p>	<p>The Park City Performing Arts Foundation presents programming at the Eccles Center and Deer Valley. Their goal is to "entertain, educate and illuminate". Besides offering discounted tickets to students and other groups within Summit County. The PCPAF brings visiting entertainers for performances at the Eccles Center or Deer Valley into the classroom offering Park City students a very unique and rich experience. The RAP Tax Committee recommends limiting funding to production costs of this student outreach program as requested in their grant request. The 2013 grant is an increase from 2011. This grant recommendation includes funds that the County Council awarded (from the 2013 pool of funds) prior to the committee's current recommendation.</p>	<p>\$ 203,000.00</p>	<p>\$ 68,995.00</p>	<p>\$ 41,578.00</p>
<p>Park City Singers</p>	<p>The Park City Singers is a volunteer, non-audition community choir. RAP funds are to be used for two spring concerts consisting of secular music which they hope will reach 600 residents and visitors this year. Funds will also be used to pay an artistic director and to pay for the compilation report required by the RAP program.</p>	<p>\$ 9,300.00</p>	<p>\$ 5,977.00</p>	<p>\$ 4,326.00</p>

2013 Recommendations

<p>Park City/Summit County Arts Council</p>	<p>Park City/Summit County Arts Council (PCSCAC) supports and promotes arts and culture in Park City and Summit County by serving as a central resource for information, networking, discussions, planning and services; marketing for Summit County's arts and cultures; providing support and services for artists, arts and culture organizations, programs and events; and managing Park City and Summit County's Public Art Advisory Boards. Last year PCSCAC hosted monthly networking meetings attended by 15 to 30 county arts and cultural organizations; hosted Eastern Summit County artists' networking meetings for implementing the 3rd Annual Summit Arts show in Oakley; improved their web site; continued to coordinate the work of Arts Council task forces; partnered with Park City Professional Artists Association; and sponsored a booth a Park Silly Sunday Market. RAP funds will be used to fund the Summit Art show in Oakley, the Summit County Fair art show, to sponsor a Silly Sunday Market booth to be used for local artists and/or arts & cultural organizations; to help pay for contracted services (audit, legal and accounting); for general administration costs and salaries (including new part-time Social Media assistant); and for central resources and networking (annual reports, task forces & arts summit).</p>	<p>\$ 76,686.00</p>	<p>\$ 55,726.00</p>	<p>\$ 45,169.00</p>
<p>Sundance Institute</p>	<p>The Sundance Institute is dedicated to the discovery and development of independent film artists and audiences. In the last year they reached 7659 Summit County residents with their Townie Tuesday, local community outreach program, filmmakers in the classroom program, the local Best of the Fest, various high school and community screenings. This year they plan to continue to support the 2013/14 Summit County community programs, free and open to the public, during the Sundance Film Festival, year-round with the Collaborative Community Screenings, and the Summer Film Series.</p>	<p>\$ 150,304.00</p>	<p>\$ 79,330.00</p>	<p>\$ 74,101.00</p>

2013 Recommendations

<p>Swaner EcoCenter</p>	<p>The Swaner Preserve and Eco center's primary focus is to expose adults and youth to educational and recreational opportunities found in nature by learning about plant communities, wetlands, wildlife and the role of healthy watersheds. Last year's grant supported hosting over 1500 children and parents in their Little Naturalists program. This year's grant recommendation is for support for the 2013/2014 Community Presentation Series conducted in partnership with the faculty of Utah State University and Park City Municipal Corp. Examples are Family Science Night, Aspen Decline in the West, Owl Prowl, Ecology of Sand Hill Cranes, a series on climate change and Putting Sustainability Principals into Practice. Funds will go toward salaries, equipment rental and overhead expenses in support of the Presentation Series.</p>	<p>\$ 14,800.00</p>	<p>\$ 14,800.00</p>	<p>\$ 21,338.00</p>
<p>Utah Symphony & Opera/Deer Valley Music Festival</p>	<p>The Utah Symphony/Utah Opera's mission is "to serve the people of our State and beyond as the premier provider of the orchestral and operatic art forms." Their presence in Summit County continues to grow every year. Last year they produced the Deer Valley Music Festival, featuring classical, pops, and chamber performances for 6 weeks. 8652 Summit County residents attended their productions and over 2000 Summit County students experienced a symphony and/or opera performance in their school. This year they have already presold (at discounted prices) over 1500 for this year's Deer Valley Music Festival. The 2013 granted funds will be used for the summer Deer Valley Music Festival, chamber performances and a holiday performance scheduled for December 15, 2013 at the Eccles Center.</p>	<p>\$ 100,000.00</p>	<p>\$ 65,885.00</p>	<p>\$ 55,442.00</p>

2013 Recommendations

<p>SCPC Arts Council (L'Oakley Grown Community Market)</p>	<p>The Cultural RAP Tax Committee, after receiving advice from the Summit County Attorney's Office, has concluded that a Community Market format does not qualify under State Code 59-12-702 as a "Cultural Organization". The Committee does believe that the proposed art and music components are of real value to the residents of Summit County and as a result has recommended their funding thru the PCSC Arts Council. L'Oakley Grown Community Market is a new organization with short-term goals to provide a local venue during the summer for residents of Summit County to relax, eat, shop and listen to music. Long-term goals are to attract people outside of Eastern Summit County to the area to enjoy the beauty, to experience the restaurants, boutiques and shops. They will provide a Saturday venue with over 50 vendors including artists, crafters, musicians, farmers and food. We are recommending that the Grant tax funds to be used as follows: \$2100 to fund musicians who will perform twice a day for 2 hour increments and \$2200 to fund an art booth for kids/art supplies and salary to art teacher. It is recommended that these funds be distributed through the PCSC Arts Council with payment made directly to the musicians and the art teacher.</p>	<p>\$ 19,355.00</p>	<p>\$ 4,300.00</p>	<p>\$ 55,442.00</p>
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2013 Recommendations

<p>PCSC Arts Council (Park Silly Sunday Market)</p>	<p>The Cultural RAP Tax Committee, after receiving advice from the Summit County Attorney's Office, has concluded that a Community Market format does not qualify under State Code 59-12-702 as a "Cultural Organization". The Committee does believe that the proposed music and performing art are of real value to the residents of Summit County and as a result has recommended their funding thru the PCSC Arts Council. Park Silly Sunday Market is an eco-friendly open air market, street festival and community forum. Its vision is to grow and expand the experience of the inclusive quality of community by actively advancing the awareness of local artists and cultural activities and by serving more than 110 non-profits, 150 farmers, 125 local musicians, 75 performance artists and 140 unique vendors. They are also committed to raising the awareness of sustainability issues, green choices and ideas, arts and cultural organizations and educational programs. They want to use the recommended funds to promote local arts and cultural organizations, performers and musicians, providing them with free exhibit and performance space. Last year they reached 55,630 Summit County residents. We are recommending that the Grant tax funds are to be used to fund performance (performance art and/or musicians) only and that those funds be distributed through the PCSC Arts Council with payment</p>	<p>\$ 38,000.00</p>	<p>\$ 12,087.00</p>	<p>\$ -</p>
<p>Total Recommend</p>		<p>\$ 1,521,309.00</p>	<p>\$ 814,787.00</p>	<p>\$ 672,954.00</p>

MANAGER'S REPORT

June 5, 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> Documents and transactions are listed on the Manager Approval list dated 5/30/13, posted on the website at: http://www.summitcounty.org/manager/index.php</p>																											
Community Development	<p><u>Submitted by Patrick Putt, Community Development Director:</u></p> <ul style="list-style-type: none"> • The department received 24 new building applications and 7 new planning applications this past week as follows: <p style="text-align: center;">New Building Applications Submitted May 22- May 29, 2013</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Project #</th> <th style="text-align: center;">Project Name</th> <th style="text-align: center;">Submittal Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">13-1040</td> <td>Rich West Single Family Dwelling 1232 Cutter Ln. Park City, UT</td> <td style="text-align: center;">May 22, 13</td> </tr> <tr> <td style="text-align: center;">13-1041</td> <td>Questar Gas New Commercial Warehouse 6375 Silver Creek Dr., Park City, UT</td> <td style="text-align: center;">May 23, 13</td> </tr> <tr> <td style="text-align: center;">13-1042</td> <td>Esco Services Water Heater 2906 Estates Dr., Park City, UT</td> <td style="text-align: center;">May 23, 13</td> </tr> <tr> <td style="text-align: center;">13-1044</td> <td>M Balls Retaining Wall 9631 Timp View Ln., Park City, UT</td> <td style="text-align: center;">May 23, 13</td> </tr> <tr> <td style="text-align: center;">13-1045</td> <td>Wildcat Electrical New Meter Change 1680 West Ute BLVD #2, Park City, UT</td> <td style="text-align: center;">May 23, 13</td> </tr> <tr> <td style="text-align: center;">13-1047</td> <td>Esco Services Water Heater 6785 N 2000 W #206 Park City, UT</td> <td style="text-align: center;">May 24, 13</td> </tr> <tr> <td style="text-align: center;">13-1048</td> <td>Michael Upwall Single Family Dwelling 7233 Purple Sage., Park City, UT</td> <td style="text-align: center;">May 24,13</td> </tr> <tr> <td style="text-align: center;">13-1049</td> <td>Doug Knight Single Family Dwelling 8830 Parleys Ln, Park City, UT</td> <td style="text-align: center;">May 24, 13</td> </tr> </tbody> </table>	Project #	Project Name	Submittal Date	13-1040	Rich West Single Family Dwelling 1232 Cutter Ln. Park City, UT	May 22, 13	13-1041	Questar Gas New Commercial Warehouse 6375 Silver Creek Dr., Park City, UT	May 23, 13	13-1042	Esco Services Water Heater 2906 Estates Dr., Park City, UT	May 23, 13	13-1044	M Balls Retaining Wall 9631 Timp View Ln., Park City, UT	May 23, 13	13-1045	Wildcat Electrical New Meter Change 1680 West Ute BLVD #2, Park City, UT	May 23, 13	13-1047	Esco Services Water Heater 6785 N 2000 W #206 Park City, UT	May 24, 13	13-1048	Michael Upwall Single Family Dwelling 7233 Purple Sage., Park City, UT	May 24,13	13-1049	Doug Knight Single Family Dwelling 8830 Parleys Ln, Park City, UT	May 24, 13
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<u>Department</u>	<u>Description of Updates</u>		
	13-1050	Demian Brooks Deck / Kitchen Remodel 6310 N Snow View Dr. Park City, UT	May 25, 13
	13-1053	Marcus Lelux Retaining Wall 5440 Cove Hollow Ln	May 28, 13
	13-1054	Andy Jacobsen Climbing Gym / TI 6400 Hwy 224., Park City, UT	May 28, 13
	13-1057	Brugge Construction Garage / Remodel 3352 Buckboard Dr., Park City, UT	May 29, 13
	13-1058	Jeff Lindhart Commercial Stair Replacement 1512 W Ute Blvd. Park City, UT	May 29, 13
	13-1059	Gerald Cambell Basement Finish 3555 Wagon Wheel Way., Park City, UT	May 29, 13
	13-1060	Glenn Weight Single Family Dwelling 55 W Goshawk Ranch Rd., Park City, UT	May 29, 13
	13-1061	Utah Solar Photovoltaic 7740 Buckboard Dr., Park City, UT	May 29, 13
	13-1064	Denise Bell Single Family Dwelling 7641 Outpost Way Park City, UT	May 29, 13
	13-1065	Dwell Tek Photovoltaic Solar Panels 8987 N Cove Dr. Park City, UT	May 29, 13
Eastern Summit County			
	13-1039	Dave Macfarlane Barn / Living Space 657 E Boarder Station Rd, Coalville, UT	May 22, 13
	13-1043	Shari Atkinson Electrical Permit 3920 N SR32., Peoa, UT	May 23, 13
	13-1052	Wasatch Property Maintenance Electrical Permit Weber Canyon, Oakley, UT	May 28, 13

Department	Description of Updates		
	13-1056	Dirk Rockhill Cabin Addition Lot 549 Pine Mountain, Kamas, UT	May 29, 13
	13-1062	Maclaine Hamilton Single Family Dwelling 2053 S Henefer Dr., Henefer, UT	May 29, 13
	13-1063	Stanley Howard Single Family Dwelling Pine Mountain Lot 351., Kamas, UT	May 29, 13
<p>New Planning Applications Submitted May 22 - May 28, 2013 Snyderville Basin</p>			
	Project #	Project Name	Submittal Date
	13-609	Silver Creek Road Trail LIP Greg Holbrook Low Impact Permit Silver Creek Road Trail	May 28, 13
	13-610	Kimball Junction Condo Climbing Gym Andy Jacobsen Low Impact Permit 6440 N. Hwy 224	May 28, 13
<p>Eastern Summit County</p>			
	13-607	Rockwell Relay: Ladies Pamperfest Anita Stewart Special Event Henefer-Oakley	May 24, 13
	13-608	Rock Cliff Triathlon Joel Hinckley Special Event Francis-Jordanelle	May 24, 13
		Lynch Appeal of Decision Daniel Lynch Appeal of Decision 3200 Deer Haven	May 29, 13
		Pappas Ag Exempt Shari Pappas Ag Exempt CD-296-F	May 23, 13
		Beddia Ag Exempt Donald Beddia Ag Exempt SAS-3	May 22, 13
<p>Respectfully Submitted, Patrick Putt Interim Community Development Director</p>			

MINUTES

SUMMIT COUNTY BOARD OF COUNTY COUNCIL WEDNESDAY, MAY 1, 2013 COUNCIL CHAMBERS COALVILLE, UTAH

PRESENT:

Claudia McMullin, *Council 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*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Ure made a motion to convene in closed session to deliberate on a quasi-judicial matter. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 1:25 p.m. to 1:35 p.m. for the purpose of deliberating on a quasi-judicial matter. Those in attendance were:

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

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

Council Member Carson made a motion to dismiss from closed session to deliberate a quasi-judicial matter and to convene in closed session to discuss litigation. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 1:35 p.m. to 2:25 p.m. to discuss litigation. Those in attendance were:

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

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

Council Member Armstrong made a motion to dismiss from closed session to discuss litigation and to convene in closed session to discuss personnel. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 2:25 p.m. to 3:05 p.m. to discuss personnel. Those in attendance were:

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

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

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

WORK SESSION

Chair McMullin called the work session to order at 3:10 p.m.

- **Financial update, Matt Leavitt, Auditor's Office**

Chair McMullin asked if it is meaningful to look at what revenue has come in this year thus far compared to previous years. County Auditor Blake Frazier replied that it is not meaningful to look at total revenue, but it could be meaningful to look at individual areas. Matt Leavitt with the Auditor's Office explained that they could look at sales tax comparisons year to year or Planning and Zoning fees.

Council Member Armstrong asked how revenue and expenses are doing overall, whether they are low on expenses and high on revenues, and if there is reason to believe it will continue to be that way. Mr. Frazier explained that they are doing well overall, and sales taxes, which are a key indicator, are a little higher than last year. He noted that building permits are down a little the first quarter, but subdivision fees are up. Overall, things look better based on the indicators they have right now. County Manager Bob Jasper commented that it would be nice to compare this with where they were four or five years ago and noted that they are nowhere near where things were then.

Mr. Leavitt confirmed that the Payment in Lieu of Taxes has been sequestered, which means there will be about \$60,000 less in revenue. He stated that he would keep an eye on other areas where the sequester might have an impact on the County budget.

Council Member Armstrong asked how the Sheriff's Department is doing. Mr. Leavitt replied that with a quarter of the year elapsed, the Sheriff has spent about 23% of his budget. Council Member Armstrong asked about the Health Department budget. Mr. Leavitt replied that they will be down a little bit, and he will watch how the sequester may affect them. Mr. Jasper noted that the Health Department tried to take the effects of sequestration into account and did a reorganization to try to bring down their costs. Mr. Frazier explained that the Health Department's budget is at 18.1% for the first quarter, but they have not yet received the billings from Valley Mental Health.

Mr. Jasper discussed the need for some risk management related to health insurance and the potential for saving money on health insurance premiums. Council Member Armstrong discussed bringing the Fire District into the health insurance program and stated that he would like to see an analysis of whether that has resulted in a net savings on health insurance costs.

Council Member Carson noted that the Recorder's Office used up its overtime the first quarter of the year. Mr. Frazier noted that there is little budgeted for overtime in the Recorder's Office, and they normally use very little overtime, so he was unsure why that had occurred.

Council Member Armstrong suggested that one solution to the false alarm situation that affects the Sheriff's Department might be to set up a fee system for false alarms. He believed they should discuss that with the Sheriff. Mr. Jasper offered to set up a work session to address that.

Mr. Frazier noted that the fund balances have increased a little since last year.

- **Discussion regarding Eastern Summit County Transportation Master Plan, South Summit area; Kent Wilkerson, County Transportation Engineer**

County Transportation Engineer Kent Wilkerson reviewed the Eastern Summit County Transportation Master Plan as it relates to the South Summit area. He explained that the three tools needed to understand the Plan are traffic modeling, cost estimation, and community priority values. He described the traffic modeling process, which starts with existing conditions and takes into account entitled lots and potential buildout and explained that traffic modeling helps them understand road capacities. He reviewed options for providing improved access from Kamas to Francis, including widening State Route (SR) 32, extending Hallam Road to SR 248, realigning Lambert Lane to SR 248, extending Democrat Alley to Lambert Lane, or widening the existing roads. He also discussed and analyzed alternatives for the Kamas Valley Corridor from Kamas to Oakley, which include using the current SR 32 alignment, creating a mid-valley corridor on Mill Race Road, or a Democrat Alley corridor improvement.

Chair McMullin asked who would decide which alternative to use. Mr. Wilkerson explained that SR 32 is a UDOT road, so UDOT would make the ultimate decision, but the purpose of the Plan is to provide a recommendation to UDOT for their programming. He reviewed details of what would be required for each alternative. Chair McMullin asked if there is any pushback to paving Democrat Alley. Council Member Ure explained that it will be costly to pave Democrat Alley, because they would have to rebuild about a mile or more of the road. Mr. Wilkerson explained that is included in the cost estimates.

Council Member Ure asked if it would be possible to ban heavy vehicles on Democrat Alley and/or Hallam Road, which would allow the County to build the road at less expense. County Engineer Derrick Radke explained that they should not build a new road that will not support the traffic, including trucks. He explained that the County has the ability to temporarily close public roads due to damage concerns, but State law does not allow a permanent ban on traffic on certain roads.

Mr. Wilkerson discussed eight projects for the South Summit area listed on page 2 of the staff report, which include Weber Canyon road widening/improvement, Weber-Provo division trail, bringing several roadways to current standards, bringing Lower River Road to current standards, the Browns Wasatch County by-pass, trails, city coordinating projects, and UDOT capacity improvements to SR 248 and SR 32.

Council Member Armstrong noted that this plan deals with traffic and asked about public transportation. He believed the plan should address transit centers. Mr. Wilkerson explained that a section in the plan specifically addresses transit, but the short-range transportation plan does not warrant transit in Coalville and barely warrants transit to Kamas in the short range. In the long range, transit is barely warranted. He noted that he has indicated in the plan where some park and rides might be beneficial.

Mr. Wilkerson presented the list of potential transportation projects shown in the Eastern Summit County Transportation Master Plan.

Council Member Ure asked why Mr. Wilkerson is proposing projects when he knows there is no money in the budget to complete them. Mr. Wilkerson explained that he prepares a cost estimate for each project, but there may be areas where they could cut costs. They could analyze each project and determine whether it is worth doing it, and that is part of the community priority values. The important thing is to have the list prepared for when an opportunity comes up to do a project. Mr. Radke explained that they develop the roads and corridors on the Master Plan. When a development wants to come into that area, they can point to the plan and say that before the development can go in, the road improvements must be in place, and one way to pay for them is to develop transportation impact fees based on the Master Plan. He explained that it will be up to the Council to determine whether to adopt a policy that requires new development to help pay for the improvements. If not, the County will have to do the work when they can afford it. He explained that if the municipalities sign off on the Master Plan, they should look at the Plan as development occurs within their municipality and follow the Plan.

Council Member Carson commented that she believes they need a plan in place to handle the buildout that is projected. Council Member Ure suggested that they need to do some education with the municipalities so they can adopt ordinances knowing what to expect in the future. Council Member Armstrong suggested that they could pass bonds to complete some of the projects that need to be done. Council Member Carson suggested that this might be a good item to put on the agenda for the next meetings with South Summit and COG.

Mr. Wilkerson commented that there is a wonderful road network in Eastern Summit County that functions quite well, and the goal of this Plan is to keep it that way.

Mr. Jasper commented that he anticipates tremendous growth pressures on Eastern Summit County, but he does not think the municipalities believe that is true. Council Member Ure stated that he believes the Kamas Valley is beginning to understand that development is knocking on their door. Mr. Jasper noted that it might not be possible to pass a bond to do road improvements in Eastern Summit County, because many people do not yet recognize that development is headed their way.

REGULAR MEETING

Chair McMullin called the regular meeting to order at 5:00 p.m.

- **Pledge of Allegiance**

COUNCIL COMMENTS

Council Member Ure reported that he will attend a meeting of the homeowners associations from the North Slope of the Uintas tonight, and he was asked to get Fire Warden Bryce Boyer and Justin Martinez to explain what Summit County does for them with their taxes and to help with fire prevention. He also reported that he has been working Carl Larson from Uinta County, Wyoming, and on May 21 they will hold a meeting with the State of Utah, State of Wyoming, and Regional Forest Service personnel. State, local, and Federal authorities will be there, and if all goes well, they may be able to start harvesting trees as early as September. He asked to be excused from the May 8 meeting, as he would be attending a School Institutional Land Trust meeting.

Chair McMullin noted that there will be a discussion of the dog leash laws at the May 21 meeting, and she will entertain comments from people who attend. She explained that the purpose of the meeting will be to explore alternatives. She also reported that she will invite the Chair and Vice Chair of the Snyderville Basin Planning Commission to meet with the Council on May 15. She noted that she met with Eastern Summit County Planning Commissioner Mike Brown today and discussed where the Planning Commission is going with regard to the General Plan and Development Code. She stated that they are on the same page, and the process seems to be moving forward.

MANAGER COMMENTS

There were no Manager comments.

APPROVAL OF COUNCIL MINUTES

MARCH 27, 2013

Council Member Ure made a motion to approve the minutes of the March 27, 2013, County Council meeting as written. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2013-03 DESIGNATING MAY 6-12, 2013, AS SUMMIT COUNTY WEED WEEK; STERLING BANKS, USU EXTENSION AGENT, AND MINDY WHEELER, SUMMIT COUNTY WEED BOARD

Mindy Wheeler, Chair of the Summit County Weed Board, reported that they were able to secure a grant from the State in cooperation with Salt Lake County to work on controlling the garlic mustard problem before it spreads too wildly. She explained that the County has a mapping program that allows them to map where the weed problems are. They are trying to get Park City, Talisker, and other entities involved to buy the program so they can see where the problems are throughout the County, not just on isolated pieces of property. She explained that weed week is an educational push to help the public understand what noxious weeds are. They will have a garlic mustard weed pull and pay \$1.00 per pound for garlic mustard that is pulled. Chair McMullin suggested that they post the information the County website.

Council Member Ure made a motion to approve Resolution No. 2013-13 designating May 6-12, 2013, as Summit County Weed Week. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE 803 PERTAINING TO CRIMINAL OFFENSES AND COST RECOVERY WITH RESPECT TO EMERGENCY RESPONSES

Deputy County Attorney Dave Thomas explained that the County is in the process of reworking its emergency management statute. Part of that statute is the cost recovery element for fire alarms, hazardous waste cleanup, and wildfires. He explained that if individuals are found liable for those events and are not willing to pay their proportionate share, the County currently has to file a separate lawsuit for cost recovery. The purpose of this ordinance is to put in place the tools the County needs through the Code enforcement program to enforce cost recovery without having to file a civil lawsuit. It will also allow individuals accused of causing the events a forum with an Administrative Law Judge (ALJ) to have their case heard. False alarms, release of hazardous materials, and reckless burning will become misdemeanors that will go through the administrative Code enforcement program and provide for specific cost recovery. He felt it was important to have something in place before the upcoming fire season.

Council Member Ure asked if flammable materials means petroleum-based materials. He noted that weeds could be flammable and asked if it would be considered reckless if he were burning his ditch bank and the wind shifted and caused some weeds to catch fire. Mr. Thomas replied that would not be considered reckless if he had taken reasonable steps before burning the ditch bank. He noted that each item has an element of discretion. Council Member Ure asked who would be responsible for issuing citations. Mr. Thomas replied that law enforcement officers, the Fire Warden, or a Fire Chief would have authority to issue a citation. Council Member Ure asked if a person must be within a certain distance of a fire while it is burning. Mr. Thomas replied that no distance is specified, and the ordinance allows for some discretion. If a person has taken the necessary precautions prior to burning, it will not be considered reckless burning, and the law enforcement official will have a measure of discretion in issuing a citation.

Council Member Armstrong asked if they need to include in the ordinance information about who the law enforcement officials are. Mr. Thomas explained that these would not be criminal citations but administrative citations. State statute says fire wardens can issue citations, and the International Fire Code says that fire officials can issue citations, Sheriff's deputies who are POST certified can issue citations, and the Code enforcement officer can do it. If they were to designate others who could issue citations, they would do that in the ordinance.

Council Member Carson made a motion to adopt Ordinance 803 pertaining to criminal offenses and cost recovery with respect to emergency responses. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0.

POSSIBLE 2013 ALLOCATIONS TO THE LOCAL CORRIDOR PRESERVATION FUND RECOMMENDED BY THE SUMMIT COUNTY COUNCIL OF GOVERNMENTS; KENT WILKERSON, TRANSPORTATION ENGINEER

Mr. Wilkerson explained that the Council is the County highway authority. He reported that the Council of Governments (COG) met on April 15 and approved the programming for the Highway Corridor Preservation Funds for 2013. Six applications were recommended for 2013, and two applications are for future dates. He noted that the COG voted unanimously in favor of approving the proposed applications. Staff recommended that the Council approve the 2013 Corridor Preservation Fund allocations.

Council Member Armstrong recalled that this started with some of the mayors on the east side of the County not being aware of the application process and feeling that they had missed an opportunity. They were also dissatisfied that State funding for the Corridor Preservation Fund had gone away. He reported that Mr. Wilkerson re-opened the application process and accepted new applications. He was very pleased with the last COG meeting, because they were able to achieve things that are beneficial for communities on the eastern side of the County.

Council Member Ure made a motion to approve the 2013 allocations for the Local Corridor Preservation Fund as recommended by the Council of Governments. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0.

CONSIDERATION OF ASSESSOR'S ERRORS AND OMISSIONS PARCEL PKM-5-91

County Assessor Steve Martin explained that it is not always possible to get into a house to determine how much of the house area is living space when there is house area above the main floor. In this case, there was house area shown on the plan, but the owner was not using half of it for living space. It took his office five years to learn that, and he has made the adjustment to the valuation five years back. The adjustment results in \$5,565 in property taxes to be refunded to the property owner.

Council Member Carson noted that the calculations go back six years. Mr. Martin recalculated the amount and reported that it should be \$4,503.21.

Council Member Ure made a motion to refund taxes on Parcel PKM-5-91 in the amount of \$4,503.21. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

CONSIDERATION OF ARBOR DAY PROCLAMATION; LISA YODER

Sustainability Coordinator Lisa Yoder introduced Jason Barto, an arborist. Mr. Barto explained that one of the criteria for the Tree City USA designation is celebrating Arbor Day. He explained that in cooperation with a number of entities and Eagle Scout candidate Martin Lawson, they plan to plant between 12 and 14 trees at South Summit Park. He stated that they would like to visit with the Council at a later date to pass a shade tree ordinance to meet the Tree City USA criteria. If they were to receive that recognition, Summit County would be the first county in the State to be recognized. He reviewed statistics regarding the worth of Coalville City's trees and their impacts on the environment and explained that trees are important to the sustainability plan and livability of the communities.

Martin Lawson reported that he contacted Mike Crystal, and the Scouts plan to prune some existing trees and cut weeds around them. County machinery will cut holes for the trees, which will be brought in from Copperton. He explained that they are working with Wes Siddoway to use his dump trucks, and Cade Sargent will provide tree mulch. He stated that Jeff Peterson will irrigate the trees. He reported that 10 Scouts in his troop will help with the project, as well as some friends from Salt Lake, and he anticipated that 20 or 30 people would work on the project.

Mr. Barto explained that they have publicized this project and received responses from a number of people in the community who plan to help. Council Member Ure offered to provide compost for the trees. Martin asked if the County could provide a tank to haul water to the site to water the trees after they are planted. Mr. Jasper offered to check with the Public Works Department about providing some tanks. Chair McMullin suggested that they publicize the need for additional trees on the Summit Counts website.

Council Member Armstrong made a motion to proclaim May 11, 2013, as Arbor Day in Summit County and to acknowledge Martin Lawson for his Eagle Scout project. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

CONVENE AS THE BOARD OF EQUALIZATION

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

The meeting of the Summit County Board of Equalization was called to order at 5:46 p.m.

CONSIDERATION OF APPROVAL OF 2012 STIPULATIONS

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

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

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

The meeting of the Summit County Board of Equalization adjourned at 5:47 p.m.

POSSIBLE DECISION OF ROCKPORT ROCKS CONDITIONAL USE PERMIT; SEAN LEWIS, COUNTY PLANNER

Council Member Carson made a motion to deny the appeal concerning the matter of Rockport Rocks and to issue a Conditional Use Permit with the following findings of fact, conclusions of law, and conditions:

Findings of Fact:

- 1. Rockport made application for a Conditional Use Permit (the "CUP") to Summit County for the purpose of operating a sandstone rock quarry on an area encompassing two (2) acres located on Summit County Parcels NS-59-1 (69.3 acres) and NS-71 (18.64 acres), approximately ½ mile south of the Rockport Reservoir (the "Property"). The quarrying operation consists of production of large rock products suitable for riprap and/or landscape walls, and also crushing of the spoils from that into gravel products, all for retail sale. The quarrying operation does not include asphalt batch plants or concrete products. The operation would include excavating and rock breaking, and while not routine, would also include periodic blasting.**

2. **The quarrying operation is proposed to be situated within a small canyon area located on the northeast corner of the Property, more particularly described as follows: Beginning at a point North 3°31'41" East 585.42 feet more or less along the section line from the East ¼ Corner of Section 10, T1S, R5E, SLB&M and running thence South 82°21'00" West 278.94 feet; thence North 3°31'41" East 318.36 feet; thence North 82°21'00" East 278.94 feet to the section line; thence South 3°31'41" West 318.36 feet along the section line to the point of beginning (the "Quarry").**
3. **The Property is located within the Agricultural Protection (AP) Zone District under the Eastern Summit County Zoning Map.**
4. **Rock quarries, gravel pits, and associated surface mining uses are listed as conditional uses under the Eastern Summit County Development Code Use Chart within the AP Zone. Code §11-3-13.**
5. **Rockport proposes to have ten (10) employees in its rock quarrying operations with hours of operation being from 7:00 a.m. until 5:00 p.m., Mondays through Fridays and 8:00 a.m. to 5:00 p.m. on Saturdays. Blasting may only be conducted from 10:00 a.m. to 3:00 p.m. Mondays through Fridays. Rockport estimates 140 round trip truckloads on a monthly basis for exporting rock product from the Quarry.**
6. **On June 12, 2012, Rockport received approval from the Utah Department of Natural Resources to commence small mining operations on the Property.**
7. **The Planning Commission held work sessions on July 11, 2012, September 5, 2012, and November 7, 2012, to consider the CUP application.**
8. **The Planning Commission held public hearings on the CUP application on August 1, 2012, September 19, 2012, October 17, 2012, and November 7, 2012. Of major concern to those who spoke at the public hearings was noise and dust control. An Environmental Noise Assessment, Rockport Rocks Quarry (November 5, 2012) by JC Brennan & Associates ("JCB") was presented to the Planning Commission by WTP (the "WTP Assessment"). JCB did not conduct actual noise measurements in the Quarry, but rather estimated, through a modeling process, the noise from quarrying operations to the Property line using six (6) receiver sites. JCB found that noise levels varied from between 58.9 dBL and 73 dBL, depending upon the location. The receiver sites are designated as residences in close proximity to the Property, the closest sites being R-5 and R-6. Among the conclusions of the WTP Assessment is the following:

There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise. Thus, an important way of predicting a human reaction to a new noise is the way it compares to the existing environment to which one has adapted; the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

No ambient noise levels were recorded at any of the receiver sites as part of this analysis and, as a consequence, there is no "control" for purposes of determining adverse impacts to the occupants as a result of the WTP Assessment.**
9. **As part of the approval process, Rockport obtained a "will serve" letter from Mountain Regional Water Special Service District ("MRW") to provide water for use at the site. WTP has alleged that MRW does not have an authorized place of use on the Property upon which to utilize its water rights. Hence, WTP asserts that**

- MRW must apply for a Change Application with the State Engineer and have such granted before Rockport could have access to water on the Property.
10. While the Quarry has natural grade slopes greater than 30%, no permanent vertical structures are proposed to be erected within the Quarry on any of those slopes.
 11. The CUP application was reviewed by the County Engineer, who determined that road impact from increased truck traffic from the Quarry did not materially reduce the Level of Service (“LOS”) standard for State Route 32 (“SR 32”).
 12. The CUP application was also reviewed by the Utah Department of Transportation (“UDOT”), who issued a letter, dated August 15, 2012, wherein it determined that given the relatively small size of the Quarry, there would not be any adverse effects on SR 32.
 13. As part of the application process, Rockport provided a Blasting Plan and Quarry Track-Out Control Plan.
 14. On November 7, 2012, the Planning Commission approved the CUP.
 - A. As part of its approval, the Planning Commission made various findings concerning the mitigation measures taken to offset the impacts of the quarrying operation. The Planning Commission found that noise was mitigated through (i) limitations on the hours of operation, (ii) the location of the quarry within a small canyon which provides significant shielding of the quarrying operations from surrounding properties, (iii) the ambient noise from SR 32 masks the noise from the quarrying operation, and (iv) the relatively small size of the operation.
 - B. As part of the approval, the Planning Commission required that eleven (11) conditions be met. Among those conditions are the following: (i) limitations on hours of operation, (ii) participation in the Utah Department of Environmental Quality (“DEQ”) Voluntary Fugitive Dust Program, (iii) limitation on the use of “Jake Brakes,” and (iv) a limitation on monthly truck traffic to 140 round trips to be calculated on a seven month rolling average.
 15. On November 14, 2012, WTP filed its appeal of the CUP. In its accompanying Memorandum of Points and Authorities, WTP centers its opposition to the CUP on six areas of inquiry: (a) inadequate water rights for the operation, (b) inadequate dust control mitigation, (c) impermissible noise that adversely impacts the peace and enjoyment of neighboring property owners, (d) impermissible development on slopes greater than 30% natural grade, (e) impermissible visual impacts on surrounding properties, and (f) inadequate road infrastructure for 980 round trip truck loads in a one-month period.
 16. As part of the appeals process, Rockport provided its own noise assessment, Environmental Sound Analysis, Rockport Rocks, LLC (February 4, 2013) by SLR International Corporation (the “Rockport Assessment”). SLR conducted an on-site noise analysis on January 30-31, 2013, measuring ambient noise levels and comparing them against the actual sounds from an excavator and dump truck at the Property. The report found that the ambient noise levels masked the noise levels from the quarrying operations and concluded that there were “no material adverse impact[s] to ambient conditions.”
 17. On February 12, 2013, the Council conducted a site visit to the Property. We observed the configuration of the access driveway, the two-acre site where the excavation would occur, and the points of ingress and egress onto SR 32. The two-acre site is located within a very small and narrow canyon with steeply sloping walls on either side. The visual impacts appeared limited. The equipment and much of the excavated rock are housed within the confines of the canyon and are not visible

off site. While the excavation will expose the rock walls of the canyon to greater scrutiny, that visual exposure is small.

18. To alleviate concerns regarding the access driveway passing too close to the Stonebrook residence and creating unacceptable levels of noise to the owners thereof, Rockport redesigned the access driveway so as to encroach further upon the Siddoway home and away from the Stonebrook residence.
19. With respect to water, Rockport stated that additional water was only needed for dust suppression, which would be accomplished by hauling water using a water truck. The water truck can fill its tank from any approved source within the MRW system. Hence, obtaining a point of diversion on the Property is not necessary.
20. Rockport has agreed to comply with the DEQ Voluntary Fugitive Dust Program, which will include the treatment of the unpaved portions of the access driveway with both water and magnesium chloride as needed for dust control.

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. WTP filed its appeal of the issuance of the CUP in a timely fashion.
3. UCA §17-27a-506(2) provides 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).
4. Code §11-4-12(B) provides the criteria upon which conditional use permits can be approved in Eastern Summit County:

Criteria For Approval: Before an application for a conditional use is approved by the planning commission, it shall conform to the following criteria:

 1. The proposed use shall be appropriate in the particular location, taking into account the nature of the use, its relationship to surrounding land uses and its impact on the natural environment.
 2. The proposed use shall be in general compliance with the development evaluation standards in Chapter 2 of this title.
 3. The proposed use will not be in violation of any county, state, or federal laws.
 4. The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, applicant shall submit proof of ownership.
 5. The applicant shall demonstrate that it possesses the requisite skills and experience to ensure that the particular use will be conducted in a safe and orderly manner.

6. The use will not adversely affect, in a significant manner, the public health, safety, and welfare.
 7. The length and size of the proposed structure must be compatible with the residential uses in the area and must also meet the setback requirements for the zone in which it is located.
5. The relevant development evaluation standards referenced in criteria (2) above are as follows:
- a. **Water:** Code §11-2-3(A) requires either a State Engineer Memorandum of Decision for the drilling of a well or a commitment from a public or private water utility.
 - b. **Slopes:** Code §11-2-4(F) prohibits “development” on slopes greater than a 30% natural grade. However, there is no definition of what constitutes “development.” Code §11-7-11 provides that the Director of the Department of Community Development (the “Director”) has the authority to interpret the Code. He has interpreted “development” under the Eastern Summit County Development Code, County Code, Title 11, to mean the erection of permanent vertical structures. This interpretation of “development” has been used consistently by the Director in applying Title 11 to development applications for at least the past fifteen (15) years. In fact, planning staff reports that in their investigation of the issue, the only permanent vertical structures existing on 30% natural grade slopes in Eastern Summit County are from development projects approved prior to 1977, at a time when Summit County did not have zoning regulations.
 - c. **Air Pollution:** Code §11-2-4(J) requires compliance with the state air pollution control standards.
 - d. **Noise:** Code §11-2-4(K) provides: “nonagriculture development shall not generate noise equal to or exceeding sixty (60) decibels at its property line which would result in materially adverse impacts relating to the use of the land in question or adjacent land or its occupants.
6. **Water Rights**
Rockport has a “will serve” letter from MRW, a public water utility. We conclude that such a commitment letter satisfies the requirements for water within the Code. Rockport has indicated that it can take water for dust mitigation by truck, filling it at any approved source within the MRW system. To the extent that Rockport desires to take water at a point of diversion on the Property, the State Engineer would require MRW or Rockport to file the appropriate Change Application.
7. **Dust Control**
Rockport has agreed to comply with Utah Administrative Rule R307-309-6, the DEQ Voluntary Fugitive Dust Program. We conclude that making compliance with this program a condition of approval sufficiently offsets the impact of dust on the surrounding properties.
8. **Noise**
While the evidence suggests that Rockport’s quarrying operations will exceed sixty (60) dBLs at the Property line, we conclude that there is insufficient evidence that the noise from such operations will result in “materially adverse impacts” on the adjacent properties and its occupants. We look for guidance from the Vermont Supreme Court in the case of In re Appeal of Licausi, 2007 WL 5313303 (Vermont 2007) which dealt with a similar issue. We recognize that a Vermont Supreme Court decision is not binding in Utah, but nevertheless find it instructive. In that case, an existing gravel pit wanted to expand by adding an asphalt batch plant to the

existing excavation and rock crushing operations. To accomplish this, the operator applied for a conditional use permit. The neighbors, much as the neighbors here, protested the expansion asserting that the increased noise would be a materially adverse impact on them and their quiet enjoyment of their properties. There, the Vermont Supreme Court compared the noise from the asphalt batch plant against the existing ambient noise from the excavation and crushing operation. The Court found that the noise from the asphalt batch plant would be no greater than the noise from the rock crushing operation. As a result, the Court placed a condition on the operation of the asphalt batch plant wherein it could operate only during the hours of the rock crushing operation. Key to the inquiry was the "ambient" noise. This Vermont Supreme Court analysis finds support in the WTP Assessment, where it concludes that “. . . an important way of predicting a human reaction to a new noise is the way it compares to the existing environment to which one has adapted; the so-called ambient noise level.” The WTP Assessment did not consider ambient noise levels in this case. Consequently, we find the WTP Assessment unhelpful in that regard. On the other hand, the Rockport Assessment did measure ambient noise and compared it against actual sounds from the quarrying operation over a 24-hour period, finding that the quarrying operation is masked by the ambient noise from SR 32. While no assessment of this nature is perfect, it convinces us that the contemplated use will not be overly intrusive. This is further confirmed by our site visit to the Property, where we observed that the small, narrow canyon that will serve as the site for the quarrying operations has significant steeply sloped walls that would direct the sounds of the operation away from the neighboring properties. Other noise mitigation which we find reasonable includes the prohibition of “Jake Brakes” and the alteration of the access driveway away from the Stonebrook residence, including the use of a 10-foot berm to further deflect noise away from that residence. A limitation on the hours of operation can add to the noise mitigation by permitting operations only between the hours of 8 a.m. and 5 p.m. Mondays through Fridays and from 9 a.m. to 5 p.m. on Saturdays. We conclude that a limitation on blasting and rock crushing operations is also warranted.

9. **30% Natural Grade Slopes**

The issue over development on 30% natural grade slopes turns on the definition of “development.” “Development” is an undefined term in Title 11 of our Code. Our Director has consistently interpreted “development” to mean permanent vertical structures. WTP suggests that we should define “development” as broadly as possible and proposes the definition of “development activity” that appears in UCA §17-27a-103(9) be used. In statutory interpretation, we attempt to give effect to the legislative intent of our ordinances as evidenced by the ordinance’s plain language. Summit Water Distribution Company v. Summit County, 123 P.3d 437, 442 (Utah 2005); Jensen v. Intermountain Health Care, Inc., 679 P.2d 903, 906 (Utah 1984). However, where a term “may be understood to have two or more plausible meanings,” then extrinsic evidence may be used to deduce the meaning. R&R Indus. Park, LLC v. Utah Property & Cas. Ins. Guar. Ass’n, 199 P.3d 917, 923 (Utah 2008). A survey of land use ordinances throughout the State of Utah indicates that the term “development” is defined many different ways. Some definitions are narrow, as is the case with the Springdale Development Code, §10-2-2. Other definitions are broad, as is the case with the Weber County Development Code, §1-6. In sum, the term “development” is prone to multiple meanings, making it ambiguous. We are also mindful of the Utah Court of Appeals guidance that “because zoning ordinances are in derogation of a property owner’s common-law

rights to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.” Patterson v. Utah County Board of Adjustment, 893 P.2d 601, 606 (Utah App. 1995). In light of the long-standing historical interpretation by the Director together with the guidance of the Utah Court of Appeals, we conclude that “development” within the meaning of Title 11 of the Code means “the erection of permanent vertical structures.” We do not take making this interpretation lightly. We recognize the law of unintended consequences rears its head when such interpretations are made. Nevertheless, we conclude that making this more narrow interpretation does less damage to the overall intent and purposes of the Eastern Summit County Development Code; for if our interpretation were broader, it would prevent the development of ski resorts whose groomed slopes generally include 30% natural grades or roads that cut through 30% natural grade slopes or even the laying of essential pipelines for water, sewer, natural gas, and oil which may traverse 30% natural grade slopes. As a consequence of our interpretation, we conclude that since Rockport does not propose to have any permanent vertical structures on 30% natural grade slopes, this provision of the Code is satisfied.

10. **Visual Impacts**

While Code §11-3-13, the Eastern Summit County Use Chart, allows for a conditional use permit in the AP Zone for a quarrying operation, the criteria for approval of a conditional use allows the County discretion to deny a conditional use where it is inappropriate to a particular location. This is a relatively small quarrying operation limited to two acres and sited within a small and narrow canyon out of view of the public. The only visual impact would be the exposure of the rock walls of the canyon at the upper levels. The neighboring property owners have complained about the negative impact on their views. While we appreciate their concerns, we believe that a “decision to deny an application for a conditional use permit may not be based solely on adverse public comment.” Wadsworth Construction v. West Jordan City, 999 P.2d 1240, 1243 (Utah App. 2000). We conclude that such visual impacts are “de minimus” given the circumstances. Quarrying operations by their very nature expose rock. This location within the AP Zone appears no different than other locations within the zone as it relates to exposing rock that may be viewed by the general public.

11. **Roads**

WTP asserts that Rockport will “decimate” the roadway with up to “1960 truck trips in a single month.” WTP also asserts that the increased truck traffic volume presents an unsafe condition on SR 32. We agree that 1960 truck trips in a single month is excessive given the absence of an acceleration and deceleration lane on SR 32. However, it is beyond the jurisdiction of this body to mandate on UDOT such a lane. Nevertheless, we can limit the number of truck trips. We conclude that limiting roundtrip truckloads to 140 per month is reasonable. Further, we conclude that a further limitation of 10 roundtrip truckloads per day is warranted. Finally, we conclude that limiting the types of trucks can help preserve the useful life of the roadways. Consequently, any truck used in the quarrying operation shall not exceed a tandem axle with a gross vehicle weight in excess of 46,000 pounds. We rely upon the County Engineer and UDOT in their determinations that the LOS on SR 32 will not be adversely affected. We further conclude that if the operation poses a traffic hazard, UDOT has ultimately “reserve[d] the right to install a raised median island or restrict the access to right-in right-out if the proposed access

creates safety concerns, if there is an increase in crashes in the area, or increase in traffic volumes on state route [32].”

Conditions:

1. **Submission of proof of an operating permit and reclamation bond as required by the Utah Division of Oil, Gas, and Mining (“DOGGM”). If at any time the permit is withdrawn or the reclamation bond is not in place, this CUP shall be void. Violations of the DOGM permit constitute a violation of this CUP, whether enforcement action is taken by the State of Utah or not. The County reserves the right to revoke this CUP or take other appropriate enforcement action independently of the State of Utah.**
2. **Work at the Quarry shall not commence until Rockport has obtained an SWP3 permit from the Summit County Engineer. Continuous compliance with the SWP3 permit is a condition of this approval.**
3. **All blasting operations shall be carried out by properly licensed personnel or contractors in full compliance with Federal, State, and local regulations. Reasonable advance notice of proposed blasting shall be submitted to the County and also the North Summit Fire Special Service District (“District”). Blasting shall be carried out in accordance with the policies of the District. In addition, in order to protect a high-pressure natural gas line near the Property, specific notice shall be given to Questar Gas to enable it to monitor the blasting on site. Blasting shall be limited to the hours of between 10 a.m. to 3 p.m. on Mondays through Fridays. Blasting outside of these time limitations is expressly prohibited. Blasting may be conducted on five (5) days out of each calendar month. Reasonable efforts shall be made to notify immediately adjoining property owners of blasting at least 72 hours in advance.**
4. **No temporary uses or accessory uses not expressly included within the quarrying operation described herein shall be permitted.**
5. **Hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m. on Mondays through Fridays, and between 9:00 a.m. and 5:00 p.m. on Saturdays. Maintenance and repair operations that do not require operation of machinery may occur outside of these hours of operation. Bona fide emergency operations may exceed these hours of operation. No truck traffic shall be permitted except during the hours of operation.**
6. **Rockport shall control mud, rock and dust track-out from the quarrying operation. Rockport shall perform regular road sweeping, washing, or scraping to avoid debris on the public roadways. Rockport shall perform mechanical and/or manual truck cleaning before trucks leave the Property. The frequency of control work shall vary with the season and weather conditions, as necessary, to keep the public roadways free of mud, rocks and dust. A rumble cage shall be installed for the purpose of dislodging mud and rocks from trucks as they exit the Quarry. The Quarry access driveway shall be graveled, or at the option of Rockport, paved with asphalt. The only portion of the access driveway which is not required to be either graveled or paved is the actual loading zone within the Quarry. An asphalt road shall be maintained for 350 feet from SR 32. Track-out shall be monitored by Rockport, and in periods of wet conditions, traffic shall be suspended if the other track-out elimination measures are not sufficient.**
7. **The Quarry access driveway shall be constructed as set forth in the driveway plan accompanying that certain letter, dated April 3, 2013, from Edwin C. Barnes, Attorney for Rockport, to Sean Lewis, County Planner (the “Driveway Plan”). A ten (10) foot berm shall be constructed as indicated on the Driveway Plan.**

8. **Dust shall be controlled under the DEQ Voluntary Fugitive Dust Program, Utah Administrative Rule, R307-309-6. Compliance with the program is voluntary under the State Regulations, but is made a specific condition of this approval. In addition, the unpaved portion of the quarry access driveway shall be watered and/or treated with magnesium chloride as needed for dust control.**
9. **The quarrying operation is expressly limited to two (2) acres as described herein. The limited size and scale of the quarrying operation are material to the mitigation of impacts to the surrounding area. Any expansion shall require an amendment to this CUP, and by this provision, Rockport is placed on actual notice that no subsequent approval is expressed or implied herein.**
10. **Trucks operating within the Property shall not use engine compression brakes commonly referred to as “Jake Brakes.”**
11. **Truck traffic shall be expressly limited to 140 roundtrip truckloads per month, and is further limited to 10 roundtrip truckloads per day. No truck shall be utilized in quarrying operations that is in excess of a tandem axle with a gross vehicle weight exceeding 34,000 pounds.**
12. **No on-site fuel storage is permitted.**
13. **Rockport shall obtain adequate water from the MRW system to fill its tanker trucks for purposes of fugitive dust control. If Rockport elects to take water on-site, it shall obtain all necessary approvals from the State Engineer and provide proof of such to the County.**
14. **All rock crushing operations at the Quarry shall be limited to the hours of 10:00 a.m. to 3:00 p.m. on Mondays through Fridays. Rock crushing shall be limited to ten (10) days per calendar month.**
15. **In the event that UDOT requires the installation of an acceleration and/or deceleration lane on SR 32 due to increased traffic from the quarrying operations, Rockport shall install such at its sole cost and expense.**
16. **While Rockport has demonstrated satisfactorily to the Council that its proposed quarrying operations satisfy the noise regulations within the Code, such is a continuing condition of approval. Consequently, Rockport shall ensure that its continuing operations do not generate noise equal to or exceeding sixty (60) decibels at its property line which would result in materially adverse impacts relating to the use of adjacent land and/or its occupants. The County expressly reserves the right to conduct noise assessments of the quarrying operations at times and under circumstances as the County may see fit. Rockport shall fully cooperate in any noise assessment performed by the County.**

The motion was seconded by Council Member Ure.

Council Member Ure asked about the 34,000 lb. weight limit for trucks and explained that 34,000 lb. is allowed on the cams, but the front axle is allowed 12,000 lb.

Council Member Carson amended Condition 11 to read as follows:

11. **Truck traffic shall be expressly limited to 140 roundtrip truckloads per month, and is further limited to 10 roundtrip truckloads per day. No truck shall be utilized in quarrying operations that is in excess of a tandem axle with a gross vehicle weight exceeding 46,000 pounds.**

Council Member Ure accepted the amendment in his second. The motion passed unanimously, 4 to 0.

PUBLIC INPUT

Chair McMullin opened the public input.

There was no public input.

Chair McMullin closed the public input.

Council Member Ure was excused for the remainder of the meeting.

PUBLIC HEARING, DISCUSSION, AND POSSIBLE ACTION REGARDING A SPECIAL EXCEPTION TO ALLOW AN EXISTING ACCESSORY DWELLING UNIT EXCEEDING 1,000 SQUARE FEET, 1593 E. OAKRIDGE ROAD; SEAN LEWIS, COUNTY PLANNER

County Planner Sean Lewis presented the staff report and indicated the location of the property near the top of Silver Creek Estates. He explained that the 1976 structure was the original structure on the property, and the applicant is requesting that structure remain as the accessory dwelling unit. A manufacturing structure was built in 1980, with a residential dwelling added to it in 1986, and the 1986 residential dwelling has since been removed from the property. He recalled that the Silver Creek plat was recorded in 1963, prior to zoning in the County. The 1976 structure was built on the lot as a lot of record after zoning was enacted. The manufacturing structure was built in 1980, and in 1985 the Snyderville Basin zoning district restricted residential lots to one building per lot. In 1986, Summit County issued a Class II permit, which went before the Planning Commission, for the expansion of residential zoning on the property and allowed the addition of the residential portion to the 1980 structure. In 1994, the Development Code was changed and now limits accessory dwelling units to 1,000 square feet. It also contains language regarding expansion or demolition of non-conforming uses. The applicant chose to tear down the 1986 structure to build a new 5,000-square-foot house, which caused the 1976 structure to become nonconforming, because it is in excess of 1,000 square feet. He provided photographs of the various structures that have existed on the lot. Staff recommended that the Council deny the special exception request based on the findings of fact and conclusions of law shown in the staff report.

Darlene Batatian with Mountain Land Development Services stated that she has tried to help the applicant navigate his way through the process. She provided a narrative that is included in the staff report which explains unique circumstances that substantiate an equitable claim for this property. She felt that one of the unique circumstances on this property is that the building that was torn down was actually the accessory structure. It included a paint shop, which created health and safety issues associated with that use, and had a pervasive beetle infestation. Given the disrepair of the structure and health and safety issues, the applicants believed it was reasonable to tear the structure down and replace it with a new home. She explained that the well equipment that serves this property and an adjacent property is in the basement of the 1976 structure. She asserted that tearing down that structure would require building a well house for both properties, which would place an additional burden on the applicant. She also noted that when the larger structure was built, it was shifted out of the ridgeline to achieve compliance with the intent of the Code. Ms. Batatian felt that, because of the unique and equitable circumstances, the applicant meets the intent of the Development Code. She noted that other accessory structures that are larger than 1,000 square feet have been approved in this area. She believed the intent of restricting the size of accessory dwelling units is to keep them from being split off

into a separate parcel. One way to mitigate that would be to require the applicants to file a restrictive covenant that would prevent them from subdividing or selling the second dwelling unit as a separate residence, which she believed would provide an opportunity to create some mitigating circumstances. She provided additional findings of fact and conclusions of law that would support approval of the special exception.

Jacob Arnold, the applicant, explained that the property had two houses over 1,000 square feet when they purchased it. He stated that they called to be sure it was not going to be a problem, and they probably would have done things differently if they had known there would be a problem. He explained that there were two structures on the property that were awful, and there was not much they could do with either of them. He stated that they have spent a couple of years and a lot of money cleaning up the property, and they are trying to do the right thing.

Council Member Carson requested confirmation of the size of the 1976 structure. Planner Lewis replied that Staff has calculated the size to be about 2,100 square feet. He explained that the applicant's calculation of 1,200 square feet is based on the footprint of the building, not the actual dwelling space within the structure.

Council Member Armstrong noted that the applicant chose to tear down the main structure because of contamination, but they are talking about the 1976 structure, and he was not sure the decision to modify the 1980 structure is relevant to what is happening with the 1976 structure. Ms. Batatian explained that their claim is that the 1976 structure has been there since 1976 and does not denigrate health, safety, and welfare. It has been in conflict with the County's ordinance for 35 years, and they would like it to remain as a nice little guest house. She maintained that, if the County puts a restrictive covenant on it, it could not be subdivided or split off. She stated that Mr. Arnold has not changed anything by tearing down a derelict structure, and to require him to do something that is burdensome and devalues his property would not accomplish anything with regard to the County's ordinance.

Planner Lewis explained that Staff would support the applicant bringing the 1976 structure into conformance with the current standard of 1,000 square feet of living space inside the structure. They could use other parts of the structure for storage or other purposes. He explained that an accessory dwelling can be placed inside a larger structure, but the living space is limited to 1,000 square feet. Council Member Armstrong confirmed with Planner Lewis that the 1976 structure could be brought into conformance without tearing it down.

Council Member Carson acknowledged Ms. Batatian's claim that one reason for restricting accessory dwelling units to 1,000 square feet is to keep people from splitting it off from the main lot. However, she believed another reason is impacts on the schools and community resources. Ms. Batatian responded that they are not really changing anything on this site, because there have been two homes on it for a while. She believed this would be a different situation if they were proposing to build a new second dwelling on the site, but they demolished a structure that was decrepit and just want to keep another one they would also update.

Chair McMullin opened the public hearing.

Ben Bernal explained that he recently moved onto the adjacent property and shares the well with the Arnolds. He stated that it would be an inconvenience for both of them to have to share the cost of building a new well house.

Megan Arnold, the applicant's wife, stated that they have put a lot of work into this structure and would like to keep it. She stated that they would not have put all that work into it knowing they would have to tear it down.

Chair McMullin closed the public hearing.

Ms. Batatian explained that the recommendation to downsize the 1976 structure was a new recommendation from Staff, and she did not have that information when she prepared her narrative for the staff report. Chair McMullin stated that the applicant could downsize the habitable space in the 1976 structure and be in conformance with the Code. They may not want to, but they could.

Council Member Armstrong asked for clarification of the Temporary Use Permit that was issued for the Arnolds to live in the 1976 structure while building the new home. Planner Lewis explained that it is not uncommon for someone to request a TUP to live in a temporary structure on their property while they build the main structure. However, they do not often see two structures existing on the same lot. When they issue a TUP for that purpose, the standard language is that the temporary structure must be removed when the main structure has been completed. In this case, the temporary structure is not temporary and, if it complies with the Code requirements for a secondary dwelling unit, it would not have to be demolished.

Chair McMullin commented that, regardless of the TUP, the applicant is entitled to have a 1,000-square-foot accessory dwelling unit on their property. Ms. Batatian agreed that they are entitled to a 1,000-square-foot accessory structure, but their request is to allow an exception and allow the existing square footage of the existing building to continue. Chair McMullin explained that they do not have to tear the structure down, so the well is not at risk and water is not an issue.

Planner Lewis clarified that both the 1986 structure and the 1976 buildings were in compliance, but once the 1986 structure was removed, the 1976 building became the primary dwelling. When the applicant obtains a building permit for a 5,000-square-foot home, the 1976 structure becomes in nonconformance with the Code. Community Development Director Patrick Putt clarified that the 1976 structure has always been compliant and existed legally when it was built. However, the 1986 structure was approved specifically as a guest quarters. When the guest quarters were removed from the property, what remained was a legally compliant single-family home. Construction of the new home presents the problem, as there will be two single-family residences on property zoned for only one home. He believed the language in the TUP regarding demolishing the temporary structure was designed to remedy the possibility of leaving two single-family homes on a lot zoned for only one home. He explained that the permit regarding the 1986 structure was only found about a week ago when Staff was able to clarify what was actually approved, and at that point Staff had already determined that the necessary standards for a special exception had not been met. However, they did find that modifying the 1976 structure so it complies with the existing Code might be a viable alternative.

Council Member Armstrong made a motion to deny the special exception request for the property located at 1593 East Oakridge Road based on the following findings of fact and conclusions of law outlined in the staff report:

Findings of Fact:

1. The applicant, Jacob Arnold, is the owner of record of the property located at 1593 East Oakridge Road North.
2. The subject property is legally described as Lot 18, Silver Creek Estates Unit A Subdivision and is further identified as Assessor's Parcel SL-A-18.
3. The subject property is 9.73 acres in size.
4. The Silver Creek Estates Unit A Subdivision was platted in 1963 prior to the adoption and implementation of zoning in Summit County, Utah.
5. Summit County records indicate that a 2,100-square-foot Single-Family Residence was constructed on the subject property in 1976.
6. Summit County adopted and implemented zoning on August 1, 1977.
7. The 1977 Summit County Zoning Ordinance designated the zoning for the subject property as RR-1. Single-Family Residential structures were allowed uses in the RR-1 Zone.
8. Summit County Assessor's records indicate that an additional building was erected in 1980. This building is a 2,500-square-foot shop/accessory use on the subject property. Shop/accessory uses were allowed uses in the RR-1 Zone.
9. On April 15, 1985, Summit County adopted Ordinance 150 creating the Snyderville Basin Zoning District. Zoning in the Silver Creek Estates Unit A Subdivision remained RR-1.
10. On February 11, 1986, the Summit County Planning Commission granted a Class II Permit allowing for the construction of a "residential dwelling above the garage" (shop) for Parcel SL-A-18.
11. On October 10, 1986, Summit County issued Building Permit #86152 granting "conditional" approval of a remodel/addition of a "guest house" addition to the manufacturing (shop) building built in 1980. The permit was for a 1,470-square-foot addition. The permit application filed by the property owner at the time specifically stated: "This dwelling structure is for guest quarters only and cannot be split or sold separately from Lot #18 Silver Creek Estates Subdivision 'Unit A'."
12. On December 22, 2004, Summit County adopted Ordinance 521 amending the zoning regulations in the Hillside Stewardship Zone.
13. Pursuant to Section 10-2-5 of the Snyderville Basin Development Code, the Hillside Stewardship Zone permits one (1) Single-Family Residence per lot. Guest Houses are allowed uses and limited in size to no more than 1,000 square feet.
14. The subject property is currently zoned Hillside Stewardship.
15. On September 25, 2012, the applicant applied for a Temporary Use Permit to demolish the 1986 residential (guest house) addition and to construct a new 5,000+-square-foot Single-Family Residence.
16. Included in the 2004 Code is Section 10-8-5 regarding Accessory Dwelling Units.
17. Section 10-8-5 limits the size of Accessory Dwelling Units to 1,000 square feet and requires a recorded deed restriction to be placed on the property prohibiting separate sale of the units.
18. With the adoption of the 2004 Code, the 1,470-square-foot "guest quarters" in the shop building addition became a legal non-conforming structure due to the fact it exceeded 1,000 square feet and there was no deed restriction prohibiting separate sale.

19. Section 10-8-1.C of the Code states: “A non-conforming structure or non-conforming use shall not be enlarged in any way, unless it conforms to the provisions contained in [the Code].”
20. Section 10-8-1.D of the Code states: “A non-conforming structure or a non-conforming use may be repaired, maintained, or improved, provided that such repair, maintenance, or improvement is in compliance with the provisions of this Title. A non-conforming structure or non-conforming use may be *altered* to decrease its non-conformity or to be brought into compliance with the provisions of this Title.” (Emphasis added)
21. Section 10-8-1.H of the Code states: “If any such non-conforming structure or non-conforming portion thereof is demolished or removed at the will of the property owner, any subsequent structure or portion thereof shall thereafter be required to conform to the regulations specified in this Title for the zone district in which the structure is located.”
22. A Temporary Use Permit was issued to the applicant on October 5, 2012, which allowed the use of the original 1976 structure for residency during the construction period of the new 5,000-square-foot residence.
23. The October 5, 2012, Temporary Use Permit included a condition of approval that the original 1976 (2,100-square-foot) structure be removed from the property prior to occupancy of the new residence. The purpose of this condition of approval is to achieve Development Code compliance for the property which limits the property to one (1) Single-Family Residence per lot.
24. The applicant filed a Special Exception application on March 11, 2013. The application requests that the County Council permit both the original 1976 (2,100-square-foot) Single-Family Residence and the new 5,000-square-foot residence on Lot 18, Silver Creek Estates Unit A Subdivision.

Conclusions of Law:

1. The intent of the Development Code and General Plan is not met.
2. There are no equitable claims warranting the special exception.
3. The applicant may achieve a reasonable remedy by modification of the existing/original 1976 structure.

The motion was seconded by Council Member Carson and passed unanimously, 3 to 0. Council Member Ure was not present for the vote.

Chair McMullin directed Staff to work with the applicant in the manner discussed this evening.

The County Council meeting adjourned at 6:50 p.m.

Council Chair, Claudia McMullin

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY BOARD OF COUNTY COUNCIL WEDNESDAY, MAY 8, 2013 COUNCIL CHAMBERS COALVILLE, UTAH

PRESENT:

Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*

Robert Jasper, *Manager*
Dave Thomas, *Deputy Attorney*
Jami Brackin, *Deputy Attorney*
Kent Jones, *Clerk*
Kellie Robinson, *Assistant Office Manager*
Karen McLaws, *Secretary*

UAC VISIT

The Council Members and elected officials met with Utah Association of Counties representatives John Jones, President; David Wilde, Second Vice President; Brent Gardner, Executive Director; and Mark Ward, UAC Staff, from 1:05 p.m. to 2:10 p.m.

County Manager Bob Jasper discussed the current economic circumstances in the County and the decrease in tax revenues and budget cutbacks in the past few years. He explained that Summit County has more second homes than primary homes and referred to the associated impacts on the County. He commented that, based on the State's formula, Summit County generates a lot of sales tax, but it is shared with other counties. Park City is held harmless from that formula, and he believed that has stunted the County's recovery. He noted that many cities get resort tax, and Summit County has the largest ski resort in the State, but as a county cannot get resort tax. He stated that the County provides all the services Park City does but with a much higher population and all the resulting impacts, but they do not get resort tax to support that.

Council Member Carson commented that she believed they had worked well with Representative Mel Brown on the legislation regarding reverting back to a commission form of government. She stated that the County was disappointed that they did not get any action on the requirements for a petition.

Brent Gardner explained the process for addressing the resort tax and petition issues and offered to see what they could do to start the legislation process. They discussed the timing of petitions and how to make them work for the counties so the referendum does not get pushed into following years. County Auditor Blake Frazier discussed the possibility of getting percentages taken out of the truth in taxation ads, because they are very misleading.

Mr. Ward discussed with the Council the need to take a stand on the sage grouse issue and explained that UAC would advise that the County rally around Alternative E, which is the State plan. He offered to send the information regarding the alternatives to the Council Members.

WORK SESSION

In the absence of Chair McMullin, Vice Chair Robinson assumed the chair and called the work session to order at 2:20 p.m.

- **Discussion of the Lower Silver Creek contaminated soils ordinance and overlay zone and CERCLA site and potential changes due to EPA and DEQ requests; Kimber Gabryszak and Jami Brackin**

Deputy County Attorney Jami Brackin explained that several years ago, when the County knew EPA would be looking at this area, they held stakeholder meetings, which led to the County adopting an ordinance in 2008. They thought that, if they adopted a soils ordinance stating that developers could not develop unless they cleaned up the site, they could avoid being listed as a CERCLA Super-Fund site. The County's ordinance acknowledges that there are contaminated soils in the area, that the EPA has done testing, and if people want to develop in this area, they must get a clean bill of health from the EPA or the State of Utah Department of Environmental Quality (DEQ) Voluntary Clean Up Program (VCUP). In January she received a telephone call from the EPA, and they said that with the addition of Operable Units (OU) 3 and 4, new orders were drafted and issued by the EPA. The orders say that United Park City Mines is responsible for the cleanup, but the County ordinance says individual property owners can clean up the sites through the VCUP process, and the EPA no longer wants the County to do that. The EPA is concerned that VCUP cleanup standards may be different from EPA standards, and they are afraid that if a property owner uses VCUP, United Park City Mines will claim they do not have to do anything and are no longer responsible because the property owner cleaned it up. She explained that the EPA does not want to let United Park City Mines off the hook. She stated that the EPA wrote a letter in February to formally request that the County adopt a policy that would discontinue the VCUP process under their soils ordinance. She asked if the Council wants to discontinue use of the VCUP process. If so, she asked if they would want to allow development outside the contaminated area before the soils are cleaned up and how they would regulate that.

Mr. Jasper stated that he did not believe the County has enough information to make a decision and suggested that they designate someone to visit with the EPA. He did not believe it would make sense to do any cleanup until Park City fixes the drain, and he does not know what the plans are to do that. Ms. Brackin explained that there is an order to clean up the drain, so they know it has to be done, and the EPA agrees that has to be done first, then OU3 and OU2 have to be cleaned up. Since there is no remediation plan for OU3 and OU2, they do not know the time frame, but the County has been told 5 to 10 years. Mr. Jasper explained that they need to understand the timetable and thinking of the EPA before the County can begin to master plan the east side of Highway 40.

Council Member Armstrong stated that he believed they first need to have a conversation with Park City about how they plan to proceed. Then they need to talk to Talisker and United Park City Mines. It sounded to him like the EPA cannot stop the County from allowing the VCUP process, but he did not want to give developers the impression that they have fixed something when the EPA could come back and tell them they have to allow United Park City Mines to

come clean it up or clean it up to EPA standards. He commented that there is a lot of uncertainty in the entire process. Mr. Jasper believed they could talk to Talisker all they want, but the ultimate decision maker is the EPA. He believed they should tell the EPA they want to be part of the discussions and part of the order. Council Member Armstrong recalled that the County just had a great meeting with Park City regarding joint planning, and he believed they should have discussions with Park City whether the EPA is involved or not.

Ms. Brackin explained that the EPA offered to come to the County and meet with them here. Mr. Jasper expressed concern that, if the EPA comes to the County, there is a risk that they may not be talking to the people who make the decisions. Vice Chair Robinson stated that he did not believe it could be resolved in one meeting and suggested that he and Council Member Armstrong be appointed as a subcommittee to work with Park City, the EPA, Talisker, and whomever else they need to meet with to figure this out and make a policy recommendation.

Council Member Carson asked if there would be a negative effect of removing the VCUP option. Ms. Brackin replied that no development could occur until United Park City Mines cleans up the site if that option is removed. Then it could be argued that the County has temporarily taken all beneficial use of the property. The only other option would be for a developer to do testing on the property and show the EPA that there is no contaminated soil anywhere on the property.

Ms. Brackin explained that the three parcels currently going through the VCUP process are the Triangle Parcel, Silver Creek Village, and the Burbidge Industrial Park. She and County Planner Kimber Gabryszak have been involved in this issue and would like to be included as discussions move forward.

Council Member Carson requested a tour of the contaminated soils area.

- **Discussion of interest and process on request of Vernon Merritt to amend the Jeremy Center consent agreement; Jami Brackin**

Ms. Brackin explained that the Jeremy Center property used to be owned by Jim Winkler, who sued the County, and in settlement of that lawsuit, he asked for a very specific site plan as part of the consent agreement. Mr. Winkler has since died, the property has been sold, and the new property owner would like to amend the specifics agreed to in the consent agreement. Since this was the result of a lawsuit settlement, the Council has discretion as to whether or not they want to amend the consent agreement. She asked if the Council is interested in amending the consent agreement and, if so, what process the Council would like Staff to use.

Council Member Armstrong stated that he does not feel they have enough information to make a decision, because Mr. Merritt has not provided any information about what he wants to propose. He did not know how to make a decision to amend something when they do not know what the applicant wants to do. County Planner Jennifer Strader explained that the only thing the applicant talked about was months ago before he discussed amending the agreement, and that was to have a service station similar to the one across the street.

Ms. Brackin explained that the Council can ask for more information about what Mr. Merritt plans to do before deciding whether they are interested in amending the consent agreement. Once they hear from him, they can decide whether they are interested in amending the agreement and a process for doing so or let him know they are not interested.

Mr. Jasper introduced Julie Booth, the County's new community and public affairs coordinator.

REGULAR MEETING

Vice Chair Robinson called the regular meeting to order at 3:40 p.m.

- **Pledge of Allegiance**

CONSIDERATION OF POSSIBLE TAX SALE POSTPONEMENT AND REDUCTION OF OUTSTANDING BALANCE OF PAST-DUE TAXES FOR SILVER BARON LODGE AT DEER VALLEY; APPLICANT BRIAN W. MORGAN, ESQ.

Brian Morgan, representing Silver Baron Lodge, explained that the condominium association has been turned over to the owners from the developer in the last few years, because the developer went into receivership. The three units in question were designated as commercial units, but they were never treated as commercial and were always treated as common area. He confirmed that they are not built out as lodging units but are used for storage, a breakfast area, and a potential exercise/spa area. He stated that they have been through the process of converting these units from a third-party entity into the name of the association. He explained that they only recently learned about the past-due taxes, because notices were sent to the incorrect address due to the receivership issue. He verified that they are in the process of amending the CC&Rs and have the signatures on the CC&Rs and the vote by the homeowners. They now need to record the information with the Recorder's Office, which will happen in the next couple of days. He stated that they would have no problem paying the taxes, whatever the decision is, and the most pressing issue is to postpone the tax sale for these units.

Council Member Carson asked when the HOA was turned over to the property owners. Mr. Morgan replied that the three units were turned over about six months ago. Council Member Armstrong confirmed with Mr. Morgan that the three units are now officially designated as common area and asked if that would change the potential use of those units for commercial purposes. County Recorder Steve Martin replied that it would, and they will be included in the plat as common area.

Vice Chair Robinson asked how much land is involved. He noted that normally the Council approves a payment plan at the time they cancel a tax sale and he would like to know the full amount owing. Mr. Morgan stated that the total amount due based on the latest letter received from the Treasurer's Office was \$18,389.07 for Parcel CU-13, \$10,961.96 for Parcel CU-18. Parcel CU-2 is not shown as going to tax sale, so he does not have an amount for that parcel, but it is much smaller than the other parcels. Kathryn Rockhill from the Treasurer's Office confirmed that Parcel CU-2 is not scheduled to go to sale this year.

Vice Chair Robinson asked what the applicant is proposing. Mr. Morgan replied that they would pay the taxes immediately. He requested that the parcels be valued at the minimum valuation similar to the other common area. Mr. Martin explained that taxes on common area are spread out among all the other units, so common areas usually are not taxed separately. Mr. Morgan requested that the parcels be valued as common area rather than commercial area, and they would pay the taxes on that basis.

Council Member Carson stated that this was owned by a commercial entity and was probably properly categorized as commercial, because one has the potential to possibly be sold as a spa and another one to be a restaurant. Mary Ann Empey, Manager of the Silver Baron Lodge, explained that the breakfast room was originally planned as a workout room for the homeowners. Council Member Carson stated that she feels the Council has set a precedent that, if someone does not take responsibility for changing the use, it is taxed as it is designated. This was designated as commercial until six months ago when it became part of the homeowners association.

Council Member Armstrong agreed with Council Member Carson that these parcels had the potential for commercial use, even though they were not used for commercial purposes. He believed they were taxed appropriately during that period of time until the last six months.

Mr. Morgan explained that they do not know the developer's plans for these parcels other than how the property has been utilized. He hoped to be able to present that information in more detail at a future hearing if the Council would agree to stay the sale and allow him to do that. He explained that the homeowners did not receive the tax notices and information necessary to help them convert this into common area. If these are labeled as commercial units, there is no commercial entity to pay the taxes, which means the home owners will be required to pay a commercial rate through their assessments. He stated that the County would not be harmed by postponing the sale, and if ultimately they present additional information and the Council reaches the same conclusion, it only means they would have to pay more interest to pay off the taxes before next year's tax sale. That would give them an opportunity to finalize the process of recording these as common area on the plat and return with more details.

Council Member Armstrong explained that, even if the developer had decided to use these parcels to provide a common area library for the residents to use, they still retained the potential to be sold as condo units. He asked about the size of the storage area. Ms. Empey replied that it is about 300 square feet. Council Member Armstrong explained that, no matter what it was used for, the potential use was there. He would not mind postponing the sale, but it would take a lot to convince him otherwise. He explained that the County has seen a number of appeals recently, and he did not believe they are in a position to accommodate them.

Mr. Thomas stated that, if the Council postpones the sale and allows the applicant to come back, it would be nice to know what provision they are coming under for relief. It would either have to be an erroneous assessment or an adjustment, each of them having a different burden of proof, and it would be important for the Council to know that in order to evaluate the information. Council Member Robinson recalled that they have previously also considered deferring a tax sale because of hardship. Mr. Thomas confirmed that they can do that if the legislative body finds that is in the best human interest and that the interests of the State and County are served, which is an equitable decision.

Vice Chair Robinson stated that parties have come to the Council where they felt there were special circumstances and were not aware the taxes were due until the properties went up for tax sale, and the Council has taken a firm line and not made retroactive adjustments. He stated that they could postpone the tax sale, but he believed it would be very difficult to convince the Council that these parcels could not have been used as commercial property prior to six months ago, or they could go forward, pay the taxes, and be done with it and move on to get a credit for 2013. He stated that he would be willing to waive interest and penalties in this instance.

Council Member Carson stated that this is not a negotiation. She was comfortable cancelling the sale and having the applicant come up with payment arrangements prior to the sale date.

Council Member Armstrong proposed that they cancel the tax sale and have the applicant pay all taxes excluding penalties and interest on or before June 30.

Council Member Carson made a motion to cancel the tax sale for Silver Baron Lodge at Deer Valley, Parcels SBLDV-CU-13 and SBLDV-CU-18 with all taxes due along with penalty and interest by June 30, 2013. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0.

MANAGER COMMENTS

Mr. Jasper recalled that Park City asked the County for a copy of the plans for the Silver Creek area, and he also provided a copy for the Council Members. He noted that the County has \$600,000 in an account to help with the freeway access in that area, and the money must be spent by 2020. He noted that, if there is further development in this area, the taxes will increase because the assessed value will increase.

Vice Chair Robinson stated that he would like to know how the RDA was set up. He also wanted to know how much the fund increases annually.

Mr. Jasper stated that he would like to make that discussion part of the master planning process for the Silver Creek area. Mr. Thomas asked if the Council would like Staff to bring in the County's financial adviser to talk about specialized funding for the future. Mr. Jasper suggested that they determine what they want, and then determine how to get there with financing tools.

Mr. Jasper reported that Staff has selected Gardner Engineering to install the new solar energy system at the public health building, to be completed by August 30. It will generate 70 kW and cost \$212,000, with the funds coming from a Blue Sky grant. He recalled that the County is in a coalition with Park City to encourage solar power, and a citizens group has selected a solar installer and will try to market the program. He stated that the normal solar building permit fee is \$388.50, and he proposed that they reduce the fee to \$50.00 until the end of the year as an incentive for people to join this effort.

Mr. Jasper stated that the County is looking for a potential CNG refueling station, and they are currently looking at the Bell's station at Interstate 80 and Highway 40.

Mr. Jasper recalled that the Council discussed the possibility of repealing the 2012 proposed tax increases when they proposed the 2013 tax increases. Mr. Thomas explained that the question is whether the Council intends to move forward with the 2012 tax increase, which will go to the Supreme Court if they do. If they do not intend to do that, they can repeal the 2012 tax increase. Mr. Jasper explained that they need to make that decision fairly soon. Vice Chair Robinson suggested that they place the repeal of the proposed 2012 tax increase on an agenda in the next few weeks for the entire Council to discuss. Council Member Armstrong asked if they would still have access to the 2012 taxes if they were placed on the ballot and whether they are still supported by budgetary items. If so, he asked how they would be assessed. Mr. Thomas explained that they would become effective as of the date the ballot passes, and there is no

retroactive component. Council Member Armstrong asked if they would expire if they are not put on the ballot and whether any action is needed. Mr. Thomas replied that they need to take some kind of action, and he suggested that they repeal the 2012 tax increase.

COUNCIL COMMENTS

Council Member Armstrong stated that he attended a workshop where they discussed community aggregation of power like what is done in Marin County, California. Currently, under Utah law, counties are not allowed to do that. He stated that he has asked Chair McMullin about the possibility of discussing some alternatives. If they were able to do this, it would result in a multi-tiered power system, where County residents could decide whether to stay with their same power service with Rocky Mountain Power, a combination of Rocky Mountain Power and power from renewable resources, or all of their power coming from renewable resources. He suggested that they have discussions with UAC and other counties to see if that is something they want to take to the legislature.

Vice Chair Robinson stated that he would like to see if someone on Staff could see what it would take for the County to participate in the sage grouse study. He would like someone to report to the Council on the study and the alternatives discussed by Mark Ward at today's meeting with UAC. He believed the program being discussed by the State could ultimately lead to some of the goals on the east side of the County to preserve farms and ranches and open space.

Vice Chair Robinson reported that Access Wasatch has prepared an interlocal agreement draft for the participants to sign, which he e-mailed to the Council Members today. He explained that each entity would contribute financially, and there is a placeholder figure in the agreement for Summit County of \$50,000 a year for two years. The executive committee will meet next week, and he believed it would be nice to report back on the County's commitment. He asked if TRT funds could be used for this purpose to promote access to tourism. Mr. Thomas stated that would be a very slim reason to use TRT funds for this purpose. Council Member Armstrong asked if Summit County would lose its seat at the table if they do not come up with the funds. Vice Chair Robinson replied that he does not know, but he believed it would look as if Summit County does not care about the process if they do not contribute. Mr. Jasper agreed that the County should be part of the process and contribute to it, but they did not budget for it this year. They could budget for it next year, but he would have to work with the Council and Auditor to see if they could come up with some money this year. Vice Chair Robinson suggested that they propose paying \$10,000 by September of 2013 and \$40,000 in 2013 so they can budget for it. Council Member Carson stated that she would hate to make a commitment for next year, because they do not know what their circumstances will be. She believed they should indicate that they will do their best to participate. She was also uncomfortable making this decision without the other two Council Members. Council Member Robinson suggested that they put this issue and the agreement on the agenda for next week. Council Member Armstrong commented that there is no question that Summit County needs to be involved in the process, because transportation issues are too important to the County to not be involved, but the State Legislature does not make it easy for Counties to operate financially.

APPROVAL OF COUNCIL MINUTES

APRIL 3, 2013

Council Member Armstrong made a motion to approve the minutes of the April 3, 2013, County Council meeting as written. The motion was seconded by Council Member Carson and passed unanimously, 3 to 0.

PUBLIC INPUT

Vice Chair Robinson opened the public input.

Brian Morgan commented that he had been in contact with County Assessor Steve Martin on the valuation issue for 2012 for the Silver Baron Lodge since 2012. Based on the Council's motion, Mr. Martin is not comfortable with working on that valuation issue without the Council's approval. Vice Chair Robinson asked if Mr. Morgan filed an appeal for 2012. Mr. Morgan replied that he did not, and they never talked about filing an appeal. In his conversations with Mr. Martin, he was under the impression that Mr. Martin could handle the valuation for 2012 as they finalized the process of amending the CC&Rs. Vice Chair Robinson stated that the motion was for the Silver Baron Lodge to pay the taxes that are due, and he did not know by what authority adjustments could be made to the valuation. Council Member Carson commented that this illustrates what happens when the Council does not have all the information it needs in order to make a decision. They received additional information as they were trying to make a decision, and it would have been helpful to have had that information in their packets ahead of time.

Vice Chair Robinson closed the public input.

CLOSED SESSION

Council Member Carson made a motion to convene in closed session to discuss property acquisition and disposition. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0.

The Summit County Council met in closed session from 5:10 p.m. to 7:10 p.m. for the purpose of discussing property acquisition. Those in attendance were:

Chris Robinson, Council Vice Chair
Roger Armstrong, Council Member
Kim Carson, Council Member

Robert Jasper, Manager
Dave Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Kellie Robinson, Assistant Office Manager

Council Member Carson made a motion to dismiss from closed session and to adjourn as the Summit County Council. The motion was seconded by Council Member Armstrong and passed unanimously, 3 to 0.

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

Council Chair, Claudia McMullin

County Clerk, Kent Jones



Staff Report

To: Summit County Council
From: Mary Ann Trussell Summit County Recorder
Date: May 31, 2013
Meeting Date: June 5, 2013
Project Name: Consider & Approval of Recorder Fees
Type of Item: Public Hearing

The Recorder's office undertook a project to make the Recorder's Electronic Documents available via the internet through a subscription service. This project was started by the former County Recorder Alan Spriggs and, currently, is available free because the records were not complete and there was ongoing conversion of the historical documents. The goal is now complete, and we feel it is time to start to charge for the service.

Basic assessment information, tax information & GIS information is still available to the public free of charge over the internet. This includes: owner, grantee address, legal description, situs address, property value, parcel number & account number. Also access to all public documents is still available to the public at the Recorder's office, free of charges, except applicable printing fees, which are as follows: 0.25 per copy, \$2.00 for 18X18 plat & \$4.00 for a 24X36 plat.

Most counties in Utah don't offer any information on the internet (see Exhibit A), so you need to drive to the office to do the research and get the information needed. The drive alone would cost far more than the fees we are proposing. The Summit County Recorder's office has more than 4 million pages of documents and plats scanned and available to the public dating back to 1862. As we have researched other counties, we found that Summit County has more information available than most.

We implemented the subscription service on May 15th. In an effort to meet concerns by users we have scaled back the subscription fees drastically. It is expedient that we try to recoup some of the cost of this project by charging a subscription fee to individuals taking advantage of this technology and the convenience of accessing it from their own offices. We feel the new proposed subscription fees are fair.

FEE SCHEDULES

New Proposed Subscription fees

\$5.00 Day
\$30.00 Week
\$100.00 Month
\$500.00 6 Months
\$700.00 Year

Prior Proposed Subscription fee

\$5.00 Day
\$35.00 Week
\$150.00 Month
\$900.00 6 Month
\$1800.00 Year

For Title Companies who wish in depth, direct, dedicated access to the Recorder, Treasurer and Surveyor Office and Software, access is available as follows:

\$2,400.00 per 6 months

\$4,800.00 per year

RECOMMENDATION

Based on the information we've done on other counties in Utah and surrounding states, we do not believe the subscription fees we are proposing are unfair or unreasonable. We would like to recommend the Summit County Council consider and approve the proposed subscription fees.

Exhibit "A"

Carbon- no information on web

Daggett- no information on web

Emery- Plats & Tax Rolls only No Charge

Garfield- no information on web

Grand- no information on web

Juab- no information on web

Kane- no information on web

Millard- no information on web

Morgan- no information on web (direct line is \$1000 fee and \$250 per quarter)

Piute- no information on web

Rich- Ownership Plats only (no fee)

San Juan- no information on web

Sanpete- no information on web

Sevier- Property record only (no fee)

Wayne- no information on web

Utah County's information is free

Attachment 1

CONNECTION AGREEMENT & ASSOCIATED COSTS

COUNTY shall assess an install/setup fee of \$250.00 for all new, changed or lapsed accounts

CUSTOMER recognizes that ALL yearly software license maintenance costs must be paid in advance.

CUSTOMER wishing a connection to the county over the Internet will be responsible for their own Internet connection, web browser and printing.

CUSTOMER accessing the county in this manner will be allowed to access the following information by paying the associated fees:

Recordation and Assessment Information:

- ↳ Offsite Yearly Access Fee of \$1500.00
- ↳ Tyler - Eagle Public View Software License (one time charge) \$750.00
- ↳ Yearly software maintenance Fee \$210.00

These are the current pricing and services offered by Washington County. All prices or services are subject to change without notice at County's sole discretion.

Welcome to Duchesne County

No Recorder Documents were available online.

Surveyor Plats were available at no charge.

Duchesne County Parcels and Plats online

Duchesne County Parcels/Plats are now available to view online.

These parcels are being made available for a test period. During this period we would like the public's input on the use of this site and data. We will be refining and making updates to the data during this test period. **At such time as we deem the data ready, we will remove it from the test phase, and put it into a**

subscription form. At which time a subscription shall be required to obtain access.

Hard copies of plats will still be available in the Recorder's office.

Disclaimer:

The Duchesne County presents the information on this web site as a service to the public. We have tried to ensure that the information contained in this electronic document is accurate. The Recorder's office makes no warranty or guarantee concerning the accuracy or reliability of the content at this site or at other sites which we link. Assessing accuracy and reliability of the information is the responsibility of the user. The Recorder's Office shall not be liable for errors contained herein or for any damages in connection with the use of the information contained herein. Maps available from the Recorder's and GIS office are not intended to represent actual physical property lines. To establish exact physical boundaries a survey of the property line may be necessary.

Duchesne County Parcels

[Recorder](#)

[Fees](#)

[Plats](#)

[FAQ](#)

[All Pages](#)



Clerk & Recorder Home

Recording Department

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- Common Documents
- Contact Us
- Document Search
 - Agent Escrow Login
 - Free Search
 - Subscribe
- Forms
- Grantor - Grantee Index
- How to Record
- Marriage Licenses
- Recorded Documents
- Recording Fees

Contact Information

200 S. Spruce Street
Grand Junction, CO 81501

Department 5007
P.O. Box 20,000
Grand Junction, CO 81502-5001

(970) 244-1679



Document Search

Do You Need Help Searching?

Upon request, we would be glad to provide names of independent researchers. Contact us

Copies of Documents

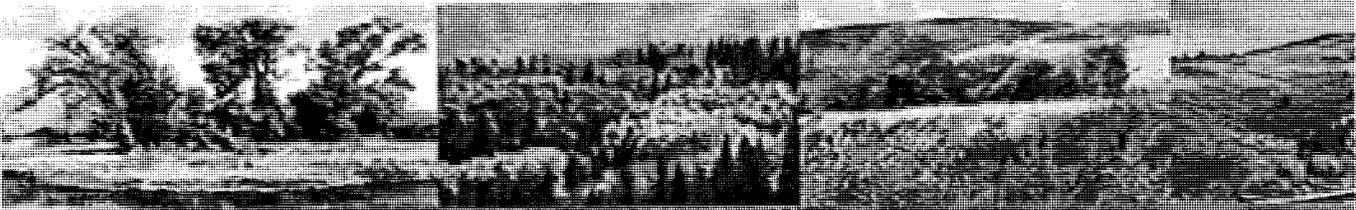
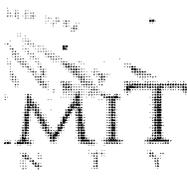
All documents, liens, and marriage licenses are scanned and available in electronic format. Copies of recorded documents are \$.25 per page (8 1/2" X 11" or 14"). Recorded plats 11" X 17" are \$5.00 per page and plats 24" X 36" are \$10.00 per page. Additional charges apply for mailing or faxing copies of recorded documents. Certification of the copies may be obtained for \$1.00 per document.

Internet Subscription

Documents may be searched on the web site at no charge by grantor/grantee listing. To view and print documents from the web site, there is a \$20.00 per month subscription fee that will allow you to view and print records for 250 minutes. Each additional minute is charged at \$.16 per minute. A License Agreement for subscription is available on the web site.

Bulk downloads of images and index are also available. For more information, please contact our office.

*You may also choose to search records at no charge in our office.



AQ **DOCUMENT SEARCH** **ACCOUNT SEARCH** **SURVEYOR SEARCH** **TREASURER SEARCH** **SIRE SEARCH**

Structure is reviewed, access to this site will be free. PLEASE NOTE you will still have to register and enter valid payment information. YOU WILL BE CHARGED TO YOUR CREDIT CARD OR BANK ACCOUNT. When review process is complete, those previously charged for access will be notified if refunds are determined to be due.

PLEASE

Searching accounts using multiple fields will return only those documents that meet all the selected criteria.

Search over all account types

Account Number	Parcel Number	Owner Name	
Ex: 0000078	Ex: 4-324A-3	Search String	Search Type
<input type="text"/>	<input type="text"/>	<input type="text"/>	Advanced <input type="button" value="v"/>

Subdivision	Lot	Block	Tract	Unit
<input type="text"/>				

Quarter	Section	Township	Range
<input type="text" value="v"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Situs				
House	Direction Suffix	Street	Designation	Direction
<input type="text"/>	<input type="text" value="v"/>	<input type="text"/>	<input type="text" value="v"/>	<input type="text" value="v"/>
Unit				
<input type="text"/>				

Water/Mining		Parcel Classification		Actual Value	
Search String	Search Type	Parcel Classification		Start	End
<input type="text"/>	<input type="text" value="v"/>	<ul style="list-style-type: none"> ResLandPrimary - Primary Residence (Land) ResLandNonPrimary - Nonprimary Residence (Land) AgLand - Agricultural Land CommercialLand - Commercial Land 		<input type="text"/>	<input type="text"/>

Acres	
Start	End
<input type="text"/>	<input type="text"/>

[Click Here for Searching Help](#)

SUMMIT

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Until the Fee Structure is reviewed, access to this site will be free. PLEASE NOTE you will still have to register and enter valid payment information, but NO FEES WILL BE CHARGED TO YOUR CREDIT CARD OR BANK ACCOUNT. When review process is complete, those previously charged for a subscription will be notified if refunds are determined to be due.

Account 0017578

Summary
 Account: 0017578
 Owner: William W III HWY (JT)
 Value: \$1,255,040
 Tax: \$880,272
 Estimate Taxes: \$880,272
Models
 Building: 1.000
 Land: 1.000
General
 008009999
 00724871
 00702482
 007002481
 00228971
 00610039
 00610039
 00682011
 00682010
Transfer
 00667892
 00214354
 00207523
 00408774
 00356923
 00259727

For more detail information click on the above links.

Location

Owner

Value

Parcel Number NR-3
 Account Number 0017578
 Tax District 07 - PARK CITY A.J.K.U (D-D)
 Acres 1.03
 Situs Address 947 NORTHSTAR DR
 Legal LOT 8 NORTHSTAR SUBDIVISION
 IN SEC 16 T2S R4E S1B6M CONT 44 858
 SQ FT M97-740 M100-831 M119-299
 M137-199 309-812 403-740 662-176 819-
 92 1863-1727 (1987-1891) 1954-1541
 Child Accounts
 Child Parcels
 Parent Accounts
 Parent Parcels

Name TRUXES WILLIAM W III HWY (JT)
 PO BOX 4077
 PARK CITY, UT 84060-4077

Market (2013) \$1,255,040
 Taxable \$880,272
 Tax Area: 07 Tax Rate: 0.009548

Type	Actual	Assessed	SQFT	Units
Improvement	\$605,040	\$277,772	2668,000	
Land	\$750,000	\$412,500		1,000

Instrument Date

Transfers

10/27/2008 B: 1954 P: 1641
 06/24/2007 B: 1897 P: 1681
 03/20/2007 B: 1863 P: 1727
 06/23/1994 B: 813 P: 92

Images

Tax

Taxes

Tax Year	Taxes
2013	\$6,589.34
2012	\$6,589.34

* Estimated

FREE



Log In

HOME PAGE DOCUMENT SEARCH DOCUMENT LISTING POLYVENDOR SEARCH TREASURER SEARCH BILL SEARCH

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Tax Account

Summary

Account Id 0017578
 Parcel Number NR-8
 Owners TRUXES WILLIAM W III H/W (JT)
 TRUXES SUSAN H/W (JT)
 Address PO BOX 4077
 PARK CITY, UT 84060-4077
 Situs Address 947 NORTHSTAR DR
 Legal LOT 8 NORTHSTAR SUBDIVISION IN SEC 16 T2SR4E SLBM CONT 44,658 SQ FT M97-740 M100-831 M119-296 M137-166 309-812 403-740 652-176 818-92 1853-1727 (1867-1681) 1954-1541

Inquiry

As Of

Total Due \$0.00

Value

Area Id	Tax Rate	
	Actual	Assessed
07 - 07 - PARK CITY A,J,K,U (D-D)		0.0095460000
RESIDENTIAL IMPROVED - 01A	750,000	412,500
RESIDENTIAL - 11A	505,040	277,772
Total Value	1,255,040	690,272
Taxes		\$6,589.34

The amounts of taxes due on this page are based on 2012 property value assessments. For current year values visit the [Summit Assessor's site](#).

COST TO COUNTY FOR SERVICE PER YEAR

	2010	2013 Recorder share per year	
Tyler		\$ 112,146.09	\$ 48,386.41
Sire		\$ 21,028.59	\$ 4,205.72
hardware 2 servers	\$ 52,652.85		20% of use
20 MB line	\$865 mo	10380	Cost of storage+cost of 2 servers
staff time		88900	half of line requests coming in and going out
Microsoft Licenses	\$ 6,506.52		25% of staff person
Backups	\$ 8,000.00		SQL server and Windows 50% recorder 4 windows servers
		\$ 232,454.68	50% of backup device and software
			\$ 85,611.67

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
4/20/2013	459

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
8	Software development and support	65.00	520.00
COST FOR PROGRAMMING			

Please see timesheet for more detail	Total	\$520.00
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Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
4/13/2013	457

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
8.5	Software development and support	65.00	552.50
Please see timesheet for more detail			Total \$552.50

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
4/6/2013	455

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
9.7	Software development and support	65.00	630.50
Please see timesheet for more detail		Total	\$630.50

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
3/30/2013	450

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
6.8	Software development and support	65.00	442.00
Please see timesheet for more detail			Total \$442.00

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
3/23/2013	448

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
23	Software development and support	65.00	1,495.00
Please see timesheet for more detail		Total	\$1,495.00

Abara Software Inc.
 2975 W Executive Pkwy
 Suite 193
 Lehi, UT 84043

Invoice

Date	Invoice #
3/16/2013	445

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
28	Software development and support	65.00	1,820.00
Please see timesheet for more detail			Total \$1,820.00

Abara Software Inc.
 2975 W Executive Pkwy
 Suite 193
 Lehi, UT 84043

Invoice

Date	Invoice #
3/9/2013	442

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
120366	Due on receipt	

Quantity	Description	Rate	Amount
30.3	Software development and support	65.00	1,969.50
Please see timesheet for more detail		Total	\$1,969.50

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
2/23/2013	437

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
30	Software development and support	65.00	1,950.00

Please see timesheet for more detail	Total	\$1,950.00
--------------------------------------	--------------	------------

Invoice

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Date	Invoice #
1/14/2013	427

Bill To
Summit County 60 N Main St Coalville, UT 84017

Terms
Due on receipt

Item Code	Quantity	Description	Price Each	Amount
Software Consulting	2.8	Software development and support	65.00	182.00
Please see timesheet for more detail			Total	\$182.00

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
12/17/2012	420

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
20	Software development and support	65.00	1,300.00
Total			\$1,300.00

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
12/8/2012	417

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
22	Software development and support	65.00	1,430.00
Total			\$1,430.00

Abara Software Inc.

2975 W Executive Pkwy
Suite 193
Lehi, UT 84043

Invoice

Date	Invoice #
12/3/2012	415

Bill To
Summit County 60 N Main St Coalville, UT 84017

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
20	Software development and support	65.00	1,300.00
Please see timesheet for more detail		Total	\$1,300.00



Login

Register

Help

About

Return to Box Elder County Website

GIS

Help

Contact Information

Address:

01 South Main Street
Brigham City, UT 84302

Phone:

435-734-3300

Office Hours:

8:00a.m. - 5:00p.m.

Login

Note: Box Elder County's indexing of all documents to parcel numbers begins on January 1, 1987. Information and document images prior to 1987 may not be available on the computer and may require a search through the unscanned books in the office.

To search indexed data only at no charge, please select **Public Login**.

To view and print documents, you must be a registered user.

First Time Users - [Become a New Registered User](#).

Registered users can add documents to their shopping cart to purchase a full resolution PDF copy of the scanned image.

Payment for purchased documents is done by credit card and is securely processed through PayPal.

To purchase individual documents the cost is \$1.50 for all pages in a single document.

To purchase a **one month** subscription for access to document images is \$75.

To purchase a **three month** subscription for access to document images is \$200.

To purchase a **one year** (12 Month) subscription for access to document images is \$800.

Holidays Employment



Departments

Featured Items

Services

Meetings

County Council

Search Cache County

Home | Subscribe | Rates | Help | Press | User Comments | About Us

Free! APPLY FOR TRIAL SUBSCRIPTION

RATES



Plan One

- The best plan for frequent users such as title companies, mortgage companies, and banks.
- \$100.00 flat monthly fee.
- \$.15 per hit in addition to monthly fee.
- No charge for "no result" searches.



Plan Two

- The best plan for medium volume users such as private appraisers, and other real estate professionals.
- \$15.00 flat monthly fee.
- \$.45 per hit in addition to monthly fee.
- No charge for "no result" searches.

Plan Details

- All subscription plans allow for multiple users within your organization.
- Additional users will not have to pay the flat monthly fee but will pay per hit fees according to plan of choice. In short, your company pays one monthly fee and can request as many user names and passwords as needed.
- The \$100/\$15 a month is a flat fee for access to the system. Any hits to the system will be charged at \$.15/\$.45 per hit. For example, if you are a subscriber to Plan One, and you make 3 hits to the system during one month, your bill would be \$100.45.
- The \$100/\$15 a month fee only apply if you use the service in any given month. If you don't use Landlight.com during a given month you won't be billed.
- Monthly Fees are non-refundable



Data Services New Accounts

New Accounts:

To sign-up for on-line Data Services you must do the following:

1. Complete the **User Agreement**.

- View / Print Agreement in [txt](#) format.
- View / Print Agreement in [pdf](#) format.

2. Pay the initial set-up fee of **\$150.00**, which includes the following:

- \$100.00 licensing fee
- \$25.00 first month access
- \$25.00 last month access

Please be aware:

As found in this contract the County of Salt Lake (the owner) means that original compilation of data is a property of Salt Lake County and is protected under U.S. CopyRight law. The re-sale of all or part of this compilation without the express permission of Salt Lake County is unlawful and may be prosecuted.

NOTE: The Recorder's office does **NOT** accept credit or debit cards, we only accept cash or check.

Billing:

A minimum monthly charge of **\$25.00** is applied to each account at the end of the month, where usage has not exceeded that amount. For usage beyond the minimum, accounts will be billed only for the usage.

- Billing is emailed during the first week of every month.
- Payment is due upon receipt.

Delinquent Accounts:

Delinquent accounts will be pursued by the District Attorney's Office.

Cancelling Accounts:

All account cancellations must be done in **writing** or fax to (801) 468-3335. We will **not** cancel an account over the phone.

Recorder Data Fees

On-Line Downloads & Viewing:

Property Records: \$0.02 per screen view

Document Images: \$0.02 per page

Document Details: \$0.02 per screen

Parcel Details: \$0.02 per screen

Parcel Plat Search: \$1.00 per map image

Subdivision Plats: \$2.00 per sheet

Subscriber Password Change: \$10.00 per change (no charge for changing mainframe password)

Walk-in Data Costs:

For individuals wishing to obtain electronic data from the Recorders Office without obtaining a subscription, the following costs apply:

Tax Plat Maps: \$5.00 each (Tiff format)

Subdivision Plat: \$5.00 per sheet (Tiff format)

Media:

Additional costs for media may be required, depending on the size of the dataset requested.

GIS:

A list of additional GIS fees in pdf format may be found by clicking [here](#).

If you have any questions, please call Rick:
(801) 468-3399 or E-mail: RBaker@slco.org



UINTAH COUNTY
LAND INFORMATION PROGRAM
(LAND INFORMATION DATABASE SYSTEM)

LIDS INTERNET USER AGREEMENT

DATE:

- LOW END USER \$10.00 PER MONTH BASED ON 100 HITS
1 CONCURRENT USER
\$00.10 PER HIT FOR ALL HITS OVER 100
- HIGH END USER \$30.00 PER MONTH BASED ON 300 HITS
3 CONCURRENT USERS
\$00.10 PER HIT FOR ALL HITS OVER 300

The website is for Microsoft windows users only. This internet account will remain active and monthly charges will accrue until arrangements are made with the Uintah County Recorder's office to discontinue service.

COMPANY NAME:



The Official Website of
Tooele County, Utah Government



Welcome abc@boggus.net! [Log Out] [Change Password]

[Home](#)

[FAQ](#)

[Interactive Map](#)

[Search](#)

[SIRE Search](#)

[Downloads](#)

Please Note:

Effective May 13, 2013, the Tooele County Recorder's Office hours will change to 8:00 am to 5:00 pm Monday thru Friday.
Effective May 20, 2013, the Tooele County Treasurer's Office hours will change to 8:00 am to 5:00 pm Monday thru Friday.

CREATE YOUR SUBSCRIPTION

Use the form below to create a new subscription for access to Tooele County Data.

Tooele County does not process the online payments nor is any payment information (i.e. credit card number, bank account/routing number, ccv code) stored in the county systems. All payments are processed through Instant Payments, an independent payment processing company.

The fees associated with the online transactions are charged by Instant Payments and are not assessed nor affiliated with Tooele County. Tooele County does not have any control over the amount of the fee.

ACH transactions (direct withdrawals from a bank account) are charged a flat rate of . Credit Card transactions are charged a fee of 2.5% of the total amount due with the minimum charge being \$2.50.

By checking this box I certify that I agree to the [End-User License Agreement](#)



WASATCH COUNTY
COMPUTER SYSTEM ACCESS FOR PUBLIC RECORDS SEARCH
 Reviewed/Updated August 2010

Requested Offsite Public Records Service: *(Select all that apply)*

<input type="checkbox"/> Yearly Property Tax System Access - \$1,500 <i>(Required)</i>	<input type="checkbox"/> Recorder Maps & Indexes - \$1,000 <i>(Optional)</i>
---	---

Account Status: *(Select only one)*

<input type="checkbox"/> Account Setup - \$1,000 <i>(Required for all new accounts)</i>	<input type="checkbox"/> Renewal/Add Additional Service - \$0.00 <i>(Use only for existing accounts)</i>
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Weber County Government
 Ogden, Utah

[HOME](#) | [DIRECTORY](#)

Weber County Search

Weber County Government

Calendar
 Directory
[Training/Workers' Comp](#)

Department Pages

Animal Services
 Assessor's Office
 Attorney's Office
 Building Inspection
 Clerk/Auditor's Office
 Commission
 Economic Development
 Elections
 Engineering
 Fair/Special Events
 GIS
 Golden Spike Events
 Health Department
 Human Resources/Jobs
 Ice Sheet
 Information Technology
 Library

Abstract Title Search Sign-up

On-Line Payment Options and Fees:

We have partnered with Official Payments Inc. to securely process your on-line payments.

- **Credit Card:** We accept: Visa, MasterCard, Discover Card and American Express. Your credit card account will be charged a fee of 2.50% of the amount of your payment (\$1.00 minimum). In order to reduce the need to raise tax rates, the processing fees will be paid directly by the taxpayer. Approximately 2.0% of the fee is retained by your credit card company and the remaining ½ percent is retained by Federal Payments. Weber County does not receive any of this fee.
- **Electronic Check:** From your Checking or Savings account. Your account will be charged a flat fee of \$3.00 for this service. The fee is retained by Federal Payments.
- **Credit Card and Electronic Check payments cannot be made in person at the Recorder's Office.**

Abstract Title Search Quarterly Fee Costs:

- 1 Quarter	\$ 150.00
- 2 Quarters	\$ 300.00
- 3 Quarters	\$ 450.00
- 4 Quarters	\$ 600.00

Davis County Information Systems

P.O. Box 618 • Farmington, UT 84025 • (801) 451-3347 • Fax (801) 451-3400 • TDD (801) 451-3228



March 1, 2010

Dear REDI Web User,

We are pleased to announce the release of REDI Web with images, now available. With this release, we have not only updated the site design and simplified the workflows, but have added the ability to view recorded documents, dedication plats, ownership plats, surveys, tie sheets, and township references.

The cost breakdown of REDI Web with images is as follows:

Monthly Fee:	\$ 25.00
Page or transaction Request:	\$ 0.10
Abstract Request:	\$ 0.50
Printer-friendly File Generation (PDF format only):	\$ 1.00
Document Image Request:	\$ 0.10
Tie Sheets	\$ 0.25
Dedication Plats, Ownership Plats, Surveys, or Township Reference Images:	\$ 1.00

RESOLUTION 2013-___

A RESOLUTION APPROVING RECORDER SUBSCRIPTION FEES

WHEREAS, in accordance with UCA §17-21-18.5(5), a County may determine and collect a fee for services provided by the County Recorder, so long as such is not in conflict with statutory fees; and,

WHEREAS, the County Recorder has built an on-line data base at substantial cost to the County (the “Recorder Data Base”); and,

WHEREAS, the Recorder Data Base can be searched using (1) the Tyler-Eagle Search Software Program which must be maintained and licensed through the County (“Tyler-Eagle”) and (2) the SIRE Search Software Program which must be maintained and licensed through the County (“SIRE”); and,

WHEREAS, remote web access to Tyler-Eagle, SIRE and the Recorder Data Base (together, the “Basic Access Data Portal”) is of significant benefit to title companies and other entities who regularly perform land record searches; and,

WHEREAS, any patron wishing more in-depth, direct, dedicated access not provided by the Basic Access Data Portal can upgrade access (“Premium Access Data Portal”) through an enhanced subscription fee; and,

WHEREAS, patrons may still access information free of charge at the Summit County Courthouse; and,

WHEREAS, the County Recorder proposes to recoup the costs of the Basic and Premium Data Portals through the charging of subscription fees to patrons for the use of these facilities; and,

WHEREAS, affiliated government agencies may apply for a user account free of charge; and,

WHEREAS, it is in the best interests of Summit County to recoup the costs of the Basic and Premium Data Portals through the charging of subscription fees;

NOW THEREFORE, BE IT RESOLVED, the Summit County Council hereby imposes the following subscription fees on patrons of the County Recorder's Basic and Premium Data Portals:

1. The Basic Access Data Portal Subscription Fee shall be:
 - a. \$5.00 per day
 - b. \$30.00 per week
 - c. \$100.00 per month
 - d. \$500.00 per six months
 - e. \$700.00 per year

2. The Premium Access Data Portal Subscription Fee shall be:
 - a. \$2,400.00 per six months
 - b. \$4,800.00 per year
 - c. One-time installation fee of \$250.00
 - d. One-time licensing fee of \$750.00

3. This Resolution is effective as of June 5, 2013.

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

COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

By: _____
Claudia McMullin, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy