

MEMORANDUM

Date: May 20, 2013
To: PEG Development
From: Ryan Hales, P.E., PTOE, AICP
Jeremy Searle, EIT

Subject: Park City Hyatt House

UT13-465

PURPOSE

The purpose of this memorandum is to evaluate the projected traffic on a project site in Summit County. The project site is located on the west side of SR-224 at 4395 South. Figure 1 shows a vicinity map of the proposed development.

Figure 1 Vicinity map of proposed development in Summit County, UT.



TRIP GENERATION

A previous document completed by PC Venture Partners III, LLC entitled Base Camp Commercial Plaza: A Unique Development Opportunity Park City, Utah, outlined the previously approved land uses for this project site. According to chapter 4 of the document, the previously proposed land use for the site was identified as follows:

- Specialty Retail: 32,500 sq. ft.
- Office: 32,500 sq. ft.
- Restaurant: 6,000 sq. ft.

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (9th Edition, 2012)*. Trip Generation for the previously proposed land uses is included in Table 1.

Table 1 Trip generation for previously proposed land use

Table 1 Park City - Previously Proposed Land Use Trip Generation								
Weekday Daily								
Land Use ¹	Number of Units	Unit Type	Trip Generation	%	%	Trips	Trips	Total Daily Trips
				Entering	Exiting	Entering	Exiting	
Office Park (750)	32.5	1,000 Sq. Ft. GFA	748	50%	50%	374	374	748
High-Turnover (Sit-Down) Restaurant (932)	6	1,000 Sq. Ft. GFA	763	50%	50%	381	381	763
Specialty Retail Center (826)	32.5	1,000 Sq. Ft. GLA	1,440	50%	50%	720	720	1,440
Project Total Daily Trips						1,475	1,475	2,951
P.M. Peak Hour								
Land Use ¹	Number of Units	Unit Type	Trip Generation	%	%	Trips	Trips	Total p.m. Trips
				Entering	Exiting	Entering	Exiting	
Office Park (750)	32.5	1,000 Sq. Ft. GFA	135	14%	86%	19	117	135
High-Turnover (Sit-Down) Restaurant (932)	6	1,000 Sq. Ft. GFA	59	60%	40%	35	24	59
Specialty Retail Center (826)	32.5	1,000 Sq. Ft. GLA	99	44%	56%	44	56	99
Project Total p.m. Peak Hour Trips						98	196	294
Saturday Daily								
Land Use ¹	Number of Units	Unit Type	Trip Generation	%	%	Trips	Trips	Total Sat. Daily Trips
				Entering	Exiting	Entering	Exiting	
Office Park (750)	32.5	1,000 Sq. Ft. GFA	53	50%	50%	27	27	53
High-Turnover (Sit-Down) Restaurant (932)	6	1,000 Sq. Ft. GFA	950	50%	50%	475	475	950
Specialty Retail Center (826)	32.5	1,000 Sq. Ft. GLA	1,366	50%	50%	683	683	1,366
Project Total Saturday Trips						1,185	1,185	2,370
<small>1. Land Use Code from the Institute of Transportation Engineers - 9th Edition Trip Generation Manual (ITE Manual)</small>								
<small>SOURCE: Hales Engineering, May 2013</small>								

As shown in Table 1, the projected daily trips for the development would be 2,951 trips.

PEG Development is proposing to update the proposed land use for the project site to accommodate a Hyatt House hotel. The proposed land use for the development has been identified as follows:

- Hyatt House hotel: 122 rooms

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (9th Edition, 2012)*. Trip Generation for the proposed land use is included in Table 2.

Table 2 Trip Generation

Table 2 Park City - Hyatt House Trip Generation									
Weekday Daily		Number of	Unit	Trip	%	%	Trips	Trips	Total Daily
Land Use ¹		Units	Type	Generation	Entering	Exiting	Entering	Exiting	Trips
Hotel (310)		122	Rooms	719	50%	50%	359	359	719
Project Total Daily Trips							359	359	719
P.M. Peak Hour		Number of	Unit	Trip	%	%	Trips	Trips	Total p.m.
Land Use ¹		Units	Type	Generation	Entering	Exiting	Entering	Exiting	Trips
Hotel (310)		122	Rooms	73	51%	49%	37	36	73
Project Total p.m. Peak Hour Trips							37	36	73
Saturday Daily		Number of	Unit	Trip	%	%	Trips	Trips	Total Sat. Daily
Land Use ¹		Units	Type	Generation	Entering	Exiting	Entering	Exiting	Trips
Hotel (310)		122	Rooms	879	50%	50%	440	440	879
Project Total Saturday Trips							440	440	879
1. Land Use Code from the Institute of Transportation Engineers - 9th Edition Trip Generation Manual (ITE Manual)									
SOURCE: Hales Engineering, May 2013									

As shown in Table 2, the projected daily trips for the hotel would be 719 trips. The hotel would generate approximately 24% of the total traffic that would be generated by the previously approved land use. This is approximately 2,232 daily trips that would be eliminated by the change in land use.

CONCLUSIONS

The proposed hotel land use would generate only 24% of the total daily traffic that would be generated by the previously approved land use. This is approximately 2,232 daily trips that would be eliminated by the change in land use.

From: [Brenda](#)
To: [Sean Lewis](#)
Subject: Hyatt Hotel Project
Date: Tuesday, August 27, 2013 9:05:52 AM
Attachments: [Hyatt House Development Presented 082213.pdf](#)

Sean,

The text in quotes below was sent to interested Sun Peak property owners after the meeting held at the Sun Peak clubhouse on August 22, 2013. The Sun Peak HOA Board has encouraged its members to attend the Planning Commission this evening where this topic will be discussed. Roger Sawyer will represent the Sun Peak HOA Board at the meeting.

“The Hyatt House hotel developers presented their hotel development concept for the site between the Park City Nursery and the small office/retail building on Highway 224. This development parcel runs west from Highway 224 and abuts the Sun Peak cottage homes on the north side of Sun Peak Drive. Approximately 50 owners from Sun Peak and Snyder’s Mill attended. Some sort of commercial development will go in on this parcel so the community is being asked for input on the details of the use installed there.

The information presented is attached for your information. The bottom line from the members in attendance was that the approximately 71,000 square foot 2-story building hotel development would cause less traffic than the alternative of 32,500 square feet of office and 32,500 square feet of retail and an additional 6,000 square foot “Applebee’s” style restaurant. The information presented noted that the daily trips by visitors would be reduced by 76% with a hotel on the site versus the currently approved commercial/retail use.

Others information to be considered includes:

- The developer is willing to work with the community to limit the traffic through Sun Peak as much as possible with signage and physical barriers.
- The hotel buildings are close to Highway 224 allowing for the open space portion of the parcel (including parking) to separate the hotel from the homes on Sun Peak Drive.
- The major concern by meeting attendees was the exit from the hotel parcel onto Sun Peak Drive. The hotel will direct their employees and shuttles to enter and exit from Highway 224, not Sun Peak Drive. They will try to institute a “left turn only” out of the hotel parking lot onto Sun Peak Drive.
- The hotel development will have fewer outdoor parking spaces than the currently approved use (down to 149 from 176).
- The hotel will be owned and operated by one entity so working with them on traffic control may be easier than working with a potential 20 or 30 entities if this parcel is retail/office and restaurant(s).

There will be another public hearing on this issue on Tuesday, 6 p.m., August 27, at the Sheldon Richins Building at Kimball Junction. All interested owners should attend.”

Please call me if you have questions. Thanks.

Brenda Lake
Sun Peak HOA Manager
435.640.1150



MEMORANDUM

Date: August 30, 2013
To: Summit County Council
From: Snyderville Basin Planning Commission
Re.: Murnin-Kilgore Base Camp Consent Agreement Recommendation Summary

At their regular meeting on Tuesday, August 27, 2013, the Snyderville Basin Planning resumed the public hearing for the proposed amendments to the Murnin-Kilgore Base Camp Consent Agreement.

PEG Development, representing the owner of the property, presented the results of a meeting held with interested neighbors on August 22, 2013. The developers committed to the following as conditions of a positive recommendation from the Snyderville Basin Planning Commission to the Summit County Council:

1. The developer's use of the property will be limited to the newly proposed development plan (Hotel). Previously approved development plans and uses will not be permitted.
2. The developer will provide a shuttle to the Canyons Resort for hotel patrons.
 - a. The shuttle will use Highway 224 as the route to access the Canyons Resort.
 - b. The shuttle will not use Cooper Lane as ingress/egress to the Canyons Resort.
3. The developer will install signage at the Sun Peak Drive entrance to the hotel property indicating "Residential Traffic Only" west on Sun Peak Drive.
4. Developer will work with Summit County Staff to explore and implement alternative traffic control devices, such as right-in/right-out and left-out at the Sun Peak Drive entrance to the hotel.
5. Hotel Staff will provide maps to guests indicating preferred access is Highway 224.
6. Hotel will close pool area at 11:00 p.m.
7. Landscaping will be used to screen/buffer noise and lighting impacts.
8. Lighting poles will be restricted to 12 feet in height.

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9. Exterior lighting shall be dark sky compliant, use energy efficient fixtures (such as LED), and feature full cut-off shielding.
10. Explore options such as dimming lights after 11:00 p.m. to reduce lighting impacts.
11. Developer will submit Final Site Plan for review and action by Snyderville Basin Planning Commission if Consent Agreement Amendment is approved by Summit County Council.

The Snyderville Basin Planning Commission voted unanimously (6-0, Lawson absent) to forward a recommendation to the Summit County Council in favor of the proposed amendments to the Murnin-Kilgore Base Camp Consent Agreement with the stipulations described above.

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING

TUESDAY, AUGUST 27, 2013

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

The regular meeting of the Snyderville Basin Planning Commission was called to order Tuesday, August 27, 2013, at 6:00 p.m.

PRESENT: Colin DeFord—Chair, Mike Franklin—Vice Chair, Mike Barnes, Chuck Klingenstein, Beatrice Peck, Annette Velarde

STAFF: Patrick Putt—Community Development Director, Amir Caus—County Planner, Jennifer Strader—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

REGULAR SESSION

1. Public input for items not on the agenda or pending applications

Chair DeFord opened the public input.

There was no public input.

Chair DeFord closed the public input.

2. Public hearing and possible action regarding a plat amendment for Lots 29 and 32 of the Woods of Parleys Lane Subdivision First Amended Plat; Parcels WPL-32-AM and WPL-29-AM, 8806 & 8830 Parleys Lane; Douglas Knight, Applicant – Sean Lewis, County Planner

3. Continued public hearing and possible action regarding a proposed amendment to the Murnin Kilgore Consent Agreement; Parcel PP-106, PP-106-1, 4395 North Highway 224; Cameron Gunter, Applicant – Sean Lewis, County Planner

Director Putt recalled that at the last Planning Commission meeting, the Commission heard a request to amend a consent agreement to modify the list of potentially allowed uses for a hotel. He noted that the County Council reviewed this request in work session

and remanded it to the Planning Commission for a public hearing. It was suggested at the previous Planning Commission meeting that the applicant hold a public neighborhood open house to allow the affected neighborhoods to learn more about the project and ask questions. The open house was held August 22 at the Sun Peak clubhouse, and the applicant will provide an update on the open house.

Cameron Gunter with PEG Development, the applicant, stated that they want to be a good neighbor. He presented a brief history of the property and the consent agreement. He explained that a plan was adopted with the consent agreement, which was reconfigured later by another owner, with a total density of about 74,000 square feet, including a possible 32,000 square feet of retail and no tenant being larger than 2,000 square feet. He explained that the current applicant proposes keeping the density the same and the massing similar at two stories, but change the use to a hotel with up to 122 rooms. He reported that the developer looked at the General Plan to be certain that this use would maintain the quality and character of the Snyderville Basin. He explained that it is important to keep the sight lines on the property open and to allow access to the trail system. He reported that they hired Hales Engineering to complete a traffic study, and it was found that peak traffic use with the approved land uses would be 294 trips, whereas the hotel would generate 73 trips. Daily trip generation would be 2,951 for the approved uses and 719 for the proposed hotel use, which would be a significant reduction in trip generation, and the applicant believes that is a significant factor. He stated that the neighborhood still has traffic concerns. He explained that, based on the consent agreement and UDOT's standards, traffic movement can only be right-in, right-out, and left-in, with no left-out. Therefore, traffic wanting to turn left out would access Highway 224 via Sun Peak Drive. Another concern expressed by the neighbors was that people would turn right on Sun Peak and go up through Cooper Lane to access the ski resorts. He explained that the developer will try to implement whatever measures they can to mitigate that, such as giving hotel guest directions to get back to I-80 and Canyons, not taking their shuttle van through the residential neighborhood, and providing signage showing how to get to I-80, Park City, and Canyons. He explained that, if this were a retail and restaurant/bar use as currently approved, they would have very little influence on traffic. The other issue was noise, particularly related to the swimming pool, and the developer will try to mitigate that by closing the pool at 11:00 and providing landscaping behind the pool. He stated that other issues related to site planning issues that would happen with either use, such as lighting impacts, parking aesthetics, and landscaping. He committed to communicate with the neighbors as they go through the site planning process and allow them to have input on what they consider to be a final site plan.

Commissioner Klingenstein asked about the letter from Mr. Decker regarding road access. Deputy County Attorney Jami Brackin stated that her understanding of Mr. Decker's letter is that no one told him he had to share his access. She clarified that the consent agreement states that the access to this parcel must be next to the Decker parcel access, and this parcel must grant Mr. Decker the ability to share that access so there will be only one cut onto Highway 224. That was done at UDOT's and the County Engineer's request.

Chair DeFord opened the public hearing.

Roger Sawyer, a member of the Sun Peak HOA board, confirmed that about 50 people showed up at the meeting with the developer. He stated that neither option draws much enthusiasm from the home owners, as would be expected when there is a change from open space to development. He agreed that the major concern is the traffic impact, particularly on Sun Peak Drive. He stated that they are concerned that the traffic study showing a huge difference between the retail/commercial option and the hotel option may be flawed, and they do not believe a hotel that is not full service would not generate a lot more traffic, because there are no facilities associated with it. He stated that the home owners would like to have some input, as all they have seen is a conceptual site plan that does not adhere to the guidelines of a ski resort community, and they would like to see things more architecturally compatible. They would also like input on the lighting, view corridors, etc. Of the 50 people there, a majority was in support of the hotel, but that was only 50 people out of a total of 270 residences.

Bill Coleman, a commercial real estate broker, noted that the County required the exit onto Sun Peak Drive when the consent agreement was entered into, and the UDOT requirements put into the signalization were also part of that process. He noted that the property has been for sale for six years, and one thing that has limited the sale of the property was the required limitation on the uses. He stated that this expanded use is a positive, because it is far less intense. He believed it would sense that 74,000 square feet of office and commercial uses would have a higher impact than a hotel, especially one that does not have conference space, large meetings, or events that would bring in large groups not staying at the hotel. He believed the limitations would be ideal. He stated that having 50 people show up at the meeting is a good sampling, and he commended Sun Peak for getting that many people together and agreeing that it makes sense to do this, especially given the mall-type effect that would occur with another 37,000 square feet of retail on the site. He stated that, when it comes to the raw uses, this seems perfect, and he hoped the Planning Commission would look at how much better a decision could be made. He stated that it is compelling that this matches so well with what Canyons is doing and the requirement place on Canyons that everything would be geared around nightly rental and that they have a way to take care of the ski resort community's needs, and here they would be doing all of that at once.

Commissioner Velarde verified with Mr. Coleman that he is not involved in this transaction in any way.

Chair DeFord recalled that Mr. Coleman stated that the property has been for sale for six years, and it could be for sale for another six years or more, which would be another six to ten years of open space. Mr. Coleman stated that is an odd way of trying to get open space. He recalled that there has been no real estate market for five of those six years. He would hate to think of that as a clever way to get open space, and everyone has been

well notified that this is not open space, because the for sale sign has been up for six years. In this case, he believed diminishing the impact of the use would be appropriate.

Sandy Mahaland stated that she has heard that the traffic impact is not that bad, but she lives on Cooper Lane, and 79 trips in peak hours is more than one additional car per minute. She stated that with the office park on Sun Peak and Highway 224, the only people they saw repeatedly come into and out of the office park going up Sun Peak and to the Canyons on Cooper Lane were the Canyons Resort employees. With a low-end Hyatt hotel that will cater to people who will use the resort amenities, she did not understand how they could come up with a number of 719 trips or 73 trips per peak hour. During peak hours, there is a bus stop picking up children going to school, and that would impact the neighborhood directly. She stated that people will be going to the resort right at the peak hour when people will be coming out of their houses to walk their dogs, get some exercise, put their children on the school bus, and all the normal things that happen in a residential neighborhood. She was troubled by someone saying this is not a lot, because they do not live on Cooper Lane or Sun Peak Drive and are not part of that community. She heard one of the Park City planners on the radio talking about the desire to increase persons of medium income levels in the community. They are talking about a hotel that will employ about 12 people. She stayed at four different hotels the previous week and spoke with the general manager at each hotel to ask how many of their employees fall in the medium income range of \$75,000 to \$125,000. She stated that there was possibly one employee that fell in that range. She commented that creating this hotel development would not enhance the goal of the Park City community if they are trying to develop a community of more middle income people when 10 or 11 of the positions at this hotel will be at minimum wage. With regard to the consent agreement, she stated that it is supposed to enhance the community, and it was her understanding that the developer presented the idea that the biggest benefit is that it is not as horrible as everything else could be, which seems like a strange way to sell a benefit to someone. She did not believe the traffic study shows the real impacts to the neighborhood, to Cooper Lane, or to Sun Peak Drive. She noted that a Wyndham hotel is also being built at Frostwood Circle, and she counted 65 hotel listings for Park City, which is a lot of hotels. Considering the fact that the best benefit the developer has to try to sell is that this is not as horrible as everything else and the fact that the traffic being put out onto Sun Peak and Cooper will be a lot during the hours that the neighbors will come out to do residential things, she did not see why this is a good idea for the neighborhood. If it were offices and a restaurant, people would probably come and go toward Highway 224. She recalled that the developer said he would put out maps and fliers and include directions asking people to not go through the neighborhood. She recalled that the developer of the Dakota Mountain Lodge promised her at a Planning Commission meeting in June 2009 that their website would show directions into the Dakota Mountain Lodge/Waldorf Astoria as not involving the residents. She contacted him a few days later saying that had not been done, and he promised they would do it. However, that has never been done. She has heard before that someone would pass out maps and fliers, and it did not happen, and they still have problems with traffic on Cooper Lane. She asked the Planning Commission what they want the community to be and why this hotel is good for the

residential community of Sun Peak. She believed they really need to look at the traffic they will be putting out.

Commissioner Velarde asked if Ms. Mahaland understands that the choice is between restaurant/retail/office and a hotel, because the County does not have the money to purchase this as open space. She asked which option Ms. Mahaland would rather see. Ms. Mahaland stated that the plan and the options are well outlined. She noted that there are two other office parks in the vicinity, and she asked that the Planning Commission look at the impact of those office and retail spaces on the surrounding communities before making a decision for the hotel and what the traffic impacts of those developments have been. She stated that the last seating for most restaurants is 9:00 p.m., and their staff goes home between 10:00 and 10:30, but this developer wants to keep the pool open until 11:00, which means people would be out there making noise even later than a restaurant. **Commissioner Velarde** asked if Ms. Mahaland's preference would be to see a retail/restaurant/and office use. Ms. Mahaland replied that what she wants is facts, and the Hales Engineering traffic study does not appear to be a study, because she does not see how many trips they expect to go onto Sun Peak and Cooper Lane. She stated that she wants quantitative facts and a comparison between the existing office parks in this community and letting the neighborhood know what their choices are, and she is not seeing that.

George Chachas, the property owner, noted that people keep talking about office uses and the restaurant, but they are avoiding retail. He explained that they have the option of retail, office, or a 6,000-square-foot restaurant which will be a bar. The minimum would be 3,000 square feet of retail, and it would most likely be 15,000 or 20,000 square feet of retail. The office space would include medical, dental, and general office space. He stated that he has received a lot of calls about this property in the last six months, and now with what is happening with Vail, this property will not be for sale for another six months. He expressed concern that PEG would walk away from this, and they have offered an option where they are in the best position to control traffic. He stated that he lives on Sun Peak Drive and had an office in Sun Peak. When it snowed, people parked in their lot to the point that he could not find a parking space, and when the day ended, they all went up Cooper Lane to Canyons. Those were not hotel guests; they were locals. If they develop a retail center, there will be local employees, local patrons, and local guests. They know the roads and will go right up Cooper Lane. He reiterated that PEG offers the best opportunity to control traffic. He stated that the swimming pool will be half the size of the pool at Sun Peak and would be very sheltered. He explained that lighting can be solved by masking the lights, but if the area is developed as retail, he will not have that kind of control or the money required to put in dark sky friendly lighting. He explained that there would not be the same kind of control of the site with multiple retail tenants and a restaurant and bar. He commented that this developer is willing to consider the aesthetics and the site plan for this property.

Brian Hales with Hales Engineering referred to the trip generation manual that is used to identify what trips will come in and out of hotel sites. He explained that there are

different kinds of hotels they could choose from. He stated that Hales Engineering was hired as an independent third party to review this use. They generated the trips for the existing uses in the consent agreement using the trip generation manual, which is a national database. He explained that this same method has been used for different resort hotels and other developments in the Snyderville Basin, including the St. Regis. When choosing the land use for the proposed hotel, they did not choose a resort hotel because they wanted to provide a more conservatively high trip generation approach. For this hotel use, they used the average rate from the trip generation manual of .6 trips for the p.m. peak hour per hotel room. The resort hotel use would generate .42 trip per hotel room. He stated that nothing he could use in that land use category would have given a different outcome. He explained that they used the highest trip generating rate they could and evaluated the roads and streets accordingly. He is one of 14 people from across the United States who review the trip generation manual, and he knows the information very well and is not new to applying trip generation characteristics. He stated that he applied a third-party approach to the review of this site and would be happy to answer questions about trip generation.

Director Putt reported that Mr. Hales' traffic study has been reviewed by the County Traffic Engineer, who concurs with Mr. Hales' findings.

Patrick Cassity stated that he is against a hotel on this site for traffic reasons. He stated that he lives close to the exit from the site onto Sun Peak, and the amount of traffic when ski season starts is very heavy. He can also hear all the traffic going up and down Cooper Lane. He noted that this will be an extended stay hotel, which has a different kind of clientele than the resort would have. He stated that the office group would not create many employees, and they would all go up Highway 224. The hotel would exit onto Sun Peak, and it would generate 719 trips, which is not acceptable. Knowing this kind of thing will be here, they may have to figure out how to sell their house just because someone wants to build a hotel that does not meet the area they live in. He stated that there are hotels at Kimball Junction and at Canyons, and they can hear the hotels and the music at Canyons, so they know what it is to have a hotel around. He believed the hotels should be at Canyons, which is a ski area, at Kimball Junction, which is commercial, and in Park City and Deer Valley. He stated that they need to keep that kind of activity in those areas and not in the middle of residential areas. He believed the office complex would work better, because all the traffic would exit onto Highway 224. He stated that the Commissioners don't live around here and don't know what the traffic is like coming up Highway 224 on ski days.

Commissioner Velarde clarified that the choice is not an office complex; it is retail and a restaurant/bar. She asked if Mr. Cassity would prefer to see that rather than a hotel. Mr. Cassity replied that he would, because it would be blocked out from going to Highway 224 by going along Sun Peak Drive. **Chair DeFord** explained that the same exit would exist for the retail use as for the hotel, and traffic would not exit directly onto Highway 224 in either case. He also noted that the County has a noise ordinance, and either use would be subject to that. Ms. Brackin verified that any business operation is

subject to the noise ordinance. She also clarified that the original consent agreement always included an access to Sun Peak Drive, and that was done intentionally for left-hand-turn traffic. When the traffic signal at Sun Peak Drive was warranted, it was intended to pick up the left-hand-turn traffic from whatever was to be developed on this property. **Chair DeFord** also clarified that all of the Planning Commissioners are residents of the Snyderville Basin and drive Highway 224.

Shauna Engen asked if there would be a height difference between the two proposals. Director Putt replied that both uses have a 32-foot height limit. Ms. Engen asked if that would be the same height as the existing uses in the area. Director Putt replied that he could not verify that tonight, but the height would be approximately the same. Ms. Engen asked if the lighting would be the same for either option. **Chair DeFord** noted that the developer has indicated that he would be willing to work with the community on lighting, but they do not know what would be proposed for the other option. He explained that both options would have to conform to the County's lighting standards, and it sounds like the hotel is willing to do better than the County's standards. Ms. Engen asked about the noise ordinance and when the bar would have to be quiet. Ms. Brackin explained that bars are regulated by the DABC, and she could not remember when the cut-off is. She explained that the currently approved plan calls for a restaurant/bar, and she did not know what kind of bar that would be and whether or not there would be music associated with it. The noise ordinance says noise is not allowed above a certain level after 10:00 p.m. She clarified that DABC regulates how long the bar can be open, and the County regulates when they have to stop being noisy. Ms. Engen stated that she did not think either option would be good, but she was leaning toward not having the hotel. She asked if people could stay in the hotel indefinitely. Mr. Gunter explained that the longest anyone could stay in an extended stay hotel is 31 days, but the average stay is 4 to 5 days. Ms. Engen asked how long people would have to leave before they could come back to the hotel. Mr. Gunter replied that he could not remember how many days people would have to leave before they could come back.

Kelly Davidson, a resident of Sun Peak, commented that, when a hotel is built, it will be occupied once it is completed. However, if four buildings are built for a commercial use and a restaurant and bar, all four buildings would not be built at once. Even before they build one building the developer would attempt to lease or sell a certain percentage of the space. He stated that there is currently a lot of office, commercial, and restaurant space available, so he did not know where this big demand the owner is talking about exists. He stated that this has been open space for six or more years, and it is possible that it may be another six years that it could be open space. Or it could start with one building, and that may be all they ever see. He stated that the office, retail, restaurant would take longer to build out than the hotel. He noted that the traffic studies are based on 100% of the hotel being built and 100% of the other use being built, but he did not believe they would see four buildings in a short amount of time. It could be six years or more before the other use is built out; therefore, he would favor the commercial and not the hotel use.

John Chachas asked if the property owner would clarify the issue of duration. He commented that there seems to be a continual notion that somehow the property will just stay the way it is rather than having to be one option or the other. He believed people need better clarity of what would happen if PEG does not develop this hotel. George Chachas agreed that it could take longer to develop the commercial use, but there is a phasing plan associated with the consent agreement. The first thing to be developed would be the restaurant, and the last thing to be developed is the office space. He clarified that every option includes access onto Sun Peak Drive, which is required and will not go away. He explained that phasing the construction would be worse, because there would be constant construction traffic on the site for years if they develop the commercial option. He believed with the changes coming with Vail and the amount of interest he is getting on the property, they will have to move forward with something.

Ms. Mahaland recalled that Ms. Brackin stated that the traffic light at Sun Peak and Highway 224 was based on this complex being built and people coming up Sun Peak to get to Highway 224. If that is the case, she asked if the exit from this parcel could be left turn only onto Sun Peak. Ms. Brackin clarified that the traffic signal was warranted for a lot of reasons, not just for this site, but the development potential on this site was considered when the traffic signal was warranted. UDOT made it clear to the County and the original owners that access on Highway 224 would be right-in and right-out only. Therefore, the only way to turn left onto Highway 224 is to come down Sun Peak Drive to the signal and make a left turn. Although the developer has indicated that their shuttle drivers would turn right onto Highway 224 to go up to the Canyons, UDOT and the County would prefer that any traffic going to the Canyons go up Cooper Lane and stay off of Highway 224. Ms. Mahaland noted that the designated ingress and egress on all the development plans for Canyons Resort is Canyons Resort Drive; therefore, it seemed odd that anyone would consider using Sun Peak or Cooper. She asked if the exit for any development plan for this site could be a mandatory left turn onto Sun Peak. Ms. Brackin replied that it could not, because Sun Peak Drive and Cooper Lane are public roads, and they must allow access onto those roads. They can post signs stating it is a residential neighborhood and try to direct traffic to Highway 224, but they cannot dictate a left turn only onto public roads. Ms. Mahaland requested that they consider closing Cooper Lane to motorized traffic between the hotel and the residential neighborhood since they do not think the hotel will put very much traffic onto Sun Peak Drive. Ms. Brackin explained that, given the needs for public safety and that Cooper Lane is a public right-of-way, she did not believe Cooper Lane would ever be closed off to motorized traffic. Ms. Mahaland stated that, if they put in a crash gate, emergency vehicles could get through, and that would incentivize traffic to not go through the neighborhood and to use Canyons Resort Drive. Ms. Brackin explained that it is illegal to gate public roads, and when there are events in the Canyons, they need more traffic flow than just Canyons Resort Drive as well as fire and police access. She stated that the County would not be allowed under State law to gate the roads.

Commissioner Klingenstein noted that there are neighborhoods in the Snyderville Basin that have asked for traffic calming measures, and the neighborhood could go to Public

Works and Engineering to try to implement that. He noted that the Canyons approval shows this as part of the overall transportation plan.

Commissioner Peck referred to the open letter to the Planning Commission presented on August 13 and asked if it is true that Cooper Lane is anticipated to be a third ingress-egress route for Canyons Resort. Ms. Brackin explained that the neighborhood has seen an increase in traffic on Cooper Lane this summer, which was on purpose. A lot of work was being done on Canyons Resort Drive and a lot of construction, and there were times when construction traffic was directed to use Cooper Lane. She explained that one way out of the roundabout on Canyons Resort Drive will be onto Frostwood Lane to Cooper Lane, which is one of the primary arteries.

Chair DeFord closed the public comment.

Commissioner Velarde commented that she gets the sense that the public would prefer to see nothing happen. She noted that, if the residents of Cooper Lane were to look at the overall County transportation plan, they would see that their life will change drastically in the next decade, regardless of what happens with this particular parcel. Given that fact and that the developer has shown good faith in making efforts that were not required of him and promised to continue those efforts, she is much more strongly in favor of a hotel than she is a restaurant and retail.

Commissioner Barnes stated that the Planning Commission's responsibility is to try to collect facts to forward to the County Council for a final decision. It is not an option for this parcel to be open space, but the public process works well, and things have been brought up tonight that he has not thought of before. He addressed the facts that they will forward to the Council. One is that, regardless of whether people think the traffic study is correct, they have someone with outstanding credentials who has done a traffic study showing the hotel to be a 76% reduction in the number of daily trips. With regard to the hotel being built all at once rather than phased like the original plan, if they were to assume just one building were built in the original plan and divided the number of trips in the traffic study by 4, it would generate 737 trips, which is still higher than the number of trips for the hotel buildout. Once the additional buildings in the original plan are constructed, the number of trips would continue to go up. In terms of construction impacts of noise, dust, tracking onto the highway, etc., he believed having something built at once rather than something built over time would be better for the residents and the community. Building it all at once would allow the County to have tax income at a higher amount to help the County. He noted that the applicant has offered to let the neighborhood give input. He stated that at the last meeting, two general managers of competing hotels attended, and he had a discussion with one of them regarding traffic impacts. The hotel manager believed this hotel would have even less of an impact than shown on the traffic study.

Commissioner Klingenstein asked if the applicant is looking to totally amend the consent agreement and construct only the hotel. Ms. Brackin explained that the current

consent agreement is recorded, and there is an amendment to adjust the site plan that is ready to be recorded. Both of those options would go away if the hotel use is approved, and this is the only site plan that would be recorded with the amendments to the consent agreement. **Commissioner Klingenstein** asked if the commitments the developer has made regarding this project could be incorporated to be reflected when the applicant comes in for the site plan development review. Ms. Brackin stated that she believes the Council is looking for those kinds of recommended conditions. If the Council adopts the conditions, they would be incorporated into the consent agreement and become part of the site plan. **Commissioner Klingenstein** noted that the Commission has received a lot of conceptual pictures and plans, but he felt it was important to note that they are illustrative and need to go through a thorough vetting process during the development review process. He would like to see the developer work on some concepts, and he did not want the proposed concepts memorialized as the final document. Ms. Brackin explained that the final site plan will become a recorded document, and if the Planning Commission feels that other specific details need to be presented and approved prior to development and before building permits are issued, they can make that recommendation. She explained that when this consent agreement was developed, the Murnin Kilgore family was advised to get general zoning without a specific site plan, but they insisted on a specific, approved site plan so they would only have to come to the County and get a building permit. If the Planning Commission wants something different, they can make that recommendation to the County Council. Director Putt stated that the applicant is willing to stipulate to a final plan review by the Planning Commission. **Commissioner Klingenstein** stated that he believes that is very important, because this is the entry corridor, and there are sensitive neighborhoods, so they need to do the best they can with this. He stated that he supports the concept of the hotel because they will have better control over it.

Commissioner Peck stated that she likes the concept of taking what has been presented and turning the lighting, noise, landscaping, and other mitigation measures into conditions. **Commissioner Barnes** asked if they would be able to discuss those conditions when the final site plan comes back for review. **Commissioner Klingenstein** noted that the Planning Commission will not make a formal recommendation and will just forward their comments to the County Council. **Commissioner Peck** stated that she did not know how Cooper Lane or Sun Peak Drive would be able to control their destiny in the future, because those roads will be used. She urged the residents to follow up on what was suggested if they are interested in traffic calming. She stated that she would agree with a positive recommendation if the conditions are summarized and they follow what the developer has suggested and based on the comments this evening. She stated that she concurs with everything her colleagues have said.

Commissioner Klingenstein made a motion to forward a recommendation to the County Council that the Planning Commission feels the hotel use is appropriate given the information received and the alternatives presented and recommended that the Council seriously consider this use in their consent agreement amendment process with the recommended conditions

and a review of the issues identified by the Planning Commission. The motion was seconded by Commissioner Franklin and passed unanimously, 6 to 0.

DRAFT

**RECORDING REQUESTED BY:
AND MAIL TO WHEN RECORDED:**

Summit County Clerk
Summit County Courthouse
Coalville, Utah 84017

**SECOND AMENDMENT TO
CONSENT DECREE**

This Second Amendment to Consent (the “Second Amendment To Consent Decree”) is entered into this ____ day of ~~August~~September, 2013, by and between the PC Venture Partners III, LLC, a Utah limited liability company, the owners of the real property at issue (“PC Venture”), and Summit County, a political subdivision of the State of Utah (the “County”), by and through the Summit County Council (the “Council”).

This Second Amendment to Consent Decree shall amend that certain Consent Decree Regarding the Murnin and Kilgore Property in Summit County, Utah, dated December 3, 2003, by and among the Murnin Family Trust and Gary A. and Gayle Y. Kilgore, prior owners of the real property at issue (the “Murnins and Kilgores”), and the County and recorded February 9, 2004, as Entry No. 00688507, Book 01598, Page 00690-00705, in the Official Records of Summit County, Utah, the First Amendment to Consent Decree Regarding the Murnin and Kilgore Property in Summit County, Utah, dated June 20, 2007, recorded June 22, 2007, as Entry No. 00817406, Book 1873, Page 0209, and the Extension of Consent Decree dated April 2, 2008, recorded April 7, 2008, as Entry No. 00841528, Book 1923, Page 0866 (collectively the “Consent Decree”).

RECITALS

A. The Murnins and Kilgores owned approximately 5.92 acres of land west of Highway 224 near the intersection of Highway 224 and Old Ranch Road in the Snyderville Basin in Summit County, Utah (the “Murnin and Kilgore Property” or the “Property”).

B. On December 3, 2003, the Murnins and Kilgores, and the County entered into the Consent Decree (the “Original Consent Decree”) regarding the Murnin and Kilgore Property. The Original Consent Decree included an Approved Development Plan which is referenced in and attached to the Original Consent Decree as Exhibit B (the “Approved Development Plan”) which provides for Seventy-Four Thousand (74,000) gross leasable square feet.

C. On April 14, 2006, PC Venture purchased all right, title and interest in the Murnin and Kilgore Property and is the successor in interest to the rights and obligations contained in the Original Consent Decree.

D. On June 20, 2007, PC Venture and the County entered into the First Amendment to Consent Decree (the “First Amendment to the Consent Decree”) to among other things (i) modify the building configuration, the location and number of parking spaces, and the location of the proposed restaurant site and (ii) approve the Alternative Approved Development Plan attached to the First Amendment to Consent Decree as Exhibit C (the “Alternative Approved Development Plan”) which

provides for Seventy-One Thousand (71,000) gross leasable square feet. Pursuant to the First Amendment to the Consent Decree both the Approved Development Plan and the Alternative Approved Development Plan are acceptable alternative development plans.

E. PC Venture has proposed an amendment to the Consent Decree to provide that a hotel be allowed as a permitted use on the Property, in lieu of the original Approved Development Plan or Alternative Development Plan. Said hotel shall be sized, sited and configured as depicted in Exhibit A. PC Venture has requested that the Council approve the use of a hotel as a permitted use on the Property, and the extension of the Consent Decree expiration date to accommodate the development thereof. PC Venture filed its application requesting the above described amendment on July 2, 2013. The matter was brought to public hearing on August 13, 2013 and August 27, 2013 for public comment and consideration of the Snyderville Basin Planning Commission. On August 27, 2013, the Snyderville Basin Planning Commission voted in favor of, and made to forward a positive recommendation to the County Council to allow for the proposed hotel as a permitted use on the Property. The matter was further brought heard before the Summit County Council, who on September 11, 2013, voted in favor of consenting to the approval of the Second Amended Consent Agreement by the County Manager, voting in favor of and approved the amendment to the Consent Decree to allow for a hotel as permitted use on the Property

Comment [J1]: George, the process is actually an approval by the Manager with consent of the Council.

F. The Council, with input from Planning Commission, and the County Manager have reviewed the application and materials submitted, and acknowledge that the proposed use of a hotel on the Property (see Exhibit A), substantially maintains all of the community benefits described in the Consent Decree and reduces the potential traffic impact in comparison to the previously approved Development Plans.

G. This Second Amendment to the Consent Decree formally approves and authorizes the proposed hotel as a permitted use on the Property in lieu of the original Approved Development Plan or Alternative Development Plan, and extends the expiration date of the Consent Decree until January 1, 2016.

PC VENTURE AND THE COUNTY HEREBY AGREE AS FOLLOWS:

1. Permitted Use: ~~Approved Conceptual Development Plan~~. Attached hereto as Exhibit A, is the Revised Conceptual Development Plan depicting the conceptual site plan for hotel use on the Property, which shall replace Exhibit B to the Consent Decree. The Approved Development Plan and Alternate Approved Development Plan previously attached to the Consent Decree and First Amendment to Consent Decree are void and of no further force and effect. The Council and the Summit County Manager have determined that the use of hotel as a permitted use on the Property as depicted in the Revised Conceptual ~~Approved Development~~ Plan, attached as Exhibit A does not significantly: (1) increase density; (2) increase traffic problems; (3) substantially diminish the community benefits described in the Consent Decree; or (4) violate current Summit County ordinances. Based upon such determination, and the enhancement of community benefits resulting from the reduction in the traffic impact under a hotel use on the Property as depicted in the general Conceptual Plan under the Revised Approved Development Plan, the County hereby approves the a hotel as a permitted use on the Property under the terms of the Consent Decree as generally depicted in the Conceptual and the Revised Approved Development Plan, attached hereto as Exhibit A, as the Approved Development Plan, under the terms of the Consent Decree.

2. Building Number and Configuration. The language of Paragraph 2 of the Consent Decree shall be deleted and restated as follows:

The property shall contain three (3) buildings as generally depicted in the Revised Approved Development ~~Conceptual~~ Plan attached as Exhibit ~~B-A~~

3. Density and Square Footage. Paragraph 4 of the Consent Decree shall be amended to allow a maximum density of 75,000 square feet or 122 rooms.

Comment [J2]: Sean's staff report says 74,000.

4. Approved Uses. The language of Section 5 of the Consent Decree, shall be deleted and restated as follows:

The Property may be developed as a hotel with uses incidental thereto. Such use shall be limited to 122 hotel rooms with food services, exercise facilities, pool and hot tub, common areas, spa facilities, limited meeting space and other such uses incidental to the operation of a select service hotel. Food Services may consist of breakfast, either complimentary or charged, and a dining area and bar designed specifically to serve hotel guests for lunch and/or dinner. Food services may also consist of a bar serving alcoholic beverages, subject to all Utah Department of Alcoholic Beverages Control regulations. Food services allowed on the Property shall not be a stand alone, or 3rd party restaurant. Food services offered on the Property shall not be advertised to the public as a destination food service, consisting of _____ and entertainment (game room).

Comment [J3]: We talked about continental breakfasts, not dinner and lunch. That would require a full kitchen and be considered a restaurant.

Comment [J4]: I'd prefer that we tighten this up to say limited food services for a continental breakfast for hotel guests.

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5. Expiration. Paragraph 30 of the Consent Decree shall be amended to provide that the Consent Decree and rights thereunder shall be and hereby are extended through January 1, 2016.

6. ~~Waiver of Set Back.~~ The 40 foot setback required under Title 10 Chapter 2 of the Code – Zoning Districts, Development Potential and Requirements, as it pertains pertaining to the location of internal road adjacent to the designated wetlands as depicted on the Conceptual Plan attached hereto as Exhibit A, is hereby waived as depicted in the previously Approved Development Plans under the Consent Decree.

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~~6-7.~~ For the purposes of the Consent Decree, all references to Exhibit B shall mean the general Conceptual Revised Approved Development Plan, attached hereto as Exhibit A.

Comment [J5]: I don't recall ever discussing this and I think this is going to be a problem. It certainly wasn't raised at planning commission.

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8. Good Faith Efforts of Owner / Developer. The Owner / Developer and their successors in interest agree to work in good faith with the Summit County Planning staff, and undertake and take all actions reasonably, within the applicable laws, to reduce, eliminate to the greatest extent possible, and mitigate:

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(a) traffic impact and traffic flow generally;

(b) traffic impact and traffic flow out the back of the property onto Sun Peak Road, turning right towards Cooper Lane and the neighborhood;

(c) noise through the use of vegetation screening;

(d) lighting concerns and effects on the adjacent residential neighbors through use of down lighting, lower strategically place lighting posts, available LED and dimmable lighting within the applicable county Code; and

(e) shall at such time as the Owner/Developer, or their successors in interest are prepared to submit its final site plan for a recommendation by the Planning Commission, with a final approval from the County Manager, that will submit such site plan for review and comment (but not approval) to a neighborhood meeting of the Sun Peak HOA and Snyder Mills HOA with regard to aesthetics of such proposed site plan.

Comment [J6]: These may need to be amended based on final results.

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9. All other terms of the Consent Decree not inconsistent with this amendment shall remain unchanged.

10. Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

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To the County, addressed to:
THE SUMMIT COUNTY COUNCIL
Summit County Courthouse
P. O. Box 128
Coalville, UT 84017

DIRECTOR OF COMMUNITY DEVELOPMENT
Summit County
P. O. Box 128
Coalville, UT 84017

With copies to:
SUMMIT COUNTY ATTORNEY
P.O. Box 128
Coalville, Utah 84014

To PC Venture Partners III, LLC, addressed to:
PC VENTURE PARTNERS, LLC
Attn: George G. Chachas
Lady Hill Road
San Diego, CA 92130

Upon written notice to all other parties, a party may change its name and mailing addresses for receipt of notice under this subsection.

11. Applicable Law. This Second Amendment to Consent Decree is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

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12. Execution of Second Amendment to Consent Decree. This Second Amendment to Consent Decree may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within three (3) business days of receipt of said facsimile copy.

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This Second Amendment to Consent Decree may be signed in counterparts, all of which together shall constitute one document with the original signature pages filed with the County Recorder.

| Dated this _____ day of ~~August~~ September 2013.

COUNTY:

By: Robert Jasper
County Manager

By: Patrick Putt
Summit County Community Development Director

By:
Chairman of the Summit County Council

Attest:

Anita Lewis
Assistant County Manager

PC VENTURE PARTNERS III, LLC

By: George G. Chachas
Its: Manager

By: Stephen D. Lipkin
Its: Manager

MANAGER'S REPORT
September 11, 2013

To: Council Members
 From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<p><u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 8/29/13 and 9/5/13, posted on the website at: http://www.summitcounty.org/manager/index.php</p>
Auditor	<p><u>Submitted by JaNae Blonquist:</u></p> <ul style="list-style-type: none"> ○ We have two weeks until the BOE application process closes. To date, we have received fewer applications than in recent years. However, the busiest days are always just before the filing deadline. ○ 2013 budget amendment hearing will be held in September. We are now working on making all necessary budget adjustments and balancing the funds. The hearing is not yet scheduled but will probably be held the last Wednesday in September. ○ The budget committee has started working on the 2014 budget. They have meetings scheduled throughout September and into the first part of October. Their recommendations are due to the County Manager on October 1st.
Assessor	
Attorney	<p><u>Submitted by Matthew Bates:</u> <u>Criminal Division Activity</u> DISTRICT COURT CRIMINAL CASES FILED: 12 CRIMINAL FILINGS OF INTEREST</p> <p>The SCAO charged Brett Timothy Peters, 54, of Park City, Utah, with DUI. On June 23, 2013, Park City police found Peters asleep in an idling car in Park City. The responding officer suspected that Peters was intoxicated, so he obtained a warrant for a sample of Peters' blood. A chemical analysis of the blood revealed that Peters' blood alcohol level was .17, more than twice the legal limit. Peters has twice previously been convicted of a felony level DUI, so this charge is also a felony.</p> <p>The SCAO charged Melvin D Purdle, 28, and Timothy J Hale, 25, both of Decatur, Illinois, with narcotics trafficking. On July 17, 2013, a Utah Highway Patrol trooper stopped the pair driving on I-80 for an equipment violation. During the stop, the trooper smelled an odor of marijuana coming from inside the car. He searched the car and found approximately thirty-nine pounds of marijuana in two large duffel bags.</p> <p>The SCAO charged Robb Martin Seal, 34, of Draper, Utah, with DUI and driving on a suspended license. On July 26, 2013, a Utah Highway Patrol trooper responded to a complaint in the Trailside area of a reckless driver in a black Dodge Charger. He located the Charger near Trailside Park and saw Martin get out of the driver's seat. Martin had an odor of alcohol about him. The trooper obtained a warrant for a sample of Martin's blood. A chemical analysis of the sample revealed that Martin's blood alcohol level was .20, more than double the legal limit. Martin has been convicted of DUI twice in the last ten years, so the current charge is a felony.</p> <p>The SCAO charged Robert Gills Weiner, 74, of Park City, Utah, with failing to respond to an officer's signal to stop. On August 14, 2013, WEINER drove around a police checkpoint at the intersection of Promontory Ranch Road and Ranch Club Trail. The Summit County Sheriff had established the checkpoint to prevent people from entering into upper area of the Promontory community during the Rockport 5 fire. The checkpoint consisted of orange cones blocking one lane of the road and a police vehicle with its emergency lights on blocking the other lane. Weiner ignored a deputy's command to stop and accelerated over the traffic cones. The deputy pursued Weiner with lights and</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>sirens through the closed portion of the Promontory community and ultimately apprehended Weiner at Weiner's home in Promontory.</p> <p>The SCAO charged Robert Gordon Belnap, 56, of Plain City, Utah, with aggravated assault and reckless driving. On July 25, 2013, a motorist reported that Belnap had repeatedly tailgated him for over a mile. When Belnap finally passed the motorist, the motorist made an offensive hand gesture towards Belnap. Belnap then gave the motorist an angry look and pointed what appeared to be a large handgun at the motorist. When police later apprehended Belnap, they found a JT ER2 paintball pistol in his car.</p> <p>The SCAO charged Zachary Daniel Hutchinson, 32, of Salt Lake City, Utah, with theft of a motor vehicle. A Summit County Sheriff's deputy found Hutchinson asleep in the back seat of a car parked in a no-parking zone near the Jeremy Ranch Store. Hutchinson was not the registered owner of the car. When the deputy contacted the registered owner of the car, she told him that she had left the car with Hutchinson to repair and that he did not have permission to be driving or using that car for personal errands.</p> <p>The SCAO Charged Elisha Correen Archuleta, 35, of West Valley City, Utah, with drug possession and driving on a suspended license. Archuleta was stopped in Park City for a traffic violation. During the stop, the officer discovered that her driver's license was suspended. He also found heroin in Archuleta's purse.</p> <p>The SCAO charged Luis Fernando Hernandez, 29, of Lovelock, Nevada, with obstructing justice, fleeing, and providing false personal information to a police officer. Hernandez was a passenger in a car that was stopped for an insurance violation. During the stop, Hernandez gave the officer a fake name. One of the other passengers in the car alerted the officer that Hernandez had given a false name. She also turned over Hernandez's Nevada state identification card and told the officer that Hernandez had asked her to hide the card. When Hernandez saw exchange between the passenger and the officer, he fled the scene on foot. Officers gave chase and ultimately apprehended him.</p> <p>The SCAO Stephen Patrick Keddington, 37, of Coalville, Utah, with retail theft. On August 23, 2013, Keddington took an 18-pack of Bud Light beer from the Coalville market and left the store without paying for it. A store employee wrote down Keddington's license plate number and reported the theft to the Summit County Sheriff's Office. A deputy located Keddington and the beer nearby at the Echo Island Camper World. Keddington has twice previously been convicted of retail theft, so the new charge is enhanced third degree felony.</p> <p><u>PLEAS, TRIALS, AND SENTENCES OF INTEREST</u></p> <p>Jorge Alberto Urias-Garcia, 28, of Park City, Utah, pled guilty to unlawful sexual conduct with a minor, a class A misdemeanor. Urias-Garcia had been charged with touching a seventeen year-old girl inappropriately. The court sentenced Urias-Garcia to serve 60 days in jail after which he will be released to the custody of United States Immigration and Customs Enforcement where he may face deportation.</p> <p>Phil B. O'Driscoll, 62, of Morgan, Utah, pled guilty to attempted kidnapping as a class A misdemeanor. O'Driscoll had been charged with attempting to take his mentally disabled adult daughter from Summit County to Salt Lake County without the permission of her court-appointed guardian. The court sentenced O'Driscoll to a suspended jail term, a \$1000 fine, and eighteen months probation.</p>

Department	Description of Updates																														
	<p>Sydney Lynn Enloe, 33, of Sandy, Utah, pled guilty to driving under the influence, a class B misdemeanor. Enloe had been found by a Summit County Sheriff's deputy weaving across the lanes of I-80 in Summit County. After her arrest, she provided a breath sample that registered a .197 blood-alcohol content, more than twice the legal limit. The court sentenced Enloe to serve five days jail, pay a \$1500 fine, perform 120 hours of community service, and to be on probation for eighteen months. Enloe must also undergo a substance abuse evaluation and successfully complete any recommended treatment and install an ignition interlock system on any car that she owns.</p> <p>Timothy Keith Anderberg, 55, of Provo, Utah, was sentenced on his fourteenth lifetime DUI. Anderberg was found driving while intoxicated after he struck a Park City light pole with his Cadillac Escalade and fled the scene. According to a blood sample taken shortly after the accident, Anderberg's blood alcohol level was .25, more than three times the legal limit. The county attorney's office asked the court to sentence Anderberg to prison because his repeated drunk driving made him a grave risk to the public and because this case was one of three pending felony DUI cases where in which he has recently plead guilty. The court refused to imprison Anderberg and instead sentenced him to 90 days jail, a \$1500 fine, and 36 months probation.</p> <p><u>Victim Advocate Activity</u></p> <p style="text-align: center;">Summit County Victim Assistance Activity Aug. 20 -- Sept. 2, 2013</p> <table border="1" data-bbox="337 852 1490 1465"> <tr> <td>Victim contact and Notification Packet sent out following offender being charged</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Victim Impact Statement assistance provided and Packet sent to victim with instructions</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Sentencing letter sent to victim with court sanctions and explanation</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Board of Pardons letter and registration of victims information for parole hearings</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Court Assistance provided to clients</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Hearings attended on behalf of victims and results of outcomes provided</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Court Prep and orientation in anticipation of testifying</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Protective Order assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Civil Stalking Injunction assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Child Protective Order assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Pre-Trial Protective Orders/Jail No Contact Agreements contact victims and request order</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Callout with law enforcement i.e., unexpected death, rape, after hour calls, etc.</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Client Mtgs i.e., walk-ins and appointments</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Children's Justice Center appointments with family or guardian during interview</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Restitution assistance i.e., submit claim forms to the Utah Office for Victim's of Crime, etc.</td> <td style="text-align: center;">3</td> </tr> </table>	Victim contact and Notification Packet sent out following offender being charged	8	Victim Impact Statement assistance provided and Packet sent to victim with instructions	4	Sentencing letter sent to victim with court sanctions and explanation	3	Board of Pardons letter and registration of victims information for parole hearings	0	Court Assistance provided to clients	0	Hearings attended on behalf of victims and results of outcomes provided	6	Court Prep and orientation in anticipation of testifying	0	Protective Order assistance in filing, service of order and hearing assistance	6	Civil Stalking Injunction assistance in filing, service of order and hearing assistance	0	Child Protective Order assistance in filing, service of order and hearing assistance	1	Pre-Trial Protective Orders/Jail No Contact Agreements contact victims and request order	1	Callout with law enforcement i.e., unexpected death, rape, after hour calls, etc.	1	Client Mtgs i.e., walk-ins and appointments	12	Children's Justice Center appointments with family or guardian during interview	0	Restitution assistance i.e., submit claim forms to the Utah Office for Victim's of Crime, etc.	3
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Community Development	<p>Submitted by <u>Pat Putt, Community Development Director</u>: See attached Community Development Report</p>																														
Engineering	<p>Submitted by <u>Derrick Radke, Engineer</u>:</p> <ul style="list-style-type: none"> • 4 -Subdivision/Site Plan Plat reviews • Park City Day School Parking lot rebuild • Village at Kimball Junction – Smiths, etc. <ul style="list-style-type: none"> ○ Pad E – Phase 2 – DIA / Building permit ○ Drainage issues ○ Storm water pollution prevention plan corrections ○ Site visit - inspections • Silver Creek Business Park – Lots 9-12 Amend plat / concept review 																														

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> • Fairway Springs – Failed Driveway and bond review / reduction • Colony Phase 4e – Lakes 4 and 5 – plat review • Echo Henefer Historic Loop Trail – follow-up • Vintage on the Strand Tunnel follow-up • Special Events review • Canyon Links II, notice of violation lifted. • Murnin Kilgore – Hotel impact review – Sun Peak Impact • Curve Speed study – Bitner Ranch Road • 2014 Budget considerations • Impact Fee Appeal to the Manager – Shepard of the Mountains • Winter Sports School – Charter location Traffic Impact off of Old Ranch Road • Impact Fee Administration • Office assist – applications • Traffic Count inquiries – Promontory area • Traffic Counts – Snyderville Basin Canyons area • Tanger Outlets review • Assistance with office • Employee Relations Meeting with Brian Bellamy • Browns Canyon Wall Construction Meeting • County Council Road Conditions • Truth in Taxation Hearing • Fleet Committee Meetings • Assist Lisa in organization of vehicle data • Construction Meetings for Lower Village Road and Summit Park • Budget preparation • Conference Call with Union Pacific regarding lease • Pavement Presentation at Staker • Public Works / Engineering Projects <ul style="list-style-type: none"> ○ Summit Park – Parkview Dr. Reconstruction <ul style="list-style-type: none"> ▪ Construction meetings ▪ Quantity Worksheets ▪ Inspection Report Worksheet ▪ Pay Estimate spreadsheet prepared ▪ Quantity Reviews & Submittals ○ Overlay Project <ul style="list-style-type: none"> ▪ Inspections ▪ Quantity Reviews ○ Lower Village Road <ul style="list-style-type: none"> ▪ Construction meetings ▪ Quantity Worksheets ▪ Inspection Report Worksheet ▪ Pay Estimate spreadsheet prepared ▪ Quantity Reviews & Submittals • Residential Permit Activity <ul style="list-style-type: none"> ○ 7 over the counter ○ 38 plans reviewed ○ 28 driveway inspections ○ 31 erosion control inspections ○ 2 code enforcement

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> ○ 41 Bond Release Inspections ● Right-of-Way Permit Activity <ul style="list-style-type: none"> ○ 24 new applications, GovPartner ○ 15 field inspections: 1 Questar regulator Station on Kilby Rd; 3 A-Plus Sewer on Saddle Back, Wrangler Way, Silver Spur; 2 Allwest in Henefer and Wanship; 3 Chevron Pipeline, Silver Creek, Silver Spur, Bench Creek; 1 Questar building; 1 Liberty Peeks; 1 Century Link; 1Questar service (New Park Rd crossing); 1 Silver Creek horse trail 1 Am cast water hook up in Hoytsville 1 bond release chevron pipeline Kamas Revegetation
Facilities	<p><u>Submitted by Mike Crystal:</u> Finishing clean up and repairs from fair and building and installing state fair display. Preparing parking lot at district court for a seal coat. Library rearranging in Kamas. Repairing couple of main water leaks Richins Building, and repairing well pump. Working with Brian on some retirements coming up.</p>
Health Department	<p><u>Submitted by Rich Bullough, Director:</u> <u>Food, Restaurants, and Events Program</u></p> <p>One of the very important functions of the Summit County Health Department is our work related to food, restaurants, and temporary/special events that serve food. This work is headed by Leslie Freeman.</p> <p>This year to date Leslie has permitted and inspected over 180 temporary events, has issued nearly 1500 food handler cards, and has taught nearly 40 food handler classes (in both English and Spanish). On top of that, she permits and inspects approximately 250 permanent and 30 seasonal restaurants in Summit County. Also, Leslie will go to businesses to conduct trainings if multiple individuals need to be trained. Needless to say, she is very busy!</p> <p>Leslie has also overseen the implementation of the new state food handler requirements. These requirements standardize food handler testing, cards, and fees across the state. One of the requirements is also a standardized duration and type of training, resulting in an increase in duration of training classes from one to two hours. Importantly, all local health jurisdictions now allow food handlers trained in other counties to work within our jurisdictions. This makes it much easier on workers and employers while assuring safe, competent workers.</p> <p>During the year the partnerships with community members and business has strengthened. As a department we have focused on working as partners to help businesses and others be successful while assuring health and safety. One example is a partnership with Park City Municipal. Together we now share vital information between business licensing, code enforcement and the Park City Building Department. There are also numerous examples of working hand-in-hand and consulting with business owners and workers to support their needs while assuring requirements are met.</p> <p>As business picks up and the number of events increases, we are looking to become increasingly efficient. One area Leslie will be investigating is online permitting of temporary events serving food. Also, she is working hard to educate event organizers, community leaders, and others about the need for timely application. Both of these ventures will reduce the amount of time she is in the field, trying to accommodate at the last minute. They will avoid, as much as possible, our need to become punitive and will support our desire to work in partnership.</p>
I.T.	<p><u>Submitted by Ron Boyer, I.T. Director:</u> We visited with Utah County's Recorder on using GIS mapping for new subdivisions. Utah County is</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>using Sidwell as a workflow process. We are trying to avoid this process because it requires an extra piece of software. We also visited Mono County, California to see their process. Their county is similar to Summit County, so their tax maps are similar to Summit. There are several condominium units, which have been difficult to map in the past. Mono County is using ESRI's parcel fabric layer. We believe this offers a better option for mapping in the Recorder's office.</p> <p>We spent several hours trying to get data to map the Rockport fire as well as put information on the county website.</p> <p>We have been able to create a form to bid on surplus vehicles. We have also created a form to apply for Board of Equalization.</p> <p>The Health Departments in Coalville and Kamas have now been fully switched over to the Utah Telehealth Network. Previously, the department was run on the state network. The switch has caused some issues, but we seem to be working the problems out.</p> <p>Three new wireless access points were added to the County Courthouse. This will improve connections in the building.</p> <p>The Assessor's office has purchased three Microsoft Surface tablet devices to use as desktop replacements. The Jail is also using a few Microsoft Surfaces to replace laptops. The devices are very useful, because they can act as a tablet and run all of the programs written for Windows.</p> <p>Support incidents August 7 – September 5, 227 tickets opened and 239 resolved and 41 still open</p>
Justice Court	
Library	<p><u>Submitted by Dan Compton, Library Director:</u></p> <p>Summer Reading - (From Kirsten Nilsson) We had our most successful summer reading program to date. Combined with Kamas and Coalville, the kids at our three branches read a grand total of 342,180 minutes—that's 5,703 hours! At the Kimball Junction Branch alone, our participants read a grand total of 172,550 minutes—2,876 hours. In other words, there's been a lot of reading going on this summer. We had four guest performers—Coralie Leue and her puppet pals, Kim's Cold-Blooded Creatures, storyteller Indiana Bones, and Mr. Silly Gilly—all of whom were generously supported by Friends of the Library donations. We also increased our summer story times to twice a week, provided fun reading rewards, introduced a new semi-monthly craft time, partnered with the Health Department for some "StoryWalks", brought back four weeks of Dog Days at the library, continued our Baby Rhyme Time, and reached out to our teens with various weekly activities. It's been a busy, fun-filled summer.</p> <p>Under One Sky - I've been working with Anita Lewis and Kirsten Nilsson to plan a kick-off event to celebrate a new book of Summit County photographs titled <i>Under One Sky</i>. We are planning to have the event at the Old Rockport Church on Monday, September 30 from 6:30-8:00 p.m. It looks like we'll be able to get Lannie (The Marshal) Scopes and Craig (Creek) Johnson to provide the cowboy poetry/musical entertainment. This should be a fun event for the whole family and an opportunity to recognize the creators of the book and to thank the County Council and County Manager for their support of this project.</p> <p>Genre Fiction - Our branches will be undergoing a change to the way we shelve the fiction book and CD collections over the next few months. Instead of shelving the entire fiction collection by author last name only, we are going to start shelving by genre first and then author last name. The Coalville Branch is currently operating under this system which uses colored spine labels to differentiate between the genres. The other branches have started the conversion process. This will take some time and we won't be changing the current shelving method until all of the books are properly labeled. This will help make browsing the fiction collections easier at all of our branches (think bookstore model).</p> <p>Banned Books Week</p>

<u>Department</u>	<u>Description of Updates</u>
	Banned Books Week is September 22-28. As far as I know our library has never promoted this event. This year we took promotional “mug shots” of library staff members reading books that have been challenged to put in the newsletter. We plan to put up displays during that week and we will also be screening the film <i>Matilda</i> on Friday, September 27th. <i>Matilda</i> has been a challenged book.
Mountain Regional Water	
Park City Fire Service District	
Personnel	
Public Works	<p><u>Submitted by Kevin Callahan:</u> Emergency Management</p> <ul style="list-style-type: none"> • Coordinated agreement with Natural Resource Conservation Service on reseeding of Rockport Fire area • Coordinated 2013 Homeland Security grant application requests from Summit County Sheriff, South Summit Fire, South Summit Ambulance, North Summit Fire, North Summit Ambulance, Park City Fire, Park City Ambulance, Park City PD • Completed Rockport Fire After Action report • Worked with County Planning and Building on possibility of having Mountainlands Housing accept a donated 2 story 2000 square foot concrete tilt up home for Rockport fire victims. • Attended two day training on Emergency Operations Center Management and Operations. • Completed 2014 Emergency Services budget. <p>See the attached After Action Report of the Rockport Five Fire</p>
Recorder	
Treasurer	<p><u>Submitted by Corrie Forsling:</u></p> <ul style="list-style-type: none"> • In process of completing a software program change to allow prior year delinquent tax amounts to print on the annual tax notice (providing more information than just a notice that there are delinquencies due, as the notice is currently designed). • Taking the opportunity presented by the programming change to streamline the tax notice design overall. • Beginning the billing process for Echo Sewer Special Service District. • Selected new online ticket vendor for 2014 Fair ticket sales (Demolition Derby and Rodeo). Should solve problem of server crashes and long wait times with previous vendor. • County departments have an available option to accept credit cards using mobile devices not tied to a physical office location. Will present this “Virtual Merchant” option at the department head meeting on Sep. 9. <p>For Motor Vehicle:</p> <ul style="list-style-type: none"> • The state tax commission has developed a new Motor Vehicle software platform, and our staff was sent to SLC for two days of training. Reports are that it could be a very user-friendly change. Rollout expected mid-October.
Sheriff	<p><u>Submitted by Lt. Nick Wilkinson:</u></p> <ul style="list-style-type: none"> ○ The Sheriff's Office responded to the Rockport 5 fire. Multiple platoons were activated and responded to assist in evacuations and checkpoints. Deputies and officers from the Summit County Sheriff's Office, Wasatch County Sheriff's Office, Heber City Police Department, Park City Police Department, Utah Highway Patrol, Division of Natural Resources, Division of Wildlife Resources, ATF, FBI, and US Forest Service were called to assist. <p>The fire taxed resources as the Sheriff's Office continued to provide response to regular calls for service. A foot pursuit, vehicle pursuit, numerous arrests, counterfeiting, fatal vehicle collision,</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>three major road closures, five missing persons, jail evacuation, and several special event staffing postings were handled. Most incidents were not directly related to the fire.</p> <ul style="list-style-type: none"> ○ We are still compiling financial totals for the impact of the fire at the time of this report. ○ Over the month of August the Summit County Sheriff's Office booked 104 people into jail. ○ The Corrections Division reports that Deputy Angela Rose has successfully completed the Fred House Academy and is beginning FTO in the jail. Deputy Bolander is starting the POST LEO academy. Deputy Schaeffer is continuing K9 training and was involved in the K9 trials in Salt Lake City during August. ○ During the month of August the Summit County Sheriff's Office Patrol Division responded to 2256 calls for service. Notable among those were: <ul style="list-style-type: none"> ▪ 83 false alarms ▪ 83 citizen assists ▪ 5 missing persons ▪ 327 directed patrols ▪ 147 attempts to locate ▪ 575 traffic stops ○ Patrol deputies and detectives continue extra directed patrols near local mink farms as PETA and ALF have made Utah a priority target. Mink harvest season is approaching in late November and December. ○ Summit County K9 Tank (Bloodhound) successfully located a suspect that fled on foot from deputies. ○ 14 patrol deputies were outfitted with on-deputy AXON video cameras provided by the DEA at no cost to the county. The systems, storage, and software is valued at over \$65,000.00. ○ Special event revenue total \$93,390.00 for FY 2013 YTD. ○ The Uinta National Forest was crowded for Labor Day Weekend. Sheriff's forest patrols reported all campgrounds as being full with many additional campers in non-improved sites. ○ Numerous special events occurred during the month of August require deputy staffing including: <ul style="list-style-type: none"> ○ The Tour of Utah ○ The Ultimate Challenge Ride ○ Summit County Fair ○ Kimball Art Festival ○ Fur Breeders Association Convention ○ Extreme Soccer Cup ○ Mustang Ford Car Show ○ Park City Marathon ○ Jordanelle Triathlon ○ NAC Summit Challenge Bike Race ○ Hog for Humanity Ride ○ Francis Frontier Days ○ Iron Order Motorcycle Ride

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> ○ The Investigations Division has noted a rise in vehicle burglaries and is working with surrounding agencies to follow up on suspect leads. Surrounding agencies are reporting home burglaries where vehicles are being stolen and dumped in the SL Valley. ○ School resource detectives are following up on several vandalism cases involving "tagging." ○ The Investigations Division has purchased new crime scene security screens and a pop up canopy to provide shelter and security for crime scene investigations. ○ The gang detective is reporting a slight increase in gang activity in Summit County. Investigations and patrol are working together to continue to suppress gang presence and activity. ○ Search and Rescue assisted Daggett County in their search for a missing teenager, the child was found in good condition. SAR was deployed multiple times during the month of August. SAR assisted with evacuations during Rockport 5 fire. SAR responded to 5 missions in a 24 hour period over one weekend. ○ Major Crimes / BACKNET arrested a major suspect in a GHB investigation. 1.1 Kilos of GHB was recovered. GHB is commonly known as a drug to facilitate non-consensual sexual activity or "date rape." ○ Major Crimes has acquired a "Cell Bright" forensic evidence recovery tool. It will be utilized to analyze and recover digital evidence from cell phones and tablet devices. The Cell Bright tool was purchased utilizing seizure funding. ○ Major Crimes Detective Vince Nguyen was awarded the "Elk's Lodge Law Enforcement Deputy of the Year" by the Park City Elk's Lodge in August. ○ The Communication Division reports: <ul style="list-style-type: none"> ○ Dispatch Supervisor Shaw and Dispatcher Butterfield handled a difficult call involving the death of an infant at the Silver Mountain Spa. ○ ○ Dispatchers Shaw, Pyper, and Butterfield were instrumental in coordinating communication and response during the initial stages of the Rockport 5 Fire. Dispatchers Peterson, Wolnick, and Farrell quickly responded and assisted as the scope of the fire increased. Dispatchers handled deputy, fire, EMS, public works, air, and 911 calls during this time. They monitored over six different active radio channels and handled numerous inbound calls for service involving the fire and regular calls
Snyderville Basin Recreation	
USU Extension	

COMMUNITY DEVELOPMENT

- The department received 22 new building applications and 5 new planning applications this past week as follows:

NEW BUILDING PERMITS August 29 –September 4, 2013

Number	Full Address	Description
2013-1365	206 E CRESTVIEW	Underground electrical and power to panel /Repairs from fire
2013-1366	1475 SW WILLOW LN	Remodel existing garage and add new attached garage
2013-1367	7461 N WHILEAWAY RD W RD	New Gas Pressure / Upgrade
2013-1369	1002 CUTTER LN	Single Family Dwelling
2013-1374	2483 W DAYBREAKER	Photovoltaic
2013-1375	1203 ANGUS CT	Photovoltaic
2013-1378	32 WHITE PINE CANYON RD	Roof Remodel
2013-1379	60 CORRAL RD	Single Family Dwelling
2013-1384	76 WHITE PINE CANYON RD	Demolition/Interior
2013-1368	867 E SILVER SAGE DR	Single Family dwelling
2013-1371	1270 W ARAPAHO DR	Paul McCarty
2013-1373	4909 LAST STAND DR	3 Bathrooms / Bedroom Remodel
2013-1376	1069 SHOYTSVILLE RD	Photovoltaic
2013-1377	3000 CANYONS RESORT DR	Temporary Tent / 40 X 60
2013-1370	985 PRIMROSE PL	Single Family dwelling
2013-1380	8765 N GORGOZA DR	Addition / Remodel
2013-1381	110 LOWER EVERGREEN DR	Deck
2013-1382	1106 ABILENE WAY	Addition / Remodel
2013-1383	3046 W LOWER SADDLEBACK RD	DECK ADDITION
2013-1386	6300 N SAGEWOOD DR	Interior Demo Only *Old Mtn. America CU*
2013-1385	2528 S HI DRI CIR	remodel kitchen / living area
2013-1387	344 E HOLLOW DR	Art Durnan

Planning Applications
August 29 - September 4, 2013

Project Number	Description
2013-707	Canyons Dematic Conference Tent TUP Temporary Use Permit PP-8-A 4000 Canyons Resort Drive
2013-708	Ammo Club LIP Low Impact Permit SL-I-7-1 7182 N Silver Creek Road
2013-709	Highland Estates Levanger LOR Lot of Record HE-B-247-A 920 Silver Sage Drive
2013-710	Enclave at Cedar Draw Lot 2 & 3 PA Spencer White Plat Amendment ECDS-2-2 & 3-AM 4761 Enclave Court
2013-711	Carr Pinebrook LOR Lot of Record PB-4-164 7512 N. Stagecoach Drive

Respectfully Submitted, Patrick Putt
Community Development Director

SUMMIT COUNTY EMERGENCY MANAGEMENT

Memorandum

For: Utah Division of Emergency Management
From: Kevin Callahan, Summit County Emergency Manager
Subject: After Action Report on Rockport Five Fire

Event Summary

The Rockport Five Fire began on the early afternoon on Tuesday August 13, 2013 at approximately 1:30 PM on a steep east facing hillside near the face of the Rockport Dam in Summit County, Utah. The fire began as the result of a lightning strike that hit a power pole. The Summit County Fire Warden responded immediately and was on scene within five minutes of the beginning of the fire. However, despite several wildland fire fighters on scene within a short time, a 25 mph wind pushed the fire up the hill. The fire burned the east face of the slope and entered into Kent Canyon within the first 20 minutes. Eventually the fire consumed 1,920 acres, destroyed eight residences and perhaps a dozen outbuildings. The fire lasted a total of six days and involved the commitment of up to 180 fire fighters at the peak of the response.

The fire forced the evacuation of 350 residences in Rockport Estates, Rockport Ranches, Bridge Hollow and a portion of the Promontory subdivision. After two days the evacuation order was lifted for the residents of Promontory and Bridge Hollow. The final evacuation order for Rockport Ranches and Rockport estates was lifted on Monday morning August 19 at 8 AM. The fire was a significant natural disaster for Summit County that required a sustained multi-agency response to contain. The initial estimated cost is approximately \$2,000,000. The fire suppression efforts involved the active participation of a multitude of fire agencies include the State Division of Forestry, Fire and State Land, North Summit Fire District, South Summit Fire District and the Park City Fire District. As it was a wildland fire in unincorporated private lands, the State Division of Forestry was the lead agency and exercised incident command throughout the entire incident.

Fire Operations

Since the incident occurred on unincorporated county land but within the North Summit Fire District, it was immediately clear that this would be a state managed fire. Within 20 minutes of the initiation of the fire the County Fire Warden had called Northern Utah for aircraft authorization and State Fire for the initiation of an FMAG request. The first aircraft retardant drops occurred about 4 PM on the afternoon of August 13th. Both of these quick actions resulted in substantial mitigation and saved many homes from being lost to the fire. The consensus of the after action meeting from the fire personnel was that overall fire operations performed very well with minimal areas where operations could have been improved.

One challenge with fire operations for the South Summit Fire District is that they allowed the deployment of most of their resources to this fire and this left their district vulnerable in the event of other fires or calls occurring during the incident.

Communications

As with most wildfire incidents, maintaining adequate communications between the incident command and the joint information center proved to be a challenge. At the conclusion of the first day it was clear that better coordination was needed between the State's PIO and numerous county PIOs who were there for support. The Joint Information Center (JIC) was then established and staffed by the state and local PIOs. However, the JIC was not fully functional until the evening of Wednesday August 14. A second challenge was the physical facility and location of the JIC. The County's State Liaison had arranged for the UHP mobile command vehicle to be loaned to Summit County to be used as a JIC and it was delivered to the Sheriff's office on the evening of the 14th. However, based on a request by the Incident Commander, the JIC vehicle was relocated to the Wanship UDOT yard on the morning of the 15th. Later this mobile command was replaced by one from the Summit County Sheriff's office. These transitions were confusing to both staff and the media and momentarily affected our ability to convey accurate information.

Communication effectiveness was also an issue between the JIC and County Dispatch located at the Sheriff's Office. Dispatch was being inundated with phone calls and media inquiries and was short staffed and the JIC was unable to keep them fully apprised of all of the constant updates. Another area of communications challenge was with radio interoperability with some districts not being able to communicate ground to aircraft or get all messages relayed by incident command. Communication between the JIC and Red Cross operations also showed some problems with coordination.

Emergency Planning/Coordination

This incident was the first full-scale emergency event for the County's Emergency Manager acting in that role. The Emergency Managers primary roles are to:

- Coordinate resources during the emergency through mutual aid agreements
- Establish an emergency operations center to assess conditions and fill resource requests
- Keep the County Manager and Council informed of the progress and problems with the incident
- Manage records pertaining to the emergency

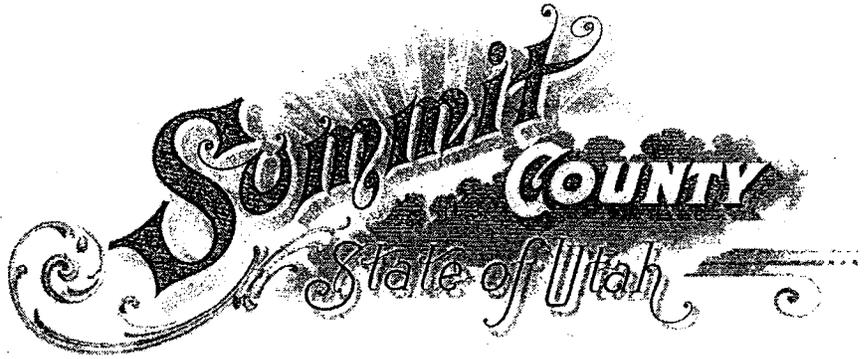
While the overall coordination of the incident was achieved it was done without formally opening an emergency operations center. Instead the Emergency Manager worked closely with the JIC. However, it is clear that more staff should have been involved in that coordination to make sure that all pertinent issues were being attended to as the situation developed. The State Liaison should have been contacted early in the fire event but he initiated contact the following day and joined in the support team. Also, the Emergency Manager received several phone calls from other counties offering assistance but there was no forum to determine what assistance was needed and who could provide it.

Proposed Plan for Addressing Program Deficiencies

Problem	Responsible Agency(s)	Proposed Action
Over- deploy fire staff resources	Area Fire Districts	Review MOUs to establish protocols for draw downs and back filling from other agencies
Information Coordination	State and local PIOs County Dispatch, Emergency Manager	Establish protocols to keep all agencies fully informed during incidents
Confusion of JIC location	State and local PIOs County Dispatch, Emergency Manager	Pre-establish locations for incident command posts, JICs and EOCs. as needed.
Radio Communications among agencies	Area Fire Districts, PIOs, and Emergency Manager	Coordinated training on use of various radios and communications protocols for all participants.
Communication between the JIC and Red Cross Operations	PIOs, Emergency Manager and Red Cross	Establish clear protocols among these players of how to relay information needs and concerns with all of the participants.
Delay in setting up Emergency Operations Center	County Emergency Manager	Establish clear thresholds for the establishment and operation of filed and central EOCs.
Request Outside Assistance	County Emergency Manager	Establish clear protocols for informing State Liaison and requesting outside assistance.

Auditor

Blake Frazier



September 03, 2013

County Council;

Please consider approving the 2013 Board of Equalization Stipulations on September 11th. They will be prepared for your review prior to that date.

Thank You,

A handwritten signature in cursive script that reads "Kathryn".

Kathryn Rockhill
BOE Clerk

2013 BOE Adjustments

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	Old Tax Estimate	% Difference	DATE	Date Sent	Explanation for adjustment
0315527	EP-I-24	\$ 2,301,600.00	\$ 2,855,904.00	\$(54,304.00)	\$ 2,301,600.00	\$ 2,855,904.00	\$(54,304.00)	\$ 25,977.30	-19.41%	9/3/2013	9/11/2013	
0097919	SK-5	\$ 67,000.00	\$ 83,328.00	\$(16,328.00)	\$ 67,000.00	\$ 83,328.00	\$(16,328.00)	\$ 778.20	-19.59%	9/3/2013	9/11/2013	
0097653	SK-21-22	\$ 74,000.00	\$ 91,438.00	\$(17,438.00)	\$ 74,000.00	\$ 91,438.00	\$(17,438.00)	\$ 853.94	-19.07%	9/3/2013	9/11/2013	
0342521	CSLC-A202-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342539	CSLC-A209-AM	\$ 1,008,000.00	\$ 1,008,000.00	\$ -	\$ 1,008,000.00	\$ 1,008,000.00	\$ -	\$ 9,168.77	0.00%	9/4/2013	9/11/2013	
0342547	CSLC-A210-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342554	CSLC-A223-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342562	CSLC-A224-AM	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 10,005.60	-13.18%	9/4/2013	9/11/2013	current sales indicate an adjustment to 955000
0342570	CSLC-A232-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342588	CSLC-A238-AM	\$ 812,000.00	\$ 1,100,000.00	\$(288,000.00)	\$ 812,000.00	\$ 1,100,000.00	\$(288,000.00)	\$ 10,005.60	-26.18%	9/4/2013	9/11/2013	current sales indicate an adjustment to 812000
0342596	CSLC-A301-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342604	CSLC-A302-AM	\$ 1,008,000.00	\$ 1,400,000.00	\$(392,000.00)	\$ 1,008,000.00	\$ 1,400,000.00	\$(392,000.00)	\$ 12,734.40	-28.00%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342612	CSLC-A309-AM	\$ 1,008,000.00	\$ 1,100,000.00	\$(92,000.00)	\$ 1,008,000.00	\$ 1,100,000.00	\$(92,000.00)	\$ 10,005.60	-8.36%	9/4/2013	9/11/2013	
0342620	CSLC-A310-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342638	CSLC-A317-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342646	CSLC-A318-AM	\$ 1,008,000.00	\$ 2,000,000.00	\$(992,000.00)	\$ 1,008,000.00	\$ 2,000,000.00	\$(992,000.00)	\$ 18,192.00	-49.60%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342653	CSLC-A323-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342661	CSLC-A324-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342679	CSLC-A332-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342687	CSLC-A338-AM	\$ 812,000.00	\$ 1,100,000.00	\$(288,000.00)	\$ 812,000.00	\$ 1,100,000.00	\$(288,000.00)	\$ 10,005.60	-26.18%	9/4/2013	9/11/2013	current sales indicate an adjustment to 812000
0342695	CSLC-A409-AM	\$ 1,100,000.00	\$ 1,500,000.00	\$(400,000.00)	\$ 1,100,000.00	\$ 1,500,000.00	\$(400,000.00)	\$ 13,644.00	-26.67%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1100000
0342703	CSLC-A410-AM	\$ 1,008,000.00	\$ 1,008,000.00	\$ -	\$ 1,008,000.00	\$ 1,008,000.00	\$ -	\$ 9,168.77	0.00%	9/4/2013	9/11/2013	
0342711	CSLC-A417-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342729	CSLC-A418-AM	\$ 1,100,000.00	\$ 1,600,000.00	\$(500,000.00)	\$ 1,100,000.00	\$ 1,600,000.00	\$(500,000.00)	\$ 14,553.60	-31.25%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1100000
0343737	CSLC-A423-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0342752	CSLC-A432-AM	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 1,008,000.00	\$ 1,500,000.00	\$(492,000.00)	\$ 13,644.00	-32.80%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0342760	CSLC-A438-AM	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 10,005.60	-13.18%	9/4/2013	9/11/2013	
0350599	CSLC-B-B267-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350581	CSLC-B-B270-AM	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 10,005.60	-13.18%	9/4/2013	9/11/2013	
0350615	CSLC-B-B273-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350607	CSLC-B-B276-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350631	CSLC-B-B279-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350623	CSLC-B-B282-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350623	CSLC-B-B282-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350656	CSLC-B-B285-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350649	CSLC-B-B288-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350672	CSLC-B-B298-AM	\$ 1,008,000.00	\$ 1,100,000.00	\$(92,000.00)	\$ 1,008,000.00	\$ 1,100,000.00	\$(92,000.00)	\$ 10,005.60	-8.36%	9/4/2013	9/11/2013	
0350714	CSLC-B-B373-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350706	CSLC-B-B376-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350730	CSLC-B-B379-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350722	CSLC-B-B382-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350755	CSLC-B-B385-AM	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 760,000.00	\$ 900,000.00	\$(140,000.00)	\$ 8,186.40	-15.56%	9/4/2013	9/11/2013	
0350763	CSLC-B-B394-AM	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 955,000.00	\$ 1,100,000.00	\$(145,000.00)	\$ 10,005.60	-13.18%	9/4/2013	9/11/2013	
0350771	CSLC-B-B398-AM	\$ 1,008,000.00	\$ 1,846,000.00	\$(838,000.00)	\$ 1,008,000.00	\$ 1,846,000.00	\$(838,000.00)	\$ 16,791.22	-45.40%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0350797	CSLC-B-B485-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350789	CSLC-B-B488-AM	\$ 857,000.00	\$ 875,000.00	\$(18,000.00)	\$ 857,000.00	\$ 875,000.00	\$(18,000.00)	\$ 7,959.00	-2.06%	9/4/2013	9/11/2013	
0350805	CSLC-B-B494-AM	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 857,000.00	\$ 1,100,000.00	\$(243,000.00)	\$ 10,005.60	-22.09%	9/4/2013	9/11/2013	current sales indicate an adjustment to 857000
0350813	CSLC-B-B498-AM	\$ 1,088,000.00	\$ 1,846,000.00	\$(758,000.00)	\$ 1,088,000.00	\$ 1,846,000.00	\$(758,000.00)	\$ 16,791.22	-41.08%	9/4/2013	9/11/2013	current sales indicate an adjustment to 1008000
0357016	CRQJ-3-AM	\$ 350,000.00	\$ 350,000.00	\$ -	\$ 192,500.00	\$ 350,000.00	\$(157,500.00)	\$ 3,253.25	-45.00%	9/4/2013	9/11/2013	Primary Residence Change
0342505	CSLC-A138-AM	\$ 955,000.00	\$ 955,000.00	\$ -	\$ 955,000.00	\$ 955,000.00	\$ -	\$ 8,686.68	0.00%	9/4/2013	9/11/2013	
0285480	MH-II-87	\$ 792,683.00	\$ 792,683.00	\$ -	\$ 792,683.00	\$ 438,505.00	\$ 354,178.00	\$ 4,075.90	80.77%	9/4/2013	9/11/2013	
0299234	MOOSE-24-AM	\$ 327,500.00	\$ 479,072.00	\$(151,572.00)	\$ 327,500.00	\$ 479,072.00	\$(151,572.00)	\$ 4,159.30	-31.64%	9/4/2013	9/11/2013	After reviewing the information regarding the purchase of this property on 2/28/2012 an adjustment has been made to establish an adjusted market value
Totals for 9/11/2013		\$ 45,692,783.00	\$ 59,290,425.00	\$(13,597,642.00)	\$ 45,535,283.00	\$ 58,936,247.00	\$(13,400,964.00)					
Totals for 9/4/2013		\$ 182,109,624.00	\$ 211,373,202.00	\$(29,263,578.00)	\$ 138,575,271.00	\$ 190,365,899.00	\$(51,790,628.00)					
Totals for 8/21/2013		\$ 43,340,430.00	\$ 49,490,523.00	\$(6,150,093.00)	\$ 29,421,027.00	\$ 46,124,544.00	\$(16,703,517.00)					
Running Total		\$ 271,142,837.00	\$ 320,154,150.00	\$(49,010,313.00)	\$ 213,531,581.00	\$ 295,426,690.00	\$(81,895,109.00)					

The Market value decrease for 2013 is (\$ 49,010,313) As of 9/11/2013

The Taxable Value decrease for 2013 is (\$ 81,895,109) As of 9/11/2013



STAFF REPORT

To: Summit County Council
From: Jennifer Strader, County Planner
Report Date: September 4, 2013
Meeting Date: September 11, 2013
Project Name: Canyon Corners Development Agreement Amendment

EXECUTIVE SUMMARY: The applicant, David Gee, representing the property owner, William Wirthlin, is requesting to amend the Canyon Corners Development Agreement (Agreement) to extend the duration of the Agreement for an additional four (4) year period, until December 22, 2017 (**EXHIBIT A**). The Agreement expires on December 22, 2013.

The Canyon Corners Development Agreement was recorded on August 4, 2004 as part of a Specially Planned Area. The project is located across the street from Ruby Tuesday, on Landmark Drive. The duration of the Agreement was five (5) years, expiring on August 4, 2009. The Agreement allowed the developer to request one (1) additional five (5) year extension (**EXHIBIT B**). On October 29, 2008, the Summit County Board of Commissioners (BCC) approved a five (5) year extension, resulting in an expiration of December 22, 2013.

Staff recommends that the Summit County Council (SCC) conduct a public hearing and vote to approve an amendment to the Agreement for an additional four (4) year term, until December 22, 2017.

A. Project Description

- **Project Name:** Canyon Corners Development Agreement
- **Project Type:** Development Agreement Amendment
- **Applicant(s):** David Gee
- **Property Owner(s):** William Wirthlin
- **Location:** 6622 North Landmark Drive
- **Zone District & Setbacks:** Town Center - setbacks subject to Agreement
- **Adjacent Land Uses:** Restaurant, Hotel
- **Existing Uses:** Vacant
- **Parcel Number:** CANCOR-1
- **Type of Process:** Legislative

B. Background

Canyon Corners is located in the Town Center (TC) zone and was approved through the Specially Planned Area (SPA) process, which included the approval of a Development Agreement by the BCC. The Agreement provides for a total of 61,000 square feet of retail and commercial density on 8.42 acres (**EXHIBIT C**).

In exchange for the density, the following benefits were to be provided:

1. Construction of trails to connect community trails and the I-80 pedestrian bridge **(completed)**.
2. Construction of two (2) crosswalks across Landmark Drive **(completed)**.
3. Construction of a bus shelter and turn-around **(turn-around has been provided, but not the shelter)**.
4. Improvement of on-site detention area **(completed)**.
5. Construction of Landmark Drive deceleration lane **(completed)**.
6. Maintenance and construction of a sidewalk **(sidewalk provided, maintenance undetermined)**.
7. Financial contribution of \$150,000 to Summit County for traffic related studies and/or improvements in the Kimball Junction area **(to be done prior to the issuance of the first Certificate of Occupancy)**.

In 2006, the developer installed the infrastructure for the site and completed the benefits that are described above; however, no structures have been built.

The applicant's original proposal requested a five (5) year extension; however, Staff and the SBPC felt that four (4) years would provide an appropriate amount of time for the applicant to proceed with the project.

On July 23, 2013, the Snyderville Basin Planning Commission (SBPC) conducted a public hearing and voted unanimously to forward a positive recommendation to the SCC for a proposed four (4) year extension.

C. **Community Review**

This item has been noticed as a public hearing in The Park Record. Public hearing notices have been sent to all property owners located within 1,000' from the boundaries of the subject parcel. At the time of this report, no public comment has been received.

D. **Identification and Analysis of Issues**

The applicant is requesting to extend the terms of the Agreement due to economic conditions that existed during the period of the original approval and subsequent five (5) year time frame. Additionally, after the first five (5) year extension, the property owner became ill and wasn't able to develop or market the project.

The proposed amended language calls out the community benefits that have been provided and those that are still required. The completion of the benefits, combined with the fact that the infrastructure has been installed shows that reasonable progress has been made towards construction of the project. The entire project does not need to be built within the four (4) year timeframe, but the applicant will need to show that continued progress is being made.

The intent of amending the language is to provide reasonable assurances to potential users/tenants that the Agreement is still in effect.

E. **Code Criteria / General Plan Compliance**

The Code does not contain specific criteria for an amendment to an Agreement; however, the Agreement was reviewed, found to be compatible with, and approved under the Code and General Plan that were in effect in 2004. The

amendment will not modify the density, uses, or any other entitlements or requirements that were granted in the Agreement.

G. Recommendation(s)/Alternatives

Staff recommends that the SCC hold a public hearing and take public comment on the application. Based upon the review outlined in this report, and unless members of the public bring to light new issues or concerns that may affect these findings, Staff also recommends that the SCC vote to **approve** the amendment to the Canyon Corners Development Agreement for **four (4) additional years**, based on the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Canyon Corners is located on Parcel CANCOR-1 and is in the Town Center (TC) zone district.
2. The Canyon Corners Development Agreement was recorded on August 4, 2004 and was effective for a five (5) year period, expiring on August 4, 2009.
3. The Agreement provides for a total of 61,000 square feet of retail and commercial density on 8.42 acres.
4. Section H(4) of the Agreement states, "Prior to the expiration of the initial five (5) year period, the developer may request one (1) additional five (5) year extension of this Agreement from the Board of County Commissioners".
5. In 2006, the developer installed the infrastructure for the project, including the landscaping, trails, crosswalks, bus turn-around, and sidewalks.
6. The remaining public benefits include the construction of a bus shelter and a financial contribution of \$150,000 to Summit County for traffic related studies and/or improvements in the Kimball Junction area.
7. On October 1, 2008, the property owner requested an additional five (5) year extension to the Agreement.
8. On October 29, 2008, the BCC approved a five (5) year extension, resulting in an expiration of December 22, 2013.
9. On May 13, 2013, an application to amend the language regarding the duration of the Agreement was submitted to the Community Development Department.
10. On July 23, 2013, the SBPC voted to forward a positive recommendation to the SCC for an amendment to extend the duration of the Agreement for four (4) years, expiring on December 22, 2017.

Conclusions of Law

1. The amendment will not modify the density, uses, or any other entitlements or requirements that were granted in the Agreement.
2. Four (4) additional years allows time for the developer to proceed with reasonable diligence to commence construction of the approved buildings within the project and complete the remaining public benefits.

Attachments

Exhibit A: Proposed Language

Exhibit B: Existing Language

Exhibit C: Site Plan/Building Elevations

WHEN RECORDED RETURN TO:

Summit County Clerk
Summit County Courthouse
60 North Main
Coalville, Utah 84017

**AMENDMENT TO
DEVELOPMENT AGREEMENT FOR
THE CANYON CORNERS SPECIALLY PLANNED AREA
KIMBALL JUNCTION, SUMMIT COUNTY, UTAH**

THIS AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE CANYON CORNERS SPECIALLY PLANNED AREA (the “**Amendment**”) is entered into to be effective as of _____, 2013 (“**Effective Date**”), by and between William M. Wirthlin II, solely in his capacity as Personal Representative of The Estate of W. Meeks Wirthlin (the “**Developer**”), and Summit County, a political subdivision of the State of Utah (the “**County**”). [Developer and the County are individually referred to in this Amendment as a “**Party**” and collectively referred to herein as the “**Parties**”].

R E C I T A L S:

A. Developer is the successor to Kris Pollock pursuant to that certain Development Agreement for The Canyon Corners Specially Planned Area, dated December 22, 2003 (“**Development Agreement**”). Capitalized terms which are used but not defined in this Amendment shall have the same meanings as are assigned to the corresponding capitalized terms in the Development Agreement.

B. Pursuant to and in accordance with Section D.22(a) of the Development Agreement, the Parties desire to amend the Development Agreement to extend its term.

A G R E E M E N T:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Section G.3.(a). The obligations of Developer under Section G.3.(a) of the Development Agreement have been satisfied by completing the infrastructure and constructing and dedicating substantially all of the amenities and facilities required by the Development Agreement. The Developer has not constructed the bus shelter required by Section D.7(a)(iii) of the Development Agreement but has completed the required turnout. In addition, Developer has not paid the financial contribution of \$150,000 to Summit County for traffic related studies and/or improvements in the Kimball Junction area contemplated by Section D.6(d) of the Development Agreement. Upon demand from the County, Developer will pay into escrow the amount the County reasonably determines is required to complete

the bus shelter. The Developer shall also pay the \$150,000 contribution for the traffic study upon the terms set forth in Section D.6(d) of the Development Agreement.

2. Amendment of Section H.4. Section H.4 of the Development Agreement is hereby amended to provide that the term of the Development Agreement is extended, and the Development Agreement, as amended by this Amendment, shall continue in full force and effect for, a period of an additional four (4) years until December 22, 2017. At the expiration of the term as so extended, the Property shall become subject to the then existing Development Code and General Plan and all development rights vested under the Development Agreement shall expire.

3. Miscellaneous.

a. Ratification of Agreement. In the event of any inconsistency between the terms of this Amendment and the Development Agreement, the terms of this Amendment shall control. Except as specifically provided in this Amendment and without waiving any rights of the parties hereunder, the Parties specifically ratify, confirm, and adopt as binding and enforceable, all of the terms and conditions of the Development Agreement.

b. Effect on Agreement. From and after the date hereof, all references to the Development Agreement shall be deemed to mean the Development Agreement as amended by this Amendment.

c. Headings. The section headings in this Amendment are intended solely for convenience and shall be given no effect in the construction and interpretation of this Amendment.

d. Counterparts. This Amendment may be executed in one or more counterparts, and by the different Parties hereto in separate counterparts, each of which when executed shall be deemed to be an original, but all of which taken together shall constitute one and the same agreement. Counterparts may be exchanged by telecopier, email or other means of electronic transmission.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first set forth above.

“COUNTY”:

SUMMIT COUNTY,
a political subdivision of the State of Utah

By: _____
By: Robert Jasper, County Manager

ATTEST:

Summit County Clerk

[seal]

“DEVELOPER”

William M. Wirthlin II, solely in his capacity as Personal Representative of The Estate of W. Meeks Wirthlin

herein shall be deemed to run with the land for the duration of this agreement and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, Developer shall include the parties signing this Development Agreement and identified as "Developer," and all successor owners of any part of the Property of Canyon Corners.

2. Construction of Agreement. This Development Agreement shall be construed so as to effectuate the public purpose of resolving disputed, implementing long-range planning objectives, obtaining public benefits, and protecting any compelling, countervailing public interest; while providing reasonable assurances of continued vested development rights under this Agreement.

3. Laws of General Applicability. Where this Development Agreement refers to laws of general applicability to Canyon Corners and other properties, that language shall be deemed to refer to laws which apply to all other developed and subdivided properties within the Snyderville Basin of Summit County.

4. Duration. The term of this Development Agreement shall commence on, and the effective date of this Development Agreement shall be, the effective date of the Ordinance approving this Development Agreement. Prior to the expiration of the initial five (5) year period, the Developer may request one (1) additional five (5) year extension of this Agreement from the Board of County Commissioners. The Board of Commissioners shall review the extension request to ensure that the Developer is in compliance with this Agreement and that the request does not jeopardize the health, safety and welfare of the citizens of Summit County. At the expiration of this agreement, or the renewal period, the property shall become subject to the then existing Development Code and General Plan and all development rights vested under this Agreement shall expire.

5. Mutual Releases. At the time of, and subject to, (1) the expiration of any applicable appeal period with respect to the approval of this Development Agreement without an appeal having been filed or (2) the final determination of any court upholding this Development Agreement, whichever occurs later, and excepting the parties' respective rights and obligations under this Development Agreement, Developer, on behalf of itself and Developer's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases the County and the County's board members, officials, employees, agents, attorneys and consultants, and the County, on behalf of itself and the County's board members, officials, employees, agents, attorneys and consultants, hereby releases Developer and Developer's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Development Agreement in connection with the application, processing or approval of the Canyon Corners SPA Zone District, Canyon Corners SPA Plan, and this Development Agreement, to include any claims for vested development rights by any developer on property which is within the Canyon Corners SPA Zone District.



KEYED NOTES

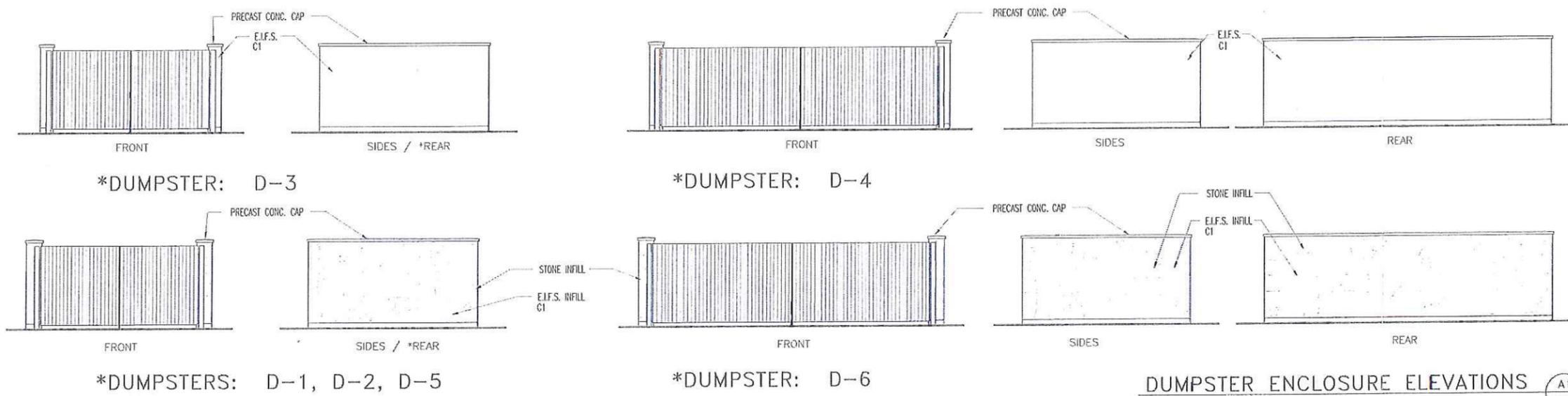
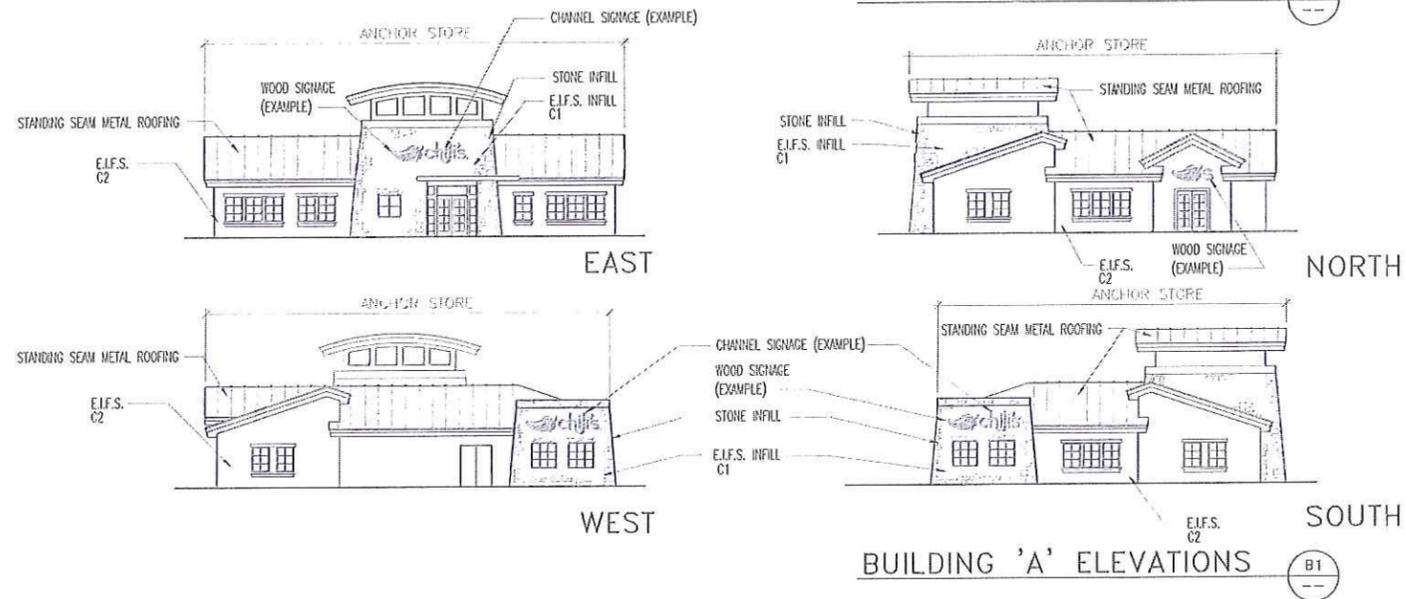
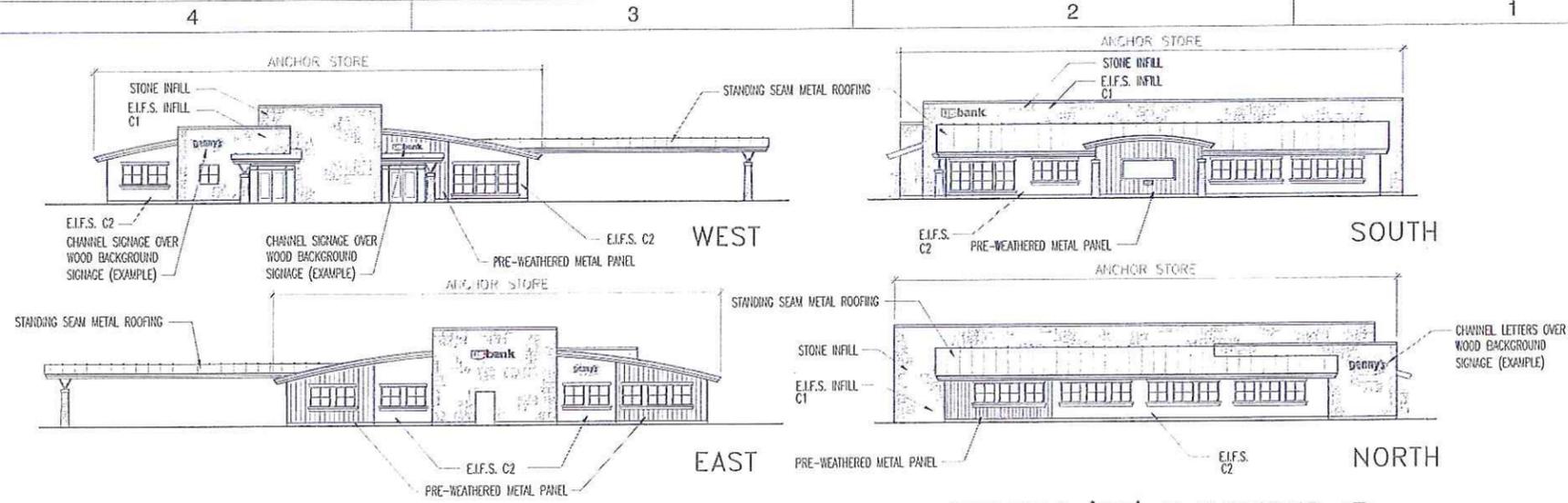
- 1 PEDESTRIAN BRIDGE
- 2 DECELERATION BRIDGE
- 3 LEFT TURN LANE
- 4 STAMPED CROSSWALK
- 5 FEATURE AREA
- 6 FLASHING LIGHT
- 7 SNOW STORAGE
- 8 TRASH ENCLOSURE
- 9 NATURAL LANDSCAPING
- 10 STORM WATER RETENTION
- 11 OFF SITE LANDSCAPE AREAS
- 12 NEW ASPHALT PATH
- 13 MONUMENT SIGN
- 14 3-LANE DRIVE-UP
- 15 BIKE RACK / TABLES
- 16 OUTDOOR DINING
- 17 COVERED WALKWAY
- 18 BERM AND SCREENING
- 19 BUS STOP
- 20 RAMP & STAIRS



North

Site Plan
Signage Exhibit A
Page 10





*SEE SITE PLAN

NO.	DATE	REVISION

LANDMARK VILLAGE PARK CITY

PARK CITY, UTAH

LAND CAPITAL GROUP, INC.

BUILDINGS 'A, BC' & DUMPSTER ENCLOSURE ELEVATIONS SIGNAGE EXHIBIT A P.9

PROJECT NO. 2004.024.00	A3.1
DATE JULY 28, 2004	
DRAWN	
CHECKED	
BIDDING ORDER	

County Engineer



Derrick A. Radke, P.E.

STAFF REPORT

September 5, 2013

To: Summit County Council

From: Derrick Radke, PE - Summit County Engineer

Re: Petitions to Vacate the Public Interest in Spring Canyon Road and Road Right-of-Way

EXECUTIVE SUMMARY: The County Council received two (2) "Petitions" c/o the Engineering Office, to vacate portions of a public road commonly known as Spring Canyon Road. Spring Canyon Road begins on Hoytsville Road approximately 3/4 Miles South of Coalville, Utah and traverses east approximately 8 miles, and approximately 1.5 miles beyond the Sargent Lakes (See Maps included with Exhibit C). There is also an Eastern leg of the road that traverses approximately 2 miles Easterly from the main Spring Canyon Road for which the second petition for vacation was filed.

These petitions for Vacation are being scheduled together so that the Community can offer comment, and the County Council can consider the petitions together since they are both related in several ways and are both located in the same region.

A. Petition 1 Description (Exhibit A)

- Applicant: Harold Hobson & Justin Hobson
- Address: 965 S Hoytsville Road; Coalville, UT 84017
- Request: Vacate Spring Canyon Road located in Section 25, 26, 27, 28, 36, T1N, R5E, SLB&M; Section 31, T1N, R6E, SLB&M; and Sections 6, 7, 8, 9, 10, 16, 17, T2N, R6E, SLB&M.

B. Petition 2 Description (Exhibit B)

- Applicant: Judd Family Investment
- Address: 1301 South Hoytsville; Coalville, UT 84017
- Request: Vacate Spring Canyon Road located in Section 31, 32, 33, T1N, R6E, SLB&M 4, 5, 6, T2N, R6E, SLB&M.

C. Community Review

This item has been scheduled as a Public Hearing for the County Council to receive comment on the petitions to vacate a public road and right-of-way. It was not scheduled for the Council to make a final decision. A courtesy notice was sent to all property owners within 1000 feet of Spring Canyon Road, as well as published in the Summit News, the State Website, and the County website. Notice was also sent to the Utah Department of Transportation, Region 2 Director as required by State Law.

As of the date of this report, there have been multiple verbal conversations with property owners along Spring Canyon Road. Most are opposed to the road being opened up and in favor of the vacation. One property owner is opposed to the vacation of the road below his property and is neutral on the road being vacated above his property.

D. Background

Historically, Spring Canyon road was considered a Class B public road, thereby receiving state tax money for the maintenance of the road. In the early 1970's a portion of the road was reclassified as Class D while the remainder stayed as a class B road. Sometime after the reclassification, a gate was placed across the road which has been locked to prevent the general public from using the road. The gate had been located approximately 1.5 miles east of Hoytsville Road which is the end of the road claimed as being on the County's Class B inventory and for which we claim Class B status (Gas Tax Fund Eligible). The locked gate was recently moved down (west) approximately 0.5 miles, further encroaching on the Class B portion of the road.

In November of 2012, Mr. Eric Olmstead, an Attorney representing a property owner, or owners along Spring Canyon Road contacted the County Engineer, Derrick Radke, PE inquiring as to the status of Spring Canyon Road. Mr. Olmstead asserted that his clients were being denied access along the road to property they owned. After researching the County Road inventory and maps, a letter was sent to Mr. Olmstead reporting that a portion of Spring Canyon Road was a County maintained road (Class B), and the remaining road was a Class D public road based on historical UDOT road maps. Please see Exhibit C for details of the historical road status as known by staff.

Based on continuing conversations with Mr. Olmstead regarding continued denial of access, the County Engineer issued a warning letter on May 2, 2013 to all property owners along Spring Canyon Road, advising them of the Public Road status and ordering the removal of any and all locks on the gate. The County Engineer received several inquiries about how to vacate the public road status.

Several property owners claim that the road has always been locked and that there is no general public interest in the roadway, and that the road is only access to private property on which grazing of livestock is the primary use of the land. It has also been reported that opening the road up to the general public may impose some risk of liability to the property owners. Please refer to the petitions in Exhibit A & B for the petitioners reasons for vacation.

As additional information, a lawsuit has been filed in Third District Court by the clients of Mr. Olmstead naming multiple property owners and Summit County to prove/enforce the Public Road status of the road. The lawsuit is early in its infancy and the discovery phase has not yet occurred.

E. Policy Considerations

As a general rule, whether or not to vacate the public's interest in a public road is a policy decision to be made by the County legislative body acting as the highway authority pursuant to Utah Code Ann. § 72-3-105(3), § 72-3-108 and § 72-3-109. Any vacation of a road must be evidenced by an ordinance adopted by the legislative body. There are no legal standards which must be met under state law prior to vacating the public's interest in a county road. It is a policy decision.

Should the Council decide in favor of vacating Spring Canyon Road, an ordinance will be prepared for its consideration.

For your information, previous County Councils approved policies by which they would consider petitions to vacate the public's interest in a road. These policies were as follows:

1. Recent public uses of the road or highway
2. Potential future public uses of the road or highway
3. Use of the road or highway by County government
4. Designation of road or highway on the Class B or Class D County Road Maps
5. The ability of private landowners to access their properties following a vacation of the public road or highway;

Staff's analysis on each item would be as follows:

1. At this point Staff has little evidence to suggest that the general public has used the entirety of the road for many years.
2. There is some development potential on properties along the road. There is no requirement that the development must be along a public road, however new subdivisions are supposed to be considered for annexation into Service Area #6 and as such would require a public road for access.
3. There is no required use of the road by the County at this time.
4. The road was designated as a Class B road in 1950, and since

P.O. Box 128 · Coalville, UT 84017

1971 has been a Class D road (public road with no County maintenance).

5. Based upon the claims in the lawsuit, there appears to be some property owners who claim that they do not have access to their property, other than through the public roadway

F. Recommendations

Staff recommends that the Council conduct the public hearing regarding this matter and taking into consideration the public comment and information provided in the Staff report, provide staff direction on whether or not to proceed with the preparation of an ordinance to vacate the road.

Legal staff has asked that the petitions either be denied at this point or that no decision on whether or not to vacate the public road be made until the lawsuit has time to mature or a decision by the Courts is made, as further evidence gathered through that suit may impact the Council's decision.

Enclosures:

- Exhibit A – Hobson Petition
- Exhibit B – Judd Petition
- Exhibit C – Olmstead Letter, including maps

cc: Robert Jasper, County Manager
Jami Brackin, Deputy County Attorney (via email)
Patrick Putt, Community Development Director (via email)
Leslie Crawford, Senior Engineer (via email)
file (S:\eng-memo-2012.doc)

Summit County Engineering Department
P.O. Box 128
60 North Main Street
Coalville, Utah 84017
Phone: 435-615-3250
Fax: 435-615-3043
www.summitcounty.org/engineering



EXHIBIT "A"

ROAD VACATION APPLICATION FORM

Petitioner:

Name: Harold P. Hobson & J F Hobson Phone: 435-336-5993
Mailing Address: 965 S HOYTSVILLE RD
City: Coalville State: Utah Zip: 84017
E-Mail Address: dphomeplate@gmail.com Fax: _____

Authorized Representative to Whom All Correspondence is to be sent:

Name: Harold P. Hobson Phone: 435-336-5993
Mailing Address: 965 S HOYTSVILLE RD
City: Coalville State: Utah Zip: 84017
E-Mail Address: dphomeplate@gmail.com Fax: _____

Road Information:

Road Name: Spring Canyon Road (If Road is within a subdivision; use Plat Amendment Application from Community Development)
Road Locations: Section: 25, 26, 27, 28, 36 & 31 Township: 2N & 2N Range: 5E & 6E
6, 8, 9, 10, 16, 17 2N 6E
Adjacent Parcel Numbers: See Attached for Parcel Numbers and Owners

Justification for Vacating the Road/Right-of-Way:

See Attached Letter

Attach any supporting information that would be helpful for the County Council and Staff while considering the petition.

FOR OFFICE USE ONLY

Engineering Fee: \$400.00

RECEIPT #: _____ DATE RECEIVED: _____ RECEIVED BY: _____

PETITIONER(S) ACKNOWLEDGEMENT

All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid.

PLEASE NOTE REGARDING FEES: the payment of fees and /or the acceptance of such fees by County Staff does not constitute any sort of approvals, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Summit County may rescind any approval or sufficiency determination, or take other appropriate action.

Petitioner(s) Signature: *Austin Halen* Date: *July 5 2013*
do HARLOD HOBSON
REVOKABLE TRUST



Summit County Engineering Department
P.O. Box 128
60 North Main Street
Coalville, Utah 84017
Phone: 435-615-3250
Fax: 435-615-3043
www.summitcounty.org/engineering

SUMMIT COUNTY ROAD VACATION APPLICATION

CHECKLIST AND REVIEW PROCEDURE FOR ROAD VACATION - NOT IN A SUBDIVISION

• SUBMISSION REQUIREMENTS

- *Application form:* Completed and signed by the petitioner(s).
- *Petition Letter:* Identify the reason(s) for the Plat Amendment.
- *Fee:* One payment will be accepted for the review fees.
 - *Engineering Fee:* \$400.00
- *Submittal Requirements:*
 - Vicinity Map showing the road to be vacated;
 - List of Parcel affected by the vacation;
 - Justification for vacating the public road/right-of-way;

• REVIEW PROCEDURE

1. The County Engineer will review the application and send the request to other potentially affected Departments and any other applicable service providers for their review and comment. When their comments are received, the County Engineer will contact the applicant to discuss any comments received.
2. *Petition before the County Council:*
 - a. The County Engineer will schedule a public hearing before the County Council. The notice includes publishing the Petition to Vacate the Public Road/Right-of-Way in a local newspaper for a period not less than 30 days and mailing a notice to all property owners located within 1000' of the subject public road/right-of-way.
 - b. Following the public hearing, the County Council shall; approve the petition; or approve the petition with conditions; or deny the petition.
 - c. If the County Council approves the petition, or approves the petition with conditions, an Ordinance is drafted for the County Council's consideration at a future County Council meeting.
 - d. The Ordinance is recorded in the Summit County Recorder's Office.

To The Summit County Council:

The purpose of this letter is to plead with you to rezone the County Road traveling up Spring Canyon in Hoytsville. There is absolutely no benefit to the owners of the ground in allowing the private citizen access to the road. All of the land is privately owned and used for the grazing of livestock. Anyone who owns land or requires access has a key in their possession. The Schribers and the Willoughby's have keys to the gate and may access their land at any time. Also anyone that they sell the land to would have the same privilege. By opening the gate to the canyon it would be putting the livestock operation of many families in jeopardy. Summit County does not maintain the road the owners do and increased traffic would be detrimental to the condition of the road. As Land owners we are concerned who is going to be liable if someone hits an animal for not only the person that hit the animal but also the cost to the rancher for the price of the livestock. There is no way to patrol the road and make sure that the general public stays off of the private ground. Also, it would be impossible to fence the road because the cattle need free range to travel to the available water sources. From an owner standpoint no one would benefit from the opening of this canyon. We are also concerned about increased traffic across the dam site of the Sargent Lake and if it is stable enough to withstand the traffic. It was built with the state core of Engineers and would need to be maintained by the county if there was increased traffic. We feel that opening the road will only make life miserable and cause undo stress on good hard working people. Please do not let the ridiculous demands of a few put the livelihood of so many others in jeopardy.

Sincerely,

Harold P. Hobson

Harold P. Hobson

Range Owner

Justin F. Hobson
LIVESTOCK OPERATOR

ROAD VACATION APPLICATION FORM

EXHIBIT "B"

Petitioner:

Name: Judd Family Investment Company, LC Phone: 435-336-2584
Helen C. Judd Range Company, LLC (see back side for names)

Mailing Address: 1301 South Hoytsville Road, Coalville, UT 84017

City: Coalville State: Utah Zip: 84017

E-Mail Address: dmlbjudd@allwest.net Fax: _____

Authorized Representative to Whom All Correspondence is to be sent:

Name: Donald M. Judd Phone: 435-336-2584

Mailing Address: 1301 South Hoytsville Road, Coalville, UT 84017

City: Coalville State: Utah Zip: 84017

E-Mail Address: dmlbjudd@allwest.net Fax: _____

Road Information:

Road Name: Spring Canyon Road (If Road is within a subdivision; use Plat Amendment Application from Community Development)
East leg of

Road Locations: Section: 4, 5, 32, 33 Township: T2N R6E
T1N T2N T1N T3N

Adjacent Parcel Numbers: _____

Justification for Vacating the Road/Right-of-Way:

Road has been serviced and locked for at least 90 years by property owners.
General public has been denied access to said road. This road dead ends.
All property owners affected are in agreement to vacate this road. Property
owners would like to retain control for use in agricultural business.
Attach any supporting information that would be helpful for the County Council and Staff while considering the petition.

FOR OFFICE USE ONLY

Engineering Fee: \$400.00

RECEIPT #: _____ DATE RECEIVED: _____ RECEIVED BY: _____

PLEASE NOTE REGARDING FEES, the payment of fees and/or the acceptance of such fees by County Staff does not constitute any sort of approvals, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Summit County may rescind any approval or sufficiency determination, or take other appropriate action.

Petitioner(s) Signature: _____ Date: _____

Donald M. Judd Donald M. Judd 7-1-13
Louise B. Judd Louise B. Judd 7-1-13
Katherine J. Chappell Katherine J. Chappell 7-1-13
Diane J. Wilde Diane J. Wilde 7-1-13
Roma J. Jenkins Roma J. Jenkins 7-1-13
JaNae J. Blonquist JaNae J. Blonquist 7-1-13

June 28, 2013

Mr. Derrick Radke, County Engineer
Summit County Council
P.O. Box 128
Coalville, UT 84017

Re: Petition to vacate the east leg of the Spring Canyon Road

The purpose of this letter is to apply to the Summit County Council and County Engineer for the vacation of the east leg of the Spring Canyon Road as appears on the General Highway Map of Summit County 1950, located in Sections 5 and 4, T1N, R6E, SLB&M, and in Sections 32 and 33, T2N, R6E. See enclosed map showing said road.

Commencing at the intersection of said road with the west line of Section 5, T1N, R6E and running thence easterly thru the north ½ of said Section 5 and the south ½ of Section 32, T2N, R6E; thence through the NW ¼ of Section 4, T1N, R6E; thence into the S ½ of Section 33, T2N, R6E to the terminus.

The property covered by this road is owned by Judd Family Investment Company, L.C., aka Judd Investment Company, LC (Section 5 and the west half of Section 32); Donald M. Judd, Trustee, and Louise B. Judd, Trustee (Section 4), and Helen C. Judd Range Company, LLC (east half of Section 32 and Section 33).

The County Council should consider vacating this as a county road because:

1. The respective property owners have serviced, locked, and controlled this road for at least 90 years, and the general public has been denied access to said road.
2. All property owners affected are in agreement to vacate this road.
3. This road covers private property. Only two property owners are affected.
4. This road dead ends; said road does not provide public access to public land.
5. This is a small dirt road, not useable by highway automobiles.
6. Property owners would like to continue to control road for use in agricultural business.

We hope you will seriously consider this petition. We believe if you do, you will see there is no reason for said road to remain a county road. We look forward to hearing from you soon regarding the next step in this process.

Judd Family Investment Company, LC
Donald M. Judd and
Louise B. Judd, Trustees

by Donald M. Judd
Donald M. Judd

by Louise B. Judd
Louise B. Judd

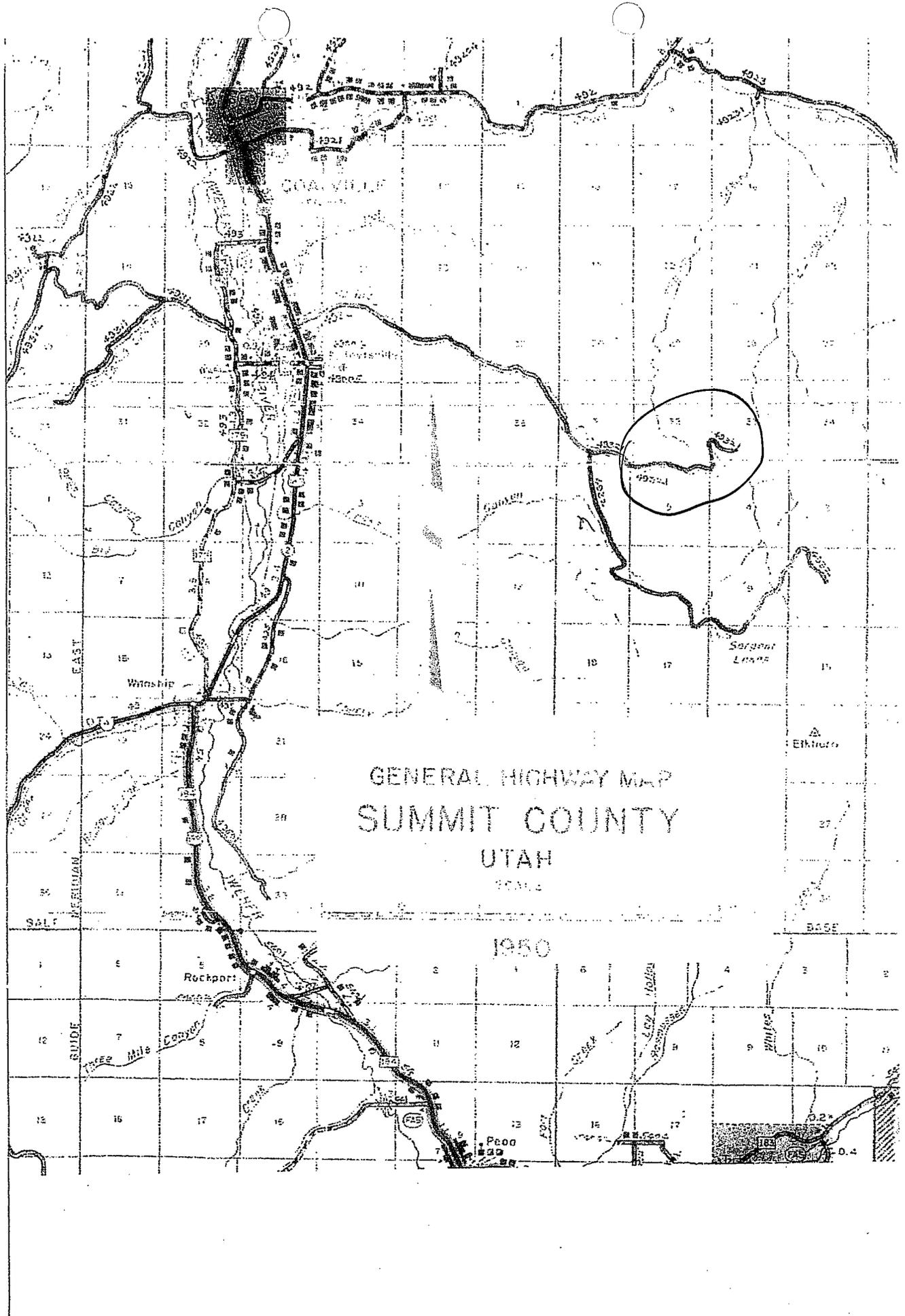
by Katherine J. Chappell
Katherine J. Chappell

Helen C. Judd Range Company, LLC

by Diane J. Wilde
Diane J. Wilde

by Roma J. Jenkins
Roma J. Jenkins

by JaNae J. Blonquist
JaNae J. Blonquist



GENERAL HIGHWAY MAP
SUMMIT COUNTY
UTAH

SCALE

1950

GUIDE

Three Mile Canyon

Rockport

Peoa

0.2

0.4

Elkharts

Sargent Lake

Wintship

COALVILLE

EAST

MERRIAM

SALT

BASE

County Engineer



Derrick A. Radke, P.E.

November 15, 2012

Eric Olmstead
Barney McKenna Olmstead & Pack, P.C.
43 S. 100 E., Suite 300
Saint George, UT 84770

Sent via email: eolmstead@barney-mckenna.com

Re: Spring Canyon Road, Summit County Utah

Dear Mr. Olmstead:

As we discussed on the phone on November 19, 2012, Spring Canyon Road is located in the North Summit County Area. The General Highway Map of Summit County of 1950 (and 1956), prepared by UDOT shows Spring Canyon Road as a %Class B+Public Road, running from Hoytsville Road East to a point in Section 31, T1N, R6E, SLB&M where the road forks and continues East to Section 33, T2N, R6E SLB&M and to Section 10, T1N, R6E, SLB&M near the Sargent Lakes. Please see the attached map images which are pieced together portions of Sheets 2 of 3 and 3 of 3 of the referenced General Highway Map of Summit County dated 1950. Please note that a %Class B+Public Road is a road which is/was on the County's Road Inventory (assumed since it appears on the map) and for which it received a portion of the gas taxes collected by the State of Utah for the purposes of providing maintenance. These monies are only received for roads which the County claimed/owned and provided maintenance.

Also as discussed, the portion of Spring Canyon Road shown as a %Class B+road on the General Highway Map of Summit County dated 1971 (also probably on the 1966 version, but we do not have a copy of sheet 3 of 3) prepared by UDOT, shows Spring Canyon Road as a %Class B+road running from Hoytsville Road East to point just inside Section 24, T2N, R5E, SLB&M. This eastern terminus is the same point which is the current terminus of the Class B portion of Spring Canyon Road which the County claims and collects Gas Tax monies for.

The position of Summit County has been that once a road is a Public Road, it is always a Public Road until properly vacated by the road authority (County Council). Summit County would consider that portion of Spring Canyon which was previously shown as being a %Class B+Public Road and currently not shown on the %Class B+Map/Inventory,

P.O. Box 128 αCoalville, UT 84017

Coalville: (435) 336-3250 αKamas: (435) 783-4351 ext. 3250 αPark City (435) 615-3250

Fax: (435) 336-3043 αPark City Fax (435) 615-3043

Eric Olmstead, Barney McKenna Olmstead & Pack, P.C.
Spring Canyon Road, Summit County Utah
November 15, 2012
Page 2 of 2

as a %Class D+Public Road. A %Class D+public road is one where the public has access; however the County may or may not provide maintenance and as such cannot claim it on our %Class B+Road Map/Inventory for the purpose of collecting gas tax monies.

It should be noted that the upper portion of Spring Canyon Road not shown on the current County Map/Inventory does not appear on the official %Class D+road map on file in the office of the Summit County Recorder, however I do not believe that would change the County's position on the matter.

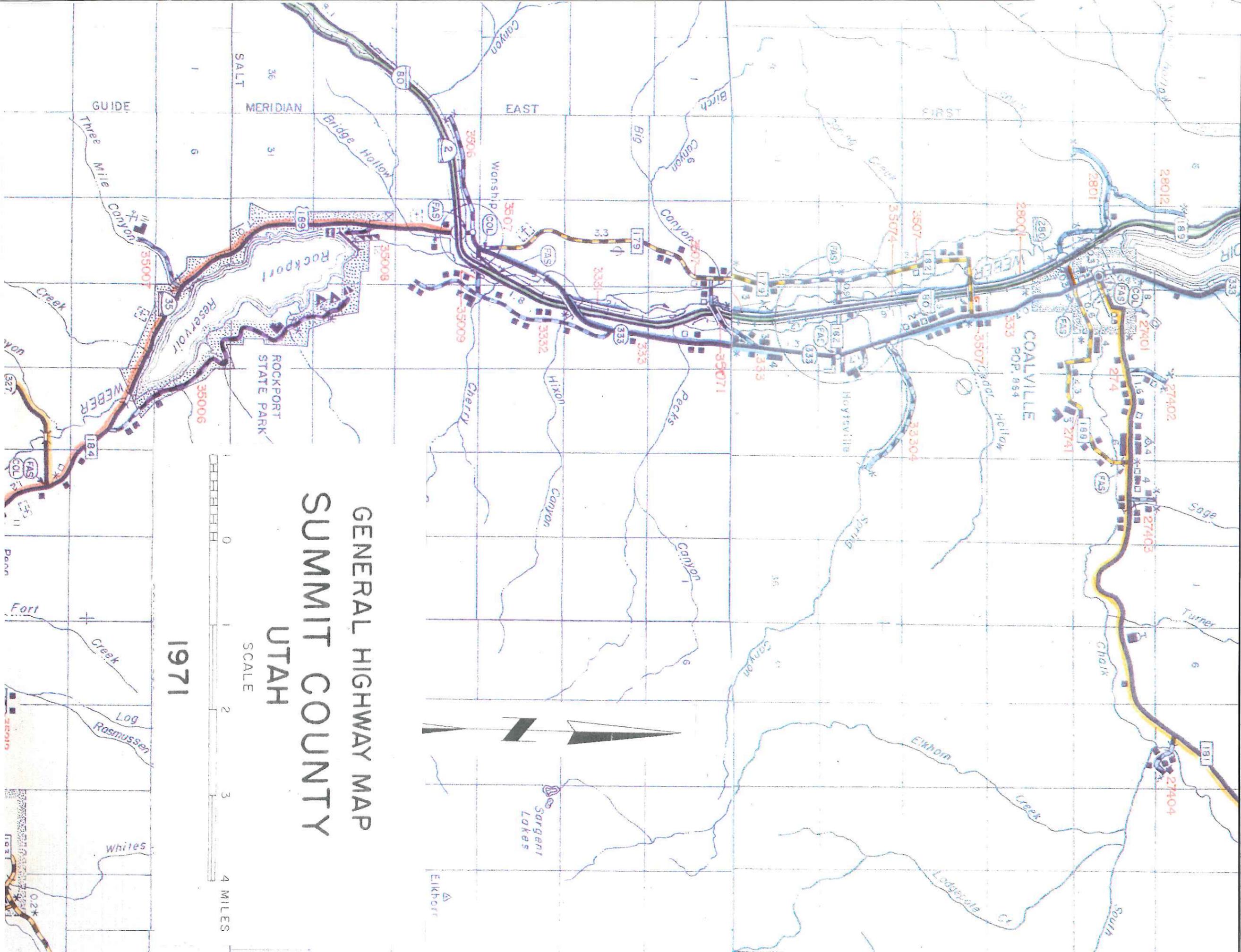
I hope this answers your questions and addresses your needs. If you need additional information or have questions, please let me know

Sincerely,



Derrick Radke, PE
Summit County Engineer

cc: Jami Brackin, Deputy Summit County Attorney (via email to: jbrackin@summitcounty.org)
file S:\Projects\2012\pw12\misc\springcanyon-status-olmstead.doc)



GENERAL HIGHWAY MAP
 SUMMIT COUNTY
 UTAH

1971

SCALE

