County Engineer

Derrick A. Radke, P.E.

MEMORANDUM

June 20, 2013

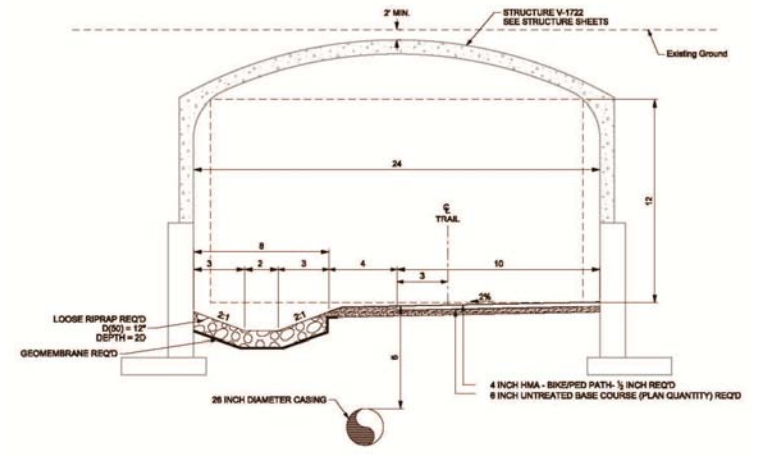
To: Summit County Council

From: Derrick Radke, PE - Summit County Engineer

Re: US-40 Wildlife and Non-Motorized Underpass

As you are aware, UDOT and the Snyderville Basin Special Recreation District have been working together on an ambitious project to install a Wildlife and Non-Motorized Underpass on US-40 near the UDOT Road Shed in the Silver Summit area. Originally, UDOT identified a need for the wildlife underpass and had approximately $750,000 of "Enhancement" funds that could be spent on the project; however they knew that this amount would not come close to the amount needed to complete the project. UDOT approached Summit County, Park City, and the Snyderville Basin Special Recreation District to partner in the project. The Snyderville Basin Special Recreation District quickly jumped on the band wagon; however Summit County and Park City originally did not feel that the project fit in with their roles and budgets.

UDOT has proceeded with the preliminary design work and has increased the size of the structure so that it would better accommodate wildlife crossing. The upsizing had some impact on the total cost, but it was not a large percentage of the increase. The size of the structure is now 12 ft x 24 ft (note that the 12' height is measured at the outside edge of the structure and there is approximately another 2 feet of height at the center of the structure. See figure below).



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The final Engineer's estimated cost of the structure/project is as follows:

Structure and Roadway	$1,917,574
Utility Adjustment	$ 60,000
Construction Engineering	$ 160,000
Preliminary Engineering	$ 233,280
Misc./Contingency	$ 163,000
Minus Lane Rental (etc.)	($ 90,900)
Total Project	$2,442,954

UDOT has since added money to the project beyond the original $750,000 and is now contributing a total of $1,200,000 to the project. The breakdown of current funding is as follows:

UDOT	$1,200,000
SBSRD	$ 750,000
Total:	$1,950,000
Project Cost	$2,442,954
Project Shortfall	$ 492,954

UDOT has asked that Summit County and Park City reconsider their participation in the project. They are asking for a contribution of $250,000 each and have drafted a Cooperative Agreement for the County and City to review and consider. David Thomas, Chief Civil Deputy County Attorney has offered some edits to the document for UDOT's consideration and the document has been forwarded to Park City to review as well. Please note that UDOT will not advertise the project or present it to the Joint Highway Committee until they receive an executed copy of the Agreement back from the County and the City. The agreement states that; "Within fifteen (15) days from receipt of the executed Agreement, County and City shall each send a check payable to UDOT in the amount of Two Hundred and Fifty Thousand Dollars ($250,000) to the UDOT's Comptroller's Office located at UDOT/ COMPTROLLER". There may be some wiggle room in this requirement, but a proposal will need to be sent to UDOT for consideration.

Please note that we have not as yet received the final Agreement for review. The draft/redlined version is attached for your review.

One key component of the agreement is that should the project come in under the estimated cost, Summit County and Park City would be the first parties to receive refunds, spilt equally.

As the Council knows, the County did not budget for this project for 2013. If the Council decides to proceed to help fund this project, at some point they will need to re-open the budget and add the project and identify the revenue source.

Should the Council and County Manager decide that the project is worthwhile and want to participate, there are a few possibilities for funding the project. One possibility is that the County or SBSRD, and City could apply for a RAP Tax Grant in order to fund their contributions. David Thomas has stated that the project would qualify as a recreation related project, but that the project would have to go through the normal RAP Tax Grant process. Anita Lewis, Assistant County Manager has outlined the RAP Tax Grant process as:

- RAP Tax Committee should begin accepting Applications at the end of August or first of September after advertising that applications will be accepted.
- It is competitive process that takes approximately three months before awards are made. An award would probably not come prior to the start and/or the completion of the project.
- The RAP Tax Committee makes a recommendation to the County Council who makes the final decision.
- If a RAP Tax Grant is sought for the County's contribution, it may make sense to have the application made by the SBSRD since the Council ultimately decides on project awards, and the project is more directly related to recreation facilities in the Snyderville Basin. This can be a discussion item during the meeting.

Alternatively, 1) the Council could ask the County Treasurer to loan the $250,000 for the project, and budget for the repayment from one of the budgets in 2014, or 2) the Council could make an inter-fund loan from the Municipal Services Fund and again budget to repay the loan in 2014 after budgeting for the repayment. Either loan could be repaid from the RAP Tax Grant should the County be the applicant, and be awarded the grant.

It is unlikely that there will be $250,000 available from capital projects budgeted for 2013. Most of the season's projects have already been awarded or completed and it is not expected that the projects will under run by this amount.

If you have any question, please contact me.

Enclosure (Draft UDOT Cooperative Agreement)

cc: Heinrich Deters, PC Trails & Open Space Project Manager, (via email to: hdeters@parkcity.org)
Ritchie Taylor, UDOT R2 Project Manager (via email to: ritchietaylor@utah.gov)
Rena Jordan, SBSRD Director (via email to: renaj@basinrecreation.org)
Will Pratt, SBSRD Planning & Project Manager (via email to Will@basinrecreation.org)
Robert Jasper, County Manager
file (S:\Projects\2013\pw13\misc\cc-us40.doc)

F-0040(16); Summit County
Pedestrian/Wildlife Crossing US-40 MP 2.16
SUMMIT COUNTY/PARK CITY
Authority No. 53827 PIN 10916

DRAFT

C O O P E R A T I V E A G R E E M E N T

THIS COOPERATIVE AGREEMENT, (the "Agreement") made and entered into this _____ day of _____ 2013, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, a state agency, hereinafter referred to as **"UDOT"** and **SUMMIT COUNTY,** a political subdivision of the State of Utah~~Municipal Corporation in the State of Utah~~, hereinafter referred to as **"County," and PARK CITY CORPORATION,** a Municipal Corporation in the State of Utah, herinafter referred to as "**City."** UDOT, the City and the County are hereafter sometimes referred to individually as a "Party" and collectively as the "Parties."

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WIT~~H~~NESSETH

WHEREAS, UDOT is engaged in preparing plans, specifications and estimates of costs toward constructing the highway project identified as F-0040(116)0; Pedestrian/Wildlife Crossing, under US-40 at Mile Post 2.16, in Summit County, Utah; and

WHEREAS, in the interest of public safety, the P~~p~~arties hereto desire to coordinate for the purpose of funding the construction and providing maintenance of above said project pedestrian/wildlife crossing, (hereinafter referred to as the "Project"); and

WHEREAS, the proposed P~~p~~roject funding is as follows

County	$250,000.00
City	$250,000.00
Snyderville Basin Special Recreation	$750,000.00
UDOT	$1,200,000.00

and

WHEREAS, the **County** desires to participate in the funding of the P~~p~~roject construction in the amount of $250,000.00.

F-0040(116)0; Summit County
Pedestrian/Wildlife Crossing US-40 MP 2.16
SUMMIT COUNTY/PARK CITY~~SNYDERVILLE BASIN SPECIAL RECREATION~~
Authority No. 53827 PIN 10916

D R A F T

WHEREAS, the **City** desires to participate in the funding of the P~~p~~roject construction in the amount of $250,000.00.

WHEREAS, the P~~p~~arties hereto desire to enter into this ~~Cooperative~~ Agreement to define the terms and conditions for the participation of the P~~p~~roject funding and maintenance of the P~~p~~roject work; and

NOW THEREFORE, it is agreed by and between the P~~p~~arties hereto as follows:

(1). **UDOT** has provided copies of the Project Engineering Plans to the **City** and **County** for their review and comment. **UDOT** ~~will have to~~ shall meet its 2012 Standard Specifications and other applicable standards concerning the Project construction.

(2). **UDOT** shall~~will~~ advertise for bids, award the Project contract, and administer the Project construction.

(3). Within fifteen (15) days from receipt of the executed ~~Cooperative~~ Agreement, **County** and **City** shall each send a check payable to UDOT in the amount of **Two Hundred and Fifty Thousand Dollars ($250,000.00)** to the~~with~~ **UDOT'~~s~~** Comptroller's Office located at UDOT/COMPTROLLER, 4502 South 2700 West, Box 141510, Salt Lake City, Utah 84119.

(4). **UDOT** reserves all rights in and to the existing N/A Line related to the facilities contained in this ~~Cooperative~~ Agreement and nothing in this ~~Cooperative~~ Agreement should be construed otherwise. **UDOT** does not relinquish any rights to said N/A Line by entering into this ~~Cooperative~~ Agreement. **UDOT** shall~~will~~ own all Project improvements located within its right-of-way.

(5). The crossing shall only be used for wildlife and pedestrians ~~use only~~. ~~and n~~No motorized vehicles, except of maintenance purposes, shall be allowed to use or access this trail system. If at any time~~,~~ motorized vehicles, other than maintenance vehicles, are allowed or permitted, then the P~~p~~arties hereto agree that this ~~Cooperative~~ Agreement shall be~~is~~ void and the Project improvements shall no longer be open for use~~not be used~~ by pedestrians.

(6). The P~~p~~arties hereto agree that any modification, expansion, increased impact of anticipated use(s) to the trail, that are not defined in this ~~Cooperative~~ Agreement or allowed as part of the Project, ~~would~~ constitute grounds ~~the need~~ for a written amendment to this ~~Cooperative~~ Agreement. Any and all uses not otherwise~~Unless the use is~~ described as permitted uses in this ~~Cooperative~~ Agreement are prohibited~~, no other uses are allowed~~.

D R A F T

(7) The **City** shall~~will~~ permit **UDOT** to enter and construct a portion of the P~~p~~roject on C~~c~~ity property. The City p~~P~~roperty shall~~will~~ be accessed from the **UDOT** right-~~-~~of-~~-~~way and not from Highland Drive~~.~~, as set forth in Exhibit 'A" hereto.

(8). Upon completion and final inspection of the Project construction, **UDOT** shall~~will~~ maintain the crossing structure and drainage on the US-40 right-~~-~~of-~~-~~way and the **City** shall~~will~~ maintain the Pedestrian Trail on **City** property as shown in Exhibit "A."

(9). Upon final P~~p~~roject closeout, **UDOT** shall~~will~~ return any remaining P~~p~~roject funds ~~first~~ to the **County** and **City** on an equal basis.

(10). This Agreement may not be assigned without the express written consent~~permission~~ of **UDOT**.

(11). **UDOT,** the **City,** and the **County** are governmental entities subject to the ~~Utah~~ Governmental Immunity Act of Utah, UCA §§63G-7-101 thru 904 (1953, as amended) . Each P~~p~~arty agrees to indemnify, defend and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out the negligent acts, errors or omissions of the indemnifying P~~p~~arty's officers, agents, contractors or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any provision of the ~~Utah~~ Governmental Immunity Act of Utah, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

(10). This Agreement may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument. This Agreement shall become effective when each Party hereto shall have received a counterpart hereof signed by the other Party hereto.

(11). This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

(12). Nothing contained in this Agreement shall be deemed or construed, either by the P~~p~~arties hereto or by any third party, to create the relationship of principal and agent or create any partnership, joint venture or other association between the Parties.

(13). This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid.

D R A F T

(14). If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.

(15). Each P~~p~~arty represents that it has the authority to enter into this Agreement

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

SUMMIT COUNTY,
A Political Subdivision~~Municipal Corporation in~~of the State of Utah

By _____

County Manager

F-0040(116)0; Summit County
Pedestrian/Wildlife Crossing US-40 MP 2.16
SUMMIT COUNTY/PARK CITY~~**SNYDERVILLE BASIN SPECIAL RECREATION**~~
Authority No. 53827 PIN 10916

D R A F T

Date:

PARK CITY CORPORATION,
A Municipal Corporation in the State of Utah

By_____

City Attorney

Date:

By Honorable_____

Mayor

Date:

****

RECOMMENDED FOR APPROVAL: **UTAH DEPARTMENT OF TRANSPORTAION**

By_____ By_____
Region Project Manager Region Director

Date: _____ Date: _____

****

APPROVED AS TO FORM: By_____
UDOT Comptroller Office

F-0040(116)0; Summit County
Pedestrian/Wildlife Crossing US-40 MP 2.16
SUMMIT COUNTY/PARK CITY~~**SNYDERVILLE BASIN SPECIAL RECREATION**~~
Authority No. 53827 PIN 10916

D R A F T

Contract Administrator

Utah State Attorney General's Office has previously approved all paragraphs in this Agreement as to form.

Date: _____

MEMORANDUM

To: Summit County Council
Report Date: June 20, 2013
Meeting Date: June 26, 2013
From: Jennifer Strader, County Planner
Project Name: Snyderville Basin General Plan, Phase I

On March 26, 2013, the Snyderville Basin Planning Commission (SBPC) forwarded a positive recommendation to the Summit County Council (SCC) for Phase I of the General Plan (Plan), which included Chapters 1 through 8. They had previously decided that Chapter 9: Neighborhood Plans should be reviewed separately from the rest of the Plan given the importance of the neighborhood planning areas and the anticipated public input.

On June 11, 2013, after conducting four (4) public hearings, the SBPC forwarded a positive recommendation to the SCC for Chapter 9.

Staff is now presenting Chapters 1 through 9 of the Plan to the SCC in a work session format to provide an opportunity for initial comments prior to moving forward with future public hearings.

One item to note pertaining to the attached draft, specifically the neighborhood plans:

* Each neighborhood planning area has an associated map that will be attached as an 11" x 17" exhibit. The intent of each map is to identify the neighborhood boundaries, as well as the existing public open spaces. Staff has included an example of what the maps will look like at the end of the Plan. Staff is anticipating that the maps will be completed and included as part of the package presented at the public hearings.

Staff will be prepared to provide the background of the Plan process at the work session, if desired by the SCC. More detailed information will also be provided in the staff reports for the public hearings. The first public hearing has been scheduled on July 10, 2013, pending any input from the SCC.

If you should have any questions or comments, please feel free to contact me at 435.615.3152 or by email, jstrader@summitcounty.org.

SNYDERVILLE BASIN

GENERAL PLAN

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10. Future Chapters – Phase II
    - Economic Development
    - Land Use broadened (population projections, growth, Future Land Use Map)
    - Redevelopment
    - Sustainability
    - Town, Resort, and Village Design Principles
    - Regional Planning
    - Other items as determined by the Planning Commission

Chapter 1
Snyderville Basin General Plan
Vision and Background

MISSION STATEMENT

The mission of the General Plan (herein after referred to as “the Plan”) is to preserve natural open space and vistas, prevent suburban sprawl, and promote our mountain resort community. This will be accomplished through well managed growth that clusters density into designated mixed use centers, protects the natural environment, and supports recreation. The result will allow for a community and an economy that are diverse, cohesive, and sustainable.

GOALS

In concert with the community vision and in support of the Mission Statement, the goals of the 2013 update to the Plan are to promote the following:

- Sustainability, both in terms of development and the environment
- Quality growth and economic development that provides a positive contribution to the community and mountain resort economy
- Preservation of open space, view corridors and scenic mountainsides
- Preservation of critical and sensitive lands, natural resources and the environment, clean air, and healthy waters
- Provide for interconnectivity and traffic mitigation through a variety of creative alternatives for all modes of transportation
- Provision and inclusion of affordable housing
- Healthy lifestyles based on resort and year round recreation opportunities compatible with a resort/residential community
- Preservation, recognition, and adaptive reuse of culturally significant structures, sites, and uses

ROLES OF THE GENERAL PLAN AND DEVELOPMENT CODE

The growth management plan for the Snyderville Basin consists of the Plan and Snyderville Basin Development Code (hereinafter referred to as “the Code”). The purpose of the Plan is to set forth the vision, mission and character, goals, objectives, and policies for the Snyderville Basin. The Plan is an advisory document. The Code is the regulatory document that contains the rules and regulations for development that implements the goals and objectives of the Plan. The Code ensures the viability of the Plan by requiring that development applications are consistent with the Plan.

BACKGROUND

In mid-2009, the Snyderville Basin Planning Commission (hereinafter referred to as “the Planning Commission”) began the process of reviewing the 2004 Snyderville Basin General Plan for updates, which was last completed in 1998. The intent of this update is

to make the plan a more current and understandable document for the public and the Planning Commission as it guides future growth.
As part of this update, the Planning Commission sought to clarify the intent of the Plan, and ensure that the policies and implementation mechanisms of the Plan and Code would truly help meet the community priorities.

Community involvement has been a central part of the update process. In 2009 a Subcommittee of the Planning Commission was formed, which began working on initial edits to the Plan. Based on their feedback, in April of 2010, the Planning Commission held two community open houses and conducted a survey; in the summer of 2011, the Planning Commission held workshops with each neighborhood planning area. Public hearings were held on each element of the Plan in 2011, and more work sessions and hearings were held in 2012.

From these open houses and workshops, the Planning Commission identified many community priorities, and substantially reworked the mission statement to better reflect these priorities.

The Plan has also been substantially reformatted. While core principles remain in place, the format has been changed and the language simplified to communicate clear intent. Regulatory language remaining from the 1998 Plan has been removed and placed in the Development Code where appropriate. Policies have been divided into chapters and each chapter is based on a topic such as the environment, cultural and natural resources, and open space. The redesign is intended to make the Plan easier to follow and more effective to implement.

COMMUNITY VISION
Over 200 residents of the Snyderville Basin participated in the 2010 open houses and hundreds more at the 2011 Neighborhood workshops. The many activities included a prioritization exercise where the public was asked to rank various topics, such as open space, recreation, and walkability. Based on that exercise, the Planning Commission learned that the issues, identified from most important to least important, were:

1. Open Space
2. Recreation
3. Walkability
4. Wildlife
5. Less Density
6. Sensitive Land Protection
7. Water Conservation
8. Affordable Housing
9. Mass Transit
10. Traffic
11. Natural Resource Preservation
12. Local Economy
13. Recycling/Compost
14. Local Food

15. Energy Efficiency
16. Mixed Use Development
17. Growth
18. Green Building/Construction

MOVING FORWARD

State government forecasts for population growth in the County, and Snyderville Basin in particular, clearly demonstrate a need to prepare by the County Council and the Planning Commission. The Plan and Code, as amended, are designed to better encourage economic growth and manage development and redevelopment, in a manner that will preserve and enhance the Basin's quality of life, and in conformity with Section 17-27a-102 (a) of the Utah State Code which sets forth the standards for land use management:

> *(a) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each county and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.*

The Plan reflects coordinated regional land use planning by and among Summit County Council, Snyderville Basin, Eastern Summit County and Park City Municipal in preparation for anticipated growth.

The residents of the Basin agree that open space, in the mountain setting of the Basin, provides aesthetic value, recreational opportunities, wildlife management and protection, and promotes an amenity rich community. Those amenities include:

- Large Tracts of Contiguous Open Space
- Recreation
- Interconnected Trail Systems (Walkability)
- Wildlife Preservation
- Density in Town and Resort Centers
- Sensitive Lands Protections
- Water Conservation
- Affordable Housing
- Mass Transit
- Traffic and Transportation Management
- Natural Resource Preservation
- Local Economy Protection and Enhancement

These core reasons define the purpose for land use planning and regulation to preserve and enhance the Basin. The Plan embraces and protects the mountain resort economy and character of the Basin, by discouraging, and, to the extent possible, prohibiting certain suburban development patterns which erode the unique character of the Basin. To that end,

suburban development patterns in the Basin should be mountain resort in nature, with low densities of one unit per one hundred and twenty (120) acres, one unit per forty (40) acres, one unit per thirty (30) acres, one unit per twenty (20) acres, and one unit per ten (10) acres in certain instances.

Additionally, the Plan guides the growth and economic development of the Basin to occur in harmony with the unique, aesthetic qualities of a mountain environment. Interspersed among the open spaces of the Basin, town and resort centers are permitted in designated locations. Each type of center serves a specific function as further stated in the Plan. The character of these centers, particularly the town centers, should be designed to reflect both traditional and new patterns in urban communities, and phased to ensure proper growth and concurrency management.

These centers should benefit, not detract from, the general health, safety and welfare of the entire community. Increases in density for town and resort centers should only occur in instances where such increases result in significant benefit to the community at large, among other criteria. The use of density transfers may be an acceptable method to utilize development rights from an area desirous of preservation in acceptable growth areas, such as town and resort centers.

The Basin's changing demographics have created an economy no longer solely dependent on seasonal mountain resort business. Social and economic diversity, and its associated demands, is encouraged for the long term health of the Basin. Accordingly, the Plan and Code form a foundation for the complex, long range use of land through managed growth, balance between competing demands of residential and commercial interests, and preservation of ample and continuous natural areas.

Chapter 2
Land Use

GOAL: Promote sustainable Land Use Planning Principles that preserve environmentally critical and sensitive lands, maintain neighborhood character, protect the economic base, prevent sprawl, and provide efficient delivery of services.

OBJECTIVE A: Guide appropriate development and redevelopment in the Snyderville Basin through the following policies:

Policy 2.1: Designated Centers: Preserve natural open space and vistas, prevent urban sprawl, and promote the mountain resort community through managed growth that clusters growth into designated mixed use centers.

Policy 2.2 Development Patterns: Encourage the following sustainable patterns of development:

a. Housing subdivisions that may be comprised of a variety of type and style of use, and with a wide range of affordability. Generally, these subdivisions are not separated from one another. There may be an internal system of streets, but many connections exist between individual subdivisions.

b. Commercial, light industrial, resort, and other mixed-use development that is not exclusively oriented to the automobile and emphasizes pedestrian accessibility.

c. Civic institutions, such as churches and other public buildings that are located near residential and commercial development.

Policy 2.3 Land Use Map: Show the following designations on a Basin-wide land use map:

a. Existing land use map

b. Wildlife corridors and habitat areas

Policy 2.4 Zone Districts: Utilize zone districts, depicted in a zoning map establishing a base density that generally reflects the existing character of the land, particularly open space and the natural landscape, taking into consideration infrastructure availability and existing neighborhood character.

Policy 2.5 Redevelopment: Promote the redevelopment of existing developments to reduce the visual impact of inappropriate site layout practices, large parking lot surfaces, inappropriate lighting, non-conforming signs, and building mass through appropriate design, building configuration and consolidation, and height.

Policy 2.6 Growth Management: Manage the amount, type, location, rate, and design of growth in the Snyderville Basin while coordinating the plans and programs of public service providers, community investment in facilities, infrastructure, amenities, and services to ensure a sustainable future for the community.

Policy 2.7 Strip Development: Strongly discourage roadside or strip commercial development where there is continuous or intermittent linear development generally one store deep, one or more access points for separate properties and with highly visible parking located between the road and the building.

Policy 2.8 Density Incentives: Maintain base density yet consider providing incentives for additional density where appropriate.

Policy 2.9 Transfer of Development Rights (TDR) – Receiving Areas: Pursue the creation of a TDR program to be offered as an inducement to property owners for creating density "receiving areas". Such receiving areas will be located in areas deemed appropriate by Summit County. The purpose of this incentive should be to create a means to preserve substantial open space by transferring density from other parts of the Snyderville Basin. Property owner participation in this incentive program should be voluntary.

Policy 2.10 Transfer of Development Rights (TDR) – Sending Areas: Pursue the creation of incentives to the owners of key lands (potential "sending areas"), to transfer density to an appropriate "receiving area" as outlined above or, when appropriate, purchase fee title or the development rights from the property.

Policy 2.11 Affordable Housing: Implement tools and mechanisms to achieve affordable housing.

Policy 2.12 Walkability: Promote interconnectivity, walkability, and a human scale of development.

OBJECTIVE B: Land use should be appropriate in scale and character to its surrounding environment and no structure should be allowed to dominate the natural features of any site.

Policy 2.13 Building massing and visual compatibility: Building massing should, through height and bulk restrictions, relate to the size of the lot, roof pitch and orientation restrictions to ensure compatibility with visually sensitive areas.

Policy 2.14 Architectural style: The desired architectural style should be of appropriate quality and work within the context of the defined community character, while promoting creativity in design styles.

Policy 2.15 Large scale commercial: Large scale commercial “one story” structures are generally not appropriate. Whenever possible, large scale retailers should be placed on two or more levels, or designed to encourage the smaller, customized format of the retailer.

Policy 2.16 Integration into environment: All man-made elements should be integrated into the natural environment with a sense of quality, permanence, and sensitivity; respecting, enhancing, and preserving stream corridors, wetlands, and hillsides. Efforts should be made to minimize the removal or disturbance of trees and hillside shrub vegetation.

OBJECTIVE C: Ensure that landscaping, lighting, signs, and parking are designed in a manner that is functional yet minimal and in keeping with the mountain environment.

Policy 2.17 Landscaping: Appropriate landscaping should be installed and maintained in all new developments to ensure compatibility with the surrounding environments, including native vegetation and drought tolerant species.

Policy 2.18 Lighting: Maintain lighting regulations for the amount, intensity, type, and location of all outdoor artificial illuminating devices to ensure that all such lighting is minimal, protective of the night sky, energy efficient, and minimizing impacts and light trespass onto surrounding properties, while appropriately addressing safety concerns.

Policy 2.19 Signs: Sign regulations should promote diversity of sign design within the Snyderville Basin, but ensure that all signs, including size, location, colors, and materials, are compatible with the image of individual neighborhoods.

Policy 2.20 Parking Design: Parking lots should be functional, include snow storage, provide pedestrian access, and be designed as attractive landscapes. Excessive parking is discouraged. Underground or structured parking is encouraged.

Chapter 3
Open Space

GOAL: Preserve open space in the Snyderville Basin that contains environmentally critical and sensitive lands, and recreational, cultural, and scenic spaces, to the extent possible. Preservation of these lands and connections between them is necessary in order to support a healthy environment, and to retain the sense of place, quality of life, and the economic success of the resort economy.

In order to best achieve this goal, open space has been categorized into the following types of land identified for preservation:

1. Pristine Open Space

    a. Critical for environmental quality, such as drinking water sources, watershed, and wildlife habitat and/or corridors.
    b. Strictly limited development, use, access, or disturbance.
    c. Undisturbed, natural environment is the priority and only passive recreation should be permitted.
    d. Any access allowed should be non-motorized single-track trails for the purpose of connecting existing trail spines and corridors, subject to an approved trails plan.
    e. Contiguous to other open spaces and is of sufficient size to achieve these purposes.
    f. Examples include the USU Swaner Nature Preserve and Hi Ute's Three Mile Canyon.

2. Managed-Recreational Open Space

    a. Land that is classified as sensitive and/or critical, which includes, but is not limited to steep slopes, ridgelines, avalanche tracks, geological hazards, and cultural and/or historic lands.
    b. Furthers the purposes of Pristine Open Space by providing buffer areas surrounding and/or encompassing agricultural lands, wetlands, floodplains, and/or riparian corridors.
    c. Adjacent to or in close proximity to other open space.
    d. Supports passive recreation with public access with non-motorized trails and trailheads and paved transportation trails.
    e. Examples include the Summit Park Forest Legacy open space, Summit County Gardens, and Quarry Mountain.

3. Active Open Space:

    a. Easily accessible land that offers both passive and active recreational opportunities.

b. Fulfill recreational needs and services such as sports fields, non-motorized trails, trailheads, parks and facilities, bike parks, tennis courts, amphitheaters, golf courses, and ski trails.
c. Land suitable for civic needs that serve the public, such as cemeteries and fairground facilities.
d. Public use and enjoyment is the priority and is encouraged.
e. Examples include Willow Creek Park, Matt Knoop Memorial Park, and Trailside Park.

4. Internal Public Spaces:

a. Located in highly accessible public spaces for the purpose of providing areas for people to rest, gather, and socialize.
b. Support features such as tables, benches, trash/recycling receptacles, bike racks, drinking fountains, public art, and restrooms where appropriate.
c. Generally fragmented and contiguity to other open spaces is not a priority.
d. Examples include Newpark plaza, pocket parks, and neighborhood playgrounds.

Pristine Open Space: Hi Ute's Three Mile Canyon
Photo Credit: Martin van Hermert

Managed-Recreational Open Space: Summit Park Forest Legacy

Active Open Space: Willow Creek Park

Internal Public Space: Newpark Sun Calendar Plaza

OBJECTIVE A: Preserved open space should be maintained according to its classification.

Policy 3.1: Conservation easements, deed restrictions, trail easements, and/or plat notes should be recorded confirming the purpose of the land and identifying restrictions.

Policy 3.2: Appropriate ownership and management entity, either public or private should be determined at time of preservation.

a. When open space lands benefit only a single development with limited to no public access, those lands should remain under private ownership.

b. When open space lands are preserved that benefit the greater community and allow for greater public access and civic needs, those should be owned and managed by a public entity.

Policy 3.3: Management plans and regular maintenance needs should be implemented to ensure that the land's purposes are maintained at the necessary level of expectation.

a. Open spaces should have a management plan that identifies operations and maintenance needs, including noxious weed control on the property to ensure that its purposes are fulfilled.

b. Management of pristine open spaces should minimize the use of chemical treatments, machinery, and vehicles in an effort to avoid impacts on the open space, water quality, and air quality, and minimizes noise.

Policy 3.4: Concurrency policies should be in place for public entities to assure community recreation facilities and open spaces have adequate funding to address the impacts of future growth.

a. Implementation of this policy should require that fees be collected in order to ensure that both residential and commercial projects contribute their proportional share.

OBJECTIVE B: Mechanisms, programs, and strategies should be in place to preserve lands as open space.

Policy 3.5: The County has established a formal open space advisory committee, created for the purpose of advising and providing input to the county manager and county council regarding the creation, preservation, and identification of open space within the Snyderville Basin. The mission statement of the Basin Open Space Advisory Committee is hereby incorporated by reference. The committee should also:

a. Establish evaluation criteria for the acquisition of open space, pursuant to and consistent with the open space and other policies set forth in this and other chapters of the Snyderville Basin General Plan.

b. Assist in identifying, prioritizing, and making recommendations regarding priority open space;

c. Assist in identifying agreements related to the transfer of density for the purpose of acquiring pristine, managed, or recreational open space

d. Recommend the acquisition of development rights from properties considered important to the community for open space purposes;

e. Use cash-in-lieu of Density Transfer Program participation and other funds received by the County to recommend purchase receiving and/or sending sites to the preservation of open space.

Policy 3.6: Summit County should develop on-going revenue sources earmarked for open space preservation including partnership with the Snyderville Basin Special Recreation District in providing opportunities for voter authorization of bond funds and concurrency programs.

Policy 3.7: Summit County should establish a formal mechanism or program, such as a Transfer of Density/Master Planned Development for holding and transferring land and development rights from high priority open space areas.

Policy 3.8: Summit County should consider amending the zoning map and development code ordinances to support growth and development in identified concentrated centers to alleviate development pressure on land that meets the descriptions of open space.

Policy 3.9: Summit County should accept cash-in-lieu of open space where such funds can be more appropriately used to purchase development rights or open space at a more appropriate or significant location.

Policy 3.10: Summit County should establish and maintain cooperative strategies with local land trusts and, when possible partner with other public, non-profit and private entities and/or other qualified land conservation groups to achieve the preservation of priority open spaces.

OBJECTIVE C: An adequate amount of open space should be preserved for all new developments and should be identified during the development review process.

Policy 3.11: No density incentives for development should be granted for preserving critical lands, but all or a portion of critical lands may be counted towards minimum required open space.

Policy 3.12: While development should meet the open space requirements, it may be appropriate to allow limited open space to be incorporated into individual lots, provided

that the open space is outside of fenced areas and is contiguous to pristine or managed-recreational open space.

Policy 3.14: Open space that is required to be set aside in each development should, whenever possible, be contiguous to adjacent open space and protect hillsides and natural resources.

Chapter 4
Recreation and Trails

GOAL: Promote a healthy lifestyle for residents and visitors through existing and new recreational opportunities and trail connections to meet the broad range of recreation needs of Snyderville Basin residents and visitors.

OBJECTIVE A: Create a system of community parks, trails, and recreation facilities to service the entire population and visitors by working in conjunction with the Snyderville Basin Special Recreation District. The Snyderville Basin Special Recreation District is a special service district of Summit County established for the purpose of providing public recreation facilities and services for residents of the Snyderville Basin, their guests, businesses, and our resort visitors, including community parks, non-motorized community trails, recreational open space and public recreation facilities.

Policy 4.1: Community parks, trails and recreation facilities should be of sufficient size and located throughout the Basin in a manner that ties the neighborhoods together and promotes the overall sense of community and recreation family.

Policy 4.2: Ensure that recreation opportunities in the Snyderville Basin grow in parallel with future growth.

Policy 4.3: Continue to seek opportunities for public parks, recreational open spaces, trails and recreation facilities.

Policy 4.4: Anticipate the need for future public park and recreation system improvements through a continuing review of existing inventory, analysis, and evaluation of resources.

Policy 4.5: Assess resident needs based on periodic community interest and opinion surveys conducted by the Snyderville Basin Special Recreation District to help determine priorities for recreation facilities and track trends.

Policy 4.6: Foster regional recreational planning and interagency cooperation of public entities to collaborate on long term capital facility planning goals and development of joint use facilities to efficiently serve the taxpayers of the greater Park City community.

Policy 4.7: The Snyderville Basin Recreation District has established “Mountain Recreation Standards” for recreation based on population. The Mountain Recreation standards are intended to provide a set of tools to establish clear direction for the amount, type and balance of recreation facilities to meet the needs of a growing population.

Policy 4.8: Work toward achieving an effective balance of recreational open space preservation while meeting the need for active park space to include developed sports fields and support buildings.

Policy 4.9: The Snyderville Basin Community-wide Trails Master Plan (Exhibit XX) and subsequent, more detailed trail corridor mapping identifies critical linkages in the Snyderville Basin and connections to boundary trails. The intent of the Snyderville Basin Community-wide Trails Master Plan is to ensure a public corridor to connect neighborhoods and activity centers, such as parks, schools, community facilities, and commercial areas, and to provide access to open areas, ridgelines, and public lands.

Policy 4.10 – The Snyderville Basin Special Recreation District Capital Facilities Plan (Exhibit XX) includes plans for future recreation facilities, recreation facilities improvements, and important amenities for recreation in the Snyderville Basin, as amended.

Policy 4.11: Secure public trail easements in an effort to carry out the community vision, implement the Snyderville Basin Community-Wide Trails Master Plan, and create a complete network of interconnected multi-use non-motorized trails in cooperation with other public and private entities.

Policy 4.12: Ensure that trails connect with the Park City trail system, and other local and regional trails to create a comprehensive Summit County Trails Plan. Trails should be considered as having both a transportation and non-motorized recreation function.

Policy 4.13: Trail system improvements should be designed with the intent to protect and enhance environmentally sensitive areas.

Policy 4.14: Ensure adequate capacity is provided at trailheads located throughout the Basin to provide points of staging and support facilities to serve multiple user groups.

OBJECTIVE B: Encourage neighborhood recreation facilities that are intended to serve neighborhoods or individual developments. These facilities should be designed to enhance a neighborhood as a part of good project design and to provide a higher quality of life for the residents. Neighborhood facilities are not intended to attract persons from the community as a whole, but rather function as public gathering places within the neighborhood.

Policy 4.15: Development should provide for the reasonable recreational needs of residents within a development project, which may include construction of neighborhood parks, internal trail systems, or other recreation facilities.

Policy 4.16: Neighborhood parks, trails and/or recreation facilities are most appropriately developed and managed by individual developers or neighborhood/homeowner associations. These spaces should be easily accessible and help strengthen the identity of the neighborhood.

Policy 4.17: The Development Code should establish reasonable standards for parks and recreational amenities specifically designed to serve the neighborhood or project level demand.

Policy 4.18: Where possible, internal neighborhood trails should connect to the Snyderville Basin Community-Wide public trails system.

Policy 4.19: Where appropriate, ensure that adequate capacity is provided at trailheads within the development project or neighborhood to provide points of staging and support facilities to serve multiple user groups. Trailheads within a development project or neighborhood that provide access to the Community-Wide Trail System may be accepted for dedication by the Snyderville Basin Special Recreation District.

OBEJCTIVE C: Recognize the desirability of multiple types of recreational services to meet the broad range of health, wellness and leisure interests of Snyderville Basin residents and visitors. Several different types of opportunities exist to meet this need.

Policy 4.20: Private commercial ventures are an important aspect of providing recreation services for residents and visitors of the Snyderville Basin. They typically operate as independent businesses that provide facilities, amenities and programs. Ski and golf resorts, commercial outfitters and sports, health, wellness and fitness clubs fall into this category.

Policy 4.21: Non-profit recreation entities are organizations established for the purpose of developing recreation amenities and/or providing programs that complement the purpose and goals of public and private recreation sectors. Utah Athletic Foundation and National Ability Center are examples of what falls into this category.

OBJECTIVE D: Summit County recognizes the importance of the natural resources within the Snyderville Basin and the surrounding areas. It is desirable to preserve and maintain access to these scenic areas.

Policy 4.22: Preserve public access to riparian corridors and fishable streams, including East Canyon Creek and Silver Creek Drainage (post remediation), for fishing, bird watching, wildlife viewing, and other passive recreational interests.

These stream corridors are an important linear community parkway and all development should be sensitively sighted to protect this natural resource.

New development should maintain public access to these corridors. Enhancement to these critical areas and habitats is encouraged.

Policy 4.23: Encourage and obtain access to the forest lands to promote hiking, mountain biking, bird watching, wildlife viewing and other similar non-motorized activities.

a. All new development adjacent to these areas should ensure appropriate access to the back country through trail connections and open space view corridors.

b. Provide adequate trailheads and parking to facilitate resident and visitor access to these backcountry areas.

Policy 4.24: Promote and encourage horseback riding and other equestrian uses. Equestrian trails should be designed to avoid “land locking” horse owners and provide them with trail access to appropriate areas.

Policy 4.25: Winter recreational opportunities, such as Nordic skiing, snow shoeing, dog sledding, and the like should be encouraged. Care should be taken to ensure that these activities are located sensitively, avoiding sensitive wildlife habitat.

Chapter 5
Cultural and Natural Resources

GOAL: Identify cultural and natural resources and ensure that all development undertaken is compatible with and in harmony with the surrounding mountain and resort environment while maintaining ecological balance and protecting the scenic and historic qualities of the Snyderville Basin as well as the economic base.

OBJECTIVE A: Identify and recognize amenities important to the community heritage of the Snyderville Basin and work to preserve such amenities to the greatest extent possible.

Summit County played an important role in the settlement of Utah and the West as a whole, with prominent westward trails, early settlements, and agricultural operations forming the foundation of the Snyderville Basin. Therefore, heritage amenities are defined as:

a. Sites where culturally significant historic events occurred

b. Sites important to culturally significant people of history

c. Historic trails, paths, and other transportation connections and corridors

d. Structures more than 50 years old

e. Past and present agricultural operations

Policy 5.1: Recognize agricultural operations as a significant and important use of the land and protect the rights of those uses.

Policy 5.2: A survey should be conducted to identify heritage amenities. Identified amenities should be of high priority for preservation through relocation, adaptive reuse, preservation in place, facade easements, conservation easements, or other methods.

Policy 5.3 Heritage Amenities and Cultural Arts Plan: Adopt a comprehensive Heritage Amenities and Cultural Arts Plan in the Snyderville Basin. This Plan should provide specific provisions for the type, amount, and manner in which public art or heritage preservation will be incorporated into a development project, or cash-in-lieu contribution to public art in the Snyderville Basin.

Policy 5.4 Heritage Preservation - Incentives: Summit County should consider appropriate incentives to property owners for the purposes of preserving heritage amenities.

Policy 5.5 Art and Economic Development: Allow opportunities for the arts and artists to participate in the visual enhancement of the Snyderville Basin.

OBJECTIVE B: Identify and protect critical and sensitive lands throughout the Snyderville Basin, and ensure that development is limited or prohibited as appropriate.

Policy 5.6 Preservation: Work with developers to ensure that sensitive and critical lands are properly identified within proposed project areas and preserved and avoided to the greatest extent possible.

Policy 5.7 Critical Lands: Development, excluding community-wide trails, should not be permitted on environmentally Critical Lands, which are those lands which include:

a. Slopes that are thirty percent (30%) or greater, or

b. Geologic hazards and avalanche tracks, or

c. Area within a 100-year flood plain, or

d. Wetlands, both jurisdictional and non-jurisdictional, or

e. Ridgelines.

Policy 5.8 Sensitive Lands: Summit County should seek to minimize, and avoid if possible, development on any Sensitive Lands within the Snyderville Basin, excluding community-wide trails. Sensitive Lands include:

a. Significant permanent and seasonal drainage corridors, or

b. Ranching, agricultural lands and historically significant sites and structures.

c. Moderate Slopes: Slopes greater than fifteen percent and less than thirty percent are declared to be sensitive areas because there is a high probability that instability, rapidly accelerated storm water runoff, and erosion and soil loss could be experienced.

Policy 5.9 Critical Slopes: Slopes of thirty percent or more are declared to be critical areas because there is a high probability that onsite and downslope property damage and water quality, fisheries and wildlife habitat deterioration will result from their development. Revegetation difficulties are compounded by the Snyderville Basin's short growing season, making the reclamation of disturbed slopes very costly, and long term success of reclamation may be difficult. Development that accelerates the erosion of soil, and thereby contributes significantly to the sedimentation of stream corridors, should not be allowed.

Policy 5.10 Floodplains: All areas within a 100-year floodplain, or where the prevailing or potential natural vegetation is riparian, are declared to be critical to the maintenance of the basin's hydrologic systems, fisheries and wildlife habitat. Development of floodplain areas has a significant potential to adversely affect wildlife, water quality, and, if it modifies the floodway, adjoining, upstream and downstream properties, roads and other public facilities. Development in floodplain areas may also be constrained by a high water table which raises the cost of installing and maintaining utilities. Finally, floodplain development adversely affects all taxpayers through public expenditures to prevent or clean up damages due to floods.

Policy 5.11 Avalanche Tracks: Development layout and design should avoid areas which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical areas because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and possible injury or loss of life.

Policy 5.12 Wetlands: Wetlands are declared to be critical since development in wetland areas has a significant adverse effect on water quality, the rate and volume of storm water discharge, and wildlife.

Policy 5.13 Ridgelines: Because of the importance of aesthetics to the economic viability of the Snyderville Basin, views from the designated roadways (Interstate 80, State Roads 224 and 248, and US-40) are critical and ridgeline encroachment should be avoided.

OBJECTIVE C: Ensure that natural resources are protected so that they are available for current residents and future generations.

Policy 5.15 Restoration Incentives: Allow certain development incentives to promote the rehabilitation of important, but previously damaged environmental features of the Snyderville Basin.

Policy 5.16 Limited Septic Systems: Discourage the use of septic tanks to the maximum extent possible.

Policy 5.17 Wastewater and Irrigation: Strongly encourage wastewater reuse on golf courses and other large irrigated areas.

Policy 5.18 Preservation of Air Quality: Ensure that development does not contribute significantly to the degradation of air quality, and minimizes the impacts of wood burning stoves, automobiles, or other similar air quality pollutants.

Policy 5.19 Transportation: Continue to work with Park City, UDOT, and others to develop, maintain, and promote a regional transportation system to help reduce air pollution in the Snyderville Basin.

Policy 5.20 Vehicle Idling: Summit County should continue to work to reduce the impact of idling vehicles through ordinances limiting the practice.

Policy 5.21 Commuter Trails: Continue to work with the Snyderville Basin Special Recreation District on the completion of non-motorized commuter trail links to encourage a reduction in driving.

Policy 5.22 Site Design: Encourage site design that reduces the need for driving and idling, such as reduction or redesign of drive-through facilities and clustering of development.

Chapter 6
Housing Element

GOAL: Provide equal housing opportunities for all residents of the Snyderville Basin by facilitating reasonable opportunities for a variety of housing, including low and moderate income housing in order to meet the needs of people desiring to live in Summit County and to allow persons with moderate and low incomes to benefit from and fully participate in all aspects of neighborhood and community life.

OBJECTIVE A: Ensure an adequate supply of housing that meets the needs of various moderate and low income groups in the Snyderville Basin identified in the Housing Needs Assessment as updated (Technical Appendix).

Policy 6.1: Identify and implement a wide range of strategies to increase housing density and diversity in appropriate locations. Such strategies may include:

a. Increasing allowed densities for affordable housing projects where appropriate and where adequate levels of services and amenities and transit can be provided, or the impact otherwise mitigated.

b. Requiring new residential development to allocate a percentage of the units to be affordable.

c. Requiring commercial, industrial, and resort projects to provide housing for a percentage of their projected workforce.

d. Requiring a long term commitment of affordability.

e. Cooperating with surrounding jurisdictions in the development and implementation of regional affordable housing strategies.

Policy 6.2: Encourage the private sector to build affordable housing.

Policy 6.3: Ensure a variety of housing consisting of a balance of types of housing, styles of housing, ownership category, unit sizes, and a range of affordability.

Policy 6.4: Allow the development of Single Room Occupancy (SRO) housing, group homes, community housing, emergency shelter and transitional housing, and supported living facilities for the elderly and persons with special housing needs, taking into consideration the proximity to public transportation, shopping, medical services, and other essential support services for the elderly and others with special needs.

Policy 6.5: Allow the development of seasonal housing to address the needs of the resort economy, through cooperation with current and future employers and housing agencies in the area.

Chapter 7
Services and Facilities

GOAL: Maintain adequate service levels in regards to services and facilities that are best operated at the local government or quasi-governmental level. These services could include essential health and safety services such as fire, ambulance, law enforcement, public health, utilities and infrastructure; and other services such as libraries, parks and recreation, public transportation, weed or pest management, and waste management and recycling.

OBJECTIVE A: Coordinate and collaborate with applicable service providers to identify acceptable service levels and develop standards for measuring service delivery success.

Policy 7.1: Ensure that public health and safety services and facilities are available to citizens dispersed throughout the Snyderville Basin.

Policy 7.2: Essential facilities should be designed to provide an acceptable level of service to the peak service demand. Other facilities will be designed to accommodate average demand. Temporarily reduced service levels may occur at times of peak service demand; however, reductions should not produce a meaningful threat to the public safety.

OBJECTIVE B: Developers should pay their proportional share of the costs of future facilities and services necessitated by new development. Costs for added facilities and infrastructure as a result of new development should not be passed on to existing residents and businesses.

Policy 7.3: Ensure that new development is able to provide, or is located near, existing or future planned adequate infrastructure such as reliable water and sewage treatment prior to development approval.

Policy 7.4: Coordinate with utility providers to ensure their planning for facilities is consistent with the General plan.

Chapter 8
Transportation, Circulation, and Connectivity

GOAL: Promote a variety of transportation alternatives that provide convenient and efficient service that meets the travel requirements of users.

OBJECTIVE A: Use comprehensive multi-modal transportation planning to guide decision making.

Policy 8.1 Comprehensive Transportation Plan: Summit County has adopted and continues to update a comprehensive long range Snyderville Basin Transportation Master Plan that establishes a roadway classification system, a map showing the location of future roads and key improvements required, and a description of a local transit system needed to serve the community. The Transportation Master Plan serves as the primary transportation chapter of the General Plan.

Policy 8.2 Trails Plan: Summit County has adopted the Snyderville Basin Special Recreation District Trails Master Plan that addresses such items as location, construction, maintenance, and funding of community wide and select neighborhood trails.

OBJECTIVE B: The following principles should be incorporated into all transportation planning efforts in all development in the Snyderville Basin.

Policy 8.3 Multimodal Streets: Streets and adjacent spaces should not be just a corridor for moving traffic, but make allowances for social interaction, walking, horseback riding where appropriate, and cycling. Motorized roadways should be constructed, or existing motorized roadways reconstructed, to allow for non-motorized transportation activities to occur through the most location-appropriate means, such as on sidewalks near the road, on trails that are separated from the road, or on widened shoulders.

Policy 8.4 Exhaust Alternatives Before Increasing Capacity: All efforts should be made to use existing transportation resources to their maximum efficiency before new infrastructure is built. Expanding capacity of any roadway should be considered as a last resort.

Policy 8.5 Access and Level of Service: Access to major roadways, including highway and other arterial roads, should be limited and managed to maintain an adequate “level of service” and to maintain the “functional classification” of the roadway. Property owners should be responsible for coordinating access to optimize the location of roadway intersections.

Policy 8.6 Traffic Control and Management: Summit County should consider the implementation of traffic control and management measures, including, but not limited to the following components:

a. Park and ride facilities at Kimball Junction, Quinn's Junction, Town and Resort Centers, and other appropriate locations;

b. Programs limiting portions of roads to non-motorized vehicles or pedestrian use;

c. Bicycle programs;

d. Employer-based carpooling;

e. Employer-sponsored flexible work schedules;

f. Car and van pool programs;

g. Local programs directed toward the community center, special events, and other high traffic generators.

OBJECTIVE C: Development should be designed to provide multimodal connectivity between adjacent subdivisions, retail centers, or other developments.

Policy 8.7 Connectivity: All streets should be designed to connect to the larger network. Cul-de-sacs are generally not appropriate. The street pattern should be arranged to keep through traffic off local streets. Road patterns designed to allow traffic to speed through a neighborhood are not appropriate.

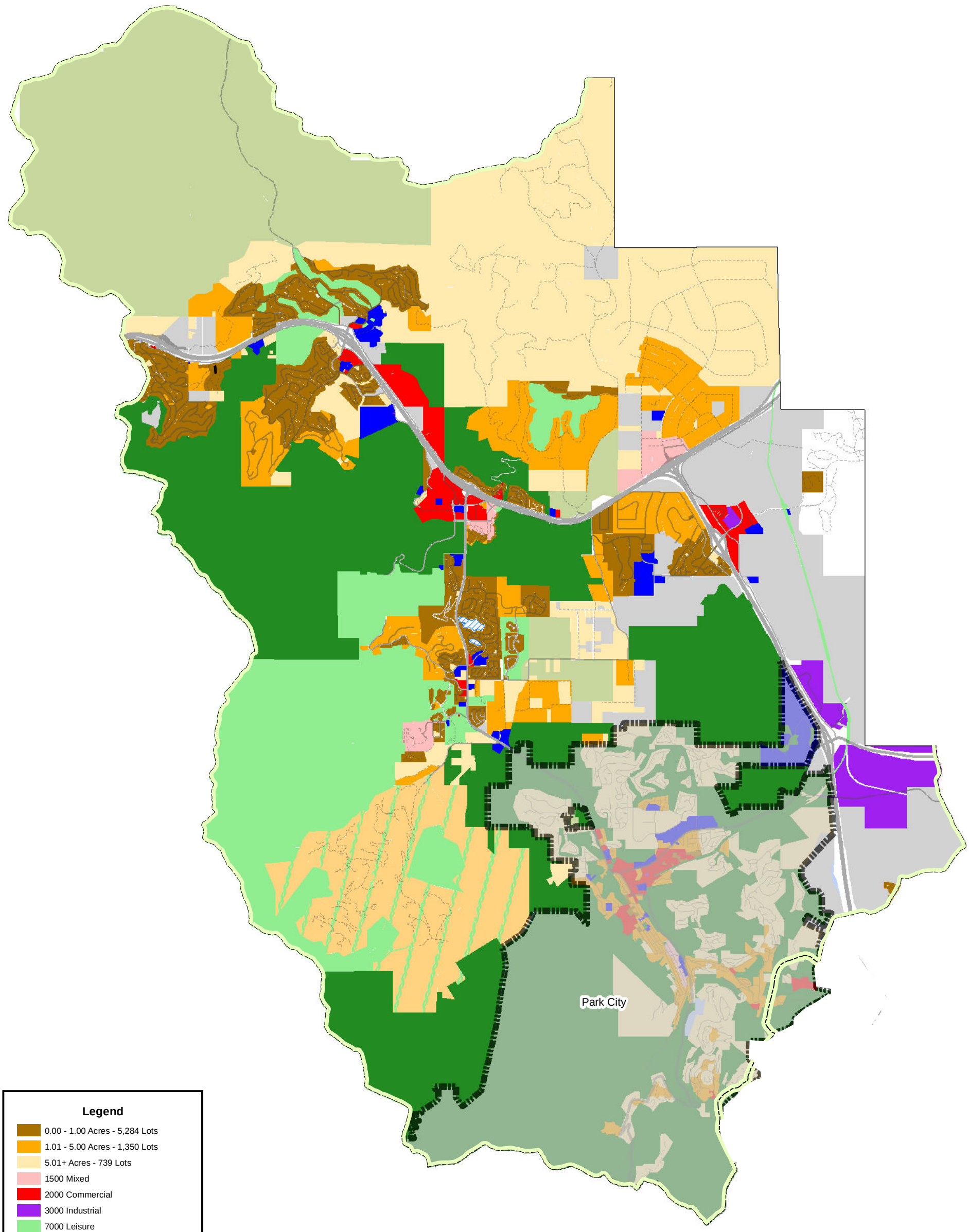
Policy 8.8 Internal Connectivity: Development should include a continuous system of sidewalks or pathways to connect all residential, commercial, parks, school and civic amenities, and other areas. Connections between internal pathway systems to the community system are also encouraged.

Policy 8.9 Walking distance: The distance between intersections should not exceed a distance that is comfortable for walking from place to place.

Policy 8.10 Traffic Calming: Traffic calming devices should be incorporated where appropriate. Reduced traffic speeds should be promoted on neighborhood roads with appropriate signs or other measures indicating road use by others such as children, horses, bicyclists, walkers, or fishermen.

Policy 8.11 Transit: Centrally located transit facilities should be placed within all new major developments.

Policy 8.12 Entry Corridors: Summit County, working with the Utah Department of Transportation, should adopt a landscape enhancement and management master plan for SR 224 and 248, I-80, and US-40 corridors. Summit County should continue to work with UDOT to gain agreements regarding the placement of raised barrier curbs, landscaping along the road edges, and divided median strips within the identified entry corridors to provide additional enhancements in these areas.



DRAFT - Existing Land Uses - DRAFT

Snyderville Basin, UT

Prepared April 2012 by the Summit County Community Development Department

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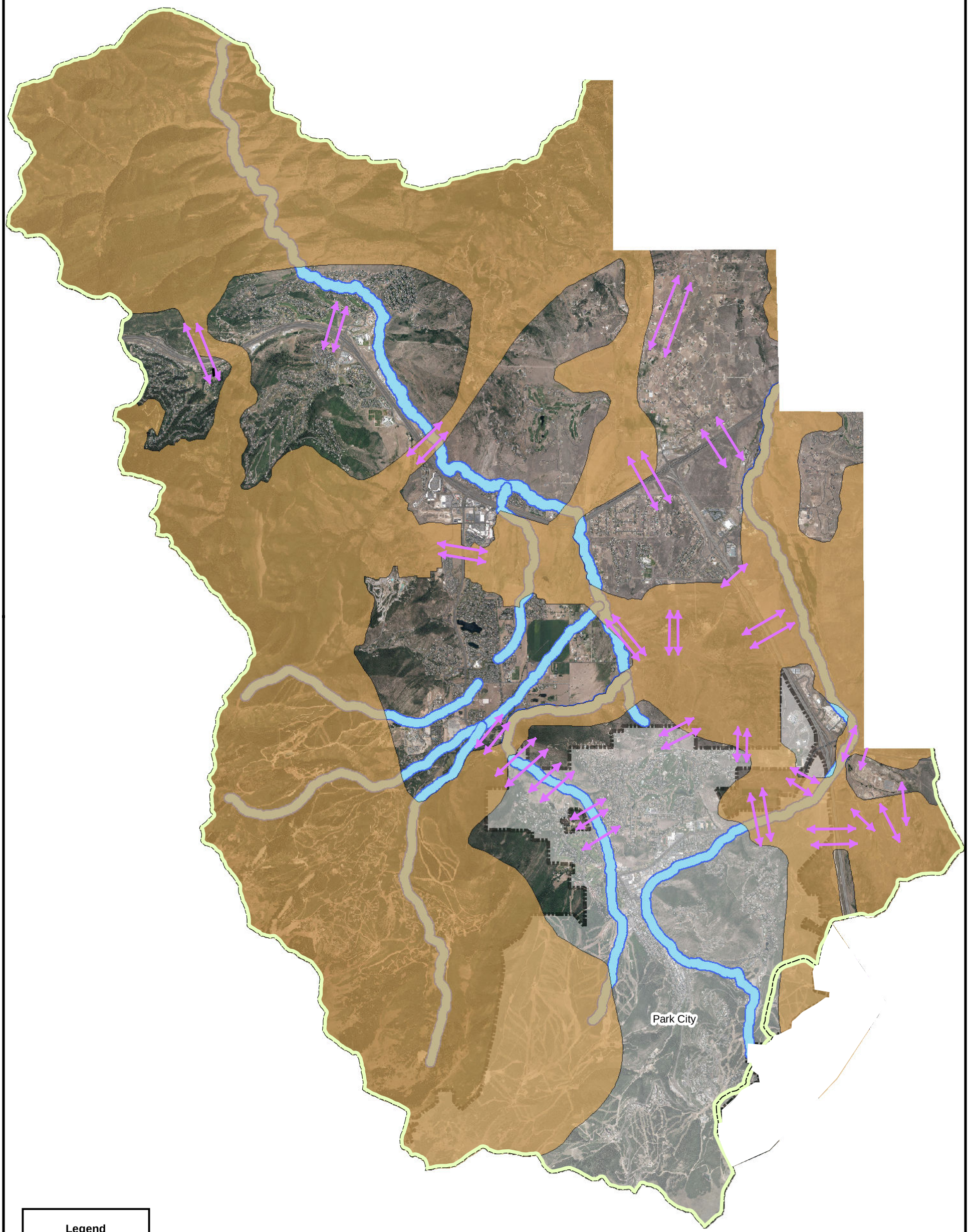
Miles

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



DRAFT - Wildlife - DRAFT

Habitats/Cooridors within the Snyderville Basin

Prepared April 2012 by the Summit County Community Development Department

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0 1.5 3
Miles

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Chapter 9
Neighborhood Plans

In order to protect existing neighborhood characteristics and to promote cohesive planning in the future, the following Neighborhood Planning Areas have been identified in the Snyderville Basin: Bitner Road, Canyons, Central Basin, East Basin, Highland Estates, Jeremy/Pinebrook, Kimball Junction, North Mountain, Old Ranch Road, Quinn's Junction, Rasmussen Road, Silver Creek, The Summit, Utah Olympic Park, and West Mountain.

Although there are hard boundaries delineating each neighborhood planning area, it is important to recognize that how development occurs in one neighborhood may affect adjacent neighborhoods. It is the intent of this Plan to ensure that appropriate planning principles are adhered to not only within individual neighborhoods, but among them as well.

All neighborhoods within the Snyderville Basin should adhere to the goals, objectives, and policies found in the individual chapters of the Plan and summarized in the statements below. However, each neighborhood planning area will not lend itself equally to the application of only these goals, objectives, and policies based on their unique characteristics. Additional neighborhood design objectives and/or special considerations have been included for some neighborhoods.

Global Principles:

- **Chapter 1: Vision and Background**
  All neighborhoods should support the resort and mountain character of the Snyderville Basin. Development should be designed to support a sense of community.

- **Chapter 2: Land Use**
  All neighborhood development should focus on sustainable patterns of development with special attention given to the protection of critical lands, wildlife migrations corridors, and view sheds.

- **Chapter 3: Housing**
  All neighborhood development should adhere to the commitment to provide housing for moderate or low income residents.

- **Chapter 4: Cultural and Natural Resources**
  All neighborhood development should protect and preserve culturally beneficial historical structures and natural

resources with special attention given to access to and connectivity of the community-wide trail system.

- **Chapter 5: Open Space**
  Preservation of open space is the highest priority of all neighborhoods. This is considered the most valuable characteristic which promotes the image and lifestyle enjoyed in the Snyderville Basin.

- **Chapter 6: Recreation and Trails**
  All neighborhood development should give special attention to access for recreational opportunities for the residents of the neighborhood and Snyderville Basin.

- **Chapter 7: Services and Facilities**
  All neighborhood development should provide for ease of access for public services such as police, fire trucks, and weed abatement.

- **Chapter 8: Transportation**
  All neighborhood development should promote the community-wide connectivity and traffic flow of transportation.

Location

Kimball Junction contains property on both the east and west sides of SR-224. The east side is bordered on the north by I-80; on the east and south by the Swaner Nature Preserve; and on the west by SR-224.

The west side is bordered on the north by I-80; on the east by SR-224; on the south by public open space; and on the west by the Hi-Ute Ranch.

Zoning

The zoning in this neighborhood is a combination of Rural Residential (RR), Town Center (TC), and Community Commercial (CC). The base density in the RR zone is 1 unit per 20 acres. The base density in the TC zone is determined through the Specially Planned Area process. The base density in the CC zone is determined by the ability of the development to meet all required development performance standards and criteria set forth in the Development Code.

Neighborhood Description

The Kimball Junction neighborhood is the designated Town Center in the Snyderville Basin, which is the focal point for living, working, shopping, entertainment, and social interaction. It serves as a vital hub and employment center of the area. It is important that the Town Center should remain an economically and socially viable area at Kimball Junction that promotes a sense of place and community identity that supports the mountain resort economy of the Snyderville Basin.

There are not many undeveloped large lots in this neighborhood so redevelopment and in-fill development is the most likely to occur. Additional density, including allowances for more height should be considered. An appropriate mix of land uses, as well as various activity spaces and programs to encourage a sense of community, attracting people on a daily basis, are important objectives.

SR-224 that divides this neighborhood is the entryway to the Snyderville Basin and Park City. It is critical that the view from the road be one of quality, interest and sensitivity to the mountain environment. It is equally important that the roadway be able to operate in a safe and efficient manner. Summit County should continue to work with U.D.O.T. on future improvements to the roadway to help add to the enhancement of the SR-224 corridor.

OLD RANCH ROAD

Location

The Old Ranch Road neighborhood is bordered on the north by Interstate 80; on the east just past Old Ranch Road; on the south by the boundary of Park City Municipal; and on the west by the east boundary of the existing North Shore, South Shore, Silver Springs, and other subdivisions in that vicinity.

Zoning

The zoning in this neighborhood is a combination of Rural Residential (RR) and Hillside Stewardship (HS). The base density in the RR zone is 1 unit per 20 acres and the base density in the HS zone is 1 unit per 30 acres.

Neighborhood Description

The Old Ranch Road neighborhood is a rural, residential area that contains mostly large lots for single family use. The Swaner Nature Preserve makes up approximately 725 acres on the north end of the neighborhood.

This planning area contains natural features, such as wetlands, stream corridors, agricultural meadows and hillsides. The area also contains some historic structures and equestrian uses. It is important to recognize the open, equestrian, and agricultural way of life in order to maintain the mountain-ranching feeling. Preservation and enhancement of the existing natural resources is an important aspect of this neighborhood.

Old Ranch Road is designated as a multi-use transportation and recreational corridor, as part of a traffic calming program, and has become a popular route for horseback riding, bicyclists, runners, dog walkers, and for access to the Round Valley trailhead and the Swaner Nature Preserve. The safety of those using Old Ranch Road, including the area residents and the recreational users should be taken into consideration. The historic character of the winding, narrow Old Ranch Road should be preserved, with consideration given to widen the road for future trails.

This neighborhood contains numerous existing lots that are not located with the boundaries of recorded subdivisions and large tracts of agricultural land. It is anticipated that development will occur, but it should be compatible with the existing large lot single family detached dwellings and equestrian uses which would be consistent with the open, rural character of the area.

Other design considerations include:

- Streetlights are discouraged within this neighborhood, except for those used to ensure the health, safety, and welfare of the community.
- In an effort to maintain an open, rural feeling, the use of curb and gutter is not appropriate; other methods, such as the use of ditches should be explored.
- Fencing in the neighborhood is encouraged to be ranch style, wildlife sensitive fencing with consideration given to the need to safely enclose and protect large animals and to promote the open, rural character of the area. Finally, preservation of the natural features of the area should be taken into consideration with any future development.
- A neighborhood gateway that reflects the character of the area may be considered at each end of Old Ranch Road.
- To minimize traffic and to provide for safety, additional road connections from outside Old Ranch Road should not be permitted.
- Residents within this neighborhood have been involved in a pilot stream enhancement program. Because of the success of this program, the continuation of this and the implementation of other environmental enhancement programs are encouraged with cooperation between private, local, state, and federal agencies.

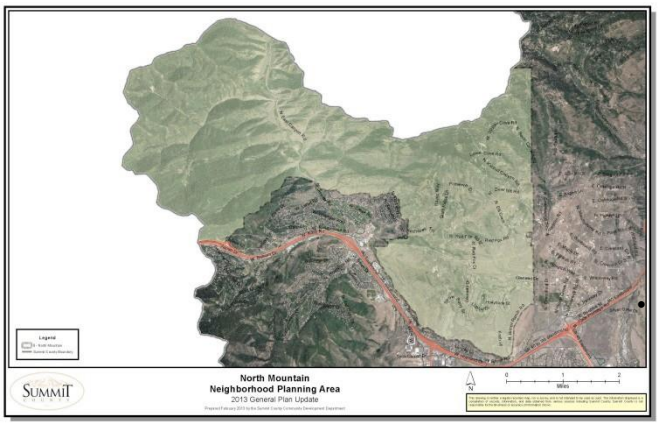
NORTH MOUNTAIN

Location

North Mountain is bordered on the north by the Summit County/Morgan County boundary; on the east by Bitner Ranch Road; on the south by East Canyon Creek; and on the west by the Salt Lake County/Summit County boundary.

Zoning

The zoning in this neighborhood is a combination of Hillside Stewardship (HS) and Mountain Remote (MR). The base density in the HS zone is 1 unit per 30 acres. The base density in the MR zone is 1 unit per 120 acres.



Neighborhood Description

The North Mountain neighborhood contains large tracts of undeveloped land as well as existing subdivided areas for single family detached use. There are many miles of community trails throughout this neighborhood. The topography varies from generally flat to steeply sloped and the vegetation also varies from sagebrush to more dense hillside trees. Streams, wetlands, and other natural resources exist in this planning area. There are large areas of preserved, protected open space in this neighborhood.

The appropriate long-term character is large lot single family detached residential uses, with structures appropriately clustered and sensitively sited in the mountainous terrain. The continuation of recreational opportunities, including trails (equestrian, pedestrian, and bicycle) and large areas of open space suitable for the continuation of wildlife in the area are encouraged.

Other design considerations include:

- Fencing in the neighborhood is encouraged to be ranch style and wildlife sensitive with consideration given to the need to safely enclose and protect large animals and to promote the open character of the area.
- Curb and gutter is not appropriate in this neighborhood; drainage along roadways should be consistent with the rural character, such as the use of ditches.
- Streetlights are discouraged within this neighborhood, except those used to ensure the general health, safety, and welfare of the community.
- Special consideration should be given to the use of property located around the protected open space to ensure that future development won't diminish the character of that open space.

CENTRAL BASIN

Location

Central Basin is located on both the east and west sides of SR-224. The east side is bordered on the north by the Swaner Nature Preserve; on the east by the western boundary of the Willow Creek Estates Subdivision; on the south by Old Ranch Road; and on the west by SR-224.

The west side includes Bear Hollow Village and is bordered by Utah Olympic Park. It is bordered on the east by SR-224; on the south by Canyons Resort; and on the west by the eastern boundary of the West Mountain Neighborhood planning area.

Zoning

The zoning in this neighborhood is a combination of Rural Residential (RR) and Hillside Stewardship (HS). The base density in the RR zone is 1 unit per 20 acres. The base density in the HS zone is 1 unit per 30 acres.

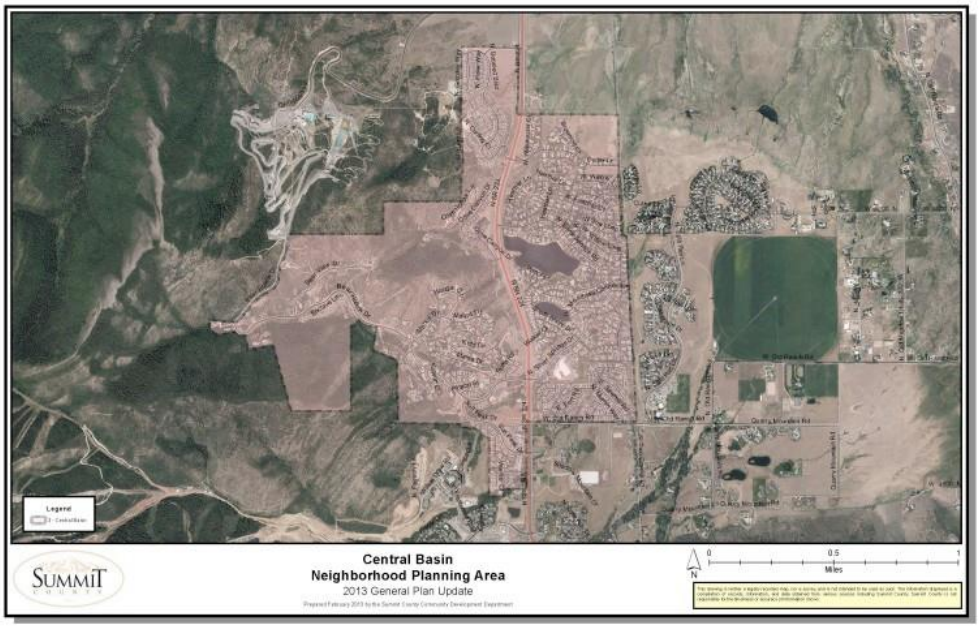
Neighborhood Description

The Central Basin neighborhood is comprised mainly of residential subdivisions that are mostly built out, with a few small pockets of neighborhood commercial uses, an elementary school, and institutional uses.

The east side of SR-224 is mostly flat while the area west of SR-224 contains varying degrees of topography. A section of the Millennium Trail is located in this planning area on the west side of SR-224 which is an important community amenity.

Future pedestrian connections should be considered to provide a safe passage across SR-224 for access to the elementary school, churches, or other existing commercial uses.

It is the goal of this neighborhood to maintain the existing residential characteristics and ensure that commercial uses are designed to be in scale with the neighborhood.



Location

Rasmussen Road is bordered on the north by Jeremy Ranch Elementary School; on the southwest by Interstate 80; on the southeast by the Spring Creek Subdivision; and on the northeast it extends just beyond East Canyon Creek.

Zoning

The zoning in this neighborhood is Rural Residential. The base density is 1 unit per 20 acres.

Neighborhood Description

The Rasmussen Road corridor is highly visible from Interstate 80 and others areas in the immediate vicinity. It is considered to be a primary entry corridor into the community and consists mainly of commercial uses that cater to the residents. Even though East Canyon Creek is the neighborhood's northern boundary, several parcels include significant hillside acreage north of the creek. Hillside development is discouraged.

There are no existing residential uses in this planning area. The current zoning on the property is Rural Residential, which is not reflective of the current uses, nor is it consistent with the anticipated future growth pattern. Consideration should be given to processes within the Development Code to not only reflect the existing uses, but to provide opportunities for future mixed use developments.

It is likely that some areas in the Rasmussen Road neighborhood are going to be redeveloped in the future as there are only a few remaining undeveloped parcels. Development of vacant parcels and redevelopment of existing uses are encouraged to provide economic vitality and more services and employment opportunities for area residents.

Because of the close proximity of the Jeremy Ranch Elementary School and the residences in the adjacent Spring Creek Subdivision, pedestrian connections are an important consideration for future development as well as additional traffic mitigation measures. Future development should pay it proportionate share of intersection improvements, such as round-a-bouts and other multi-modal transportation corridor connections.

East Canyon Creek is an important community amenity, not just for this neighborhood, but the entire Basin. This corridor provides a significant opportunity for a trail connection along the north side of the creek between Jeremy Ranch and Kimball Junction. This trail meets the recreation and non-motorized transportation needs of area residents and businesses and fulfills Policy 4.9 of the General Plan as depicted in the Community-Wide Trails and Master Plan. New development or redevelopment of parcels along the corridor may provide opportunities for additional backcountry trail connections and trailhead/trailhead parking locations. Appropriate consideration should be given to property owners along the corridor who grant trail easements as a community contribution and as one criterion for incentive density.

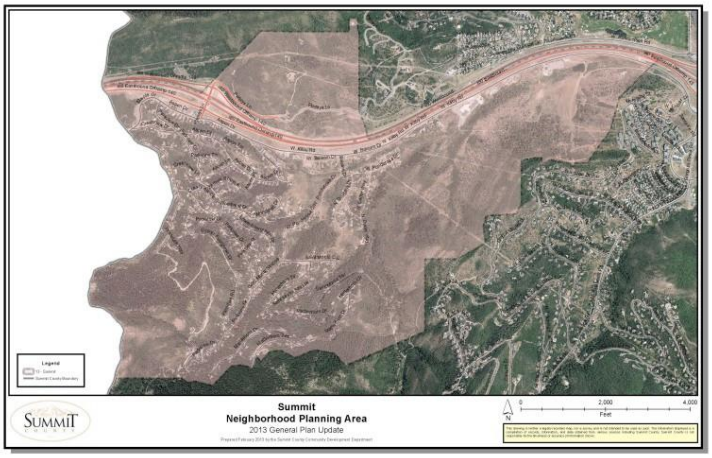
Location

The Summit is located on both the north and south sides of I-80. The area on the north begins at the Summit Park interchange and extends east to the western boundary of The Woods at Parley's Lane subdivision; I-80 forms the neighborhoods southern boundary.

The area on the south is bordered on the north by I-80. It extends east past Gorgoza Park to subdivisions located in the Pinebrook area. It is bordered on the south by the boundary of Summit Park; and on the west by the Summit County/Salt Lake County boundary.

Zoning

The zoning in this neighborhood is a combination of Hillside Stewardship (HS) and Mountain Remote (MR). The base density is the HS zone is 1 unit per30 acres. The base density in the MR zone is 1 unit per 120 acres.



Neighborhood Description

The Summit neighborhood is located primarily on steep slopes and in dense vegetation, including Summit Park and Timberline. Both these subdivisions were subdivided and platted in the late 50's to early 60's, prior to zoning regulations in Summit County. The majority of the area on the south side of I-80 is subdivided and mostly built-out with single family detached dwellings. There is also preserved, public open space. The area on the north side is mostly undeveloped. This planning area is the first impression provided to visitors entering Summit County from the west.

As most of this planning area was developed prior to zoning regulations some of the roads don't comply with the current infrastructure standards. Efforts should be made in the future to ensure that existing roads are modified to meet the Summit County regulations in order to ensure the safety of the residents and other users.

Due to the mountainous terrain, including dense vegetation and alpine meadows, this area is important for wildlife habitat.

Other design considerations include:

- Fencing is typically unnecessary, but where needed, should be wildlife sensitive so that it does not impede wildlife corridors or wildlife access to seasonal ranges, food, shelter, or water.
- Future development patterns should not create a hardscape wall effect or result in a linear development pattern. Views from the frontage roads and I-80 should be maintained into the project.
- Drainage areas and hillsides should have limited development to help create view corridors and accomplish this objective.
- Special consideration should be given to the use of property located around the protected open space to ensure that future development won't diminish the character of that open space.

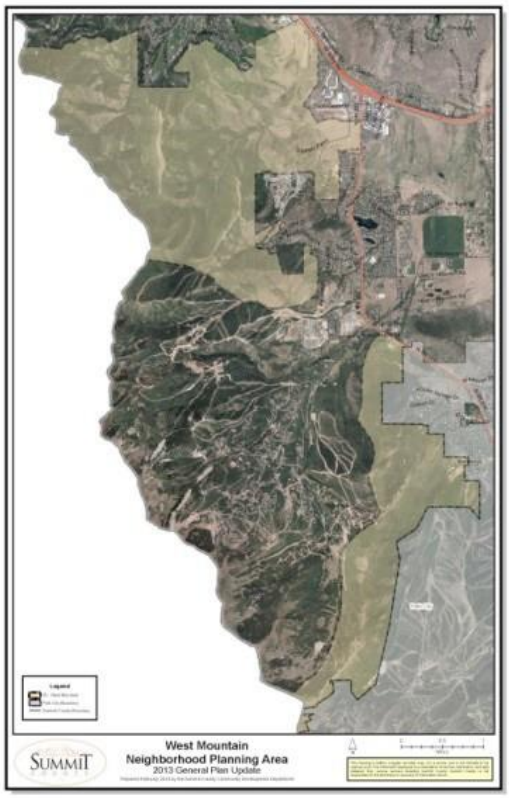
Location

West Mountain is located in 2 different areas. The first area is bordered on the north by the southern boundaries of Summit Park, Pineridge, and other adjacent subdivisions. It extends to the east, to the western boundary of the Park City Tech Center and includes the property surrounding the Utah Olympic Park; it continues south to the northern border of Canyons Resort; it is bordered on the west by the Summit County/Salt Lake County boundary.

The second area is bordered on the north by SR-224; on the east and south by the Summit County/Park City Municipal boundary; and on the west by the eastern boundary of property located in Canyons Resort.

Zoning

The zoning in this neighborhood is a combination of Rural Residential (RR), Hillside Stewardship (HS), and Mountain Remote (MR). The base density in the RR zone is 1 unit per 20 acres. The base density in the HS zone is 1 unit per 30 acres. The base in the MR zone is 1 unit per 120 acres.



Neighborhood Description

The West Mountain neighborhood is generally a remote, mountainous are that contains varying degrees of topography, wildlife habitat, and sensitive and critical areas, with little to no development. There is a large area of preserved, public open space located in this neighborhood.

The intent of this Plan is to protect the remote, mountain character of this neighborhood and preserve the sensitive and critical lands, as well as existing open spaces, trails, recreation, wildlife corridors, and the scenic qualities.

The appropriate character of the neighborhood includes trails (equestrian, pedestrian, and bicycle), equestrian uses and facilities, large lot single family detached dwellings, and other uses that are both compatible with and preserve the mountain and open character of the land.

While development should be placed on the periphery of open spaces, efforts should be made to minimize the removal or disturbance of trees and hillside shrub vegetation. Protection of wildlife and the enhancement of wildlife habitats should be a high priority in this area.

Other design considerations include:

- Traffic speeds should be consistent with the remote mountain character of the neighborhood, which could include narrow pavement surfaces and curves at appropriate locations.
- Fencing in the neighborhood is encouraged to be ranch style and wildlife sensitive with consideration given to the need to safely enclose and protect large animals and to promote the open character of the area.
- Curb and gutter is not appropriate in this neighborhood; drainage along roadways should be consistent with the rural character, such as the use of ditches.
- Special consideration should be given to the use of property located around the protected open space to ensure that future development won't diminish the character of that open space.

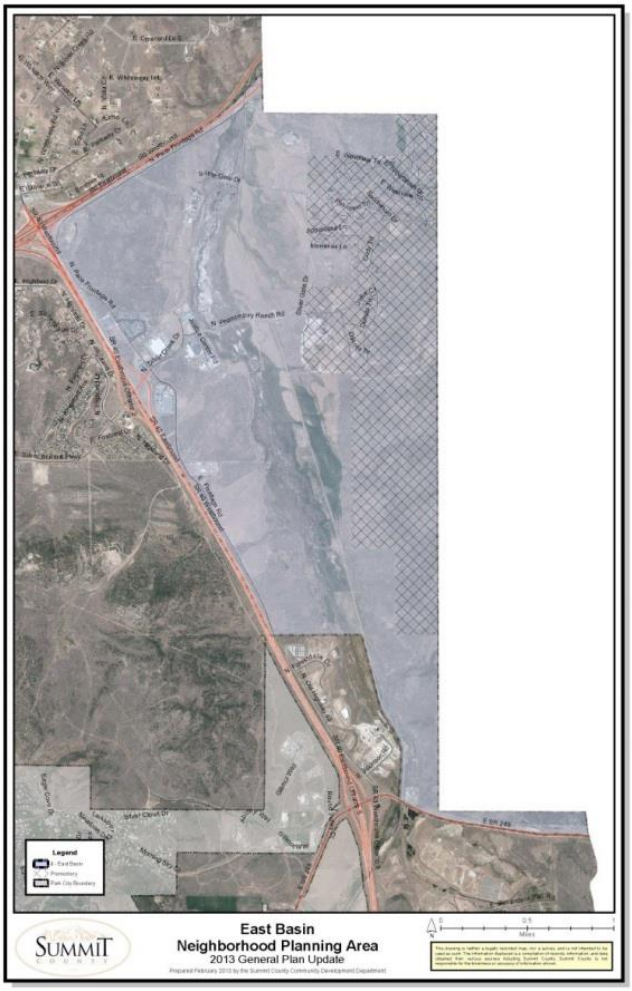
EAST BASIN

Location

East Basin is located east of US-40 and extends east to the Snyderville Basin/Eastern Summit County planning district boundary. It is bordered on the north by Interstate 80; it extends south to the northern boundary of the existing Space Place Storage.

Zoning

The zoning in this neighborhood is a combination of Rural Residential (RR) and Community Commercial (CC). The base density in the RR zone is 1 unit per 20 acres. The density in the CC zone is determined by the ability of the proposed development to meet all required development and performance standards and criteria set forth in the Development Code.



Neighborhood Description

The East Basin neighborhood is highly visible from US-40 and other areas in the immediate vicinity. It is an important entry corridor into the Snyderville Basin and is sometimes referred to as the “back door” into Park City.

There are no existing residential uses in this planning area; however, the Silver Creek Village Center, which is a mixed use development, has been approved to be located on the southeast quadrant of I-80 and US-40. This is a large development that will have a significant impact on the character of the East Basin neighborhood, such as increased traffic at the US-40 and Silver Summit interchange.

The dominant features of this planning area are large tracts of relatively flat open lands, sensitive and critical areas, such as a stream corridor, wetlands, floodplains, and soils contaminated by mine tailings. It also contains areas of clustered development around the interchange of US-40 and Silver Summit, with other commercial uses interspersed throughout.

Additional development and growth in this planning area may be considered, taking into account the utilization of a future transfer of density program if it is found that there are appropriate areas that could be receiving sites.

The visual connectivity to the open meadow is an important community feature, not just from US-40, but from the Rail Trail that runs north to south, and should be preserved as much as possible. Future design objectives, such as locating structures at the outer edge of the meadow, clustering development near the Silver Creek Village Center, and avoiding strip mall type patterns of development are encouraged.

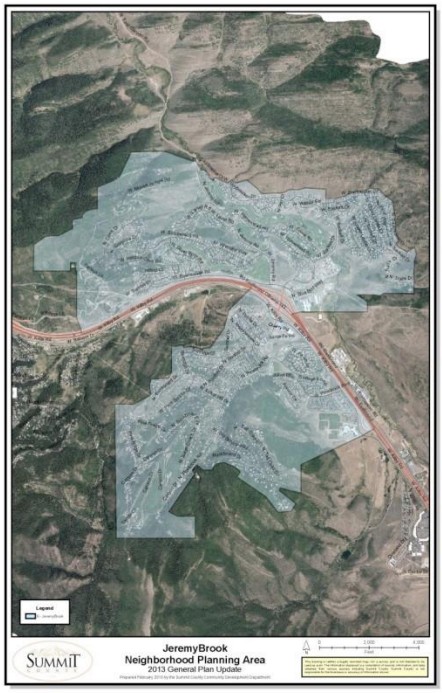
Location

Jeremy Ranch is located on the north side of I-80 and Pinebrook is located on the south side of I-80. Jeremy Ranch extends north, just past Daybreaker Drive. It is bordered on the east by the Ridge at Redhawk subdivision; on the south by I-80; and it extends west, just past the Woods at Parley's Lane and Moose Hollow subdivisions. The Jeremy Ranch Elementary School and the commercial property to the west of the school are also included in this neighborhood.

Pinebrook is bordered on the northeast by I-80. It extends south just past Ecker Hill Middle School and continues south to include the subdivisions in Pinebrook, such as Ecker Hill and Pineridge. It then continues west just past the boundaries of developments such as Sunridge, Pinebrook Pointe, and Cedar Ridge. The commercial area at Quarry Junction is also included in this neighborhood.

Zoning

The zoning in this neighborhood is a combination Rural Residential (RR) and Hillside Stewardship (HS). The base density in the RR zone is 1 unit per 20 acres. The base density in the HS zone is 1 unit per 30 acres.



Neighborhood Description

The Jeremy Ranch / Pinebrook neighborhood contains subdivisions that are largely built-out. They are primarily single family detached residential uses with some multi-family uses interspersed throughout. They both contain commercial areas; the commercial area in Jeremy Ranch is around the intersection of Rasmussen and Homestead Roads, and the commercial area in Pinebrook is primarily located in the southeast quadrant of Kilby and Pinebrook Roads. A significant portion of the Jeremy Ranch subdivision is dedicated to a golf course

This planning area is located in the entry corridor to the Snyderville Basin. Any future development should be compatible with the existing environment, including the preservation of open space, vegetation, and wildlife habitat.

Because this neighborhood is split by I-80, pedestrian and safer vehicular connections are a primary concern. Future alternatives should be explored in conjunction with the implementation of the Snyderville Basin Transportation Master Plan. Additional opportunities to provide for less congested and safer intersections should also be considered for the Rasmussen/Homestead and Pinebrook /Kilby Road areas.

BITNER ROAD

Location

The Bitner Road neighborhood is bordered on the north by East Canyon Creek; on the west by the east end of the Rasmussen Road Neighborhood; on the south by Bitner Road that runs east and west; and on the east by Bitner Road that runs north and south.

Zoning

The current zoning in this neighborhood is Rural Residential. The base density is 1 unit per 20 acres.

Neighborhood Description

The Bitner Road neighborhood is highly visible from Interstate 80 and others areas in the immediate vicinity. It contains a mix of single family detached, multi-family, and neighborhood commercial uses. The East Canyon Creek is an important community amenity in this neighborhood, which is located within the Swaner Nature Preserve.

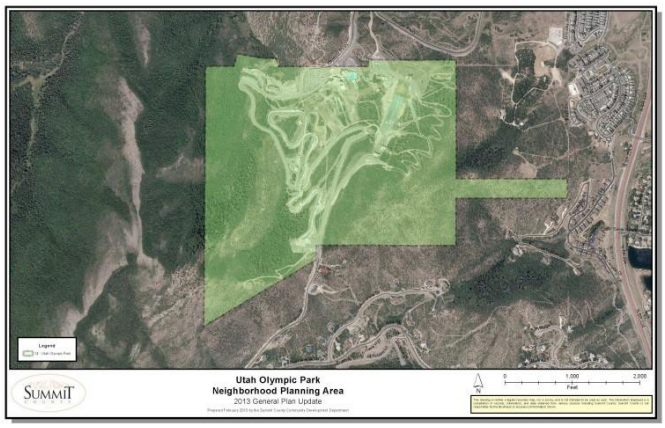
There are a few undeveloped parcels located within this neighborhood. While this is a linear neighborhood that parallels I-80, it should not function as a strip development; however, based on the boundaries of the neighborhood and current Development Code criteria, such as setbacks, development would occur in a linear pattern. The allowed uses are also limited by the existing zoning. Consideration should be given for future mixed-use developments and flexibility in design standards. This may occur through Development Code amendments and rezoning of parcels located within the neighborhood. Future land use patterns should also be context sensitive in terms of infrastructure capacity.

Any future development should be sensitive to its surroundings, especially the East Canyon Creek corridor. Enhancements, including stream bank restoration and riparian plantings are appropriate. Hillside development is discouraged.

This neighborhood is bordered on the east by the Silver Creek Neighborhood, which has one access in and out of the subdivision. Future connectivity options between the two neighborhoods should be studied and considered, not only for motor vehicles, but for pedestrians and other recreational users as well.

Location
The Utah Olympic Park is surrounded by property located within the West Mountain neighborhood.

Zoning
The zoning in this neighborhood is Resort Center (RC). The density in the RC zone is determined through the Specially Planned Area process (SPA).



Neighborhood Description
The Utah Olympic Park neighborhood planning area consists of an Olympic venue from the 2002 Winter Olympics and associated resort support facilities and features. A portion of the facility is located on a hillside that is highly visible from many areas within the Snyderville Basin.

The goal of this planning are is to ensure that training opportunities and support services are available and can be sustained for athletes, as well as ensuring the Park provides a unique opportunity and experience to the surrounding community and the general public. New development should be located in the most appropriate areas on the site taking into consideration topography and views from the Kimball Junction area.

In addition to resort related facilities, residential uses that provide housing opportunities for athletes as well as workers are appropriate. This neighborhood should be designed in accordance with the Utah Olympic Park Specially Planned Area Development Agreement. Should that agreement expire or otherwise no longer be applicable, the following design principles should apply to any future development:

- Minimization of the visual impacts to the Kimball Junction area should be taken into consideration when locating future development.
- The mass of larger buildings should be broken down into groups of smaller buildings, which should be clustered in areas that will minimize disturbance to the hillsides and other sensitive areas.
- Future trails and/or trailhead locations should be considered in conjunction with the Snyderville Basin Special Recreation District.
- Due to the visibility of the neighborhood from the Kimball Junction area, efforts to minimize lighting should be explored.
- Buildings should be designed to follow the natural terrain and help break up the mass.
- Due to the variation in topography, rooftop designs should be taken into consideration as roofs may be visible from above.
- Existing vegetation should be preserved as much as possible.

Location
The Canyons neighborhood includes all the property located within the Canyons Specially Planned Area. It is bordered on the north by the Sunpeak area as well as the southern boundary of the West Mountain neighborhood; it is bordered on the east by a small section of SR-224 and the western boundary of the West Mountain neighborhood; it is bordered on the west by the Summit County/Salt Lake County boundary.

Zoning
The zoning in this neighborhood is a combination Resort Center (RC), Rural Residential (RR), Hillside Stewardship (HS), and Mountain Remote (MR). The density in the RC zone is determined through the Specially Planned Area process (SPA). The base density in the RR zone is 1 unit per 20 acres. The base density in the HS zone is 1 unit per 30 acres. The base density in the MR zone is 1 unit per 120 acres.

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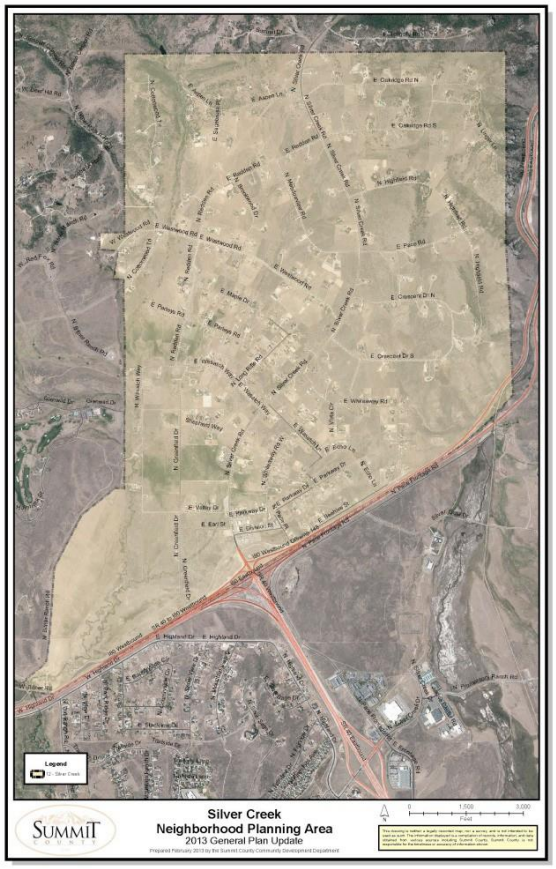
Neighborhood Description
The Canyons neighborhood planning area contains steep, mountainous terrain, and sensitive and critical areas. Canyons Resort is the fifth largest ski resort in the United States and has the most acreage in the States. The uses consist of a mix of single family detached, multi-family, commercial, and resort related uses.

The Canyons planning area should be designed in accordance with the Canyons Specially Planned Area Development Agreement. Should that agreement expire or otherwise no longer be applicable, the following design principles should apply to any future development:

- Consideration should be given to the skiing capacity of the mountain for the development of future lifts, trails, and related on mountain services necessary to support the skiing operation.
- The density of the area should take into consideration the carrying capacity of the mountain for skiers, the ability of the developers to mitigate on and off-site impacts, and a substantial level of economic/tax base benefits accrued to Summit County.
- Development should be tightly clustered in and around the resort cores in a manner that is transit and pedestrian friendly to minimize the use of automobiles.
- In the Resort Core, resort accommodations should be provided rather than primary dwelling units. Primary dwelling units may be considered in areas outside of the Resort Core.
  - Consideration should be given for the allowance of clustered, high density development in exchange for open space preservation in the Resort Core.
- A key objective in this area is to provide a quality recreation experience, without detracting from the aesthetic appearance of the landscape and causing disruptions of the existing mountain views.
  - Environmental enhancements, conservation, and preservation of the natural resources in the planning area should be considered
- Traffic reduction measures and pedestrian connections are a high priority in this area. On- going opportunities to provide regional transportation solutions should be explored.
- Facilities and activities necessary to promote a year-round resort and meet the needs of the residents of the Snyderville Basin are encouraged to be developed in this planning area.
- Cooperation with the Snyderville Basin Special Recreation District regarding the incorporation of trails and other recreational facilities is a priority in this neighborhood.

Location
Silver Creek is bordered on the north and east by the Snyderville Basin/Eastern Summit County boundary; on the south by I-80; and on the west by Bitner Ranch Road.

Zoning
The zoning in this neighborhood is a combination of Rural Residential (RR), Hillside Stewardship (HS), Neighborhood Commercial (NC), and Community Commercial (CC). The base density in the RR zone is 1 unit per 20 acres; the base density in the HS zone is 1 unit per 30 acres; the density in the NC zone allows structures to be up to, but not exceed 5,000 sq.ft.; the base density in the CC zone is determined based on the ability of a proposed development to meet all required development and performance standards and criteria set forth in the Development Code.



Neighborhood Description
The Silver Creek neighborhood contains mostly residential and equestrian uses on large, existing subdivided lots, as well as a node of existing commercial uses and lots intended to serve the needs of the residents of Silver Creek and the surrounding area. The neighborhood contains hillsides and some mountainous terrain that is highly visible from I-80 and US-40. There is one point of ingress and egress for Silver Creek that is accessed from the northern most end of the US-40 corridor.

Because of the equestrian and open nature of the area, future development should occur in a manner that takes into consideration equestrian facilities, including trails and large lot single family detached uses.

There are concerns in this neighborhood regarding ingress and egress, water availability, and wastewater capacity. Provisions that would allow for future transportation alternatives resulting in further points of ingress and egress for vehicular and emergency services are encouraged. This may include a connection from the Bitner Road Neighborhood located to the west of Silver Creek. Coordination between Service Area #3 and Summit County regarding the availability of water, as well as the extension of a sewer line into this neighborhood is a priority.

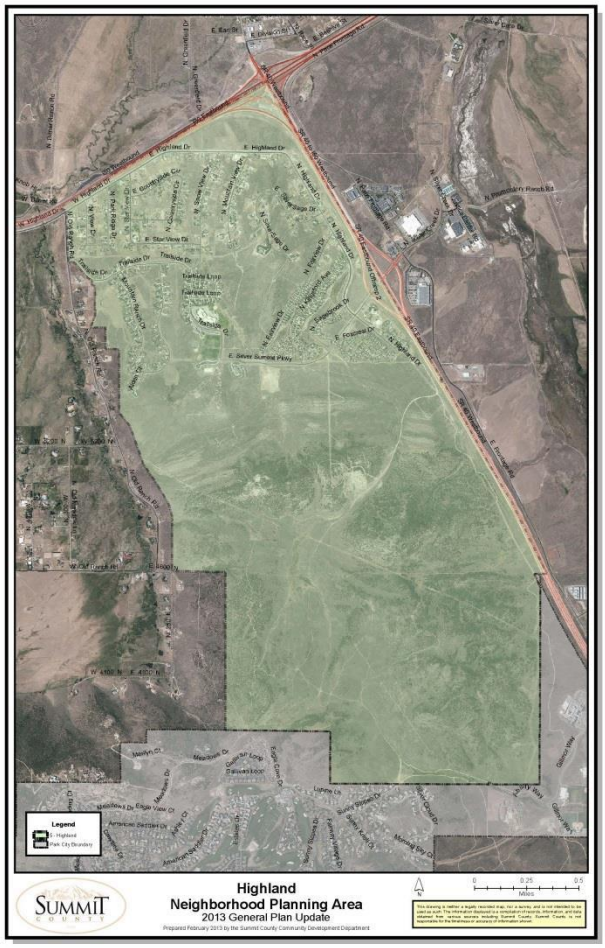
Other design considerations include:

- Streetlights are generally discouraged in this neighborhood except those used to ensure the health, safety, and welfare of the community.
- Fencing in the neighborhood is encouraged to be ranch style and wildlife sensitive with consideration given to the need to safely enclose and protect large animals and to promote the open character of the area.
- Curb and gutter is not appropriate in this neighborhood; drainage along roadways should be consistent with the rural character, such as the use of ditches.
- Master planning for parcels located both within and outside of the boundaries of subdivisions in this neighborhood should be explored.

A unique feature in this neighborhood is the historic Bitner Ranch, located near the southwest boundary. It is important to recognize this is a community amenity. Opportunities for preservation of this Ranch in the future should be considered.

Location
The Highland-Trailside neighborhood is bordered on the north by Interstate-80; on the east by US-40; on the south by the southern edge of Round Valley; and on the west near Old Ranch Road.

Zoning
The zoning in this neighborhood is Rural Residential (RR) and Hillside Stewardship (HS). The base density in the RR zone is 1 unit per 20 acres. The base density in the HS zone is 1 unit per 30 acres.



Neighborhood Description
The Highland-Trailside Neighborhood Planning Area is characterized by preserved public open space, parks, a church, a school, sports fields, a bike park, non-motorized trails, the Snyderville Basin Recreation District offices, and clustered, low-density detached single family residential development.

The north end of the planning area contains mostly clustered, detached single family residential lots in existing, platted subdivisions nearing build-out. The

south end of the neighborhood planning area is comprised of the greater Round Valley area – a deed restricted open space preserve containing equestrian, hiking, and cycling trails, sensitive lands, and wildlife corridors. In addition to the greater Round Valley open space, Trailside Elementary School, Trailside Park, and a church are located within the neighborhood planning area. The remaining undeveloped lands are critical in maintaining a strong cohesiveness and connectivity of the area.

The objectives for this neighborhood are to:

- Preserve the existing public deed-restricted open space and recreation areas.
- Maintain and protect existing low- density, open space, detached single family residential and public land uses.
- Prevent development in sensitive lands.
- Mitigate traffic impacts through the neighborhood to maintain safety for school, parks, pedestrian, equestrian, and cycling users.
- Enhance pedestrian, equestrian, and non-motorize trail connectivity between residential areas, schools, parks, and open space areas.
- Preserve critical wildlife habitat and migration corridors.
- Fencing is typically unnecessary, but where needed, should be wildlife sensitive so that it does not impede wildlife corridors or wildlife access to seasonal ranges, food, shelter, or water. Consideration should be given to the need to safely enclose and protect large animals.
- Streetlights are discouraged within this neighborhood, except those used to ensure the general health, safety, and welfare of the community.

Location

Quinn's Junction is generally located at the intersection of SR-248 and US-40. It begins on the south boundary of the existing Space Place Storage units; it is bordered on the east by the Rail Trail; it is bordered on the west by US-40.

The southeast section of Quinn's Junction is south of SR-248; it is bordered on the west by US-40 and bordered on the east by the Wasatch County line; it extends south to the Wasatch County line. There is a small section of this neighborhood that is located west of US-40 and east of the Park City Municipal boundary.

The property located west of US-40 is north of SR-248 and is surrounded by property in Park City Municipal's boundary. Portions of this neighborhood are within Park City Annexation Declaration Area.

Zoning

The zoning in this neighborhood is a combination of Service Commercial (SC), Rural Residential (RR), Hillside Stewardship (HS), and Mountain Remote (MR). The base density in the RR zone is 1 unit per 20 acres; the base density in the HS zone is 1 unit per 30 acres; the base density in the MR zone is 1 unit per 120 acres. The density in the SC zone is determined by the ability of the proposed development to meet all required development and performance standards and criteria set forth in the Development Code.

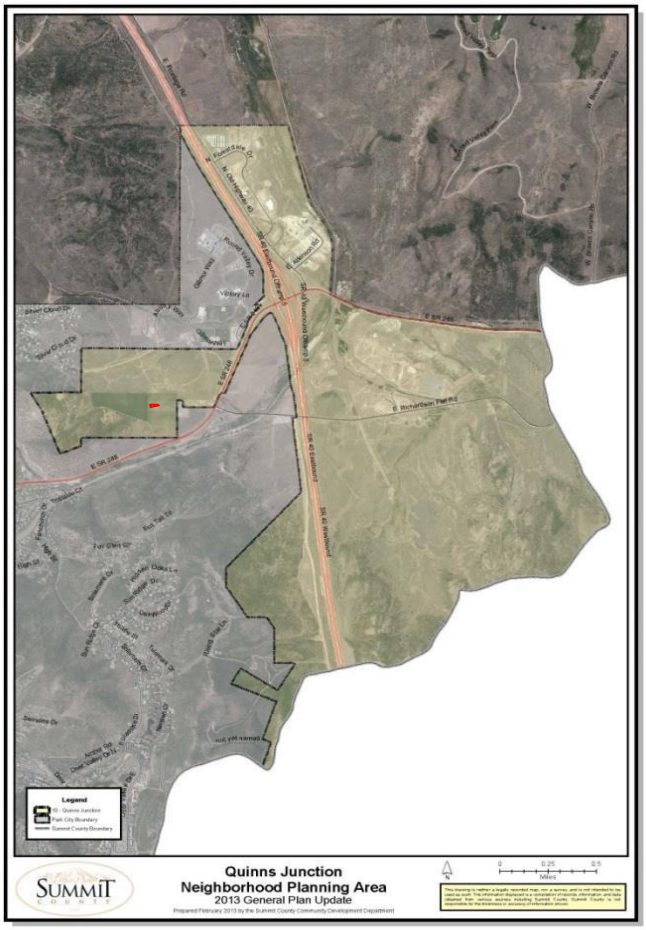
Neighborhood Description

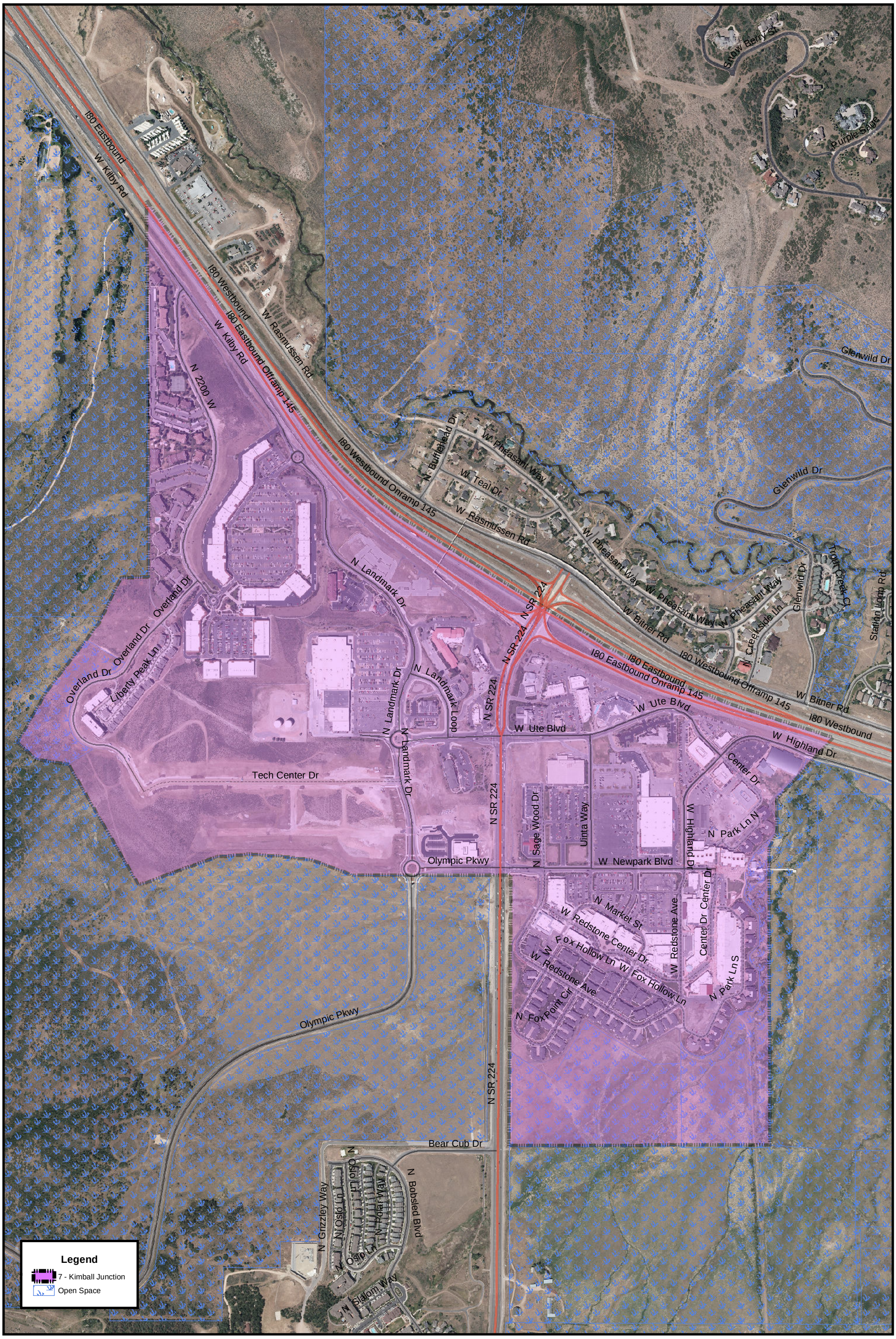
The property located in the Quinn's Junction neighborhood is relatively flat and very visible from SR-248 and US-40. There are existing industrial and service commercial uses, a stream corridor, large blocks of undeveloped land, a small section of the Rail Trail, and a significant area containing soils contaminated by mine tailings. Although there are no existing residential uses, the area south of SR-248, near the Wasatch County boundary may be appropriate for future dwelling units.

The types of uses in this area support a viable economy in Summit County. Any expansion of additional service commercial and industrial uses should be clustered near the existing development located in the northeast quadrant of SR-248 and US-40. Appropriate uses may include general offices, business parks, manufacturing, and other service related and industrial uses.

Future development plans should include appropriate truck routes to the individual uses that are designed to serve the area, while ensuring the safety of other users on the frontage road. Additional impacts associated with industrial uses include noise, odors, dust, air quality, and other significant environmental concerns. All of these impacts need to be evaluated and appropriately mitigated.

This neighborhood is adjacent to Park City Municipal and Wasatch County. Ongoing communication with these jurisdictions is vital to ensure appropriate growth strategies are implemented that respond to the needs of each community, both individually and on a regional level.





Kimball Junction Neighborhood Planning Area

2013 General Plan Update

Prepared June 2013 by the Summit County Community Development Department

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Feet

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

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Phone: (435)336-3153 Fax: (435)336-3046

STAFF REPORT

To:	Summit County Council (SCC)
Report Date:	Thursday, June 20, 2013
Meeting Date:	Wednesday, June 26, 2013
Author:	Molly Orgill, Assistant Planner
Project Name & Type:	Lynch Ridgeline Appeal
Type of Item:	Appeal

EXECUTIVE SUMMARY: The appellants, Daniel and Suzanne Lynch, are proposing to construct a home on parcel BH-35 located at 3200 Deer Haven, Summit County, UT. (Exhibit A)

Due to the location of this parcel and the proposed location of the home on this parcel, the home development will extend into the skyline and visually impact the views from Interstate 80 (I-80). The appellants are appealing the decision of the Summit County Planning Division that, to conform with Development Code requirements, the proposed home be placed at another location on the parcel that will not extend into the skyline as viewed from I-80.

Staff recommends that the SCC review and discuss the information in this report and vote to deny the appeal and uphold the Planning Division's decision.

The SCC may instead choose to continue the appeal to another date, or may choose to approve the appeal application with appropriate findings.

A. **Project Description**

- **Project Name:** Ridgeline Appeal
- **Appellants:** Daniel and Suzanne Lynch
- **Property Owners:** Daniel and Suzanne Lynch
- **Location:** 3200 Deer Haven
- **Zone District:** Agricultural- Grazing 100 (AG-100)
- **Setbacks:** Front-100', Sides-50, Rear-50'
- **Adjacent Land Uses:** Residential/Vacant
- **Existing Uses:** Vacant
- **Parcel Number and Size:** BH-35 containing 22.22 acres
- **Lot of Record Status:** Yes
- **Future Routing:** Appeal of SCC is District Court

B. **Background**

A building permit application was submitted to the Summit County Building Department to construct a new home on Lot 35 of the Bridge Hollow Subdivision on April 8, 2013

(Exhibit B). The Summit County Building, Engineering and Planning Departments had completed their reviews by April 30, 2013. As part of the review from the Planning Department staff was concerned that Lot 35 may have a ridgeline issue and a site visit would need to be completed to verify.

Staff conducted a site visit to the parcel on May 10, 2013 and determined that the proposed location of the new home appeared that it would extend into the skyline as viewed from I-80. A pole test was conducted on May 15, 2013 with Dan Child, Summit County Code Enforcement Officer, a representative from Process Studios, and Planner Orgill to verify whether or not the home would extend into the skyline at the proposed location. A thirty-two foot (32') pole was placed on the lot at the proposed location of the home and was clearly identified from Interstate 80 and extended into the skyline. During the pole test, the pole was moved southwest of the proposed location and it was determined that the structure in this location would not extend into the skyline and would be in compliance of the Eastern Summit County Development Code Section 11-2-4. As a result, Staff issued a decision requiring the home site to be moved from the proposed location to a non-visible location. (Exhibit C)

C. **Community Review**

Appeals are not public hearings, therefore no public notice has been sent.

D. **Consistency with the General Plan**

According to Chapter 2 of the Eastern Summit County General Plan, the placement of residential structures on ridge tops impact the aesthetic and natural resource values that are important to the residents of and visitors to Eastern Summit County, and recommends that homes and structures be placed in a manner that protects the mountainside and meadows and in areas that are not visually prominent as viewed from public roadways. (Exhibit D)

E. **Code Criteria and Discussion**

Section 11-2-4(C) of the Eastern Summit County Development Code (Code) states the following:

> *Hillside Development:* ***Development shall minimize the highly visible placement of homes and other structures on hillsides****. Whenever possible, development shall be sensitively sited in order to encourage effective open space and the conservation of the natural appearance and aesthetic beauty of the mountains. When hillside development is permitted, it shall be integrated into the site, using topography, vegetation and other reasonable techniques, in a manner that causes it to blend into the hillside. Development near the toe of the hill, including the transitional area between the hillside and flat meadow areas, is appropriate.*

Section 11-2-4(H) of the Code states the following:

> *Visually Sensitive Areas: Development shall not be placed on any hillside or ridge top in a manner that causes* ***any portion of a structure to extend in to the skylines viewed from public roadways*** *when the roadway is located below the ground elevation of the structure.*

The home is proposed to be approximately twenty-five (25') feet in height as measured from existing grade. With the size of this parcel being 22.22 acres, there are other places on this parcel that the home can be placed and not extend into the skyline as viewed from public roadways and comply with Code requirements.

F. Staff Recommendation

Staff recommends that the SCC review and discuss the information in this report, and vote to **deny** the appeal and uphold the Community Development Director decision to deny the proposed location of a new home due to the structure extending into the skyline as viewed from Interstate 80, in contradiction to the Code and General Plan. The proposed location is not consistent with the Eastern Summit County General Plan, and does not comply with the Eastern Summit County Development Code.

Staff has prepared specific Findings of Fact and Conclusions of Law to support the denial of the appeal by the SCC.

G. Findings / Conclusions

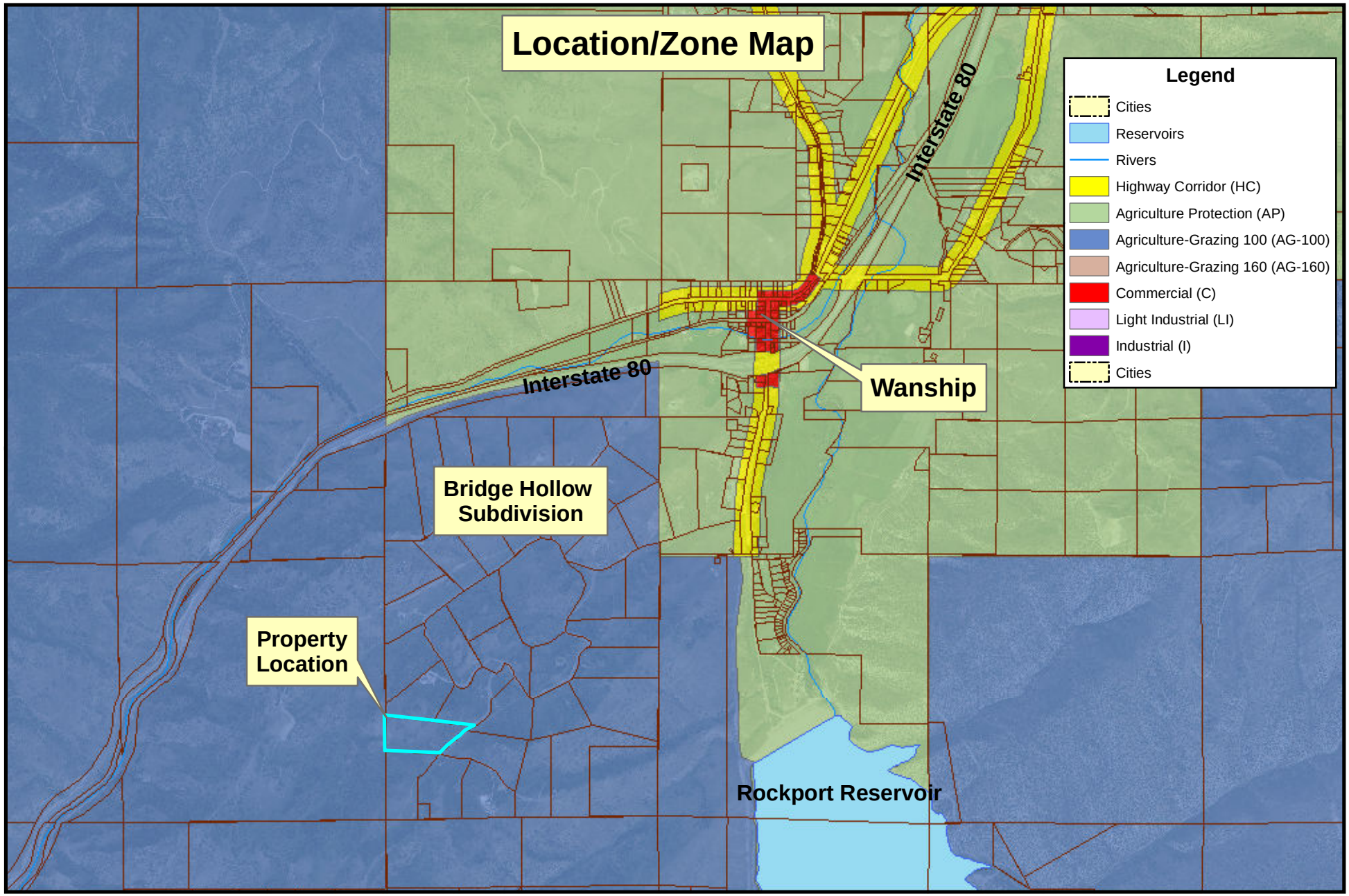
Findings of Fact:

1. Daniel and Suzanne Lynch are the owners of record of Lot 35 of the Bridge Hollow Subdivision, parcel BH-35 located at 3200 Deer Haven.
2. Parcel BH-35 is 22.22 acres in size and is currently vacant.
3. The Bridge Hollow subdivision consists of 35 residential lots.
4. The Bridge Hollow Subdivision was platted February 4, 1993. (Exhibit E)
5. According to the Eastern Summit County General Plan, the placement of residential structures on ridge tops impact the aesthetic and natural resource values that are important to the residents of and visitors to Eastern Summit County.
6. The Eastern Summit County General Plan recommends that homes and structures be placed in a manner that protects the mountainside and meadows and in areas that are not visually prominent as viewed from public roadways.
7. Section 11-2-4(C) of the Code establishes that the placement of homes and other structures shall be minimized that are highly visible on hillsides and to conserve the natural appearance of the mountains.
8. Section 11-2-4(H) of the Eastern Summit County Development Code (Code) establishes that development shall not be placed on any hillside or ridge tops in a manner that the structure would extend into the skyline as viewed from public roadways.
9. Interstate 80 (I-80) is a public roadway.
10. Section 11-2-4(H) of the Code establishes that visually sensitive areas shall be determined at the time of a development permits.
11. Following building permit application, a pole test was conducted at the proposed home location, and the pole was clearly visible from I-80.
12. Section 11-7-17 of the Code establishes that the Summit County Council is the Appellate Body for appeals of administrative decisions of the Community Development Director

Conclusions of Law:

1. The proposed location of the structure is not consistent with the goals and policies of the Eastern Summit County General Plan. Parcel BH-35 contains enough acreage that a structure could be placed on the property without extending into the Skyline as viewed from public roadways.
2. The proposed location of the structure does not meet the requirements as outlined in the Eastern Summit County Development Code per Section 11-2-4 that prohibits that structures extend into the skyline as viewed from public roadways, as the proposed home will be visible from Interstate 80 and there are alternative locations that would comply with the Code.

Attachment(s)
Exhibit A – Vicinity/ Zone Map
Exhibit B – Building Application, Site Plan, Building Elevations
Exhibit C – Letter to Appellant
Exhibit D – General Plan Citation
Exhibit E – Bridge Hollow Subdivision Plat
Exhibit F – Aerial photo
Exhibit G – Photos
Exhibit H – Appellants submittal



SUMMIT COUNTY

Summit County, Utah

Vicinity Map

Prepared by Summit County
Community Development Department

N

0 4,200 8,400
Feet

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

Exhibit A

SUMMIT COUNTY BUILDING PERMIT APPLICATION

PHONE 435-336-3124 NOTE: 24 hours notice is required for all inspections

Applicant to fill out left side only

Owner of Property: DANIEL LYNCH		
Mailing Address: (Please list either P.O. Box or Street Address) 3342 MORETOWN COMMON RD.		
City: MORETOWN	State: VT	Phone: 802-249-0746 05660
Building Address: 3200 DEEP HAVEN COALVILLE, UT 84017		
Subdivision Name: BRIDGE HOLLOW		
Proposed Use of Structure: PRIMARY RESIDENCE	Assessors Parcel No.: BH-35	
Total Property Area in Acres or Sq. Ft.: 22.22 ACRES	Total Bldg Site Area used: 3,355 SF	
Dwelling Units Now on Lot? Ø	Accessory Bldgs Now on Lot? Ø	
Architect/Engineer: PROCESS STUDIOS	Phone: 571-332-6361	
Address: 2508 E. 2100 S. SLC, UT 84109		
General Contractor: QUINLAN CONSTRUCTION	Phone: 4356406729	
Address: 3700 WRANGLER WAY/PARK CITY, UT 84060	State Lic. No.: 6033638-5501	
Electrical Contractor: ALPENGLOW ELECTRIC	Phone: 4356596083	
Address: PO 521 Midway, UT 84049	State Lic. No.: 7394906-5501	
Plumbing Contractor: N.E. PLUMBING	Phone: 801 518 9481	
Address: 13675 South Timberset Ct. Riverton, UT	State Lic. No.: 4816591-5578	
Mechanical Contractor: Stewarts HVAC	Phone: 8014202526	
Address: 8980 N. Canyonwash Dr. Eagle Mtn, UT 84005	State Lic. No: 6014355-5501	

Right Side Office Use Only

Plan Check No.	Utah Permit Number: SUM
Date Issued	Summit County Permit Number: 913
E-mail Address:	

Application fee paid: No Yes Amount: _____

Building Fee Schedule

Sq. Ft. of Bldg:	Valuation:	
Main Floor	Building Fee	
2nd Floor	Plan Check Fee	
Finished Bsmt	Electrical Fee	
Garage	Plumbing Fee	
Decks	Mechanical Fee	
Other	Demolition Fee	
Building Discription:	Double Fee	
No. of Dwellings		
No. of Buildings		
No. of Stories		
Occ. Group		
Occupancy load		
Type of Construction		
Roof Snow Load		
No. of Bathrooms	1% Surcharge	
Fire Sprinklers Required: Yes No	Total	

Permit Issuance Approved By:

Building Division's Representative _____ Date _____

Other Required Approvals:	Received By	Date Received
Fire District		
Water District		
Sewer District		
Engineering Dept.	13-1683	
Recreation District		
Health Dept		

Special Requirements or Comments

Zoning Approval:
Zone _____
Cert of Survey Required _____
Cert of Elevation Required _____

Setbacks
Front: _____ Rear: _____
Side
Left: _____ Right: _____

Planning Division's Representative _____ Date _____

County Engineer:
Flood Zone: A _____ Shaded X _____ X _____

H. Judd
County Engineer's Representative

4-9-13
Date

NOTICE:

Construction may require installation of underground utilities. Summit County will not allow open excavation of roadways after October 1st. This permit becomes null and void if work or construction authorized is not started within 180 days, or if construction or work is suspended or abandoned for a period of 180 days anytime after work is started. I hereby certify that I have read and examined and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

(MIKE QUINLAN)
Signature of Contractor

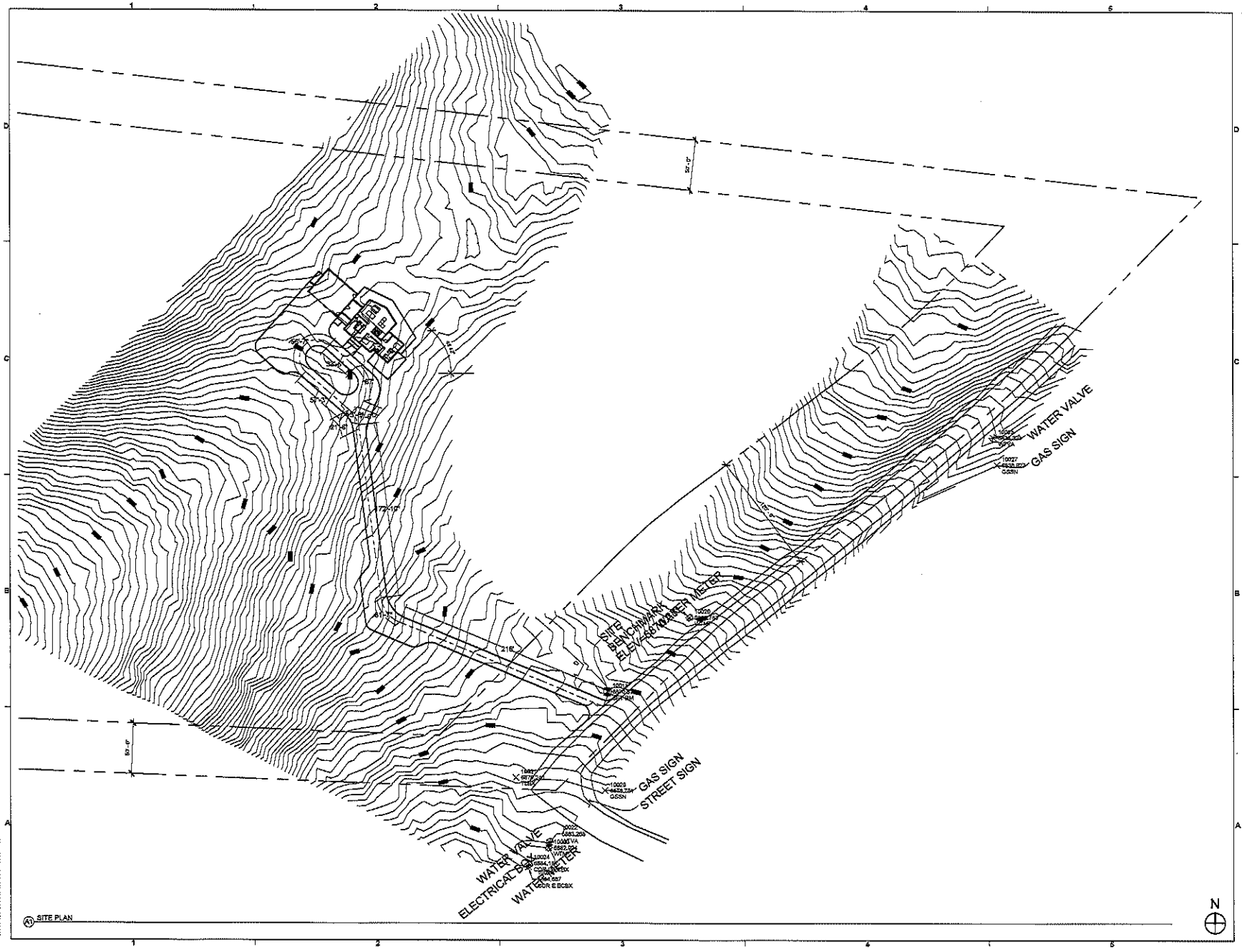
4/8/13
Date

Signature of Owner

4/8/2013
Date

Exhibit B.1

Exhibit B.2



A1 SITE PLAN

P·R·O·C·E·S·S

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www.processplc.com

Civil Engineer
WHS
6217 South State Street, Suite 300
Murray, UT 84107
Phone: (801) 743-1300
Fax: (801) 743-0305
Contact: Ryan Cathey, PE
Ryan.Cathey@whs.com

Structural Engineer
Michael Sabeys Design & Engineering LLC
1851 Pheasant Lane
Holladay, Utah 84117
Phone: (801) 649-0257
Contact: Michael Sabeys, PE
msabeys737@yahoo.com

General Contractor
Gulman Construction
P.O.Box 4707
Park City, UT 84060
Phone: (435) 649-4723
Contact: Michael Gulman
gulmanconstruction@hotmail.com

No.	Description	Date

DEER HAVEN RESIDENCE

ARCHITECTURAL SITE PLAN

Project number	12-0011
Date	03.11.13
Drawn by	EGE
Checked by	DJY

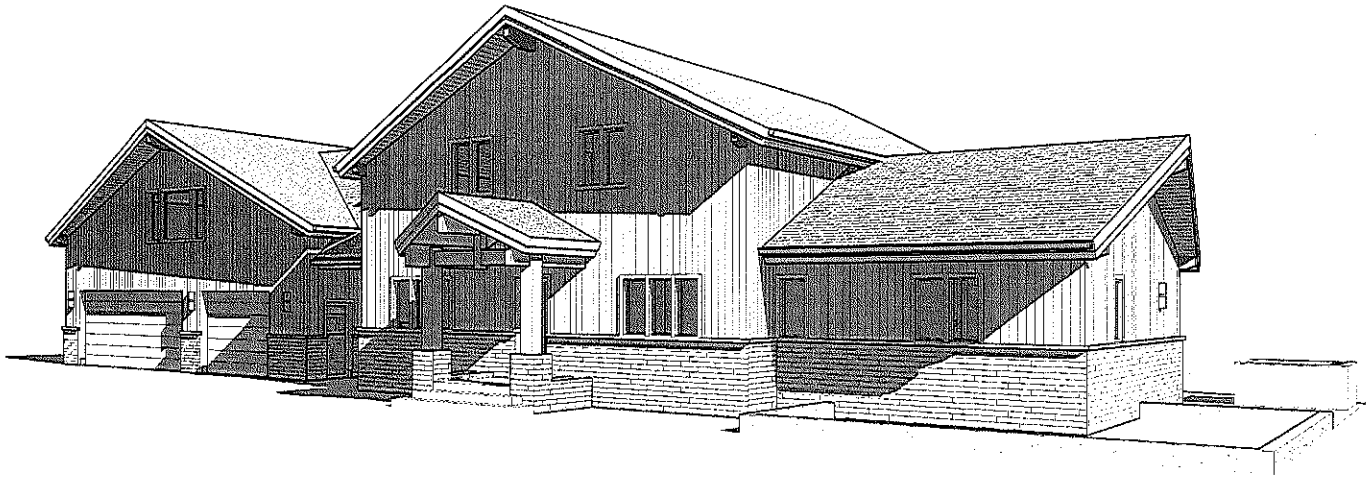
AS101

Scale 1" = 40'-0"

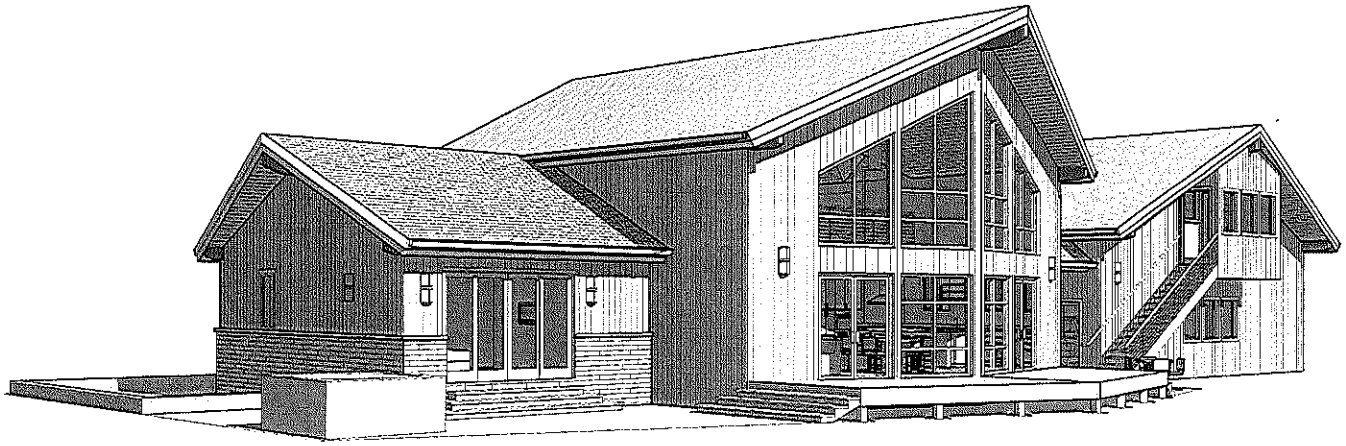
3/11/2013 11:12 AM

ALL IDEAS, DESIGNS, ARRANGEMENTS, AND PLANS INDICATED OR REPRESENTED IN THIS DRAWING PREPARED BY AND THE PROPERTY OF PROCESS STUDIO PLLC AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS INDICATED OR REPRESENTED IN THIS DRAWING ARE TO BE USED BY ANY PERSON OR ENTITY FOR ANY OTHER PROJECT, EXCEPT BY WRITTEN AGREEMENT WITH PROCESS STUDIO PLLC. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. ANY AND ALL REPRODUCTION HEREOF IS A CRIMINAL OFFENSE. UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET MISAPPROPRIATION UNDER UTAH STATUTE.

Exhibit B.3



A1 FRONT VIEW



A2 REAR VIEW

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF PROCESS STUDIOS PLLC AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT WRITTEN CONSENT OF PROCESS STUDIOS PLLC. WRITTEN DIMENSIONS SHALL HAVE PREFERENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS. WORK NOT REPRODUCIBLE IN A CHEMICAL OFFICE. UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET MISAPPROPRIATION VIOLATION OF LAW.

P R O C E S S

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Civil Engineer
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Fax: (801) 743-0390
Contact: Ryan Cathey, PE
Ryan.Cathey@mv5.com

Structural Engineer
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1351 Fieldcrest Lane
Holladay, Utah 84117
Phone: (801) 943-0367
Contact: Michael Gabyla, PE
bridge7373@yahoo.com

General Contractor
Quinlan Construction
P.O.Box 4707
Park City, UT 84060
Phone: (435) 649-5726
Contact: Michael Quinlan
quinlanconstruction@hotmail.com

No.	Description	Date

DEER HAVEN RESIDENCE

EXTERIOR VIEWS

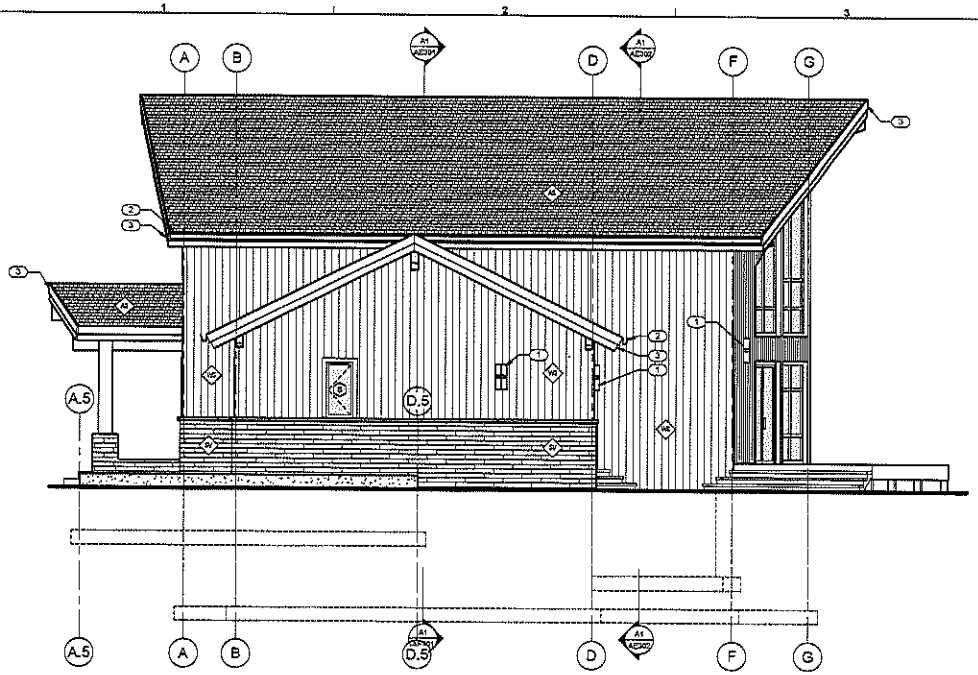
Projectnumber	12-0011
Date	03.11.13
Drawn by	ECE
Checked by	DJY

AE200

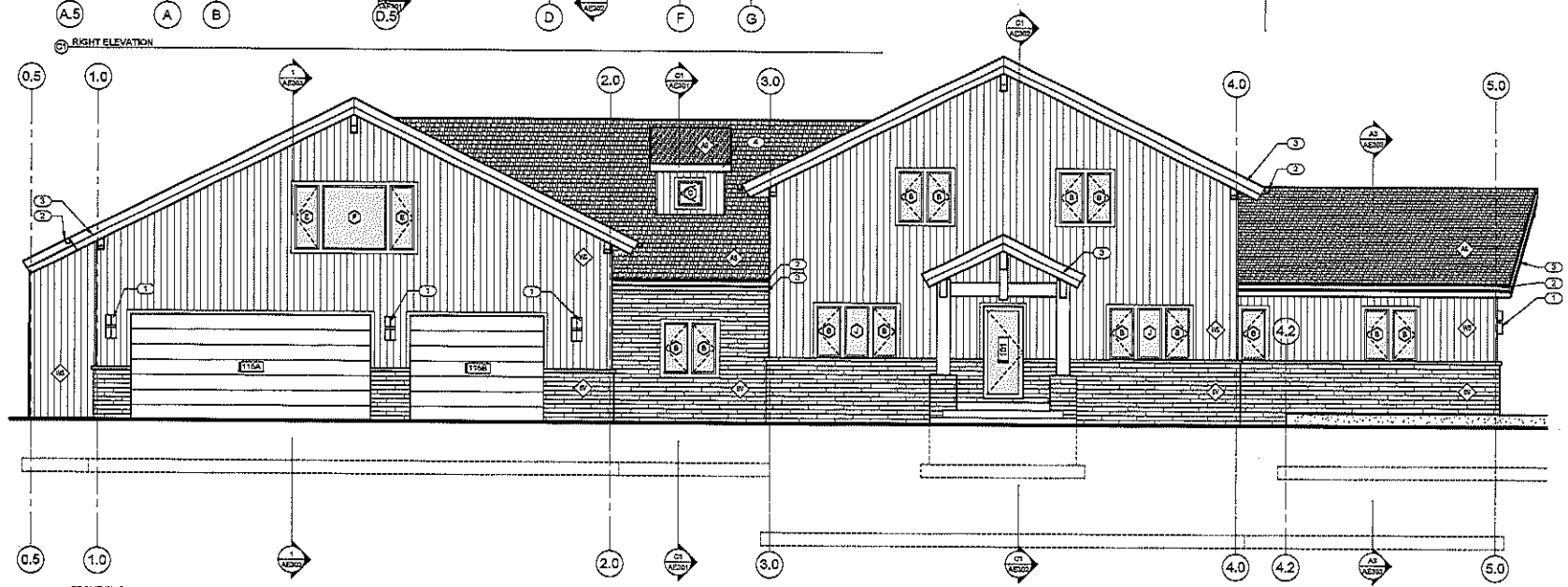
Scale

REV 02.26.2013

Exhibit B.4



C1 RIGHT ELEVATION



A1 FRONT ELEVATION

GENERAL NOTES:

- SEE SHEET AE001 FOR GENERAL NOTES.
- DO NOT SCALE DRAWINGS.
- CONTRACTOR/SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BEGINNING WORK AND SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES OR OMISSIONS BEFORE BEGINNING WORK. SEE GENERAL NOTES AND SPECIFICATIONS.

MATERIAL LEGEND:

AS	ASPHALT SHINGLES. 30-YEAR ARCHITECTURAL SHINGLE. EARTH TONE COLOR TBD.
DF	DOOR FRAME. WOOD-STAIN AND SEAL.
DP	DOOR PANEL. WOOD-STAIN AND SEAL.
SV	STONE VENEER. 1" NATURAL STONE W/2" LEDGE AT TRANSITION TO WOOD SIDING.
WS	WOOD SIDING. 3/4" NATURAL CEDAR W/CLEAR SEALER/FINISH. VERTICAL 6" PLANK W/1/2" REVEAL AT T&G JOINTS.

KEYED NOTES:

1. WALL MOUNTED EXTERIOR LIGHT FIXTURE. SEE LIGHTING PLANS.
2. 5" X 5" PRE-FINISHED BOX GUTTER. EARTH TONE COLOR TO BE SELECTED.
3. 2-PIECE 1X NATURAL CEDAR FASCIA. CLEAR FINISH. SEE DETAILS.
4. 1X NATURAL CEDAR FASCIA. CLEAR FINISH.

P·R·O·C·E·S·S

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Contact: Ryan Cathey, PE
Ryan.Cathey@nvs.com

Structural Engineer
Michael Gladyo Design & Engineering LLC
1661 Pinecrest Lane
Holladay, Utah 84117
Phone: (801) 649-0357
Contact: Michael Gladyo, PE
brainiac737@yahoo.com

General Contractor
Curtian Construction
P.O.Box 4707
Park City, UT 84060
Phone: (435) 640-0729
Contact: Michael Curtian
curtianconstruction@hotmail.com

No.	Description	Date

DEER HAVEN RESIDENCE

EXTERIOR ELEVATIONS

Project number	12-0011
Date	03.11.13
Drawn by	EGE
Checked by	DJY

AE201

Scale 1/4" = 1'-0"

ALL IDEAS, DESIGNS, ARRANGEMENTS, AND PLANS INDICATED OR REPRESENTED IN THIS DRAWING ARE OWNED BY AND THE PROPERTY OF PROCESS STUDIO PLLC AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THIS SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS, OR PLANS INDICATED OR REPRESENTED IN THIS DRAWING MAY BE USED BY ANY PERSON OR ENTITY FOR ANY PURPOSE OR PROJECT WITHOUT THE WRITTEN CONSENT OF PROCESS STUDIO PLLC. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OFFICE SE NOTIFIED OF ANY VARIATION FROM DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS. VARIATIONS NOT CLEARLY REVEALED TO THE ARCHITECT BY WRITTEN NOTICE PRIOR TO THE COMMENCEMENT OF WORK MAY BE IMPOSSIBLE TO RECTIFY WITHOUT COST TO THE OWNER.

3/14/2013 9:32:34 AM

Exhibit B.5

GENERAL NOTES:

- SEE SHEET AE001 FOR GENERAL NOTES.
- DO NOT SCALE DRAWINGS.
- CONTRACTOR/SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BEGINNING WORK AND SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES OR OMISSIONS BEFORE BEGINNING WORK. SEE GENERAL NOTES AND SPECIFICATIONS.

MATERIAL LEGEND:

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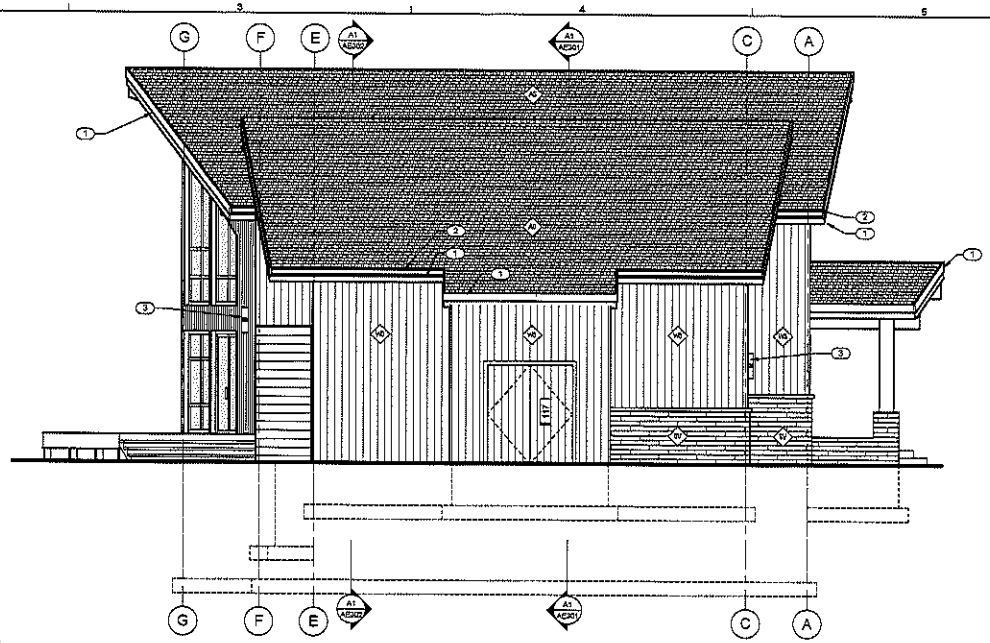
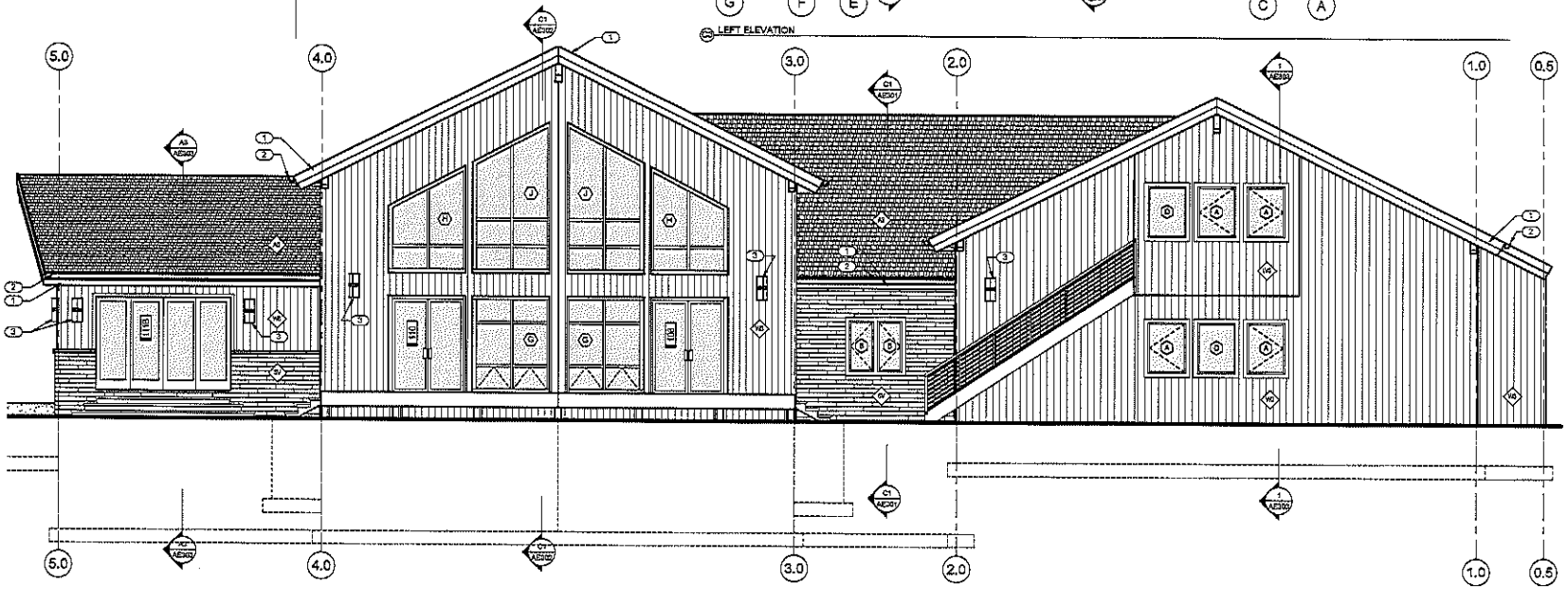
3. WALL MOUNTED EXTERIOR LIGHT FIXTURE. SEE LIGHTING PLANS.



LEFT ELEVATION



REAR ELEVATION

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Phone: (801) 940-9327
Contact: Michael Schryer, PE
mschryer7373@yahoo.com

General Contractor
Quinlan Construction
P.O.Box 4757
Park City, UT 84060
Phone: (435) 940-6720
Contact: Michael Quinlan
quinlanconstruction@hotmail.com

No.	Description	Date

DEER HAVEN RESIDENCE

EXTERIOR ELEVATIONS

Project number	12-0011
Date	03.11.13
Drawn by	EGE
Checked by	DJY

AE202

Scale 1/4" = 1'-0"

3/11/2013 9:23:22 AM

Molly Orgill
Assistant Planner

May 28, 2013

Daniel Lynch
3342 Moretown Common Road
Moretown, VT 05660

Re.: Building Project 2013-913, Lot 35, Bridge Hollow Subdivision containing 22.22 acres located at 3200 Deer Haven, Summit County, Utah;

Dear Mr. Lynch:

The Summit County Community Development Department has received and reviewed the building plans, submitted for the construction of a new home on lot 35 of the Bridge Hollow Subdivision located at 3200 Deer Haven, Summit County, Utah. The Eastern Summit County Development Code Section 11-2-4 states:

> *Visually Sensitive Areas: Development shall not be placed on any hillside or ridge top in a manner that causes any portion of a structure to extend into the skyline as viewed from public roadways when the roadway is located below the ground elevation of the structure. Visually sensitive areas shall be determined at the time of a development application.*

Staff conducted a site visit to your parcel on May 10, 2013 and determined that the proposed location of the new home may extend into the skyline as viewed from Interstate 80. A pole test was conducted on May 15, 2013 with Dan Child, Summit County Code Enforcement Officer, a representative from Process Studios and me to verify whether or not the home would extend into the skyline at the proposed location. A thirty-two foot (32') pole was placed on the lot at the proposed location of the home and was clearly identified from Interstate 80 and extended into the skyline. During the pole test, the pole was moved southwest of the proposed location and it was determined that the structure in this location would not extend into the skyline and would be in compliance of the Eastern Summit County Development Code Section 11-2-4.

At this time your options are as follows:

1. Relocate the structure to a location on the parcel that will not extend into the skyline as viewed from public roadways, such as the place identified at the time of the pole test.
2. Appeal the decision of the Community Development Department to the County Council within ten (10) calendar days of this letter regarding the proposed location.

If you have any questions please feel free to contact me at (435) 336-3153.

Sincerely,

Molly Orgill
Assistant Planner

Community Development Department
Planning Division
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 336-3153 Fax (435) 336-3046
morgill@co.summit.ut.us

Exhibit C

7. Existing development regulations for Eastern Summit County sometimes create effects that are contrary to the goals of the residents. There are existing property owners who wish to create housing opportunities for their children or to sell small parcels of land in order to generate revenues to continue ranching or farming operations or to afford the cost of living in Summit County. The concern is that subdivision regulations and development fees make it expensive to subdivide land for these purposes. The regulations also affect future development potential. These matters must be addressed to help residents and their children stay in Eastern Summit County.

8. The Development Code contains a "use list" that identifies those land uses that are permitted or conditional uses in each zone district. This is a traditional approach to zoning. However, it does not provide the direction and flexibility that are now appropriate for this area. The Development Code should establish a limited range of permitted uses that are consistent and compatible with the rural, agricultural character of Eastern Summit County. Provisions should be placed in the Development Code to allow any other land use so long as it is determined that the use is compatible with the character of the specific neighborhood in which it is being proposed. The existing "use list" is too rigid to accomplish this objective.

9. The Development Code does an inadequate job of distinguishing between temporary uses, those that should be allowed for only a specified period of time, and conditional uses which, once approved, are allowed as permanent uses. This matter must be addressed.

10. Too often "common sense" is not incorporated into development practices and patterns occurring in Eastern Summit County. The placement of residential structures on steep slopes and ridge tops, and in flood plains and wetlands, impact the aesthetic and natural resource values that are important to the residents of and visitors to Eastern Summit County. The creation of small lots sprawling over the landscape (even up to five acres) often encroach upon or eliminate viable agricultural lands and the open character of the area (see Figure 3). In other instances, the placement of homes and other structures in remote areas is not only dangerous and problematic for the people living there, but also for those who are required to provide them with protection and services. Large scale development, by Eastern Summit County standards, should be organized, compact and appropriately located to protect farmland, to maximize open space, and to allow for the logical provision of services. There must be reasonable standards to ensure a common sense approach to the use of the land. While the Development Code and zoning map cannot and should not dictate "common sense," they can and should help guide development in a manner that minimizes inappropriate land use decisions, over extensions of County and Special Services District infrastructure, and protects natural and scenic resources.

11. Major development should be properly organized on the landscape in order to maintain the visual integrity and scenic beauty of this area. All larger developments should be compact (clustered) to ensure adequate and cost effective provision of services, maximize open space and maximize the use of productive agricultural lands (see Figure 4). The Development Code and zoning map must be updated to ensure that appropriate thought and planning is given to each new subdivision in order to achieve these important community goals.

Figure 1.

Eastern Summit County Rural, Agricultural Character

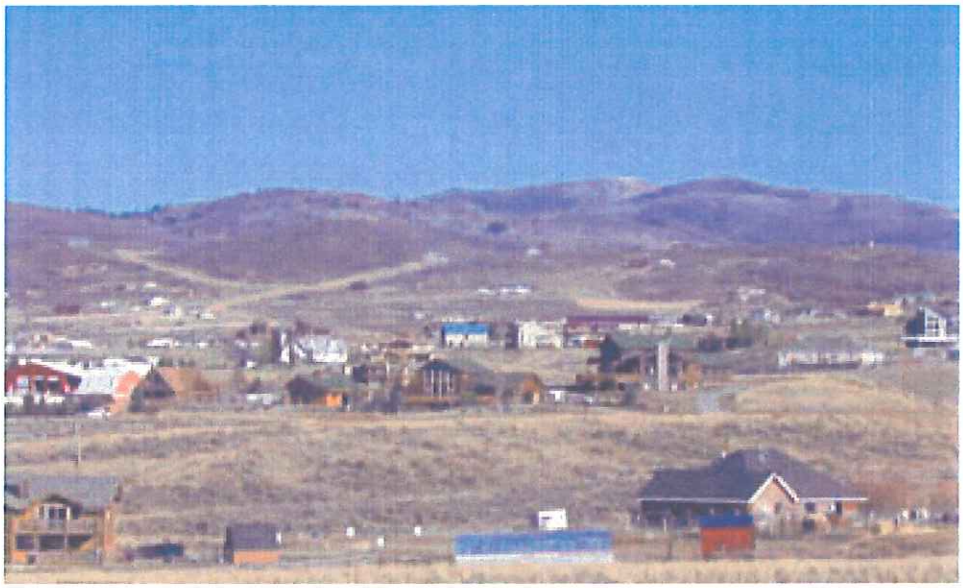
Open Hillside and Meadows

Homes placed in a manner that protects the mountainside and meadows.

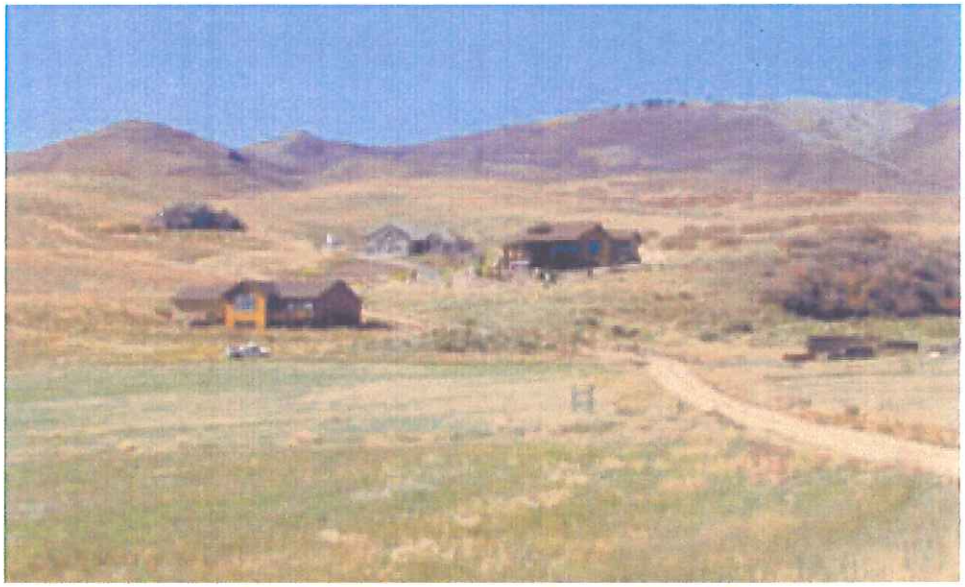
Exhibit D.2

Figure 4.

Major Development Patterns



Inappropriate pattern for major development.
Development should not spread across hillside.

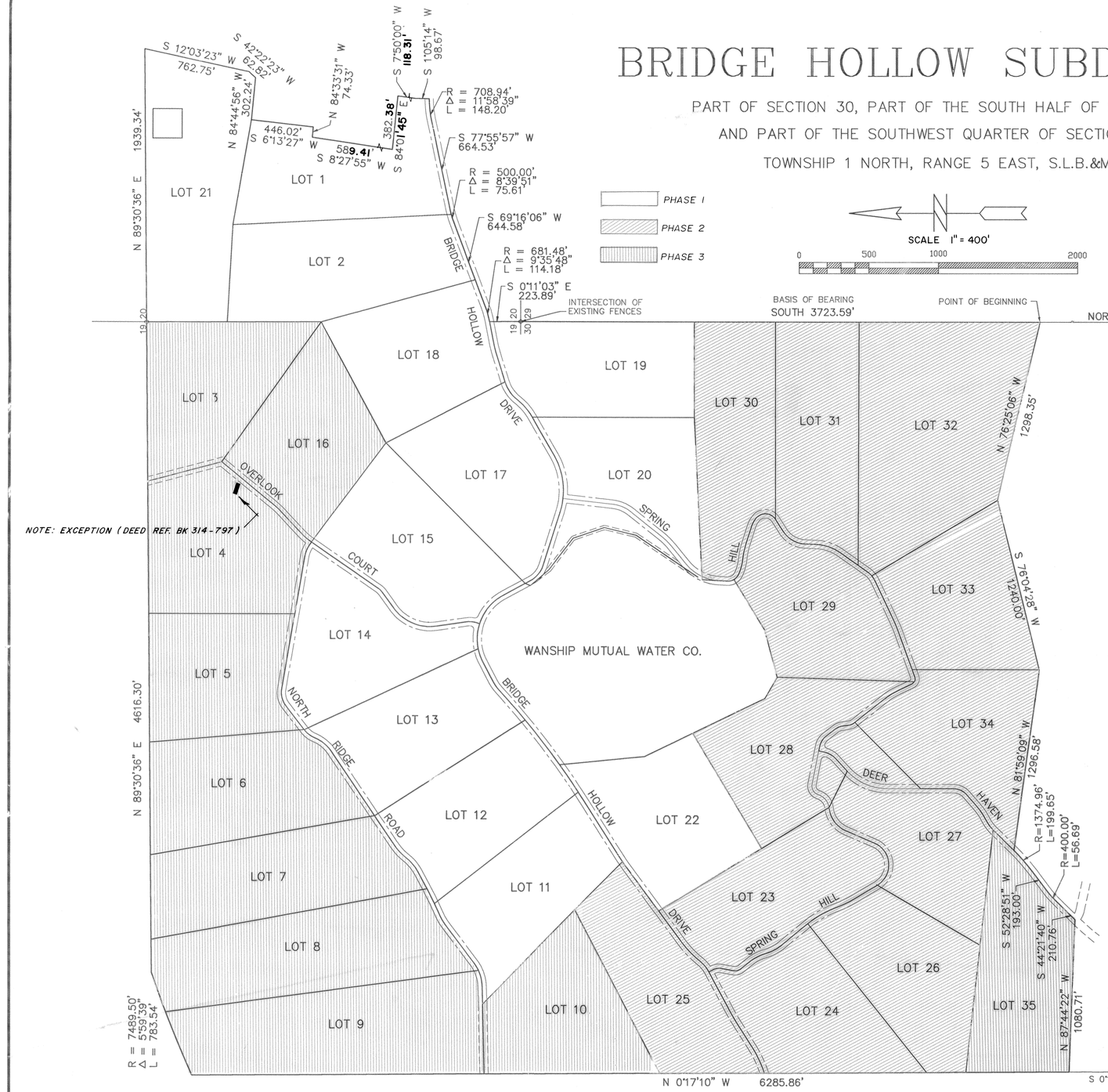


Appropriate pattern for major development. Development should be clustered near the base of hillside or in areas that are not visually prominent as viewed from public roadways. It should assist in the preservation of agricultural lands.

Exhibit D.3

BRIDGE HOLLOW SUBDIVISION

PART OF SECTION 30, PART OF THE SOUTH HALF OF SECTION 19,
AND PART OF THE SOUTHWEST QUARTER OF SECTION 20,
TOWNSHIP 1 NORTH, RANGE 5 EAST, S.L.B.&M.



BRIDGE HOLLOW SUBDIVISION

A subdivision in part of Section 30, the South half of Section 19, and the Southwest Quarter of Section 20, Township 1 North, Range 5 East, Salt Lake Base and Meridian.

DESCRIPTION

Beginning at a point in the east line of Section 30, Township 1 North, Range 5 East, Salt Lake Base and Meridian, which point is 1426.77 feet North of the Southeast Corner of said Section 30; thence N. 76°25'06" W. 1298.35 feet; thence S. 76°04'28" W. 1240.00 feet; thence N. 81°59'09" W. 1296.58 feet, to the centerline of a road; thence Southwesterly 199.65 feet along the arc of a 1374.96-foot radius curve to the right and said road centerline (chord bears S. 48°19'16" W. 199.47 feet); thence S. 52°28'51" W. 193.00 feet along said road centerline, to the point of tangency with a 400.00-foot radius curve to the left; thence Southwesterly 56.69 feet along the arc of said curve and road centerline; thence S. 44°21'40" W. 210.76 feet along said road centerline; thence N. 87°44'22" W. 1080.71 feet to an existing fenceline; thence N. 0°17'10" W. 6285.86 feet along said existing fenceline, to the southeasterly right of way line of Interstate Highway 80; thence Northeasterly 783.54 feet along the arc of a 7489.50-foot radius curve to the right and said southeasterly right of way line (chord bears N. 68°19'26" E. 783.18 feet), to the center section line of said Section 19; thence N. 89°30'36" E. 4616.30 feet along said center section line, to the East Quarter Corner of said Section 19; thence N. 89°30'36" E. 1939.34 feet along said center section line, to an existing fenceline; thence S. 12°03'23" W. 762.75 feet along said existing fenceline; thence S. 42°22'23" W. 62.82 feet along said existing fenceline; thence N. 84°44'56" W. 302.24 feet along said existing fenceline; thence S. 6°13'27" W. 446.02 feet along said existing fenceline; thence N. 84°33'31" W. 74.33 feet along said existing fenceline; thence S. 8°27'55" W. 589.41' feet along said existing fenceline; thence S. 84°01'45" E. 382.38' feet along said existing fenceline; thence S. 7°50'00" W. 118.31' feet along said existing fenceline; thence S. 1°05'14" W. 98.67 feet along said existing fenceline, to the centerline of a road; thence Westerly 148.20 feet along the arc of a 708.94-foot radius curve to the left and said road centerline (chord bears S. 83°55'17" W. 147.93 feet); thence S. 77°55'57" W. 664.53 feet along said road centerline, to the point of tangency with a 500.00-foot radius curve to the left; thence Southwesterly 75.61 feet along the arc of said curve and road centerline; thence S. 69°16'06" W. 644.58 feet along said road centerline, to the point of tangency with a 681.48-foot radius curve to the right; thence Southwesterly 114.18 feet along the arc of said curve and road centerline, to the easterly line of said Section 19; thence S. 0°11'03" E. 223.89 feet along said easterly section line to the Southeast Corner of said Section 19; thence South 3723.59 feet along said east line of Section 30 to the point of beginning. Containing 853.339 acres.

NOTE: SEE EXCEPTION (Deed Reference - BK 314-797) ON SHEET 3

BAL. 853.293 ACRES

NOTE: LOTS SHOWN ON THIS PLAT ARE NON-CONFORMING LOTS OF RECORD AND BUILDING PERMITS MAY BE ISSUED.

SURVEYOR'S CERTIFICATE

I, Kent C. Wilde, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 6147 as prescribed under the laws of the State of Utah, I further certify, by authority of the owners, that a survey has been made of the land shown on this plat and described hereon. I further certify that to the best of my knowledge, this plat is a correct representation of the land surveyed and has been prepared in conformity with the standards and requirements of the law.

REGISTERED LAND SURVEYOR No. 6147 KENT C. WILDE STATE OF UTAH

Kent C. Wilde — SURVEYOR

OCT. 13, 1992 — DATE

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and do hereby cause the same to be divided into lots, together with easements as set forth on the attached plat, hereafter to be known as BRIDGE HOLLOW SUBDIVISION PLAT, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

Executed this 14TH day of OCTOBER, 1992

DANIEL B. NEWTON — SHAUNA S. NEWTON

ACKNOWLEDGEMENT

State of Utah) (owners)
County of Summit)

On the 14 day of OCTOBER, 1992 personally appeared before me, Daniel B. Newton & Shauna S. Newton who, being by me duly sworn, did say that he is N/A, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Daniel B. Newton & Shauna S. Newton and said, Daniel B. Newton & Shauna S. Newton acknowledged to me that said Daniel B. Newton & Shauna S. Newton executed the same.

Callie Morgan — Notary Public — My commission expires:

UTILITY EASEMENT APPROVAL

The above utility easements have been approved and accepted this 7TH day of DECEMBER, 1992, by Utah Power and Light Company.

R Duane Laxton — AUTHORIZED AGENT OF U.P.&L. CO.

NORTH SUMMIT FIRE DISTRICT

APPROVED AND ACCEPTED this 13 day of November 1992.

Reed Warner

SUMMIT COUNTY PUBLIC WORKS SUPERVISOR APPROVAL

APPROVED AND ACCEPTED this 8th day of December 1992.

SHEET 1 OF 5 SHEETS

COUNTY COMMISSION APPROVAL

PRESENTED TO THE BOARD OF SUMMIT COUNTY COMMISSIONERS THIS 26 DAY OF January A.D. 1993 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED

COUNTY CHAIRMAN

COUNTY CLERK

COUNTY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

12-4-92 — DATE — COUNTY ENGINEER

COUNTY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE Summit COUNTY PLANNING COMMISSION ON THIS 26 DAY January A.D. 1993

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 28th DAY JANUARY A.D. 1993

DEPUTY COUNTY ATTORNEY

RECORDED

No. 373417
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Associated Title Co.

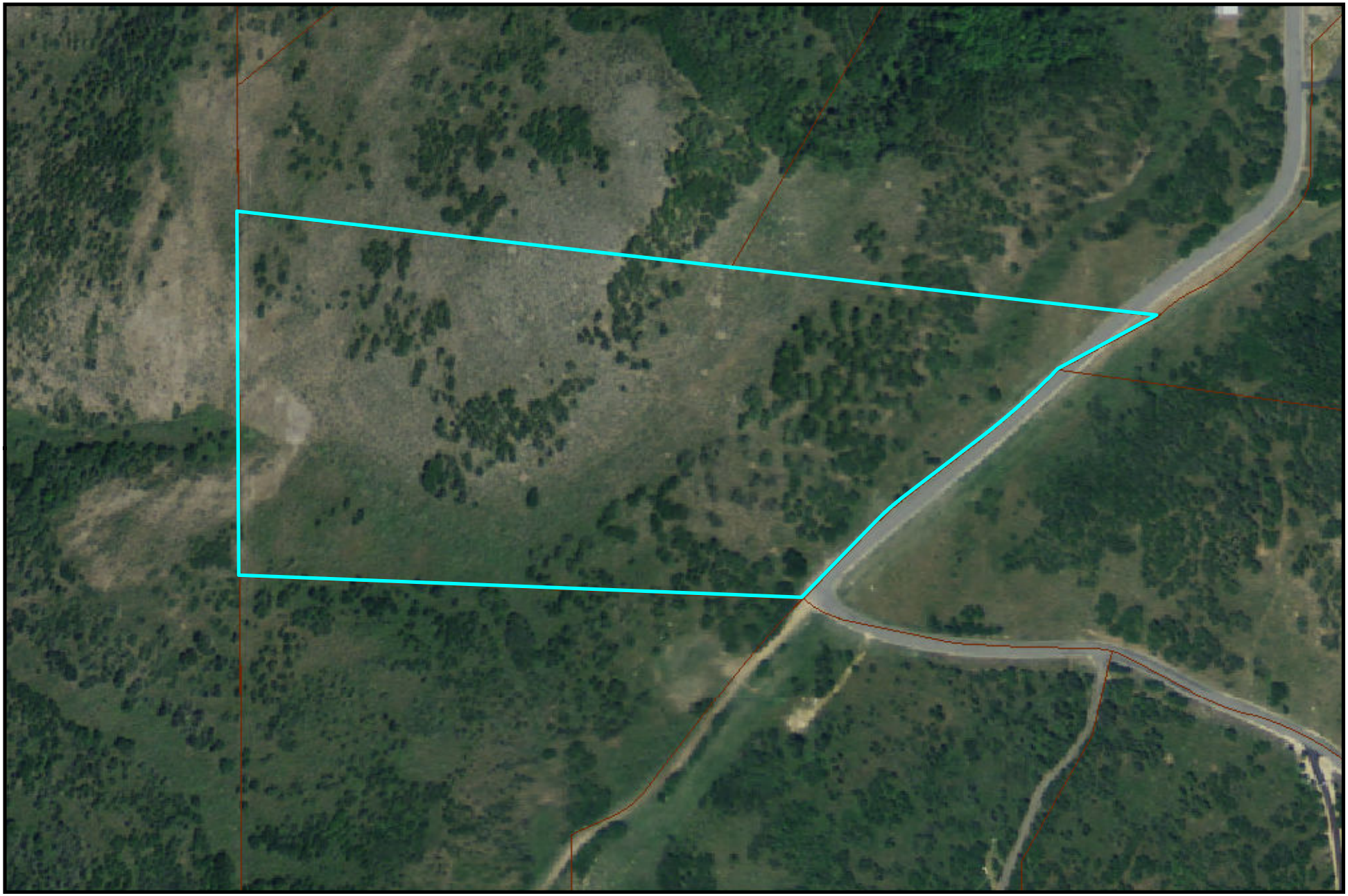
DATE: 2-4-93
TIME: 9:34
FEE: $118.50

COUNTY RECORDER

BRIDGE HOLLOW SUBDIVISION

KENT C. WILDE, L.S.
1290 SOUTH HOYTSVILLE ROAD
HOYTSVILLE, UTAH 84017
(801) 336:2592

Exhibit E



Summit County, Utah

Vicinity Map

Prepared by Summit County
Community Development Department

N

0 410 820
Feet

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

Exhibit F

Exhibit G.1

Exhibit G.2

This is at the proposed home location Facing North
06.18.2013 08:41

Exhibit G.3

This is at the proposed home location Facing West
06.18.2013 08:41

Exhibit G.4

Summit County – Ridgeline Appeal Reasons

Property Owners: Daniel and Suzanne Lynch

The house/property at issue is located at 3200 Deer Haven, Wanship in the Bridge Hollow Community. This will be our primary residence, as we are relocating from Vermont. The Bridge Hollow property was purchased in 2012 specifically for the views it offered and the ability to place the house in a very protected (non-intrusive knoll). The decision to purchase this property was significantly impacted by these features.

Over the past 8 months my wife and I designed the house working with architects Eric Egenolf and Dwight Yee from Process Studio PLLC. The house was designed specifically for this location due to its north facing view along with roof lines for PV / hot water solar panels and future attached south facing greenhouse.

In the design process, all building codes were strictly followed with respect to setbacks, construction criteria, house height, etc. Plans were submitted to Summit County in April 2013. Except for a few minor tweaks everything was compliant (we were so close).

On Monday, May 13, I received a call from Molly with Summit County Building Department stating that the house site needed further testing to determine if the house would "ridgeline". After a follow-up trip to the site and testing with a 32-foot pole, Molly determined the house would ridgeline from Route 80 (driving in a westerly direction just North of the Wanship exit). Line-of-site is approximately 2.5 miles away.

I am now told that the house needs to be moved if there is another location on the lot. This would also require the house to be rotated 90 degrees which compromises the house design with respect to sun/solar issues due to the attached greenhouse, solar panels, extensive glass, etc. We would also incur significant costs in moving the house as percolation tests, surveys, driveway design and septic location would have to be redone.

The "ridgeline" issue was a complete shock to everyone involved in this project, as there is minimal documentation on what the criteria is for a house to actually "ridgeline". Another shock was that the Building Department does not even consider the ridgeline compliance until "final" house design plans have been submitted. With respect to ridgeline documentation / restrictions, there are no overlay maps, minimum distance from major highways, how the ridgeline test is done, what is considered a "Visual Impact", etc., basically making it a trail-and-error process.

This has been a huge emotional and economical hardship for my wife and I. We purchased this property in Bridge Hollow for the view and the house location. We spent a significant amount of money to design the house specifically for this location. The impact from Route 80 is so minimal and far away that it is hard for us to understand why building in this location would be denied. There are multiple other homes in Bridge Hollow that "ridgeline" but I've been told they are grandfathered since they were built in the late 90s.

In summary I am asking that Summit County reconsider their decision to deny us a building permit for this location. This is based on the very minimal impact our "future" home would have on the ridgeline and the community. I would also ask that you consider the economic hardship this will have on us along with the fact that there is little documentation in place that could have prepared us for this situation.

Thank you very much for considering this appeal. As required, I will send additional information before the appeal date.

Sincerely,

Dan and Sue Lynch

Office: 802-223-4021
Cell: 802-249-0746
Dlynch1951@gmail.com

MANAGER'S REPORT
June 26, 2013

To: Council Members
From: Robert Jasper

Department	Description of Updates
Administration	Submitted by Robert Jasper, County Manager: Documents and transactions are listed on the Manager Approval list dated 6/20/13, posted on the website at: http://www.summitcounty.org/manager/index.php
Auditor	
Assessor	
Attorney	Submitted by David Brickey, County Attorney: Criminal Division Activity **DISTRICT COURT CRIMINAL CASES FILED: 19** **CRIMINAL FILINGS OF INTEREST** **131500173 and 131500172** A man and a woman are each charged with attempted kidnapping after luring the man's disabled adult daughter into a car and attempting to drive her to Salt Lake. The man did not have permission to do so from his daughter's mother, who is her court-appointed guardian **135500106** A seventy-two year-old man was charged with exploiting prostitution and aiding prostitution. The charges arose after deputies with the Summit County Sheriff's Office were dispatched to assist investigators from the Utah Department of Public Licensing (DOPL). The DOPL investigators had conducted a sting on an unlicensed massage operation in Summit County and had discovered in the course of their investigation that the masseuse had performed sex acts with clients in exchange for money. The masseuse reported that the suspect leased the premises, procured clients for the masseuse, and kept 10% of the proceeds. The masseuse also reported that other people working for the suspect at that site were engaging in sex acts with clients for money. **131500178** An eighteen year-old man was charged with aggravated robbery and aggravated assault after he brandished a knife at an employee while shoplifting merchandise from the Walmart at Kimball Junction. While attempting to detain the man and the other suspects with him, the employee was stabbed in the arm. Pleas, Trials, and Sentences of interest **121500082 CALAN JOHN RAY** Calan John Ray pled guilty to attempted fleeing from a police officer and resisting arrest. At the time of the offense, he was on probation for disarming a peace officer and resisting arrest and was wanted for probation violations. The court revoked his probation and ordered him to serve 180 days in jail followed by a new term of probation. **131500106 ANTONIO CONTRERAS** Antonio Contreras was sentenced to 365 days in jail and thirty-six months probation for domestic violence. The conviction and sentenced stemmed from an incident in which Contreras chased his live-in girlfriend around the house with a butcher knife in front of their two children. **131500079 and 131500090 JAMES DAVID MORRIS** James David Morris pled guilty to burglarizing Park City High School and a home on Empire Avenue. A sentencing hearing will be held on August 5, 2013 at 11:00 a.m.

Department	Description of Updates
	Civil Division Activity • Advised County Council on amendments to solicitation ordinance. • Advised county departments on development of Research Park. • Travelled to Denver, Colorado to meet with officials from the Environmental Protection Agency. • Worked on western Summit County water project. **Victim Advocate Activity**

Summit County Victim Assistance Activity 5/29-6/11, 2013	
Victim contact and **Notification Packet** sent out following offender being charged	3
Victim Impact Statement assistance provided and **Packet** sent to victim with instructions	3
Sentencing letter sent to victim with court sanctions and explanation	3
Board of Pardons letter and **registration** of victims information for parole hearings	0
Court Assistance provided to clients	4
Hearings attended on behalf of victims and results of outcomes provided	11
Court Prep and orientation in anticipation of testifying	2
Protective Order assistance in filing, service of order and hearing assistance	3
Civil Stalking Injunction assistance in filing, service of order and hearing assistance	0
Child Protective Order assistance in filing, service of order and hearing assistance	0
Pre-Trial Protective Orders/Jail No Contact Agreements contact victims and request order	1
Callout with law enforcement i.e., unexpected death, rape, after hour calls, etc.	0
Client Mtgs i.e., walk-ins and appointments	14
Children's Justice Center appointments with family or guardian during interview	0
Restitution assistance i.e., submit claim forms to the Utah Office for Victim's of Crime, etc.	2

Clerk	
Community Development	Submitted by Pat Putt, Community Development Director: See attached Community Development Report

Engineering	Submitted by Derrick Radke, Engineer:
	• 1 -Subdivision/Site Plan Plat reviews
	• Snyderville Basin Transportation Master Plan
	  o General text review – highlight area of known change
	  o Projects review
	  o Macro Modeling review
	• Eastern Summit County Transportation Master Plan
	  o Public Hearing Notice – June 26
	  o Legal Consideration of the pending ordinance
	  o Work Session with Council – Proceed to Public Hearing / possible Ordinance
	• Special Event Permits review

Department	Description of Updates
	o Ski Town o Rock Cliff Triathlon o Tri Utah Ultimate Relay o Ragnar • General inquiry o Traffic Calming Sun Peak o Impact Fees o Assist in receiving major building permits increase - general office cover o Canyon Links next building – site visit o Rocky Mountain Power Transmission line – refer to planning o Plans / site views with new Engineer • Village at Kimball Junction o Site inspections (site highly congested, very dynamic) ▪ Review contracted site inspections ▪ SWPPP Best Management Practices o Newpark and Ute Roundabouts – Landscape agreement review/revise with Legal/owners o Bond inquiries / modifications OBK Pads A-F o Landscape in completion concerns ▪ Mountain America Phase one by June 15 ▪ Entry landscape o Work coordination with the Newpark roundabout – staging concerns relative to Mountain America o Weekly construction meeting – Tues 9:00 ▪ Project schedule (hope to be complete prior to mid Aug) ▪ Multiple Contractor coordination (three major): Smith's building, General Site, Pads A-F, ▪ Many subs and other property interests ▪ Meeting location moved to Landmark Inn o Revised construction mitigation plan – back half of the Smith Parking not accessible for two weeks o Partial Bond release for Mountain America • South Old US-40 Frontage Road Realignment o UDOT accepted an exchange opportunity – facilitated by the County o Zoning considerations o Agreement Concepts • Colony's general site visit o Snowed out from a more detailed look o Ridgeline inquiry • Woods of Parley's Lane - Final punch list and follow-up • Impact fees o Summit Center site trip credit rebalanced based on the Bankruptcy Receivers Records – Powder paws fee assess o Canyons Golf maintenance : request for more information / meeting o Sheppard of the Mountains – multiple submittals / inquiries • Canyons – Veil / Talisker transportation impact considerations • Echo Henefer Historic Loop Trail o Meeting with the committee o Phase 2 alternatives prep for the Manager to consider and Council o Budgeting with Sustainability

Department	Description of Updates
	o Survey data received / preliminary design • Traffic Counting – Jeremy Ranch done, Pinebrook begin areas • School Site Count – Parley's Elementary • UDOT – Duel lefts from Newpark south to SR-224 – follow-up inquiry • Out of State Training follow-up report – Highway Capacity Manual • Newpark Round-About Construction Activities • Overlay Project Pre-Construction Activities • Seal Coat Project Construction Activities • Summit Park Design Pre-Construction Activities • Lower Village Road Bid Construction Activities o Easement Preparation & Negotiation • Chalk Creek Road/Richins Slide & West Hoytsville Road Slide, Bid Opening and Contract Award • Brown's Canyon Retaining Wall Repair – Pre Bid & Design Activities • Transit, Misc. Meetings • Solid Waste, Misc. Meeting • Service Area #6 Annexations, New Request • Quarry Mountain Access Road, Construction Observation • Residential Permit Activity o 9 over the counter o 32 plans reviewed o 19 driveway inspections o 19 erosion control inspections o 3 code enforcement o 7 Bond Release Inspections • Right-of-Way Permit Activity o 16 new applications o 10 site inspection (5-Questar 1 All West, 1 Comcast, 1 Century Link, 2 Highland Water Co, 2 All West revegetation @ Wyoming line job and @ South Henefer Rd, 1 Questar road cut at Henefer Dump) • Development Site Inspections o 12 Development Site Inspections o Various routine inspections • Complaints o 1 complaint Snyderville Basin area Split Rail Ln., dirt dumped
Facilities	Submitted by Mike Crystal: Put down seal coat on new parking lot at the jail. Installing new hot water heater jail. Planting new trees Jeremy and Ute Blvd. Repairing damage done by vehicles jail and roundabout at Wal-Mart. Planting flowers at all locations. Cleaning carpets in all bldg
Health Department	Submitted by Rich Bullough, Director: • *Auto Crash Dramatization Expands to North Summit:* Because of the great success of the automobile crash dramatization at Park City High School this year, the Summit County Health Department will partner with North Summit High School to stage a dramatic presentation of a realistic crash this October 2013. This program serves as a reminder to students to use good judgment behind the wheel. The program addresses buckling up, distracted driving and impaired driving.

Department	Description of Updates
	Student actors from the high school will play the part of the injured and fatal victims. Several emergency response agencies will assist with the presentation including, Park City Fire, EMS, Summit County Sheriff's Office, and Air Med. They will rush to the scene and perform their duties as if it were a real life situation. After the crash, an assembly will emphasize the realities and consequences of risky driving behaviors and encourage all students to think before they act. • *Kamas City Parks and Events to go Smoke-Free*: In a decision made to protect the health of its community members, the Kamas City Council unanimously voted (May 2012) to adopt a smoke-free policy at city parks and events. The proposed policy was first presented to the Council by the Summit County Health Department and members of South Summit High School's Peer Leaders group and went into effect in June of 2012. In response to the policy, Mayor Lew Marchant states. "We are always looking for things to make our community and our events better for everyone, and we believe a smoke-free policy will do that." The policy was communicated to the public through newspaper articles, announcements at Fiesta Days events, and with "Tobacco-Free" signs posted at both city parks. The city continues to promote the policy by stating that the parks are tobacco free on fliers for their summer events.
I.T.	Submitted by Ron Boyer, I.T. Director: The IT office has been working to improve the GovPartner system for Building, Planning & Engineering. We recently introduced a new build that took care of image attachments to fees and also consolidated the receipt to print a single amount. We have received the equipment to install a wireless system at the county fairgrounds. We plan on having the system functional by the July 12, in time for the softball tournament. We are also looking into a Mobile Device Management (MDM) system and policy. With the onslaught of devices that access county systems, we are going to need a different system to secure access to data and loss of devices. Right now we do have a system in place, if the device is connected to our email system. All courts will now only accept electronic citations as of June 1. The state is still working through some routing issues. Kory Vernon in our office has been working with the Sheriff's office over past few months to move the deputies to a paperless citation. We met with Park City Municipal IT to discuss upgrades to the Spillman server. Park City will put funds towards the cost sharing of a server. We haven't determined a rate, but it is an item that will be in the 2014 budget. We have hired Laura Van Duker as Records Imaging Tech. She replaces Wendy Richins, who retired April 30th. Support incidents in June 1 – June 19, 116 tickets opened and 141 resolved, and 121 still open.
Justice Court	
Library	Submitted by Dan Compton, Library Director: Our new online catalog I've been working on has a great feature I'd like to share. After you search for a title and open a record, you can select the "Related" link on the left side. It will provide you with series information and recommendations from NoveList, and reviews from Goodreads. We librarians think this is pretty great and hope you will enjoy it too!

Department	Description of Updates
	  The Friends of the Library earned $4642.25 in book sales, $84.49 in donations, and 50 memberships (new and renewals) during the Memorial Day weekend Used Book Sale. Lee Enyart is our new part-time Clerk at the Kimball Junction Branch. She started working on June 3rd. We will be reviewing applications for the Kamas Librarian position this week and will be conducting interviews next week. The traveling exhibit from the Utah Division of Arts and Museums titled *Navajo Children: Weaving the Future* will be on display until June 27th. Our Summer Reading activities are in full force now. The kick-off puppet shows were a big success. There are story walks (partnership with the Health Department), story times, teen activities, Dog Days (children can practice their reading with therapy dogs), craft times, and much more. Our website always lists upcoming events. Kim's Cold-Blooded Creatures is the next big event here at the Kimball Junction Branch on Wednesday, June 26th at 11:00 a.m. The children love this because they get to hold snakes and other creepy crawlers. For adults, local Author Matthew Deane will be talking about his book *West of Independence* on Thursday, June 27th at 7:00 p.m. at the Kimball Junction Branch. I will be attending the American Library Association Annual Conference in Chicago from June 28 - July 2.
Mountain Regional Water	
Park City Fire Service District	
Personnel	<u>Submitted by Brian Bellamy, Personnel Director</u>: Personnel 1. Jobs Advertised a. Kamas Branch Librarian – Closes June 14 b. Nurse Practitioner – Closes June 14 c. Deputy Sheriff – Open until filled 2. Applications Received a. Kamas Branch Librarian – 56 b. Nurse Practitioner - 5

Department	Description of Updates
	c. Deputy Sheriff – 107 d. As of June 14, 2012 - 1,178 applications received 3. Job Offers Made a. Animal Control Shelter Attendant b. Emergency Management Intern c. Corrections Officers (2) d. Part time Library Clerk 4. Interviews/Testing set up a. Emergency Management Intern – 3 b. Animal Control Shelter Attendant – 9 c. Dispatch - 33 5. 562 letters sent to individuals unsuccessful in their attempt at County employment 6. 1 employee out on Worker's Comp 7. 1 employee in light duty 8. 1 new disability claims filed, includes FMLA documentation 9. 3 employees on short term disability 10. 1 unemployment claim filed 11. 0 employees resigned their positions 12. 4 pre-hire drug tests 13. 7 new hire orientations 14. Ronie participated in PPACA Webinar 15. Met with Health Insurance Group - discussed 2013 claims and options for 2014 16. Met with Attorney's Office and Department Head regarding unemployment claim 17. Met with Sheriff's Office twice regarding employee issues 18. Met with Health Department regarding employee issues 19. Multiple requests for salary and policy information from other agencies 20. Multiple verifications of employment 21. Met with multiple department heads and employees regarding employee issues 22. Continue to answer public inquiries regarding county employment 23. Worked external auditors on audit regarding URS 24. Serve county employee's needs **Animal Control** 1. 11 dogs are in the shelter along with 10 cats. One sheep is also sheltered a. 21 new animals were received by Animal Control b. 0 dogs were transferred c. 10 cats were transferred d. 1 dogs adopted e. 3 cats adopted f. 5 dogs claimed by owner g. 0 cat claimed by owner 2. Officers ran 74 details 3. Continuing to issue citations for dogs off leash 4. Working on new Leash Law Task Force 5. Working with IT on new computer program 6. Received online dog license registrations 7. Met with Helen Strachan regarding Animal Control leash laws and other issues
Public Works	Submitted by Kevin Callahan, Public Works Director: Road Division • Grade East Canyon Road

Department	Description of Updates
	• Mag chloride East Canyon • Grader patch Pinebrook Blvd, Lambert Lane, Hoytsville Road, Boulderville Road, Judd Lane, and South Fork • Street sweep various areas of Summit County • Clean storm drains and roadside culverts • Crack seal frontage roads in Snyderville Basin • Patch slide area on Chalk Creek Road Transit • Coordinated with County Auditor's office on payment schedule for UTA service • Received Park City prepared TIGER grant for $2.3 million for Kimball Transit Hub. Passed it on to County Engineer • Secured Administrative extension of Kimball Transit Hub CUP from Community Development Director until December 28, 2013. • Provided information to County Engineer of the need to get a Council extension of the Kimball Junction CUP in December. Fleet • Worked with Sustainability Coordinator on revising guidelines and procedures for new vehicle purchases. Weeds • Identification Training We have been training our new seasonal staff to identify and learn to treat noxious weeds. • Weed Mapping Staff has transitioned over to Edd maps which is free and compatible with or previous mapping program. We map each area that we enforce against or spray. This is building a county-wide data base. • Weed Spraying This year has been especially difficult to spray because of the high winds which have delayed the helicopter program and ground spraying several times. • Weed Enforcement Since June 1 staff has met with 64 individuals informing them of how to take care of their weeds. The enforcement officer has sent correction letters to 7 property owners and issued 2 notices of nuisance. Waste • Staff report, Council report and recommendations for changes in solid waste management fees. • Staff finalized the billing process for the new loader and we are awaiting delivery of the new loader. • Staff is working on the reconciliation of old accounts at the landfill. Emergency Management • Provided staff reports to Council on 2013 fire season outlook and met with North Summit Fire District on possible annexation of Tollgate subdivision into the District. • Provide staff report and presentation on emergency management program and proposed ordinance. • Completed a two day calls offered by Utah chapter of the Red Cross on Community Mass Care • Attended one day program on Emergency Management procedures with utility or energy emergencies
Recorder	
Treasurer	
Sheriff	
Snyderville Basin Recreation	Submitted by Rena Jordan, Director: • Two new tennis courts at Trailside Park Completed

Department	Description of Updates
	• Bid process begun for the Fieldhouse expansion Phase 1 Project. • Willow Creek Dog Park bids were received, however all were above our allocated budget and engineers estimate, therefore redesign work and new bidding process is being undertaken. • Continued work on leash awareness in our Parks as events and programs are in full swing and the parks are very busy with lots of children and families. • Our Mom's Power Hour fitness class hitting record attendance numbers. The class has moved out to Matt Knoop Park and average 50 moms with children on any given Monday, Wednesday and Friday. • Continued participation in the General Plan neighborhood update meetings. • Summer camps underway with very full participation in all areas. Our most popular camp averages 45 children per day. • Continued work with UDOT on the Highway 40 Recreation / Wildlife underpass. Funding required from other sources as the engineers estimates exceed the budgeted funds between UDOT and Basin Recreation • Working with Utah Open Lands to plan a community day of celebration on the Hi Ute property (September 14th). • Working with Utah Open Lands to remove private property and no access signs on the Toll Canyon property, also baseline conservation easement study being completed by Utah Open Lands, which once completed will allow us to work with the community to begin creating a broad recreation plan (i.e. trail access planning). • Large project of securing all trail easements for existing trails is underway. • Working with Utah Open Lands on enforcing conservation easement on the Willow Creek Open Space (which has many infracted areas where property owners have installed landscaping, hot tubs and even trampolines in the open space adjacent to their properties) • Initial studies and research of a potential pedestrian overpass across Highway 224 at Bear Hollow Drive (this was a part of the 2010 Bond projected projects) • Working with Lisa Yoder on BOSAC re-convening and hosting meetings • Completing our 5 year Strategic Action Plan with Park City Recreation. Final output to be presented by the Consultant, Landmark Design, to Basin Recreation Board on July 17th and to Park City Council in August. • WE NEED A NEW BOARD MEMBER APPOINTED! VACANCY CREATED IN APRIL NOT YET FILLED!
USU Extension	

COMMUNITY DEVELOPMENT

Submitted by Patrick Putt, Community Development Director:

Snyderville Basin

- The County Council is scheduled to begin its review of the Snyderville Basin General Plan Phase I update at a work session on June 26, 2013. Council will also be holding a joint work session with the Synderville Basin Planning Commission on June 26th to discuss the program and schedule for the Phase II of the General Plan.

- Staff has completed its draft Greater Park City Area Compact Planning Principles. The document is ready for review at the upcoming joint Summit County Council/Park City Council joint meeting.

Eastern Summit County

- The Eastern Summit County Planning Commission will hold a work session discussion on the draft General Plan and Development Code amendments on June 20, 2013. Staff anticipates scheduling a public hearing on the amendments (and possible Planning Commission action) for July 11, 2013.

Building Permit Reviews

The current timeframe associated with obtaining a building permit in Summit County is currently averaging ten (10) working days. The 10-day turnaround is very good given the current up-tick in permit applications and the rush of the summer building season.

- The department received 18 new building applications and 5 new planning applications this past week as follows:

New Building Applications
Submitted June 12-18, 2013
Snyderville Basin

Project #	Project Name	Submittal Date
13-1106	Superior Water Water Heater 1510 W Elk Rd. Park City, UT	Jun 06, 13
13-1107	John VanderVeur Deck Addition 9051 N Sackett Drive, Park City, UT	Jun 13, 13

13-1108	Alpine Fireplace Gas Line / Meter Set 3710 Navajo Trail #74, Park City, UT	Jun 13, 13
13-1109	Rick Otto Single Family Dwelling 123 White Pine Canyon Rd, Park City, UT	Jun 13, 13
13-1110	Rhoda Sherman Roof Repair 3072 Fawn Dr. Park City, UT	Jun 14, 13
13-1111	Jim Clifford Builders Deck 1375 Quail Meadow Rd #20, Park City, UT	Jun 14, 13
13-1112	Steven Graff Meter Change-out 4372 N willow Creek Dr. Park City, UT	Jun 14, 13
13-1113	Rich Pittam Single Family Dwelling 9664 Red Haw Trail, Park City, UT	Jun 14, 13
13-1115	James Carroll Single Family Dwelling 7666 N Tall Oaks Dr. Park City, UT	Jun 17, 13
13-1116	Brock Berry Single Family Dwelling 3934 S Brian Cir. Park City, UT	Jun 17, 13
13-1118	Park City Construction Single Family Dwelling 3682 Sunridge Dr. Park City, UT	Jun 18, 13
13-1119	Rory Klungervik Temporary Office Trailer 1154 Center Dr. Park City, UT	Jun 18, 13
13-1120	Black Dog Builders Single Family Dwelling 7750 N Long Rifle Rd. Park City, UT	Jun 18, 13
13-1122	Daniel Aucunas Demolition / interior 1414 W Meadow Connection, Park City, UT	Jun 18, 13
13-1123	Randy Krantz (4) Town Homes / Retaining Wall 3223 W Lower Saddleback Rd. Park City, UT	Jun 18, 13

Eastern Summit County

13-1114	Batt Electric Meter change-out 2040 Pine Loop Rd, Wanship, UT	Jun 17, 13
13-1117	Noah Hunt Garage 876 S Foothill Dr.	Jun 17, 13
13-1121	Extreme Excavating Demolition 5971 N SR32, Peoa, UT	Jun 18, 13

New Planning Applications
Submitted June 12-18, 2013
Snyderville Basin

Project #	Project Name	Submittal Date
13-633	**Quarry Village Concert Series 2013** Brian Richards Special Event Quarry Village	Jun 13, 13
13-634	**Tour de Park City** Ben Towery Special Event Park City	Jun 13, 13
13-635	**VO25 Park City LOR** Preston Campbell Lot of Record SS-61-B-15 Normans Way	Jun 18, 13

Eastern Summit County

13-632	**Pine Meadows Pump Houses LIP** Brody Blonquist Low Impact Permit Pine Meadows, Bobcat Springs/Oil Well Pkg	Jun 13, 13
13-636	**Hunt Barn Ag Exempt** Noah Hunt Ag Exempt BJORK-1 876 Foothill Dr.	Jun 17, 13

Respectfully Submitted, Patrick Putt
Community Development Director

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 15, 2013
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*
Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Karen McLaws, *Secretary*

CLOSED SESSION

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

The Summit County Council met in closed session from 1:50 p.m. to 2:10 p.m. for the purpose of discussing litigation. Those in attendance were:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*
Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*

Council Member Robinson 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 Ure and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 2:10 p.m. to 2:30 p.m. for the purpose of discussing personnel. Those in attendance were:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*
Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*

Council Member Armstrong made a motion to dismiss from closed session to discuss personnel and to convene in executive session to discuss property disposal. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 2:30 p.m. to 3:50 p.m. for the purpose of discussing property disposition. Those in attendance were:

Claudia McMullin, *Council Chair*
Chris Robinson, *Council Vice Chair*
Roger Armstrong, *Council Member*
Kim Carson, *Council Member*
David Ure, *Council Member*
Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Patrick Putt, *Community Development Director*

Council Member Ure 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, 5 to 0.

WORK SESSION

Chair McMullin called the work session to order at 4:00 p.m.

- **Discussion regarding findings in the recent NACo County Health Rankings report; Rich Bullough, Health Director**

County Health Director Rich Bullough provided a summary of the health rankings and explained that this is an annual report based on the entire County which does not address disparities between different parts of the County. He noted that most of the sample comes from the western part of the County, and the data sources are variable but for the most part come from a self-reported federal database. He explained that Summit County ranks fifth overall among counties in Utah and reviewed the weighting of the factors. He noted that the one measure that removed Summit County from being the first or second healthiest County in Utah was low birth weight. The data seem to indicate that Summit County has a higher proportion of women who choose to delay childbirth and a higher percentage of multiple births, both of which contribute to low birth weight. He explained that some things in the report are worth focusing on, one of which is the high rate of binge drinking. He noted that the County has a high frequency of parents buying alcohol for children, and they are looking at ways to address that.

County Manager Bob Jasper asked how they know about binge drinking. Mr. Bullough replied that most of it is self-reported through surveys.

Mr. Bullough explained that they can also continue to focus on areas the County does well on, such as physical activity and nutrition.

Mr. Jasper noted that Summit County seems to fall short of the national benchmarks. Mr. Bullough explained that the national benchmarks are not averages; they are targets. He noted that the County has met several national benchmarks and is the only county in the nation that has met the benchmarks for diabetes, obesity, physical activity, and nutrition. He cautioned that

almost all the participants in the survey were from western Summit County, and none were Spanish-speaking.

Council Member Carson asked Mr. Bullough to address the impacts of sequestration on the Health Department. Mr. Bullough explained that the effect is an average reduction of about 5.1% across programs, although the impact is bigger in the WIC program. He explained that the cuts are focused on certain areas within the programs, and the WIC cuts focus on counseling and food. He reported that the State has some reserves related to WIC that will carry them through this year, and the Health Department is looking at ways to streamline the education process. He noted that they also took a hit in emergency preparedness, but there were some resources the County did not necessarily need, and sometimes funding was so narrowly focused that the County's needs could not be met with those funds. He explained that early intervention funds were decreased in the federal budget but increased in the State budget. There was a slight increase in the preventions aspects of mental health, and he believed they were in pretty good shape and would find a way to address areas where there have been cuts.

- **Discussion regarding alarms, Sheriff Dave Edmunds**

Chair McMullin confirmed with Sheriff Edmunds that his office will respond to alarms for now. Sheriff Edmunds explained that he has had to reevaluate service levels throughout his organization. His office responded to about 2,000 alarms last year throughout the County, about 99% of which were false alarms. The number of alarm systems in the County decreases the number of burglaries, but he has had to be creative with staffing when it comes to responding to alarms. He explained that they will remain status quo in 2013 and respond to all alarms, but as they get into budget talks next year, if some of the frozen positions are not filled, he will look at this issue again. He explained that it is not that they do not want to respond to alarms, noting that Summit County is one of the few communities that continue to respond to alarms without any sanctions for false alarms, but if they continue to function as they are now, they will have to re-evaluate that. He explained that he has met with the alarm industry and let them know that they may have to alter their policy in the future.

Chair McMullin asked if there is a downside to charging for responses to false alarms. Sheriff Edmunds replied that there is not a downside, but it will not fix all the problems. He explained that most agencies do charge for alarm responses, and there are many ways to charge for that. Chair McMullin confirmed with Sheriff Edmunds that he will start looking at policies to charge for responses in 2014. She asked what percentage of false alarms are human triggered. Sheriff Edmunds replied that it is not unusual during the winter months to respond to an alarm to a house that is vacant where the wind has blown a door open. However, the vast majority of false alarms are human triggered.

Council Member Ure asked why the alarm companies are not responding and why they are asking the Sheriff's Department to respond without charge. Sheriff Edmunds replied that it is a great business model for the alarm companies, and he has told them that. He believed they need to change the culture and have people take responsibility for triggering alarms. He confirmed that people often do call dispatch and call off the alarm. Council Member Ure asked how many man-hours false alarms take. Sheriff Edmunds replied that it is probably about 2,000 hours a year. Council Member Ure agreed that people should have an obligation to pay for false alarm

responses and not drain the taxpayers' resources and stated that he would support a program of charging for false alarms.

Chair McMullin asked if certain people repeat false alarms more often than others. Sheriff Edmunds replied that is the case, and they probably need to change what they are doing and not set off the alarms. He explained that they have never talked about not responding to alarms, but they have talked about verifying alarms. That means they would ask someone from the alarm company to go to the location and confirm there is actually a crime in progress that the Sheriff's Office needs to respond to.

Council Member Armstrong asked what would be the best way to start the discussion on this process and stated that she did not believe they should wait until next year to address this, especially if they are using 2,000 hours of manpower to respond to these alarms.

Council Member Ure stated that, if the Sheriff intends to wait until the next budget cycle to implement a fee, he should let the Council know by October so they can take that into consideration when budgeting for next year. He believed they should also look at a policy regarding providing law enforcement, legal services, and animal control to the municipalities.

Council Member Carson stated that, regardless of the budget and the number of officers available next year, she would like the Sheriff's Department to consider implementing a policy on false alarms. She believed it was unfortunate that the taxpayers have to subsidize alarm calls, and she wanted to create an incentive for alarm system owners to better educate their friends, families and employees. Sheriff Edmunds agreed that they need to do something that will slowly and incrementally implement that type of policy, and the County Council's part will be to adopt an ordinance that allows them to charge for alarm calls.

- **Discussion of Interlocal Agreement concerning UTA, Dave Thomas, Chief Civil Attorney**

Council Member Robinson explained that what used to be known as Access Wasatch is now known as Wasatch Summit, which is a group comprised of representatives from municipalities on the Wasatch Front along with Summit County, Park City, and Wasatch County together with representatives from UTA, UDOT, the Federal Transit Authority, US Forest Service, and Federal Highway Authority. At Monday's meeting this week they approved two additional positions for representatives from the ski industry and outdoor sports. Together they will conduct a $4.5 million study on how to address environmental and access issues to recreation, protect the watershed, and allow businesses to thrive. He reported that the State Legislature approved $2.6 million for the study, and each of the other participants will also participate financially. He explained that they will go through a NEPA process to solicit ideas on how to improve the transit system into the canyons. He stated that each municipality is being asked to sign an interlocal agreement, and they have requested that Summit County participate and contribute $100,000 over two years, with the first installment due by September 30, 2013, subject to the budget allowing for it. He asked the Council to suggest any changes to the interlocal agreement and the level of funding the County is willing to commit to.

Deputy County Attorney Dave Thomas explained that one issue that has come up is each party paying half of their contribution by September 30 as that relates to counties being on a different budget year than cities. There is also concern about what would happen if an entity were to withdraw from the agreement and what their obligations would be. The direction seems to be that, once an entity has paid its money, they cannot get it money back. He explained that the scope of work is quite vague. He explained that the money will go into a separate interest-bearing account that will be managed by UTA and cannot be used for other things.

Mr. Jasper commented that Salt Lake County's budget is much larger than Summit County's, and he suggested that Summit County commit to half of what is proposed, or $50,000. Council Member Robinson concurred and asked if the County could pay $25,000 by the end of September or if they need to pay less in 2013. Mr. Jasper suggested that they let the group know that Summit County is committed to participating, but they cannot pay anything until the beginning of 2014.

County Engineer Derrick Radke asked who makes up the steering committee. Council Member Robinson replied that it is intended to be made up of the staff of the executive committee, and he believed someone from Planning or Engineering should be on the steering committee. Chair McMullin asked what the steering committee does. Council Member Robinson replied that they will request resumes and try to fulfill the RFP for a program coordinator and narrow the field to three candidates. The intent is that, once the program coordinator is selected, the staff will be provided on a voluntary basis by the various stakeholders, and the steering committee will become staff to the program coordinator. He suggested that they notify the group that either Mr. Radke or Kent Wilkerson will serve on the steering committee.

Mr. Thomas explained that they cannot take action on this item today. It is scheduled for discussion only in work session, and the agreement is still a red-lined version.

The Council Members agreed that they are willing to participate in Wasatch Summit. Council Member Armstrong commented that this group seems to have a lot of bureaucratic density, and it would be helpful if there were more specificity regarding what each group intends to accomplish in a certain period of time, because it is currently very open-ended. He believed they might benefit from having some time lines.

REGULAR MEETING

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

- **Pledge of Allegiance**

MANAGER COMMENTS

Mr. Jasper recalled that the previous Council Members created a finance committee consisting of Council Members Hanrahan and Robinson. A consultant was hired to look at procedures and policies, and some changes were made based on those recommendations. He also noted that the Council has suggested that citizens be included on the budget committee. He asked the Council to determine which Council Members they would like to have serve on the finance committee to help develop a financial model and stated that, once the Council Members have been selected, he

would like to add a couple of citizens to the finance committee. He indicated that he would like to see a long-term financial plan and financial models that predict what will happen over multiple years. Council Member Armstrong stated that is an excellent idea and agreed that the current financial structure may not be best way for meeting the County's needs today compared to several years ago. He believed it would be a smart move to put together a finance committee to look at that and agreed that there are outstanding people in the community with the financial expertise to assist with that. Chair McMullin agreed that is the approach they should take. Matt Leavitt from the Auditor's Office described how the budget committee works and noted that citizens who may want to be involved need to know that it will require a significant amount of work over a short period of time. Council Member Robinson suggested that Staff propose a revised format for the finance and budget committees to include citizens on each committee. Council Members Armstrong and Carson agreed to serve on the finance committee. Council Member Carson suggested that, once they have revised the format of the finance committee, they could put out a public request for applicants from the citizenry.

Mr. Jasper noted that he sent the Council Members Carl Neu's draft of what was decided in the joint meeting with Park City. He explained that they need to finalize it and asked the Council Members to let him know if there are any changes they would like to make. He addressed the issue of clean-up on the east side of Highway 40 and reported that he talked to Park City Manager Diane Foster about it. She has proposed that Andy Beerman and Liza Simpson work on that for the City. He asked which Council Members might want to work with those two City Council people on the cleanup of the east side of Highway 40. Chair McMullin suggested that Council Members Armstrong and Robinson work with them. Council Member Ure stated that when they get through the cleanup issues and start talking about what is to be developed and not developed on the east side of Highway 40, the school districts should be involved in those discussions. Council Member Armstrong asked if they still anticipate meeting with the EPA. Mr. Jasper agreed that they should go meet with the EPA. Council Member Ure stated that he believed both the County and the City need to meet with the EPA together so they can all be on the same page with regard to what EPA is saying.

COUNCIL COMMENTS

Chair McMullin reported that the economic development task force will meet for the first time on May 31. She explained that on behalf of Summit County she has been serving on the Board of Trustees of Economic Development Corporation Utah. They had their quarterly meeting this week, and she also helped man a booth at a conference for EDCUtah in Long Beach, California. Chair McMullin explained that she and Council Member Robinson will meet with Chuck Klingenstein and Bea Peck prior to the meeting with the Snyderville Basin Planning Commission next week. They would like to discuss the joint visioning process with Park City in relation to Phase II of the General Plan update. Chair McMullin asked about the status of the sales tax refund related to the taxes collected by Park City and stated that she would like someone from the State Tax Commission to come and describe for the Council what happened, because there is still a misconception in the community that Summit County was at fault in that situation. She explained that neither Park City nor Summit County was at fault, but the error occurred at the State Tax Commission. Mr. Leavitt explained that the letter requesting the 90-day lookback for those taxes was sent to the Tax Commission. They have not indicated when the money will be sent to the County, but he believed it would come in the next couple of months. Mr. Jasper offered to have someone from the Tax Commission come and explain the situation to the

Council. Chair McMullin asked when the Council will see Chapters 1 through 8 of the revised General Plan. Community Development Director Patrick Putt explained that Chapters 1 through 8 have already been forwarded to the Council, but Staff is holding off until Chapter 9 with the neighborhood plans is completed. Chair McMullin confirmed with the Council Members that they would like to meet at the Richins Building next week, as they will be taking public input on the leash laws. She explained that she would like to hear from the community about how they think the issue should be handled, then decide as a body whether to create a community-based work group to look at it in greater depth.

Council Member Armstrong asked the media to help get the word out to the community that this item will be on the agenda for discussion next week.

Council Member Ure noted that they will be swearing in Mary Ann Trussell next week as County Recorder. He stated that he has received a number of telephone calls regarding the Recorder's fees, and he did not recall that the Council had taken action on those fees. Mr. Jasper offered to check into the fees and provide information to the Council next week.

Council Member Carson reported that she attended the community solar open house, and probably 200 people attended. She believed they would have great participation.

APPROVAL OF COUNCIL MINUTES
APRIL 10, 2013

Council Member Ure made a motion to approve the minutes of the April 10, 2013, County Council meeting as written. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

CONSIDERATION OF TAX APPEAL, SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT, WILL PRATT

Chair McMullin asked whose responsibility it was to have filed for the tax exemption on these parcels. Will Pratt with the Snyderville Basin Special Recreation District replied that he understood that the developer was supposed to have done it, but evidently it was not done. Chair McMullin asked who received the tax notices and why the taxes were not paid. Roger Knight, representing the developer, replied that he received the tax notices and tried to get the change recorded on a couple of occasions, but some clean-up items needed to be completed that they could never quite get done. He stated that, in a practical way, the Recreation District took possession of the trailhead quite some time ago, and the public has had the enjoyment of those services, but the recordation was just a housekeeping thing that they never quite got done.

Mr. Pratt clarified that one parcel is the trailhead parcel dedicated to the Recreation District, and the other is the Utah Open Lands parcel that was to be placed in a conservation easement. He explained that the Recreation District was notified about a month ago that these two parcels were subject to tax sale, so they started working immediately with Mr. Knight to get the issue resolved and the transfer completed. He explained that, if the parcels had been deeded years ago, they would not have accrued taxes, and they are asking for a waiver of taxes on the parcels.

Council Member Carson asked who will assume the deed on the open space parcel. Mr. Pratt replied that he understands the HOA will own the parcel, and Utah Open Lands will hold a conservation easement on it. Council Member Carson asked if that would reduce the tax liability to zero on that parcel. Mr. Thomas replied that the statute would take that into consideration and place a nominal value on the parcel. Mr. Knight explained that the open space parcel is shown as common area for the subdivision on the plat with an open space easement, and the Recreation District has trails running through it. Council Member Ure asked if the HOA will maintain it. Mr. Knight replied that it will remain as natural open space. Mr. Pratt confirmed that the Recreation District has been actively maintaining the trailhead parcel for years. Mr. Knight clarified that the deed to the Recreation District has now been recorded, but a few things still need to be done before the Utah Open Lands deed can be recorded.

Council Member Robinson stated that he did not understand why the developer did not pay the taxes on the open space parcel when the HOA was going to retain ownership of that parcel. Mr. Knight replied that he thought Utah Open Lands had recorded the easement. He noted that the parcel is platted as open space and referred to as open space in the development agreement with the County. It was always contemplated that it would be an easement granted to Utah Open Lands. Council Member Robinson asked if the plat itself creates a restriction on the 82 acres and says it is perpetual open space. Mr. Knight replied that the development agreement contemplates that, but he did not know what is on the plat. Council Member Robinson stated that he did not understand why Mr. Knight did not file an appeal of the taxes and say it was common area open space rather than ignoring the tax notices.

Council Member Armstrong asked if a development agreement containing a condition that a certain portion of the property is to be open space legally transfers the property into open space. He believed it was just an agreement, and if the owner were to breach the agreement, the development agreement would be void. Mr. Thomas explained that development agreements are usually recorded against the property, which would place an encumbrance on the property if the agreement were ever transferred, but the development agreement itself does not transfer title of the property. It acts as a restrictive use covenant until the County, which is the beneficiary, releases it. Council Member Armstrong asked if this development agreement has expired. Mr. Thomas explained that, if the agreement is recorded against the property, there is a survival clause with respect to the open space and other public amenities, and the public amenities do not expire. Council Member Armstrong asked if it was proper for the County to bill for taxes on this parcel if it was open space. Mr. Thomas replied that the County Assessor does not necessarily do a title search on every parcel of property. They look at the property and its highest and best use and fair market value and expect the property owner to come to the County if there are other restrictions on the property that would cause it to be of lower value and provide evidence why that is the case. Council Member Armstrong confirmed with Mr. Thomas that for the last five years, The Woods at Parley's Lane could not have used this parcel for anything other than open space.

Council Member Robinson asked about Parcel PP-38-A referred to in Ms. Rockhill's memo. Mr. Knight explained that it is an odd-shaped parcel next to the Southridge development and contiguous to the Recreation District parcel, and no one is certain why it was not included in the overall plat. He has sent a request to the Planning Department to see if it has any use as a building lot, and they indicated that it appears to be a lot of record. They asked him to fill out a lot of record application, and he will pay the taxes under protest. Council Member Robinson

noted that the open space parcel already seems to have been assessed at a considerably lower valuation, and he did not believe they should abate that tax but that the HOA should pay the tax. If it is a hardship to pay it within the next eight days, he would be willing to let them work out a payment schedule. The trailhead parcel has been used by the public as a Recreation District trailhead and not as an open space parcel for the benefit of the development. He believed that fits into a different category and would consider abating the taxes on that parcel. Mr. Knight explained that there are trails on the open space, and the developer spent money to build the trails and gave the space to Utah Open Lands for the public's benefit. Council Member Robinson explained that, even if the open space parcel had been deeded to Utah Open Lands years ago, there would still have been a tax bill on that parcel, and the HOA would still have had to pay some sort of taxes on that property. Because of the minimal amount of tax on that property, he was not convinced that the amount would have been significantly different if they had worked things out and had the deed recorded. Mr. Knight stated that he believed there may have been cases where open lands are not taxed at all. Council Member Robinson noted that the Council constantly hears from people who think they have a good excuse for not doing something they should have done. Mr. Knight argued that this land was used by the public for the public benefit from the beginning and was a condition precedent to the development agreement. Chair McMullin stated that, even though that is the case, there would have been some tax on the open space property. She stated that it is great that the developer did what they did, but they got increased density in exchange for trails and open space. It is not like they gifted it to the community. Council Member Robinson noted that Mr. Knight received a tax notice every year, and he just ignored it and pretended that it did not exist, which is not responsible behavior. He believed Mr. Knight should have resolved the issue with Utah Open Lands or the Recreation District, not just ignored it until it became a crisis.

Council Member Carson stated that she believes this is a situation where things were in process, and Mr. Knight was waiting to get everything in order, because he could not record it with the County until the conservation easement was in place. He believed that was out of Mr. Knight's hands and that Wendy Fisher was responsible for that.

Council Member Carson made a motion to cancel the tax sale on both parcels, waive the taxes due on the trailhead parcel in the amount of $1,426.10, and ask the Assessor's Office to look at the open space parcel and what the actual tax amount would have been on the open space parcel if the easement had been placed on it in 2006 and require that payment be made by a specific date on the condition that the conservation easement transfer be made. The motion died for lack of a second.

Council Member Ure proposed that they waive the taxes on the trailhead and that the developer pay the taxes on the open space.

Council Member Robinson commented that the conservation easement may have been out of the developer's control, but the developer could easily have moved the ownership to the HOA to mitigate the situation when he started getting tax notices. He noted that even open space has value, and it is not zero value.

Chair McMullin questioned why it would take seven years to record a conservation easement.

Council Member Armstrong made a motion to cancel the tax sale for Parcels WPL-TH-AM and WPL-OL-AM, to waive the taxes on Parcel WPL-TH-AM, and that all taxes with accrued interest and penalties and interest on Parcel WPL-OL-AM be paid by the date of the tax sale conditioned upon the recording of the conservation easement.

Council Member Robinson stated that he did not believe it was necessary to condition payment of the tax on recording the conservation easement. Although that needs to happen, they can assume that the developer has committed legally to do that. He explained that the developer does not need the Council's permission to pay the tax and cancel the sale.

Council Member Armstrong withdrew his motion.

Commissioner Robinson made a motion to cancel the tax sale on Parcel WPL-TH-AM and that the property taxes be abated, and to cancel the tax sale on Parcel WPL-OL-AM based on the condition that the taxes are paid in full, including penalty and interest, prior to the tax sale date. The motion was seconded by Council Member Armstrong and passed by a vote of 4 to 1, with Council Members Armstrong, McMullin, Robinson, and Ure voting in favor of the motion and Council Member Carson voting against the motion.

CONSIDERATION TO REPEAL THE 2012 TAX INCREASE TO THE MUNICIPAL FUND AND COUNTY SERVICE AREA #6 FUND, DAVID BRICKEY, SUMMIT COUNTY ATTORNEY

Chair McMullin recalled that the tax increase to the municipal fund and Service Area #6 was stayed by a petition drive, and the question is whether the Council wants to put the tax increase proposition on the ballot in 2013 or 2014, even though it would not be retroactive. She noted that the Council proposed the tax increase again for 2013, and it was her opinion that there is no reason to keep the 2012 tax increase in place and go to the expense of putting it on the ballot.

Council Member Carson noted that they may have survived without the tax increase in 2012, but it was because they robbed Peter to pay Paul in order to do that.

Mr. Thomas explained that the Council could vote to repeal the tax and direct Staff to prepare the appropriate resolution for signature by the Chair. If they choose not to repeal the tax, no action is required, but they would need to decide what to do to put it on the ballot.

Council Member Carson made a motion to repeal the 2012 tax increase and direct Staff to prepare an appropriate resolution for the Chair's signature. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

PUBLIC INPUT

Chair McMullin opened the public input.

Josh Mann asked if there will be a public hearing on the Council's participation in the Wasatch Summit group or if it will just be a work session item. Chair McMullin explained that the County plans to go forward with it, but they have not yet finalized the agreement or agreed to a specific amount. She asked if it is necessary to hold a public hearing. Mr. Thomas replied that

the Council is not required to, but they can if they would like to. Mr. Mann stated that he would like to provide input to the Council Members who will serve on the committee. He stated that he also filmed the Ski Link meeting about three months ago, and it was obvious that almost all the people at the meeting were against Ski Link. He explained that major corporations watch his videos, and a large public relations firm watched the Ski Link video a huge number of times. He asked that those who participate in this committee pay attention to how this could impact Ski Link. He stated that, if he were a lobbyist and there is a committee with a large number of people and interests, it would be easy to slip things in. He asked that they look for Ski Link to come up. Chair McMullin explained that is not a focus of this group, but it does come up in the stakeholder meetings, and she did not believe the Summit Wasatch group was meant to resolve that issue. She believed the Ski Link issue would mature before the Summit Wasatch issue, and it would have to go to the Planning Commission and County Council for public hearings before both groups. Council Member Carson stated that she hoped participation in the Wasatch Summit would give the Council the tools to evaluate proposals that come before them. Council Member Robinson explained that the Wasatch Summit group is not anti-Ski Link. The purpose of the Summit is to bring all the stakeholders together to study things holistically and try to come up with alternatives. He hoped proponents of things like Ski Link would stand down so the broader process involving a lot of stakeholders could go forward.

Chair McMullin closed the public input

PUBLIC HEARING AND POSSIBLE APPROVAL OF THE ALL WEST/UTAH INC. FRANCHISE AGREEMENT; DAVE THOMAS CHIEF CIVIL ATTORNEY

Mr. Thomas recalled that the County has been going through the process of updating franchises specific to cable TV. This is the third and final entity in the County that would need a franchise. This agreement follows the same outline as the other two franchise agreements, but All West has brought up an issue that he believed was significant enough to bring to the Council. The issue is the definition of gross revenue upon which the franchise fee is based. All West believes the definition of gross revenues is overly broad, because it includes leased access revenues and ad sales. His research shows that subscriber fees seem to be the basis of the federal statute, but that does not preclude leased access and ad sales from being included in gross revenues. He explained that leased access revenues are revenues from other carriers who want to lease lines that are already in the ground. They result when a company opens its system to another company that would likely be a competitor and lease that company excess capacity on their lines. The question is whether the County should charge a franchise fee for lease revenues, because if the entity leasing the lines provides cable TV service, they should also have a franchise agreement with the County, and the County would be double taxing for the use of the same right-of-way space. He noted that leased access revenues are rare in the industry. Mr. Thomas explained that the other issue is ad sales, because someone might buy an ad for the entire system, which includes more than Summit County. He questioned how they would portion out those revenues to each jurisdiction. He noted that the ad sales revenue from Comcast is about $2,000 per quarter. If they decide to limit ad sales to those in Summit County, they will have to change the franchise agreements for the other two carriers.

Matthew Weller with All West explained that All West Communications is a regulated entity managed by the State Public Service Commission that must meet both federal and State laws, and All West/Utah is a non-regulated entity, because cable TV is not regulated. He explained that All West Communications owns all the facilities in the regulated area, and All West/Utah pays a lease to All West Communications. He stated that the leased revenue referred to in the franchise agreement will never occur, because All West/Utah does not own the facilities. With regard to ad sales, All West does not break them out by jurisdiction, and there is not much money in ad sales for a small system like All West.

Council Member Robinson asked if Mr. Thomas is proposing that, if they change the definition of gross revenues in this franchise agreement, they would have to renegotiate the franchise agreements with the other two entities. Mr. Thomas replied that they would issue a change, because the franchises with competitors must be on equal footing. He explained that he is trying to leave it up to the Council to make the policy call regarding what constitutes gross revenues. He clarified that none of the three entities appears to have leased access revenues, and the question is whether the Council believes it is fair to include ad sales in gross revenues. Council Member Robinson recalled that they were quite adamant about including all revenues derived directly or indirectly by the grantee from the operation of the cable system when they negotiated the Wireless Beehive agreement. It seemed that they would be watering that down by saying that gross revenues are remuneration received directly from subscribers. Mr. Thomas explained that language has been proposed by All West.

Council Member Armstrong stated that he looked at Seattle's franchise agreements with a number of companies as well as New York City, Colorado Springs, Ft. Collins, and Fairfax County, and he could not find any that do not include leased access and advertising in the gross revenues definition. Mr. Thomas agreed that is the standard definition that is used. Council Member Armstrong cautioned against making a decision today that would alter what seems to be a standard term of the contract based on the amount of revenue derived from that industry today for a business that is evolving on a constant basis. Television is changing more and more, and he did not want to make changes to standardized contracts that would affect other franchise agreements where the parties have already agreed to the terms. Mr. Thomas explained that he brought this to the Council so they could have this discussion, and they can certainly keep the original language in the agreement. He felt it was fair to give All West an opportunity to discuss their viewpoint with the Council.

Council Member Robinson asked what would happen if All West does not sign the agreement. Mr. Thomas replied that they would not be allowed to use the County right-of-way for cable TV service.

Chair McMullin opened the public hearing.

Brad Iverson asked if the franchise agreements have a commitment with regard to expanding coverage. He explained that they need more band width each year just for normal use. It seemed that with the revenue cable providers get on an ongoing basis that they cherry pick the most populous areas. He believed there should be a commitment for them to expand and cover more areas so much of Summit County is not left behind while certain areas are well served. Council Member Carson explained that the County is prohibited from having franchise agreements for internet service. Mr. Thomas explained that the County cannot make a requirement in a

franchise agreement that a provider must provide internet access with the cable service. The federal government has pre-empted the counties from having anything to do with internet broadband. Council Member Carson asked if it would be possible to include expansion of internet service into an area in development agreements. Mr. Thomas replied that they could, but that would have to be put into the development code.

Chair McMullin closed the public hearing.

Council Member Robinson made a motion to approve a franchise agreement for All West/Utah Inc. for cable television using the identical language as the other two franchise agreements.

Mr. Weller commented that he believes sections of the agreement are obsolete, because the market and competition are changing. For instance, he noted that people will not come to the County to complain about cable TV, because the market will just drive them to switch to a competitor. He suggested that they look into changing some of those items in the future.

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

PUBLIC HEARING, POSSIBLE DECISION – HAMILTON SPECIAL EXCEPTION REQUEST FOR LOT OF RECORD STATUS, KEVIN HAMILTON, APPLICANT – TIFFANIE NORTHRUP-ROBINSON, COUNTY PLANNER

Mr. Putt presented the staff report and explained that Mr. Hamilton is requesting a special exception regarding a lot of record to be able to construct a single-family dwelling and further subdivide the property. He explained Staff has taken the position that the property is not a legal lot of record, and the special exception would allow the applicant to construct a single-family home and move forward with potential future subdivision of the property. Council Member Carson verified with Mr. Putt that subdivision of the property is not a part of this request. Mr. Putt explained that the property is on Bitner Ranch Road east of the first Preserve entrance off of Bitner Ranch Road. The parcel is approximately 41 acres in size and currently zoned Rural Residential (RR). On June 25, Mr. Hamilton submitted a lot of record determination for the property which was reviewed by Staff and found to not meet the necessary standards for a legal lot of record. He reviewed the criteria for determining a legal lot of record. He noted that the criteria for granting a special exception and Staff's analysis of the applicant's special exception request are also contained in the staff report. Staff recommended that the County Council deny the special exception request based on the conclusions of law in the packet.

Kevin Hamilton, the applicant, stated that in 1993 the Bitners went bankrupt and were ordered to sell the property. He purchased the property from them, and he was unsure what was wrong with purchasing it directly from the Bitners. He stated that he does not know what a lot of record is, but he filed and has paid taxes on the property since 1993 and left it open so far. He explained that he would like it to become a lot of record so he can put some houses on the property. He purchased the property as an investment for the future and would like to be able to do something with it. He did not understand where he went wrong and is trying to rectify the situation.

Chair McMullin opened the public hearing.

Reggie Hyde from Silver Creek Estates stated that he is familiar with this property and wondered if the court ordered the sale of this property. He explained that Mr. Hamilton did not buy the property until June and did not have the ability to comply with the time constraints that existed at the time. Based on that, he would lean toward letting Mr. Hamilton have the lot of record. However, the applicant says he wants the lot of record for the intent of having his own dwelling and dividing the property into 10-acre lots, which is a development issue and an entirely different thing. Mr. Hyde stated that he believes the County needs to bring in Weber Basin Water and re-evaluate the water situation in the County before anyone builds more homes, because they do not have the water. He would suggest that the Council grant the lot of record because of the County's time restraints but wait until they have more information about the development.

Eileen Galooshian asked if the Council is making a decision about the legal ownership of the property. Chair McMullin explained that it has to do with the fact that a determination has been made that this is not a lot of record. If that is the case, this parcel would be undevelopable for anything. The applicant is requesting that determination be overturned because of unique circumstances. The Council will only determine whether this is a lot of record tonight. This has nothing to do with subdividing the lot or numbers of other homes. If it is a lot of record, the applicant would be entitled to one single-family residence, and any subdivision beyond that would go through another public process.

Bob Olson stated that he understands the legal description he has heard so far and he was concerned that someone could come into this area, buy a large piece of property like this, and not have the ability to build a home on it. People might say Mr. Hamilton should have known that before he purchased his property, but he was concerned that Mr. Hamilton has no right presently to build a home on the property he purchased when it is as large as it is.

Dan Fuller stated that he lives just south of this parcel and asked what would happen with the ability to access the trails that run through Mr. Hamilton's property if lot of record status were granted. Chair McMullin asked if they are dedicated trails or if people are trespassing on Mr. Hamilton's property. Mr. Hamilton replied that they are trespassing on his property. Chair McMullin stated that it would be up to the landowner to decide whether to grant access. Council Member Robinson explained that 10 years of continuous use creates a public right-of-way. Mr. Hamilton explained that the gas pipeline runs through the area where the trails are located, so trail access would likely continue. He explained that The Preserve has put a sign on his property asking people to go further south to access the Cobblestone area, because they have been crossing The Preserve area. He stated that he could work something out with people. Chair McMullin explained that access is a legal and factual determination, but without that determination, use of those trails is considered to be trespassing.

Debra Scammon expressed concern about the traffic on Bitner and the trespassing that goes by their fence to the north of the property. She stated that there is a safety issue related to traffic on Bitner Road, which is a private road. She stated that a lot of service traffic is attracted into the Glenwild area. Large trucks often come by and miss their turn, then try to turn around on that narrow road. The more development occurs, the more traffic there will be, and the greater the problem will be. Even with one more residence, traffic is a potential issue.

Brad Iverson commented that this is probably not the first time a lot of record issue has come up. He suggested that the Council be consistent and treat all residents in a similar fashion for similar situations.

Mr. Putt reported that he received e-mails in opposition from Steve Sellinger, Mark Jennings, Robert Baker, Cedar Jordan, and Ken Fisher, which have been forwarded to the Council.

Chair McMullin closed the public hearing.

Chair McMullin stated that she is concerned when someone has a parcel of this size and cannot build a single-family home. She noted that the special exception process was created to deal with lots of record because there have been so many issues with them in the County. She explained that every time they see a lot of record determination, Staff recommends against it, because Staff's responsibility is to apply the Development Code to a set of circumstances, and the special exception process was created to be an exception to those circumstances.

Council Member Ure asked if this parcel was divided off from another parcel. Mr. Hamilton replied that he and the Bitners went out and marked off the boundaries, and that was what he bought. He was not certain where the lot came from previously. Mr. Putt stated that he did not have the information to speak to whether this was an illegal subdivision of a lot. Staff has only been able to determine that a warranty deed was recorded which was the first documentation associated with this legal description. Council Member Ure asked if Mr. Hamilton is paying greenbelt taxes on this parcel. Mr. Hamilton replied that he did not know, but it is listed as farmland. Council Member Ure asked if Mr. Hamilton is raising hay or using it for other agricultural purposes. Mr. Hamilton replied that he is not, and it has been fallow since he purchased it.

Council Member Robinson asked if this parcel was called out separately when the court ordered the sale of the property or if a lot of parcels were sold. Mr. Hamilton replied that he did not know. As far as he knew, the court ordered the sale of property until the Bitners could make enough money to pay their bills, and he did not believe the court ordered the Bitners to sell this specific piece of property. Council Member Robinson asked Mr. Thomas to remind the Council Members what was done in Eastern Summit County to resolve the lot of record issues. Council Member Robinson reviewed for Mr. Hamilton what the correct process would have been to create a legal lot of record at the time Mr. Hamilton purchased the lot. Mr. Thomas explained that the Eastern Summit County Development Code includes four remedies for lot of record issues. One is a lot line adjustment if an applicant owns parcels side by side. Second is a recombination of parcels and then subdividing them. Third would be to get a plat amendment and expand the subdivision to include the new parcel. And the fourth remedy would be to get a special exception. Council Member Robinson noted that the first three remedies would not apply in this circumstance.

Council Member Carson expressed concern that the tax status on this property has been agricultural since Mr. Hamilton purchased it, but it has not been used for agricultural purposes. Council Member Robinson explained that whether this property meets the qualifications for greenbelt is not the subject of this decision, and this sort of thing happens a lot. He noted that the applicant would have to pay five years' back taxes when he takes the property out of greenbelt.

Council Member Armstrong asked if anything in the facts before them clearly indicates that the Council cannot grant a special exception. Mr. Thomas replied there is not, and the idea of a special exception is to work equity. Council Member Armstrong stated that he would be inclined to grant the special exception.

Council Member Robinson made a motion to grant the special exception to allow Parcel SS-16-B to be constituted as a lot of record with the following findings:
<u>Findings</u>:

1. **The special exception is not detrimental to the public health, safety, and welfare.**
2. **The intent of the Development Code and General Plan will be met.**
3. **The applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title.**
4. **There are equitable claims or unique circumstances warranting the special exception.**
5. **This property meets the zoning and was innocently purchased at a time when the requirement to go through the subdivision process had just been adopted by the County.**

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

The County Council meeting adjourned at 7:40 p.m.

_____ _____

Council Chair, Claudia McMullin ***County Clerk,*** Kent Jones

MINUTES

SUMMIT COUNTY

BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 22, 2013
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session from 12:30 p.m. to 1:45 p.m. for the purpose of discussing litigation. Those in attendance were:

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

Robert Jasper, *Manager*
Brian Bellamy, *Personnel Director*
Dave Thomas, *Deputy Attorney*

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

WORK SESSION

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

County Engineer Derrick Radke introduced Leslie Crawford, the County's new senior engineer who will soon fill his current position as County Engineer.

- **Report on Salt Lake-Park City UTA Service and proposed spring-fall service level, Kevin Callahan, Public Works Administrator**

Public Works Administrator Kevin Callahan reported that Council Member Armstrong suggested that he share some information from the recent Joint Transit Advisory Board meeting. He recalled that Summit County has been cooperating with UTA and Park City on regional transit service since October 2011, and the initial concepts have been revised substantially. He explained that the fare has dropped substantially, and when people use the service, they receive two hours of free access to any UTA transit services. He reported that the ski resorts have been very cooperative and have issued cards to every employee to allow them to utilize this service. He stated that they are getting great cooperation from people coming up the hill but need to increase the ridership down the hill. There are 1,000 residents in Summit County who are staff, faculty, or students at the University of Utah, and it is a matter of encouraging that ridership. The County underwrites the cost of service by $235,000 annually. Ridership increased this past winter by about 50%, and people are becoming more familiar with the service. He explained that they are working on trying to tie into the TRAX airport service.

Chair McMullin asked if there is a goal to break even. Mr. Callahan replied that is the goal of the service, but it is not typical. Council Member Armstrong noted that most bus service is subsidized by up to 40% to 50%, and UTA is subsidized by about 80% currently. Mr. Callahan stated that they hope to get the subsidy to a manageable level and build the ridership.

County Manager Bob Jasper clarified that the subsidy comes from a dedicated sales tax fund, not from the County's general fund. Mr. Callahan also reviewed how the business impact fee functions for transit within the Snyderville Basin.

Mr. Callahan reported that the County is currently working with Park City to look at integrating compressed natural gas (CNG) buses into the vehicle fleet and explained that, when they store fueled vehicles in a building, different conditions apply to different types of fuels. He explained that they will hire a consulting firm to look at the Iron Horse facility and see what needs to be done to physically modify the portions of the building where they store CNG buses. He believed they would be asking for bids for CNG, electric, and hybrid buses by November this year. When they acquire them in the spring of 2016, they will have the ability to integrate them into the fleet. He explained that Park City has agreed to do this, even though CNG is not a strategy they have implemented and some of their elected officials oppose it. They are working with the County as partners to help the County achieve its sustainability goals. He explained that they are working with the gas station at Silver Creek to install CNG facilities to support CNG buses and other CNG vehicles in the area.

Mr. Callahan explained that he hopes to secure $2 million in federal funds through a new federal grant process to help build the new transit center in Kimball Junction, and he believed the County is in a good position to receive those funds. If they do, they should be able to build the facility next year.

- **Restaurant Tax Recommendations**

Chair McMullin recalled that the application schedule was changed this year so that all applicants for the various funding sources apply at the same time. She noted that the Council will see the recommendations from each committee in the next couple of weeks and wait to approve the recommendations until they have seen what all the organizations have recommended. She explained that the applicants have been informed that the allocations will not be made until the middle of June.

Jeanne Lehan, Chair of the Restaurant Tax Advisory Committee, provided background on the committee and the application review process. She reported that they received 46 applications, 7 of which were new to the restaurant tax process, with 22 applications submitted jointly with special events and 14 jointly submitted with the RAP cultural tax. She stated that they met with both organizations to review the joint applications to be sure that applicants clearly understood what each grant would cover and that they could not apply for other grants for the same thing. She described the process of reviewing the applications, interviewing the applicants, ranking the applications, and provided the committee review and recommendations.

The Council Members and Ms. Lehan discussed that the 5% penalty has worked to help people get their financial information from previous years submitted on time. Ms. Lehan confirmed that the fund has continued to grow and remained strong the last few years.

Council Member Ure asked if the committee asks applicants to set goals to improve their organizations from year to year. Ms. Lehan explained that they have had philosophical discussions about that but have not reached the point of discussing it with applicants. She noted that they have included a return on investment calculation in the application which helps educate applicants on how many people come, how much money that generates, and what that means.

Council Member Robinson asked about the recommendation regarding the North Summit Recreation District. Ms. Lehan explained that there was ongoing concern on the committee about maintenance and how fencing and fields would be funded. They are sympathetic about funding things outside of Park City that may not have a large tourism component right now but could in the future. However, they do not want to continue to fund year after year just to maintain those facilities.

- **Discussion with Snyderville Basin Planning Commission, Phase II General Plan, Kimber Gabryszak**

Chair McMullin explained that she would like an update from the Planning Commission about what is happening with Chapter 9. She reported that she and Council Member Robinson met with Commissioners Chuck Klingenstein and Bea Peck and County Planner Kimber Gabryszak to review the Phase II RFP, joint visioning with the City, economic development, a joint economic task force with the City, and the greater Park City compact to be sure they are heading in the same direction. She also asked Commissioner Klingenstein to review what they discussed on Monday and what they expect from the RFP.

Planning Commission Chair Colin DeFord reported that the Planning Commission has been through two of three scheduled public hearings on Chapter 9. He noted that there seems to be some confusion about what they are looking for, because they are getting quite a bit of input about Code requirements, and they have explained that they are looking for input regarding the description of the neighborhood and the boundaries. He reviewed comments received regarding changing the neighborhood boundaries relative to the Bitner Ranch. They are also looking for input on neighborhood goals, design principles, and any special considerations unique to the neighborhood. He explained that principles that apply to all neighborhoods are addressed in Chapters 1 through 8, and Staff was asked to include a preamble to Chapter 9 explaining that so they could remove language that is redundant for all neighborhoods.

Chair McMullin asked where they are in the process. Commissioner DeFord replied that they are two-thirds through the neighborhood public hearings. He commented that they also had to help educate people on what is coming in Phase II, because the public did not feel there were enough teeth in what they are currently recommending.

Chair McMullin asked what will be included in Phase II. Community Development Director Patrick Putt explained that is where the future land use planning will occur. They will look at future land use patterns and economic strategies, which comes under a broader umbrella of sustainability. Chair McMullin asked about the relationship between future land use planning and economic drivers and what they need to know to plan for the future. Mr. Putt explained that, to move forward on future land use decisions, they need an accurate snapshot of where the economy is right now and what the trends are. They will use that information to determine whether they have the land resources and infrastructure to sustain where they are now and where they are headed and make the necessary decisions. He believed they have made broad assumptions about the current economy, but they need an accurate measure of where they actually stand and how the economy is evolving. They need to look at opportunities to bring in complementary outside sources of income on which they can capitalize and measure that against where they would go and whether there is the space to accommodate those uses. If there is not space, they may need to look at other strategies to address that. He stated that they met with Park City and Wasatch County a couple of weeks ago to start compiling a map of entitlements, built and not built, which was very telling in seeing that they need to be smarter about using land resources and providing infrastructure. He did not believe they could provide a good product without answering some basic questions, and the RFP would ask someone to take the existing information from other jurisdictions and glean from it what they need to know in order to move in a smart direction. He explained that right now they are just giving everything their best guess. He believed that process could be completed by early fall so they can put the rest of the General Plan together by early spring next year. Chair McMullin asked what the product from the RFP would be and what they would do with it. Mr. Putt explained that is outlined under the scope of the project on page 2 of the RFP.

Commissioner DeFord noted that one detractor to businesses locating here is technology, as they have limited band width. He suggested that they include what it would take to get better band width in the Snyderville Basin, because technology companies look at how much band width is available and how much it will cost. Council Member Armstrong agreed that is very important to businesses coming in that would bring in tax dollars without putting a lot of pressure on the infrastructure, and they need the technology to support that. Council Member Carson agreed and

suggested that they work with local providers to be sure that conduit is available when road work is done so they do not have to dig up the roads again, which is a huge cost.

Chair McMullin recalled that one question Staff wanted answered is whether they also want to gather data for Eastern Summit County as part of this RFP process. Chair Ure stated that this is all one County, and they need to find out where all of their talents and bases are at the same time. Chair McMullin stated that, particularly with regard to economics, if they are gathering this type of information, they should take full advantage of it and gather it for eastern Summit County as well.

Mr. Putt explained that they want the consultant to not only gather the information, but they want him to present it in a way that helps them understand what it means. That will directly translate into the land use recommendations and economic decisions.

Chair McMullin asked how this RFP would assist Alyson Weyher in helping the County create an economic development plan. Ms. Weyher replied that they have discussed how to interface with this effort, and she sees this as being very complementary with developing an economic diversification strategic plan. She agreed that most of the data already exists, but it takes time to compile it, and the talent is required to put it into a format that makes sense. She believed this would be a big help to the economic diversification process. She felt it was important to not only know where businesses would go but also where the employees would come from. She explained that for 40% to 50% of the businesses in Summit County, more than 60% of their employees live outside the County, and those concerns also need to be addressed. She would like to put together some task forces to develop a plan that everyone can buy into.

Chair McMullin stated that she would like to see all these efforts to mesh at some point. Council Member Armstrong stated that it is exciting to see that many of these efforts are complementary, and once they develop the data, they can determine how to fold it into all these efforts. Chair McMullin stated that she wants to be sure they are complementary rather than conflicting.

Council Member Robinson believed it would be important to get comment from some of their partners, such as Park City, the mayors in eastern Summit County, and the Eastern Summit County Planning Commission. Chair McMullin felt they could do that, but she did not want that to hold up the process. The Council Members discussed the importance of informing and getting input on the RFP from the mayors. Planner Gabryszak requested that comments be received by Staff by the middle of next week so they can post the RFP by June 1.

Chair McMullin requested that Planner Gabryszak explain the Mountainlands Association of Governments (MAG) study and why it does not impact the RFP. Planner Gabryszak explained that MAG is doing a broad economic analysis of Utah, Wasatch, and Summit Counties that will not get into the type of detail Summit County is looking at. If Summit County wanted that study to go into greater detail, they would have to provide significant funding, and the study would not be completed until the end of this year. If the County wants to move forward quickly and with information tailored to the County's needs, it is best to move forward separately.

Chair McMullin asked when the Planning Commission will have the neighborhood plans ready to send to the Council. Mr. Putt replied that the last neighborhood public hearing is on Tuesday, May 28, and they will take action at the first Planning Commission meeting in June.

Council Member Armstrong commended the Planning Commissioners on their work on the General Plan amendments and stated that he is not receiving a lot of phone calls or seeing a lot of controversy in the press, which he believes indicates that they are doing a good job. He thanked them for keeping that pressure off the Council and getting the job done.

Council Member Carson asked if Code amendments would be made at the same time as the General Plan amendments as previously discussed so there will not be any gaps in the Code. Mr. Putt replied that he did not contemplate making Code changes simultaneously with adopting the General Plan, but Staff has a list of things that need to be changed in the Code, and that will come to the Council when Phase II is completed. He stated that he would like to amend the Development Code comprehensively one time. Council Member Robinson recalled that they had discussed dual tracking the General Plan and Development Code amendments, and he believed people are assuming that they will approve the General Plan and Code amendments at the same time, even if it is not a total Code rewrite, to avoid gaps created by taking what is perceived to be a regulatory General Plan and removing the regulatory language without the Code being corrected to replace the regulatory language removed from the General Plan. He believed the citizens would be concerned if they do not make those changes simultaneously. Commissioner Franklin stated that Staff has tracked any necessary Code language as they have made changes to the General Plan, and he believed changes to the Code could be presented when the General Plan is adopted. Chair McMullin agreed that it would make sense to amend the Development Code to reflect the changes to Chapters 1 through 9 of the General Plan and do a comprehensive amendment to the Development Code after Phase II. Otherwise, the gap would be too long. She did not want a year and a half to go by with the General Plan being out of sync with the Development Code while they wait for Phase II. Commissioner Lawson felt it would be important for the Development Code to reflect what is important to the neighborhoods so they have enforcement in the Code to go along with what the neighborhoods expect.

Chair McMullin suggested that they meet with the Snyderville Basin Planning Commission again in six to eight weeks.

Commissioner Franklin asked if the Council is working with The Boyer Company to reach a resolution on the development agreement. Chair McMullin replied that she, Council Member Ure, and Staff will meet with Boyer next week to continue discussions with them. Planner Gabryszak confirmed that Staff has not received any further requests from Boyer for approval of another building.

REGULAR MEETING

Chair McMullin called the regular meeting to order at 3:20 p.m.

- **Pledge of Allegiance**

OATH OF OFFICE FOR MARYANN TRUSSELL TO FILL THE UNEXPIRED TERM OF THE COUNTY RECORDER, EXPIRING ON DECEMBER 31, 2014

Chair McMullin administered the oath of office to Maryann Trussell, County Recorder, to fill the unexpired term of the former County Recorder.

REQUEST TO PURCHASE TAX SALE PROPERTY

Kathryn Rockhill with the County Auditor's Office explained that the subject property was on last year's tax sale and did not sell. Albert Fitzgerald owns the property adjoining this property and thought it was in his original purchase.

Mr. Fitzgerald stated that when he purchased his lot in 1998, the Realtor reviewed the drawings and told him this lot was supposed to have been included in Lot 90. He did not realize until 2006 that this lot was never added back into Lot 90. He stated that he is still making payments on Lot 90 to Mr. Collingswood and is about to pay it off. He only realized when he saw the tax sale notice that the tax notices have been going to Mr. Collingswood the whole time. He stated that his lot is just under 20 acres, and he understood he must have 20 acres in order to build a cabin, so this small lot will bring his total acreage to 20 acres.

Ms. Rockhill explained that Mr. Fitzgerald would like to purchase the lot from the County for the price of taxes, penalties, and interest owed in the amount of $1,876.58. She clarified that the County owns the property because it did not sell at last year's tax sale.

Council Member Carson stated that she understood when the County disposes of property it must be for fair market value and asked about the value of the property. Ms. Rockhill replied that the property is valued at $14,000. However, when the County acquires property through tax sale, according to the Code they are only required to charge the taxes, penalties, and interest, not fair market value. She explained that anything the County receives beyond that would go to the State as unclaimed property. Deputy County Attorney Dave Thomas confirmed that this is an exception to the normal property requirements under the State Code. Council Member Armstrong confirmed with Mr. Thomas that the County would not be liable for failure to try to obtain fair market value, that the tax deed would be like a quit-claim deed, and that the new owner would be subject to any encumbrances on the property.

Council Member Carson made a motion to grant permission to Mr. and Mrs. Albert Fitzgerald to purchase ECR-205-A in the amount owing of taxes, penalties, and interest of $1,876.58. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF THE SILVER CREEK UNIT I FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ADOPT THE ORDINANCE

Council Member Armstrong made a motion to approve the following Findings of Fact and Conclusions of Law as delivered to the Council Members for the rezone of Silver Creek Estates Unit I East:

Findings of Fact:

1. **Silver Creek Estates is a large-scale development located north of the junction of Interstate 80 and US Highway 40 within the Snyderville Basin, Summit County, Utah. The development was approved through a series of subdivision plats that were recorded prior to the establishment of zoning regulations within Summit County (the "County"). As there was no zoning at the time, the plats were legally recorded, and the parcels created thereby are considered to be legal lots, each with a**

right to develop.

2. **The subdivision plat for Silver Creek Estates, Unit I, was approved and recorded on March 3, 1965, as Entry No. 100552 in the Office of the Summit County Recorder ("Unit I"). Unit I provides for a mix of multi-family residential, commercial and industrial uses. Since these uses were specifically referenced in a note on the subdivision plat, it was the historical practice of the County for many years to recognize these uses on the plat as "vested" even though Silver Creek Estates is located within the RR Zone.**
3. **While the uses were identified on the Unit I subdivision plat, the "use table" was located within the Declaration of Reservations and Protective Covenants, Silver Creek Estates Unit "I", which were recorded as Entry No. 100553 in the Office of the Summit County Recorder on February 25, 1965 (the "CC&R").**
4. **Unit I is divided into two portions by Silver Creek Road. For ease in identifying these distinct areas, those legal lots located east of Silver Creek Road will be referred to as "Unit I East," while those legal lots located west of Silver Creek Road will be referred to as "Unit I West."**
5. **Many of the legal lots within Unit I East have been developed as commercial. The legal lots within Unit I West have not been developed.**
6. **On December 6, 2011, and subsequently on April 30, 2012, the Utah Property Rights Ombudsman issued two advisory opinions that stated in part that (a) the County is not bound by the CC&R "use table," and (b) the uses designated on a subdivision plat do not "vest" the platted lots with that particular use (the "Advisory Opinions"). <u>See</u> *Mount Advisory Opinion, issued December 6, 2011* (The Office of the Property Rights Ombudsman); *HJ Silver Advisory Opinion, issued April 30, 2012* (The Office of the Property Rights Ombudsman). These Advisory Opinions went on to state that the County may be nonetheless obligated to recognize the uses within the CC&R "use table" and on the plat note under the doctrine of zoning estoppel.**
7. **As a result of these Advisory Opinions many of the owners of legal lots within Unit I have filed with the County applications for vested rights determinations pursuant to Code §10-9-16, which determinations can be utilized to evaluate zoning estoppel claims on a case-by-case basis (the "Vested Rights Applications").**
8. **In the midst of these Vested Rights Applications, the County received an application concerning two legal lots within Unit I East for a rezone from the RR Zone to the CC Zone (the "Property Owner Rezone Application").**
9. **In the process of evaluating the Vested Rights Applications together with the Property Owner Rezone Application, the DCC decided that instead of a piecemeal approach to the Unit I plat issue, it would be better to proactively rezone the area to ensure that owners had stable zoning which comports with the historical uses. To that end, the DCC made application to comprehensively rezone Unit I to the CC Zone (the "Comprehensive Rezone Application").**
10. **The Snyderville Basin Planning Commission (the "Planning Commission") reviewed the Comprehensive Rezone Application in two work sessions (August 12, 2012 and September 11, 2012), held a public hearing on October 9, 2012, and then forwarded the Comprehensive Rezone Application to the Council on December 18, 2012, without a recommendation, because the Planning Commission deadlocked 3-3 over whether Unit I East should be rezoned to the CC Zone or the Neighborhood Commercial Zone District ("NC Zone"). Due to concerns over the adequacy of infrastructure within Unit I West, the Planning Commission did not believe that a**

rezone of that area should be considered at this time.

11. The Council held a work session on February 20, 2013, and a public hearing on April 17, 2013, on the Comprehensive Rezone Application.

12. The DCC presented the following reasons for approval of the Comprehensive Rezone Application:

- **a. The Unit I subdivision plat has been treated as commercial for most of its history.**
- **b. Many legal lots within Unit I East have been developed as commercial so that the area is commercial in nature.**
- **c. For long-range planning, the location may be appropriate for commercial development more than residential development based on access, freeway noise, interchange capacity, topography, and existing commercial uses.**
- **d. The continuing applications for vested rights determinations and Ombudsman advisory opinions may result in a haphazard and leapfrog pattern of development, making the application of the RR Zone to all other legal lots within Unit I East impractical.**
- **e. Business owners should have stable and reliable zoning.**

13. The Summit County Health Department has raised concerns over the development of legal lots within Unit I West due to the high water table and an inability to use conventional septic tanks. The Snyderville Basin Water Reclamation District does not presently service Silver Creek Estates. The nearest sewer trunk line is two thousand (2,000) feet away and would need to be extended to serve Unit I West.

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

<u>Conclusions of Law</u>:

1. UCA §17-27a-503 provides that the Council may amend the zoning map after the Comprehensive Rezone Application has been submitted to the Planning Commission for a recommendation. UCA §17-27a-502 requires the Planning Commission hold a public hearing with appropriate notice. We conclude that the Planning Commission held such a hearing on October 9, 2012, with appropriate notice. The Planning Commission deadlocked as to a recommendation and sent the Comprehensive Rezone Application forward to the Council for action. It is within the discretion of the Council to adopt, reject or make revisions that it deems appropriate to the Comprehensive Rezone Application. UCA §17-27a-502(2).

2. Due to issues over sewer/septic and road infrastructure, the Council concludes that it is premature to consider a rezone for Unit I West. The Council concludes that a rezone from the RR Zone to the CC Zone for Unit I East is ripe and will proceed with its conclusions as they relate to the Unit I East Rezone.

3. Code §10-7-4(C)(2) requires that when an amendment to the Zoning Map is proposed by the County Manager (which in this case is through the DCC), the provisions of Code §10-7-4(C)(1)(c) apply. Those provisions impose four requirements for approval of a Zoning Map amendment:

- **A. The amendment complies with the goals, objectives and policies of the general plan, the neighborhood planning area plan and the land use plan maps.**
- **B. The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community.**

C. The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapters 3 and 4 of this title.

D. The amendment does not adversely affect the public health, safety and general welfare.

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

5. Compatibility. Unit I East has historically developed as commercial. Reflecting that area character through a rezone to the CC Zone will assist in making the entire Unit I East uniform and internally consistent. The few remaining undeveloped lots in Unit I East will not be overly burdensome on the local community or County Service Area #3.

6. Development Plan Compliance. We conclude that there is no specific development plan, as the Unit I East Rezone is proposed by the DCC. Any new development will be subject to review for compliance with the standards contained in Title 10 of the Code.

Health, Safety and General Welfare. We conclude that bringing the historical uses within Unit I East into compliance with Title 10 of the Code will positively impact health, safety and general welfare by (a) zoning the area for the most appropriate use given the access, freeway noise, interchange capacity, topography and existing commercial uses, and (b) avoiding haphazard and leapfrog development patterns that make the application of the existing zone impractical.

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

Council Member Robinson clarified that he agreed that the findings of fact reflect what the Council decided with regard to Unit I East, but he voted against the rezone.

Council Member Armstrong noted that the ordinance needs to be corrected to accurately reflect that he voted yea, not nay as shown in the ordinance.

Council Member Ure made a motion to adopt Ordinance #804 to amend the Snyderville Basin Zone Map as amended by Council Member Armstrong to show that he voted in favor of the rezone. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

CONSIDERATION OF RESOLUTION TO AMEND RECORDER SUBSCRIPTION FEES, MARY ANN TRUSSELL

Former County Recorder Alan Spriggs explained that the subscription fees are the result of about 20 years of work to make the information in the Recorder's Office available on the internet. That has evolved into an excellent and easily accessible program, and based on the suggestions of the Council to pass some of the costs on to those who actually use this information, they implemented the subscription fees. He explained that only a small part of the website is under subscription, and all the information under the account search is still available without subscription. Chair McMullin asked about the history of the title of a property. Mr. Spriggs replied that is available without charge. Chair McMullin noted that she could not see the actual copy of the title or CC&Rs or other records without paying. She asked if the intent was to recoup the cost of the upgrade or what the fees were intended to cover. Mr. Spriggs replied that the Council wanted the department heads to see what they could do to help recoup their costs or do away with programs. He explained that the County's records are being accessed from all over the world by those who use that information for profit, and his intention was to tap into those resources to help the cover the costs that are now being paid for by local taxpayers. He explained that title companies have had a subscriptions process in place for 15 years that gives them direct access to the computer with a dedicated line and dedicated password for which the County has historically charged $300 per month, and there are about a dozen of those subscriptions in place. That allows title companies to do all of their work related to Summit County without having to come to the County to do it. The new subscription program implements a nominal fee for people to have access to copies of the documents. Chair McMullin verified with Mr. Spriggs that, if she came to his office to get copies of documents, he would charge for those copies. Mr. Spriggs explained that the cost of those copies would range from 25 to 50 cents per page, depending on the document, and those fees were set by the County Commission in 1985 and have not changed since then. He noted that, in some counties, a person cannot even get the name and address of a property owner without paying a subscription fee. He explained that those who pay their $5 per day for the subscription have 24-hour access, do not have to pay for any copies, and have access on weekends and holidays.

Council Member Robinson asked what people used to pay for the same information. Mr. Spriggs replied that they did not pay anything. Council Member Robinson asked if Mr. Spriggs is codifying the fee paid by the title companies and opening it up to others if they want to pay the fee. Mr. Spriggs replied that he used the fees previously approved and charged to title companies for years as the basis for determining the subscription fees. Council Member Robinson asked how long the new subscription fees have been in effect. Ms. Trussell reported that they were initiated May 15, and the County has collected $14,605 since it was implemented.

IT Director Ron Boyer stated that he has tried to quantify all that they spend in terms of software and hardware for the Recorder's Office, and those costs are about $48,000 per year. His office spends about $85,000 per year total to maintain the records for the Recorder's Office and put them on the internet. He reported that one day about half the County's bandwidth was used by someone downloading the County's data from the SIRE system, and he has had to increase the speed of the internet line to accommodate for that.

Mr. Jasper explained that, by statute, people pay the County for copies by page or by entry. He noted that some counties offer nothing online, and people have to go to the Recorder's Office in those counties and pay a fee. A number of counties have put some things on line, and when Summit County started making the information available, it was done through agreements with the title companies to have access to the data. As things have continued to improve, the County has spent money to get everything on line for everyone and make this data more available, and he is proud of that. It has also saved the County money in terms of employees at the counter. He explained that this all has value, and the question is who should get the value. In meeting with the Board of Realtors, he understood that they want to take all of this data and give it to someone who will resell it. He believed it was fair for the County to try to recover the costs of what has been done to expand and improve its services, but they need to do more work before adopting a set of fees.

Mr. Spriggs reported that the Recorder's Office used to collect about $85,000 a year in fees when people came into his office to get copies of information, and they lost that income when they put the data on the internet. He believed implementing the new subscription fees would collect about that same amount of money.

Council Member Carson stated that she appreciates the ease of having information available for the citizens, but she was concerned about the current fee schedule. She believed they need information about the legality of charging higher fees for requests from outside the County or State. She also believed they should hold a public hearing and get input from the citizens who use this data. She also asked for comparisons with other counties and the costs of the new program and ongoing fees. Mr. Spriggs explained that currently the software does not differentiate where the request comes from to be able to charge different fee levels.

Chair McMullin opened the floor to public comment on this item. She stated that she would like the fees to not be charged until an official public hearing has been held and the Council has been able to determine what they believe the fees should be.

Bill Coleman stated that the fee arrangement is strange. He represents the group of people who need to get online and get a little bit of data about a parcel of land quickly, which is entirely different from people who access the data to resell it. He stated that paying a fee every time he wants to access that information will affect his business operation and thousands of other people like him. He stated that the real estate business has to give the information to the County, and now they are being asked to buy it back, which he did not believe was right, and implementing these types of charges would change the way Realtors do business. He believed it would cause a breakdown in the existing system. He commented that the County already has them hooked on the fact that the data is available, and now they will have to pay for it. He believed the way This is set up is a huge mistake, and they should look at the fee schedule and allow the real estate people to continue to do business the way they have always done business.

Patty Horie with Windemere Real Estate stated that she just opened a business in Summit County, and $1,800 would be a hardship on her. She uses this information every day to do business for her clients as she pulls up historical information on the property. She stated that this information is valuable and needed for her clients, who live here and add to the income for the County. She agreed with Mr. Coleman that the Realtors supply this information, and it is needed to do a good job for their clients and brings more people to the County. She researched other

counties and found that Weber County charges $600 annually, Tooele County charges $750 annually, and Wasatch, Utah, Davis, and Washington Counties have no charge. Salt Lake County charges $25 per month with a $100 set-up charge.

Jeff Spencer, a member of the Park City Board of Realtors, thanked the County for what they are doing with the website and stated that they appreciate the technological advances. He thanked the Council for putting this item on hold until they could hold a public hearing. He noted that the Park City Board of Realtors has 814 members who closed more than 1,400 transactions in the County last year. He explained that they have the option to hire a company to pull data from the County website and put it onto their listings. That would require an increase in what they pay that company, but it will make their jobs simpler, and that company would not randomly sell that information to others. He explained that they do access more than just the tax data; they obtain plats and CC&Rs. He understood Summit County recorded about 23,000 transactions last year, and if they multiply that by $10 for the first page and $2 for everything else, that would be a lot of money to cover the cost of this system. He suggested that they discuss this and allow the Board of Realtors to participate in those discussions. He stated that it is disheartening to see the County want to go back to having people drive to Coalville to get the information without charge and that it makes sense to be able to access the information from home and save gas and time. He noted that the County's website says it is a virtual courthouse, and it is there for people to access public records. He believed there might be solutions for situations where people want to access the records for resale purposes.

Marie McClelland with First American Title stated that they are probably one of the biggest users of the program, and they would appreciate better communication regarding the software being installed. She stated that they were not aware of it until the day before the new program went into effect. She stated that they would like to able to give input, and if there is a charge in the future, they would like to see a discount for multiple connections with the same company. She explained that their company may have as many as 10 connections currently. She would also like the new program to allow more than one person to access an account at the same time. Council Member Robinson stated that he understood the title companies pay an annual fee for direct access and asked if they experienced a fee increase. Ms. McClelland stated that she understood that fee applies to each connection, which means they would see an increase in their fees with multiple connections.

The Council Members agreed that they would not act on this matter this evening and would hold a public hearing to further vet this issue.

Council Member Armstrong stated that he believed the County is entitled to recover costs if additional costs have been incurred to create a greater convenience. He noted that the fees have been in effect since the 1980's, and salaries have not remained the same. He commented that every time the County tries to cover the cost of doing business, they have trouble doing so, and this is a way of passing on the costs of upgrading the system to the people who most frequently use it. He is not offended by that idea, but he believes it should be a reasonable cost that reflects the actual costs to the County. He stated that he would be willing to put together a stakeholders meeting, but he did not believe this should be free.

Council Member Robinson noted that a fee program was instituted on May 15, and the County has been collecting fees since then. He asked about the legal status of those fees and whether the Council has the authority to say they will not collect them until the public hearing and what that means to those who have paid the fees. Mr. Thomas explained that the Council can approve fees retroactively, or they can approve fees prospectively and refund the fees paid to date that exceed what the approved fees would be.

Council Member Carson suggested that they move back to the old fee structure until this is resolved.

DISCUSSION REGARDING POSSIBLE CHANGES TO THE LEASH LAW; HELEN STRACHAN, CIVIL ATTORNEY

Chair McMullin explained that the Council has decided to enforce the leash laws, and they will also look at amending the leash laws and Animal Control Ordinance. She stated that they would like to hear what kinds of alternatives the public believes would work. She anticipated that they would put together a stakeholders group representing a good cross-section of the community to prepare a proposal to present to the Council.

Deputy County Attorney Helen Strachan explained that current leash laws require dogs to be under the control of the owner or whoever has charge of the dogs, and a dog is considered to be under control when it is on a leash or a lead, which is defined as a chain, rope, or device used to restrain the dog. She believed that would include electronic devices. The dog must be confined within the person's car or real property limits, and the animal is considered to be at large unless on leash or lead within common areas, public parks, parking lots open to the public, ski areas, golf courses, and shopping centers. Chair McMullin asked how that would apply to public open space such as Round Valley, which is owned by Park City. Ms. Strachan explained that they are proposing that, if the landowner give consent to have the dog off leash on their property, it would not be considered to be at large. Currently the County has a memorandum of understanding (MOU) with the cities, and they can could opt out of that MOU and adopt their own ordinances.

Chair McMullin asked if Park City, as the owner of Round Valley, could make a rule regarding their private property that would supersede the leash law, accept liability for what happens on their property, and have the County not enforce the law on that property if the landowner agrees to that. Ms. Strachan explained that the language as currently written only addresses the dog being on the real property of the dog owner. It does not talk about having permission from the property owner to have the dog off leash there. The proposed language would address having the dog off leash on another person's property if there is permission from the land owner to have the dog off leash. Chair McMullin verified with Ms. Strachan that the County can go onto private property today to enforce the leash law, regardless of the land owner's permission for a third party to have their dog off leash.

Council Member Armstrong noted that the definition of areas where dogs cannot be off leash would not apply to Round Valley. As written, a dog on a public trail outside of a public park would not be required to be on a leash. Ms. Strachan explained that the ordinance states that an animal under restraint is considered to be under the control of the owner when on a leash or lead confined within a vehicle or within the real property limits of the owner. The Code language regarding dogs running at large states that it shall be unlawful for the owner to allow such dog at

any time to run at large and that they are liable for that. She verified that the list of locations where dogs must be on leash is no longer in the ordinance. Council Member Armstrong noted that the ordinance as currently written requires animals to not be at large and to be under restraint.

Chair McMullin asked if they could add language requiring private property owners who might allow dogs to be off leash to have the dogs under voice or sight control. Ms. Strachan replied that they could do that.

Ms. Strachan noted that the current leash law does not allow dogs to be off leash in dog parks, and proposed language would allow dogs to be considered under control within the boundaries of a dog park formally approved by ordinance of the County, municipality, or special service district within the jurisdiction of the Department of Animal Control. Another proposed change would be to the definition of a leash or lead to not allow electronic collars, as they are not always effective. She reported that other jurisdictions either have dog parks or parks with a dog area where dogs are allowed to be off leash. She described the Yellow Dog Project, which is supported by the Park City Council. Chair McMullin explained that if a dog has a yellow ribbon, the owner is warning people not to approach the dog for a variety of reasons, and it is a way of educating people about the animal. She asked if Ms. Strachan found any allowance for off-leash times for dogs on specific trails. Ms. Strachan replied that Millcreek Canyon in Salt Lake allows dogs on leash in Millcreek on even-numbered days and off leash on odd-numbered days. She stated that she received an e-mail from the Salt Lake District Ranger stated that Millcreek Canyon is on National Forest land, but they have an agreement with Salt Lake County for the dogs. The program has existed for 10 years, but they are having a lot of incidents of attacks, cycle and dog crashes, and dogs hit by cars because they are off leash. She spoke to Salt Lake County's risk manager a couple of years ago, and he indicated that off leash dog parks are working well, but there have been issues on trails. She stated that Boise has four off-leash parks, six off-leash areas, and a number of off-leash trails in the foothills sunrise to sunset. Outside the city limits, there are a number of controlled off-leash trails where owners must have a leash with them at all times, and the dogs must be under voice control and no further than 30 feet from the owner. The dog owners must register for the program, pay a fee, and receive a special tag in order to participate in that program. According to a report from Boise, initially the incidents between dogs and humans decreased, but it has now returned to pre-program levels.

Chair McMullin opened the floor to public input on this item.

Samantha Bednar, a dog trainer, stated that she does not like it when dogs run up to her on the trails, and even the best trained dogs have off days. Her main point is that they need to have options, and she often breaks the leash laws. She stated that she loves the Yellow Dog Project and the Rockville, Maryland, program for off-leash certification. She confirmed that either the city or the county does the testing every other month, and if they pass the test, they get a special license. She believed they should have a renewal element to that program. She stated that dogs in the County need to be licensed, and she believed that should also be enforced. She reiterated that they need more options for their dogs.

Charlie Sturgis with Mountain Trails Foundation stated that they have taken a neutral position, and they are looking for positive solutions. They believe trail users need to be at the highest level of education possible and that no single group is above further education. One of their

guidelines is to not limit the enjoyment of one user group for the benefit of another user group, and they believe all user groups are entitled to fair and equitable use of the trail system. He commented that it is very easy to enforce their way out of having fun, so they should approach the solutions as fairly as they can. He stated that a main issue is the idea of entitlement, and they all need to learn to get along. This is a great community, and he believed they are smart enough to come up with intelligent solutions that will benefit all the user groups. One solution he supports is 10 seconds of kindness, to slow down, smile, be safe, and be good neighbors.

Nancy Matro explained that her concerns have to do with dogs with people. She believed they should remember that a lot of people are not comfortable around dogs, and they also need to consider the wildlife. She felt the most important thing is to be responsible dog owners, and she would like to implement the Yellow Dog Program so she could put a yellow ribbon on the leash and let people know that they need to keep away from the dog. She stated that there was a woman with four dogs 50 feet from her, and they took off and ignored her and scared her dog. She had to pick up her dog and carry him out, and the woman responded by saying her dogs are friendly. She responded that she would not want four strangers coming into her face like that, and she believed some people don't understand that. She believed if people would look at the Boulder, Colorado, video, they would understand the difference between a trained and untrained dog. She agreed that they need options and that people need to have a leash with them to immediately put the dog on leash if they need to.

Barbara Maw felt the most important thing is enforcement. She did not believe the County has the means to enforce, and intermittent enforcement gives people a false sense of security. If the County cannot enforce, they need options. She proposed that the County have a task force and get people on both sides of the issue who are willing to compromise, listen to their proposals, and then present them. If the statute is too strict, it will not stop people from having their dogs off leash, and that is not the dogs' problem, it is the people's problem. She suggested that they could walk their dogs on some trail systems that are not used as much.

Becky Rambo stated that she likes what the Council is doing, because the laws are obviously outdated based on what the community is doing. She believed the enforcement issue is valid, because there will never be enough animal control officers or Sheriff's deputies to monitor the dogs in Summit County. She liked the idea of having options, because large dogs need a lot of exercise, and running on a leash is not sufficient for them. She stated that her dogs are better behaved when they have had sufficient exercise. She believed education is needed for all trail users, not just dog owners, and suggested that a positive public relations campaign might help. She liked the idea of having frequent, low-cost community training about reading dog behavior and how to respond. She stated that it comes down to the dog owners being responsible with their dogs. She liked the idea of having a task force and offered to serve on it.

Lisa Wilson stated that people have options, and dogs do not. If skiers do not want dogs around, they can go to White Pine or the Olympic Park where dogs are excluded. She stated that they need areas where dogs are welcome, and if people do not want dogs around, they can go to places where dogs are not allowed. She asked that they let dogs have a choice and go to places where they can be free.

Mitch Cohen stated that he moved here 16 years ago, and one of the first things he noticed was dogs everywhere, which he thought was great. However, Park City has changed, and so has the attitude. As an owner of dogs that behave themselves, he felt this is an example of the many suffering from the bad behavior of a few. He has had a lot of experience with dogs, and if someone has a dog that is out of control, they understand that, and he has never had a problem with dogs charging up to him. He recommended that, if there is an incident, the owner should be given a significant fine and taken to jail, just like they do with drunk driving. If they would do that once or twice in the County, he believed people would not let their dogs get out of control.

Annie Elliott with the Yellow Dog Project explained that it tells the public to give dogs some space if they need space and do not welcome interaction. She explained that there are many reasons why a dog owner would use the Yellow Dog program. She stated that many volunteers are available to help with the project, and she asked that the County include this in their solution and get the education out County wide.

Bob Gross, a 21-year resident of the County, stated that he uses the trails almost every day and is a big advocate of the trails system. He stated that two weeks ago he successfully rode his bicycle all the way around Park City on the trails. However, he has had a number of incidents with dogs over the years, and the worst thing that can happen to a runner is to hear a dog coming up behind him. If someone is on a bicycle, dogs run up to them, even though people think the dogs are under control or friendly, and it is disconcerting, because they do not know what might happen. He believed there should be separate trails for dogs all the time and that they should expand the dog park so people have a place to take their dogs. If dogs are on trails where people hike or bike, they need to be on a leash all the time. He believed the County and Park City should cooperate to hire an animal control officer and that everyone should work together to make this a better place.

Greg Zehner, a resident of Park Meadows and frequent user of Round Valley, stated that he moved here three years ago, and a big attraction of Park City was that he felt he could let his dog off the leash. He believed the most democratic process would be for people to vote on this, and based on that, the percentage of votes on either side would become the number of days the trails would be on leash or off leash. They could also rotate the trails where this would apply, so there would always be trails where dogs could be on leash or off leash. He believed that would be the fairest for everyone and accommodate all the constituencies.

Brian Hanton, Parks and Recreation Manager for the Snyderville Basin Special Recreation District, explained that they do not want to lose focus on safety in the parks. They want dog owners to understand the fear some people have of their dogs, especially children on playgrounds. He stated that they want to create a positive experience at the parks and on the trails for as many people as possible. He commented that, when some people have to carry pepper spray when they run because they have been bit, that is not a positive experience, and some people avoid certain parks because of the number of off-leash pets. He wanted safety to be the main concern.

Kimber Gabryszak, a County employee, explained that she has had no involvement with drafting the leash law. She stated that she lives in Pinebrook and takes her dog on the trails near her house. She noted that leash laws affect different user groups differently. She stated that she would like to be able to use an electronic leash, because when she bikes with her dog, it is

dangerous to have her dog on a regular leash. She suggested that they consider including some standards for electronic leashes. She commented that people's behavior is the real issue, and a training aspect is very important. She suggested that, rather than fining people and taking them to the administrative law judge, they could reduce the fee and use those funds for a behavior class or require the person who is fined to go to obedience school. She believed educating people is just as important as dealing with the dogs.

Mike Franklin disclosed that he is a member of the Snyderville Basin Planning Commission, but he is not representing the Commission. He advocated for continuing to allow the use of electronic collars. He stated that he has trained dogs for 20 years, and if he goes to water to do retrieval training, a leash does not work. He expressed concern about whether the ordinance would apply on State and National Forest property where people have leased land for livestock. Ms. Strachan explained that there is an exception for dogs used for agricultural purposes.

Pauline Brown spoke in favor of an option that would allow dogs to be off leash and stated that she was personally unaware of any incidents that have occurred on the trails. She noted that there are more dog walkers on the trails than any other types of users. She advocated for common sense and stated that, if she sees someone coming, she leashes her dog, which is simple. She noted that people who ski or ride bicycles on the trails have their dogs off leash.

Tom McAuliffe, a resident for about 12 years, stated that he would vote for the kind of freedom that attracts people to an area like this and the Rocky Mountains in general who do not expect to be confined by too many rules that impact their quality of life. He stated that dogs need a chance to run, and it is not enough to run on a leash all the time. He believes the responsibility lies with the dog owners, and everyone knows their dogs and how they react to things. He would never use an electronic collar on his dog, and if someone has an aggressive dog, the owner needs to be liable. He believed this is a quality of life issue and that there is enough open space and enough days for dogs to be off leash. He does not like dog parks, because they compress too many dogs together in one space, which can lead to dog fights, and it is unknown whether all the dogs have been vaccinated. He suggested that they be careful about rotating days and restricting trails, because he would not want to see everyone compressed onto the same trail on the same day with a lot of dogs. He stated that he has not seen any dog problems during the 12 years he has lived in Park City.

Sue Gordhammer agreed that they need to use common sense. She stated that, if she is at Willow Creek, she will always have her dogs leashed until she is across the street and on the trail. She commented that there is a difference between playgrounds and trails, and she would never have her dogs off leash in a playground area and did not believe anyone should. She stated that she uses the trails early in the morning, and if restrictions are necessary, she believed they should post times when people may encounter a dog on the trails, which would help dog owners understand that they may need to compromise on times. She would not use an electronic leash or take her dog to the dog park. She believed if there is a rotation on use of the trail, it should be simple, or it will not work.

Christine LaPointe stated that she has lived here since 1994 and walks her dog every day in Round Valley and respects the fact that people are terrified of dogs. She stated that she would like to see a trail where she could walk her dog every day, because she travels with her work and cannot taker her dog out when she is gone. She would not take her dog to a dog park. She stated

that she leashes her dog when she sees people coming and tries to get out of the way of bikers. She commented that skiers, bikers, and runners can come up behind her and her dog as well. She hoped they could all live here and share the trails.

Grant Pool, a 12-year resident and avid trail user, stated that he has yet to see a negative incident with a dog. He questioned whether they are overreacting to a few isolated incidents. He believed 80% to 90% of the dogs on trails are off leash, with no incidents, and he would like to see things remain as they are. If a person is a dog hater or has dog paranoia, they deserve their own trail where they can go without anxiety. He did not believe they should exclude any user group from any trail, so they should rotate when user groups can use trails.

Mary Perry stated that she is part of the East Canyon Watershed Committee and Friends of East Canyon Creek. She questioned how many people haul their poop from the top of the hill down to the containers and expressed concern that they get a lot of dog waste on the East Canyon watershed. She stated that people talk about their rights or their dog's rights, but she asked about the rights of wildlife. She stated that there are reasons why they need to leash their dogs, and she would love to see an area where they could have dogs off leash where there are not deer, elk, moose, etc. She explained that they need to take responsibility for their pets and show that they are good dog owners and can do this right.

Trevor Adrian did not believe it is fair to look at one side of this issue and not the other. He lives on a private trail, but that privacy has never been enforced, and people use it night and day. He stated that they have an open view and see a lot of wildlife. He believed there needs to be an area where dogs can roam free and areas where dogs are leashed. He stated that elk roam the field behind his home, and this past winter he had to call DWR to look at an elk that was limping. An off-leash dog had charged the elk, and as they ran away, one of the elk did not clear the ditch. If the dog had been on a leash, that would not have happened. He noted that two small foxes have been killed by unleashed dogs, but people still walk unleashed dogs in the area. He believed respect for wildlife should have a larger role in looking beyond the freedom of dogs in the area. There are wetlands in the area, and there used to be cranes there all the time, but he has only seen two in the last year and one fox. Before there was a trail and unleashed dogs, they saw cranes all the time in season. He stated that there also used to be a lot of ground birds, but they do not see them any more, and he believed 80T of the wildlife is now gone because of the unleashed dogs. He stated that they had a water feature in their backyard and had to turn it off. They used to see numerous wildlife using it, after the trail went in they saw numerous unleashed dogs in the water feature and their yard was covered with dog poop. He stated that, in the three years since the trail went in, he has only seen two dogs on leash. He stated that at one time he confronted someone with their dog off leash, because the dog jumped into the wetlands and was chasing ducks. The man's response was that he had never seen his dog do that before, and he committed that he would leash his dog in that sensitive area. Mr. Adrian believed dog owners should be more aware and show respect. He believed if they do not find a happy medium, the situation will get worse.

Roger Osguthorpe, a lifetime resident of the Snyderville Basin, stated that they have livestock in the area and would like a leash law, because they have had incidences of unleashed dogs getting into their livestock and causing trouble. He believed the best way to enforce that would be to enforce the leash law. He stated that there are dog parks for people who want to have their dogs

unleashed, and it comes down to responsible dog ownership, but he hoped they would keep the leash law and look out for the livestock owners.

Donna Tiley stated that she takes her dogs out twice a day and is also a multi-trail user, so she respects the other trail users. She hoped there would be a compromise, because most people in the area have larger breed dogs and need to exercise them, but that is difficult to do on a leash. She agreed that it comes down to responsibility, and if she sees other dogs that are skittish, she tries to get her dog back on leash. She believed dogs do better when they have an outlet, and she did not believe dog parks are enough for large breeds. She also did not believe conditions at the dog parks are good, which is a safety concern. She submitted her comments in writing.

Julia Erbacher stated that, since 67% of the population is overweight or obese and their dogs are following suit, she did not believe they should restrict anyone's ability to be physically active. She stated that her dogs can easily jump the fences at the dog parks. She explained that she cannot afford to live in a house with a yard, and taking her dogs out on the trails is important to her. She appreciates this being a dog friendly community and she hopes it would stay that way. She stated that one of her dogs is on leash all the time because she runs away and is not good with wildlife, and the other one is only off leash in areas that she believes are safe for him. She does not like it that people think her one dog is always on leash because she is bad, because she is only on leash for her own safety so she will not run away. She did not believe the issue is black or white, and she believed they could find a compromise.

Barb Underhill, a 28-year resident of Park City, stated that she runs her dog twice a day and likes her to be off leash, because she is an athlete. She believed they need places for dogs to run and stated that it is a matter of being responsible and in control of her dog. When a skate skier comes, she calls her dog, and she sits in front of her and waits until they go by. However, the situation has become unfriendly, and she would like to see separate trails where dogs are allowed with no bikes and skiers. She stated that she has seen proposed trails marked where wildlife has forged trails, which will probably hurt the wildlife more than dogs. She likes PC hill for walking her dog, but that will now become a multi-use trail. She stated that Park City does not look dog friendly, which might hurt tourism.

Grant Pool commented that it will not work to say they will enforce the leash laws on all Summit County trails now, because they do not have the resources or manpower to do that. He believed what would work would be to decide which trails would be enforced on certain days, then publicize it and make it happen.

Wendy Peterson stated that she is afraid of dogs, but she has not had any altercations. She stated that she goes out on the trails and has not had anything happen. She commented that most people are very nice, but not everyone is. She sees dog walkers with five dogs come toward her and is not comfortable with that. She stated that she would like to have a choice and know which trails will have leashed dogs on them or no dogs, and that is where she would go. She would like to know where she is going and what she will get when she goes there, which would be more fun so she does not have to leave the trail when a big dog runs at her.

Jill Adler stated that the biggest problem is that the off-leash areas are woefully underserved. If the County does not create adequate off-leash facilities, which cost a lot of money, they need to have other options. She stated that the existing dog parks are inadequate, and most people

choose not to go to them. She believed there is an opportunity for education, and dog owners have a responsibility. She did not see why they need laws to ticket someone for doing something they already know will get them into trouble. If they have an education system in place to help dog owners know what they should and should not do on a trail, those instances that "seem" to happen will be curtailed. She stated that she has yet to see an issue with dogs, and she believed a lot of this is blown out of proportion. She agreed with the voice-sight option along with education and training. She believed that option might also be an incentive for people to get their dogs under control to allow them to be off leash.

Sue Ann Kern stated that she is on the trails every day with her dogs and has never seen an incident. She acknowledged that some people are afraid of dogs and that there have been attacks, but she gets a sense from those who have spoken that there are more people in control of their dogs and have their dog owners' code of ethics. She believed it could be possible to legislate all the fun out of Park City. She expressed concern about designating specific trails as full-time no-dog trails, because many people who live within a block or two of trails find that is a big asset to their property value. If the trail behind her house becomes a no-dog trail, it would affect her property value. She believed they might see something like an even-odd schedule, but she did not think 50% is fair, because a much larger percentage of people have dogs who are in control and friendly and who leash their dogs when they need to. She did not believe a 50% split is fair to dog owners who are responsible.

Kelly Franklin stated that she is a trail user and has never seen an issue with dog encounters. She stated that the dogs normally ignore the people and like seeing other dogs. She hoped they could work something out and would like to participate on the committee. She appreciated getting a copy of the report ahead of the meeting and stated that there are some good ideas in it.

Debbie Seabeck, a 19-year resident, stated that she has never been involved in an altercation with a dog or even witnessed one. She is an avid trail user and has chosen to live here. She believed electronic collars are cruelty to animals, and she could not believe they would want to accept that. She asked why it would not be acceptable to have dogs under voice command and believed there should be a test for that. She believed awareness and education are key to this subject, and she would like to bring that awareness to this town, because this is a dog town, whether they like it or not. She did not know why people would live here if they don't like dogs. She believed there is an amicable way to resolve this without giving tickets in parking lots and stopping people on trails to give tickets and make it negative to live here.

Chair McMullin explained that they will establish a task force and propose some solutions in the next month or two. She asked Ms. Bednar to serve on the task force

PUBLIC IN PUT

Chair McMullin opened the public input.

Ken Smith, a volunteer firefighter with North Summit Fire District and a career firefighter with Park City Fire District, stated that he lives in Tollgate Canyon. He explained that, over the years, North Summit Fire morphed into responding to the Tollgate Canyon area and other outlying areas of the County. However, those areas were left out of the fire districts when they were created. They are in a State wildland protection zone, and taxes are paid to the State to deal with

wildfires there, but they do not respond to anything other than that, such as structure fires, hazardous materials, etc. He explained that EMS is being covered by the ambulance, which is a fee for service, and their overhead is covered by the County general fund. He explained that they have responded to fires in Tollgate Canyon for years, but they have been informed by the County Attorney's Office that it is illegal to do so, because Tollgate Canyon does not pay taxes to the fire district. He stated that one option would be fee for service, which was discussed with the board, but there are problems associated with that, because they have no ability to bill for their services. He explained that fire district members still have to foot the bill for calls to Tollgate Canyon, because they still have to maintain the fire truck and training. They also feel that, if they charge for services, other outlying areas will also want to pay for calls but not pay the taxes every year. They believe annexation would be the fairest thing to do, because everyone who receives services would pay the same tax rate, which would give the district the resources and funding they need to provide the same service level to Tollgate Canyon that they provide to other areas in the fire district. He questioned whether they should handle the annexation through a vote or have the County Council annex that area as a matter of public necessity.

Richard Butler, a member of the Fire District board, indicated that the County Attorney indicated that there are two ways to do it. The County Council could do it by resolution, which requires public hearings, or they would have to get the required percentage of people in Tollgate Canyon and the other areas that need to be annexed to vote to come into the district. He noted that they also have an obligation to provide fire protection to Blue Sky.

Chair McMullin requested that this item be scheduled for a County Council meeting and receive guidance on how to handle it. Mr. Jasper offered to discuss this with Ms. Strachan and meet with the fire district and bring options to the Council.

Council Member Armstrong asked if the entire County is not covered by one of the fire districts. Mr. Jasper explained that some areas are wildland fire areas. Mr. Smith explained that wildland fire only treats the surrounding trees and wildland as an exposure, but they do not fight structure fires.

Council Member Ure stated that there are similar situations throughout the North Summit area, and he believes they need some help and guidance.

Council Member Armstrong stated that, if they are going to address this at a future meeting, he would like to look at the broader issues, such as the fact that some areas have grown up and are no longer just wildland fire areas. He would like to do a comprehensive review of those areas within the various fire districts that need to be addressed.

Chair McMullin closed the public input.

APPROVAL OF COUNCIL MINUTES
APRIL 17, 2013
APRIL 30, 2013

Council Member Ure made a motion to approve the minutes of the April 17, 2013, and April 30, 2013, County Council meeting as written. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

COUNCIL COMMENTS

Chair McMullin requested that those who want to serve on the leash law task force contact her. She requested that Staff provide a summary of the options discussed at today's meeting. Council Member Ure suggested that they include people on the task force who do not own dogs. Chair McMullin suggested various types of stakeholders they might want to include on the task force. She also requested that they get a link to Josh Mann's video posted on the County website. The Council Members suggested that Council Member Carson head up the task force. Council Member Carson stated that she would like to focus some enforcement on park areas where children play. Council Member Armstrong commented that it is important to address these issues, because there are conflicts, and it is inevitable that something will happen. He believed they could come up with a creative solution that would allow people with dogs to exercise their dogs off leash while protecting people who do not want to be involved with dogs. Mr. Jasper noted that there are limited funds to deal with this, and they also need to work with the City, because the County does not own City property. The Council Members discussed the possibility of having open space acreage that could be dedicated to allowing dogs off leash.

Council Member Carson reported that she received an e-mail from Arie Van De Graaff at UAC regarding HB 217 and HB 310 that affect the International Building Code. She explained that they will hold a meeting on June 6 at 10:00 a.m. and would like input from the building inspectors and planning and zoning people.

Chair McMullin requested that the Sun Peak issue be put on the agenda next week to bring the Council Members up to speed and explain why they are getting so many e-mails about it. Mr. Thomas requested that the Council Members forward the e-mails to him so he can research the matter.

The County Council meeting adjourned at 6:55 p.m.

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Council Chair, Claudia McMullin ***County Clerk,*** Kent Jones

ECHO SEWER SPECIAL SERVICE DISTRICT
SEWER REVENUE BONDS, SERIES 2013

PARAMETERS RESOLUTION
JUNE 26, 2013

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE ECHO SEWER SPECIAL SERVICE DISTRICT AUTHORIZING NOT MORE THAN $469,000 SEWER REVENUE BONDS, FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT ON THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the County Council of Summit County, Utah acting as the Governing Body of the Echo Sewer Special Service District (the "Issuer"), has authority to issue the District's Sewer Revenue Bonds (the "Bonds") for the municipal purposes set forth therein; and

WHEREAS, the Issuer has obtained authorization to finance the acquisition of the sewer system from the Echo Sewer Company and to make certain improvements to that system with a Hardship Grant or Principal Forgiveness from the Utah Water Quality Board in the amount of $251,000, and a loan from the Water Quality Board in the form of a sewer revenue bond in the amount of $218,000 bearing no interest, and a CDBG grant in the amount of $150,000; and

WHEREAS, the Act provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Bonds:

NOW, THEREFORE, it is hereby resolved by the County Council of Summit County, Utah acting as the Governing Body of the Echo Sewer Special Service District, Utah, as follows:

Section 1. The Governing Body (also the "Board") of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than $469,000 aggregate principal amount of its Sewer Revenue Bonds (the "Bonds"), to bear no interest, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof for the purpose of acquiring the sewer system of the Echo Sewer Company and constructing improvements thereto, including a new treatment

pond and related matters, all pursuant to this Resolution and a resolution to be adopted by the Board authorizing and confirming the issuance and sale of the Bonds (herein referred to as the "Final Bond Resolution") in substantially the form attached hereto, and the Issuer hereby declares its intention to issue the Bonds according to the provisions of this Resolution and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby authorizes and approves the issuance and sale of the Bonds to the purchaser or purchasers to be identified in the Final Bond Resolution, pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Board authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Board upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 3. In accordance with the provisions of the Act, the County Clerk shall cause a "Notice of Public Hearing and Bonds to be Issued," substantially in the form set forth herein to be published once each week for two consecutive weeks times in the Summit County News a newspaper of general circulation in the Issuer, and shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Clerk of the Issuer and the County Clerk for public examination during the regular business hours of the Clerk for at least thirty (30) days from and after the last date of publication thereof. The "Notice of Public Hearing and Bonds to be Issued" shall be in substantially the following form:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act") that on June 26, 2013, the County Council of Summit County, Utah acting as the Governing Body (the "Board") of the Echo Sewer Special Service District, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it called a public hearing and authorized the issuance of the Issuer's Sewer Revenue Bonds (the "Bonds") in the aggregate principal amount of not to exceed $469,000, to bear no interest, to mature in not more than thirty (30) years from their date or dates, at a price not less than ninety-nine percent (99%) of the total principal amount thereof, plus accrued interest to the date of delivery. The estimated total cost for the proposed bonds if the bonds are held until maturity is $469,000, with as much as $251,000 of that amount to be waived as either Hardship Grant or as principal forgiveness, leaving only $218,000 to be repaid. The Issuer does not have any other sewer revenue bonds outstanding.

NOTICE IS FURTHER GIVEN that the County Council of Summit County, Utah acting as the Governing Body of the Echo Sewer Special Service District, Utah, calls a public hearing for August 7, 2013, at 6:00 p.m., or as soon thereafter as feasible, in the County Commission Chambers at 60 N. Main in Coalville, Utah to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the facilities and related improvements to be paid for in whole or in part with the Bonds will have on the private sector. The maximum amount, interest rate, maturity, and discount on the Bonds will be as set forth above. As Sewer Revenue Bonds, no ad valorem (real) property taxes are proposed to be pledged for repayment of the Bonds.

The Bonds will be issued pursuant to a Final Bond Resolution to be adopted authorizing and confirming the sale of the Bonds for the purposes of (i) acquiring the sewer system of the Echo Sewer Company and constructing improvements thereto, including a new treatment pond, and related matters, and (ii) paying the costs of issuance of the Bonds.

The Final Bond Resolution will be adopted by the Board in such form and with such changes thereto as shall be approved by the Board upon the adoption thereof; provided that the principal amount, interest rate, maturity and discount of the Bonds will not exceed the maximums set forth above.

Copies of the Final Bond Resolution are on file in the office of the Clerk of the Issuer at the Issuer's office at 60 N. Main in Coalville, Utah, where they may be examined during regular business hours of the County Clerk from 8:00 a.m. to 5:00 p.m. Monday through Friday for a period of at least thirty (30) days from and after the public hearing.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the public hearing is provided by law during which any person in interest shall have the right to contest the legality of the Final Bond Resolution, or the Bonds, or any provision made for the security and payment of the Bonds by filing a verified written complaint in the

district court of the county in which he/she resides, and that after such time, other than referendum rights no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

/s/ Kent Jones
County Clerk

Section 4. The County Clerk is hereby directed to complete and execute the Record of Proceedings attached to officially record the proceedings at which this Resolution was considered for adoption.

Section 5. The Issuer hereby retains Eric Todd Johnson, of counsel with Blaisdell & Church, P.C as bond counsel, and directs staff to cooperate and coordinate to accomplish the proposed financing.

Section 6. The County Clerk is further directed to post the Notice of Public Hearing and Bonds to be Issued on the Utah Public Notice Website created under 63F-1-701 no less than 14 days before the public hearing called herein.

Section 7. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this June 26, 2013.

_____

Chair of the County Council of Summit County, Utah, acting as the Chair of the Governing Body of the Echo Sewer Special Service District

ATTEST:

_____

County Clerk

(DISTRICT SEAL)

RECORD OF PROCEEDINGS

I, Kent Jones, the duly appointed and qualified County Clerk of Summit County, Utah, certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the County Council of Summit County, Utah acting as the Governing Body of the Echo Sewer Special Service District at a public meeting duly held on June 26, 2013, at the hour of 2:00 p.m. or as soon thereafter as feasible (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Certificate of Compliance with Open Meeting Law. The Resolution, with all exhibits attached, was deposited in my office on June 26, 2013, and is officially of record in my possession. The following members of the Governing Board were present at the Meeting:

David Ure	Chair
Claudia McMullin	Council Member
Christopher Robinson	Council Member
John Hanrahan, M.D.	Council Member
Sally Elliott	Council Member

Also present:

Kent Jones County Clerk

Absent:

After the Meeting had been duly called to order a motion to adopt the foregoing Resolution was then duly made by _____ and seconded by _____, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YES:

Those voting NO:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

DATED: June 26, 2013.

_____
County Clerk

(S E A L of the DISTRICT)

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kent Jones, the County Clerk of Summit County, Utah, certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the June 26, 2013, public meeting held by the Governing Body of the Issuer as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the meeting.

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2013 Annual Meeting Schedule for the County Council, attached hereto, specifying the date, time and place of the regular meetings of the County Council of Summit County to be held during the calendar year 2013 was (1) posted on _____, 20____, at the principal offices of the issuer and (2) provided to at least one newspaper of general circulation within the geographic jurisdiction of the Issuer on _____, 20____, and (3) posted on the Utah Public Notice Website on _____, 201___.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this June 26, 2013.

_____
County/Clerk Auditor

(S E A L of the DISTRICT)

(Attach Meeting Notice and Notice of 2013 Annual Meeting Schedule, including proof of posting thereof on the Utah Public Notice Website)

EXHIBIT "A"

FINAL BOND RESOLUTION

(See Transcript Document No. __)

ECHO SEWER SPECIAL SERVICE DISTRICT, UTAH
FINAL BOND RESOLUTION
AUGUST 7, 2013

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE ECHO SEWER SPECIAL SERVICE DISTRICT AUTHORIZING THE ISSUANCE OF TAXABLE SEWER REVENUE BONDS, SERIES 2013 IN THE MAXIMUM REPAYABLE PRINCIPAL AMOUNT OF $218,000, TO ACQUIRE THE SEWER SYSTEM OF THE ECHO SEWER COMPANY AND TO CONSTRUCT SEWER SYSTEM IMPROVEMENTS; AND RELATED MATTERS.

WHEREAS, the County Council of Summit County, Utah, acting as the Governing Body of the Echo Sewer Special Service District, Utah (the "Issuer"), desires to acquire the sewer system with all assets and liabilities of the Echo Sewer Company, a Utah non-profit corporation, and to construct sewer system improvements, including a new treatment pond, and related facilities (the "Project"), including all equipment and necessary appurtenances thereof, and desires to finance said acquisition in part by issuing its Taxable Sewer Revenue Bonds, Series 2013 in the total Repayable Principal Amount of $218,000 (the "Series 2013 Bond or Bonds"); and

WHEREAS, the Issuer does not have on hand money to pay the cost thereof, but the revenues to be derived by the Issuer from the operation of its Sewer System (as defined herein) will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the Series 2013 Bonds; and

WHEREAS, the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended (the "Act"), provides that the Issuer may issue nonvoted revenue bonds as long as revenues generated from the revenue producing facilities of the Issuer are sufficient to pay for operation and maintenance of said facilities and debt service on all outstanding obligations secured by the revenues of said facilities; and

WHEREAS, the Issuer has been advised that its System will generate sufficient revenues to pay for the operation and maintenance of the System as well as debt service on all proposed and outstanding obligations secured by the revenues of the System, including the Series 2013 Bonds authorized herein; and

WHEREAS, the State of Utah Department of Environmental Quality, acting through the Water Quality Board (the "Water Quality Board") has offered to finance the Project in the total maximum principal amount of $469,000 and to forgive repayment of a maximum amount of $251,000 (the "Debt Forgiveness Amount") of such principal amount leaving a maximum Repayable Principal Amount of $218,000 which shall bear no interest on the unpaid Repayable Principal Amount thereof; and

WHEREAS, the County Council of Summit County, Utah acting as the Governing Body (the "Board") of the Echo Sewer Special Service District (the "Issuer") has determined that it is in the best interest of the Issuer to finance a portion of the costs of the Project by accepting the loan from the Water Quality Board in the maximum amount of $469,000, including Principal Forgiveness in the maximum amount of $251,000 and the maximum Repayable Principal Amount of $218,000, which Repayable Principal Amount is evidenced by the Issuer's Taxable Sewer Revenue Bonds, Series 2013 (the "Series 2013 Bonds") as authorized by the Bonding Act; and

WHEREAS, the Issuer has also obtain authorization for a grant in the amount of $150,000 for the Project from CDBG; and

WHEREAS, the Issuer has determined that its System (which includes the sewer system of the Echo Sewer Company approved to be acquired by the Issuer herein, plus the improvements to be constructed with the Series 2013 Bonds) will generate sufficient revenues to pay for operation and maintenance of the System as well as debt service on all proposed obligations secured by the revenues of the System, including the Series 2013 Bonds authorized herein; and

WHEREAS, the Issuer desires to accept the offer of the Water Quality Board and to confirm the maximum loan of $469,000 from the Water Quality Board, including the maximum debt forgiveness of $251,000 and the $218,000 Series 2013 Bonds representing the maximum Repayable Principal Amount;

NOW, THEREFORE, Be It Resolved by the County Council of Summit County, Utah, acting as the Governing Body of the Echo Sewer Special Service District, Summit County, Utah, as follows:

ARTICLE I

DEFINITIONS

As used in this resolution, the following terms shall have the following meanings unless the context otherwise clearly indicates:

"Annual Debt Service" means the annual payment of principal, premium or penalty, if any, to be paid by the Issuer during any Sinking Fund Year on the Series 2013 Bonds, or other forms of indebtedness issued on a parity with the Series 2013 Bonds and which are secured by the Net Revenues of the System.

"Bondholder" or "Registered Owner" means the registered holder of any Series 2013 Bond, the issuance of which is authorized herein.

"Bonds" means the Series 2013 Bonds, and any bonds issued on a parity therewith.

"Dated Date" means the date that the Series 2013 Bonds are funded.

"Debt Forgiveness Amount" means, with respect to the Project and the loan from the Water Quality Board, the maximum amount of $251,000 provided in the form of principal forgiveness as set forth on the Certificate of Dates and Amount on the State Bonds.

"Depository Bank" means a "Qualified Depository" as defined in the State Money Management Act of 1974, Title 51, Chapter 7, Utah Code Annotated, 1953, as amended, selected by the Issuer to receive deposits for the Sewer Revenue Account as herein described, the deposits of which Bank shall be insured by the Federal Deposit Insurance Corporation.

"Echo Sewer Company" means a nonprofit Utah corporation and its successors or assigns.

"Escrow Account" means an account to be held in escrow by the Escrow Agent pursuant to the Escrow Agreement, and to be used for the purpose of depositing and accounting for the proceeds of the sale of the Series 2013 Bonds pursuant to the terms of the Escrow Agreement.

"Escrow Agent" means the Utah State Treasurer, Salt Lake City, Utah, who shall so act pursuant to the terms of the Escrow Agreement.

"Escrow Agreement" means the agreement dated as of the delivery date, entered into among the Issuer, the Water Quality Board, and the Escrow Agent.

"Exchange Bonds" means the fully registered Series 2013 Bonds issued in substantially the form set forth in Exhibit "A-2", in exchange for the State Bonds representing the Series 2013 Bonds or in exchange for other Exchange Bonds, in the denomination of $1,000 or any integral multiple thereof.

"Fully Registered Bond" means any single Fully Registered Bond in the denomination(s) equal to the aggregate principal amount of the applicable Series 2013 Bonds authorized herein.

"Governing Body" means the County Council of Summit County, Utah acting as the Governing Body of the Issuer.

"Issuer" means the Echo Sewer Special Service District, Summit County, Utah or its successors.

"Net Revenues" means the Revenues after provision has been made for the payment therefrom of Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" means all expenses reasonably incurred in connection with the operation and maintenance of the System, including the cost of sewer or wastewater treatment, whether incurred by the Issuer or paid to any other municipality or company pursuant to contract or otherwise, repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds, payment of premiums for insurance on the System hereafter required and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System, but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

"Paying Agent" means the person or persons authorized by the Issuer to pay the principal of and on the Series 2013 Bonds on behalf of the Issuer. The initial paying agent for the Series 2013 Bonds is the County Clerk of Summit County, Utah.

"Project" means acquiring the sewer system of the Echo Sewer Company and constructing improvements thereto, including a new treatment pond and related matters and other related improvements to the Issuer's System, including all equipment and necessary appurtenances thereof.

"Registrar" means the person or persons authorized by the Issuer to maintain the registration books with respect to the Series 2013 Bonds on behalf of the Issuer. The initial Registrar for the Series 2013 Bonds is the County Clerk of Summit County, Utah.

"Repayable Principal Amount" means the maximum principal amount of the Series 2013 Bonds payable to the Registered Owner thereof calculated by reducing the purchase price of the Series 2013 Bonds by the Debt Forgiveness Amounts as provided in Sections 2.2 and 2.3 hereof, and which maximum amount is $218,000.

"Reserve Fund Installment" means $91 per month.

"Reserve Fund Requirement" means $10,900, which amount shall be accumulated in accordance with the terms of this Bond Resolution over a period not to exceed ten years.

"Revenues" means all gross income and revenues of any kind, from any source whatsoever, derived from the operation of the System, including, without limitation, all fees, rates, connection charges, impact fees imposed to finance the Project, if any, to the extent such impact fees are pledged and available for payment of the Series 2013 Bonds, and other charges, the gross revenues of all improvements, additions, and extensions of the System hereafter constructed or acquired, and all interest earned by and profits derived from the sale of investments made with the income and Revenues.

"Series 2013 Bond or Bonds" means the Taxable Sewer Revenue Bond, Series 2013 in the total principal amount of $469,000, and to forgive repayment of a maximum amount of $251,000 (the "Debt Forgiveness Amount") of such principal amount leaving a maximum Repayable Principal Amount of $218,000 which shall bear no interest on the unpaid Repayable Principal Amount thereof to be purchased by the Water Quality Board.

"Sinking Fund Year" means the twelve-month period beginning on July 1 of each year and ending on the next succeeding June 30; provided, however, that the first Sinking Fund Year will begin on the delivery date of the Series 2013 Bond and will end on the next succeeding June 30.

"State Bonds" means the fully registered Series 2013 Bonds issued in substantially the form set forth in Exhibit "A-1" in the denominations equal to the aggregate principal amount of the Series 2013 Bonds.

"System" means the whole and each and every part of the Issuer's sewage collection and/or treatment system, including the Project to be acquired and constructed pursuant to this Bond Resolution, and all property, real, personal and mixed, of every nature now or hereafter owned by the Issuer and used or useful in the operation of said System, together with all improvements, extensions, enlargements, additions, and repairs thereto which may be made while any of the Bonds remain outstanding.

"Total Principal Sum" means the amount of advanced proceeds actually

loaned and delivered by the Water Quality Board at any given time pursuant to Section 2.2 hereof to the Issuer up to the maximum loan amount of $469,000, as recorded on the Certificates of Dates and Amount attached to the State Bonds.

"Water Quality Board" means the State of Utah Department of Environmental Quality, Water Quality Board, or any successor agency.

ARTICLE II

ISSUANCE OF SERIES 2013 BONDS

Section 2.1 Principal Amount, Designation and Series The Series 2013 Bonds shall be issued pursuant to the Bonding Act and are hereby authorized for issuance for the purposes of financing (a) a portion of the costs of the Project and (b) costs incurred in connection with the issuance of the Series 2013 Bonds. The Series 2013 Bonds shall be limited to $218,000 in aggregate principal amount, consisting of a maximum loan from the Water Quality Board in the amount of $469,000 with a maximum Debt Forgiveness Amount of $251,000 and shall be issued (i) if issued as a State Bond(s), in the form set forth in Exhibit A-1 and (ii) if issued as Exchange Bonds, in the form set forth in Exhibit A-2, in fully registered form, shall bear no interest and shall be payable as specified herein. If issued as Exchange Bonds, the Series 2013 Bonds shall be in the denomination of $1,000 or any integral multiple thereof, except that one may be issued in an odd denomination. The Series 2013 Bonds shall be numbered from one (1) consecutively upward in order of delivery by the Registrar. The Series 2013 Bonds shall be designated as, and shall be distinguished from the bonds of the Issuer of all other series by the title, "Taxable Sewer Revenue Bonds, Series 2013."

The Series 2013 Bonds shall be in a form to permit the Water Quality Board to make incremental advances on its total loan commitment to the Issuer during the period of acquisition and construction of the Project.

Section 2.2 Advances of Proceeds. On or before fifteen (15) days prior to the first day of each calendar quarter, beginning prior to the payment by the Issuer of costs of construction of the Project, or at such other time as shall be specified by the Water Quality Board, the Issuer shall provide to the Water Quality Board a certificate setting forth a schedule of the costs of the Project which the Issuer estimates will become due and payable by the Issuer prior to the next succeeding calendar quarter and are properly payable with the proceeds of the Series 2013 Bonds. Advances made by the Water Quality Board on the basis of such certificates shall be deposited in the Escrow Fund. All such advances shall be in the minimum amount of $1,000 or any integral multiple thereof. Upon receipt of evidence of deposit of each advance in the Escrow Fund, the Chair of the County Council or County Clerk of the Issuer shall give telephonic authorization followed by written confirmation to the Water Quality Board to stamp or write the date and amount of such advance made by the Water Quality Board and the corresponding "Debt Forgiveness Amount" in the appropriate place on the Certificate of Dates of Payment and Amount appearing on the State Bonds. The Repayable Principal Amount of each advance made by the Water Quality Board on the State Bonds shall constitute proceeds of the State Bonds and shall be deemed to constitute the full purchase price of the Series 2013 Bonds and the total amount of the loan advanced by the Water Quality Board shall constitute the Total Principal Sum of the loan as noted on the Certificate of Dates of Payment and Amount appearing on the State Bonds. As advances are made by the Water Quality Board, the Total Principal Sum less the Debt Forgiveness

Amounts shall constitute the "Repayable Principal Amount" of the Series 2013 Bonds in the order of maturity of the Series 2013 Bonds.

Section 2.3 Debt Forgiveness. The Water Quality Board has committed to purchase the Series 2013 Bonds for a purchase price not to exceed $469,000 consisting of a repayable loan in the amount of $218,000 and an additional $251,000 in the form of a grant and/or principal forgiveness totaling an aggregate amount of $469,000. The first $218,000 advanced on the $469,000 shall be deemed to be the Repayable Principal Amount of the loan, and any additional amounts advanced after the advancement of the first $218,000 that are not provided in the form of a grant shall be deemed to be the Debt Forgiveness Amount, which along with the grant amount shall not exceed an aggregate amount of $469,000. The debt forgiveness amount shall be recorded under the "Debt Forgiveness Amount" column on the Certificate of Dates of Payment and Amount on the State Bond certificate.

Section 2.4. Date and Maturities. The Series 2013 Bonds shall be dated as of their date of delivery, shall be in the amount of $1,000 or any multiple thereof, and shall be paid as provided in this Section 2.4. The Series 2013 Bonds shall be initially issued as one Fully Registered State Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon presentation of the applicable Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. Payment shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar or at such other address as is furnished to the Registrar in writing by such Registered Owner. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America.

So long as the Water Quality Board is the Registered Owner of the State Bond, payments of principal shall be made by check or draft and mailed to the Water Quality Board as the Registered Owner at the address shown on the registration books maintained by the County Clerk. So long as the Water Quality Board is the Registered Owner of the State Bond, in lieu of presentation or the surrender of the State Bond to the Paying Agent for notations by the Paying Agent of such payments, the Water Quality Board, by its Chair or his designee, shall endorse such payments upon the State Bond.

The Issuer shall make the principal payments stated for each year, until the Repayable Principal Amount shall be paid in full, payable on each September 1 beginning September 1, 2014, as follows:

September 1	Principal Maturing
2014	$10,000
2015	10,000
2016	11,000
2017	11,000
2018	11,000
2019	11,000
2020	11,000
2021	11,000
2022	11,000
2023	11,000
2024	11,000
2025	11,000
2026	11,000
2027	11,000
2028	11,000
2029	11,000
2030	11,000
2031	11,000
2032	11,000
2033	11,000

If less than $218,000 is advanced on the loan by the Water Quality Board such that the Repayable Principal Amount is less than $218,000, the repayment period shall be shortened and the number of annual principal installments shall be reduced in the inverse order of maturities (and the amount of the final remaining principal installment shall be reduced, if required) to correspond to the Repayable Principal Amount of the Series 2013 Bonds as evidenced on the Certificate of Dates of Payment and Amount on the State Bond.

In the event the bid from the lowest responsible bidder on the construction portion of the Project shows that the costs of the Project will exceed the amount of grant and loan commitments the Issuer has already obtained, then, as authorized in Section 11-14-302 of the Act, the Issuer hereby authorizes the Chair of the County Council, acting as the Chair of the Special Service District and the County Clerk, as a pricing committee, to approve a final principal amount and repayment schedule for the Series 2013 Bonds within the parameters set forth in the Notice of Public Hearing and Bonds to Be Issued published once each week for two consecutive weeks with the first publication being at least 14 days before this resolution and also posted on the Utah Public Notice Website at least 14 before this resolution, which parameters are in the aggregate principal amount of not to exceed the Repayable Principal Amount of $469,000, to bear no interest, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof, and all other terms of the Series 2013 Bonds, and to approve and execute all documents related to the issuance of the Series 2013 Bonds. The County

Clerk is authorized to attest such signatures and apply the District seal as appropriate.

If the Series 2013 Bonds are not issued during the calendar year 2013, then the denomination of the Bonds shall be amended to correspond to the year in which the Bonds are issued.

Section 2.5. Redemption and Redemption Prices.

Optional Redemption. Each principal payment of the Series 2013 Bond is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of $1,000), at the election of the Issuer, in inverse order of the due dates thereof, and by lot selected by the Issuer if less than all of the State Bonds of a particular due date are to be redeemed, upon notice as provided in Section 2.6 hereof with respect to Exchange Bonds, and upon at least thirty (30) days' prior written notice of the amount of prepayment and the date scheduled for prepayment to the Water Quality Board with respect to the State Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, to the date of redemption.

Section 2.6. Notice of Redemption for Exchange Bonds.

(a) In the event any of the Exchange Bonds are to be redeemed, the Registrar shall cause notice to be given as provided in this Section 2.6. Notice of such redemption shall be mailed by first class mail, postage prepaid, to all Registered Owners of Exchange Bonds to be redeemed at their addresses as they appear on the registration books of the Registrar at least thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption. Such notice shall state the following information:

(i) the complete official name of the Exchange Bonds, including series, to be redeemed, the identification numbers of the Exchange Bonds being redeemed;

(ii) any other descriptive information needed to identify accurately the Exchange Bonds being redeemed, including, but not limited to, the original issue date of such Exchange Bonds;

(iii) in the case of partial redemption of any Exchange Bonds, the respective principal amounts thereof to be redeemed;

(iv) the date of mailing of redemption notices and the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become

due and payable upon each such Exchange Bond or portion thereof called for redemption; and

(vii) the place where such Exchange Bonds are to be surrendered for payment of the redemption price, designating the name and address of the redemption agent with the name of a contact person and telephone number.

(b) Upon the payment of the redemption price of Exchange Bonds being redeemed, each check or other transfer of funds issued for such purpose shall identify the Exchange Bonds being redeemed with the proceeds of such check or other transfer.

(c) The Registrar shall not give notice of such a redemption until there are on deposit with the Paying Agent sufficient funds for the payment of the redemption price.

Notice of redemption shall be given, not more than forty-five (45) days nor less than thirty (30) days prior to the redemption date, to Registered Owners of the Exchange Bonds, or portions thereof, to be redeemed. A second notice of redemption shall be given, not later than ninety (90) days subsequent to the redemption date, to Registered Owners of Exchange Bonds or portions thereof redeemed but who failed to deliver Series 2013 Bonds for redemption prior to the 60th day following such redemption date. Any notice mailed shall be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2013 Bonds receives the notice. Receipt of such notice, shall not be a condition precedent to such redemption, and failure so to receive any such notice by any of such Registered Owners shall not affect the validity of the proceedings for the redemption of the Series 2013 Bonds.

In case any Exchange Bond is to be redeemed in part only, the notice of redemption which relates to such Exchange Bond shall state also that on or after the redemption date, upon surrender of such Series 2013 Bond, a new Series 2013 Bond in principal amount equal to the unredeemed portion of such Series 2013 Bond will be issued.

Section 2.7. Execution and Delivery of the Series 2013 Bonds. The Chair of the County Council acting as the Chair of the Governing Body of the Issuer is hereby authorized to execute by manual or facsimile signature the Series 2013 Bonds and the County Clerk to countersign by manual or facsimile signature the Series 2013 Bonds and to have imprinted or otherwise placed on the Series 2013 Bonds the official seal of the Issuer. The County Clerk is hereby authorized to deliver to the Water Quality Board the Series 2013 Bonds upon payment to the Issuer of the first incremental advance on the Series 2013 Bonds.

Section 2.8. Delinquent Payment. Payments on the Series 2013 Bonds which are delinquent from the due date thereof shall draw interest at the rate of eighteen percent (18%)

per annum on the delinquent payment from said due date until paid in full.

Section 2.9. Exchange of State Bonds. As long as the Water Quality Board is the sole Registered Owner of the Series 2013 Bonds, the Series 2013 Bonds shall be issued only as the State Bonds in the form prescribed in Exhibit "A-1". It is recognized that the Water Quality Board may sell or otherwise transfer the Series 2013 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63, Chapter 65, Utah Code Annotated 1953, as amended, or otherwise. In the event the Water Quality Board determines to sell or otherwise transfer all or a portion of the Series 2013 Bonds pursuant to the State Financing Consolidation Act, or otherwise, the State Bonds shall be exchanged at the office of the Paying Agent for a like aggregate principal amount of Exchange Bonds in accordance with the provisions of this Section 2.9 and Section 3.1 hereof. Exchange Bonds may thereafter be exchanged from time to time for other Exchange Bonds in accordance with Section 3.1 hereof. Any Series 2013 Bond, or any portion thereof, which is sold or otherwise transferred or liquidated by the Water Quality Board pursuant to the State Financing Consolidation Act, or otherwise, shall be in the form of an Exchange Bond prescribed in Exhibit "A-2", and shall be executed pursuant to authorization contained in Section 2.7 hereof. Each principal payment on the State Bonds not previously paid or canceled shall be represented by an equivalent principal amount of Exchange Bonds, in authorized denominations, and of like maturity. The Issuer and its officers shall execute and deliver such documents and perform such acts as may reasonably be required by the Issuer to accomplish the exchange of the State Bonds for Exchange Bonds, provided that the Water Quality Board shall pay or cause to be paid all costs and other charges incident to such exchange and the Issuer shall have no obligation to pay any such costs or charges.

ARTICLE III

REGISTRATION, PAYMENT, AND FLOW OF FUNDS

Section 3.1. Execution of and Registration of Series 2013 Bonds; Persons Treated as Owners. The Series 2013 Bonds shall be signed by the Issuer and the Issuer shall cause books for the registration and for the transfer of the Series 2013 Bonds to be kept by the County Clerk who is hereby appointed the Registrar of the Issuer with respect to the Series 2013 Bonds. Any Series 2013 Bond may, in accordance with its terms, be transferred only upon the registration books kept by the Registrar, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Series 2013 Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Registrar, duly executed. No transfer shall be effective until entered on the registration books kept by the Registrar. Upon surrender for transfer of any Series 2013 Bond duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Registrar and duly executed by, the Registered Owner or his attorney duly authorized in writing, the Issuer shall execute and deliver in the name of the transferee or transferees, a new Bond or Bonds of the same maturity and series for a like aggregate principal amount as the Series 2013 Bond surrendered for transfer. Series 2013 Bonds may be exchanged at the office of the Registrar for a like aggregate principal amount of Series 2013 Bonds of the same series or other authorized denominations and the same maturity. The execution by the Issuer of any Series 2013 Bond of any authorized denomination shall constitute full and due authorization of such denomination, and the Registrar shall thereby be authorized to deliver such Series 2013 Bond. The Registrar shall not be required to transfer or exchange any Exchange Bond at any time following the mailing of notice calling such Series 2013 Bond for redemption.

Series 2013 Bonds surrendered for payment, redemption or exchange, shall be promptly canceled and destroyed by the Issuer.

The Issuer, the Registrar and the Paying Agent may treat and consider the person in whose name each Series 2013 Bond is registered on the registration books kept by the Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and for all other purposes whatsoever, and neither the Issuer, nor the Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of any Series 2013 Bond shall be made only to or upon order of the Registered Owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2013 Bond to the extent of the sum or sums so paid.

The Issuer may require the payment by the Registered Owner requesting exchange or transfer of Series 2013 Bonds of any tax or other governmental charge and any service charge which are required to be paid with respect to such exchange or transfer and such

charges shall be paid before such new Series 2013 Bond shall be delivered.

Section 3.2. Deposit of Bond Proceeds. The proceeds from the sale of the Series 2013 Bonds shall be deposited upon delivery in the Escrow Account and shall be disbursed pursuant to the provisions of the Escrow Agreement. All monies deposited in the Escrow Account shall be used solely for the purpose of defraying all or a portion of the costs of the Project including the payment of costs of issuance of the Series 2013 Bonds. Any unexpended balance remaining in the Escrow Account after completion of the Project shall be paid immediately into the "Echo Sewer Special Service District Sewer Revenue Bond Sinking Fund", hereinafter referred to herein as the "Sinking Fund" established hereunder, and shall be used only for the prepayment of the Series 2013 Bonds. Principal last to become due shall be prepaid first, and in the event less than all of the principal amount of the Bonds maturing on the last due date are to be redeemed, the Issuer shall by lot select those Bonds to be prepaid. Proceeds from the sale of the Series 2013 Bonds on deposit in the Escrow Account, may at the discretion of the Issuer, be invested by the Escrow Agent as provided in the Escrow Agreement. Following the transfer of unexpended funds from the Escrow Account to the Sinking Fund, the Escrow Account will be closed.

Section 3.3 The Series 2013 Bonds Constitute Special Limited Obligations. Notwithstanding anything in this Bond Resolution elsewhere contained, the principal and interest, if any, on the Series 2013 Bonds shall be payable out of 100% of the Net Revenues which are hereby pledged for repayment of the Series 2013 Bonds, and in no event shall the Series 2013 Bonds be deemed or construed to be a general indebtedness of the Issuer or payable from any funds of the Issuer other than those derived from the operation of the System.

The Issuer may, in its sole discretion, but without obligation and subject to the Constitution, laws, and budgetary requirements of the State of Utah, make available properly budgeted and legally available funds to defray any insufficiency of Revenues to pay the Series 2013 Bonds; provided however, the Issuer has not covenanted and cannot covenant to make said funds available and has not pledged any of such funds for such purpose.

Section 3.4. Flow of Funds. From and after the earlier of the delivery date of the Series 2013 Bonds, and until all the Series 2013 Bonds have been fully paid, the Revenues shall be set aside into the Echo Sewer Special Service District Sewer Revenue Fund referred to herein as "Revenue Fund", established hereunder, to be held by the Depository Bank. The Issuer will thereafter make accounting allocations of the funds deposited in said Revenue Fund for the following purposes and in the following priority:

(a) From the amounts in the Revenue Fund there shall first be paid all Operation and Maintenance Expenses of the System. For this purpose the Issuer shall establish on its books an account known as the "Expense Account" to which shall be allocated monthly, on or before the tenth day of each month, such portion of the Revenue Account as is estimated to be required for Operation and Maintenance Expenses of the System for the following month. There shall be allocated to the

Expense Account from time to time during the month such additional amounts as may be required to make payments of Operation and Maintenance Expenses for which the amounts theretofore allocated to the Expense Account are insufficient. At the end of each Sinking Fund Year all amounts in the Expense Account in excess of that required to pay Operation and Maintenance Expenses then due shall be transferred to the Sinking Fund as hereinafter provided.

(b) All amounts in the Revenue Fund not allocated to the Expense Account (the "Net Revenues") shall be allocated next to the Sinking Fund as follows:

(i) Of the amounts allocated to the Sinking Fund there shall be allocated the following amounts to a subaccount established on the books of the Issuer known as the "Bond Account" such amounts as will assure, to the extent of the availability of Net Revenues from the System, on a parity basis the prompt payment of the principal on the Series 2013 Bonds as shall become due. The amount to be so set aside with respect to the Series 2013 Bonds shall, as nearly as may be practicable, be set aside and allocated to the Bond Account monthly, on or before the tenth day of each month, beginning the Dated Date, and shall equal 1/12 (in the case of the first Sinking Fund Year, the fraction, the numerator of which one and the denominator of which is the number of months remaining until the first principal payment date) of the principal and next falling due on the Series 2013 Bonds, to the end that there will be sufficient funds allocated to the Series 2013 Bonds to pay principal thereon when the same become due. In the event there are insufficient Net Revenue available to meet all payment obligations on the Series 2013 Bonds as required by this subsection the available Net Revenues shall be allocated on a pro rata basis based on the debt service payment on the Series 2013 Bonds then due and payable. Amounts allocated to the Sinking Fund shall be solely for the purpose of paying principal on the Series 2013 Bonds and shall not be reallocated, transferred or paid out for any other purpose prior to payment of amounts due with respect to the Series 2013 Bonds; and

(ii) Of the amounts allocated to the Sinking Fund after there shall have been allocated the amounts required to be allocated under (i) above, there shall be allocated monthly (b) to the "Reserve Account Series 2013" established on the books of the Issuer and funded monthly on the tenth day of each month beginning the Dated Date, the Issuer shall set aside an amount equal to the Reserve Fund Installment until the amount of the Reserve Fund Requirement shall be accumulated therein. Amounts allocated to the Reserve Account Series 2013 shall be used to pay the principal falling due on the Series 2013 Bonds at any time when there are not sufficient funds in the Bond Account to pay the same, but pending such use may be invested as hereafter provided. When the Reserve Account Series 2013 has been funded as in this paragraph provided, no further allocations to the Reserve Account

Series 2013 need be made unless payments from the Reserve Account Series 2013 have reduced the same below the amounts required by this paragraph, in which event allocations shall be made monthly until such deficiency has been remedied; and

(iii) Monthly on the tenth day of each month beginning the Dated Date, the Issuer shall set aside the amount of $76 to the "Emergency Repair and Replacement Account" established on the books of the Issuer until the Issuer accumulates an amount of $5,450. To the extent the amount in the said account shall be less than $5,450, the Issuer shall allocate monthly monies from the Sinking Fund until there shall have been accumulated in the Emergency Repair and Replacement Account an amount equal to $5,450. Funds on deposit in the Emergency Repair and Replacement Account shall be used solely for emergency repairs and replacements to the System as the need arises.

(iv) All remaining funds, if any, in the Sinking Fund after all of the payments required to be made into the Bond Account and Reserve Account and Emergency Repair and Replacement Account have been made, may be used by the Issuer (a) to prepay or redeem the Series 2013 Bonds in whole or in part, (b) to make extensions, improvements, additions, repairs, and replacements to the System, or (c) to be applied to any other lawful purpose as determined by the Issuer.

(c) If at any time, the Net Revenues derived by the Issuer from the operation of the System shall be insufficient to make any payment to any of the above funds or accounts on the date or dates specified, the Issuer shall make good the amount of such deficiency by making additional payments out of the first available Net Revenues thereafter derived by the Issuer from the operation of the System.

Section 3.5. Investment of Funds. Any funds allocated to the Bond Account, Emergency Repair and Replacement Account and the Reserve Account Series 2013 may, at the discretion of the Issuer, be invested in accordance with the State Money Management Act. All income derived from the investment of the funds of the Bond Account and Emergency Repair and Replacement Account shall be maintained in said fund and disbursed along with the other moneys on deposit therein as herein provided. All income derived from the investment of the Reserve Account Series 2013 shall at the end of each Sinking Fund Year be transferred by the Issuer to the Bond Account so long as the Reserve Account Series 2013 after said transfer have funds equaling the Reserve Fund Requirement. Should the Reserve Account Series 2013 have less than the Reserve Fund Requirement, then said income shall be maintained in the Reserve Account Series 2013, until total deposits equals the Reserve Fund Requirement. There shall not be required to be in the Bond Account and the Reserve Account Series 2013 at any time more than the total amount required to pay the total principal outstanding of the Series 2013 Bonds. Whenever the money in the Bond Account and the Reserve Account Series 2013 equals the total principal amount of the Series 2013 Bonds outstanding, the money in said Accounts shall be used to prepay all of such

Bonds.

ARTICLE IV

COVENANTS

Section 4.1. Covenants of Issuer. The Issuer hereby covenants and agrees with each and every holder of the Series 2013 Bonds the following:

(a) The rates for all sewer service supplied by the System to the Issuer and its inhabitants and to all customers within or without the boundaries of the Issuer shall be sufficient for the retirement and/or redemption of the Bonds, provided such rates must be reasonable rates for the type, kind, and character of the service rendered. There shall be no free service and there shall be charged against all users of the System, including the Issuer, such rates and amounts as shall be adequate to meet the debt service payments on the Bonds and any Parity Bonds (as defined in 4.2) when due, and to make available for purposes having priority junior to the Sinking Fund in the application of the Net Revenues in each Sinking Fund Year, at least twenty-five percent (25%) of the Annual Debt Service for each such year. All Net Revenues, including those received from the Issuer, shall be subject to distribution for the payment of the cost of operating and maintaining the System, and the payment of the Bonds, as hereinabove provided.

(b) Each Bondholder shall have a right, in addition to all other rights afforded it by the laws of Utah, to apply to and obtain from any court of competent jurisdiction such decree or order as may be necessary to require the Issuer to charge and collect reasonable rates for services supplied by the System sufficient to meet all requirements of this Bond Resolution.

(c) The Issuer will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost.

(d) So long as any Series 2013 Bonds remain outstanding, proper books of record and account will be kept by the Issuer separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the System. Each Bondholder or any duly authorized agent or agents of such holder shall have the right at all reasonable times to inspect all records, accounts and data relating thereto and to inspect the System and all properties constituting the System. Except as otherwise provided herein, the Issuer further agrees that it will within one hundred eighty (180) days following the close of each Sinking Fund Year cause an audit of such books and accounts to be made by an independent firm of certified public accountants, showing the receipts and disbursements for account of the System, and that such audit will be available for inspection by Bondholder; provided, however, during such periods of time as the Water Quality Board is the Registered Owner of the State Bonds, each such audit will be supplied to the Water Quality Board as soon as completed without prior

request therefor by the Water Quality Board. Each such audit, in addition to whatever matters may be thought proper by the accountant to be included therein, shall include the following:

(i) A statement in detail of the income and expenditures of the System for such Sinking Fund Year;

(ii) A balance sheet as of the end of such Sinking Fund Year;

(iii) The accountant's comments regarding the manner in which the Issuer has carried out the requirements of this Bond Resolution, and the accountant's recommendations for any change or improvement in the operation of the System;

(iv) A list of the insurance policies in force at the end of the Sinking Fund Year, setting out as to each policy, the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy;

(v) An analysis of all funds and accounts created in this Bond Resolution, setting out all deposits and disbursements made during the Sinking Fund Year and the amount in each fund or account at the end of the Sinking Fund Year;

(vi) The number of sewer connections within the boundaries of the Issuer, and applications for sewer service on hand at the end of the Sinking Fund Year;

(vii) The total billings for such Sinking Fund Year;

(viii) All schedules of rates and charges imposed for sewer service during the Sinking Fund Year.

The Bondholder may, upon written request from the Issuer setting forth the reasons why a certified audit is not necessary or is impractical, waive the audit requirements for any particular Sinking Fund Year set forth in this Subsection 4.1.(d), provided, however, that such waiver shall not apply to the reporting requirements of the Issuer set forth in Subsection 4.1.(e) herein.

(e) In addition to the reporting requirements set forth in Subsection 4.1.(d) above, the Issuer shall submit to the Water Quality Board within one hundred eighty (180) days following the close of each Sinking Fund Year, a summary report substantially in the form as provided by the Water Quality Board to the Issuer upon purchase of the Series 2013 Bonds.

All expenses incurred in compiling the information required by this section shall be regarded and paid as an Operation and Maintenance Expense. If a Bondholder is other than the Water Quality Board, the Issuer agrees to furnish a copy of such information to such Bondholder at its request after the close of each Sinking Fund Year. Any Bondholder shall have the right to discuss with the accountant compiling such information the contents thereof and to ask for such additional information as it may reasonably require.

(f) The Bondholder shall have the right at all reasonable times to inspect the System, and all records, accounts and data of the Issuer relating thereto, and upon request, the Issuer will furnish to it financial statements and other information relating to the Issuer and the System as it may from time to time reasonably require.

(g) The Issuer, in its operation of the System, will carry insurance, including, but not limited to, workmen's compensation insurance and public liability insurance, in such amounts and to such extent as is normally carried by other operating public utilities of the same type. The cost of such insurance shall be considered an Operation and Maintenance Expense of the System. In the event of loss or damage, insurance proceeds shall be used first for the purpose of restoring or replacing the property lost or damaged. Any remainder shall be paid into the Sinking Fund.

(h) The Issuer will not sell, lease, mortgage, encumber, or in any manner dispose of the System or any substantial part thereof, including any and all extensions and additions that may be made thereto, until all Bonds have been paid in full, except that the Issuer may sell any portion of said property which shall have been replaced by other property of at least equal value, or which shall cease to be necessary for the efficient operation of the System, provided, however, that in the event of any sale as aforesaid, the proceeds of such sale shall be paid into the Sinking Fund.

(i) Any bill not paid within thirty (30) days from the date it is mailed to the customer shall be deemed delinquent. The Issuer hereby agrees that if any sewer bill remains delinquent for more than sixty (60) days, it will initiate proceedings to cause all water service to the sewer user concerned to be cut off immediately.

(j) The Issuer shall commence and complete the acquisition and construction of the Project with all practical dispatch and will cause all construction to be effected in a sound and economical manner.

(k) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the System or any part thereof or upon the Revenues, as well as any lawful claims for labor, materials or supplies which if unpaid might by law become a lien or charge upon the System or the Revenues or any part thereof or which might

impair the security of the Bonds, except when the Issuer in good faith contests its liability to pay the same.

(l) The Issuer will not grant a franchise for the operation of any competing sewer system within its corporate limits, as long as the Series 2013 Bonds authorized herein remain outstanding.

(m) The Issuer, in order to assure the efficient management and operation of the System and to assure the Bondholders from time to time that the System will be operated on sound business principles, will employ competent and experienced management for the System, will use its best efforts to see that the System is at all times operated and maintained in first-class repair and condition and in such manner that the operating efficiency thereof shall be of the highest character, and will use its best efforts to see that Operation and Maintenance Expenses are at no time in excess of the Revenues reasonably available for the payment thereof.

(n) All payments falling due on the Series 2013 Bonds shall be made to the Bondholder thereof and all charges made by the Depository Bank for its services shall be paid by the Issuer.

(o) The Issuer will maintain its corporate identity, will make no attempt to cause its corporate existence to be abolished and will resist all attempts by other municipal corporations to annex all or any part of the territory now or hereafter in the Issuer or served by the System.

(p) The Issuer agrees, in accepting the proceeds of the Series 2013 Bonds, to comply with all applicable state and federal regulations related to the Utah State Revolving Fund administered by the Water Quality Board. These requirements include, but are not limited to Title VI of the Clean Water Act of 1987, The Single Audit Act of 1996, the Utah Wastewater Loan Program policies and guidelines, the Utah Local Government Bonding Act, the Utah Money Management Act, the Utah Procurement Code and the State of Utah Legal Compliance Audit Guide.

(q) Notwithstanding any other provision of law and in a manner consistent with other provisions in the Davis-Bacon Act, all laborers and mechanics employed by contractors and sub contractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Davis Bacon Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

Section 4.2 Additional Indebtedness. No additional indebtedness, bonds or notes

of the Issuer payable on a priority superior to the Series 2013 Bonds out of the Net Revenues from the System shall be created or incurred by the Issuer without the prior written consent of all holders of the Series 2013 Bonds. Furthermore, the Series 2013 Bonds shall not be entitled to any priority one over the other in application of the Net Revenues of the System, regardless of the time or times of their issuance, it being the intention of the Issuer that there shall be no priority among the Series 2013 Bonds authorized to be issued pursuant to this Bond Resolution regardless of the fact that they may be actually issued and delivered at different times. It is expressly agreed and covenanted that the Issuer will not hereafter issue any bonds or obligations payable from the Net Revenues of the System, or any part thereof, or which constitutes a lien on such Net Revenues or on the System until all Series 2013 Bonds have been paid in full unless such additional bonds are issued in such manner that they are in all respects subordinate to the Series 2013 Bonds.

The provisions of the foregoing paragraph are subject to the following two exceptions:

(1) The Series 2013 Bonds or any part thereof may be refunded. The refunding bonds so issued shall enjoy a lien on the Net Revenues on a parity with the Series 2013 Bonds except that if fewer than all of the Series 2013 Bonds outstanding at the time are so refunded, no refunding bonds shall bear interest at a rate higher or mature at a date earlier than the corresponding Bond refunded thereby without the consent of the owners and holders of all of the unrefunded Series 2013 Bonds. In all other respects, refunding bonds may be secured in such manner and may be payable from such sources and be subject to other terms and provisions that may be provided in the resolution authorizing their issuance. Refunding bonds may be exchanged with the consent of the Bondholder for not less than a like principal amount of the Series 2013 Bonds authorized to be refunded, may be sold or may be exchanged in part or sold in part. If sold, the proceeds of the sale not required for the payment of expenses shall be used to refund that portion of the Series 2013 Bonds refunded.

(2) Additional bonds may be issued on a parity with the Series 2013 Bonds herein authorized if all of the following conditions are met at the time of the issuance of such additional bonds (herein referred to as “Parity Bonds”):

(a) The Net Revenues of the System in the Sinking Fund Year preceding the year in which the Parity Bonds are to be issued were 125% of the average Annual Debt Service on all of the Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued with an allowance for earnings arising from any increase in sewer rates which have become effective prior to incurring the additional indebtedness in an amount equal to 95% of the amount by which the billings to customers for such Sinking Fund Year would have been increased, if such increase in rates had been in effect during the Sinking Fund year; provided, this limitation may be waived or modified by the written consent of the registered owners and holders of 75% of the principal amount of the Bonds and Parity Bonds then outstanding.

(b) All payments required by this Bond Resolution to be made into the Sinking Fund must have been made in full and there must be in each reserve fund the full amount required by this Bond Resolution to be accumulated therein.

(c) The Parity Bonds must be payable as to principal on September 1 of each year in which principal falls due.

(d) The proceedings authorizing such Parity Bonds must raise the amount to which the reserve funds shall be accumulated to an amount no less than the highest future Annual Debt Service of all Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued and must require the accumulation of such amount in the Reserve Account to be accomplished within ten (10) years after delivery of such Parity Bonds.

(e) The proceeds of the Parity Bonds must be used for the making of improvements, extensions, renewals, replacements or repairs to the System.

ARTICLE V

MISCELLANEOUS

Section 5.1. Default and Remedies. Failure of the Issuer to perform any covenant or requirement of the Issuer under this Bond Resolution within thirty (30) days after having been notified in writing by a Bondholder of such failure, shall constitute an event of default hereunder and shall allow each Bondholder to take the following enforcement remedies:

(a) The Bondholder may require the Issuer to pay an interest penalty equal to eighteen percent (18%) per annum of the outstanding principal amount on the Series 2013 Bonds, said interest penalty to accrue from the date of the notice of the Bondholder to the Issuer referenced hereinabove until the default is cured by the Issuer. Said interest penalty shall be paid on each succeeding payment date until the default is cured by the Issuer.

(b) The Bondholder may appoint a trustee bank to act as a receiver of the Revenues of the System for purposes of applying said Revenues toward the Revenue allocations required in Section 3.4 herein and in general, protecting and enforcing each Bondholder's rights thereto, in which case, all administrative costs of the trustee bank in performing said function shall be paid by the Issuer.

No remedy conferred herein is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to each Bondholder hereunder or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right, power or remedy accruing upon a default shall impair any such right, power or remedy or shall be construed to be a waiver of any default or acquiescence therein; and every such right, power or remedy may be exercised from time to time as may be deemed expedient.

Section 5.2. Amendments to Bond Resolution. Provisions of this Bond Resolution shall constitute a contract between the Issuer and the Bondholder; and after the issuance of the Series 2013 Bonds, no change, variation or alteration of any kind in the provisions of this Bond Resolution shall be made in any manner until such time as all of the Series 2013 Bonds have been paid in full except as hereinafter provided.

The Bondholders shall have the right from time to time to consent to and approve the adoption by the Issuer of resolutions modifying or amending any of the terms or provisions contained in this Bond Resolution in the manner and to the extent set out below.

Whenever the Issuer shall propose to amend or modify this Bond Resolution under the provisions of this section, it shall cause notice of the proposed amendment to be sent to all Bondholders of all Series 2013 Bonds then outstanding. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in the office of the County Clerk for public inspection. Should a Bondholder consent to the proposed amendment to this Bond Resolution, it shall

submit to the Issuer a written instrument which shall refer to the proposed amendatory resolution described in said notice and shall specifically consent to and approve the adoption thereof. Upon receipt of Bondholder consents representing at least 75% of the principal of Series 2013 Bonds outstanding, the governing body of the Issuer may adopt said amendatory resolution, and it shall become effective, provided, however, that nothing in this Section shall permit or be construed as permitting (a) an extension of the stated maturity or reduction in the principal amount of, or reduction in the rate of or extension of the time of paying of interest, if any, without the consent of the Bondholder of all the Series 2013 Bonds, or (b) a reduction in the amount or extension of the time of any payment required by any fund or account established hereunder without the consent of the Bondholders of all the Series 2013 Bonds which would be affected by the action to be taken, or (c) a reduction in the aforesaid aggregate principal amount of Series 2013 Bonds, the Bondholders of which are required to consent to any such waiver or a mandatory resolution, or (d) affect the rights of the Bondholders of less than all Series 2013 Bonds then outstanding, without the consent of the Bondholders of all the Series 2013 Bonds at the time outstanding which would be affected by the action to be taken.

If a Bondholder at the time of the adoption of such amendatory resolution shall have consented to and approved the adoption thereof as herein provided, said Bondholder shall not have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provision therein contained or to the operation thereof or to enjoin or restrain the Issuer from taking any action pursuant to the provisions thereof. Any consent given by a Bondholder pursuant to the provisions of this section shall be conclusive and binding upon all successive Bondholders.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 5.3. Maintenance of Proceedings. A certified copy of this Bond Resolution and every amendatory or supplemental ordinance or resolution shall be kept on file in the office of the County Clerk where it shall be made available for inspection by any Bondholder or his agent. Upon payment of the reasonable cost of preparing the same, a certified copy of this Bond Resolution, any amendatory or supplemental ordinance or resolution will be furnished to any Bondholder. The Bondholders may, by suit, action, mandamus, injunction or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this Bond Resolution to be done or performed by the Issuer. Nothing contained herein, however, shall be construed as imposing on the Issuer any duty or obligation to levy any tax either to pay the principal of or interest, if any, on the Series 2013 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2013 Bonds.

Section 5.4. Defeasance of Series 2013 Bonds. If the Issuer shall pay or cause to be paid, or there shall be otherwise paid or provision for payment made to the Registered

Owner of the Series 2013 Bonds for the payments due or to become due thereon at the times and in the manner stipulated therein, then the first lien pledge of the Net Revenues under this Bond Resolution and any and all estate, right, title and interest in and to any of the funds and accounts created hereunder (except moneys or securities held by a Depository Bank for the payment of the Series 2013 Bonds) shall be canceled and discharged.

Any Series 2013 Bond shall be deemed to be paid within the meaning of this section when payment of the Series 2013 Bonds (whether such due date be by reason of maturity or upon prepayment or redemption as provided herein) shall have been made in accordance with the terms thereof. At such time as the Series 2013 Bonds shall be deemed to be paid hereunder, they shall no longer be secured by or entitled to the benefits hereof (except with respect to the moneys and securities held by a Depository Bank for the payment of the Series 2013 Bonds).

Section 5.5. Sale of Series 2013 Bonds Approved. The sale of the Series 2013 Bonds to the Water Quality Board is hereby ratified, confirmed and approved.

Section 5.6. Bondholders not Responsible. The Bondholders shall not be responsible for any liabilities incurred by the Issuer in the acquisition or construction of the Project or for the failure of the System to function successfully after completion of the Project.

Section 5.7. Notice of Public Hearing and Bonds to be Issued. In accordance with the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the Issuer has designated the Summit County News, as the official newspaper of the Issuer authorized to publish legal notices for the Issuer, and in accordance with the Act, the County Clerk has caused a "Notice of Public Hearing Bonds to be Issued" to be (1) published once each week for two consecutive weeks in the The Times-News, a newspaper of general circulation in the Issuer, and (2) posted on the Utah Public Notice Website at least 14 days before the public hearing held on August 7, 2013.

Section 5.8. Additional Certificates, Documents, and Other Papers. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Bond Resolution and the documents authorized and approved herein.

Section 5.9. Severability. If any section, paragraph, clause or provision of this Bond Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Bond Resolution.

It is hereby declared by the governing body of the Issuer that it is the intention of the Issuer by the adoption of this Bond Resolution to comply in all respects with the provisions

of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended and that the Series 2013 Bonds shall be incontestable after issuance.

Section 5.10. Resolutions in Conflict. All resolutions or parts thereof in conflict with the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed.

Section 5.11 Approval of Sewer System Asset Purchase Agreement. The County Council of Summit County, Utah acting as the Governing Body of the Issuer hereby finds and determines that it is in the best interest of the Issuer and the residents thereof for the Issuer to enter into the Sewer System Asset Purchase Agreement with the Echo Sewer Company, a non-profit Utah corporation, by which the Issuer will acquire all assets and liabilities of the sewer system of the Echo Sewer Company. All efforts and actions of County and/or Issuer officials and agents related to the Agreement are ratified and approved. The Council authorizes the Chair of the County Council, acting as the Chair of the Governing Body of the Issuer to execute the Agreement in substantially final form to the Agreement as attached as Exhibit C and the County Clerk to attest to such signature and apply the seal of the Issuer thereto. In addition, all other agreements needful or helpful to transfer the assets and liabilities of the Echo Sewer Company to the Issuer, such as assignments of rights-of-way, etc., are hereby approved and authorized. The Chair of the County Council, acting as the Chair of the Governing Body of the Issuer is further authorized to make and agree to such modifications and amendments to the Agreement as are necessary or advisable to clarify provisions, correct errors, or effectuate the purposes of the Agreement. The Chair's approval and agreement to any such modifications or amendments shall be evidenced by his signature on the Agreement and shall be final. The Chair of the County Council, acting as the Chair of the Governing Body of the Issuer and other officials of the Issuer and County are authorized and directed to execute and deliver any additional certificates, documents or papers and to perform other appropriate acts to carry out the matters authorized in this Resolution.

PASSED AND ADOPTED THIS August 7, 2013.

_____

Chair of the County Council of Summit County, Utah acting as the Chair of the Echo Sewer Special Service District.

ATTEST:

_____

County Clerk

(S E A L of DISTRICT)

RECORD OF PROCEEDINGS

The County Council of Summit County, Utah acting as the Governing Body of the Echo Sewer Special Service Distirct met in public session at the regular meeting place of the Council at 60 N. Main St. in Coalville, Utah, on August 7, 2013, at the hour of 6:00 p.m., or as soon thereafter as feasible, with the following members of the Council being present:

Present:

David Ure	Chair
Claudia McMullin	Council Member
Christopher Robinson	Council Member
John Hanrahan, M.D.	Council Member
Sally Elliott	Council Member

Also Present:

Kent Jones	County Clerk

Absent:

After the meeting had been duly called to order and after other matters were discussed, the foregoing resolution (the "Resolution") was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Councilmember _____ and seconded by Councilmember _____ and the Ordinance was put to a vote and carried, the vote being as follows:

YEA:

NAY:

The Resolution was then signed by the Chair of the County Council as the Chair of the Governing Body of the Echo Sewer Special Service District in open meeting and recorded by the County Clerk in the official records of the Issuer.

CERTIFICATE OF COUNTY CLERK

I, Kent Jones, the duly appointed and qualified County Clerk of Summit County, Utah acting as the Clerk of the Echo Sewer Special Service District, do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the County Council acting as the Governing Body of the Echo Sewer Special Service District at a public meeting duly held on August 7, 2013 (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Certificate of Compliance with Open Meeting Law. The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on August 7, 2013, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this August 7, 2013.

_____

County Clerk

(SEAL of DISTRICT)

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Kent Jones, the undersigned County Clerk of Summit County, Utah acting as the Clerk of the Echo Sewer Special Service District, the Issuer, do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than 24 hours public notice of the agenda, date, time and place of the August 7, 2013, public meeting, held by the County Council as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the Issuer's principal offices, at least 24 hours before the convening of the meeting, the Meeting Notice having continuously remained posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the Issuer at least 24 hours prior to the convening of the meeting; and

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the meeting.

In addition, the Notice of 2013 Annual Meeting Schedule for the County Council was given specifying the date, time and place of the regular meetings of the County Council to be held during the year by causing notice to be posted on _____, 201__, at the principal office of the County Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County Council on _____, 201__, and posted on the Utah Public Notice Website on _____, 201__.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 7, 2013.

_____
County Clerk

(SEAL of DISTRICT)

(Attach Meeting Notice and Notice of 2013 Annual Meeting Schedule, including proof of posting thereof on the Utah Public Notice Website)

EXHIBIT "A-1"

FORM OF STATE BONDS

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF SUMMIT

ECHO SEWER SPECIAL SERVICE DISTRICT

TAXABLE SEWER REVENUE BOND
SERIES 2013

$218,000

Echo Sewer Special Service District, Summit County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the State of Utah Department of Environmental Quality, Water Quality Board (the "Water Quality Board") or registered assigns last noted in the Registration Certificate attached to the end of this Bond (the "Registered Owner"), the Repayable Principal Amount set forth in the "Certificate of Dates of Payment and Amount" attached hereto at the end of this Bond and more fully described below, but in no event more than $218,000 bearing no interest, payable on September 1 of each year, with payment of principal beginning on September 1, 2014, in registered installments on September 1 of each of the years as set forth in the following Repayment Schedule:

September 1	Principal Maturing
2014	$10,000
2015	10,000
2016	11,000
2017	11,000
2018	11,000
2019	11,000
2020	11,000
2021	11,000
2022	11,000
2023	11,000
2024	11,000
2025	11,000
2026	11,000
2027	11,000
2028	11,000
2029	11,000

September 1	Principal Maturing
2030	11,000
2031	11,000
2032	11,000
2033	11,000

The Issuer certifies that the initial Registered Owner of this Bond committed to purchase this Bond for an amount not to exceed $469,000, but further agreed to provide $251,000 of the Total Principal Sum in the form of a grant and/or principal forgiveness such that the Repayable Principal Amount of this Bond shall not exceed $218,000. The first $218,000 advanced on the $469,000 shall be deemed to be the Repayable Principal Amount of the loan. If less than $218,000 is advanced such that the Repayable Principal Amount is less than $218,000, the repayment period shall be shortened and the number of annual principal installments shall be reduced in inverse order of maturities (and the amount of the final remaining principal installment shall be reduced, if required) to correspond to the Repayable Principal Amount of this Bond as evidenced on the Certificate of Dates of Payment and Amount set forth in this Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon surrender of this Bond at the offices of the Paying Agent, or of any successor Paying Agent. Payments shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar, or at such other address as is furnished to the Registrar in writing by such Registered Owner.

As long as the State of Utah Department of Environmental Quality, Water Quality Board (the "Water Quality Board") is the registered holder of this Bond, installment payments of principal shall be made by check or draft mailed to the Water Quality Board as the registered holder at the address shown on the registration books maintained by the Registrar.

If any installment payment of Bond principal is not paid when due and payable, the Issuer shall pay interest on the delinquent installment at the rate of eighteen percent (18%) per annum from said due date until paid. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. All payments shall be applied first to interest, if any, and then to principal.

This Bond is payable solely from a special fund designated "Echo Sewer Special Service District Sewer Revenue Bond Sinking Fund," into which fund and into a reserve therefor, to the extent necessary to assure prompt payment of this Bond, shall be pledged 100% of the Net Revenues (as defined in the Bond Resolution herein described) derived and to be derived from the operation of the Issuer's sewer system (the "System"), all as more fully described and provided in the Bond Resolution adopted by the governing body of the Issuer on August 7, 2013 (the "Bond Resolution").

This Bond is issued pursuant to (i) the Bond Resolution, and (ii) the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, for the purpose of financing the cost of sewer improvements, and related improvements. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Bond Resolution) of the System and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues of the System. After issuance this Bond shall be incontestable.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefor or to make any appropriation for its payment.

Optional Redemption. This Bond is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of $1,000), at the election of the Issuer in inverse order of the due date of the principal installments hereof and by lot selected by the Issuer if less than all Bonds of a particular due date are to be redeemed, upon notice given as hereinafter set forth, at a redemption price equal to the principal amount to be so prepaid.

Notice of redemption shall be mailed by the Issuer, postage prepaid, not less than thirty (30) days prior to the date fixed for prepayment, to the registered owner of this Bond addressed to such owner at its address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Bonds are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of $1,000 and any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for sewer service sufficient to pay when due this Bond, and the principal and interest on all bonds issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System (as defined in the

Bond Resolution) to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The holder or owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond shall be registered in the name of the initial purchaser and any subsequent purchasers in an appropriate book in the office of the County Clerk of the Issuer, who shall be the Registrar. This Bond is transferable only by notation upon said book by the registered owner hereof in person or by his attorney duly authorized in writing, by the surrender of this Bond, together with a written instrument of transfer satisfactory to the Issuer, duly executed by the registered owner or his attorney duly authorized in writing; thereupon, this Bond shall be delivered to and registered in the name of the transferee.

It is hereby declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in regular and due time, form and manner as required by law, that the amount of this Bond does not exceed any limitation prescribed by the Constitution or statutes of the State of Utah, that the Net Revenues (as defined in the Bond Resolution) to be derived from the operation of the System have been pledged and that an amount therefrom will be set aside into a special fund by the Issuer sufficient for the prompt payment of this Bond and all bonds issued on a parity with this Bond, if any, and that said Net Revenues are not pledged, hypothecated or anticipated in any way other than by the issue of this Bond and all bonds issued on a parity with this Bond, if any.

IN TESTIMONY WHEREOF, the Issuer has caused this Bond to be signed by its Chair of the County Council and countersigned by its County Clerk under the corporate seal of said Issuer this ____ day of _____, 2013.

/s/ (Do Not Sign)
Chair of the County Council of Summit County, Utah acting as the Chair of the Echo Sewer Special Service District.

Countersigned:

/s/ (Do Not Sign)
County Clerk

(S E A L of DISTRICT)

REGISTRATION CERTIFICATE

(No writing to be placed herein except by
the Bond Registrar)

Date of Registration	Name of Registered Owner	Signature of Bond Registrar

CERTIFICATE OF DATES
OF PAYMENT AND AMOUNT

The undersigned authorized representative of the State of Utah Department of Environmental Quality, Water Quality Board (the "Water Quality Board") hereby certifies that the Water Quality Board has received written authorization from the Chair of the County Council of Summit County acting as the Chair of the Governing Body of the Echo Sewer Special Service District or County Clerk of the Issuer to stamp or write the amount or amounts indicated below on the date or dates set forth opposite such amount(s); that the amount last inserted under the column "Total Principal Sum" is the total amount received by the Issuer for the issuance of this Bond that was not received in the form of a grant, and that the undersigned has placed his/her signature in the space provided opposite such amount(s) to evidence the same.

Amount of Payment	Date of Payment	Total Principal Sum	Debt Forgiveness Amount	Repayable Principal Amount	WQB Representative Signature
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____
$_____	_____	$_____	$_____	$_____	_____

EXHIBIT "A-2"

FORM OF EXCHANGE BOND

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF SUMMIT

ECHO SEWER SPECIAL SERVICE DISTRICT

TAXABLE SEWER REVENUE BONDS, SERIES 2013

INTEREST RATE	MATURITY DATE	ISSUE DATE
0.0%		

Registered Owner: _____

Principal Amount: _____ Dollars

Echo Sewer Special Service District, Summit County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the Registered Owner identified above, or registered assigns, on the Maturity Date specified above, upon presentation and surrender thereof, the Principal Amount identified above, shall be payable by check or draft mailed by the County Clerk of Summit County, Utah (the "Paying Agent") to the Registered Owner hereof beginning September 1, 20___ and on each September 1 thereafter until this Bond is paid in full. Principal and redemption price of this Bond shall be payable upon presentation of this Bond to the Paying Agent, or its successor as such paying agent, for payment at maturity.

If this Bond is not paid when due and payable, the Issuer shall pay interest on the unpaid amount at the rate of eighteen percent (18%) per annum from the due date thereof until paid in full.

This Bond is one of an authorized issue of bonds of like date, term and effect except as to maturity, in the aggregate principal amount of _____ Dollars ($_____), issued in exchange for the conversion of the Issuer's Taxable Sewer Revenue Bond, Series 2013 dated _____, 2013, in the Repayable Principal Amount of

$218,000, authorized by a Bond Resolution of the Issuer duly adopted on August 7, 2013 (the "Bond Resolution"). This Bond and the issue of Bonds of which it is a part is issued pursuant to (i) the Bond Resolution and (ii) the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, for the purpose of financing the cost of sewer system improvements, and related improvements. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Bond Resolution) of the System and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Revenues of the System.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefor or to make any appropriation for its payment.

Optional Redemption. The Bonds are subject to redemption prior to maturity at any time, in whole or in part (if in part, in integral multiples of $1,000), at the election of the Issuer in inverse order of maturity and by lot within each maturity if less than the full amount is redeemed, upon not less than thirty (30) days' nor more than forty-five (45) days' prior notice, at a redemption price equal to 100% of the principal amount of each Bond to be redeemed. Notice of redemption shall be mailed by the Issuer, postage prepaid, to the registered owners of said Bonds addressed to such owners at their address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Series 2013 Bonds (as defined in the Bond Resolution) are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of $1,000 or any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for sewer service sufficient to pay this Bond when due and principal on all bonds issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System (as defined in the Bond

Resolution) to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The Registered Owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the office of the County Clerk of Summit County (the "Registrar") in Coalville, Utah, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond or Bonds of the same series and the same maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor.

It is hereby certified, recited and declared that all conditions, acts and things essential to the validity of this Bond and the issue of which it forms a part do exist, have happened and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that this Bond and the issue of which it forms a part does not exceed any limitation prescribed by the Constitution and laws of the State of Utah; that one hundred percent (100%) of the Net Revenues to be derived from the operation of the System, including any future improvements, additions and extensions thereto, have been pledged and will be set aside into said special fund by the Issuer to be used for the payment of this Bond and the issue of which it forms a part and all bonds issued on a parity with this Bond, if any, and that said Net Revenues of the System are not pledged, hypothecated or anticipated in any way other than by the issue of Series 2013 Bonds of which this Bond is one and all bonds issued on a parity with this Bond, if any.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed by its Chair of the County Council and countersigned by its County Clerk with the seal of said Issuer affixed, all as of the ____ day of _____, 200__.

By /s/ (Do Not Sign)
Chair of the County Council of Summit County, Utah acting as the Chair of the Echo Sewer Special Service District.

COUNTERSIGNED:

/s/ (Do Not Sign)
County Clerk

(S E A L of DISTRICT)

ASSIGNMENT

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto

_____

_____ (Tax Identification or Social Security No. _____) the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

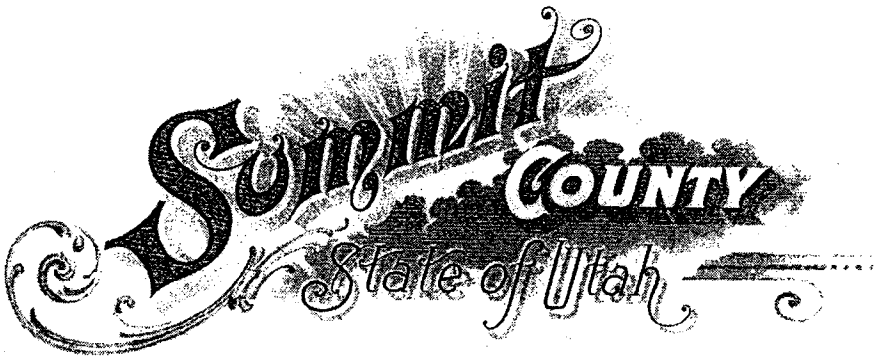
_____

THE SIGNATURE(S) SHOULD BE GUARANTEED BY AN ELIGIBLE GUARANTOR INSTITUTION (BANKS, STOCKBROKERS, SAVINGS AND LOAN ASSOCIATIONS AND CREDIT UNIONS WITH MEMBERSHIP IN AN APPROVED SIGNATURE GUARANTEE MEDALLION PROGRAM), PURSUANT TO SEC RULE 17Ad-15.

4821-8874-3685, v. 1

Auditor

Blake Frazier



June 13, 2013

County Council,

Please consider approving the 2012 Board of Equalizations decisions on June 26th. They will be prepared for your review prior to that date. We still have a few decisions yet to come in for 2012.

Thank You,

Kathryn

Kathryn Rockhill
BOE Clerk

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3016 • Park City: (435) 615-3016 • Kamas: (435) 783-4351 ext. 3016
Fax: (435) 336-3036 • Park City Fax: (435) 615-3036

2012 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
SCBC-6400-A	$ 285,320.00	$ 340,000.00	$ (54,680.00)	$ 285,320.00	$ 340,000.00
SCBC-6400-B	$ 280,840.00	$ 340,000.00	$ (59,160.00)	$ 280,840.00	$ 340,000.00
SCBC-6400-C	$ 346,080.00	$ 410,000.00	$ (63,920.00)	$ 346,080.00	$ 410,000.00
SCBC-6400-D	$ 351,820.00	$ 420,000.00	$ (68,180.00)	$ 351,820.00	$ 420,000.00
SCBC-6400-E	$ 345,660.00	$ 410,000.00	$ (64,340.00)	$ 345,660.00	$ 410,000.00
SCBC-6400-F	$ 280,840.00	$ 340,000.00	$ (59,160.00)	$ 280,840.00	$ 340,000.00
SCBC-6400-G	$ 285,320.00	$ 340,000.00	$ (54,680.00)	$ 285,320.00	$ 340,000.00
SCBC-6410-A	$ 226,800.00	$ 270,000.00	$ (43,200.00)	$ 226,800.00	$ 270,000.00
SCBC-6410-B	$ 219,800.00	$ 260,000.00	$ (40,200.00)	$ 219,800.00	$ 260,000.00
SCBC-6410-C	$ 226,380.00	$ 270,000.00	$ (43,620.00)	$ 226,380.00	$ 270,000.00
SCBC-6410-D	$ 229,180.00	$ 270,000.00	$ (40,820.00)	$ 229,180.00	$ 270,000.00
SCBC-6410-E	$ 229,180.00	$ 270,000.00	$ (40,820.00)	$ 229,180.00	$ 270,000.00
SCBC-6410-F	$ 226,240.00	$ 270,000.00	$ (43,760.00)	$ 226,240.00	$ 270,000.00
SCBC-6410-G	$ 229,180.00	$ 270,000.00	$ (40,820.00)	$ 229,180.00	$ 270,000.00
SCBC-6410-H	$ 231,000.00	$ 280,000.00	$ (49,000.00)	$ 231,000.00	$ 280,000.00
SCBC-6430-A	$ 230,580.00	$ 280,000.00	$ (49,420.00)	$ 230,580.00	$ 280,000.00
SCBC-6430-B	$ 227,780.00	$ 270,000.00	$ (42,220.00)	$ 227,780.00	$ 270,000.00
SCBC-6430-C	$ 225,400.00	$ 270,000.00	$ (44,600.00)	$ 225,400.00	$ 270,000.00
SCBC-6430-D	$ 227,780.00	$ 270,000.00	$ (42,220.00)	$ 227,780.00	$ 270,000.00
SCBC-6430-E	$ 227,780.00	$ 270,000.00	$ (42,220.00)	$ 277,780.00	$ 270,000.00
SCBC-6430-F	$ 227,780.00	$ 270,000.00	$ (42,220.00)	$ 227,780.00	$ 270,000.00
SCBC-6430-G	$ 218,680.00	$ 260,000.00	$ (41,320.00)	$ 218,680.00	$ 260,000.00
SCBC-6430-H	$ 223,020.00	$ 270,000.00	$ (46,980.00)	$ 223,020.00	$ 270,000.00
SCBC-6436-A	$ 102,900.00	$ 120,000.00	$ (17,100.00)	$ 102,900.00	$ 120,000.00
SCBC-6436-B	$ 105,140.00	$ 130,000.00	$ (24,860.00)	$ 105,140.00	$ 130,000.00
SCBC-6436-C	$ 105,140.00	$ 130,000.00	$ (24,860.00)	$ 105,140.00	$ 130,000.00
SCBC-6436-D	$ 105,140.00	$ 130,000.00	$ (24,860.00)	$ 105,140.00	$ 130,000.00
SCBC-6436-E	$ 105,140.00	$ 130,000.00	$ (24,860.00)	$ 105,140.00	$ 130,000.00
SCBC-6436-F	$ 105,140.00	$ 130,000.00	$ (24,860.00)	$ 105,140.00	$ 130,000.00
SCBC-6436-G	$ 102,900.00	$ 120,000.00	$ (17,100.00)	$ 102,900.00	$ 120,000.00
SCBC-6440-H	$ 103,180.00	$ 120,000.00	$ (16,820.00)	$ 103,180.00	$ 120,000.00
SCBC-6440-I	$ 105,560.00	$ 130,000.00	$ (24,440.00)	$ 105,560.00	$ 130,000.00
SCBC-6440-J	$ 105,560.00	$ 130,000.00	$ (24,440.00)	$ 105,560.00	$ 130,000.00
SCBC-6440-K	$ 105,560.00	$ 130,000.00	$ (24,440.00)	$ 105,560.00	$ 130,000.00
SCBC-6440-L	$ 130,060.00	$ 160,000.00	$ (29,940.00)	$ 130,060.00	$ 160,000.00

SCBC-6440-M	$	130,200.00	$	160,000.00	$	(29,800.00)	$	130,200.00	$	160,000.00
SCBC-6440-N	$	105,000.00	$	130,000.00	$	(25,000.00)	$	105,000.00	$	130,000.00
SCBC-6440-O	$	105,000.00	$	130,000.00	$	(25,000.00)	$	105,000.00	$	130,000.00
SCBC-6440-P	$	105,560.00	$	130,000.00	$	(24,440.00)	$	105,560.00	$	130,000.00
SCBC-6440-Q	$	103,180.00	$	120,000.00	$	(16,820.00)	$	103,180.00	$	120,000.00
Totals For 6/26/2013	**$**	**7,632,800.00**	**$**	**9,150,000.00**	**$**	**(1,517,200.00)**	**$**	**7,682,800.00**	**$**	**9,150,000.00**
Totals for 5/1/2013	**$**	**7,238,820.00**	**$**	**10,975,981.00**	**$**	**(3,737,161.00)**	**$**	**7,238,820.00**	**$**	**10,975,981.00**
Totals for 4/17/2013	**$**	**77,822,442.53**	**$**	**91,400,105.00**	**$**	**(13,577,662.47)**	**$**	**77,822,442.53**	**$**	**91,400,105.00**
Totals for 12/6/2013	**$**	**11,226,292.00**	**$**	**14,282,578.00**	**$**	**(3,056,286.00)**	**$**	**12,056,708.00**	**$**	**14,282,578.00**
Totals for 1/23/2013	**$**	**9,557,714.00**	**$**	**16,752,509.00**	**$**	**(7,194,795.00)**	**$**	**6,073,082.00**	**$**	**16,752,509.00**
Totals For 1/16/2013	**$**	**3,903,626.00**	**$**	**4,642,600.00**	**$**	**(738,974.00)**	**$**	**3,609,173.00**	**$**	**4,642,600.00**
Totals for 1/9/2013	**$**	**9,760,651.00**	**$**	**10,060,514.00**	**$**	**(299,863.00)**	**$**	**9,604,431.00**	**$**	**10,060,514.00**
Totals for 12/19/2012	**$**	**12,271,327.00**	**$**	**15,315,340.00**	**$**	**(3,044,013.00)**	**$**	**11,489,968.00**	**$**	**15,315,340.00**
Totals for 12/12/2012	**$**	**4,537,723.00**	**$**	**4,458,233.00**	**$**	**(1,881,986.00)**	**$**	**7,113,970.00**	**$**	**6,419,709.00**
Totals for 12/5/2012	**$**	**141,975,855.00**	**$**	**144,887,100.00**	**$**	**(2,911,245.00)**	**$**	**124,487,845.00**	**$**	**144,887,100.00**
Totals for 11/28/2012	**$**	**17,131,643.00**	**$**	**20,995,955.00**	**$**	**(3,864,312.00)**	**$**	**14,652,832.00**	**$**	**20,995,955.00**
Totals for 11/14/2012	**$**	**25,635,298.00**	**$**	**30,178,915.00**	**$**	**(4,543,617.00)**	**$**	**19,413,938.00**	**$**	**30,178,915.00**
Totals for 11/7/2012	**$**	**33,461,193.00**	**$**	**34,639,261.00**	**$**	**(1,178,068.00)**	**$**	**31,299,683.00**	**$**	**34,639,261.00**
Totals for 10/31/2012	**$**	**33,144,825.00**	**$**	**40,535,768.00**	**$**	**(7,390,943.00)**	**$**	**30,963,681.00**	**$**	**40,535,768.00**
Totals for 10/24/2012	**$**	**121,728,378.00**	**$**	**149,002,842.00**	**$**	**(27,274,464.00)**	**$**	**103,844,981.00**	**$**	**149,002,842.00**
Totals for 10/10/2012	**$**	**86,042,006.00**	**$**	**102,778,872.00**	**$**	**(16,736,866.00)**	**$**	**71,107,144.00**	**$**	**102,778,872.00**
Totals for 10/3/2012	**$**	**38,591,363.00**	**$**	**47,578,853.00**	**$**	**(8,987,490.00)**	**$**	**28,377,158.00**	**$**	**47,578,853.00**
Totals for 9/26/2012	**$**	**59,278,729.00**	**$**	**69,288,965.00**	**$**	**(10,010,236.00)**	**$**	**42,301,770.00**	**$**	**69,288,965.00**
Totals for 9/19/2012	**$**	**61,834,634.00**	**$**	**58,697,816.00**	**$**	**3,136,818.00**	**$**	**52,024,580.00**	**$**	**58,697,816.00**
Totals For 9/12/2012	**$**	**85,543,866.00**	**$**	**91,568,057.00**	**$**	**(6,024,171.00)**	**$**	**66,650,057.00**	**$**	**91,568,057.00**
Totals For 8/29/2012	**$**	**46,659,094.00**	**$**	**48,620,199.00**	**$**	**(1,961,105.00)**	**$**	**37,170,923.00**	**$**	**48,620,199.00**
RunningTotal	**$**	**894,978,279.53**	**$**	**1,015,810,463.00**	**$**	**(122,793,639.47)**	**$**	**764,985,986.53**	**$**	**1,017,771,939.00**

Annette,

So far this year(2012)the Market value decrease is ($ 122,793,639.47) As of 6/26/2013

The total number of Appeals for 2012 is 1,841 we have sent 1,751 of those for your approval as of June 26, 2013.

This is 95% of the Appeals.

COUNTY COUNCIL

Claudia McMullin - Chair
Chris Robinson - Vice Chair
Roger Armstrong
Kim Carson
Dave Ure

June 10, 2013

Summit County Council
Park Ridge Estates SID

Corrie Forsling
Summit County Treasurer
Courthouse
Coalville, UT 84017

Dear Ms. Forsling;

The Summit County Council, acting as the governing board of Park Ridge Estates Special Improvement District does hereby certify the attached accounts for water bond assessments as past due and delinquent.

You are requested to attach the respective delinquent account s to the property unit as a lien for collection with the general County ad Valorem tax as prescribed in a resolution implementing the provisions of the Water Improvement District dated the 26th day of May 1994. As outlined, all of the 2013 bond assessments which remain unpaid as of May 25, 2013 shall be added to the real property taxes owed on said property for the year 2013 as provided in Section 17B-1-902 Utah Code Annotated 1953, as amended and if the same are not paid, the property charged with the 2013 Park Ridge Improvement District assessments shall be sold for the amount due plus interest, penalties and costs, in the manner provided by Chapter 2 of Title 59, for delinquent genera property taxes.

Sincerely,

Summit County Council
PARK RIDGE ESATES SPECIAL IMPROVEMENT
DISTRCT Ordinance #210

60 North Main P.O. Box 128 Coalville, UT 84017
Phone (435) 336-3025 Fax (435) 336-3032

Memorandum

To: Summit County Council

CC: Corrie Forsling

From: Nancy Shupe

Date:

Re: Park Ridge Estates SID Assessment Liens

In 1993, the Park Ridge Estates Special Improvement District bonded for improvements to the water system for the Park Ridge Estates subdivision. To repay the bond, property owners are assessed a yearly amount of $259.35. When the bond assessment is not paid, the amount is attached as a lien on the property tax notice along with a $50.00 fee.

Acting as the governing board for the Park Ridge Estates Special Improvement District, the Summit County Council will need to approve the liens.

Attached is the letter to be signed by the Summit County Council Chair for the parcels that have not paid the bond assessment and a list of the parcels that will have a lien placed on them. The bond will be paid off in 2013.

COUNTY COUNCIL

Claudia McMullin - Chair
Chris Robinson - Vice Chair
Roger Armstrong
Kim Carson
Dave Ure

June 10, 2013

Summit County Council
Park Ridge Estates SID

Corrie Forsling
Summit County Treasurer
Courthouse
Coalville, UT 84017

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You are requested to attach the respective delinquent account s to the property unit as a lien for collection with the general County ad Valorem tax as prescribed in a resolution implementing the provisions of the Water Improvement District dated the 26th day of May 1994. As outlined, all of the 2013 bond assessments which remain unpaid as of May 25, 2013 shall be added to the real property taxes owed on said property for the year 2013 as provided in Section 17B-1-902 Utah Code Annotated 1953, as amended and if the same are not paid, the property charged with the 2013 Park Ridge Improvement District assessments shall be sold for the amount due plus interest, penalties and costs, in the manner provided by Chapter 2 of Title 59, for delinquent genera property taxes.

Sincerely,

Summit County Council
PARK RIDGE ESATES SPECIAL IMPROVEMENT
DISTRCT Ordinance #210

60 North Main • P.O. Box 128 • Coalville, UT 84017
Phone (435) 336-3025 • Fax (435) 336-3032 •

PARK RIDGE ESTATES DELIQUENT ASSESSMENTS
2013

Account	Parcel	Owner	Unpaid Balance	Late Fee	Aomount Transferred
135453	PRE-12	SAGERS FAMILY LIMITED PARTNERSHIP	$259.35	$50.00	$309.35
135529	PRE-19	SHOUMATOFF CARRIE J	$259.35	$50.00	$309.35
135537	PRE-2	KILDOW LINDSEY	$259.35	$50.00	$309.35
135560	PRE-22	DABELL TODD W & D'ANN	$259.35	$50.00	$309.35
135586	PRE-24	MCHAAS GREGORY T & REBECCA	$259.35	$50.00	$309.35
135628	PRE-28	WRIGHT MATTHEW A & MOLLY	$259.35	$50.00	$309.35
135644	PRE-3	MUELLER KATHARINE I	$259.35	$50.00	$309.35
135651	PRE-30	WYNNE WILLIAM L	$259.35	$50.00	$309.35
135701	PRE-35	STOUFFER MATHEW K	$259.35	$50.00	$309.35
0135719	PRE-36	QUERRY CAROL L	$200.00	$50.00	$250.00
135776	PRE-41	CHURCH BRYAN P & RANA H	$259.35	$50.00	$309.35
135834	PRE-47	TURNER MARK B & CHRISTINA D	$259.35	$50.00	$309.35
135859	PRE-49	WALSH ROBERT F III & DEIRDRA	$259.35	$50.00	$309.35
135958	PRE-58	DATTA SANCHAITA & BHASKAR RAGULA	$259.35	$50.00	$309.35
136048	PRE-7	RILEY JOHN P & LIESE SHARON R H/W	$259.35	$50.00	$309.35
		TOTAL	$3,830.90	$750.00	$4,580.90

17B-1-902. Lien for past due service fees -- Limitations.

(1) (a) A local district may certify, to the treasurer of the county in which the customer's property is located, past due fees and charges for commodities, services, or facilities that the district has provided to the customer's property.

(b) Subject to Subsection (2), the past due fees and charges, including applicable interest and penalties, upon their certification under Subsection (1)(a), become a lien on the customer's property to which the commodities, services, or facilities were provided, on a parity with and collectible at the same time and in the same manner as general county taxes that are a lien on the property.

(2) A lien under Subsection (1) is not valid if certification under Subsection (1) is made after the filing for record of a document conveying title of the customer's property to a new owner.

(3) Nothing in this section may be construed to:

(a) waive or release the customer's obligation to pay fees or charges that the district has imposed;

(b) preclude the certification of a lien under Subsection (1) with respect to past due fees or charges for commodities, services, or facilities provided after the date that title to the property is transferred to a new owner; or

(c) nullify or terminate a valid lien.

(4) After all amounts owing under a lien established as provided in this section have been paid, the local district shall file for record in the county recorder's office a release of the lien.

Renumbered and Amended by Chapter 329, 2007 General Session

Motion was then made by Commissioner _____ and seconded by Commissioner _____ that the Board accept the Recommendation and Decision of the Board of Equalization and Review regarding the proposed assessments to be levied within the District. The motion carried unanimously.

It was then noted that the Board is now convened in this meeting for the purpose, among other things, to adopt an Assessment Ordinance (the "Ordinance") for the District. The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner _____ and seconded by Commissioner _____, adopted by the following vote:

YEA:

NAY:

The Ordinance was then signed by the Chair in open meeting and recorded in the official records of Summit County, Utah. The Ordinance is as follows:

ORDINANCE NO. 210

AN ORDINANCE confirming the assessment rolls and levying an assessment against certain properties in Summit County Utah, Park Ridge Estates Improvement District for the purpose of paying the costs of acquisition of the existing water system and/or acquisition of substitute water rights and sources of water supply and the construction of new wells, storage, and distribution facilities, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; reaffirming the establishment of a special improvement guaranty fund; establishing the effective date of this ordinance; and related matters.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, UTAH:

Section 1. Determination of Costs. All costs and expenses for the making of the improvements within the District have been determined, the property price for all property to be acquired to make the improvements has been finally determined and the reasonable cost of any work to be done has been determined.

Section 2. Approval of Assessment List; Findings. The Board of County Commissioners (the "Board") of Summit County, Utah (the "Issuer") hereby confirms the assessment list as modified, equalized and approved by the Board of Equalization and Review for Summit County, Utah Park Ridge Estates Improvement District (the "District"), a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference (the "Assessment List"), and hereby confirms the findings of the Board of Equalization and Review that the Assessment List as equalized and modified by the Board of Equalization and Review for the District is just and equitable; that each piece of property to be assessed within the District will be directly or indirectly benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the Assessment List will bear more than its proportionate share of the cost of such improvements. The Board further approves, ratifies and confirms the recommendation and decision of the Board of Equalization and Review.

Section 3. Levy of Assessment. The Board of the Issuer does hereby levy an assessment to be assessed upon the real property identified in the Assessment List. The assessments levied upon each block, lot, part of block or lot, tract or parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are for the purpose of paying the costs of providing water services within the boundaries of the District and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner. Said improvements are more particularly described in the Assessment List.

The assessments are hereby levied and assessed upon each of the parcels of real property described in the Assessment List according to the extent that they are specifically benefited by the improvements acquired or constructed within the District. The assessments are levied upon the parcels of property in the District at equal and uniform rates.

Section 4. Cost of Improvements; Amount of Total Assessments. The total cost of the improvements in the District is $337,161, of which total cost the Issuer's portion is $0. The Issuer's portion for the District includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making improvements for the benefit of property against which an assessment may not be levied, if any. The amount to be assessed against properties affected or benefited by the improvements in the District is $337,161, which amount does not exceed in the aggregate the sum of: (a) the construction contract price or prices, if more than one; (b) the reasonable cost of utility, water, drainage and sewer services, connections and relocations, maintenance, labor, materials or equipment, if any, supplied by the Issuer, if any; (c) the property price, if any; (d) connection fees, if any; (e) the interest on any interim warrants issued against the District; (f) overhead costs not to exceed forty percent (40%) of the sum of (a), (b), (c) and (d); and (g)

where the assessment is levied prior to the time all of the improvements in the District are entirely completed and accepted, an amount for contingencies of not to exceed 10% of the sum of (a) and (b).

Section 5. Method and Rate. The total assessment for the District is levied in accordance with the following method and at the following rates:

Improvements	Assessment	Method of Assessment
All water improvements described hereinabove	$5,187	Per Lot

Section 6. Payment of Assessment. The whole or any part of the assessments for the District may be paid without interest within fifteen (15) days after this Ordinance becomes effective. Any part of the assessment not paid within such fifteen (15) day period shall be payable over a period of twenty (20) years from the effective date of this Ordinance in twenty (20) substantially equal annual principal installments, together with interest on the unpaid balance of the assessment at the same rate or rates of the special assessment bonds anticipated to be issued by the Issuer. The assessment payment dates shall be the first anniversary date of the effective date of this Ordinance and each subsequent anniversary date thereafter. Interest shall accrue from the effective date of this Ordinance until paid.

After the above-referenced fifteen (15) day period, all unpaid installments of an assessment levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special assessment bonds issued in anticipation of the collection of the assessments, plus such additional amounts as, in the opinion of the County Treasurer, is necessary to assure the availability of money to pay interest on the special assessment bonds as interest becomes due and payable, plus any premiums which may be the charged and become payable on redeemable bonds which may be called in order to utilize the assessments paid in advance.

Section 7. Default in Payment. If a default occurs in the payment of any installment of principal or interest, when due, the County Treasurer on behalf of the governing body of the Issuer may declare the unpaid amount to be immediately due and payable and subject to collection as provided herein. In addition, the County Treasurer, on behalf of the governing body of the Issuer, may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate or rates of interest as are applied to delinquent real property taxes for the year in which the

payment became delinquent until the next succeeding date after payment or collection on which interest is payable on any special assessment bonds issued. All costs of collection, as provided by the County Treasurer on behalf of the Governing Body, including, without limitation, attorneys' fees, trustee's fees, and court costs incurred by the Issuer or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

Upon any default, the County Treasurer shall give notice, in writing, of the default to the owner of the property in default, as shown by the last available equalized assessment rolls of Summit County. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls of Summit County. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing, after which the County Treasurer on behalf of the Issuer may place in operation the procedure necessary to provide for a tax sale of all delinquent property in the manner provided by Title 59, Chapter 2, Part 13, Utah Code Annotated 1953, as amended, for the sale of property for delinquent general property taxes, or the Treasurer on behalf of the Issuer may accelerate the principal of the assessment and immediately commence foreclosure proceedings in the manner provided for actions to foreclose mortgage liens or trust deeds. In the event the Issuer elects to foreclose in the manner provided for the foreclosure of trust deeds (i.e., non-judicial foreclosure by power of sale), the Treasurer or the governing body of the Issuer shall be empowered to designate a trustee, and successor trustees if necessary, to carry out such foreclosure, and such trustee(s) shall be deemed to have a power of sale and all other rights, power, and authority necessary to legally and lawfully foreclose the lien for delinquent assessments. Any trustee so selected must satisfy the qualifications for a trustee as set forth in Utah Code Annotated § 57-1-21, or any successor statute. If at the sale no person or entity shall bid and pay the Issuer the amount due on the assessment plus interest and costs, the property shall be deemed sold to the Issuer for these amounts. The Issuer shall be permitted to bid at the sale.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the Issuer of the use of any other method or means. The amounts of accrued interest and all costs of collection, including trustee's fees, attorneys' fees, and costs, shall be added to the amount of the assessment up to, and including, the date of foreclosure sale.

Section 8. Remedy of Default. If prior to the final date payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments of principal and interest which are past due and delinquent with interest on such installments at the rate or rates set forth in Section 7 herein to the date of payment, plus all

trustee's fees, attorneys' fees, and other costs of collection, the assessment of said owner shall be restored and the default removed, and thereafter the owner shall have the right to make the payments in installments as if the default had not occurred. Any payment made to cure a default shall be applied, first, to the payment of attorneys' fees and other costs incurred as a result of such default; second, to interest charged on past-due installments, as set forth above; third, to the interest portion of all past-due assessments; and last, to the payment of outstanding principal.

Section 9. Lien of Assessment. An assessment or any part or installment of it, any interest accruing and the penalties, trustee's fees, attorneys' fees, and other costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall continue until the assessment and any interest, penalties and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax or other assessment or the issuance of tax deed, an assignment of interest by the governing entity or a sheriff's certificate of sale or deed.

Section 10. Special Improvement Guaranty Fund. The Issuer does hereby reaffirm the creation of a special improvement guaranty fund (the "Guaranty Fund") and shall annually, so long as any special assessment bonds of the Issuer remain outstanding, transfer to said fund each year such amount as shall equal the amount that a tax levy on all taxable property located within the unincorporated portions of the Issuer at the rate of .0002 will produce, either through a levy of a tax of not to exceed .0002 in any one year or by the issuance of general obligation bonds or by appropriation from other available sources, for the purpose of guaranteeing to the extent of such fund the payment of special assessment bonds and interest thereon issued against local improvement districts for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah.

Section 11. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to same as provided by statute may commence a civil action against the Issuer to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the Issuer not later than 30 days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make

by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the 30-day period provided in this section:

(a) The Assessment Bonds issued or to be issued against the District and the assessments levied in the District shall become incontestable as to all persons who have not commenced the action provided for in this section; and

(b) No suit to enjoin the issuance or payment of the Assessment Bonds, the levy, collection or enforcement of the assessment, or in any other manner attacking or questioning the legality of the Assessment Bonds or assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 12. All Necessary Action Approved. The officials of the Issuer are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 13. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 14. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Chair and County Clerk and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Park Record, a newspaper published and having general circulation in the Issuer, and shall take effect immediately upon its passage and approval and publication as required by law.

ADOPTED AND APPROVED by the Board of County Commissioners, this 12th day of April, 1993.

_____
Chair

ATTEST:

_____
County Clerk

(S E A L)

STATE OF UTAH
COUNTY
CLERK
SUMMIT COUNTY

County Engineer Derrick A. Radke, P.E.

MEMORANDUM

Date: June 10, 2013 for the June 26, 2013 meeting
To: Summit County Council
From: Kent S. Wilkerson, P.E. Engineer II
Re: Eastern Summit County Transportation Master Plan (E-TMP)
– Public Hearing and Possible Ordinance

Executive Summary

Provided previously was the 'Semi-final 3-13', Eastern Summit County Transportation Master Plan (E-TMP). The only significant change is the format of the project list in the appendix, to make it more readable. From the engineering web page, the full, current document link is:
http://www.summitcounty.org/engineering/downloads/Eastern_SC_Transportation_Master_Plan.pdf
Should you want a hard copy of the latest – please contact me 435.336.3294.

It was unanimously recommended by the Eastern Summit County Planning Commission. The purpose of the Public Hearing is to:

- Receive public input on the E-TMP
- Adopt the E-TMP as an ordinance.

The E-TMP is intended to be an inclusive document that contains the current communities' plans and the necessary County coordinating projects with analysis. All five cities' and towns' Mayors, staff and councils have provided input. Three of the five communities have adopted the E-TMP by resolution. Kamas and Francis have not opposed it but have yet to act upon it.

It is a dynamic document and as conditions change, the plan will change to reflect current conditions.

Background

The E-TMP provides transportation planning in all forms. The primary emphasis is road improvements. Most road improvements bring the roads to current engineering standards (shoulders or widening). All forms of transportation to some extent are considered as listed in future projects section.

The plan has been in active development and review process for approximately two years. It is supported by the County's Travel Demand Model. This model helps predict future conditions and helps identify needed capacity improvements and alternatives.

Some Significant Development Steps:

- Staff incorporated each communities plan and analyzed them with the County Travel Demand Model and generated a rough first draft
- Reviewed by staff of the Major Stake Holders
- Major revisions based on Major Stake Holder feed back
- All Stake Holders were provided opportunity to comment
    - See page 2 of all Stake Holders
    - FYI: Division of Wildlife took the most interest
- Work Sessions with the Eastern Summit County Planning Commission
- Work Groups – 1 North Summit and 1 South Summit
- 3 of the 5 Major Stake holders adopted the E-TMP by resolution – see Appendix D
- Public Hearings–North Summit (Coalville, Jan 17) and South Summit (Kamas, Jan 3) Comments addressed:
    - Democrat Alley and SR-32 area
    - Need for trails
    - Inflationary costs
    - Chalk Creek to Mirror Lake Study

      No opposing comments were received.
- Planning Commission recommendation to the Council was unanimous with the Cross Valley Connection being a study – not a project
- Council Work sessions

The most challenging study area up to and including final approval has been the Kamas Valley – Democrat Alley area. The Plan reflects:

- Widening of SR-32 from Kamas to Oakley, a UDOT roadway
- Paving of Democrat Alley when warranted and designation as a collector route
- Hallam Road extending to SR-248 from Francis
- Further study of a Cross Valley (from SR-32 to Democrat Alley more or less mid way) connection

See the summary discussion page 59.

The Council held three work sessions on the subject:

1. General overview;
2. South Summit Areas;
3. North Summit Areas;

From the work sessions, the only significant document change is re-formatting of the project list to make it more readable.

Recommendations

- Receive public comment
- Consideration of an ordinance to adopt the Eastern Summit County Transportation Master Plan

Conclusion

Our Eastern County transportation system has a very high level of service. This contributes to the existing quality of life. Implementation of E-TMP will help maintain the high quality of transportation in accordance with current community master plans.

To the extent that development will occur, the plan will help identify mitigations and opportunities to maintain a high quality transportation system by implementing master planned ideas.

Should you need additional immediate information, please feel free to contact me: kwilkerson@summitcounty.org or 435.336.3294.

Attachments:

Draft Ordinance
Power point introduction to the Public Hearing

CC: Robert Jasper, County Manager
Kevin Callahan, Public Works Director
Sean Lewis, County Transportation Planner
Derrick Radke, County Engineer
Leslie Crawford, Senior Engineer

file (C:\USERS\KWILKERSON.CCH\DOCUMENTS\EASTERN SUMMIT COUNTY TMP 2010\COUNCIL PUBLIC HEARING 6-26-13.DOCX)

SUMMIT COUNTY, UTAH
ORDINANCE NO. __ ____

AN ORDINANCE TO ESTABLISH
THE EASTERN SUMMIT COUNTY TRANSPORTATION MASTER PLAN

WHEREAS, the Utah Code, sections 17-27a-102 provides for master planning for the benefit of the County; and

WHEREAS, the plan includes Henefer Town, Coalville City, Oakley Town, Kamas City and Francis City (Municipalities) and North Summit Recreation District, and

WHEREAS, hearings and notification have been provided

NOW, THEREFORE, the County Legislative Body of the County of Summit, State of Utah [hereinafter "Council"], ordains as follows:

Section 1. The Council hereby adopts the Eastern Summit County Transportation Master Plan as attached in Exhibit 'A'.

Section 2. The Council, hereby encourages and supports joint planning and cooperation with the Municipalities.

Section 3. This Ordinance shall take effect after 15 days of the date below and upon publication in a newspaper published and having general circulation in Summit County.

SUMMIT COUNTY COUNCIL, STATE OF UTAH

By: _____

_____, Summit County Council

Council Armstrong voted_____
Council McMullin voted _____
Council Robinson voted _____
Council Ure voted _____
Council Caron voted _____

ATTEST:

_____County Clerk, Summit County, Utah

APPROVED AS TO FORM:

_____

Helen Strachan , Deputy County Attorney

- Today : Public Hearing / Possible Ordinance
- Transportation Master Plan for the Eastern Summit County Area
  - Major Stake Holder Involved
    - Henefer, Coalville, Oakley, Kamas, Francis,
    - UDOT, North Summit Recreation
  - Many others…. Thank you.

Discussion Out line

- Why the Plan?

Growth will happen and it has impact. This is what can be done.

- What is in the Plan?
  - Review Critical Areas
  - Projects Proposed
  - Results
- Conclusion

Why the Plan?

- Eastern Summit County has a great transportation system currently
  - Some improvement
  - No Major congestion
- Keep it this way in context of what is ahead
  - Establish standards and know what is needed

What is in the plan?

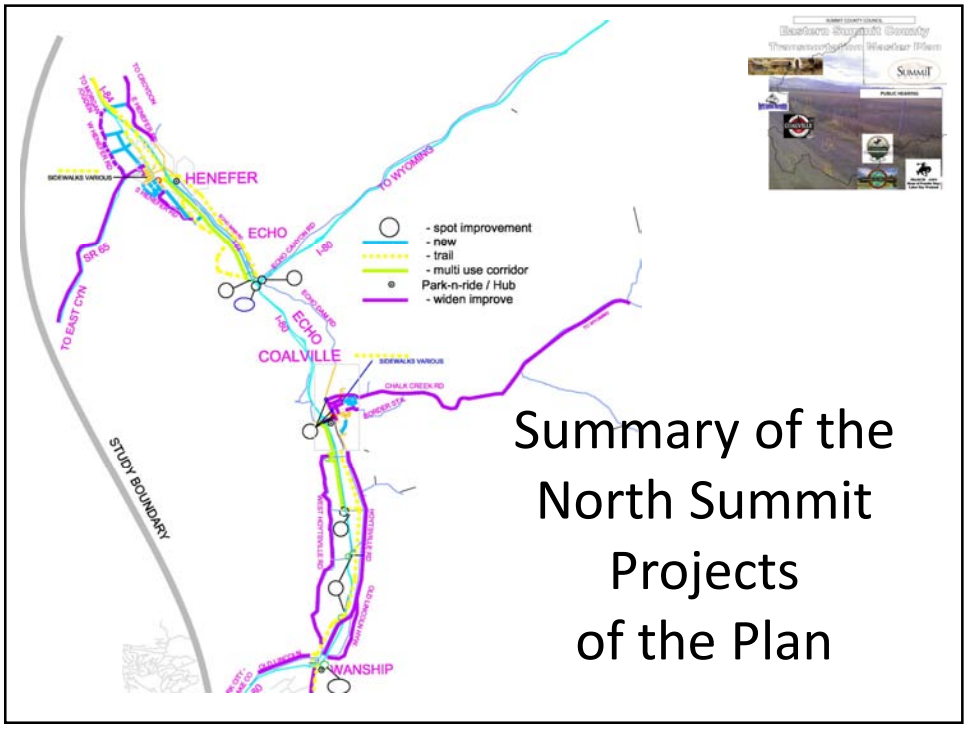
Rich history of transportation : trails-rails-auto

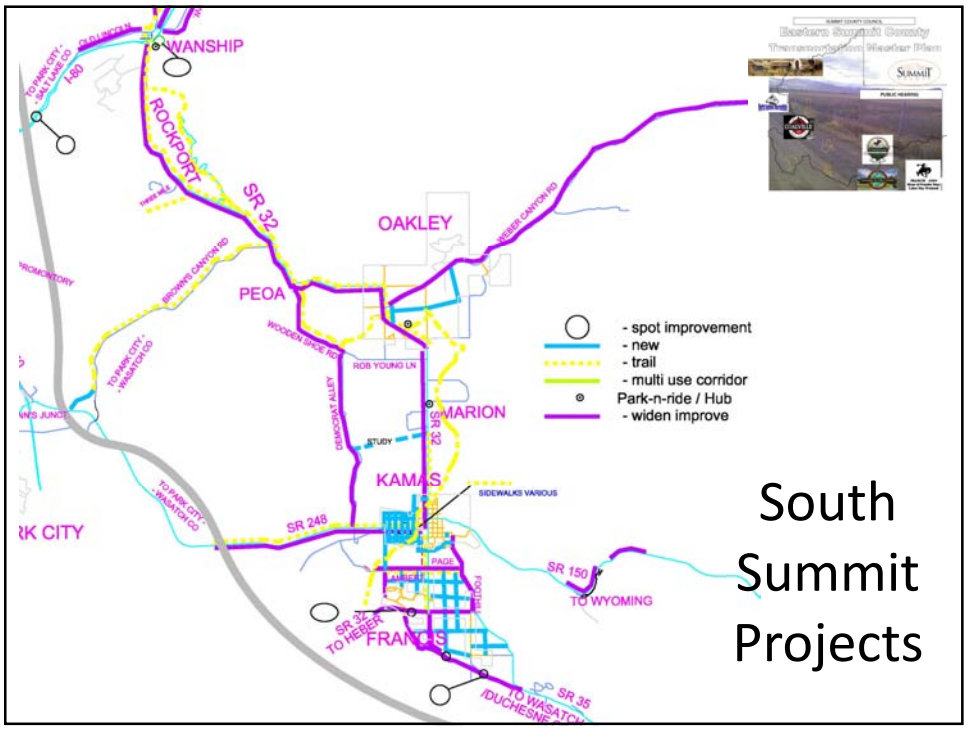
- Analysis of Existing Conditions
  - Road standards / Capacity
- Projection of Future Conditions
  - Entitled (Est. 2025)
  - Build-out (Est. 2040)
- Goals/Projects

  Plan Summary –
  - Cover for all the Town and Cities plans
  - Analyze and fill in between

Sensitive Areas

- Capacity
  - Kamas Valley along SR-32
- Road standards
  - Shoulder / Widen / Some bike lanes
- Other
  - Trails
  - Spot improvements


HENEFER
ECHO
COALVILLE
WANSHIP
TO WYOMING
TO EAST CYN
STUDY BOUNDARY
SIDEWALKS VARIOUS
- spot improvement
- new
- trail
- multi use corridor
Park-n-ride / Hub
- widen improve
Summary of the North Summit Projects of the Plan


WANSHIP
ROCKPORT
SR 32
OAKLEY
PEOA
MARION
KAMAS
FRANCS
SR 248
SR 150
TO WYOMING
SR 35
SIDEWALKS VARIOUS
- spot improvement
- new
- trail
- multi use corridor
Park-n-ride / Hub
- widen improve
South Summit Projects

Plan Results

- A project list that can be worked on as opportunities arise (now to 2040)
- Standards and Goals to work toward
- Coordination of County, UDOT, Rec District, City and Towns Projects

Conclusion:

- The Eastern County has a great system
- The Plan is to keep it successful

- Public Hearing – (Receive input)
  - Two previous Hearings : comments summary
    - Focus on Democrat Alley
    - Need for trails
    - Chalk Creek to Mirror Lake Study

Eastern Summit County Planning Commission unanimously recommend approval of the Plan

- Consider adoption by ordinance