

County Engineer



Derrick A. Radke, P.E.

## MEMORANDUM

August 8, 2013

To: Summit County Council  
Robert Jasper, County Manager

From: Derrick Radke, PE - Summit County Engineer

Re: Road Maintenance Projects Re-Cap for 2013

I have been asked to provide the Council with an update of major maintenance projects proposed and completed in 2013, and to recap the projected road maintenance needs for 2014.

The following are the maintenance projects in 2013 listed by the Fund they were budgeted for:

**Municipal Fund - Total Budgeted = \$985,000; Need = \$2,600,000**

WalMart Intersection Reconfiguration	\$175,000
South Summit - Rob Young Lane Overlay	\$125,000
Snyderville Basin HIP & Overlays	\$290,000
Rasmussen (Hidden Cove to Southridge)	
Silver Summit Parkway	
Trailside Drive	
Ute Blvd. (SR-224 to Round-About & Round-About to Highland)	
North Summit - West Hoytsville Slide, Road Repair	\$150,000
Snyderville Basin - Pinebrook Blvd. (Kilby Rd to Pinebrook Rd)	\$145,000
South Summit - Brown's Canyon Road, Retaining Wall Repair	\$100,000

\*\*Note that there was an additional \$650,000 budgeted for Road Reconstruction in Summit Park and R/W on Old Ranch

**Service Area #6 (County Maintained Subdivisions) - Total Budgeted = \$145,000; Need = \$800,000**

Silver Springs, Slurry Seal	\$46,000
Quail Meadows Drive, Patch, Repair C&G, Slurry	\$30,000
Backnine, Slurry Seal	\$22,000
McKinney Ct. & Nelson Ct., Edge Mill & Overlay	\$47,000

P.O. Box 128 · Coalville, UT 84017  
Coalville: (435) 336-3250 · Kamas: (435) 783-4351 ext. 3250 · Park City (435) 615-3250  
Fax: (435) 336-3043 · Park City Fax (435) 615-3043

Summit County Council & Robert Jasper, County Manager  
Road Maintenance Project Re-Cap for 2013  
August 8, 2013  
Page 2 of 4

**Service Area #8 (Chalk Creek) – Total Budgeted = \$380,000; Need = \$600,000**

Chalk Creek Road Slide Repair @ Richins	\$130,000
Chalk Creek Road Chipping	\$175,000
Chalk Creek Road Guard Rail/Safety Project	\$75,000

**Class B (Gas Tax) - Total Budgeted = \$404,000**

Kilby Road Chipping Project (Aspen Drive to Road Shed)	\$68,000
Aspen Frontage Road Chipping	\$20,000
Parkview Drive Chipping/Slurry Seal Project	\$17,000
Woodenshoe Road Chipping Project, Phase II	\$28,000
Lower River Road Chipping Project	\$28,000
Judd Lane Chipping Project (Bridge to W. Hoytsville)	\$16,000
Hoytsville Bridge Painting	\$140,000
W. Hoytsville Road Overlay (Hobson Lane going South)	\$87,000

As you can see from the Fund Heading summaries, and from the details presented below, the needs far outnumber the amounts we have been able to budget. The “needed” funds are only those necessary to maintain existing Remaining Service Life (RSL) ratios. The amounts “needed” are not sufficient to make significant improvements to the ratios.

The budgeted amounts for Municipal, Service Area #6 and Service Area #8 are offset by the projects completed with the Class B (Gas Tax) funds. The amount offset in each year in each fund varies from year to year, however as discussed last fall during the budget review, the amount of Class B funds used in each area are relatively balanced. Also as noted in the Budget discussions last year, additional Class B funds will be available when the Brown’s Canyon Road Bond pays off.

The following two pages contain tables and graphs comparing road conditions and cost projections for the last two years. We are still working to update the data for 2013, so these values may change somewhat.

In the coming weeks we will be presenting to the Council an overview of Capital and Capacity Projects and how we pay for them.

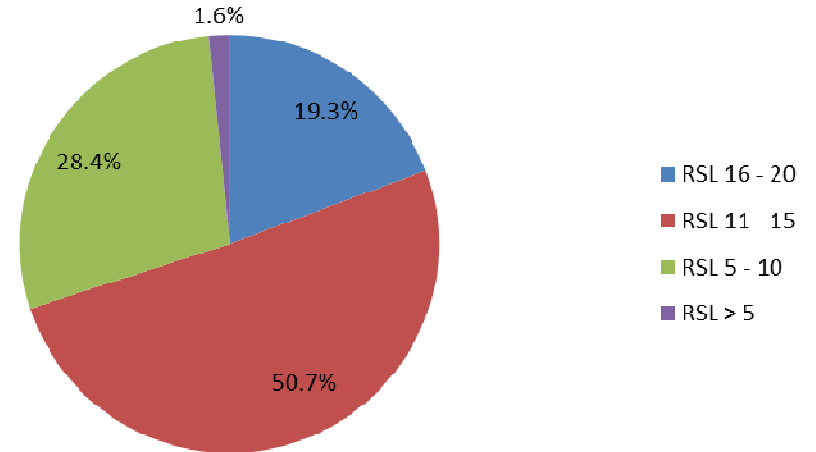
I look forward to discussing this information and the nuances between the 2012 and 2013 data with you at the work session on August 14<sup>th</sup>. If you have any question, please contact me.

cc: Leslie Crawford, PE – Senior Engineer  
file (C:\Users\dradke.CCH\Documents\MyDocs\DAR\budget\2014\cc-maint-needs v budget.doc)

**Municipal Road Information for 2012**

MUNICIPAL ROAD MAINTENANCE - BUDGET PROJECTION						
RSL Segment Length (Mi)	RSL % of Total	RSL Range	RSL Segment Area (Sq Ft)	5 Year Cycle Cost	5 Year Cycle Road Miles/Year	
29	19.3%	RSL 16 - 20	4294799	\$171,792	5.7	
75	50.7%	RSL 11 - 15	9733243	\$622,928	15.0	
42	28.4%	RSL 5 - 10	5166248	\$1,549,874	8.4	
2	1.6%	RSL > 5	366330	\$622,761	0.5	
148			<b>Total</b>	<b>\$2,967,355</b>	29.6	
		<b>Average Maint. Cost</b>	<b>/Sq Ft</b>	<b>Miles/Year</b>		
		Slurry	\$0.20	5.7		
		Chips	\$0.32	12.8		
		HMA (2")	\$1.50	8.4		
		HIPR (1")	\$1.00	2.3		
		Reconst	\$8.50	0.5		
			<b>Total</b>		29.6	

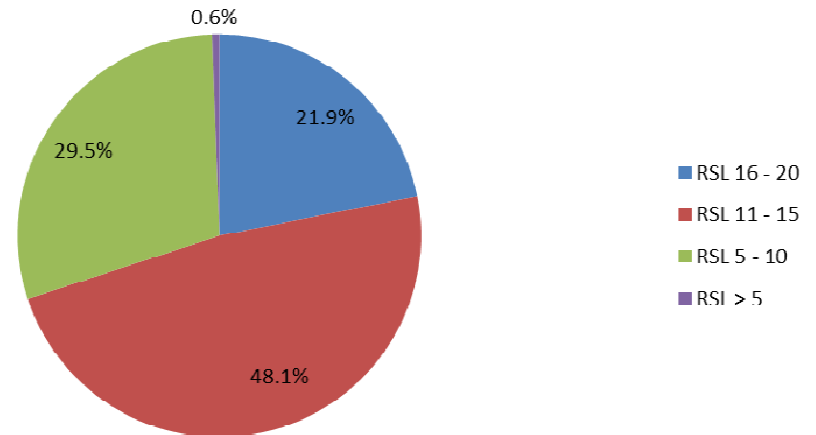
**RSL % of Total**



**Municipal Road Information for 2013**

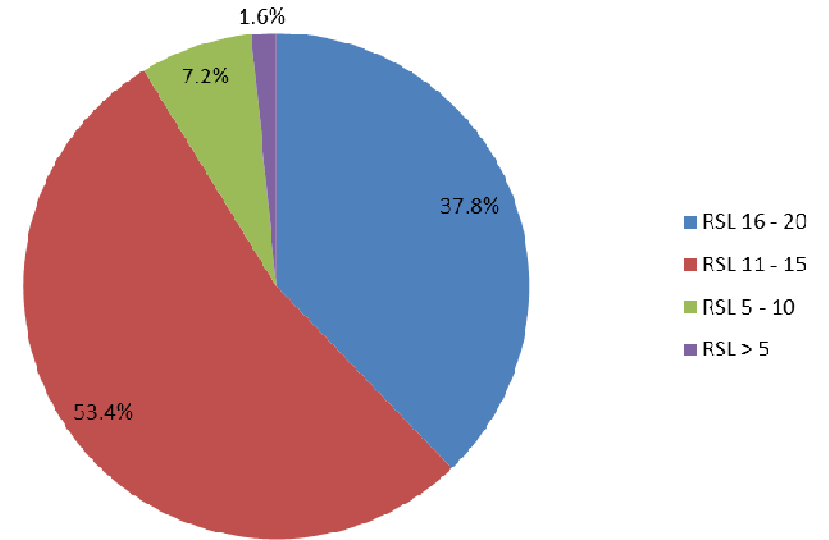
MUNICIPAL ROAD MAINTENANCE - BUDGET PROJECTION						
RSL Segment Length (Mi)	RSL % of Total	RSL Range	RSL Segment Area (Sq Ft)	5 Year Cycle Cost	5 Year Cycle Road Miles/Year	
33	21.9%	RSL 16 - 20	5042410	\$201,696	6.6	
73	48.1%	RSL 11 - 15	9567220	\$612,302	14.6	
45	29.5%	RSL 5 - 10	5158142	\$1,547,442	9.0	
1	0.6%	RSL > 5	140220	\$238,374	0.2	
152			<b>Total</b>	<b>\$2,599,815</b>	30.4	
		<b>Average Maint. Cost</b>	<b>/Sq Ft</b>	<b>Miles/Year</b>		
		Slurry	\$0.20	6.6		
		Chips	\$0.32	12.4		
		HMA (2")	\$1.50	9.0		
		HIPR (1")	\$1.00	2.2		
		Reconst	\$8.50	0.2		
			<b>Total</b>		30.4	

**RSL % of Total**



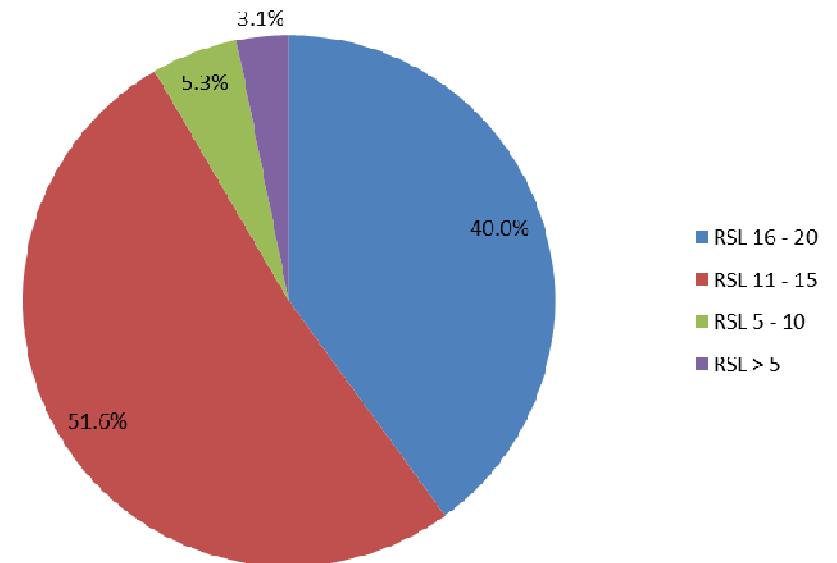
Road Maintenance Project Re-Cap for 2013  
**Service Area \$6 Road Information for 2012**

SERVICE AREA #6 - BUDGET PROJECTION						
RSL Segment Length (Mi)	RSL % of Total	RSL Range		RSL Segment Area (Sq Ft)	7 Year Cycle Cost	7 Year Cycle Road Miles/Year
30	37.8%	RSL 16 - 20		3803273	\$108,665	4.2
42	53.4%	RSL 11 - 15		5405564	\$220,856	6.0
6	7.2%	RSL 5 - 10		704505	\$150,965	0.8
1	1.6%	RSL > 5		149316	\$181,312	0.2
78				<b>Total</b>	<b>\$661,799</b>	11.2
		<b>Average Maint. Cost /Sq Ft</b>	<b>Miles/Year</b>			
		Slurry	\$0.20	4.2		
		Chips	\$0.32	5.1		
		HMA (2")	\$1.50	0.8		
		HIPR (1")	\$1.00	0.9		
		Reconst	\$8.50	0.2		
		<b>Total</b>		11.2		



**Service Area \$6 Road Information for 2013**

SERVICE AREA #6 - BUDGET PROJECTION						
RSL Segment Length (Mi)	RSL % of Total	RSL Range		RSL Segment Area (Sq Ft)	7 Year Cycle Cost	7 Year Cycle Road Miles/Year
32	40.0%	RSL 16 - 20		4292698	\$122,649	4.6
42	51.6%	RSL 11 - 15		5303434	\$216,683	5.9
4	5.3%	RSL 5 - 10		486615	\$104,275	0.6
3	3.1%	RSL > 5		339802	\$412,617	0.4
81				<b>Total</b>	<b>\$856,223</b>	11.5
		<b>Average Maint. Cost /Sq Ft</b>	<b>Miles/Year</b>			
		Slurry	\$0.20	4.6		
		Chips	\$0.32	5.0		
		HMA (2")	\$1.50	0.6		
		HIPR (1")	\$1.00	0.9		
		Reconst	\$8.50	0.4		
		<b>Total</b>		11.5		



RESOLUTION # 2013-\_\_

A RESOLUTION ENCOURAGING THE  
UTILIZATION OF REUSABLE BAGS  
SUMMIT COUNTY, UTAH

**WHEREAS**, use and consumption of single-use disposable bags is preventable and adversely affects the natural environment; and,

**WHEREAS**, the pollution of single-use disposable bags is unsightly and an environmental nuisance; and,

**WHEREAS**, petroleum-based products and products produced with petroleum-based energy are nonrenewable and contribute to global climate change; and,

**WHEREAS**, reusable bag options are readily available, durable, and cost effective; and,

**WHEREAS**, the County Council desires to take a proactive position on pollution to protect the livability and viability of Summit County, its residents, visitors and guests; and

**WHEREAS**, it is in the public interest of Summit County residents, guests, and visitors to reduce single-use disposable bags to protect the health, economic viability and beauty of the natural environment of Summit County and the surrounding area;

**NOW, THEREFORE BE IT RESOLVED**, by the County Council of Summit County, Utah, that:

**1. REDUCTION OF SINGLE-USE BAGS.** Retailers are encouraged to promote and utilize reusable bags in an attempt to reduce single-use bags in Summit County. Environmentally preferable reusable bags are typically made of cloth, fiber or other machine washable material and are 2.25mm thick or thicker in order to ensure durability.

Retailers may pursue a variety of means to encourage reusable bag use, including but not limited to: discounting customers for reusable bag use, donating on behalf of customers for reusable bag use, and/or charging customers for the cost of single-use bags. Summit County recognizes that there are certain situations where single-use bags are appropriate, including:

- Prescription pharmaceutical bags
- Meat, fish, produce, bakery and bulk good bags
- Newspaper bags, dry cleaning bags and door hangers
- Bags sold in packages containing multiple bags for personal use such as trash, yard waste, storage or pet waste bags

**2. OUTREACH, EDUCATION AND DISTRIBUTION OF REUSABLE BAGS.** Summit County will partner with Recycle Utah in an effort to reduce the reliance on single-use bags. These efforts may include Recycle Utah creating an outreach and education program, in addition to creating and distributing locally designed reusable bags. Recycle Utah is encouraged to seek out partnerships and additional participants to maximize the value of this program.

County staff will provide semi-annual reports to County Council regarding the impacts of this Resolution and partnership. These reports will include qualitative outcomes as well as, at a minimum, the following quantitative indicators of program:

- Number of reusable bags distributed by Recycle Utah through the program
- Number of outreach events conducted / attended
- Number of local organizations partnering on the reusable bag initiative and extent of their contributions
- Trends in disposable bag consumption and reusable bag use at major commercial outlets, where metrics are available and shared publicly

The intent of this Resolution is to document tangible improvements over time across the areas indicated.

**3. REVIEW OF PROGRESS.** This Resolution, and related local progress to-date, shall be reviewed by Summit County Staff and County Council near Earth Day 2015 (April 22, 2015). This holistic review will be in addition to semi-annual written updates leading up to this date. The County Council intends to see significant progress through demonstrable reductions in disposable bag use and reusable bag uptake in the community. Near Earth Day 2015, the County Council will review the state of this issue and consider potential next steps, including possible legislative action and/or other measures to advance the goals set forth in this Resolution.

**4. EFFECTIVE DATE.** This Resolution shall take effect upon adoption by the County Council.

PASSED AND ADOPTED this \_\_\_\_\_ day of August 2013.

ATTEST:

SUMMIT COUNTY

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Kent Jones  
County Clerk

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Claudia McMullin  
Council Chair



**MEMORANDUM:**

Date: August 14, 2013

To: Council Members

From: Robert Jasper

Re: Recommendation to reappoint members to the Public Arts Program and Advisory Board

Advice and consent of County Manager's recommendation to reappoint Judi Grenney and Ann Johnson to the Public Arts Program and Advisory Board.

Judi and Ann's terms to expire July 31, 2016.

To the Council

August 7, 2013

Pursuant to a letter from Scott Lilja, representing Summit Water, it was found that, for the tax years 2011 and 2012, Summit Water's remaining real estate was being assessed. State law changes initiated by some water companies in 2010 made all property owned by a private water company exempt from taxation.

The Assessor's office assumed it was only those properties directly associated with the infrastructure and maintenance. Its everything.

Therefore the taxes paid for 2011 and 2013 would need to be refunded on the following properties

JR-A-NB      \$53.61

PP-46-A-1    \$37,088.72

PP-50-B      \$140.40

SS-1-A-2     \$140.40

SS-4-A-W     \$39.84

SS-3-1       \$52.65

TOTAL FOR THE 2 YEARS ....\$37,515.62

The values have been deleted for 2013 and subsequent years.

Steve Martin, Assessor



**SCOTT M. LILJA**  
 Direct Dial: 801.237.0216  
 Direct Fax: 801.237.0815  
 email: [slilja@vancott.com](mailto:slilja@vancott.com)

August 1, 2013

**VIA FACSIMILE (866) 873-6581 AND EMAIL**

Steve Martin ([smartin@summitcounty.org](mailto:smartin@summitcounty.org))  
 Summit County Assessor  
 P.O. Box 128  
 Coalville, Utah 84017

Dave Thomas ([dthomas@summitcounty.org](mailto:dthomas@summitcounty.org))  
 Summit County Attorney  
 P.O. Box 128  
 Coalville, Utah 84017

RE: Summit Water Distribution Company

Gentlemen:

As you know, this firm represents Summit Water Distribution Company in connection with its tax appeal presently pending in the Utah State Tax Commission. I write concerning two issues.

Request for Tax Refund. First, we previously wrote to you on September 21, 2011 on behalf of Summit Water about obtaining a refund of real property taxes improperly assessed and collected by Summit County on Summit Water's water infrastructure. To date, we have received no response. That request is hereby expanded to include the 2011 and 2012 tax years.

As has been repeatedly acknowledged by the County, in the prior tax appeal the Utah Supreme Court concluded that Summit Water qualified for the constitutional irrigation tax exemption. There is no dispute that Summit Water's water infrastructure constituted improvements to real property until at least 2004 and that its water infrastructure was therefore exempt from taxation for 51% of its value during that time. Yet Summit County assessed the full value of Summit Water's water infrastructure as improvements to its real property during that time and continues to do so to this day.

Immediately prior to the time that Summit Water completed its water treatment the assessed value of the unimproved real property underlying that treatment plant was \$300. Upon completion of that infrastructure,

VANCOTT, BAGLEY,  
 CORNWALL &  
 MCCARTHY, P.C.

ESTABLISHED 1874

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 84111-1478 USA  
 T 801.532.3333  
 F 801.534.0058  
 WWW.VANCOTT.COM

LAW OFFICES  
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MEMBER  
**LEX MUNDI**  
 THE WORLD'S LEADING ASSOCIATION  
 OF INDEPENDENT LAW FIRMS

Summit Water's real property tax for that property immediately increased to over \$11,000—a nearly 4,000% increase. Those taxes have since increased to over \$19,000. Because the dramatic increase in the real property taxes paid by Summit Water directly coincided with the construction of the water treatment plant, the tax increase can only be attributable to the value of the water infrastructure improvements. In fact, Summit Water's real property tax assessments expressly stated that they included "improved property" or "buildings". Because Summit County assessed the full value of that water infrastructure in the real property assessments, Summit County over-assessed Summit Water's real property taxes by 51% every year through 2010.

In addition, for the years 2004 through 2010, Summit County has assessed personal property taxes against Summit Water for precisely the same water infrastructure that it already taxed as part of the above discussed real property assessments. However, Summit County did not correspondingly reduce the assessed value of Summit Water's improved real property to account for the water infrastructure that it had already taxed at full value. Therefore, Summit County not only continued to unconstitutionally tax Summit Water for 100% of the value of its water infrastructure through its real property tax assessments from 2004-2010, but has now assessed precisely that same infrastructure as personal property at 49% of its value. Summit Water has appealed those personal property assessments.

Furthermore, on January 1, 2011 Summit Water's water infrastructure was entirely exempted from taxation through the amendment of Article XIII, Section 3 of the Utah Constitution and of Utah Code § 59-2-1111. Yet, Summit County continued to assess the full value of the water infrastructure as improvements to Summit Water's real property in 2011 and 2012. Because the full value of that water infrastructure was exempt from taxation, Summit County should have deducted the full value of that infrastructure in its entirety from Summit Water's real property tax assessments. It has not.

Therefore, Summit County has unconstitutionally over-assessed Summit Water for the value of its water infrastructure by 51% through 2010 and 100% for 2011 and 2012. For the years 2001 through 2012 Summit Water calculates the amount of this over-assessment at \$94,113.75.<sup>1</sup> Summit Water is entitled to a refund of that full amount by law.

Pursuant to Utah Code § 59-2-1321 Summit Water hereby renews its demands for a refund of the amounts illegally assessed by Summit County, and paid by Summit Water. Please advise me immediately what further actions Summit Water must take, if any, to obtain the refund to which it is entitled. If we have not received a response by August 16, 2013, we will assume that Summit Water must pursue a refund through the courts and will act accordingly.

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<sup>1</sup> The above amount includes \$37,972.33 assessed in 2011 and 2012 and 51% of the \$110,081.20 assessed from 2001 through 2010.

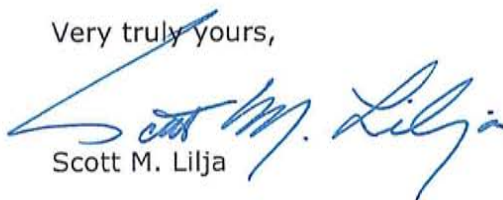
Statement of Delinquent Taxes Due. Second, we are writing in response to the attached Statement of Delinquent Taxes Due, which our client has received from the Summit County Treasurer. We believe the Statement is erroneous and improper.

As you are aware, Summit Water has appealed the decision of the Summit County Board of Equalization to the Utah State Tax Commission. We are aware of no authority requiring payment of taxes while such an appeal is pending. To the contrary, it is our understanding that the contested taxes are not due and owing unless and until the Tax Commission issues a final ruling upholding the assessment. At that time, Summit Water may seek judicial review in the district court and, pursuant to Utah Code §59-1-611, post security with the Commission or request a waiver of that requirement. If the taxes were in fact due and owing upon the ruling of the Board of Equalization, notwithstanding a pending appeal to the Tax Commission, then this statute would be rendered wholly superfluous, contrary to well-established principles of statutory interpretation.

We therefore request that you withdraw the Statement of Delinquent Taxes Due and confirm in writing that no taxes are due and owing by Summit Water pending a final determination by the Utah State Tax Commission on Summit Water's appeal.

If you would like to discuss any of the foregoing please feel, free to contact me at your convenience. Thank you for your attention to this matter.

Very truly yours,

  
Scott M. Lilja



Summit County Treasurer  
Corrie Forsling

RECEIVED

MAY 06 2013

SUMMIT WATER

STATEMENT OF DELINQUENT TAXES DUE

SUMMIT WATER DISTRIBUTION CO  
6400 N PACE FRONTAGE RD #A  
PARK CITY, UT 84098-6205

Questions?  
Email [treasurer@summitcounty.org](mailto:treasurer@summitcounty.org)  
or  
Call the Treasurer's Office: (435) 336-3267

This notice has been sent as a courtesy to remind you of delinquent unpaid taxes that are due on property recorded in your name. Property taxes for each year were due on November 30 of that year. Penalties and interest have been applied, with interest continuing to accrue on a daily basis. Properties with five years of delinquent taxes will be eligible for tax sale.

Legal Description:

BEG AT A PT ON THE N LINE OF THE S 1/2 OF THE NW 1/4 OF SEC 12, T1SR3E, SLBM; SD PT LIES S 00°06'00" W ALG THE SEC LN (BASIS OF BEARINGS), 1339.68 FT & S 89° 32'29" E ALG SD N LINE 1072.00 FT FR THE NW COR OF THE AFORESAID SEC 12; & RUN TH S 00°27'31" W 200.00 FT; TH S 63°57'13" W 253.00 FT; TH N 81°10'08" W 226.00 FT; TH N 00°27'31" E 280.00 FT TO A PT ON THE AFORESAID N LINE OF THE S 1/2; TH S 89°32'29" E ALG SD N LINE 450.00 FT TO THE PT OF BEG CONT 2.85 ACRES 908-827 922-76

YEAR	TAX	PENALTY	INTEREST	TOTAL
2011	\$1,040,057.95	\$26,001.45	\$106,961.29	\$1,173,020.69

GRAND TOTAL DUE AS OF 05/31/2013: \$1,173,020.69

Methods of Tax Payment:

- ✓ Pay Online via Free E-Check at [www.summitcounty.org/treasurer](http://www.summitcounty.org/treasurer)
- ✓ Pay Online via Credit Card at [www.summitcounty.org/treasurer](http://www.summitcounty.org/treasurer) (convenience fee applies)
- ✓ Pay via Telephone at 800-487-4567 (convenience fee applies)
- ✓ Pay via Check. Make payable to Summit County Treasurer and mail to P.O. Box 128, Coalville, UT 84017
- ✓ Pay in Person at Treasurer's office at Summit County Courthouse, 60 N. Main St., Coalville, UT

Parcel Number	PP-46-A-1
Account Number	0312599
Total Taxes Due	\$1,173,020.69

**AMENDMENTS TO OPTIONAL PLAN OF GOVERNMENT**

**ORDINANCE NO. \_\_\_\_**

**PREAMBLE**

**WHEREAS**, the County Council has determined that certain amendments are needed to the Summit County Optional Plan of Government, Summit County Code, Title 1, Chapter 14; and,

**WHEREAS**, this Ordinance accordingly amends Summit County Code, Title 1, Chapter 14;

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1.     **Amendments.** The Summit County Optional Plan of Government, Summit County Code, Title 1, Chapter 14 is amended in accordance with Exhibit A herein.

Section 2.     **Effective Date.** This Ordinance shall take effect fifteen (15) days after publication.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

Summit County Council

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Claudia McMullin, Chair

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Approved as to Form  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Ure	_____
Councilmember Armstrong	_____
Councilmember McMullin	_____

# **EXHIBIT A**

## Chapter 14 OPTIONAL PLAN OF GOVERNMENT

### 1-14-1: GENERALLY:

### 1-14-2: DEFINITIONS:

### 1-14-3: GENERAL POWERS:

### 1-14-4: PURPOSE OF THE PLAN:

### 1-14-5: LEGISLATIVE BODY:

### 1-14-6: ELECTION OF COUNCIL MEMBERS:

### 1-14-7: COMPENSATION OF COUNCIL MEMBERS:

### 1-14-8: MEETINGS OF THE COUNCIL:

### 1-14-9: POWERS AND DUTIES OF THE COUNCIL:

### 1-14-10: COUNTY MANAGER:

### 1-14-11: DEPARTMENTS OF COUNTY GOVERNMENT:

### 1-14-12: ELECTED COUNTY OFFICERS:

### 1-14-13: TRANSITIONAL PROVISIONS:

### 1-14-14: OTHER PROVISIONS:

### 1-14-15: LEGISLATIVE AND EXECUTIVE POWERS:

#### **1-14-1: GENERALLY:**

Summit County is authorized by chapter 52 of title 17 of the Utah code to change its form of county government and hereby sets forth an optional plan for Summit County government ("plan"). This plan adopts the council-manager form of county government as provided by Utah Code Annotated section 17-52-505.

The structural form retains without change all existing incorporated municipalities, special taxing districts, public authorities, county service areas, school districts, and other local public entities. The management arrangement vests the legislative powers of Summit County in the Summit County council and the executive powers in the county manager. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-2: DEFINITIONS:**

COUNCIL: The Summit County council.

DEPARTMENT: The organizational units under the direction and supervision of the manager but shall not refer to the office of any elected official.

ELECTED OFFICIALS: The Summit County treasurer, sheriff, clerk, auditor, recorder, attorney, and assessor.

MANAGER: The county manager of Summit County.

MEMBER: A member of the Summit County council. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-3: GENERAL POWERS:**



A. Powers: Summit County is continued as a body corporate and politic. It has all powers pursuant to the authority of the constitution of the state of Utah and the general laws of the state of Utah, including common law, either now or hereafter expressly or impliedly granted to any county. These powers include, without limitation:

1. Any specific or general grant of power, including that conferred by Utah Code Annotated section 17-50-301 et seq. (2005, as it may be amended or succeeded), that grants independent authority apart from and in addition to specific grants of authority to pass ordinances which are reasonably and appropriately related to the objective of that power.
2. Any power conferred by the general laws of the state of Utah, including those permitting county governments to legislate by ordinance those subjects already covered by state legislation, provided that the general laws of the state of Utah have not foreclosed county legislation on the subject or that the county legislation does not conflict with existing state statute.
3. Any power conferred by Utah Code Annotated section 17-52-201 (2001, as it may be amended or succeeded), detailing how certain counties may modernize their existing forms of county government to conform more closely with the needs and desires of their citizens by adopting an optional plan for county government.

B. Interpretation Of Powers: The powers of Summit County shall be construed liberally in favor of the exercise of authority by the government of Summit County. The specific enumeration of powers in this plan shall not be construed to limit the scope of the powers conferred by the general laws of the state of Utah or by this plan, nor shall the specific enumeration of powers in this plan be construed to limit Summit County's ability to amend this plan as allowed. Any powers conferred by this plan, in addition to those designated in the preceding section, are supplementary to, and not a limitation upon, any powers conferred by the general laws of the state of Utah, including common law.

C. Levels Of Services And Functions: Summit County, consistent with the general laws of the state of Utah, may provide differing levels of services and functions to areas outside the limits of incorporated municipalities, or within incorporated municipalities, as allowed by the general laws of the state of Utah. Nothing in this plan shall be construed to prevent Summit County from creating special service districts and service areas or from entering into agreements and contracts with any public or private entity as allowed by the general laws of the state of Utah. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-4: PURPOSE OF THE PLAN:**

The purpose of this plan is to provide a separation of executive and legislative powers. Where the plan is silent on the distribution or locus of a particular power, it hereby authorizes the allocation of powers according to an executive-legislative distinction. The locus of residuary powers not expressly vested in the manager or the council should be determined by function. Where helpful, state and federal separation of power models should be used to determine whether a particular power is executive or legislative. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-5: LEGISLATIVE BODY:**

- A. Composition Of The Council: The legislative body of Summit County shall be a council composed of five (5) members. A quorum of the council consists of three (3) members except in cases where this plan specifies a greater number.
- B. Election Of Chair And Vice Chair: By a majority of the full membership at its first meeting, the council shall first elect one member to serve as chair and one to serve as vice chair. During the absence of the chair, the vice chair shall assume all of the duties of the chair. The chair and vice chair shall have full right to debate and vote in the council. Annually, the council shall elect a chair and vice chair.
- C. Setting The Council's Agenda: The chair, in consultation with the manager, shall set the council's agenda, preside at its meetings and sign all legislative acts. Upon the request of two (2) or more council members, or of the manager, additional items shall be included in the agenda with or without the support of the chair. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-6: ELECTION OF COUNCIL MEMBERS:**

- A. Elections: Council members shall be elected at large by the voters of Summit County. They shall meet the qualifications of office of county elected officials as established by state statute, and they shall remain residents of Summit County throughout their terms of office. There shall be five (5) individual seats known as council seats A, B, C, D and E. For the purpose of electing the initial council members, the initial terms of office for council seats A, B and C shall be four (4) years; and the initial terms of office for council seats D and E shall be two (2) years. After the initial term of office, the regular term of office of each seat shall be four (4) years. Each term begins at twelve o'clock (12:00) noon on the first Monday of January following the election.
- B. Vacancies: Members of the council may be removed from office in accordance with the process provided in state statute. The office of council member shall be deemed vacant if a member is removed, dies, resigns or fails to maintain his or her residency as required by this section. Any member wishing to resign from the council must submit to the council a written resignation, with a statement of the reasons therefor and the date and time upon which the resignation is effective. Upon a vacancy of a member's office, it shall be filled by following the procedures set forth in Utah Code Annotated section 20A-1-508. Upon removal of the chair, or vacancy in the office of the chair, the vice chair shall serve as interim chair until the council elects a new chair. Upon the ejection of a new chair, the interim chair shall return to the office of vice chair. Upon removal of the vice chair, or vacancy in the office of the vice chair, the remaining members shall by majority vote select one council member as vice chair. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-7: COMPENSATION OF COUNCIL MEMBERS:**

The initial base salary for members of the council shall be one dollar (\$1.00) per year, without benefits, and may be modified as prescribed by state statute. Members shall serve part time and

receive the same cost of living and merit salary adjustments as granted to regular and exempt employees of Summit County, subject to the notice and hearing requirements of state statute. Additional compensation for certain expenses is permitted to the extent allowed by law. At no time however may a member's compensation be diminished during his or her term of office. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-8: MEETINGS OF THE COUNCIL:**

A. Regular And Special Sessions: The council shall meet in regular session at least weekly at stated times to be provided by ordinance, and may, in addition, hold special meetings called in the manner provided by law. Proceedings and meetings of the council shall be conducted in accordance with the Utah open meetings act and with other applicable state statutes and county ordinances. Regularly scheduled sessions of the council may be canceled by a majority vote of the council.

B. Voting: Voting shall be by roll call if requested by a member of the council, and may be electronic tabulation, and the ayes and nays shall be recorded in the council minutes as a matter of public record. A member may abstain from any vote provided that he or she declares a conflict of interest. Members abstaining from a vote shall be considered present for the purposes of a quorum.

C. Voting Required For Valid Action: Except for matters on which a greater or lesser vote is expressly provided by law or by this plan, no action of the council shall be valid and binding unless approved by the affirmative vote of a majority of those present, providing there is a quorum. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-9: POWERS AND DUTIES OF THE COUNCIL:**

A. Enumerated: The council is the legislative body of Summit County, and is vested with all legislative powers of Summit County. The specific enumeration of legislative powers herein shall not be construed to limit the legislative powers of the council. Within the scope and subject to the limits of its lawful powers and duties, the council shall have the power to:

1. Consider and adopt an administrative code including policies, procedures and regulations governing and similar matters regarding the management organization of Summit County.
2. Pass all ordinances, rules and regulations as necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort and convenience of Summit County and its inhabitants, and for the protection of property in Summit County.
3. Levy taxes upon the taxable property within Summit County for all county purposes.
4. Investigate any matter pertaining to an elected official or to Summit County or its business or affairs, and require the attendance of witnesses and take evidence in any such investigation.

5. Approve and adopt a final annual budget.
6. Examine and audit the accounts of all elected officials having the care, management, collection, or disbursement of monies belonging to Summit County or appropriated by law or otherwise for its use and benefit.
7. Veto the hiring decisions of the elected officials.
8. Consolidate county elected offices and establish the duties of those consolidated offices; separate any previously consolidated elected offices and reconsolidate them; or separate any previously consolidated elected offices without reconsolidating them.
9. Adopt, by ordinance, rules governing the activities, meetings and organization of the council, such rules to be in accordance with this plan and with general law and state statute.
10. Fix salaries and benefits of elected county officers in accordance with state statute; county ordinances, policies and procedures; and this plan.
11. Advise and consent to appointments made by the manager where such advice and consent is authorized by this plan or by state statute.
12. Require information from the manager, the elected officials and county employees and conduct hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to Summit County, its business affairs, or any officer thereof. In connection with such hearings, the council may by subpoena require the attendance of witnesses or the production of documents and other evidence, may administer oaths, and may take testimony.
13. Conduct quasi-judicial hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as may be provided by statute, ordinance or other law.
14. Fill vacancies on county boards, [including vacancies on planning commissions](#), whose membership is, pursuant to state law, composed of council appointees and in connection therewith, hold hearings, interview candidates and conduct such other investigations as the council shall deem appropriate.
15. Grant franchises over and along county roads for all lawful purposes and according to such terms and conditions as the council determines appropriate, in accordance with state statute.
16. Provide for the development of county resources as shall appear appropriate to the council, and in accordance with state statute.
17. Do and perform every other act of a legislative nature, which is necessary and proper to the council's powers and functions and which is not prohibited by this plan, state statute or general law.
18. Veto any hiring or appointment decision made by the manager.
19. Veto any executive order issued by the manager.

20. Appoint an acting county manager to perform the duties of county manager until such time as a new manager has been selected pursuant to subsection [1-14-10D](#) of this chapter.

B. Prohibitions: Neither the council nor any council member shall have power to:

1. Appoint, dismiss, or give directions to any individual employee of the executive branch or of any of the offices of Summit County nor influence or attempt to influence individual personnel actions or the purchase of goods or services, provided, however, that nothing in this section shall be construed to prohibit the council while in open session or in executive session, as permitted by the open meetings act, from fully and freely discussing with or suggesting to the manager or any other appointed or elected county officer or employee, anything pertaining to county affairs or the interests of Summit County;
2. Condition the appointment of a manager on a promise to hire or fire a particular person;
3. Enter into any contract of employment with the manager which would limit the council's right to discharge the manager for any reason, with or without cause; or
4. Supervise the elected officials to ensure compliance with general county administrative ordinances, rules and policies and to examine and audit the accounts of all county officers having the care, management, collection, or distribution of monies belonging to Summit County, or otherwise available for Summit County's use and benefit. (Ord. 710, 12-17-2008, eff. 1-1-2009)

### **1-14-10: COUNTY MANAGER:**

A. Manager As Administrative Head: The administrative head of Summit County shall be the manager, who shall be appointed by the council as hereinafter provided.

B. At Will Employment: The manager shall serve at the pleasure of the council which shall at all times retain the power to discharge the manager for any reason, with or without cause.

C. Qualifications: ~~This position requires: All candidates for the position of manager must have at least a bachelor's degree in public administration, public finance or similar educational degree from an accredited four (4) year college; and additionally, must have five (5) years' experience working as an administrator in city or county government.~~

1. Experience: Five (5) years of experience working as an administrator in county or municipal government.

2. Education: Graduation from an accredited college or university with at least a bachelor's degree in public administration, business management, finance or similar educational degree.

Notwithstanding the foregoing, the County Council reserves the right to select any combination of experience, education, and career history that will uphold the ideals and values of this organization and continue to provide the highest level of service to the County Council, organization, and the community.

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D. Selection: The county council will appoint a ~~three (3) member appointment committee consisting of three (3) registered voters in Summit County. The three (3) members appointed by the county council will appoint two (2) more members, also registered voters in Summit County, so that the appointment committee then has a total of five (5) members. The appointment committee will then appoint a~~ five (5) member manager selection committee, whose members must be registered voters in Summit County ~~but may not have been members of the appointment committee~~. The manager selection committee will interview candidates for the position of county manager; review their qualifications and references; and submit a list of at least two (2) ~~three (3)~~ names to the county council which ~~shall~~ may select one of the ~~three (3)~~ persons on the list to serve as the county manager<sup>4</sup>. The county council, prior to selecting a person to fill the position of county manager, shall have the power to interview and investigate candidates selected by the manager selection committee and to conduct any public hearings which in the council's opinion would be helpful in making the final decision. In the event that the council is not satisfied with the ~~three (3)~~ candidates chosen by the manager selection committee, it may ask that committee to send them at least two (2) ~~three (3)~~ more names.

E. Compensation: The council shall obtain an independent compensation review for the purpose of benchmarking and establishing an appropriate salary for the manager.

F. Powers And Duties: The manager is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state statute in independent elected officials and those executive and administrative responsibilities retained by the council under this plan. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the manager. The manager's powers include, without limitation, the power to:

1. Manage and direct the activities of Summit County in a manner, consistent with ordinance and this plan, including the management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the executive activities of the elected officials carried out in the exercise of their statutory duties.
2. Carry out and enforce the programs and policies of the council.
3. Carry out and enforce the internal operating regulations, policies and procedures of Summit County.
4. Faithfully execute the laws and ordinances of Summit County and enforce the terms of county franchises, contracts and other undertakings.
5. Appoint, suspend and remove the directors of all departments.

6. Exercise control over county assets, funds, and property, except as that authority is delegated by state statute to an elected officer.
7. Prepare and present a proposed budget to the county council.
8. Have access to and review county books, accounts and funds necessary to perform the executive function under this plan, county ordinance and state statute. In the exercise of this power, the manager may maintain a continuing review of expenditures and effectiveness of budgetary control in the several departments and may supervise and conduct audits for budget and management purposes.
9. Negotiate and execute contracts for the purchase of goods and services. In the exercise of this power, the manager shall sign all documents or instruments on behalf of Summit County, including contracts and bonding documents, but excluding legislative acts of the council or documents that are to be signed by Summit County clerk or other elected officer. The manager shall follow all ordinances regarding the processing of county contracts and similar undertakings.
10. Consider, adopt and implement long range planning, programs and improvements.
11. Act as intergovernmental relations liaison.
12. Attend and participate in council meetings and discussions, with automatic standing, on every agenda, but without the right to vote.
13. Submit an annual "state of Summit County" report to the council at the time and place as the council shall designate.
14. Recommend persons to fill positions on boards, committees or similar bodies whose membership is appointed by Summit County.
15. Supervise the elected officials to ensure compliance with general county administrative ordinances, rules and policies and to examine and audit the accounts of all county officers having the care, management, collection, or distribution of monies belonging to Summit County, or otherwise available for Summit County's use and benefit.
16. Settle and allow all accounts legally chargeable against Summit County, after their examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts.
17. Control and direct the prosecution, defense, and settlement of all lawsuits and other actions to which Summit County is a party; as to which Summit County may be required to pay the judgment or the costs of prosecution or defense; or as further provided by county ordinance.
18. Review each claim against the county and disapprove or, if payment appears to be just, lawful, and properly due and owing, approve the claim.

G. Prohibitions: The manager shall not have power to:

1. Veto any action taken by the council; or

2. Direct or supervise the elected officials or their deputies with respect to the performance of the duties which they are obligated by statute to perform. (Ord. 710, 12-17-2008, eff. 1-1-2009)

### **1-14-11: DEPARTMENTS OF COUNTY GOVERNMENT:**

- A. Generally: All activities of the executive branch of Summit County under the direction and supervision of the manager shall be distributed among such departments as are established by ordinance of the council. Each department shall be administered by a qualified director appointed as provided in this plan.
- B. Appointment Of Department Directors: Except as otherwise specified by this plan, department directors shall be appointed by the manager with the advice and consent of the council, pursuant to this plan. Division directors, supervisors and other employees within each administrative office, department or agency shall be employed subject to the provisions of this plan, state statute, county ordinance, and personnel policies and regulations. Each department director shall be responsible for the administration and management of his or her department. (Ord. 710, 12-17-2008, eff. 1-1-2009)

### **1-14-12: ELECTED COUNTY OFFICERS:**

- A. Elected Officers Enumerated: The offices of county assessor, [district county](#) attorney, auditor, clerk, recorder, sheriff, surveyor, treasurer, and such other officers and administrators as may be authorized by state statute or county ordinance, shall be elected as authorized by state statute, this plan, or county ordinances. Nothing herein shall prohibit the council from consolidating, dividing or appointing any such office as may be consistent with state statute. The election, appointment, replacement, qualifications and duties of each of the aforementioned offices shall be as established by state statute, this plan, or county ordinances.
- B. County Budget Officer: ~~The county auditor shall serve as the county budget officer and shall project county revenues and prepare a tentative budget to present to the manager. The County Budget Officer shall be as provided for in state law.~~ In preparing the tentative budget, the ~~County Budget Officer auditor~~ shall be assisted and informed by a budget committee whose members shall consist of the ~~County Budget Officer auditor~~, the manager and such other members as the ~~County Budget Officer auditor~~ shall appoint with the advice and consent of the manager and the council. After receiving the tentative budget from the ~~County Budget Officer auditor~~, the manager shall prepare and present a proposed budget to the council on or before the first day of the next to last month of every fiscal period. The council shall prescribe by resolution the date on which the ~~County Budget Officer auditor~~ shall submit the tentative budget to the manager, which in no event shall be less than thirty (30) days prior to the date on which the manager must submit the proposed budget to the council. (Ord. 710, 12-17-2008, eff. 1-1-2009)

### **1-14-13: TRANSITIONAL PROVISIONS:**



- A. Power Of County Commission To Effect Orderly Transition: The Summit County commission may, prior to twelve o'clock (12:00) noon local time on January 1, 2009, and after ten (10) days' prior public notice, pass legislation to bring about an orderly transition to the plan. Such legislation may include, without limitation, selection of a county manager or interim county manager; interim authorization of the council to perform the manager's functions until a county manager is appointed by the council; any transfers of powers, records, documents, properties, assets, funds, liabilities or personnel which are consistent with this plan and state statute and which are necessary or convenient to place it into full effect; and budget appropriations for 2009 sufficient to cover the probable actual salaries of the initial council members and the county manager.
- B. Dissolution Of Office Of County Commissioner: The office of county commissioner of Summit County shall be dissolved upon the effective date of this plan. Any commissioner whose term did not automatically expire on December 31, 2008, shall receive compensation of his or her regular salary and benefits up to December 31, 2010. However, if such commissioner is employed with Summit County after January 1, 2009, in another office or position, he or she shall receive only the salary granted to that new office or position beginning January 1, 2009, or the date he or she begins work in the new office or position, whichever is later.
- C. Adoption Of The Optional Plan: This plan shall be adopted when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held in Summit County on November 7, 2006.
- D. Effective Date: Subject to the section immediately following, this plan shall take effect as an organic act for the government of Summit County on the date provided by law on which a certified copy of the plan, as approved by the voters, is filed with the Utah lieutenant governor's office by Summit County clerk.
- E. Operative Date: The provisions of this plan shall become fully operative at twelve o'clock (12:00) noon local time on January 1, 2009.
- F. Continuity Of Government: Summit County shall retain and possess all of the rights, capacities, privileges, powers, franchises and immunities and shall retain all of the liabilities to which it was subject prior to the adoption of this plan. It is the intent of this section that there shall be no interruption in the continuity, powers, obligations or jurisdiction of government within Summit County by the adoption of this plan. To that end, all legislative, judicial, or administrative proceedings pending during the transition to this plan shall be preserved, continued, and deemed unaffected by this plan. Until changed pursuant to law, all ordinances, rules and regulations previously in full force and effect under the legal authority of Summit County shall continue in full force and effect except to the extent they may be modified by the adoption of this plan.

G. First Election: The first general election of officials provided for in this plan shall be held on November 4, 2008, in accordance with state statute governing the election of county officers.

H. Retention Of Property, Assets And Obligations: Summit County shall retain, own, and possess all of the properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, it owned prior to the adoption of this plan. All debts, obligations, and liabilities of Summit County shall remain unaffected by this plan. The contractual rights of any contractor, bond holder or creditor, or their assigns, and the pension rights and other employment rights of county officials and employees shall not be impaired by any provision of this plan. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-14: OTHER PROVISIONS:**

A. Cooperation By All Public Officials And Employees: Upon adoption of this plan by the voters, all elected officials, department directors and employees shall cooperate fully with the terms of this plan.

B. Amendments To The Plan: This plan may be amended in accordance with state statute. (Ord. 710, 12-17-2008, eff. 1-1-2009)

#### **1-14-15: LEGISLATIVE AND EXECUTIVE POWERS:**

Where it is unclear as to whether powers, rights, duties or obligations pertain to the county council or county manager, except as provided in the adopted optional plan of governance for Summit County, Utah, all executive functions shall inure to the county manager and all legislative functions shall inure to the county council. (Ord. 710, 12-17-2008, eff. 1-1-2009)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1: This procedure is similar to the process by which the members of the form of governance study committee were selected.](#)

**MANAGER'S REPORT**

**August 14, 2013**

To: Council Members

From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval list dated 8/8/13, posted on the website at: <a href="http://www.summitcounty.org/manager/index.php">http://www.summitcounty.org/manager/index.php</a>
Auditor	<u>Submitted by JaNae Blonquist:</u> <ul style="list-style-type: none"> <li>○ Disclosure notices were mailed on July 29 – Board of Equalization process has started</li> <li>○ Schedule for 2014 Budget <ul style="list-style-type: none"> <li>○ August 12 – Workbooks will be sent to department heads</li> <li>○ August 23 – Workbooks due back to Matt</li> <li>○ September – Budget committee begins review</li> </ul> </li> </ul>
Assessor	
Attorney	
Clerk	
Community Development	<u>Submitted by Pat Putt, Community Development Director:</u> See attached Community Development Report
Engineering	<u>Submitted by Derrick Radke, Engineer:</u> <ul style="list-style-type: none"> <li>● ~6 -Subdivision/Site Plan Plat reviews</li> <li>● Fairway Springs bond / plat amendment</li> <li>● Village at Kimball Junction <ul style="list-style-type: none"> <li>○ Bond release inspection Pad E and Affordable Housing Pad</li> <li>○ Testing review – some failures follow-up</li> <li>○ Site visits – pre final punch lists</li> <li>○ Bonds extension Del Taco</li> </ul> </li> <li>● Canyon Links Phase II notice of violation / occupancy</li> <li>● Special event permits review <ul style="list-style-type: none"> <li>○ Canyons Traffic – special event data</li> <li>○ Various others – approx. 7 applications</li> </ul> </li> <li>● Woods of Parleys Lane Final punch list – bond claim</li> <li>● Traffic study review Murnin Kilgore</li> <li>● Snyderville Basin Transportation Master Plan – text review</li> <li>● Vintage on the Strand – Canyons : notice of Violation, need a Development Agreement and DIA</li> <li>● Winter Sports – Charter school traffic impact concepts</li> <li>● Snyderville Basin Recreation District trails easement assistance</li> <li>● Notice of violation – complaint Service Area #3 – SL-A-6</li> <li>● IT Meeting</li> <li>● Weilenmann School – design, trails, and crosswalks</li> <li>● Developing New Employee Evaluation Format</li> <li>● East Canyon Water Quality Meeting</li> <li>● Echo and Rockport TMDL meeting</li> <li>● Pre-construction meeting – Browns Canyon Wall</li> <li>● Meeting with NCRS – Jake Powell regarding storm water education</li> <li>● Storm water strategic plan</li> </ul> <ul style="list-style-type: none"> <li>● Public Works / Engineering Projects</li> </ul>

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> <li>○ Summit Park – Parkview Dr. Reconstruction <ul style="list-style-type: none"> <li>▪ Construction meetings</li> <li>▪ Quantity Worksheets</li> <li>▪ Inspection Report Worksheet</li> <li>▪ Pay Estimate spreadsheet prepared</li> <li>▪ Quantity Reviews &amp; Submittals</li> </ul> </li> <li>○ Overlay Project <ul style="list-style-type: none"> <li>▪ Inspections</li> <li>▪ Quantity Reviews</li> </ul> </li> <li>○ New Park Roundabout <ul style="list-style-type: none"> <li>▪ Inspections</li> <li>▪ Quantity Reviews</li> </ul> </li> <li>○ Lower Village Road <ul style="list-style-type: none"> <li>▪ Construction meetings</li> <li>▪ Quantity Worksheets</li> <li>▪ Inspection Report Worksheet</li> <li>▪ Pay Estimate spreadsheet prepared</li> <li>▪ Quantity Reviews &amp; Submittals</li> </ul> </li> <li>○ Bridge Repaint Project <ul style="list-style-type: none"> <li>▪ Site visits</li> </ul> </li> <li>○ Slide Repair Project <ul style="list-style-type: none"> <li>▪ Site Visit</li> </ul> </li> <li>○ Browns Canyon Wall Repair <ul style="list-style-type: none"> <li>▪ Preconstruction Meeting</li> </ul> </li> <li>● Quarry Mountain Access Road, Construction Observation</li> <li>● Residential Permit Activity <ul style="list-style-type: none"> <li>○ 3 over the counter</li> <li>○ 29 plans reviewed</li> <li>○ 24 driveway inspections</li> <li>○ 25 erosion control inspections</li> <li>○ 1 code enforcement</li> <li>○ 22 Bond Release Inspections</li> </ul> </li> <li>● Right-of-Way Permit Activity <ul style="list-style-type: none"> <li>○ 14 new applications, GovPartner</li> <li>○ 10 field inspections: 4 Questar pc area 4 contractors pc area 1 Comcast Hoytsville water 1 Allwest Henefer</li> <li>○ 1 bond release chevron pipeline Kamas Revegetation</li> </ul> </li> <li>● Development Site Inspections <ul style="list-style-type: none"> <li>○ 2 Development Site Inspections: Colony</li> <li>○ Various routine inspections</li> </ul> </li> <li>● Complaints <ul style="list-style-type: none"> <li>3 1 Kamas gun club road, 1 liberty peeks, 1 chevron pipeline, 1 summit park hole edge of road (PW road dept. dug)</li> </ul> </li> </ul>
Facilities	<p><u>Submitted by Mike Crystal:</u> Working at the Summit County Fair</p>
Health Department	<p><u>Submitted by Rich Bullough, Director:</u> <b>Taste Test Program at North Summit School District</b> To help students in North Summit School District become more accepting of a variety of vegetables, the Health Department worked with the District’s Food Services program to provide healthy taste tests. During the taste tests, students at all three schools had a chance to sample foods ranging from</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>broccoli to hummus. After trying the foods, students voted on whether they liked them; this feedback contributed to decisions about what to add to the school lunch menu.</p> <p>As part of the event, the schools were decorated with educational posters, including information about the nutrients in the taste test foods and how they grow in nature. Newsletters with recipe ideas and nutrition information were also sent home with the elementary school students.</p> <p><b>Food Stamp Acceptance at Farmers Markets</b>  When food stamps (also called SNAP benefits) started being distributed through Electronic Benefit Transfer (EBT) cards, it became more challenging for farmers markets to accept them.</p> <p>To ensure that everyone has the opportunity to shop at the farmers market, including low income individuals and families, the Health Department collaborated with the Park Silly Sunday Market to offer a food stamp acceptance program. This program was the first of its kind in Summit County, and only the 11th statewide.</p> <p>This program helps reduce health disparities by making fresh fruits and vegetables accessible to all members of our community, while also supporting the local food system</p>
I.T.	<p><u>Submitted by Ron Boyer, I.T. Director:</u>  We have been busy putting together our Technology. I introduced it to the department heads during their monthly meeting. I will schedule a time during a council work session to go over projects that IT plans to focus on for the next 2 years.</p> <p>Our office has also been discussing the future of what direction to take the county website. We are at about at the time when we should give it a redesign and add some features.</p> <p>I have also happy to say that by negotiations with Tyler Technologies; I have been able to drop this year’s support costs by about \$2000. This will also reduce our future support costs while we use the program.</p> <p>We continue to meet the County Recorder to find a process to move mapping to a GIS platform. We will be visiting Utah next week and have a visit with Mono County, California scheduled for Aug 22<sup>nd</sup>. We are in the process of changing our fee structure for data requests. The fee that we have been charging for more than 25 years will be changed. It still needs manager approval. It is going to be based on time usage, which in most cases will go down, but some may go up. Previously, IT would charge \$1050 for the entire county. It will now be closer to \$200 for the whole county and minimum of \$25, whereas before the minimum was \$10.</p> <p>We have agreed to use a cloud service provider to deliver discovery materials to defense attorneys. This will take a few weeks to get rolling, but it should provide a few thousand dollars’ worth of savings in paper and mailing costs.</p> <p>Support calls for last month, 350 tickets opened and 373 closed</p>
Justice Court	
Library	<p><u>Submitted by Dan Compton, Library Director:</u>  I have been working with Mike Crystal from Facilities and Ed Woolstenhulme and Karsten Moench from the IT Department to install projectors and sound systems in the Conference Room by the DMV in the Richins Building, and in the Kamas Branch Library auditorium. The Richins Building system is almost complete. This will be a great tool for the library to use for the public and staff, but it’s also a nice resource for other groups using these rooms for meetings. The funding for this project came from the Community Library Enhancement Fund awarded to us by the State Library.</p> <p>The first Sherman Alexie event was a success (the book discussion at Dolly’s Bookstore this Tuesday). There will be a multimedia presentation by Westminster English Professor Katy Evans in the Richins Auditorium next Thursday, August 15th at 7:00 p.m. The presentation is titled “Introducing Sherman</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>Alexie: His Work, His Film, His Impact.”</p> <p>I have been spending a lot of my time training our new Kamas Branch Librarian Kate Mapp. She is doing a great job so far.</p>
Mountain Regional Water	<p><u>Submitted by Andy Armstrong:</u></p> <p><b>Operations:</b>  Seasonal hires continuing to work on routine maintenance.  We are still working on Summit Park project.  Operators are still testing and repairing pressure reducing vaults.</p> <p><b>Accounting:</b>  Working on next years budget.  Revenues ahead of budget projections and expenditures are below budget.</p> <p><b>IT:</b>  Studying possible new green project. Checking on viability of "energy recovery" from Pressure reducing vault.  Taught several classes on energy management for Rural Utah Water Users Association.  Met with Rocky Mountain Power to start second phase of energy saving program.  Completed analysis of energy pumping costs for the Administrative Control Board. The analysis shows our power costs per 1000 gallons pumped has dropped over 20 % from 2007 to 2013, even with power costs increasing by over 20%.</p> <p><b>Administration:</b>  Received first draft of the Zions Bank impact fee study.  We have met with numerous developers discussing new projects.  We our starting a "wellness program" through IHC for all full time employees</p>
Park City Fire Service District	<p><u>Submitted by Paul Hewitt, Fire Chief:</u>  See attached Monthly Operations Report</p>
Personnel	<p><u>Submitted by Brian Bellamy, Personnel Director:</u></p> <p>Personnel</p> <ol style="list-style-type: none"> <li>1. Jobs Advertised <ol style="list-style-type: none"> <li>a. Physical Therapist – Closes August 9</li> <li>b. Deputy Assessor I – Closes August 16</li> <li>c. Dispatcher – Closes August 23</li> </ol> </li> <li>2. Applications Received <ol style="list-style-type: none"> <li>a. Physical Therapist – 0</li> <li>b. Deputy Assessor I – 16</li> <li>c. Dispatcher – 7</li> </ol> </li> <li>3. Job Offers Made <ol style="list-style-type: none"> <li>a. Administrative Offices Temp</li> </ol> </li> <li>4. Interviews/Testing set up <ol style="list-style-type: none"> <li>a. None</li> </ol> </li> <li>5. 65 letters sent to unsuccessful candidates</li> <li>6. 3 employees out on Worker’s Comp</li> <li>7. 3 new Worker’s Comp claim filed</li> <li>8. 2 employees on light duty</li> <li>9. 0 new disability claims filed, includes FMLA documentation</li> <li>10. 0 employees on short term disability</li> <li>11. 0 unemployment claim filed</li> </ol>

<u>Department</u>	<u>Description of Updates</u>
	<ol style="list-style-type: none"> <li>12. 2 employee resigned their positions</li> <li>13. 1 pre-employ drug test</li> <li>14. 4 random DOT drug tests</li> <li>15. 1 random DOT alcohol test</li> <li>16. 4 new hire orientation including E-verify</li> <li>17. 3 employees imminent retirement meetings</li> <li>18. John Hancock Representative came and met with various employees</li> <li>19. Filed insurance claim on death of employee's spouse</li> <li>20. Met with representatives of AFLAC looking to offer employee paid benefits</li> <li>21. Finished audit of expenses for Ragnar</li> <li>22. Worked with Department Heads and employees on evaluations</li> <li>23. Met with Bob Jasper and Andy Armstrong regarding healthcare</li> <li>24. Met with Bob Jasper, PCFD and South Summit Ambulance regarding consolidating ambulance services</li> <li>25. Administrative Law Judge Hearing regarding Animal Control citations</li> <li>26. Provided research for Leash Law Task Force</li> <li>27. IT digitizing former employee personnel records</li> <li>28. Working on employee salary survey</li> <li>29. Multiple requests for salary and policy information from other agencies</li> <li>30. Multiple telephonic and in person verifications of employment</li> <li>31. Worked with three department heads regarding employee discipline issues</li> <li>32. Met with multiple department heads and employees regarding employee issues</li> <li>33. Continue to answer public inquiries regarding county employment</li> <li>34. Serve county employee's needs</li> </ol>
Public Works	<p><u>Submitted by Kevin Callahan, Public Works Director:</u></p> <p>Road Division</p> <ul style="list-style-type: none"> <li>• Grader patch Summit Park and Pinebrook areas</li> <li>• Repair sidewalks Silver Summit and Mountain Ranch Estates</li> <li>• Grader patch Jeremy Ranch area roads</li> <li>• Grader patch East Henefer road</li> <li>• Backhoe patch Summit Park</li> <li>• Haul chips for road projects</li> </ul> <p>Transit</p> <ul style="list-style-type: none"> <li>• Worked with Park City/UTA on promotional offer for SL-SXC transit service for Jeremy area</li> <li>• Presented transportation report to Joint City/County Council</li> </ul> <p>Fleet</p> <ul style="list-style-type: none"> <li>• Reviewed 2014 vehicle requests for health, Sheriff and Public Works</li> <li>• Developed alternative fueling proposal in fleet committee for time fill system at Public Works, Health and Courthouse</li> </ul> <p>Weeds</p> <ul style="list-style-type: none"> <li>• County continues to map all areas where we spray, August is our slow month.</li> <li>• Pulling weeds; this time of year is slow, we cut weeds now when wind is blowing.</li> <li>• Enforcement; 18 people have been talked to over the last two weeks.</li> <li>• Loaner Equipment; This time of year it is slower, but will start back up after the first of September.</li> <li>• Spraying; We have continued to spray some areas that have had regrowth. When the crew is not working at the fair.</li> </ul> <p>Waste Division</p> <ul style="list-style-type: none"> <li>• Jaren decommissioned the Coalville Recycling Center. The closing date was August 1.</li> </ul>

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> <li>• Park City Council continues its discussions about a resolution working on reducing one-time use plastic bags and educating the public on the issue. It looks like they will partner with Recycle Utah and commit \$6,000 to help start the program. Jaren presented a report to Council.</li> <li>• Staff met with Council member Ure regarding concerns about charging for dead animals and the potential for illegal dumping. We have proposed to have a two week period from mid to end of October for free disposal of deer carcasses.</li> </ul> <p>Emergency Management</p> <ul style="list-style-type: none"> <li>• Continued to forward daily situations reports on wildland fire conditions to the County's PIO</li> <li>• Continuing with an interregional committee on updating the County Emergency Management Plan.</li> </ul> <p>Briefed the department heads on the committee</p>
Recorder	
Treasurer	
Sheriff	
Snyderville Basin Recreation	
USU Extension	



## COMMUNITY DEVELOPMENT

Submitted by Patrick Putt, Community Development Director:

- The department received 26 new building applications and 5 new planning applications this past week as follows:

### NEW BUILDING PERMITS July 31 – August 7, 2013

Number	Full Address	Description	Tax ID
2013-1276	250 MATTERHORN DR	Interior Bath Remodel	SU-M-2-53
2013-1292	27 ASHLEY CT	Furnace	RIS-II-7
2013-1294	1593 LITTLE LAKE DR	Fireplace	SOS-A-9
2013-1296	6191 N PARK RIDGE DR	Single Family Dwelling	PRE-52
2013-1298	5860 E CARIBOU DR	Detached Garage	PM-1-45
2013-1299	4163 W SUNRISE DR	Deck	SR-1-45
2013-1284	7790 N CEDAR WAY	Single Family Dwelling	TL-2-215
2013-1287	7132 N SILVER CREEK RD	Interior Lighting / Tenant Improvement	SL-I-7-14
2013-1290	2320 BEAR HOLLOW DR	Retaining Wall	CDE-12
2013-1291	1678 W REDSTONE AVE	Back Country .com / Tenant Improvement	FPRV-5-D
2013-1295	27649 OLD LINCOLN HWY	Waste Water Treatment Plant	NS-86
2013-1275	1155 QUARRY MOUNTAIN LN	Swimming Pool	QMR-9-AM
2013-1274	1593 LITTLE LAKE DR	Water Heater Replacement, Furnace, Gas Line	SOS-A-9
2013-1288	235 MATTERHORN DR	Single Family Dwelling	SU-M-2-39
2013-1277	4213N MOOSE HOLLOW RD	Single Family Dwelling	MOOSE-10-AM
2013-1278	1628 W SILVER SPRINGS RD	Remodel	SOS-A-13
2013-1279	2238 No Address on File	Cabin / Single Family Dwelling	PM-3-345
2013-1280	2983 No Address on File	Meter change-out	SHA-405
2013-1281	1784 UINTA WAY	New building pad	VKJ-SPA-1E
2013-1282	167 WHITE PINE CANYON RD	Single Family Dwelling	CWPC-4A-167
2013-1283	630 PARKVIEW DR	Demo Walls, Ceiling, Insulation	SU-J-7
2013-1285	7634 N SILVER CREEK RD	Single Family Dwelling	SL-H-470
2013-1286	520 ASPEN DR	Interior remodel	SU-A-38
2013-1289	2999 TRADING POST	Single Family Dwelling	TCS-50
2013-1293	3836 QUARRY MOUNTAIN RD	Remodel kitchen and bath	QMR-21-AM
2013-1297	6520 N HIGHWAY 224	Mattress Store Tenant Improvement	PP-81-D-1

**Planning Applications  
August 1-7, 2013**

Project Number	Description
2013-684	Tour of Champions 2013 Special Event Bike Ride Through Summit County
2013-685	Tanger Outlets Toys R Us Sign Sign Permit FSE-1            6699 N. Landmark Drive
2013-686	Franklin Covey Kick Off Special Event Special Event 2838 Quarry Mountain Road
2013-687	Frostwood Condominium Plat Condominium Plat FRSTW-C-1AM        2055 Frostwood Blvd
2013-688	Frostwood Final Site Plan Final Site Plan FRSTW-C-1AM        2055 Frostwood Blvd

Respectfully Submitted, Patrick Putt  
Community Development Director

# Monthly Operations Report - June 2013

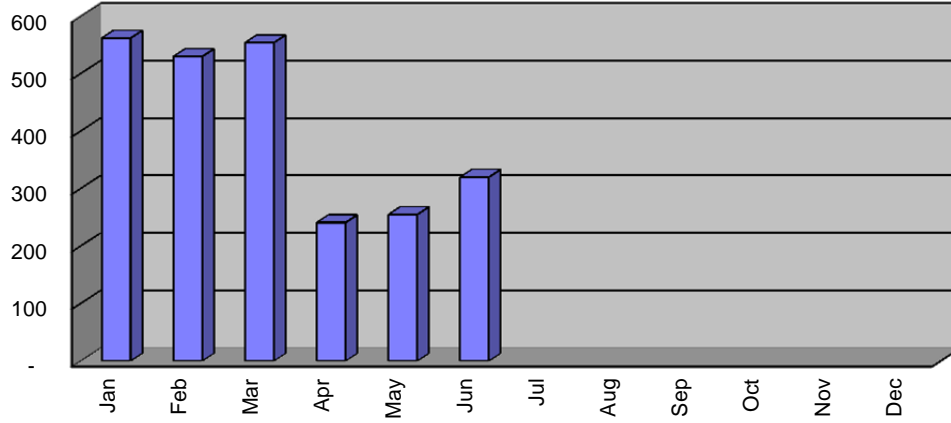
## Park City Fire District



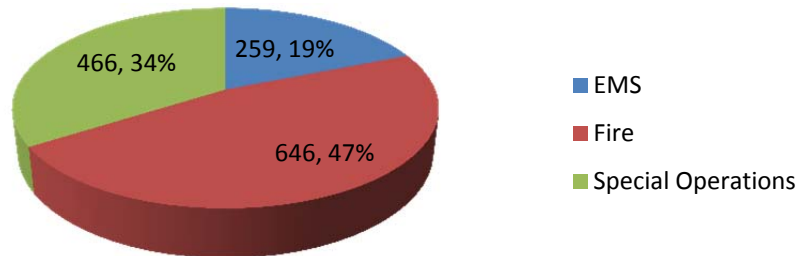
Vehicle accident I-80 – June 4, 2013

# Monthly Operations Report June - 2013

### Monthly Calls - 2013



### Total Training Hours by Category - June 2013 Park City Fire District



## **Fire Summary**

A home in Silver Creek that is scheduled for demolition was given to PCFD to use for training. A variety of skills and exercises were performed, including live fire. During live fire training, crews were able to witness the effects of different types of ventilation, such as positive pressure and natural wind, and how they affect fire behavior in different ways. Firefighters saw how quickly fire conditions change in response to the application of powered fans or the opening of windows/doors. Silver Creek is an ideal location to practice this because it seems to always be windy in this area. Multi-company evolutions, focusing on teamwork, fire attack, and communication, were also performed (figure 4). Personnel from each shift were also involved in night exercises at the residence. These drills included rapid search and live victim rescue. For these drills, the structure was filled with artificial smoke. This, along with the darkness afforded to us by training at night, created nearly “blacked-out” conditions for the evolution. Several different rapid search techniques were employed and crews left feeling better prepared for an actual rescue situation.

Fire Prevention set several small fires of “suspicious origin” in the residence as well. Inspector Vorwaller used several different ignition sources, such as a cigarette, flammable liquid and even wax paper to simulate what an arsonist may do. Crews were able to inspect the room where the fires were set and identify the subtle patterns of an intentionally set fire. Vorwaller also rewired a coffee maker, bypassing the heat sensor, to create a realistic arson fire which appears accidental upon initial inspection. These scenarios were beneficial in expanding the knowledge of the crews, especially when considering the lack of frequency in which the firefighters encounter the particulars of an arson fire. Fire detection and arson investigation is a complicated science with many variables. This and other reasons are why we need experts and experience to look beyond the obvious and find the cause.

## **EMS Summary**

June Medical Control consisted of a review of PCFD transport/release guidelines with Dr. Macintosh. We discussed difficult decisions regarding transport of minors, intoxicated patients, severely wounded patients, and other problematic transport decisions.

Due to the amount of time spent on the structure in Silver Creek with fire training, June CME was moved to the first week of July. We look forward to infectious disease control CME next month.

## **Special Operations**

E33, Rescue 36, and BC3 assisted BC Hales in the delivery of auto extrication techniques for the high school EMT students. Students received great instruction followed by hands on skill application with PCFD extrication tools. The class took turns cutting and spreading the doors and roofs of actual vehicles. Scenarios were presented in rapid extrication of patients from damaged vehicles. It proved to be a well-received experience for this young group from Park City High School (figure 1).

## Monthly Operations Report June - 2013

Conducted district-wide training on the basics of backcountry rescue, 4X4/Ranger operation, and the use of GPS equipment in victim location. This training is held on an annual basis helping to ensure PCFD responders can effectively operate backcountry equipment and access patients in difficult areas.

UT-TF1 sponsored their annual Structural Collapse Training at the United Fire Authority Facility in Magna. This 10 day exercise included 60 participants from various FEMA Task Forces in New Mexico, Idaho and the Utah National Guard. PCFD had 5 participants serving in a variety of roles, from Plans Team Manager to Technical Search Specialist. The training consisted of search and rescue techniques and shoring, stabilizing and breaching of structures damaged by natural disasters. Props included “pancake collapse” and “cantilever collapse” typically seen in earthquakes. Other props simulated twisted piles of rubble with void spaces found following a tornado (figure 3). This course is the final requirement for the FEMA Rescue Specialist certification. Prerequisite training for this course involved approximately **200** hours of training in rope rescue, vehicle/equipment extrication, confined space rescue, and trench rescue. The course is held every other year and will be taught again in June of 2016.

### **Equipment and Facilities**

6/5 The fresh air compressor was relocated from station 36 to the training facility. The lifting and moving of the **4000** lb. piece of equipment served as a great training exercise for the special operations crews on “C” shift. The compressor was lifted and moved using jacks, lift bags, and a tow truck. The new location will enable crews to refill SCBA bottles while training, ultimately allowing them to return to service immediately following training. Before the relocation, crews often remained out of service until they could refill bottles at station 36. The other PCFD compressor is located at station 31.

6/6 L.N. Curtis performed a factor update of all SCBA face pieces. The update involved warranty work and flow testing of all units.

6/17 All PCFD engines passed the annual third party pumping certification.

### **Significant Incidents**

6/3 Crews responded to the (name omitted) Hotel for a report of an individual in full arrest. Upon arrival, an individual was discovered to be in a heroin induced full arrest. Paramedics quickly administered Narcan, the antidote for opiate drug overdoses, while others performed CPR. Due to the quick actions of the on scene crews, the individual was revived and transported to the hospital for further treatment.

6/4 E 33, E 35 and A 35 responded with UFA units to I-80 at mm XX for a reported rollover. Arriving units discovered a large pick-up truck had lost control at a high rate of speed and rolled over the median. A single occupant was found to be deceased on scene. E-33 remained on scene and assisted with a 2 hour extrication of the victim.

## Monthly Operations Report June - 2013

6/6 Station 37 attended the annual Trailside Elementary Safety Fair. Crews were on hand to give fire apparatus tours and offer fire and life safety messages.

6/13-6/15 PCFD hosted the annual Utah State Fireman's Association Convention. The event was held at the Grand Summit Lodge and included fire organizations from throughout the state. The convention is conducted to provide a basis of networking and goodwill among firefighters and the agencies they represent. Also, the USFA recognizes and honors current or past members for their contributions to the fire service. Highlights of the event included keynote speaker Robert Kirby of the Salt Lake Tribune, a fire engine parade down Main St., training opportunities, golf and shooting tournaments, and lots of food. We provided the bulk of support to the event, including a flag ceremony by the PCFD Honor Guard. We also hosted a BBQ for the convention at Station 36 and provided an EMS standby for those climbing the Utah Olympic Park stairs! The event was a huge success and included a great deal of personal time and effort from a number of PCFD members.

6/14 PCFD crews were on site for an EMS standby during the filming of extreme motorcycle stunts at the UOP.

6/21- 6/23 The annual RAGNAR event was held with competitors running through the district from Guardsman Pass to PCHS and had a significant impact on resources. Standby crews treated participants with everything from blisters to severe dehydration. The PCFD Motorcycle Team was used for the first time and proved to be valuable in maneuvering through the large crowds.

6/23 FF/PM Stamper staffed a PCFD booth at the Park City Cycling Festival. Sean provided safety information and "free" kids bicycle helmets to those in need. Not only did Sean do an excellent job organizing and staffing the booth, it was his idea/project from the beginning. He plans on taking these bicycle safety lessons into the schools in the fall of 2013.

### **Significant Incidents**

6/23 The PCFD Wildland Team was deployed to Colorado to assist with a major wild fire. A crew of 3 took the Wildcat Type 3 Engine in anticipation of a 2 week assignment.

6/24 St 31 responded to report of a deceased self-inflicted gunshot victim in (Address Deleted)..

6/24 E 37 and A 35 responded to Peoa for a vehicle vs. power pole accident with a report of wires down.

Monthly Operations Report  
June - 2013

6/24 A 35 assisted (deleted) with a full arrest. The patient was transported to PKMC where further resuscitation efforts were unsuccessful.

6/26 E31 and A31 responded to the home of an elderly male who fell and struck his head. The patient suffered a grand mal seizure while preparing to transport. He was sedated and transported to PKMC, where he was intubated by PCFD personnel prior to being transferred transported to the Level 1 Trauma Center at IMC for further treatment.

6/26 E35, E33, WT37, and BC3 responded to a large vehicle fire on I-80 at mm 138. First arriving units discovered a truck pulling a fifth wheel type fully involved with fire. Crews quickly deployed 1 ¾" hose lines to extinguish the fire, confining the fire and damage to the truck only and preventing spread to the trailer and to extremely dry grass and brush nearby (figure 2).

6/28 Crews responded to a high impact collision on I-80. One patient required a complicated extrication. The incident resulted in two critical patients transported to trauma centers in the valley, one via air ambulance.





Figure 1



Figure 2



Figure 3



Figure 4

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# MINUTES

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**SUMMIT COUNTY**  
**BOARD OF COUNTY COUNCIL**  
WEDNESDAY, JUNE 26, 2013  
COUNCIL CHAMBERS  
COALVILLE, 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*  
**Karen McLaws**, *Secretary*

**ATTEND PRESS EVENT WITH ALL SIGNATORIES OF THE WESTERN SUMMIT COUNTY PROJECT MASTER AGREEMENT – THE SWANER ECOCENTER, 1258 CENTER DRIVE, PARK CITY, UT 84098**

The Council Members attended a press event for signatories of the Western Summit County Project Master Agreement at the Swaner EcoCenter from 11:00 a.m. to 12:00 noon.

**BREAK FOR LUNCH AND DRIVE TO COALVILLE**

The Council Members had a lunch break and returned to Coalville for the remainder of the meeting.

**CLOSED SESSION**

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

The Summit County Council met in closed session from 1:30 p.m. to 2:00 p.m. for the purpose of discussing property acquisition. 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*  
**Kimber Gabryszak**, *Planner*  
**Leslie Crawford**, *Senior Engineer*  
**Kent Wilkerson**, *Traffic Engineer*

**Council Member Carson made a motion to dismiss from closed session to discuss property acquisition and to convene in closed session to discuss litigation. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.**

The Summit County Council met in closed session from 2:00 p.m. to 2:35 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 Carson made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.**

### **WORK SESSION**

Chair McMullin called the work session to order at 2:45 p.m.

- **Presentation by U. S. Forest Service regarding management of wild fires on forest land, Mark Gibbons, Rob Lamping, and Jeff Schram**

Jeff Schram with the Heber-Kamas Ranger District discussed the process for determining how to deal with fires and explained that every fire is managed differently. He explained that they look at the risks associated with the fire, especially for the public and the firefighters.

Chair McMullin asked about the risk of fire in the areas where there are bark beetle infestations. Mr. Schram explained that the lodgepole pine stands on the north slope of the Uintas have a very different dynamic from the spruce and aspen stands in the Heber-Kamas area that are not as dense. He stated that the moisture indexes are not the same as Colorado, and Summit County is more in the normal range, with the grasses in Summit County still being quite wet and green. Compared to last year at this time, Utah has not had as many fires as they did last year.

Council Member Armstrong observed that Utah has had a record dry month in June and asked if greater fire danger is anticipated that last year in wildland areas. Mr. Schram replied that they do not anticipate greater fire danger and reiterated that the grasses are still quite green. Council Member Armstrong commented that Utah does not seem to have had as many major wildfires as California and Colorado in the past few years. Mr. Schram explained that one reason is that Utah does not have continuous stands of one type of foliage; they have a mixture of species.

County Manager Bob Jasper referred to the cabin areas in the wildland urban interface and stated that they need to get on the same page when it comes to restricting fireworks during fire season. He recalled that the Forest Service withdrew its fire restrictions last year just as the County was putting restrictions in place. Mr. Schram explained that the Forest Service has been focusing on the cabin areas to create a fire break to provide extra protection.

Summit County Fire Warden Bryce Boyer reported that he met with Rob Lamping, Fire Management Officer for the Summit County area, and spent time going through the Weber Canyon area and will go through the Samak area to familiarize him with the conditions that exist there and the impacts a fire would have in those areas to give him the information he needs to make better decisions. Mr. Lamping had indicated that he was not aware there were so many cabins in those areas. Mr. Boyer stated that they could let a natural burn occur in the Uintas, but they are asking the Forest Service to be aware of impacts in the cabin areas when placing fire restrictions. He also reported that starting at midnight tonight, a fireworks ban will go into effect for Summit and Salt Lake counties, and burning restrictions are likely to follow in a few weeks.

Mr. Jasper referred to the forest around Park City and noted that many people live adjacent to the national forest in that canyon. Mr. Schram explained that fires in that area would likely be quick events that last a day or two and run up to the top of the mountain. Mr. Jasper asked about the weather forecast for the forested areas. Mr. Schram replied that the prediction is that there will be average precipitation and above-normal temperatures.

Mr. Boyer explained that, if a fire is on federal land, they pay for it fully. When there is a threat to private or State lands, he will get involved and work with the federal entities on cost-share agreements.

- **Discussion and provide direction US-40 wildlife/pedestrian underpass: Derrick Radke, County Engineer**

County Engineer Derrick Radke recalled that this concept started when UDOT identified the need for a wildlife underpass under Highway 40 and offered to use a \$750,000 enhancement grant for that project. That was not enough to complete the project, and UDOT looked for partners. The Snyderville Basin Special Recreation District came forward immediately to participate, but Park City and Summit County have been more hesitant. They have worked steadily as a partnership, and the design engineer's final estimate shows that the project will be about \$500,000 short of what is needed to complete the project. He noted that the structure has been enlarged somewhat in order to accommodate larger wildlife. The partnership is now asking for assistance from Summit County and Park City. He reviewed the project costs, which total about \$2.44 million. Funds dedicated to the project so far are \$1.95 million, leaving a shortfall of just under \$500,000.

Chair McMullin asked if there has been an initial response from Park City. Park City Trails Coordinator Heinrich Deters stated that this has been before the Park City Council several times, and he has not heard anything negative. He believed all four entities should come together and that this would be a great joint project for both the wildlife and trail connections.

Mr. Jasper stated that he received a letter from UDOT regarding a half million dollar grant for trails and wildlife, which would complete the project if they are able to get the grant. Mr. Radke explained that he contacted UDOT, and they are limiting the project size to \$100,000. The County could apply and potentially get \$100,000, but the City could not also get \$100,000, because the grant is limited to \$100,000 for the project.

Council Member Robinson recalled that the last time they met the total was closer to \$2.2 million and asked why the costs increased. Ritchie Taylor with UDOT replied that some of the options they hoped would work out did, but some construction costs went up, and these are the numbers they are most confident with. Council Member Robinson noted that, if they apply for RAP Recreation funds, that could put them into September. He asked when UDOT needs the agreement signed and the \$250,000 from the County. Mr. Taylor replied that they could be flexible with that. Ideally they would like to build the underpass in the fall, but if that is not possible, they could build it in the spring. Rena Jordan with the Snyderville Basin Recreation District explained that, if they were to apply for the \$250,000, the Recreation District would be putting \$1 million into this project. They have a list of other requests for the RAP Recreation funds, and this would take away from other things in their capital plans for which they count on RAP tax funds. Council Member Robinson asked how Park City and the Recreation District feel about this project as a priority. Mr. Deters asked how many times they would have \$750,000 in enhancement funds available to them. Even though this project has some roadblocks, a lot of partners are bringing money to the table. He asked when they would get another opportunity to get an underpass for \$250,000, and he believed priorities change when there is that kind of cooperation.

Mr. Jasper noted that the voters re-approved the RAP tax, which has funded some fairly major projects. He stated that he looks at this as \$400,000 rather than \$500,000 because of the potential \$100,000 grant. He believed they should do the underpass right if they are going to do it. He stated that the RAP tax fund is growing rapidly, and a lot of wish lists have been met.

Mr. Deters suggested that, if UDOT can wait until spring to construct the underpass, they go through the RAP Recreation application process to see if they can get the funds. He believed if there are other opportunities to obtain the funds, they should explore them. Mr. Taylor confirmed that spring would work for them, but they would need the funds to be committed by late fall of this year. He noted that this is the first time in this part of the State that UDOT has committed to do something for both the trails people and wildlife. Council Member Robinson noted that UDOT has also increased its share of participation in the project.

The Council Members discussed whether they could apply for RAP Tax funds as a body politic. Council Member Robinson suggested that, if they are not able to get other sources of funding, the Council consider including it in the 2014 budget. Deputy County Attorney Dave Thomas explained that the Council would have the Public Works Department apply for RAP Tax funds, and they would go through the normal application process. Council Member Robinson suggested that Mr. Radke apply for the \$100,000 from the State and that both the County and the City apply for \$200,000 in RAP Tax funds by August. Then if there is a problem, they could address it in November when they review the budget. He believed they could make a commitment to UDOT by the end of November.

- **Discussion regarding General Plan Phase II; Kimber Gabryszak and Pat Putt**

Community Development Director Patrick Putt explained that Phase II of the Snyderville Basin General Plan will include discussion of future land uses, growth areas, redevelopment areas, and sustainability strategies. He explained that Phase I of the General Plan discussions set the foundation for Phase II and helped identify global principals for future land-use decision making and provide for 15 neighborhood plans to determine what they want to preserve in those neighborhoods and what they might want to change or opportunities they might want to create. He noted that, when factoring in existing development, development that has been approved but not built, open space, and sensitive lands, there is not as much developable land in the Basin as they thought, and determining how to use that in a smart manner will be very important. He explained that Staff would like to get an individual or small group of individuals to help synthesize all of the recent work done in the community as it relates to land use, growth, industry, trends, etc., and analyze it in a way that will help the Planning Commission and Staff prepare recommendations for land use decisions. He clarified that this would not be an economic development or economic diversity study but would take the information they have and help make land use decisions regarding how to deal with the growth they anticipate. He explained that they will leave the economic development decisions to the task force that has been put in place to deal with that. He reported that they have prepared an RFP describing exactly what they are looking for and the time frames associated with it. He stated that they would like to issue the RFP on July 1 and have the work completed by October. He noted that the schedule for Phase II is very aggressive, and they anticipate having a public hearing by late spring of 2014.

Council Member Carson noted that she did not see anything in the RFP regarding transportation or broadband. Snyderville Basin Planning Commissioner Chuck Klingenstein explained that transportation is addressed on page 26 of the RFP.

Council Member Robinson asked how much Staff expects to spend on the RFP. Mr. Putt replied that they have \$10,000 budgeted for this year, and he believed they could get it done for that amount. County Planner Kimber Gabryszak stated that, with the amount of data the County already has, it should be realistic to get it done for that amount. She explained that the Eastern Summit County component has been removed, since the Eastern Summit County Planning subcommittee is meeting to define their needs, and they will request additional information at a later date as part of that process.

The Council Members concurred that Staff should proceed to issue the RFP.

- **Discussion regarding Snyderville Basin General Plan Phase I; Jennifer Strader and Pat Putt**

County Planner Jennifer Strader presented an overview of Phase I of the Snyderville Basin General Plan. She recalled that the General Plan process started in 2009, and Staff and the Planning Commission have worked on the process consistently since then. She noted that Chapters 1-8 address general, global planning principles, and Chapter 9 address individual neighborhood plans. She noted that many of the changes were organizational and formatting, and regulatory language was removed and has been or will be inserted into the Development Code. She reported that the Planning Commission forwarded a positive recommendation for

Phase I of the General Plan with the condition that the Council should not adopt the General Plan until the associated Code amendments have been reviewed and adopted.

Chair McMullin verified with Planner Strader that the Code amendments would relate only to Chapters 1-9 and that there would be future Code amendments during Phase II. She asked if there is a benefit to adopting Code amendments now for Chapters 1-9 rather than waiting for a complete Code amendment after Phase II is completed. Mr. Putt recommended that they continue to work on Phase II while they go through the public hearing process for Phase I and get the Development Code changes to the Council as quickly as possible for adoption. He explained that the Development Code changes will provide a safety blanket so there will not be a gap in policy when Phase I of the General Plan is adopted. Chair McMullin verified with Mr. Putt that Staff does not want the Council to take action on the General Plan amendments in Phase I until the related Code amendments have also been through the appropriate process and are also ready for adoption. At that point they can act on both at the same time. Planner Strader explained that a number of Code amendments were recommended by the Planning Commission in 2011, but they have not yet been seen by the County Council because the focus was on updates to the General Plan. She stated that they will bring all the necessary Code amendments to the Council at one time.

Planner Strader reiterated that most of the changes in Chapters 1-8 were to reformat, reorganize, and get rid of regulatory and redundant language. She stated that most of the public comment they received related to Chapter 9 and the individual neighborhood plans. She explained that the current General Plan contains 8 neighborhoods, and as Staff drove around the Basin and looked at the neighborhoods in terms of existing land uses, topography, characteristics, and natural delineations of the neighborhoods, they recommended 15 neighborhoods. Staff believes the proposed neighborhoods make more sense, and from the public input they received, they tried to describe the unique characteristics of each neighborhood. She explained that they had a good turnout for the neighborhood plan public hearings and received many good comments they tried to incorporate into the Plan.

Council Member Ure verified with the Planning Commissioners that they thoroughly discussed the neighborhoods and reached a consensus, even those where there was no public input.

Chair McMullin suggested that they duplicate the process that occurred at the Planning Commission level and have serial public hearings on the neighborhood plans. She commented that the Planning Commission has done such a thorough job on the General Plan amendments that she believed they should go directly to public hearings.

The Planning Commissioners and Council Members discussed the purpose of the General Plan, and Chair McMullin asked who the audience is for a General Plan. Mr. Putt replied that it is written for all stakeholders; i.e., private property owners, the community at large, and most importantly, the Planning Commission and County Council, who are the decision makers. He explained that when they make decisions on a rezone, it should be based on the spirit and information in the General Plan. When they look for good cause for a plat amendment, they will go back to the General Plan and determine what basic principles are behind the neighborhood. Planning Commissioner Greg Lawson commented that one function of a General Plan is that it provides a conduit for citizen participation in the planning process. It is an opportunity for citizens to focus on where they live, what is important, what they may want to change, and how

they may want to see it developed, and it provides an opportunity for the elected officials to hear what is important to the citizens.

Council Member Armstrong discussed connectivity and explained that broadband connectivity is very important. He believed they need to look at connectivity throughout the County and what currently exists. He noted that the General Plan addresses infrastructure and utilities, but he was not certain that they think of connectivity as a utility. He suggested that they think about that as they move forward and make it part of the RFP. He noted that many broadband lines have been laid throughout the County, but they do not have access to them, and he believed they need to tap into that. He explained that broadband is to some extent a transportation issue in terms of people having the ability to communicate. He would also like to see the transportation element address moving people from other parts of the State into this community, because they need to do that more efficiently. He would like to see alternative mass transit contemplated, which he believed would be critical in the future.

Chair McMullin asked how the Snyderville Basin Master Transportation Plan interacts with this. Mr. Putt explained that it will be incorporated by reference in the General Plan and will be fundamental to the future land use plan, because they want to coordinate future growth areas with transportation infrastructure, which must be consistent with the master transportation plan.

Council Member Armstrong asked how Phase II will be different from Phase I. Mr. Putt explained that it will address sustainability, future land uses, economic development, etc., but the format will be similar to what is currently proposed. He believed the most important part of it would deal with future growth areas and where they will occur. He explained that they will see a land use map, which is a broad guide as compared to a zoning map in the Code. He noted that he has not heard anyone challenge the existing premise of the Plan, which is to maintain the character of the Basin. He explained that the land use plan will provide an opportunity to consider what is currently built and use that to reflect the connection between Town and Resort Centers without having strip development. It will also provide an opportunity to create new tools and new zoning districts that match the land use. Council Member Armstrong asked if redevelopment should be a separate section in the General Plan. Mr. Putt replied that is a major part of what they will look at because of the limited resources in the Basin. He explained that they may want to look at areas that are entitled but unbuilt and find a way to renegotiate those entitlements. They may also want to look at areas that are already developed and what redevelopment of those areas might look like. Commissioner Klingenstein stated that he almost looks at the Plan as a buildout plan for the Basin, because there is very little left that can be developed. He stated that a redevelopment strategy will be a big part of Phase II.

Council Member Carson noted that the first section talks about economic growth and suggested that they might want to change that to economic diversity.

Mr. Putt encouraged the Council Members to send him any comments they might have on Chapters 1-9.



## **REGULAR MEETING**

Chair McMullin called the regular meeting to order at 4:40 p.m.

- **Pledge of Allegiance**

### **DISCUSSION AND POSSIBLE DECISION ON AN APPEAL OF AN ADMINISTRATIVE DECISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE PROPOSED LOCATION OF A HOME ON A RIDGELINE ON LOT 35, BRIDGE HOLLOW SUBDIVISION, LOCATED AT 3200 DEER HAVEN, WANSHIP, UTAH, APPELLANTS DANIEL AND SUZANNE LYNCH; MOLLY ORGILL, PLANNER**

Dan Lynch, the applicant, stated that technically he understands that the house ridgelines, but the question is what kind of visual impact it really has. He acknowledged that asking for a variance is difficult, but he felt strongly that it was justified in this case. He referred to the Development Code and the restrictions regarding ridgelines and noted that there is a house in this area that clearly ridgelines that is evidently grandfathered, so they had not even thought about ridgeline and did not think it would be an issue because of where they are putting the house. He believed the key is the language regarding visually sensitive areas, which he believed is difficult to interpret to determine ridgeline compliance. He explained that they are 2.5 miles from I-80 where the home would be visible, and he thought it would be hard to determine that it is visible. He stated that there are no map overlays or anything to help define a sensitive area. He explained that they designed the house for the site and were two weeks away from construction when they learned there was a ridgeline issue, which was devastating. He stated that nothing in the building code explains how the ridgeline is interpreted. He stated that this determination has resulted in additional costs and delays. He provided photographs of the site from I-80 and visuals of the proposed house on the lot. He explained that the house would be 29 feet high from existing grade, and because of the angle, only 10.5 feet would be exposed to the highway. He explained that the house was specifically designed for the direction it would face. He stated that a person would have to stare at the house from the highway in order to see it, and someone traveling 75 mph on the freeway would not see it, so he argued that the house really does not have an impact. He stated that the property was purchased specifically for the view, and the house was designed specifically for this location. He could move the house on the site, but it would have to be rotated 90 degrees. Otherwise, he would be looking into the ground. He explained that he would have to re-do all the site planning, the septic system design, etc., which would be a significant cost. He also noted that they would have to build through the winter if he cannot get this approved today, which would also result in a cost increase.

County Planner Molly Orgill provided an area map showing the Bridge Hollow Subdivision and the appellant's lot, which consists of 22.22 acres. She explained that the plans were submitted on April 8, 2013, and plan review was completed by April 30. As part of that review, Staff looks at aerial views of the property and determines whether areas of the property may be critical and may have potential ridgeline issues. She made a note on the list that she would need to make a site visit to the property, which she did on May 10. At the site visit, Staff believed there was a potential issue, so they conducted a pole test on May 15 with the appellant's architect present. She stated that she could clearly see the pole ridgeline on the property, and she took Mr. Putt with her last week to conduct the pole test again, and he could also clearly see the pole on the

ridgeline. She verified that the home would be visible on the ridgeline from I-80 heading toward Park City prior to the Wanship exit. She noted that the Code also talks about hillside development and not placing a home on the hillside if possible where it would be highly visible. She noted that the lot consists of 22 acres, so there is plenty of room to place the home where it would not have a ridgeline issue. She quoted from the Code and General Plan those sections which address not placing homes on the ridgeline. Staff recommended that the County Council review the information in the report and vote to deny the appeal and uphold the Community Development Director's decision to deny the proposed location of a new home due to the structure extending into the skyline as viewed from I-80 in contradiction to the Code and General Plan. She noted that Staff has prepared findings of fact and conclusions of law to support denial of the appeal.

Mr. Lynch stated that they would probably have to move the home back 200 feet to avoid ridgelineing, and the lot slopes downward very gradually as they move back. The Council Members discussed an alternate location for the house on the lot.

Council Member Robinson explained that the language in the Code regarding ridgelines is not a function of distance but a function of being above the ridgeline as seen from the road. The next question is whether there is another location on the property, and the appellant is making an assumption that the house can only be placed in one location on 22 acres, but he did not see any evidence that the house would have to be rotated 90 degrees in order to build in another location on the lot. Mr. Lynch stated that they are trying to place the house where the driveway would not be too long. He explained that the only reason he would spend this much money for this lot and this design is for the views, and he did not understand how it could possibly have a visual impact.

Council Member Ure asked if the house would be in the ridgeline as viewed from Lots 26, 27, and 23. Planner Orgill explained that the roads in Bridge Hollow are private roads, and the Code says as viewed from public roadways. Council Member Robinson asked if the house could be seen from other County roads. Planner Orgill replied that it could probably also be seen from Hoytsville Road. Mr. Lynch argued that they would only be able to see the gable of the house. Council Member Robinson noted that the gable is glass, and if the house were illuminated, light would be seen above the ridgeline.

Chair McMullin explained that the Development Code reflects the community's desires, and it is forbidden for structures to ridgeline in the Snyderville Basin unless there is absolutely no other alternative on the lot. She believed the same thing applies in Eastern Summit County and that it is forbidden for a structure to ridgeline unless there is no alternative. With a 22-acre parcel, there is no argument that the appellant could use an alternative location and not break the ridgeline. She believed the decision is that simple. Mr. Lynch asked why the Code refers to visual impact and argued that seems to be the key to this issue. Chair McMullin noted that they are talking about the Development Code, which specifically states that a structure 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. This house can be seen from a public roadway, and she does not care if it can be seen for 15 seconds or five minutes. It can be seen, and it is on a ridge top. It can only be on the ridgeline when the property owner has no other location where they can build the structure, and she does not see that set of circumstances in this situation. She stated that it is clear that this structure violates the Code.

Council Member Carson noted that any time someone builds on the ridgeline, it will be two or three miles from the road. People will still see it when they look up at the mountains, and the purpose of this Code provision is to protect the viewsheds, whether it is two miles away or five miles away. That may not be the appellant's view, but they cannot let a single applicant's view trump the desires of the community.

Council Member Armstrong explained that, as a Council, they try to be consistent in how they apply the Code and stick with decisions that allow people to have some certainty in how the Code will be applied. If they were to deviate from the Code in this instance, they would have other come along and ask for the same thing.

Council Member Ure agreed that it is the principle of not skylighting that applies here. However, he would like to see the process streamlined so that this type of determination could be made before an applicant goes to a lot of expense to get engineering done and plans approved.

**Council Member Ure made a motion to deny the appeal and uphold the Community Development Director's decision based on the following findings of fact and conclusions of law shown in the staff report:**

**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 320 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 impacts 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 Eastern Summit County Development Code (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 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 permit.**
- 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, and the proposed home will be visible from I-80, and there are alternative locations that would comply with the Code.**

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

### **MANAGER COMMENTS**

Mr. Jasper reported that he received a call from the owner of Talisker Corporation indicating that they would be losing control of the Canyons operation. He, Mr. Thomas, and Mr. Putt went to a meeting the County requested with Vail and the group that was going to take control of the Canyons golf rights, and they met with two representatives from Alvarez and Marsal, a company that will act as interim manager of the Canyons. He explained that a lease was signed with Vail for operation of the ski resort and construction and operation of the golf course. A group called Talisker Canyons Finance Company is the parent company of the Canyons, which is made up of a group called Flera and the Talisker Corporation. He stated that Flera is a subset of Verde Capital, which is a private equity fund. He recalled that Talisker took over as master developer and bought control of ASCU. Chair McMullin verified with Mr. Thomas that Talisker Canyons Finance Company bought controlling shares of ASCU. Mr. Thomas clarified that the Talisker Canyons Finance Company owns the shares in both ASCU, Talisker Lands, and all the other Canyons entities. Mr. Jasper explained that there are now two entities under Talisker Canyons Finance Company—Leaseco, which leases the ski resort operations to Vail Resorts, and Propco, which is the development arm. He explained that Alvarez and Marsal work for Propco.

Chair McMullin asked who holds title to the development parcel. Mr. Thomas explained that it is titled now in Propco's name, which is a wholly owned subsidiary of Talisker Canyons Finance Company. It was his understanding that this was a recent conveyance as part of the overall transaction that led to the lease with Vail. He explained that the Talisker Canyons Finance Company used to be operated by Talisker Management, Inc. That has now changed, and it is being managed now by Alvarez and Marsal.

Mr. Jasper stated that he does not think they totally understand the details of the financial structure, and they may find out more over time. He explained that Alvarez and Marsal describes itself as the interim manager. He explained that, when the County approved the SPA agreement, they wanted certain things to happen, and when Talisker bought out ASCU and a lot of litigation occurred, it set things back. The County wants a golf course, there is a little more than \$9 million sitting in escrow, and the golf course is under construction. There is supposed to be a transit plan, affordable housing, a conference center, and other things the County thought was important, and it is important that those things be done right. Since there is not really a master developer and only an interim manager, he has tried to impress on Alvarez and Marsal the County's needs, legal rights, and expectations from the Canyons development. He stated that he intends to do what he can to enforce upon this group that they will not have development rights if

they do not satisfy the County's rights. He stated that they have assured him they will do everything necessary to meet the County's requirements.

Council Member Robinson commented that the County has a number of development agreements, and they all contemplate assignments and assumptions. He believed it would be premature to jump to conclusions that this will be worse than what they have had in the past, and it could actually be better.

### **COMMISSION COMMENTS**

Council Member Ure asked what has happened regarding charging fees for false alarms as discussed with the County Sheriff. Mr. Jasper stated that he would take the lead on that and return with a proposal.

Council Member Carson asked where they stand with Wasatch Summit and whether they have decided on an amount of cost sharing for the County. Mr. Thomas recalled that they agreed to pay \$25,000 in January 2014 and another \$25,000 later in 2014. He noted that the agreement still has not been signed. Council Member Carson also reported that she has had a request from Habitat for Humanity to serve on their board. It was her understanding that if she wants to serve on a non-profit board she would do so in an individual capacity, not as a representative of the County Council, but that could create a conflict of interest. Mr. Thomas confirmed that is correct.

Council Member Robinson reported that at the last executive committee meeting of Wasatch Summit, they created a management committee. They will select a program facilitator and meet more frequently. He stated that he serves as vice-chair of the executive committee.

Council Member Carson reported that she and Mr. Jasper attended the Mountainlands Community Housing Trust 20<sup>th</sup> anniversary, and she wanted to recognize Scott Loomis for his leadership of that organization and Bob Wells for his leadership on the board. She also reported that the first meeting of the dog committee will be Friday. Chair McMullin reported that she was assaulted by a dog on the trail last week, and the owner did not have a leash with her. Council Member Carson reported on her visit with the people from Weber Basin and stated that she enjoyed the day and found it to be very interesting to go inside the Wanship dam.

Council Member Robinson thanked the Council Members for allowing him to be the County's representative in the process with Weber Basin. Chair McMullin thanked Council Member Robinson, Mr. Thomas, and Council Member Ure for their participation in that process.

Council Member Armstrong explained that, in his business, they used to seek proclamations from government and other entities for PR purposes. He believed it would be a goodwill gesture on the County's part to do that sort of thing for various organizations or for people the County wants to recognize. He asked if Staff could develop a certificate with an official seal for those kinds of recognitions.

**APPROVAL OF COUNCIL MINUTES**

MAY 15, 2013

MAY 22, 2013

Council Member Armstrong requested a correction to page 4 of the May 15 minutes.

**Council Member Armstrong made a motion to approve the minutes of the May 15, 2013, County Council meeting as corrected and the May 22, 2013, County Council meeting as written. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

**CONVENE AS THE GOVERNING BOARD OF THE ECHO SEWER SPECIAL SERVICE DISTRICT**

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

The meeting of the Governing Board of the Echo Sewer Special Service District was called to order at 6:00 p.m.

**CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION #2013-07 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 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**

Mr. Jasper recalled that the County stepped in to help the Echo Sewer Company with their problems and commented that Indian Hollow has a community sewer system issue that may require them to be part of the County in order to resolve their problem. He commented that he believes the County is the appropriate place to coordinate financing for these sewer systems and that the County may have to help some systems a little bit from time to time.

Eric Johnson, representing the community of Echo, explained that Echo has received two funding approvals—a CDBG grant and a funding packet from the Water Quality Board in the amount of \$218,000. He explained that the Governing Board is taking the first step today with the bond resolution for that \$218,000 and asked that they set a public hearing for August 7 and approve the notices for the public hearing. He explained that they need to state the maximum amount of the bonds they might consider, which is \$469,000. He stated that amount was chosen because it is the total cost of the project, and the Water Quality Board wanted flexibility in how they deliver the portion of their funding that needs to be repaid. He explained that several things need to happen before the loan is funded, including transferring the assets of the Sewer Company to the Special Service District. He noted that the process has been delayed somewhat, partially due to delays at UDOT, and what they found was that it is UDOT’s position that they have transferred control of the entire highway in Echo to the County but retained fee interest in the

property. Mr. Thomas explained that Union Pacific claims they own the property where the highway is located.

**Board Member Robinson made a motion to adopt Resolution 2013-07 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 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. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

**DISMISS AS THE ECHO SEWER SPECIAL SERVICE DISTRICT AND CONVENE AS THE BOARD OF EQUALIZATION**

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

The meeting of the Governing Board of the Echo Sewer Special Service District adjourned at 6:05 p.m.

The meeting of the Summit County Board of Equalization was called to order at 6:05 p.m.

**CONSIDERATION OF APPROVAL OF 2012 STIPULATIONS**

Board Member Robinson asked about the discrepancy in the taxable value amounts compared to market value shown on the report. Mr. Thomas explained that it is because of the primary residency exemption, which reduces the taxable value. However, taxable value is not reduced for commercial properties. Council Member Robinson requested that someone send a memo to the Council explaining the differences.

Council Member Carson stated that she would also like to see a comparison to prior years to understand where they stand in comparison to previous years.

**DISMISS AS THE BOARD OF EQUALIZATION AND CONVENE AS THE GOVERNING BOARD OF PARK RIDGE ESTATES SPECIAL IMPROVEMENT DISTRICT**

**Board Member Ure made a motion to adjourn as the Board of Equalization and to convene as the Governing Board of Park Ridge Estates Special Improvement District. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.**

The meeting of the Summit County Board of Equalization adjourned at 6:10 p.m.

The meeting of the Governing Board of the Park Ridge Estates Special Improvement District was called to order at 6:10 p.m.

**CONSIDERATION OF APPROVAL OF PROPERTY TAX LIENS ON PAST-DUE ACCOUNTS FOR PARK RIDGE ESTATES SPECIAL IMPROVEMENT DISTRICT**

Board Member Robinson made a motion to approve the property tax liens on past-due accounts for Park Ridge Estates Special Improvement District as presented. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.

**DISMISS AS THE GOVERNING BOARD OF THE PARK RIDGE ESTATES SPECIAL IMPROVEMENT DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL**

Board Member Robinson made a motion to dismiss as the Governing Board of the Park Ridge Estates Special Improvement District and to reconvene as the Summit County Council. The motion was seconded by Board Member Carson and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Park Ridge Estates Special Improvement District adjourned at 6:11 p.m.

**PUBLIC INPUT**

Chair McMullin opened the public input.

There was no public input.

Chair McMullin closed the public input.

**PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE #808 REGARDING EASTERN SUMMIT COUNTY TRANSPORTATION MASTER PLAN; KENT WILKERSON, COUNTY TRANSPORTATION ENGINEER**

Council Member Ure asked why this map is different from the one that was presented to the Council and the COG. County Traffic Engineer Kent Wilkerson replied that he was asked to simplify the map for public presentation purposes, but the original map is in the Plan and remains there. Council Member Ure stated that the COG authorized funds to purchase the right-of-way for the extension of Hallam Road to Highway 248, which is not shown on this map. Mr. Wilkerson explained that it is on the map and indicated where it is shown.

Chair McMullin opened the public hearing.

There was no public comment.

Chair McMullin closed the public hearing.

Council Member Armstrong asked about COG's response to the plan. Mr. Wilkerson explained that he has not pushed the issue with them, but he has not received any negative comment from them.



**Council Member Ure made a motion to approve Ordinance #808 adopting the Eastern Summit County Transportation Master Plan. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.**

Mr. Radke provided an update on the completion of Lower Village Road and explained that it is going well. He stated that the Newpark Boulevard roundabout was paved today. He reported that Summit Park is a little bit behind schedule due to some rock issues, but the road should be paved by the time school starts.

**CLOSED SESSION**

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

The Summit County Council met in closed session from 6:20 p.m. to 7:00 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**  
**Dave Thomas, Deputy Attorney**

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

The County Council meeting adjourned at 7:00 p.m.

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*Council Chair, Claudia McMullin*

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*County Clerk, Kent Jones*



## STAFF REPORT

**To:** Summit County Council (SCC)  
**Report Date:** Thursday, August 8, 2013  
**Meeting Date:** Wednesday, August 14, 2013  
**Author:** Kimber Gabryszak, AICP  
**Project Name:** 2013 - General Plan Update  
**Meeting:** Public Hearing

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**EXECUTIVE SUMMARY:** The Eastern Summit County Planning Commission (ESCPC) formed a General Plan Update subcommittee in the spring of 2013, consisting of Commissioners Tonja Hanson, Ken Henrie, and Sean Wharton. Together with Staff, the subcommittee has reviewed the Plan and worked on modifications and updates to the plan to make it a more effective, user-friendly, and contemporary document.

- **(The proposed update is attached, and the existing General Plan and the Housing Needs Assessment can both be found at <http://bit.ly/17a1olb>.)**
- The ESCPC held a public hearing on July 11, 2013 and voted unanimously to forward a positive recommendation to the SCC.
- The SCC held a work session on July 31, 2013, and gave Staff direction to make minor changes. The changes have been made and the final draft is attached.
- **Changes highlighted in yellow are those directed by the SCC, while one area highlighted in turquoise is an area where conflicting comments were received.**

**Staff recommends that the SCC conduct a public hearing, take public comment, and unless members of the public bring to light issues that would change the analysis in this report, Staff recommends that the SCC vote to approve the amended Eastern Summit County General Plan with the Findings of Fact and Conclusions of Law outlined in Section F of this report.**

### A. Project Description

- **Project Name & Type:** 2013 General Plan Update
- **Applicant(s):** Summit County
- **Location:** Applicable to Eastern Summit County
- **Zone District & Setbacks:** All
- **Type of Process:** Legislative
- **Routing / Final authority:** Summit County Council (SCC)
- **Type of Meeting:** Public Hearing

### B. Background

Due to the length of time since the last comprehensive update, the current update process is intended to have two stages. The first stage will consist of more urgent general cleanups and modifications to the current Plan. No major content changes are proposed. Following the

adoption of this update the ESCPC intends to begin work on a second stage, which may result in a more comprehensive update. There will likely be a much deeper level of public outreach, research, updates, and revision to the Plan.

To that end, the following first-stage changes have been made:

- Creation of an updated preamble / vision, and movement of the Mission Statement (adopted in 2010) from Chapter 3 to the beginning of the Plan.
- Separation of the goals and policies (adopted in 2010 and currently grouped together in Chapter 3) into individual topical chapters. This will set the framework and structure for future updates, and make the Plan more user-friendly.
- Edits to the contents of the goals and policies, based on review of recent issues, public input received on previous projects, State Code requirements, and current applicability.

The goals and policies have been reordered, added to, and edited in the following new chapter-style format:

1. Mission Statement & Vision
2. Land Use
3. Infrastructure and Transportation
4. Economic Diversity / Development
5. Natural Resources / Environmental Quality
6. Municipal Coordination and Cooperation
7. Moderate Income Housing
8. The Community Planning Process
9. Resources (appendices)

The ESCPC held a work session on June 20, 2013 and a public hearing on July 11, 2013, with changes suggested by the ESCPC incorporated into the attached draft. Draft unapproved minutes from the July 11, 2013 meeting are attached.

#### C. **Community Review**

This item has been noticed as a public hearing in the Summit County News. A copy of the plan was also sent to the planner and mayor of each municipality in Eastern Summit County. Public comment in favor of the amendments was received at the July 11, 2013 ESCPC public hearing.

#### D. **Identification and Analysis of Issues**

##### **Impact of the General Plan**

State Code Section 17.27a.405 (Exhibit C) outlines the effect of general plans, and states that:

*[...] the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.*

Summit County recently adopted amendments to the General Plan and Development Code ensuring that the plan is an advisory document. The current amendment also contains language to this effect.

## **Development Code**

The proposed amendments have updated the General Plan to address issues, vagaries, and conflicts that have led to difficulties in the implementation of the Development Code. These General Plan amendments will pave the way for future Code amendments to improve the effectiveness and usability of the Code. As these Code amendments are processed, consistency with the General Plan will be reviewed to ensure that the vision of the General Plan is enacted through the Code.

### **E. Findings/ Code Criteria and Discussion**

The Development Code does not call out criteria for General Plan amendments, but State Code does outline the process, intent, and contents.

State Code Section 17.27a.103 (Exhibit B) defines a General Plan as:

*(16) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of the unincorporated land within the county.*

State Code Section 17.27a.302 (Exhibit C) outlines the role of the Planning Commission, including the preparation of and recommendation on a general plan and plan updates.

State Code Section 17.27a.401 (Exhibit D) contains the items that are required for General Plans. All missing items have been incorporated into the General Plan.

State Code Section 17.27a.403 (Exhibit E) outlines the preparation of and additional required content for general plans.

State Code Section 17.27a.102 (Exhibit F) outlines the purpose of the State Land Use code, with which the General Plan must comply:

*(1) (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 proposed amendments comply with the mandatory requirements in the above Sections, as well as many of the optionally recommended sections. **Staff has reviewed the General Plan for compliance with these Sections, and has found that the General Plan complies with State Code requirements.**

The Land Use Authority for General Plan amendments is the SCC, and the process includes a public hearing and recommendation by the ESCPC followed by a public hearing and decision by the SCC.

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

**Staff recommends that the SCC conduct a public hearing, take public comment, and unless members of the public bring to light issues that would change the analysis in this report, Staff recommends that the SCC vote to approve the amended Eastern Summit County General Plan with the Findings of Fact and Conclusions of Law outlined below:**

**Findings of Fact:**

1. State Code Section 17.27a.302 states that the role of the Planning Commission includes the preparation of and recommendation on a general plan and updates to the general plan.
2. State Code Section 17.27a.401 contains several items that are required for General Plans.
3. All missing items from 17.27a.401, including a provision for nuclear waste, have been incorporated into the update.
4. State Code Section 17.27a.403 outlines the preparation of general plans and contains additional required elements, including land use, transportation, housing,.
5. The update includes a land-use element, a transportation element, a housing needs assessment as a technical appendix, and a chapter on moderate income housing.
6. State Code Section 17.27a.102 outlines the purpose of the State Land Use code, with which the General Plan must comply, which includes provisions for the health, safety, and welfare of the County.
7. The proposed amendment is intended to make the Plan more effective and to better protect public health, safety, and welfare.

**Conclusions of Law:**

1. The update complies with the process in State Code Section 17.27a.302.
2. The update complies with the requirements in State Code Section 17.27a.401.
3. The update complies with the standards in State Code Section 17.27a.403.
4. The update complies with the intent in State Code Section 17.27a.102.

**Conditions:**

1. The amendments will be edited as directed by the SCC.
2. Any other conditions as articulated by the SCC.

**Alternatives:** The SCC may instead choose to **continue** the decision to another date, with direction to Staff concerning changes or information needed to render a decision. The SCC may instead choose to **deny** the amendment, with appropriate findings of fact and conclusions of law.

**Attachment(s)**

Exhibit A – Proposed General Plan	(pages 5-15)
Exhibit B – State Code Section 17.27a.302 – Role of Planning Commission	(page 16)
Exhibit C – State Code Section 17.27a.405 – Effect	(page 17)
Exhibit D – State Code Section 17.27a.401 – Content	(pages 18-19)
Exhibit E – State Code Section 17.27a.403 – Preparation	(pages 20-22)
Exhibit F – State Code Section 17.27a.102 – Purpose	(page 23)
Exhibit G – Draft Unapproved ESCPC July 11, 2013 Minutes	(pages 24-35)
Exhibit H – Draft Ordinance	(page 36)
Exhibit I – Current General Plan (visit <a href="http://bit.ly/17a1olb">http://bit.ly/17a1olb</a> )	
Exhibit J – Housing Needs Assessment (visit <a href="http://bit.ly/17a1olb">http://bit.ly/17a1olb</a> )	

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## **Chapter 1 – Mission Statement and Vision**

### **MISSION STATEMENT**

To enhance the quality of life in Eastern Summit County through responsible growth that fosters stewardship of the land and natural resources while balancing private property rights and respecting our rural and agricultural foundation.

### **VISION FOR EASTERN SUMMIT COUNTY**

Eastern Summit County is shaped by a unique mix of rural agriculture, scenic landscape, natural resources, people, and economic trends. The way of life that has sustained Eastern Summit County in the past is evolving and changing. Farming, ranching, timber and mining, although still important, are no longer the primary activities.

Growth is occurring; increasing population and the residential and commercial development that goes with it has created opportunities and challenges that include things such as water and sewer issues, traffic congestion, rural atmosphere, and incompatible uses. As population increases, there will be a need for improved infrastructure and services. There will also be a need for coordination between development in the municipalities and the unincorporated areas.

With all of this change it is imperative that Eastern Summit County create a “road map” that will help guide land use and development, as well as help preserve the quality of life and maintain the unique Eastern Summit County identity. It is our challenge to understand the impacts of growth and make decisions to create the most positive outcome for the future.

The goal of this General Plan is to provide an advisory guide to help direct decisions that will affect development, land use patterns, and lifestyles while maintaining the unique identity and rural atmosphere of Eastern Summit County. The goals and desired actions set forth in this document aim to achieve development that matches the available and/planned infrastructure, that permits historic and new land uses to coexist, and that maintains the open country and opportunities that have become the hallmark of Eastern Summit County living. The plan further seeks to set forth land use and administrative changes that create greater predictability and accountability in the development process.

The Development Code and Zoning Maps will be used to implement this General Plan in a manner that minimizes inappropriate land uses, that prevents over extension of County services, that increases predictability in development, and that helps preserve or protect natural resources as well as scenic and environmentally sensitive areas.

## Chapter 2 - Land Use

### 2.1 **GOAL: Develop codes which balance the diversity of desires of Eastern Summit County residents with private property rights. OR: Develop codes which balance land use regulations with private property rights.**

- a. Work to ensure that new development is suitably located to minimize impacts to surrounding areas.
- b. Ensure that all new development has adequate resources and infrastructure to support the proposed intensity of use, and work to ensure that the infrastructure costs of new development are proportionally borne by the developer.
- c. Work to ensure that single-family residential development minimizes disturbance, and is clustered where appropriate.
- d. Encourage new agricultural and residential development that is consistent with the immediate surrounding area. Large agriculture buildings and high-impact animal production operations should not be placed in residential areas; consider the development of a residential zone and other zones as appropriate to separate agricultural and residential uses in locations where higher density development may be appropriate.
- e. Identify existing land uses, land use patterns, agricultural lands, environmental constraints, and other factors as appropriate to aid in land use decisions.
- f. Develop provisions in the Development Code that will allow simple, single lot, land divisions while controlling larger subdivision developments in a way that protects the property rights of the landowners as well as the surrounding neighbors.
- g. Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.
- h. Create, modify, and maintain appropriate zone districts to accommodate a variety of uses while recognizing and respecting existing land use patterns.
- i. Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.
- j. Proactively forecast the impact of the existing development code and new amendments to understand their impact upon the future buildout of Eastern Summit County.

### 2.2 **GOAL: Acknowledge the historic rural and agricultural character of Eastern Summit County.**



- a. Recognize agricultural operations as a significant and important use of the land.
- b. Consider those land use patterns and strategies that support and protect existing and future agricultural operations; support the development of tools and programs to allow the preservation of productive agricultural lands. Among others these may include agricultural preservation areas, plat notes and other methods to educate new residents of the agricultural nature of the area, cooperative agreements with landowners, and a program to transfer density from agriculturally productive lands.
- c. Implement “Agricultural Protection and Right to Farm” strategies, and require all non-agricultural activities to develop in a manner that is **harmonious with** nearby agricultural operations.
- d. Reevaluate and possibly amend the Development Code to streamline the process for designating and modifying Agricultural Protection / Preservation areas.
- e. Coordinate with the Eastern Summit County Agriculture and Open Space Committee (ESAP) and the affected municipalities in the acquisition of conservation easements and/or restrictions to preserve agricultural lands and open space.

**2.3 GOAL: Coordinate with the Summit County Landmarks & Heritage Commission on the preservation of cultural resources and heritage.**

- a. Provide for the revision of existing and development of new inventories of culturally significant structures, sites, and landmarks within Eastern Summit County.
- b. Consider development of a heritage preservation plan.
- c. Evaluate the need to adopt a local ordinance that would require, at a minimum, documentation prior to demolition or alteration of any structures, sites or landmarks identified in the heritage preservation inventory. If measures beyond documentation are implemented, consider development of funding sources and/or incentives for preservation.

## Chapter 3 - Infrastructure / Transportation

### 3.1 **GOAL: Establish level of service expectations that are compatible with the County's ability to serve different areas of Eastern Summit County, especially the more remote areas.**

- a. Educate existing and future residents regarding service and infrastructure expectations and limitations in Eastern Summit County.
- b. Provide a means by which existing and future residents understand the levels of service that will be provided by the County and other service providers in each zone district or geographic area of Eastern Summit County.
- c. Work with service providers to apply reasonable infrastructure guidelines to be utilized by the County during the development review process, and to forecast future infrastructure needs.
- d. Identify alternate locations for a future landfill and other appropriate County facilities.
- e. Nuclear waste storage facilities and transfer facilities, either wholly or partially within Eastern Summit County, are not appropriate.

### 3.2 **GOAL: Create and implement transportation strategies to address current and future needs.**

- a. Adopt the Eastern Summit County Transportation Master Plan, as amended, to continue to develop a transportation system that supports the goals of the Eastern Summit County General Plan.
- b. Investigate potential methods to bring existing Eastern Summit County roads up to County standards.
- c. Periodically review the Transportation Master Plan to ensure that the plans addresses the needs of residents including multiple modes of transportation, with focus on safety, infrastructure, and appropriate infrastructure size/width.
- d. Monitor the potential for public transit opportunities.

## Chapter 4 - Economic Diversity / Development

### 4.1 **GOAL: Support economic development and diversity to strengthen the economic base of Eastern Summit County, promote the social and economic well-being of the residents, and build community with a strong, diversified, year-round economy.**

- a. Where appropriate, permit recreational opportunities that will enhance the quality of life in Eastern Summit County and provide economic development opportunities.
- b. Encourage businesses and activities to provide a range of jobs and opportunities, including those that pay a living wage that can support permanent resident households.
- c. Promote the development of small home based businesses or clean cottage type industries in the Development Code.
- d. Guide growth in a manner that promotes economic development and efficient use of services and permits economically beneficial use of land.
- e. Coordinate with economic development groups as appropriate.
- f. Investigate potential development strategies and possible locations for neighborhood commercial uses.

## Chapter 5 - Natural Resources / Environmental Quality

### 5.1 GOAL: Develop codes and policies that promote proper stewardship of natural resources and address environmental issues of Eastern Summit County.

- a. Ensure that development occurs in a manner and location that protects natural resources, including but not limited to pollution prevention, erosion prevention, national forests, crucial wildlife habitat and corridors, agricultural lands, fisheries, water quality, wetlands, scenic view sheds, riparian areas, wildlife and clean air.
- b. Implement strategies to ensure that there is adequate quality and quantity of water for all new development, and require water conservation and quality plans.
- c. Preserve and create appropriate motorized and non-motorized trails and access to public land in conjunction with the municipalities and US Forest Service. The intention is not to require property owners who live adjacent to the National Forest to provide public access.
- d. Cooperate with State and Federal public land use agencies and other jurisdictions.
- e. Require long-term management plans for all designated open space areas. Pursue an aggressive weed control program that addresses noxious weeds.
- f. Consider the creation of a night-sky ordinance.
- g. Ensure that land is appropriately reclaimed and restored following the conclusion of disruptive activities.

### 5.2 GOAL: Implement measures designed to promote energy conservation and the development of renewable energy in Eastern Summit County.

- a. Encourage development of renewable resources as a substitute for oil, natural gas, and other limited energy supplies used for electricity generation, and to reduce consumption of these supplies.
- b. Work with appropriate public agencies to permit and approve development of alternative energy.
- c. Consider incentives to encourage green building practices such as LEED or EnergySTAR certification and use of recycled materials.

## Chapter 6 - Municipal Coordination and Cooperation

**6.1 GOAL: Provide consistent communications and coordination with each municipality in Eastern Summit County to encourage all development, whether within the municipality or within the County, to be appropriately managed.**

- a. Encourage cooperative land use planning efforts between Eastern Summit County and the municipalities.
- b. Improve communications between the municipalities and Eastern Summit County by implementing a communication plan.
- c. Encourage development within established annexation overlay areas to conform to the development standards of the declarant municipality as applicable.
- d. Establish policies that encourage growth within declared annexation overlay areas to maximize existing services and infrastructure.
- e. Work jointly with the municipalities to determine if appropriate locations and services are available for industry and business within or adjacent to those municipalities.

## Chapter 7 - Moderate Income Housing

### 7.1 GOAL: Promote a mix of housing types and availability.

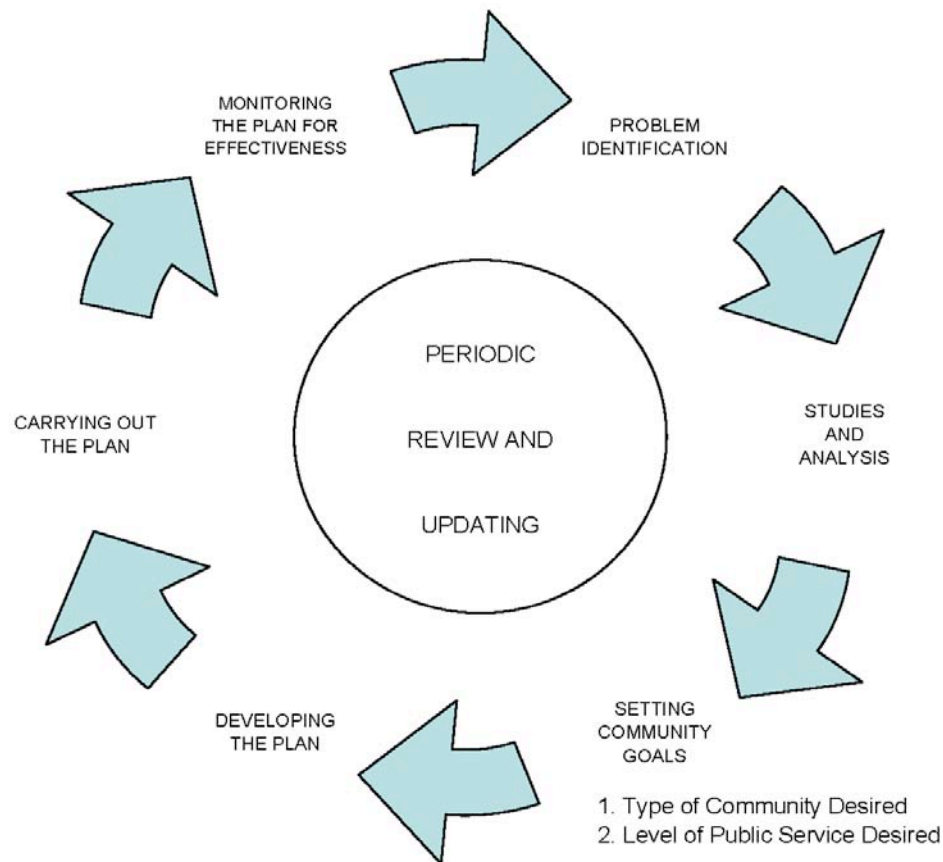
- a. Periodically review and update the Housing Needs Assessment (technical appendix) to ensure that housing needs are identified as they change over time.
- b. Consider mechanisms to provide a realistic opportunity to meet estimated housing needs within Eastern Summit County, including a variety of housing types and affordability.
- c. Consider incentives such as fee-waivers and density increases to encourage private sector development of moderate income housing.
- d. Encourage moderate income housing development close to existing services and infrastructure.
- e. Clarify the intention and development standards for seasonal dwelling units in the Development Code.
- f. Ensure that housing is affordable to households earning 80% of the median income for Eastern Summit County, not the median income as affected by the Snyderville Basin and Park City.

## Chapter 8 – Community planning process

### 8.1 GOAL: Ensure that the Eastern Summit County General Plan is adaptable and balances the needs of property owners and residents.

- a. Provide for the regular review of the General Plan, to occur at a minimum once a calendar year.
- b. Work with residents and property owners to further understand their values and needs. Find new creative ways to solicit input and participation on the general plan, development code, and land use issues from the public at-large.
- c. Plan for orderly and logical growth by utilizing long and short-term studies to predict transportation and infrastructure requirements for the future including general plans for sewage, water, waste disposal, drainage, public utilities and other public services.

Figure 1: Community Planning Process



## **Resources**

### **Maps:**

1. 2013 - Zone Map
2. 2013 - Existing Land Uses (to be adopted at a later date)
3. 2013 - Municipality Annexation Declaration Areas

### **Technical Appendices**

1. 2012 - Affordable Housing Needs Assessment
2. 2013 - Eastern Summit County Transportation Master Plan



**17-27a-302. Planning commission powers and duties.**

(1) Each countywide or township planning commission shall, with respect to the unincorporated area of the county, or the township, make a recommendation to the county legislative body for:

- (a) a general plan and amendments to the general plan;
- (b) land use ordinances, zoning maps, official maps, and amendments;
- (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (e) application processes that:
  - (i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
  - (ii) shall protect the right of each:
    - (A) applicant and third party to require formal consideration of any application by a land use authority;
    - (B) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and
    - (C) participant to be heard in each public hearing on a contested application.

(2) The planning commission of a township under this part may recommend to the legislative body of the county in which the township is located that the legislative body file a protest to a proposed annexation of an area located within the township, as provided in Subsection 10-2-407(1)(b).

Amended by Chapter 359, 2012 General Session

**17-27a-405. Effect of general plan.**

(1) Except for the mandatory provisions in Subsection 17-27a-401(3)(b) and Section 17-27a-406, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection 17-27a-401(3)(b).

Enacted by Chapter 254, 2005 General Session

**17-27a-401. General plan required -- Content -- Provisions related to radioactive waste facility.**

(1) In order to accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan for:

(a) present and future needs of the county; and  
(b) growth and development of all or any part of the land within the unincorporated portions of the county.

(2) The plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

(e) the protection of urban development;

(f) the protection or promotion of moderate income housing;

(g) the protection and promotion of air quality;

(h) historic preservation;

(i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and

(j) an official map.

(3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

(i) the information identified in Section 19-3-305;

(ii) information supported by credible studies that demonstrates that the provisions of Subsection 19-3-307(2) have been satisfied; and

(iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

(d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:

(i) comply with Subsection (3)(a) as soon as reasonably possible; and  
(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(5) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

**17-27a-403. Plan preparation.**

(1) (a) The planning commission shall provide notice, as provided in Section 17-27a-203, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the unincorporated area within the county.

(c) (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and

(G) consider utilization of affordable housing programs administered by the Department of Workforce Services.

(c) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the unincorporated area of the county; and

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation;

(ii) the diminution or elimination of blight; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2);  
and

(g) any other element the county considers appropriate.

Amended by Chapter 212, 2012 General Session

**17-27a-102. Purposes -- General land use authority.**

(1) (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.

(b) To accomplish the purposes of this chapter, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy-efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

(2) Each county shall comply with the mandatory provisions of this part before any agreement or contract to provide goods, services, or municipal-type services to any storage facility or transfer facility for high-level nuclear waste, or greater than class C radioactive waste, may be executed or implemented.

Amended by Chapter 363, 2007 General Session



## MINUTES

### EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING  
WEDNESDAY, JULY 11, 2013  
KAMAS CITY OFFICE  
170 NORTH MAIN  
KAMAS, UTAH

#### COMMISSIONERS PRESENT:

Sean Wharton, *Chair*  
Michael Brown  
Douglas Clyde  
Tonja Hanson

Ken Henrie  
Chris Ure  
Jeff Vernon

#### STAFF PRESENT:

Kimber Gabryszak – *County Planner*  
Patrick Putt - *Community Development Director*

Helen Strachan – *County Attorney*  
Kathy Lewis – *Recording Secretary*

The regular meeting of the Eastern Summit County Planning Commission was called to order at 6:00 PM.

#### REGULAR ITEMS

1. Pledge of Allegiance

2. General Public Input

The general public input session was opened. There were no comments made and the public input session was closed.

3. Public Hearing and possible action regarding Blue Sky Ranch Rezone, Development Code Amendment and Consent Agreement, Parcel NS -86 & NS-82, 2 miles southwest of Wanship; Mike Phillips, Applicant – Jennifer Strader, Assistant County Planner

Community Development Director Pat Putt said he will be filling in for Jennifer Strader who had a conflicting appointment. Commissioner Brown stated that he has some cows on Blue Sky Ranch, but there is no conflict of interest. This is a humanitarian, not an economic effort.

Commissioner Brown said the Consent Agreement only applies to the five acres. The rest is subject to the original CUP. Director Putt added the Consent Agreement is only for 5 years. After 5 years, it goes away. Commissioner Brown said the Consent Agreement doesn't grant anything more than what is allowed by Code; it is a tool of clarification. Ms. Brennan said this also requires that Blue Sky Ranch drop the lawsuit.

Commissioner Clyde said he doesn't see any reason to modify the Land Management Code in a manner that doesn't fit. Commissioner Henrie asked if the storage area is in the five acres that is being proposed to be rezoned. He was told that it is. Chair Wharton said he thinks the County Council is trying to compromise with the Commission by recommending that five acres be rezoned to commercial.

*Commissioner Hanson made a motion to forward a positive recommendation to the Summit County Council for the Blue Sky Ranch with the changes and definition as discussed and to accept the findings of facts and provisions of law as outlined in the Staff Report. Commissioner Ure seconded the motion.*

- **MOTION CARRIED (6 - 1)** *Commissioner Clyde was opposed. He stated he is not opposed to the use, just upon the amendment as proposed to chapter 4.*

**4. Public Hearing and possible action regarding amendments to the Eastern Summit County General Plan – Kimber Gabryszak, County Planner**

Planner Kimber Gabryszak said this meeting was noticed as a public hearing and possible action concerning an amendment to the General Plan. Even though the notice state this is a possible action, Staff is recommending the public hearing be continued and the action be postponed to the next meeting. Staff has received feedback that there is a conflicting meeting occurring and they should wait until the interested public can give feedback.

Chair Wharton said he would like to have the motion made at this meeting so that the document can move forward. He asked who made the request and what was the other meeting. Planner Gabryszak said the request was made via the phone to Director Putt. She is unsure of the circumstances.

Planner Gabryszak gave an update of the General Plan. The current General Plan was adopted in 1996 and since that time there has been only one round of amendments. This was to only one chapter of the General Plan. The majority of the General Plan language has been there since 1996.

She said that frequently the Commission has noticed the General Plan needs to be amended. There have been conflicts between the Development Code and the General Plan. It needs to be updated. Planner Gabryszak said an example is the prohibition on larger lots, or ranchettes. She said this is the size of parcel that landowners frequently want to give to their family members, but the General Plan prohibits it. That is only one example.

Planner Gabryszak said a subcommittee has been working on some amendments for a few months. The General Plan has been reformatted and reorganized to make it more user friendly and understandable. The changes are being proposed in two stages. The current General Plan update is more of a cleanup. It takes the existing content and brings it into compliance with State Code. This creates a working document and allows some crucial Code amendments to move forward. Following this step, a more thorough comprehensive review will begin. This generally takes a lot more time and will be in more depth.

In the first stage, the subcommittee worked with Staff to create an updated preamble and revision. The Mission Statement was moved from Chapter 3 to the beginning of the plan. The goals and policies were separated into individual topical chapters. Previously they were all in one chapter and it was difficult to find what was needed. The chapters are as follows:

1. Mission Statement & Vision
2. Land Use
3. Infrastructure and Transportation
4. Economic Diversity/Development
5. Natural Resources/Environmental Quality
6. Municipal Coordination and Cooperation
7. Moderate Income Housing
8. The Community Planning Processes
9. Resources (appendices)

Planner Gabryszak said edits to the individual goals and policies were made. These were based on some of the issues that she mentioned earlier, input received from the public, State Code requirements, and if these items are still applicable. The Planning Commission held a work session and made some suggestions. These have been incorporated. Staff attached various sections of State Code that are applicable to the General Plan update.

Commissioner Hanson said that Staff has done a great job moving this project forward. Chair Wharton asked Director Putt for clarification about the phone call(s) he had received concerning the request to delay a vote tonight.

Director Putt said he had made some phone calls to let people know what the Commission would be doing tonight. A few of those individuals said there was another meeting they needed to attend. Chair Wharton asked if all the Mayors were notified. He said they were. Director Putt recommended they make the decision after the public hearing if they want to take the vote tonight or to wait.

Planner Gabryszak said one of the things that has come up over the last couple of years has to do with density, the highway corridor zone (HCZ), and residential development. The majority of Eastern Summit County is zoned very low density. It is sometimes difficult to subdivide even when someone owns 40 or 50 acres. The HCZ allows for higher density which created issues in terms of multiple driveways along the main roads.

As they know, the Planning Commission has been considering creating a residential zone to provide extra density in some locations. One of the more important aspects of this update to the General Plan is to help to enable that process to go forward. It contemplates the exploration of the creation of a residential zone as one of the goals.

Commissioner Clyde said in reading this document, he found a statement from the State Code about protecting property values. He asked if there is any reference to protecting property values in the updated General Plan. Planner Gabryszak said there is not. Commissioner Clyde said they are there to protect property rights but not property values. Planner Gabryszak said the plat amendment takes this into account to some extent.

Commissioner Henrie said there are a couple of things that he isn't sure he is comfortable with. He referred to the following:

(Page 7) 2.1-d

He said this encourages new agricultural and residential development, but it zeros in on residential zone. There may be other types of development they may want to consider. He believes they should change the wording of "*development of residential zone*" to "*development of appropriate zones.*"

(Page 8) 2.2-d

He said that village centers is an odd phrase for their County. It is not used in other parts of the Code. ***Commissioner Ure made a motion which was seconded by Commissioner Brown to remove village centers from the language.*** Different verbiage was discussed. Commissioner Brown said they should get feedback on this from the public.

(Page 9) 3.1-b

Commissioner Henrie said this letter never mentions working with service providers. Commissioner Hanson said that letter C does. Director Putt said this is designed to let the public know that in rural situations they will not be able to expect the same services as will be found find in municipalities. He suggested the Planning Commission may want to revise and strengthen Letter C. He said that Letter B was to address the issue that in rural situations, road design and maintenance will not be at the same level of service one would expect inside a municipality. Snow removal and repairs will not be as frequent. He said this is intended to manage the public's expectations.

(Page 9) 3.1-c

Commissioner Henrie noted the Fire District stated that if someone puts a culvert on the road and there isn't a sign designating the weight limit, they don't have to cross the culvert. He said there are a lot of culverts on dirt roads in the County where the weight limit has not been certified. Director Putt said that one quick fix could be with 3.1-c. They may want to add "*work with service providers to apply reasonable infrastructure.*" Commissioner Henrie said he would be willing to accept that.

(Page 11) 5.2-a

Commissioner Henrie said they should not exclude corn based products. This exclusion should be removed. Farmers should be able to grow whatever they want. Commissioner Brown said he wanted that to be put in the draft document to make a point. He added that corn can't be grown in Summit County. He said they should circle this and move on to the public hearing.

*Chair Wharton opened the public hearing.*

Ruland Gill said he is the new homeowner's association (HOA) president of the Monte Viso Subdivision. He has sat on State Boards of one kind or another for 22 years. In an effort to learn his job as the HOA president, he invited all of the HOA presidents from the various subdivisions in the Christmas Meadows area to a meeting.

He said the issues they face are not comfort or lifestyle, but are about life or death. Their issues are fire safety, fire equipment, and exit strategies during a crisis. They were unable to find anything from the County to guide or to help them. If there is a fire, it will be catastrophic. He added there ought to be a way for people who buy homes there to know the rules of the game before they play.

Mr. Gill referred to page 16 of 52 and 17-27a-302. He said this refers to unincorporated areas of the County. There is no mechanism in place to notify the subdivisions of Christmas Meadows of anything. He said they are 30 miles from the closest township.

Mr. Gill said that Christmas Meadows is the only area in Summit County that is not accessible in the winter, from Summit County. It must be accessed through Wyoming. Their services come from Evanston. He added, there are some people that would like to live there fulltime, but the risk is too great. There ought to be some kind of guidance found in the General Plan and the Development Code. There should be some way to consider how planning should occur in this limited community.

Mr. Gill added there are between 7,000 to 8,000 homes in Christmas Meadows. They don't have a Mayor and they are not informed of the Planning Commission meetings. They would like to be informed of how they could become a township. What are their choices?

Commissioner Clyde asked him to tell him where Christmas Meadows is. He was told it is on the north slope of the Uintah Mountains, on the Mirror Lake Highway. The people who live there enjoy a rural lifestyle. There are heavy woods. Mr. Gill said that according to Fire Warden Bryce Boyer, three out of four trees are terminal. They are alive but they won't survive. He said they have a serious fire issue. How do their people get out if they have a fire?

He asked the Commission to turn to page 9 of 52 and 3.3-c. He said that two of the subdivisions in Christmas Meadows, Monte Viso being one of them, are more than three

miles from Highway 150. He said this is because of a forest service gate. There should be some thought of how emergency facilities will get to at least the base of where everyone is. Mr. Gill said page 10, section 4.1-b refers to supporting permanent residential households. He said there are many people who want to live there year round. He believes that page 11, section 5.1-g is in conflict with section 40-6-6 of the Utah State Code. This section is where the Board of Oil, Gas, and Mining is given exclusive jurisdiction over the reclamation of mines.

Chair Wharton asked for further clarification. Mr. Gill said there are at least two groups that have the power to create bonding. One is the Board of Oil, Gas and Mining, the other is the School Trust Lands. The public is required to obtain a permit, post a bond, and have a reclamation plan that meets the established standards. He said the County should let people know that in addition to State requirements, there may also be local requirements that must be met.

Mr. Gill said he hopes he has conveyed the message they have a community that is as big or bigger than many communities in Eastern Summit County, that have basically fallen through the cracks. He said this isn't about infrastructure, but life and safety.

Mike Crittenden said, in general, he thinks this is a good General Plan. He is pleasantly surprised to see some of the good things that are in the plan. He appreciates Director Putt calling him to let him know about this meeting. He discussed the following:

(Page 14) Chapter 8.1-b

He thought the Commission isn't supposed to talk with residents because of ex-parte communication. Commissioner Hanson said this is talking about a survey monkey.

Mr. Crittenden said he prefers the State Code statements on property values over the County's on property rights. He suggested that "*property rights*" should be replaced with "*property values*." Commissioner Clyde asked how does the Commission determine the value of someone's land? Should the Commission value his neighbor's or his land more? He said that property rights are a matter of law. Mr. Crittenden said he knows what his property values are. He challenged Commissioner Clyde to tell him what property rights are. Commissioner Clyde said he can give him a book that would outline those rights. Mr. Crittenden said he knows what his property values are, but not his property rights .

Commissioner Hanson said if someone came to the Planning Commission and wants to dig a gravel pit, that is tied to their property value. The neighbor's property value is tied to not having a gravel pit. What would the Planning Commission do with that? Commissioner Clyde added that property rights are in the law. Mr. Crittenden said property values are discussed in the State Code. Commissioner Clyde said the statement he is referring to is an ambiguous statement.

Mr. Crittenden said there are several things that he feels are fantastic about the General Plan, but he would like to make a few suggestions:

(Page 7) 2.1-d

Strike the word "consider." The development of a residential zone should take place.

(Page 8) 2.2-b and c

He likes this wording because it doesn't smack of open space.

(Page 8) Section 2.2-e

It is very important that ESAP is coordinated with the Planning Commission.

Mr. Crittenden said it is important that they recognize remainder parcels. Presently, once something is plotted it is locked up forever. Overall, this plan is excellent. There are minor things he could pick at. He is thrilled they are going to address the HCZ issue. He appreciates that Director Putt made the effort to understand that issue. He said he thinks it will take awhile to get the public back to the meetings because the atmosphere the last couple of years has been very adversarial, but this is a very positive step.

Tom Boyer said it was a surprise to get a call from the Community Development Director inviting him to a meeting. He thanked Director Putt. He agreed with Mike Crittenden, it will take some time to get the public back, but he assured the Commission the public has an interest in restoring private property rights. This is a great first step.

Mr. Boyer said the document they have developed is great. Although it isn't perfect, he would encourage the Commission to move forward with it. There are small word changes they will find, but the spirit of it is right. It has the ability to change the face of planning in Summit County. Mr. Boyer said flexibility is very important. The SPA offered great flexibility, but that has become a massive problem to work with.

He said he would like to see a pod of development in Chalk Creek or some other rural community someday. Why not a shop or a bed and breakfast if there is infrastructure? He prefers the term "*private property rights*." He suggested wherever the document says "*personal property rights*" the wording be changed.

Mr. Boyer said he appreciates the way the document addresses agriculture. You cannot force agriculture to be the highest and best use of the land. Economics will dictate where it fits. This document brings agriculture to the point where it is being supported, but not mandated. In some ways there has been a return to agriculture, such as with farmer's markets. This document leaves the door open for agriculture in the future. He also likes the way they have addressed infrastructure. He thinks that infrastructure should lead development.

Mr. Boyer said that Chapter 4 was particularly impressive to him. The link between economic development and land use is critically important. When he sees that link in the General Plan, he gets excited. He said this can create jobs.

One day the Commission will need to take care of "non-motorized trails" or bike trails. In Chalk Creek Canyon, it is a major issue and will become more so. When someone gets killed it will come before them and then they will then be forced to deal with it. They should be proactive before that happens. There are no restroom facilities for the bikers for 20 miles.

He applauds the creation of a residential zone, the return of the HCZ, or something along those lines. In Chalk Creek they have lost all of their ability to develop. They can't build a place for their families to live. Nor can they build a place for new residents, which would be a help build their community. They have been legally zoned out to do something. A simple, easy process is needed.

Mr. Boyer said he has never understood the term "open space." He doesn't know what that means. In one context he has the fear that rights are being taken from somebody and they won't be able to develop. The land will be left open.

On the other hand, he fears the land may have been acquired by a public entity and will be left open. He said both these scenarios are a lose-lose situation. Instead of the term "*open space*," he would like to see it described as "*agricultural production land*" or something like that. There should be some kind of oversight to the land; otherwise, there will be a tremendous fire or weed problem. Commissioner Hanson said they specifically required that a long-term management plan for all open spaces pursue an aggressive weed control program. Commissioner Clyde said as the person who is working on that term, he is very in sync with him. He doesn't like the term of "*open space*."

Mr. Boyer said he thinks they should make a motion to pass this document. It isn't perfect; there are word changes that can be made to it. What a great improvement this is and what opportunities this gives to land owners.

Commissioner Clyde asked Mr. Boyer if his concern with bike trails is to avoid conflicts with cars? Mr. Boyer said yes. He said it is a can of worms, but it needs to be taken care of before something happens. Commissioner Clyde told Mr. Boyer to watch for the public hearing on the Development Code review. They will be defining open space.

Paul Ferry said his hope is that the goal is to simplify the process. He said the State's Ombudsman (Brent Bateman) stated it is not illegal to function inefficiently. He added that most of the time when his phone rings it is because of complicated and difficult planning structures. Commissioner Clyde said the General Plan update addresses a lot of this.

Mr. Ferry said they need to be careful with the wording concerning lighting. Where will it lead? He works a lot with the Henefer Town Planner, who appreciates the courtesy of receiving information from the County of what is going on close to his town. Mr. Ferry said while it is productive to have dialogue with the city, he cautioned that this might lead some people to think they have a dog in the fight, when in reality they don't. He appreciates the Commission's time and efforts.



Wade Wilde said the biggest headache for his clients is the complicated process and the vagueness of the Code. This document will provide clarification to the process. He said the present Code can be used to show either support or reasons to be against a project. Mr. Wilde said it is frustrating to his clients that the lot size in the HCZ has changed. It used to be a half acre, now one full acre is required. He understood the reason behind this was due to infrastructure needs, particularly septic systems. His research indicates that a half acre will usually support a septic system. If not, a larger parcel could be required.

Mr. Wild referred to Section 5.1-b. He said a full acre uses a lot of water. He thinks it would be beneficial for water conservation and weed control to reduce the minimum lot size to a half acre. Commissioner Clyde asked if it is true that the minimum lot size in the HCZ is one full acre. Planner Gabryszak said if a septic tank is going to be used, usually a minimum of one acre is required. An exception is the cluster bonus which specifies 3/4 of an acre. Commissioner Clyde recommended Mr. Wilde talk with the Health Department. They are in control of this.

Kent Wilde said he has been surveying since the 1980s. He met with Steve Jenkins when he was the Health Director. His house sits on a lot that is less than a half acre. Mr. Jenkins told him that he only knows of two places that could not use a septic tank because of the high water level.

Mr. Wilde said that he knows that water is scarce. He said a person can lease one acre of water from Weber Water Basin. He said this provides that person with domestic water plus an .18 of an acre for irrigation. What happens if there is a full acre to water? It will become a weed patch unless another acre of water is leased from Weber Basin. He said water is scarce and is needed for developments.

Mr. Wilde commended Director Putt for calling him and letting him know about this meeting. He said in the past, they have always been told what they can't do. This has changed. They are now being told what they can do.

Mr. Wilde said he wanted to talk about silt fences. He added a small addition onto his house. He was required to put up a silt fence even though his ground is flat. He said this small addition cost him over \$2,000 in permits and took him 8 months. Commissioner Clyde asked Mr. Wilde to expand what he thinks about the requirement to have silt fences. Mr. Wilde answered it depends on the levelness of the land, how close they are to the property boundaries, and if the property is by waterways.

Chair Wharton said if a parcel has less than a 5% grade and a minimum of 100 feet that is vegetated, a silt fence is not required. He said the Engineering Department has a form to apply for an exemption to the silt fence requirement. Mr. Wilde said that was not offered to him. He commended the Planning Commission and thanked Director Putt for the atmosphere he has brought.

Commissioner Hanson said this exemption form should be part of a packet. There shouldn't be a need to ask for it. Commissioner Clyde said Mr. Wilde should bring this up with the County Council. This is an Engineering Department requirement and not something they have authority over. Planner Gabryszak said it might be worth chatting with Leslie Crocker. She will become the head of the Engineering Department in October.

Layne Sargent said he just finished a house on his farm for his son. He had to donate an acre, but a half acre would have been fine. He appreciates what the Planning Commission has done. He said they will never get everyone to agree. They should get what they can, approve it, and then review it again.

Mr. Sargent asked if a TDR is in the document. Chair Wharton said it is. He added that the General Plan will be reviewed every year, so it will be continually worked on. Mr. Sargent said a few years ago, the Planning Commission held town meetings. Most people who spoke wanted land owner rights returned. This has never happened.

LaReen Judd said the plan seems to respect the things that are important to her. These things are agriculture, the future of the community, and the future of her land. She appreciates having a plan concerning how and when they are going to do something. She hopes this plan will move forward. She believes it will be successful.

Chair Wharton said he has three things he would like to see worked on. These are:

1. The exclusion of corn based products is not appropriate and should be removed.
2. The sentence from the "Findings and Conclusions" need to be completed.
3. Change personal property rights to private property rights throughout the document.

He said the public will have another opportunity to give input at the County Council level. He believes they should take an action and move forward with the document.

Commissioner Brown said he was the author of 5.2-a about the exclusion of corn products. He said he agrees with Commissioner Henrie and Chair Wharton, this is inappropriate. He agrees this violates the principal of the free market system. He thinks the same principal should apply when it comes to land use. If the infrastructure allows a house to be constructed and if there is ingress and egress, he thinks it should be allowed. He thinks sometimes some of the Commission gets confused with the principals they believe in. ***He made the motion to remove corn based products from 5.2-a. Commissioner Hanson seconded the motion.***

- **MOTION CARRIED (6 - 1) Commissioner Ure opposed.**

***Commissioner Brown made a motion to replace personal to private property rights throughout the document. All voted in favor.***

- **MOTION CARRIED (7 - 0)**

A typographical error was pointed out on page six. Commissioner Hanson said there should be a change to the language in Section 3.1.c. After discussion, the Commission decided this should read, *"Work to apply reasonable infrastructure guidelines..."*

***Commissioner Hanson moved to make this change. Commissioner Ure seconded the motion. All voted in favor.***

- **MOTION CARRIED (7 - 0)**

Commissioner Hanson asked if, after hearing Mr. Gill's comments about mine reclamation, does the Commission want to look at Chapter 5 in greater depth and compare it with the State Code? Chair Wharton said as environmental stewards they want to make sure people are cleaning up after their projects are completed. Commissioner Henrie said they should keep in mind this is a General Plan. The specifics will be in the Code. A discussion ensued.

***Commissioner Hanson made a motion that Section 5.1-g will read as follows: "Ensure that land is appropriately reclaimed and restored following the conclusion of disruptive activities." Commissioner Henrie seconded the motion. All voted in approval.***

- **MOTION CARRIED (7 - 0)**

Chair Wharton asked Planner Gabryszak to read the sentence in question from the Findings of Fact #7. Planner Gabryszak said it will read as such: *"The proposed amendment is intended to make the plan more effective and to better protect the public health safety and welfare."*

Commissioner Brown said he wants to strike F from 5.1 and replace it with *"Encourage reasonable lighting practices."* He said during the construction of a structure, they need to make sure reasonable practices are being followed. After that, it becomes a civil matter.

Commissioner Hanson said what is reasonable to her may not be reasonable to someone else. Planner Gabryszak said it may be reasonable to some, to have lighting all night long. The wording for this was discussed. The Commission concluded they should define what dark sky means. ***Commissioner Vernon made a motion that they change Letter F to say "Encourage reasonable lighting practices and systems." Commissioner Ure seconded the motion.***

- **MOTION FAILED (3 - 4) *Commissioner Henrie, Hanson, Clyde and Chair Wharton opposed***

Director Putt suggested the wording of *"Develop a County Code addressing lighting practices and systems."* The Commission discussed the difference between "Night Sky" and "Dark Sky." Commissioner Clyde said the goal is to reduce light pollution. ***Commissioner Brown made the motion to consider the creation of a night sky ordinance. Commissioner Vernon seconded the motion.***

- **MOTION CARRIED (6 - 1) Commissioner Hanson opposed.**

*Commissioner Ure made the motion to delete Section 2.2-f. Commissioner Brown seconded the motion. Commissioner Vernon said they need to address remainder parcels which this section refers to. Commissioner Brown said he thinks remainder parcels could be plugged into the General Plan somewhere else. Planner Gabryszak said it could be taken care of in the Code.*

- **MOTION CARRIED (7 - 0)**

Chair Wharton asked Director Putt if he had any input on continuing this public hearing or taking action at this meeting. Director Putt said if the Commission feels it would be a benefit to keep the public hearing open, that would be appropriate. He added that there will be at least one more chance for the public to voice their opinion at the County Council meeting. Commissioner Clyde added they haven't heard a negative comment tonight. He thinks it is time to take action. Several of the Commissioners agreed.

*Chair Wharton closed the public hearing.*

*Commissioner Brown made the motion to forward a positive recommendation to the County Council on the General Plan update as amended with the findings of fact and conclusions of law as amended tonight. Commissioner Henrie seconded the motion.*

- **MOTION CARRIED (7 - 0)**

Commissioner Hanson asked if the Planning Commission should be in attendance when this goes to the County Council. Commissioner Ure said he would like to see Commissioner Hanson in attendance as Chair of the subcommittee. Planner Gabryszak said they will try to bring this before the County Council for the last meeting in July.

## **5. Approval of Minutes**

**May 2, 2013:**

*Commissioner Brown made a motion, that was seconded by Commissioner Vernon, to approve the minutes as corrected. All voted in favor.*

- **MOTION CARRIED (7 - 0)**

**May 16, 2013:**

*Commissioner Henrie made a motion, that was seconded by Commissioner Vernon, to approve the minutes as written. All voted in favor.*

- **MOTION CARRIED (3 - 0) Commissioners Brown, Clyde, Hanson and Ure abstained as they were not in attendance.**

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

**Exhibit H  
Draft Ordinance**

**UPDATING THE EASTERN SUMMIT COUNTY GENERAL PLAN**

**WHEREAS**, the Eastern Summit County General Plan (General Plan) was adopted in 1996, and

**WHEREAS**, a small portion of the General Plan was updated in 2010, and

**WHEREAS**, the Eastern Summit County Planning Commission formed a subcommittee in the spring of 2013 to begin a more comprehensive update to the General Plan, and

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing on July 11, 2013 and voted unanimously to forward a positive recommendation to the Summit County Council on the update, and

**WHEREAS**, the Summit County Council held a public hearing on August 14, 2013; and

**WHEREAS**, the Summit County Council voted to approve the amendments on August 14, 2013.

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

**Section 1. SNYDERVILLE BASIN GENERAL PLAN**

The Eastern Summit County General Plan is hereby amended as illustrated in Exhibit A.

**Section 2. Effective Date**

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

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

**SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH**

By: \_\_\_\_\_  
**Claudia McMullin, Chair**

**Councilor Robinson voted** \_\_\_\_\_  
**Councilor Ure voted** \_\_\_\_\_  
**Councilor McMullin voted** \_\_\_\_\_  
**Councilor Carson voted** \_\_\_\_\_  
**Councilor Armstrong voted** \_\_\_\_\_

# SUMMIT COUNTY NOTICE OF PROPOSED TAX INCREASE

The following entities are proposing to increase property tax revenue within SUMMIT COUNTY. Data is based on a county-wide average value of \$255,000. The same value is used for both residential and commercial property. Concerned citizens are invited to attend public hearings on their tax increases. FOR FURTHER INFORMATION CONTACT THE INDIVIDUAL ENTITIES AT THE NUMBERS LISTED BELOW.

Entities proposing a tax increase		If approved, tax will increase		Public hearing information		
		From:	To:	Date/Time	Location	Phone
Summit County Service Area #6	<b>Residential:</b>	<b>\$69.42</b>	<b>\$85.97</b>	Aug 14, 2013 6:00 pm	60N Main St. Coalville, UT	435 336-3025
	<b>Commerical:</b>	<b>\$126.22</b>	<b>\$156.31</b>			
Summit County Municipal Fund	<b>Residential:</b>	<b>\$64.37</b>	<b>\$97.33</b>	Aug 14, 2013 6:00 pm	60N Main St. Coalville, UT	435 336-3025
	<b>Commerical:</b>	<b>\$117.04</b>	<b>\$176.97</b>			

The list is for informational purposes only. The list should not be relied on to determine a taxpayer's property tax liability. For specific information related to the property tax liability of a taxpayer, the taxpayer should review the taxpayer's Notice of Valuation and Tax Change.

# **NOTICE OF PROPOSED TAX INCREASE**

## **Summit County Municipal Fund**

The Summit County Municipal Fund is proposing to increase its property tax revenue.

- The Summit County Municipal Fund tax on a \$251,000 residence would increase from \$63.36 to \$95.81, which is \$32.45 per year.
- The Summit County Municipal Fund tax on a \$251,000 business would increase from \$115.21 to \$174.19 which is \$58.98 per year.
- If the proposed budget is approved, Summit County Municipal Fund would increase its property tax budgeted revenue by 48.83% above last year's property tax budgeted revenue excluding newgrowth. Summit County Municipal Fund property tax revenue from new growth and other sources will increase from \$2,757,743 to \$4,175,612. All concerned citizens are invited to a public hearing on the tax increase.

## **PUBLIC HEARING**

**Date/Time:** 8/14/2013 6:00 pm

**Location:** Courthouse Council Chambers.  
60 N Main Street Coalville, Utah

To obtain more information regarding the tax increase, citizens may contact Summit County Municipal Fund at 435-336-3025.

# **NOTICE OF PROPOSED TAX INCREASE**

Summit County Service Area #6

The Summit County Service Area #6 is proposing to increase its property tax revenue.

- The Summit County Service Area #6 tax on a \$251,000 residence would increase from \$68.33 to \$84.62, which is \$16.29 per year.
  - The Summit County Service Area #6 tax on a \$251,000 business would increase from \$124.25 to \$153.86 which is \$29.61 per year.
  - If the proposed budget is approved, Summit County Service Area #6 would increase its property tax budgeted revenue by 23.66% above last year's property tax budgeted revenue excluding new growth. Summit County Service Area #6 property tax revenue from new growth and other sources will increase from \$790,052 to \$979,750.
- All concerned citizens are invited to a public hearing on the tax increase.

## **PUBLIC HEARING**

**Date/Time:** 8/14/2013 6:00 pm

**Location:** County Courthouse  
Council Chambers.

60 N Main Street Coalville, Utah

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